

**City of Port Orchard
City Council Study Session
Regarding the Development Regulations Project
March 6, 2007**

PRESENT: KIM E. ABEL, MAYOR

COUNCILMEMBERS: John Clauson, Fred Chang, Robert Geiger, Carolyn Powers, Rob Putaansuu and Rick Wyatt.

ALSO PRESENT: Public Works Director Abed, Planning Director Long-Woods, City Clerk Merlino and City Attorney Combs.

City Attorney Combs opened the meeting at 7:00 p.m. and started discussion with confirming the future dates and setting forth the goals and process for these meetings.

It was determined the City Clerk would receive from City Attorney Combs the week before each scheduled meeting the topics that will be discussed. City Attorney Combs will also provide the policy decisions that were made from the prior meeting. These documents will be forwarded to the Council immediately upon receipt.

The following topics were discussed with recommendations by the City Council:

➤ Hearings Examiner

The Council concurred to adopt an ordinance establishing a Hearings Examiner System. It was not determined when the ordinance would be adopted. However the Council determined the Hearings Examiner would follow Council policy and establish an appeal process with a defined fee structure.

The Council assigned the following duties to the Hearings Examiner:

- Appeals of Administrative Interpretations
- Subdivision – The Hearings Examiners decision can be final, unless appealed to the City Council. The appeal to the Council would only be based on the record made before the hearings examiner. It would be what is called a closed record appeal.
- Land Use Permits, such as: conditional use permits, variances, and special use permits, temporary use permits and shorelines permit. However Shoreline Permits are subject to the Shorelines Hearings Board.
- Miscellaneous Items – Any item in the City Code for which an alternative appeal structure is not specifically designed.

- Planning Commission:
 - Duplicative Provisions - City Attorney Combs advised the Planning Commission duties are defined under POMC 2.20 and also in the non-codified section of the zoning ordinance. Council concurred to remove the Planning Commission duties from the non-codified section of the zoning ordinance and place them within the "Administration and Personnel" section of the POMC 2.20.
 - Notice Requirements - City Attorney recommended the Council consolidate the Notice Requirements within the current code and establish a standardized notice section for all required public notices. Council concurred with this recommendation.
 - Planning Commission Duties – Since the Council recommended establishing a Hearings Examiner System; the Council concurred that the Planning Commission duties shall be assigned by the Council to assist the Council in making policy decision.

- Animal Control Appeal Board - Council concurred to keep this provision within the current code.

- Land Classification Filing Fees – City Attorney Combs advised this is a very old provision within POMC Chapter 5.88 that charges a fee for applications to designate property as timber lands, open space or agricultural lands within the City. Council concurred to remove this section for the current POMC.

- Billboards and Handbills – City Attorney Combs advised this provision within the POMC is also very old and should be repealed and integrated within the City's sign regulations. Council concurred to remove this section from the current POMC.

- SEPA Issues – City Attorney Combs advised the City adopted the State Environmental Policy Regulations by reference and is codified in POMC Chapter 14.04. State law allows the City to designate certain size projects as categorically exempt from SEPA review. The Council discussed and recommended the following exemptions:
 - Residential units – up to 4 units are exempt. Council concurs with this exemption.

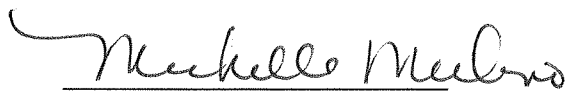
Minutes of Development Regulation Project

March 6, 2007

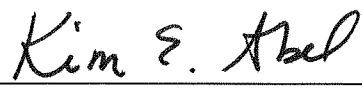
Page 3 of 3

- Agricultural related buildings – State law sets the exemption at 10,000 square feet. Council concurs with this exemption.
 - For other types of buildings the state level is 4,000 square feet with up to 20 parking spaces. The City raised the requirement to 12,000 square feet with 20 parking spaces. Council concurs with this exemption.
 - Parking Lots are set at the State exemption level of 20; the City raised the exemption to 40. The Council concurred with reducing this exemption to 20 parking spaces.
 - For excavations and fills, the minimum exemption is 100 cubic yards and can be raised to 500 cubic yards. The City currently has the exemption at 500, the Council concurs with this exemption.
- Impact Fee Enabling Ordinance: City Attorney Combs advised according to state law the City is required to have developments pay for impacts on community facilities. City Attorney Combs asked the Council if the City would consider adopting an enabling ordinance, which would create the framework for an impact fee system. Council concurred with establishing an enabling ordinance.

Next Meeting is scheduled for March 20, 2007 at 7:00 p.m.



Michelle Merlino, City Clerk



Kim E. Abel, Mayor