ORDINANCE NO. 028-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, APPROVING AND DENYING THE 2013 AMENDMENTS TO THE PORT ORCHARD COMPREHENSIVE PLAN PURSUANT TO THE STATE OF WASHINGTON’S GROWTH MANAGEMENT ACT

WHEREAS, with the passage of the Washington State Growth Management Act in 1990 (GMA), Chapter 36.70A RCW, developing communities are required to adopt a comprehensive plan that outlines strategies to accommodate the needs of a growing population. It is intended for this comprehensive plan to be updated to reflect the changes in growth and boundaries of that growth including changes to zoning; and

WHEREAS, in December 2008, the City Council adopted, via Ordinance 042-08, a major update to the Comprehensive Plan for the City of Port Orchard and its urban growth area pursuant to the requirements set forth in the GMA; and

WHEREAS, state law requires that each city planning under the GMA must periodically review, and, if needed, revise its comprehensive plan and development regulations to ensure compliance with the GMA; and

WHEREAS, the City of Port Orchard seeks to be in compliance with the goals, policies, and procedures of the Growth Management Act; and

WHEREAS, pursuant to the GMA, non-emergency amendments to a comprehensive plan can be considered no more than once each year; and

WHEREAS, both site-specific and city-wide amendments have been submitted to the City for its consideration; and

WHEREAS, in accordance with POMC 16.05.060, the City Council on July 9, 2013 adopted the 2013 Comprehensive Plan Amendment agenda (attached hereto as Exhibit A) consisting of 6 proposed amendments; and

WHEREAS, the City of Port Orchard has actively sought citizen input at regularly noticed public meetings and public hearings; and
WHEREAS, Port Orchard issued an Environmental Checklist, signed on October 11, 2013, pertaining to the 2013 amendments to the Port Orchard Comprehensive Plan; and

WHEREAS, on October 11, 2013, a Determination of Non-Significance was issued for the adoption of the 2013 amendments to the Port Orchard Comprehensive Plan; and

WHEREAS, on November 8, 2013, an Amended Determination of Non-Significance was issued for the adoption of the 2013 amendments to the Port Orchard Comprehensive Plan with the exception of the proposed amendments to the Greenbelt zoning between Sinclair Inlet and Lund Avenue, and the appeal period closed on December 6, 2013; and

WHEREAS, on November 8, 2013, a Determination of Significance was issued for the adoption of one of the 2013 amendment to the Port Orchard Comprehensive Plan, the proposed Greenbelt zoning amendment between Sinclair Inlet and Lund Avenue and the comment period for this scoping notice expires on November 22, 2013; and

WHEREAS, on October 22, 2013 notice of all 2013 amendments to the Comprehensive Plan was sent to the Washington State Department of Commerce at least sixty days before the amendments were adopted, and granted Washington State Department of Commerce Material ID #19696, in accordance with RCW 36.70A.106; and

WHEREAS, after proper notice, the Port Orchard Planning Commission conducted two public hearings; on Monday, September 16, 2013, and on October 21, 2013 in accordance with RCW 35.63.100, considered public testimony, and after discussion and deliberation recommended approval of four and denial of two of the proposed 2013 Comprehensive Plan amendments via Planning Commission Resolution 003-13 (a copy of which is attached hereto as Exhibit B); and

WHEREAS, after proper notice, the Port Orchard City Council conducted a public hearing on Tuesday, November 26, 2013 and considered public testimony regarding the proposed 2013 amendments to the Port Orchard Comprehensive Plan; and

WHEREAS, prior to final action by the City Council, the Greenbelt Amendment (Comprehensive Plan Agenda item 3) was withdrawn by the applicant and the applicant requesting the GEM1 Amendment (Comprehensive Plan Agenda item 2) withdrew parcel 042301-3-007-2001 from its request; and

WHEREAS, the City Council finds that four of the proposed 2013 amendments as set forth in this ordinance are consistent with the Port Orchard Comprehensive Plan, the Countywide planning policies, the goals and policies of the Growth Management Act, and as applicable, the rezone criteria found in POMC 16.25.060 as identified by 2013 Comprehensive Plan Agenda items 1, 2, 4, and 6; and
WHEREAS, the City Council finds that one of the proposed 2013 amendments as set forth in this ordinance is not consistent with the Port Orchard Comprehensive Plan the Countywide planning policies, and the goals and policies of the Growth Management Act as identified by 2013 Comprehensive Plan Agenda item 5; and

WHEREAS, the City Council finds the cumulative effects of the four proposed 2013 amendments are not significant and the 2013 amendments will not adversely affect public health, safety, or welfare in any significant way; and

WHEREAS, in accordance with RCW 36.70A.130 and WAC 365-196-640, all of the actions associated with the consideration of the proposed amendments by the City Council, including all public hearings, have occurred in the 2013 calendar year and the only action being taken in 2014 is the final legislative action to adopt this ordinance; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. In support of the actions taken in this ordinance, the City Council hereby adopts as its own the following findings and conclusions:

1. The Whereas provisions set forth above; and

2. The findings set forth in Planning Commission Resolution No. 003-13, Exhibit B.

SECTION 2. The City Council hereby amends the text and map of the Port Orchard Comprehensive Plan by approving and adopting the following amendments as referenced in Exhibit A attached:

1. A request for Comprehensive Plan Map Amendment and Rezone for approximately 4.082 acres at 5616 Sidney Road SW from a zoning designation of Commercial to Residential 4.5, and a Comprehensive Designation of Commercial to Low Density Residential (Gaudette Amendment).

2. A request for Comprehensive Plan Map Amendment and Rezone for approximately 59.56 acres located North of Clifton Road and East of Feigley Road, parcels 052301-4-013-2000, 052301-4-014-2000, and 052301-4-015-2008 from a zoning designation of Employment – Industrial/Office and Greenbelt to Residential 8 units/acre and a comprehensive plan designation of Industrial and Greenbelt to Residential: Medium Density (GEM1 Amendment).

4. A departmental request for Comprehensive Plan Text Amendment Updating the City’s Capital Facilities Plan.

6. Updates to Appendix G of the Comprehensive Plan by striking references to out-of-date documents and adding references to document adopted in 2013.
SECTION 3. The City Council hereby denies the Comprehensive Plan amendments as referenced in Exhibit A as follows:

5. The City of Port Orchard’s request to rezone six specific areas city-wide that are zoned for current use as commercial property but contain single-family residential structures and use.

SECTION 4. If any sentence, section, provision, or clause of this ordinance or its application to any person, entity, or circumstance is for any reason held invalid or unconstitutional, the remainder of the ordinance, or the application of the provision to other persons, entities, or circumstances is not affected.

SECTION 5. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 14th day of January 2014.

Timothy C. Matthes, Mayor

ATTEST:

Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, City Attorney

Sponsored by:

Rob Putaansuu, Councilmember
2013 Comprehensive Plan Update Agenda

Pursuant to Port Orchard Municipal Code Section (POMC) 16.05 the Development Director, by the authority issued in Port Orchard Municipal Code, has initiated the process for the 2013 annual amendments to the Port Orchard Comprehensive Plan. In compliance with POMC 16.05.060, the Development Director has compiled and will maintain for public review this recommended comprehensive plan amendment agenda for site-specific amendments and for city-wide amendments. All comprehensive plan amendment applications per POMC 16.05 were required to be completed and submitted to the Planning Department by 4:30 p.m. on June 15th of any year in order to be considered during that year’s amendment process. The Development Director has based the agenda recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendment as well as the Planning Department staff and budget availability to accommodate the public review process. The following agenda is provided for the 2013 update to the Port Orchard Comprehensive Plan.

Comprehensive Plan Amendments for Consideration in 2013

1. Request for Comprehensive Plan Map Amendment and Rezone for approximately 4.082 acres at 5616 Sidney Road SW from a zoning designation of Commercial to Residential 4.5, and a Comprehensive Designation of Commercial to Low Density Residential (Gaudette Amendment)

2. Request for Comprehensive Plan Map Amendment and Rezone for approximately 75.99 acres located North of Clifton Road and East of Feigley Road, parcels 052301-4-013-2000, 052301-4-014-2009, 052301-4-015-2008, and 042301-3-007-2001 from a zoning designation of Employment – Industrial/Office and Greenbelt to Residential 8 units/acre and a comprehensive plan designation of Industrial and Greenbelt to Residential: Medium Density (GEM1 Amendment)

3. Request for Rezone from Greenbelt to Residential 4.5/8 and Comprehensive Plan Amendments from Greenbelt to Residential Low/Medium Density for the Blackjack Creek buffer area from Bay Street south to Lund Avenue (Gil Michael 2012 application)

4. Departmental request for Comprehensive Plan Text Amendment Updating the City’s Capital Facilities Plan

5. Departmental request to Rezone numerous properties that are zoned for current use as Commercial property but that contain single-family residential structures/uses

6. Updates to Appendix G of the Comprehensive Plan to update references to old versions of documents such as the 2008 Parks Plan and 1994 Shoreline Master Program

All comprehensive plan amendments shall be prepared for public notice and comment for consideration by the Port Orchard Planning Commission in September 2013. Upon recommendation from the Port Orchard Planning Commission, all proposed comprehensive plan amendments shall be prepared for public notice and for public hearing consistent with Port Orchard Municipal Code Section 16.05 and before the City Council, prior to December 15, 2013. Please forward any comments or questions regarding the 2013 update to the Port Orchard Comprehensive Plan to the Port Orchard Planning Department, 216 Prospect Street, Port Orchard, WA 98366 or planning@cityofportorchard.us.

Nicholas Bond
Port Orchard Development Director
CITY OF PORT ORCHARD
PLANNING COMMISSION
RESOLUTION NO. 003-13

A RESOLUTION OF THE CITY OF PORT ORCHARD
PLANNING COMMISSION RECOMMENDING
APPROVAL OF FOUR OF THE 2013 AMENDMENTS TO
THE CITY OF PORT ORCHARD COMPREHENSIVE
PLAN, AND DENIAL OF TWO OF THE AMENDMENTS

WHEREAS, with the passage of the Washington State Growth Management Act in 1990, developing communities are required to submit a comprehensive plan that outlines strategies to accommodate the needs of a growing population. It is intended for this comprehensive plan to be updated to reflect the changes in growth and boundaries of that growth including changes to zoning; and

WHEREAS, the Growth Management Act (GMA), RCW 36.70A requires that each city planning under GMA must periodically review, and, if needed, revise their comprehensive plans and development regulations every seven years to ensure compliance with the Growth Management Act; and

WHEREAS, the Growth Management Act (GMA), RCW 36.70A.130 requires that each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year; and

WHEREAS, in December 2008, the City of Port Orchard adopted a Comprehensive Plan update to the June 1995 Comprehensive Plan to satisfy the requirements set forth in the Growth Management Act to implement the goals and objectives of the City’s Comprehensive Plan; and

WHEREAS, the City of Port Orchard seeks to be in compliance with the goals, policies, and procedures of the Growth Management Act; and

WHEREAS, POMC chapter 16.05 Comprehensive Plan Amendments established the process by which annual amendments to the Port Orchard Comprehensive Plan are to be considered; and

WHEREAS, in accordance with POMC 16.05.060, the City Council on July 9, 2013 adopted Planning Commission Resolution 003-13
the 2013 Comprehensive Plan Amendment agenda (attached hereto) consisting of 6 proposed amendments; and

WHEREAS, after proper notice, The Port Orchard Planning Commission conducted a public hearing on Monday, September 16, 2013, continued to Monday, October 21, 2013, and considered public testimony to review, discuss, and deliberate on the proposed draft Comprehensive Plan amendments; and

WHEREAS, after receiving testimony only from proponents of the proposed amendment and after deliberation, the Planning Commission found that agenda item 1, the Gaudette Amendment, was consistent with the goals and objectives of the Port Orchard Comprehensive Plan; and

WHEREAS, after receiving testimony only from proponents of the proposed amendment and after deliberation, the Planning Commission found that agenda item 2, the GEM1 amendment, was consistent with the goals and policies of the Port Orchard Comprehensive Plan; and

WHEREAS, after deliberation and consideration of testimony provided in a letter from Alison O’Sullivan with the Suquamish Tribe, the Planning Commission found that agenda item 3, the Greenbelt Amendment, had potential environmental impacts which needed to be studied further before such an amendment could be recommended; and

WHEREAS, the SEPA threshold Determination of Non-Significance (DNS) for agenda item 3, the proposed greenbelt amendment was withdrawn on November 8, 2013 and replaced with a Determination of Significance (DS); and

WHEREAS, a DS requires preparation of an Environmental Impact Statement (EIS), which has not yet been prepared in conjunction with the DS issued for the proposed amendment; and

WHEREAS, in the absence of an EIS prepared to identify the potential adverse impacts of agenda item 3, the Planning Commission found that the proposal would likely have negative impacts; and

WHEREAS, after deliberation, the Planning Commission found that agenda item 4, the Capital Facilities Plan Amendment, was consistent with the goals and objectives of the Port Orchard Comprehensive Plan; and

WHEREAS, after receiving testimony from opponents to the proposed amendment and a withdrawal of city staff support for the proposed amendment, and after deliberation, the Planning Commission found that agenda item 5, the Annexation Area Rezone Amendment, did not further the goals and objectives of the Port Orchard Comprehensive Plan; and
WHEREAS, after deliberation, the Planning Commission found that agenda item 6, an amendment updating the list of documents found in the appendix of the Comprehensive Plan, was consistent with the goals and objectives of the Port Orchard Comprehensive Plan; and

WHEREAS, the Planning Commission finds that amendments 1 and 2 satisfy the criteria for rezones set forth in POMC 16.25.060; and

WHEREAS, the Planning Commission finds that amendments 1, 2, 4, and 6 were developed in consideration of the goals of the GMA for the development of local comprehensive plans, as codified at RCW 36.70A.020, and reflect a careful balancing of these goals within the local conditions of the City of Port Orchard; and

WHEREAS, the Planning Commission finds that the amendments recommended for approval are consistent with the Kitsap Countywide Planning Policies (CPPs); NOW, THEREFORE,

THE PLANNING COMMISSION OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission adopts the "Whereas" clauses as findings in support of this Resolution.

SECTION 2. The Planning Commission recommends the City Council APPROVE the 2013 applications for Comprehensive Plan Amendments as follows:

1. Rezone Request: Rezone of 4.08 acres, owned by Jerry and Alice Gaudette, at 5616 Sidney Road SW from a zoning designation of Commercial to Residential 4.5, and from a Comprehensive Plan designation of Commercial to Low Density Residential (parcel number 102301-4-017-2009).


6. Updates to Appendix G of the Comprehensive Plan to update references to old versions of documents such as the 2008 Parks Plan and 1994 Shoreline Master Program and inclusion of a Public Art Program.

SECTION 3. The Planning Commission recommends the City Council DENY the following 2013 applications for Comprehensive Plan Amendments:

3. Rezone Request: Rezone from a zoning designation of Greenbelt to Residential 4.5/8 and from a Comprehensive Plan designation of Greenbelt to Residential Low/Medium Density for the Blackjack Creek buffer area from Bay Street at Sinclair Inlet south to Lund Avenue (Gil Michael 2012 application).
5. Rezone Request: Departmental request to rezone numerous properties that are zoned for current use as commercial property but contain single-family residential structures and uses.

PASSED by the Planning Commission of the City of Port Orchard this 18th day of November, 2013.

Annette Stewart, Planning Commission Chair

ATTEST:

Nicholas Bond, Department of Community Development Director
2013 Comprehensive Plan Update Agenda

Pursuant to Port Orchard Municipal Code Section (POMC) 16.05 the Development Director, by the authority issued in Port Orchard Municipal Code, has initiated the process for the 2013 annual amendments to the Port Orchard Comprehensive Plan. In compliance with POMC 16.05.060, the Development Director has compiled and will maintain for public review this recommended comprehensive plan amendment agenda for site-specific amendments and for citywide amendments. All comprehensive plan amendment applications per POMC 16.05 were required to be completed and submitted to the Planning Department by 4:30 p.m. on June 15th of any year in order to be considered during that year’s amendment process. The Development Director has based the agenda recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendment as well as the Planning Department staff and budget availability to accommodate the public review process. The following agenda is provided for the 2013 update to the Port Orchard Comprehensive Plan.

Comprehensive Plan Amendments for Consideration in 2013

1. Request for Comprehensive Plan Map Amendment and Rezone for approximately 4.082 acres at 5616 Sidney Road SW from a zoning designation of Commercial to Residential 4.5, and a Comprehensive Designation of Commercial to Low Density Residential (Gaudette Amendment)

2. Request for Comprehensive Plan Map Amendment and Rezone for approximately 75.99 acres located North of Clifton Road and East of Feigley Road, parcels 052301-4-013-2000, 052301-4-014-2009, 052301-4-015-2008, and 042301-3-007-2001 from a zoning designation of Employment – Industrial/Office and Greenbelt to Residential 8 units/acre and a comprehensive plan designation of Industrial and Greenbelt to Residential: Medium Density (GEM1 Amendment)

3. Request for Rezone from Greenbelt to Residential 4.5/8 and Comprehensive Plan Amendments from Greenbelt to Residential Low/Medium Density for the Blackjack Creek buffer area from Bay Street south to Lund Avenue (Gil Michael 2012 application)

4. Departmental request for Comprehensive Plan Text Amendment Updating the City’s Capital Facilities Plan

5. Departmental request to Rezone numerous properties that are zoned for current use as Commercial property but that contain single-family residential structures/uses

6. Updates to Appendix G of the Comprehensive Plan to update references to old versions of documents such as the 2008 Parks Plan and 1994 Shoreline Master Program

All comprehensive plan amendments shall be prepared for public notice and comment for consideration by the Port Orchard Planning Commission in September 2013. Upon recommendation from the Port Orchard Planning Commission, all proposed comprehensive plan amendments shall be prepared for public notice and for public hearing consistent with Port Orchard Municipal Code Section 16.05 and before the City Council, prior to December 15, 2013. Please forward any comments or questions regarding the 2013 update to the Port Orchard Comprehensive Plan to the Port Orchard Planning Department, 216 Prospect Street, Port Orchard, WA 98366 or planning@cityofportorchard.us.

Nicholas Bond
Port Orchard Development Director
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 January 14, 2014.

ORDINANCE NO. 028-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, APPROVING AND DENYING THE 2013 AMENDMENTS TO THE PORT ORCHARD COMPREHENSIVE PLAN PURSUANT TO THE STATE OF WASHINGTON’S GROWTH MANAGEMENT ACT

Copies of Ordinance No. 028-13 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. 028-13 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
January 24, 2014