ORDINANCE NO. 023-11

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING THE 2011 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, the City of Port Orchard has actively sought citizen input utilizing several public informational media, including stakeholder and subcommittee group meetings, flyers, press releases and newspaper articles, in addition to the regularly noticed public meetings and public hearings; and

...
WHEREAS, Port Orchard issued an Environmental Checklist, signed on September 10, 2010, pertaining to the 2010 amendments to the Port Orchard Comprehensive Plan; and

WHEREAS, on September 29, 2011, a Determination of NonSignificance was issued for the adoption of the 2011 amendments to the Port Orchard Comprehensive Plan. The appeal period closed at 4:30 p.m. on October 13, 2011, and no appeals were filed; and

WHEREAS, on September 29, 2011, Port Orchard issued proposed 2011 amendments to the Port Orchard Comprehensive Plan. The document was posted on the CityofPortOrchard.us web page and made available to the public and agencies; and

WHEREAS, on September 29, 2011, notice of all 2011 amendments to the Comprehensive Plan was sent to the Washington State Department of Commerce at least sixty days before the amendments were adopted, in accordance with RCW 36.70A.106; and

WHEREAS, after proper notice, the Port Orchard Planning Commission conducted two public meetings; on Monday, September 19, 2011, and on October 17, 2011 in accordance with RCW 35.63.100, considered public testimony, and after discussion and deliberation recommended approval of the proposed 2011 Comprehensive Plan amendments; and

WHEREAS, after proper notice, the Port Orchard City Council conducted a public hearing on Tuesday, December 13, 2011 and considered public testimony regarding the proposed 2011 amendments to the Port Orchard Comprehensive Plan; and

WHEREAS, the City Council finds the proposed 2011 amendments as set forth in this ordinance are consistent with the Port Orchard Comprehensive Plan the Countywide planning policies, and the goals and policies of the Growth Management Act; and

WHEREAS, the City Council finds the cumulative effects of the proposed 2011 amendments is not significant and the 2011 amendments will not adversely affect public health, safety, or welfare in any significant way; 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 recitals set forth above;

2. The findings, conclusions, and analysis set forth in Planning Commission Resolution No. 004-11, attached hereto and incorporated by reference as Exhibit A; and

SECTION 2. The City Council hereby amends the text and map of the Port Orchard Comprehensive Plan by approving and adopting the following:

1. Comprehensive Plan Text Amendment to Chapter 11 - Implementation: to include policies regarding sustainability and greenhouse gases in consistency with Kitsap Countywide Planning Policies, and State & Federal funding requirements; per approval recommended in Planning Commission Resolution No. 004-11 (Exhibit A), and detailed in Exhibit B, which is herein incorporated by reference.

2. Comprehensive Plan Map Correction for a single parcel near Longview Avenue to reflect the correct zoning designation of R-8 and a Comprehensive Plan Designation of medium density residential; per approval recommended in Planning Commission Resolution No. 004-11 (Exhibit A), and depicted in Exhibit C, which is herein incorporated by reference.

3. Comprehensive Map Amendment updating Zoning and Comprehensive Land Use Maps. The 2011 annexation of Sidney Road and additional smaller 2011 annexations required the update to the City of Port Orchard zoning and comprehensive Land Use Maps to accommodate the changes to the incorporated city limits; per approval recommended in Planning Commission Resolution No. 004-11 (Exhibit A), and depicted in Exhibit D, which is herein incorporated by reference.

4. Comprehensive Plan Text Amendment to update Appendix G: Associated Plans Adopted by Reference. The update of partner utility district capital facilities plans, City capital facilities plans, school district capital facilities plans, and parks plans for areas that have been annexed; per approval recommended in Planning Commission Resolution No. 004-11 (Exhibit A), and detailed in Exhibit E, which is herein incorporated by reference. The inclusion of the 2011 City Parks Plan shall be effective upon final approval of the plan.

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 City Clerk in authentication of such passage this 13th day of December 2011.

Lary Coppola, Mayor

ATTEST:

Patricia J. Kirkpatrick, MMC, City Clerk

APPROVED AS TO FORM:          Sponsored by:

Gregory A. Jacoby, City Attorney          Rob Putaansuu, Councilmember
CITY OF PORT ORCHARD
PLANNING COMMISSION
RESOLUTION NO. 004-11

A RESOLUTION OF THE CITY OF PORT ORCHARD
PLANNING COMMISSION RECOMMENDING
APPROVAL OF THE 2011 AMENDMENTS TO THE CITY
OF PORT ORCHARD COMPREHENSIVE PLAN.

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, 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, 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, after proper notice, The Port Orchard Planning Commission conducted a public hearing on Monday, September 19th, 2011 and considered public testimony to review, discuss, and deliberate on the proposed draft Comprehensive Plan amendments.

THE PLANNING COMMISSION OF THE CITY OF PORT ORCHARD, WASHINGTON, MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE PORT ORCHARD COMPREHENSIVE PLAN.

1. These amendments 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.

2. These amendments were developed from and are consistent with the Kitsap Countywide Planning Policies (CPPs).
3. The Planning Commission bases its finding and conclusions on all the testimony, oral or written, and exhibits submitted to the Commission. Any finding that should be deemed a conclusion, and any conclusion that should be deemed a finding, is hereby recommended as such.

4. The Planning Commission has considered the following criteria consistent with the Port Orchard Municipal Code and makes the following findings;
   a. Circumstances in Port Orchard have substantially changed since the adoption of the 2008 Comprehensive Plan and as amended;
   b. New information is available that was not considered in the adoption of the 2008 Comprehensive Plan and as amended;
   c. The proposed amendments are consistent with or support other plan elements and/or development regulations.
   d. The proposed amendments reflect the goals, objectives, and policies of the Comprehensive Plan;
   e. The proposed amendments are consistent with the Countrywide Planning Policies; and
   f. The proposed amendments are compliant with the requirements of the Growth Management Act.

**BASED UPON THE FOREGOING FINDINGS THE PLANNING COMMISSION HEREBY;**

1. The Port Orchard Planning Commission approved a motion to recommend approval to the City Council of the 2011 Amendments of the Port Orchard Comprehensive Plan dated September 19, 2011;

2. The Port Orchard Planning Commission approved a motion to recommend approval to the City Council of the following amendments to the 2008 Port Orchard Comprehensive Plan Update:
   a. The Port Orchard Planning Commission approved a motion to recommend approval of an amendment to the 2008 Port Orchard Comprehensive Plan Update to update Zoning and Comprehensive Plan maps.
   b. The Port Orchard Planning Commission approved a motion to recommend approval of an amendment to the 2008 Port Orchard Comprehensive Plan Update, adopting amendments to Appendix G: Plans Adopted by Reference.
CONCLUSIONS

Conclusions: The Planning Commission finds that the proposed changes to the Comprehensive Plan, including revisions approved at the September 19, 2011 Planning Commission meeting, are consistent with the objectives of the City’s Comprehensive Plan; now, therefore

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Port Orchard hereby recommends that the City Council approve and certify the 2011 Comprehensive Plan Amendments for the City of Port Orchard, as expressed in 2. a – b above.

PASSED by the Planning Commission of the City of Port Orchard this 19th day of September, 2011.

Tim Matthes, Chairman

ATTEST:

James R. Weaver, City Development Director
Chapter 11. IMPLEMENTATION

11.1. Implementation

The primary goal of the Port Orchard Comprehensive Plan Update is to provide for orderly development at urban levels for parcels within the City of Port Orchard and for parcels within the Port Orchard Urban Growth Area, the unassociated McCormick Woods Urban Growth Area, and as the wastewater service provider only for the South Kitsap Industrial Area (SKIA) Urban Growth Area. With its adoption, this City of Port Orchard Comprehensive Plan Update adopts the population, methodology, analysis, and capital facilities planning identified in the 2006 Kitsap County Comprehensive Plan 10 Year Update and Environmental Impact Statement and will concurrently amend the Land Use Map designations for the City of Port Orchard.

The City recognizes the need for cooperation with Kitsap County in the designation of UGA boundaries, provision of public services, concurrency requirements and inter-local agreements. The goals, policies and implementation strategies of this chapter are intended to guide the future actions of affected jurisdictions. The goals and policies of this chapter will be further accomplished by the implementation of coordinated water system plans, storm water system management plans, sanitary sewer plans, transportation plans, capital improvement plans, zoning changes and other actions undertaken by the jurisdictions, either individually or jointly.

11.2. Goals and Policies

11.2.1 Governance

The following summarizes the key policies and implementation steps pertaining to future governance of the sub-area.

Goal 1. To establish general guidelines for orderly development within the City of Port Orchard and future annexation areas.

Policy IMP-1 Amend existing development regulations and the zoning map to be consistent with, and implement, this Comprehensive Plan Update.

Policy IMP-2 Address specific issues regarding the provision of services to the Port Orchard UGA, McCormick Woods/ULID #6 UGA and wastewater service to the South Kitsap Industrial Area (SKIA) UGA, dispute resolution, and other issues relating to
the implementation of this Plan through inter-local agreement(s) between the City of Port Orchard and adjacent jurisdictions.

Policy IMP-3  The County will be the lead agency for coordinating and reviewing developments proposals until such time as the area is annexed by the City.

Policy IMP-4  The City should provide timely notification of proposed development actions or annexation actions that may impact adjacent jurisdictions to promote inter-jurisdictional communication and participation.

11.2.2 Capital Improvements

Detailed information on the capital improvements and services necessary to meet the adopted levels of service for the City, with identification of funding to implement the planned facilities and urban service improvements, is set forth in the Capital Facilities Plan Update, the 2006 Kitsap County Comprehensive Plan 10-Year Update and Environmental Impact Statement, and by the implementation of coordinated water system plans, storm water system management plans, sanitary sewer plans, transportation plans, capital improvement plans, zoning changes and other actions undertaken by the jurisdictions, either individually or jointly. The following policies set forth the general implementation strategies for the provision of urban services.

Goal 2.  To implement the necessary capital improvements identified in Port Orchard and to ensure the timely and efficient provision of urban services to the City, and adjacent Urban Growth Areas.

Capital Improvements - Generally:

Policy IMP-5  The City and each provider of urban services within the sub-area will assist in the planning, coordination and establishment of urban services and facilities to serve the projected build out of the area.

Policy IMP-6  The City and service providers will seek opportunities for providing joint infrastructure or combining operations to achieve greater efficiency and effectiveness in service provision.

Water Service:

Policy IMP-7  The City of Port Orchard and the West Sound Utilities District, are the water service providers for the City and coordinated Comprehensive Water System Plans should be formally endorsed by resolution by each service provider, documenting the intent to conform with all applicable utility, water service and capital facilities plans.
Policy IMP-8 Water service to the City should be accomplished through inter-local agreements and be reflected in amendments to relevant utility plans of the various service providers.

Wastewater Collection and Treatment:

Policy IMP-9 The City of Port Orchard provides wastewater collection and treatment to the City, McCormick Woods and as the wastewater service provider to the South Kitsap Industrial Area (SKIA). The City of Port Orchard and West Sound Utilities District have planned the improvements to both conveyance facilities and the joint wastewater treatment plan to accommodate the new urban development will be implemented through the City’s utility planning and inter-local agreements.

Policy IMP-10 Where future urban development in the sub-area necessitates a short extension of the force main and construction of sewer trunks and laterals, these improvements shall be funded, to the extent reasonably necessary to serve the proposed development and as allowed by law, through developer extension of improvements as part of the project permit process.

Stormwater:

Policy IMP-11 Stormwater facilities needed by new urban development in the city will be comprised of on-site facilities provided by the developer consistent with the requirements of the Port Orchard Stormwater Management Regulations, and the Washington State Department of Ecology Stormwater Management Manual for the Puget Sound Basin.

Policy IMP-12 The City of Port Orchard endorses that collaborative stormwater planning is desirable and encourage City and County public works staffs continue to work together to ensure comprehensive stormwater control/management for the City and Urban Growth Areas, and identify in the process areas for coordination, joint protections, development standards and cost estimates.

Policy IMP-13 The City and County should seek to establish uniform and consistent urban stormwater standards and requirements for property owners and developers.

Transportation:

Policy IMP-14 The City of Port Orchard and the County should consider entering into inter-local agreement(s) to develop recommendations regarding the future development and maintenance of transportation facilities within the adjacent urban growth areas.
11.2.3 Economic Development

Detailed information on economic development of the City is set forth in the Economic Development Chapter of this Plan as well as in the Port Orchard Economic Development Plan. The chapter and Port Orchard Economic Development Plan identified specific projects that would serve as a catalyst for the economic development for the City of Port Orchard and would have regional impacts to the South Kitsap area. The following policies set forth the general implementation strategies for these projects.

Goal 3. To implement the catalyst projects identified in this plan and the Port Orchard Economic Development Plan to ensure the future economic health of the sub-area.

Policy IMP-15 Support the creation of a South Kitsap Community Council to facilitate and enhance communication both within the City as well as between the citizens of the area and County, Municipal, Federal, and Tribal government and other entities within South Kitsap.

Policy IMP-16 Encourage the prompt completion of the Bethel Road Corridor Development Plan improvements in coordination with Kitsap Transit as a major tool to achieve local and regional growth management objectives and furthering economic development goals.

Policy IMP-17 Encourage and promote development of a four-year state or private university within the City of Port Orchard or South Kitsap.

Policy IMP-18 Seek to adopt an expedited land development permit process for “Green” development qualified by the U.S. Green Building Council LEED system as certified “Silver” rating as a pilot project.

11.2.4 Timeline

It is anticipated that the Port Orchard Comprehensive Plan will take a substantial period to be implemented and that it will be dynamic over the 20-year planning horizon. A number of actions can be accomplished within a short timeframe, some will take much longer, and others will involve ongoing actions with no specific completion date. It is important that monitoring be done on a continuing basis with adjustments and amendments being made to the plan to keep it current with changes in the sub-area and to remain consistent with other plans that will also be amended over time.
11.2.5 Sustainability

It is anticipated that the Port Orchard Comprehensive Plan will influence numerous aspects of the built environment through its implementation and include sustainable impacts over the 20-year planning horizon. Sustainability continues to be an compelling theme for the future of the City and it’s contribution to conserving resources and supporting generations in the future.

**Goal 4:** The overall quality of the region’s air, water, energy, and other resources for future generations will be consistent, if not better than it is today.

Policy IMP-19  Encourage reduction of levels for air toxics, fine particulates, and greenhouse gases released into the environment, especially through transportation activities.

Policy IMP-20  Continue efforts to reduce pollutants from transportation activities, including through the use of cleaner fuels and encouraging the purchasing of vehicles/ equipment that use clean efficient fuels.

Policy IMP-21  Encourage the reduction of greenhouse gases by expanding the use of conservation and alternative energy sources and by encouraging reduction of vehicle miles traveled.
Appendix G: Plans Adopted by Reference
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<td>City of Port Orchard 2009 Comprehensive Sanitary Sewer Plan Update</td>
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<td>City of Port Orchard 2009 Sidney / Pottery Corridor Plan</td>
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<td>South Kitsap School District 2010 - 2015 Capital Facilities Plan</td>
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<td>West Sound Utility District / Joint Wastewater Treatment Facility 2009 Capital Facilities Plan</td>
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<td>City of Port Orchard 2009 Water System Plan (2011)</td>
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<td>City of Port Orchard: 2008 Comprehensive Parks Plan</td>
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<td>2006 Kitsap County Comprehensive Plan 10-Year Update</td>
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<td>Kitsap County 2006 Port Orchard/South Kitsap Sub-Area Plan</td>
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<td>City of Port Orchard 2005 Economic Development Plan</td>
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<td>Kitsap County 2003South Kitsap UGA/ULID#6 Sub-Area Plan &amp; EIS</td>
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<td>Downtown Port Orchard: 1999 Suggestions for Revitalization</td>
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<td>City of Port Orchard 1998 Pedestrian Plan</td>
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Appendix G: Plans Adopted by Reference
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 December 13, 2011.

ORDINANCE NO. 023-11

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING THE 2011 AMENDMENTS TO THE PORT ORCHARD COMPREHENSIVE PLAN PURSUANT TO THE STATE OF WASHINGTON'S GROWTH MANAGEMENT ACT

Copies of Ordinance No. 023-11 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. 023-11 will be provided at a nominal charge.

City of Port Orchard

Patti Kirkpatrick
City Clerk

Publish: Kitsap Sun
December 16, 2011