RESOLUTION NO. 015-14

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, GRANTING AN EXEMPTION FROM THE VIEW PROTECTION OVERLAY DISTRICT REGULATIONS UNDER POMC 16.20.712 AND ADOPTING FINDINGS AND CONCLUSIONS

WHEREAS, exemptions from the View Protection Overlay District (VPOD) regulations are authorized in POMC 16.20.712; and

WHEREAS, the city received a request for an exemption from Brent Lovik on June 12, 2014 with the application and supporting materials attached to this resolution; and

WHEREAS, on June 24, 2014 the City Council conducted a public hearing on the proposal after publishing a public hearing notice in the city’s designated newspaper and posting a notice of the hearing onsite; now, therefore,

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

SECTION 1: In order to approve a View Protection Overlay District exemption, the City Council must find that the proposal meets 4 criteria as listed in POMC 16.20.712 (2) (a-d). Based on the materials attached to this Resolution and the testimony and materials submitted at the public hearing, the following findings and conclusions are made concerning the criteria for granting an exemption:

(a) The granting of the exemption would not be detrimental to the public health, safety, or welfare or create significant adverse effects to other properties and improvements in the view protection overlay district;

Finding: Photographic evidence submitted by the applicant and a site visit performed by city staff has revealed that no significant view is present at the site and that the construction of a 2-story single family structure at this location will not block any significant views from neighboring properties. Further, several other 2 story homes have been constructed in the VPOD on other lots in the vicinity of this site with similarly limited views.
Conclusion: After considering the above finding and public testimony offered at a public hearing, the City Council has concluded that the granting of the exemption would not be detrimental to the public health, safety, or welfare or create significant adverse effects to other properties and improvements in the view protection overlay district.

(b) The granting of such exemption would be in conformance with the policies and goals of the comprehensive plan;

Finding: The proposed use to be constructed upon granting of the exemption is a single family residence which is consistent with the Residential Low Density land use designation found in the comprehensive plan. The view protection overlay district is not addressed in the city's comprehensive plan.

Conclusion: The granting of the proposed exemption would be in conformance with the comprehensive plan.

(c) The view of adjacent property owners would not be obstructed or reduced if the property to be exempted were developed to maximum height and dimensions allowed by the underlying zone;

Finding: City staff visited the site and reported to the City Council that the very limited views of adjacent property owners would not, in staff's opinion, be obstructed or reduced if the property to be exempted were developed to the maximum height and dimension as allowed by the underlying zone. Public testimony provided at a public hearing conducted by the city council on the proposal did not indicate that the proposed exemption would obstruct or reduce views of adjacent property owners.

Conclusion: The granting of the proposed exemption would not cause the view of adjacent property owners to be obstructed or reduced if the property to be exempted were developed to maximum height and dimensions allowed by the underlying zone.

(d) The granting of such exemption would not reduce the solar access of neighboring lots.

Finding: The proposed exemption is for a property with a relatively large lot size (10,460 sq ft) and setback requirements which would ensure that solar access is not impacted. Public testimony provided at a public hearing conducted by the city council on the proposal did not indicate that the proposed exemption would reduce solar access from neighboring lots.
Conclusion: The granting of the proposed exemption would not reduce solar access from adjacent properties.

SECTION 2: Consistent with the Findings and Conclusions in section 1, an exemption from the requirements of the View Protection Overlay District is hereby granted for 1236 Pottery Ave on parcel 342401-1-037-2002.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the Clerk in authentication of such passage this 24th day of June 2014.

[Signature]
Timothy C. Matthes, Mayor

ATTEST:

[Signature]
Brandy Rinearson, CMC, City Clerk