ORDINANCE NO. 019-12

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING THE 2012 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 October 19, 2012, pertaining to the 2012 amendments to the Port Orchard Comprehensive Plan; and

WHEREAS, On October 19, 2012, a Determination of NonSignificance was issued for the adoption of the 2012 amendments to the Port Orchard Comprehensive Plan. The appeal period closed at 4:30 PM on November 2, 2012, and no appeals were filed; and

WHEREAS, On October 19, 2012, Port Orchard issued for public review, the proposed 2012 amendments to the Port Orchard Comprehensive Plan. The document was posted on the City of Port Orchard web page and made available to the public and agencies; and

WHEREAS, On October 19, 2012, notice of all 2012 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 # 18615, in accordance with RCW 36.70A.106; and

WHEREAS, after proper notice, the Port Orchard Planning Commission conducted two public meetings; on Monday, September 17, 2012, and on October 15, 2012 in accordance with RCW 35.63.100, considered public testimony, and after discussion and deliberation recommended approval of the proposed 2012 Comprehensive Plan amendments via Planning Commission Resolution No. 008-12; and

WHEREAS, after proper notice, the Port Orchard City Council conducted a public hearing on Tuesday, December 11, 2012 and considered public testimony regarding the proposed 2012 amendments to the Port Orchard Comprehensive Plan; and

WHEREAS, the City Council finds the proposed 2012 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 effect of the proposed 2012 amendments is not significant and the 2012 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. 008-12; 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. The revisions to the Comprehensive Plan text and Land Use and Zoning Maps as set forth in Planning Commission Resolution No. 008-12, attached as Exhibit B.

SECTION 3. The 2012 Comprehensive Plan text and map amendments, zoning designations, and appendices shall be effective January 1, 2013.

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 11th day of December 2012.

[Signature]
Timothy C. Matthes, Mayor

ATTEST:

[Signature]
Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM: Sponsored by:

[Signature]
Gregory A. Jacoby, City Attorney

[Signature]
Rob Putaansuu, Councilmember

[City Seal]
A RESOLUTION OF THE CITY OF PORT ORCHARD
PLANNING COMMISSION RECOMMENDING
APPROVAL OF THE 2012 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, October 15th, 2012 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 Countywide 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 MAKES THE FOLLOWING RECOMMENDATIONS TO THE CITY COUNCIL:

1. APPROVE the 2012 applications for Comprehensive Plan Amendments as follows:
   • McCormick Woods Rezone Request: Rezone of 41.31 acres from Mixed Use to Residential: 8 units/acre and Comprehensive Plan Amendment from Commercial to Residential: Medium
   • Amendments to the City of Port Orchard zoning and comprehensive plan maps to reflect annexations approved in 2012 and revisions to the Urban Growth Area

2. The Port Orchard Planning Commission approved a motion to recommend approval to the City Council of these amendments on October 15, 2012.

CONCLUSIONS

Conclusions: The Planning Commission finds that the proposed changes to the Comprehensive Plan, including revisions approved at the October 15, 2012 Planning Commission meeting, are consistent with the objectives of the City’s Comprehensive Plan;

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 2012 Planning Commission Resolution 008-12

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Comprehensive Plan Amendments for the City of Port Orchard, as expressed in the Recommendations listed above.

PASSED by the Planning Commission of the City of Port Orchard this 15th day of October, 2012.

Dee Coppola, Planning Commission Vice-Chair

ATTEST:

James R. Weaver, City Development Director
Thomas Bonsell