ORDINANCE NO. 034-09

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING THE 2009 UPDATE OF 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; and

WHEREAS, in December 2008, the City Council adopted via Ordinance 042-08 a 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, 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 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 the Comprehensive Plan can be considered no more than once each year; and

WHEREAS, various amendments have been submitted by the City; 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 16, 2009, pertaining to the 2009 Port Orchard Comprehensive Plan Update; and
WHEREAS, On October 30, 2009, pursuant to WAC 197-11-340(2)(a)(v), Port Orchard issued a Determination of NonSignificance (DNS) for the Adoption of the 2009 Port Orchard Comprehensive Plan Update. The appeal period closed at 4:30 PM on November 13, 2009, and no appeals were filed; and

WHEREAS, On October 30, 2009, Port Orchard issued draft 2009 Port Orchard Comprehensive Plan Update. The document was posted on the CityofPortOrchard.us web page and made available to the public and agencies; and

WHEREAS, On October 30, 2009, notice of all 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 a public hearing on Monday, November 16th, 2009 and considered public testimony to review, discuss, and deliberate on the proposed draft Comprehensive Plan amendments, in accordance with RCW 35.63.100.

WHEREAS, On November 16, 2009, following proper notice, the Planning Commission held a public hearing and approved a recommendation with revisions for the 2009 Port Orchard Comprehensive Plan Update as identified in Planning Commission Resolution 008-09, a copy of which is attached hereto as Exhibit A; and

WHEREAS, On November 16, 2009, following proper notice, the Planning Commission held a public hearing and approved a recommendation with revisions for the Sidney/Pottery Corridor Plan as identified in Planning Commission Resolution 007-09, a copy of which is attached hereto as Exhibit B; and

WHEREAS, On November 17, 2009, following proper notice, the City Council held a public Work Study Meeting to discuss the elements of the draft 2009 Port Orchard Comprehensive Plan Update; and

WHEREAS, after proper notice, the Port Orchard City Council conducted a public hearing on Tuesday, November 24, 2009 and considered public testimony regarding the proposed 2009 Port Orchard Comprehensive Plan Update; and

WHEREAS, On December 1, 2009, following proper notice, the Planning Commission held a public hearing and approved a recommendation with revisions for the 2009 Port Orchard Comprehensive Plan Update – Appendix F as identified in Planning Commission Resolution 009-09, a copy of which is attached hereto as Exhibit C; and
WHEREAS, On December 15, 2009, following proper notice, the City Council held a public Work Study Meeting to discuss the elements of the draft 2009 Port Orchard Comprehensive Plan Update; and

WHEREAS, all comments received from state agencies as a result of the 60-day review period required by the GMA have been incorporated into the amendments; and

WHEREAS, the City Council finds the proposed amendments as set forth in this ordinance are consistent with the Port Orchard Comprehensive Plan adopted December 9, 2008 and the Countywide planning policies; now, therefore,

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

SECTION 1. The City Council hereby adopts as its own the Findings and Conclusions set forth in Planning Commission Resolution No. 008-09, a copy of which is attached as Exhibit A and made a part of this Ordinance.

SECTION 2. In accordance with the above described Findings and Conclusions, the City Council hereby amends the text and map of the Port Orchard Comprehensive Plan by approving and adopting the following:

1. The 2009 Port Orchard Comprehensive Plan Update dated October 30, 2009, attached hereto as Exhibit D.

2. The Sidney / Pottery Corridor Plan as set forth in Planning Commission Resolution No. 007-09 attached hereto as Exhibit E is incorporated by reference into the Port Orchard Comprehensive Plan.

3. City Owned Tax Parcels No. 4062-003-001-0000, and 4027-003-001-0001, shall receive a Comprehensive Land Use designation of Public & Community Spaces and a Zoning designation of Community Facilities.

4. The revisions to the Comprehensive Plan text and Land Use and Zoning Maps as set forth in Planning Commission Resolution No. 008-09, and attached as Exhibit A.

5. The City of Port Orchard 2009 Comprehensive Sanitary Sewer Plan Update attached hereto as Exhibit F is incorporated by reference into the Port Orchard Comprehensive Plan.

6. The South Kitsap School District Capital Facilities Plan attached hereto as Exhibit G is incorporated by reference into the Port Orchard Comprehensive Plan.
SECTION 3. The 2009 Comprehensive Plan text and map amendments, zoning
designations, and appendices shall be effective January 1, 2010.

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 22nd day of December 2009.

Lary Coppola, Mayor

ATTEST:

Patricia J. Kirkpatrick, CMC, City Clerk

APPROVED AS TO FORM:  Sponsored by:

Gregory A. Jacoby, City Attorney  Robert Putaansuu, Councilmember
CITY OF PORT ORCHARD
PLANNING COMMISSION
RESOLUTION NO. 007-09

A RESOLUTION OF THE CITY OF PORT ORCHARD PLANNING COMMISSION AMENDING THE PORT ORCHARD COMPREHENSIVE PLAN TO INCLUDE THE SIDNEY/POTTERY MULTI-MODAL CORRIDOR PLAN AS SHOWN ON “EXHIBIT A”.

WHEREAS, the Planning Commission has undertaken a comprehensive review of the draft Sidney/Pottery Multi-Modal Corridor Plan amendment to the Port Orchard Comprehensive Plan in order to guide infra-structure development in the Sidney Pottery corridor; and

WHEREAS, the Planning Commission held a public hearing on October 19th, 2009 which meeting was properly noticed and open to the public, to review or amend the draft Sidney/Pottery Multi-Modal Corridor Plan Comprehensive Plan Amendment as shown in “Exhibit A”; and

WHEREAS, after considering input from Planning Commission members and the public, the Planning Commission finds that the Sidney/Pottery Multi-Modal Corridor Plan serves the public health, safety, and general welfare of the citizens of Port Orchard; and

WHEREAS, the Planning Commission also finds that the Sidney/Pottery Multi-Modal Corridor Plan is consistent with the goals and policies of the City’s Comprehensive Plan and with the Growth Management Act, Chapter 36.70A RCW; now, therefore,

WHEREAS, Following timely and effective notice, on October 19, 2009 the Planning Commission closed the Public Hearing and deliberated in regards to the proposed changes for Title 16, Land Use Regulatory Code as shown in attached “Exhibit A”.

FINDINGS

The Port Orchard Planning Commission makes the following findings regarding the policy and text amendments to the Sidney/Pottery Multi-Modal Corridor Plan:

1. On October 19, 2009 a public hearing was held on the proposed draft Sidney/Pottery Multi-Modal Corridor Plan amendment to the Comprehensive Plan.

2. During the public hearing verbal testimony was heard in regards to the draft Sidney/Pottery Multi-Modal Corridor Plan.
3. During the comment period, written comments were received and are attached herein.

4. The Planning Commission reviewed and discussed comments received, and recommended to forward to City Council all technical and clerical comments received regarding the draft Sidney/Pottery Multi-Modal Corridor Plan for Council review and consideration.

5. On November 16, 2009 a public meeting was held to discuss and select street furniture including Bollards, bicycle racks, public benches, tree grates and trash receptacles. The Planning Commission reviewed of all the potential choices, a motion was made and approved for no preference among the proposed alternatives.

CONCLUSIONS

1. The Planning Commission has deliberated the merits of the proposed draft Sidney/Pottery Multi-Modal Corridor Plan shown in attached “Exhibit A”.

2. The Planning Commission forwards to the City Council this resolution with a recommendation for approval for the revisions to the draft Sidney/Pottery Multi-Modal Corridor Plan shown in attached “Exhibit A”.

3. The Planning Commission has determined that the proposed revisions to the Port Orchard Comprehensive are consistent with the goals and policies of the 2008 Comprehensive Plan.

4. The Planning Commission has determined that to facilitate the Sidney/Pottery Corridor Plan as amended revisions to the Port Orchard Regulatory Code Chapter 16.55.040 is necessary to wit:
   (a) Parking areas or lots should be located along the side, rear or in courtyard configurations to retain a building frontage along road corridors and control the scale of the streetscape. In some instances, it is not advisable to place buildings near the street right-of-ways as determined by the City Engineer.

5. That the proposed four-way signal at Lowes on Sedgwick Road and the proposed bypass road shown on all three alternative maps be removed.

6. That the all references to the Tremont/Pottery roundabout be removed from the Alternatives maps.

7. The Planning Commission forwards to the City Council this resolution with a recommendation for Alternative 2 as amended as the Preferred Alternative for implementation and recommendation to the City Council.

8. The Planning Commission forwards to the City Council all possible street furniture selections without a preference.
NOW, THEREFORE, BE IT RESOLVED THAT: The Planning Commission of the City of Port Orchard hereby recommends that the City Council approve the attached Draft Sidney/Pottery Multi-Modal Corridor Plan amendment to the Port Orchard Comprehensive Plan.

PASSED by the Planning Commission of the City of Port Orchard this 19th day of October and amended on November 16, 2009.

[Signature]
Bek Ashby, Planning Commission Chairman

ATTEST:

[Signature]
James R. Weaver, City Development Director
November 10, 2009

Port Orchard Planning Commission & City Council
216 Prospect Street
Port Orchard, WA 98366

RE: City of Bremerton's Comments on DNS issued on October 30, 2008 regarding Port Orchard's 2009 Annual Comprehensive Plan Amendments

Dear City Council,

The City of Bremerton ("Bremerton") is in receipt of the SEPA DNS issued by the City of Port Orchard ("Port Orchard") on October 30, 2009. This letter addresses Bremerton's comments regarding the DNS issued for Port Orchard's "2009 Annual Comprehensive Plan Update" as presented online.

In addition to the comments found below, Bremerton incorporates into these comments the comments previously submitted on October 29, 2009 to Port Orchard City Council, found attached hereto as Exhibit A.

I. Comprehensive Sanitary Sewer Plan Update Map

The Map titled "Comprehensive Sanitary Sewer Plan Update" revised November 2009 does not show the boundary of Port Orchard's Sanitary Sewer Service area in the map or on the legend. The service area should be clearly labeled, as it is unclear what areas Port Orchard services.

In addition to the lack of a geographical representation of the sewer service boundary area, this map also improperly delineates the City of Bremerton's boundaries. On August 1, 2009 the City of Bremerton annexed approximately 150 acres that is not represented on this map. These parcels are between the North and South SKIA annexations south of SR 3. Please properly represent the City of Bremerton Boundary.

II. Appendix F: Proposed Regional Urban Growth Center Designation

Bremerton believes that the area proposed by Port Orchard for a Regional Urban Growth Center does not function as a countywide regional draw. Based on the information presented, it is our position that the designation of this area as a Regional

Page 1 of 20
Growth Center does not meet the requirements of the PSRC and additional analysis is required. More specifically:

First, the PSRC VISION 2040 specifically states (VISION 2040, adopted April 2008, page 49):

**Regional Growth Centers**
Formally designated by the Puget Sound Regional Council, regional growth centers play a unique and important role as locations of the region’s most significant business, governmental, and cultural facilities. These centers are located in Metropolitan Cities or Core Cities (Emphasis added). Regional growth centers are areas of higher-intensity development and contain a mix of land uses and services. Major regional investments for transportation and other infrastructure should be prioritized for these locations.

The City of Port Orchard is not considered either a Metropolitan or Core City as defined by PSRC, and is defined as a Small City by PSRC (VISION 2040, Page 52). Below are PSRC’s definitions of all three city designations discussed above (VISION 2040, Glossary).

**Metropolitan City**
A regional geography in VISION 2040 that refers to one of the area’s five central cities: Bellevue, Bremerton, Everett, Seattle, and Tacoma.

**Core City**
A regional geography within VISION 2040 that refers to a city that contains one or more regionally designated centers — outside of the five metropolitan cities.

**Small City**
A regional geography in VISION 2040 that refers to those cities without a regionally designated center that have a combined total population and employment of less than 22,500.

In addition, the current characteristics of Kitsap County’s two (2) Regional Growth Centers (Downtown Bremerton & Silverdale) provide services utilized countywide, providers such as medical services, regional shopping centers, higher education, Puget Sound Naval Shipyard, and an established dense housing stock. These characteristics highly contrast with the small town charm and comfort of downtown Port Orchard.

Furthermore, while Port Orchard may grow to a city larger than 22,500 in population, this growth is anticipated through annexations of the associated LGA’s. Regional growth centers are expected to be a dense, active core that draws from the region. Port Orchard proposed plan boundary area is not poised to have the impact of a regional draw. Regarding meeting the PSRC requirements on activity units in the proposed region, (Land use section of Appendix F, Page F-11) it is unclear how Port Orchard calculated the activity units per acre. This section does not reference or explain how the population and employment numbers were obtained, and the land use plan is unclear how the
increased densities and new job growth, expected of a regional center, will be accommodated.

Finally, Bremerton cannot support a regional center designation for the City of Port Orchard until adequate capital facilities planning has been done to demonstrate Port Orchard’s ability to support the level of growth that is expected of formally designated regional centers. As currently proposed, this Comprehensive Plan Amendment does not have adequate analysis to demonstrate its feasibility.

In closing, the City of Bremerton requests the Port Orchard amend the cartographic errors in the “Comprehensive Sanitary Sewer Plan Update” map to properly illustrate the geography of the proposed sewer service area boundary, and the accurate boundaries of the City of Bremerton.

Additionally, Bremerton is in support of the City of Port Orchard conducting planning for its town center region with transit oriented development measures and urban densification. This method of planning supports the Growth Management Act and should be utilized. However, inadequate information has been presented to support Port Orchard’s request to become a Regional Growth Center. Bremerton suggests that Port Orchard look further into the financial obligations, population designations and requirements to become a Metropolitan or Core city under the PSRC designations.

Finally, the City of Bremerton recognizes the efforts Port Orchard has taken to develop this major update to their Comprehensive Plan, and hopes that the city will consider our comments as it deliberates on the draft and finalizes the document prior to adoption. We appreciate Port Orchard’s effort to complete this challenging and complicated task.

Sincerely,

[Signature]
Cecil McConnell
Mayor Pro-Tem

Cc:
Roger Lubovich, City Attorney
Port Orchard City Clerk

Attachment:
Exhibit A: City of Bremerton Comment Letter Dated October 28, 2009
October 28, 2009

Port Orchard City Council
216 Prospect Street
Port Orchard, WA 98366

RE: City of Bremerton’s Comments on DNS issued on October 16, 2009 and Port Orchard’s 2009 Comprehensive Sanitary Sewer Plan Update

Dear City Council,

The City of Bremerton (“Bremerton”) is in receipt of SEPA DNS issued by the City of Port Orchard (“Port Orchard”) on October 16, 2009. This letter addresses Bremerton’s comments regarding the DNS issued for Port Orchard’s “Comprehensive Sanitary Sewer Plan Update” dated September 2009, as well as the plan as follows:

1. BACKGROUND

Bremerton annexed approximately 3200 acres of land in 2009 known as South Kitsap Industrial Area (“SKIA”) urban growth area (“UGA”), City of Bremerton Ordinance Nos. 5053 & 5057. This area was officially annexed on March 1, 2009 and April 1, 2009 utilizing the 75% annexation method as allowed for by RCW 35.13.125. Notification was provided to the Office of Financial Management as required by RCW 35.13.260, and officially recorded with Kitsap County as required by RCW 35.13.150.

Bremerton is the planning authority for all territory within our city limits and our associated UGAS including the SKIA area. This planning authority extends to planning for all urban services (such as storm water, water, and wastewater) as required by state law under the Growth Management Act by RCW 35.70A.040.

As you may be aware, Bremerton has previously appealed Port Orchard’s 2008 Comprehensive Plan Update regarding comments and inclusion of the SKIA region in their planning documents (GMB Case # 09-3-0003). The City of Bremerton agreed to a settlement with the City of Port Orchard regarding this matter on the basis that Port Orchard removed all reference to SKIA as a “preferred” sewer service provider from their 2008 Comprehensive Plan Update and label as “potential” sewer service provider.
II. BREMERTON'S COMMENTS ON SEPA DNS ISSUED OCTOBER 16, 2009:

General Comments:
The City of Port Orchard has provided inadequate analysis throughout this planning document regarding expansion of sewer services to SKIA. The City of Bremerton finds this data arbitrary for the issuance of the DNS to meet SEPA requirements. Additionally, the SEPA checklist does not address expansion of service area including SKIA.

Below the City of Bremerton comments on specific sections of plan document:

a. Table 3-2 there seems to be a conflict with the information provided in Table 3-2 and the paragraph immediately following Table 3-2. If the Marina Pump Station's firm capacity is defined as the capacity with the largest pump out of service, then the firm capacity is 2400 GPM or 3.46 MGD. It is not appropriate to add the capacity of the smaller pumps to the larger pump as they do not have the ability to overcome the larger pump's TDH. This is important as the Marina Pump Station capacity is cited when basin planning for the upstream basins. This is a critical component of Port Orchard's basin capacity planning that is not accurately portrayed.

b. Chapter 4.5 Population Projections does not adequately address the projected population for the SKIA Area; The City of Bremerton intends to complete a full analysis of growth needs during the SKIA Sub Area planning process.

c. Chapter 5.4 Wastewater flows utilizes data from the 2003 South Kitsap Industrial Area Plan. This is an out of date document which did not anticipate the City of Bremerton's Annexation of SKIA and is not current with projections recognized by the Kitsap County's Capital Facilities Plan. On March 10, 2008 Kitsap County adopted Ordinance 409-2008, which incorporates updates to their Comprehensive Plan and six year Capital Facilities Plan. Additionally, The City of Bremerton has calculated peak flows for this area in the City of Bremerton September 2008 Sewer Planning Document. Bremerton's 2008 Sewer Planning Document projects higher flows than the old SKIA plan that is being utilized by the City of Port Orchard for this update. All references to Port Orchard being an authorized sewer provider to SKIA should be removed as Bremerton has not requested that Port Orchard provide service in this area.

d. In addition to the comments made above, the City of Bremerton incorporates section three below for comment on the DNS issued on October 16, 2009.

III. THE 2009 COMPREHENSIVE SANITARY SEWER UPDATE

General Comments:
The Plan references the City of Port Orchard as an "authorized" sewer service provider for SKIA. The City of Bremerton opposes any language making reference to Port Orchard as an authorized sewer provider to the SKIA region as this territory is in the City of Bremerton.
Bremerton recognizes that inter-jurisdictional coordination is an important part of the urban planning process. The City of Bremerton as part of the development of a sub-area plan for SKIA will research and make findings regarding how the area will be served with municipal utilities required by RCW 36.70A.070. Exactly who and where specific services will be provided will be determined by Bremerton and it is premature to conclude anything more definitive right now as to how that planning process will handle the issue. Port Orchard should not do anything in their comprehensive sewer plan to assert sewer service area “authorization” for any part of SKIA let alone all of it. At this time the City of Bremerton has not entered into any agreements with Port Orchard to provide sewer services within Bremerton’s City limits. The City of Bremerton believes that the City of Port Orchard could be a potential provider of service to portions of SKIA. After consulting with the City of Port Orchard, Bremerton will determine how each service will be provided and funded.

Below the City of Bremerton comments on the specific sections as follows:

a. Sewer Service Area, Section 3.34, This section identifies SKIA as Port Orchard’s sewer service area. This area is in the City of Bremerton. The required services needed for future growth in this region will be planned for by the City of Bremerton. Bremerton recognizes that inter-jurisdictional coordination is an important part of the urban planning process and will properly coordinate planning efforts as appropriate during the development of the South Kitsap Industrial Area sub area planning process.

b. Wastewater Flows, section 5.4, This section provides in part: “The SKIA is a large site with many possibilities for future development, such as a NASCAR race track or another major facility. However, these possibilities are only speculative for now. Consequently, longer term or build-out projection of wastewater flow projection for the SKIA have not yet been developed by Kitsap County or the Port of Bremerton” (Page 30, Port Orchard Comprehensive Sanitary Sewer Plan). Kitsap County is no longer the authorized planning agency for this region. The City of Bremerton is the authorized planning agency for this area and as such the city will determine the wastewater flows as part of its planning process.

c. The map figures found throughout the document lack proper labeling, titles, and explanation of what it is to represent.

1. The City of Bremerton is not properly shown in many of the maps; it appears that the City of Port Orchard is using old data to create these maps. New data is available at the Kitsap County GIS website.

2. Figure 1.2 is not labeled properly, assuming that this is the map immediately following Figure 1.1, the city limits of Bremerton include SKIA and need to be properly represented. The SKIA area should be removed from your map as an assigned service area.

3. Port Orchard is representing that SKIA is part of their sewer service area in some of these maps. Their titles are unknown; therefore properly referencing them is not possible. The City of Bremerton requests that
accurate data is utilized to create all maps and that Bremerton's city limits and sewer provider area include SKIA.

In closing, the City of Bremerton requests the Port Orchard remove all reference to the SKIA area of Bremerton in their planning documents. It is premature for Port Orchard to anticipate servicing the entire SKIA region. Bremerton will cooperate with regional jurisdictions during the sub area planning phase of the SKIA area. It should be noted that at this time there are multiple "potential" sewer services providers to consider.

The City of Bremerton recognizes the efforts Port Orchard has taken to develop this major update to its Sanitary Sewer Comprehensive Plan, and we hope that the city will consider our comments as it deliberates on the draft and finalizes the document prior to adoption. We appreciate Port Orchard's effort to complete this challenging and complicated task.

Sincerely,

[Signature]
Cecil McConnell
Mayor Pro-Tem

Cc: Roger Lubovich, City Attorney
Port Orchard City Clerk
Department of Ecology
James Weaver

From: Rocky Piro [RPIro@psrc.org]  
Sent: Friday, November 20, 2008 4:05 PM  
To: James Weaver; Mary McClure  
Subject: Please review 'Port Orchard - Appendix F - working notes'  
Attachments: Port Orchard - Appendix F - working notes.doc

James – here are my working notes – still just rough - and subject to change
Again, I will plan to turn these into something more formal in December for you.

All e-mail correspondence to and from this address is subject to the Washington State Public Records Act, which may result in monitoring and archiving, as well as disclosure to third parties upon request.
Huge step – bravo – all cities in the region should be identifying how to advance centers development in one or more location!

1. Questions about some of the numbers in the Appendix F draft – need some clarification
   - 5085 jobs currently in the center? (Attachment B) – explain that these include jobs for offices located in the center, but not all the employees themselves for those offices. Go ahead and provide a number of actual jobs physically located in the center
   - 2.6 people/Ha seems high for a center (Attachment B) (see Carol Naio for correct #)
   - Cannot combine housing and population / create activity units – the practice is to translate population into housing units – and for AU’s to be a combination of jobs and people. (Attachment B)
   - 45 AU’s/acre & minimum 20 HU’s/acre? – please explain this relationship more in terms of getting to 45 AU’s/page F-12
   - “...primary focus of employment is to focus the 9000 housing units anticipated...” – explain how that is an employment issue (page F-12)

2. Before discussing Port Orchard in the VISION 2040 typology of centers, introduce narrative of its role and status in the Kitsap County centers hierarchy.

3. Correction - VISION 2040 was developed over 3 ½ years – between 2004 and 2008. (page F-3)

4. The discussion of centers in VISION 2040 is incomplete and seems to suggest that the region has only one center type (page F-4)
   Actually it is correct to state that VISION 2040 has a 4-part typology of centers — (1) regional growth centers (in either metropolitan or core cities) / (2) centers in larger cities / (3) small city or town centers, and (4) neighborhood centers, activity nodes, and station areas
   Therefore recommend that the narrative be expanded to discuss that Port Orchard is currently identified as a small city/town center in the regional hierarchy. It sees that over time it can become a larger city center, and eventually a regional growth center.

(see, for example, other places that were one type of center and then became a regional growth center – including Redmond’s Microsoft area at Overlake)

5. Correction: there are 27 regional growth centers - There are actually 27 (page F-4)

6. Please revise the reference to “Destination 2030 policies” (page F-4)
   There is only one set of regional policies – that is, the Multicounty Planning Policies in VISION 2040 – they serve as the policies for all regional planning, including the two regional functional plans for VISION 2040, namely, Destination 2030 and Regional Economic Strategy
   The text should indicate that there are multicounty planning policies that prioritize funding to both regional centers and subregional centers

7. The reference to the Destination 2030 Investment Strategy is incomplete – and as drafted suggests that there may be some confusion with the Regional Transportation Improvement Program Policy Framework (page F-4)
   Please correct to explain that the Investment Strategy has 6 parts (see D2030 excerpt) and note all 6 parts. Also, the discussion of the treatment of centers in the Investment Strategy is incomplete – it discusses regional growth centers, transit station areas, and other centers

Note: That the Regional TIP Framework is where the provisions are that have discussed funding projects in service centers for 3 or 4 funding cycles now. Also note that that policy framework is adopted anew each funding cycle. Also note that the 2009 framework discusses funding for regional centers, transit station areas, and other local centers.

8. A center plan would have to be developed that is more than the Downtown Overlay District – while the DOD provides flexibility, and allows for denser development – a center plan would actually lay out how to plan for and achieve denser development. (Attachment B)
James Weaver

From: north bay mortgage [nibmortgage@wavecable.com]  
Sent: Tuesday, November 24, 2009 12:40 PM  
To: James Weaver  
Cc: 'kimberly ruona'; 'Gil Michael'; 'Annette Stewart'; 'Vance Vaught'; 'Tim Matthes'; 'Tim Drury'; 'Stephanie Bailey'  
Subject: Appendix F questions

James,

Could you help me understand some issues with Appendix F?

- If the purpose of adopting Appendix F is to access funding through the Puget Sound Regional Council, is there a specific project the city desires to fund? If so, what is the dollar amount expected from the Regional Council? As an example, is the city looking for funds for the parking garage? How much? And who owns the completed project?
- Are funds accessed through the Regional Council only available for needs within the boundaries of the Urban Growth Center?
- Can the city opt out at a later date or is this a long term commitment?
- Which policy statements in the Appendix are direct from the current comp plan and which are new for the Urban Growth Center?
- Are the new policies specific to the UGC?
- The Attachments included seem conflicted to me. I assume one originates from the EDAW plan and the other from the Kasperson plan.

I understand why the boundaries were established but I continue to struggle with the limited scope of them. It seems to me that to effectively comply with everything in the Appendix F document, the entire city or at least a larger area of the city should be included.

Thank you for your assistance. The background information is invaluable to the planning commission education process.

Talk to you soon,
Bek Ashby  
360-731-0778
Members of Port Orchard City Council, Mayor Coppola, citizens of Port Orchard:

I think the most important and far-reaching topic on the agenda tonight is #6 public hearing Comp Plan update Appendix F Attachment B and C Should we vote to become a PSRC Designated Urban Regional Growth Center? I hope your decision says, NO WAY!

When you consider that question tonight, two important items come to mind. What will Port Orchard look like if you take this action? And the second question is what will the ultimate cost be to taxpayers?

The most obvious ramification of voting yes on this action is that you will be agreeing to change the look and feel of Port Orchard forever. Council members, along with your yes vote you will be saying that you agree to transfer even more of your elected authority to Seattle Planners. You will be saying I accept all the provisions of their Vision 2040. Do you know what that vision contains? Do you know that a yes vote will create a city that is directly the opposite of what our residence say they want?

Please read Vision 2040 and pay special attention to what becoming a PSRC Urban Regional Growth Center really means. Contained in their Policy and Plan Review Manual they talk about something they call “bending the trend”. According to Vision 2040, “bending the trend,” means that when you came to this meeting tonight in a single occupancy vehicle (car) you are a trend that needs to be bent! If you moved to Port Orchard to escape the concrete jungle, and the packem and stackem apartment style living demanded by smart growth disciples, then you are a trend that must be bent. If you dream of owning a single family home of your own with a front and a back yard with room for grass and a swing set, then you must be bent! If you resist being told where you are going to live, work, and shop, and how you will transport yourself around the state then you most certainly need to be bent to match the will and vision of the planners at PSRC! Members of the Port Orchard Council, please don’t be fooled, “bending the trend” is really about giving up your and my freedom of choice, and allowing someone else to dictate every aspect of our lives!

Some will testify that taking this action is needed so that PSRC will give us money! Someday they might give us a small amount, but only after we navigate through many costly regulations and accept their vision. PSRC has already allocated projects and money to member jurisdictions for 2010–2011. Even after we jump through all the hoops, and remember they will continue to move the hoops, it will take several years to get a project on the pending list. Then our projects must be scored and voted on. Port Orchard will always be at the bottom of their priority list.

The reason I can safely predict this is Kitsap County and its cities combined have only 6% of the weighted votes at PSRC. King County has 49% of the votes. They will continue to fund light rail, bus transit, smart growth projects, and building a bigger more powerful lobby for PSRC. That is the way it has always been and that will not change even if we become an Urban Regional Growth Center.

Please amend this Comprehensive Plan Update so that all references requesting Port Orchard to become a PSRC Urban Region Growth Centers, including the change on the first page of this update regarding Vision 2040 are removed.

Thank You, Tim Matthes
4. Center Plans

Local jurisdictions that have regionally designated centers – either regional growth centers or regional manufacturing/industrial centers – are to prepare a subarea plan for each center (DP-Action-17). According to VISION 2040, the subarea plan is to be adopted within four years of the center’s designation. Center plans are viewed for consistency with (1) VISION 2040, (2) Growth Management Act requirements for subarea planning, and (3) regionally established criteria for center planning.

Aligning growth targets with VISION 2040’s Regional Growth Strategy

The Regional Council has offered guidance to counties and their cities as they work to align their local growth targets with the Regional Growth Strategy. This guidance recognizes that the path from now to 2040 is more than three decades long, and that the path to 2040 may not be linear. Where recent growth has been at significant odds with the policy direction set by the Regional Growth Strategy, jurisdictions are asked to try their best to set any new targets as close to VISION 2040 as reasonably possible. Jurisdictions are asked to explain what steps they are taking to “bend the trend” of recent growth to align with the concepts in VISION 2040.

The Regional Council will remain flexible by recognizing good faith efforts in its review of targets. The Regional Council will also provide guidance and technical assistance to counties and their cities as they work to prepare their targets and plan updates. The review and certification of plans will be based on the actions and measures already taken or proposed to be put in place to bend the trend, not just on an assessment of the targets alone.

GUIDANCE FOR OTHER PLANNING ACTIVITIES IN THE REGION

In addition to those planning efforts which are formally reviewed by the Puget Sound Regional Council, other planning activities – including those of state agencies, other regional agencies, and special service districts – are also expected to be consistent with and work towards implementation of VISION 2040 and the Regional Growth Strategy.

The Growth Management Act requires state agencies to comply with local comprehensive plans and development regulations (RCW 36.70A.103). This applies to both planning and programming by state agencies.

VISION 2040 reinforces the provision in the Growth Management Act that cities are the preferred provider of urban services. As such, VISION 2040 states that urban services should be provided by cities or appropriate regional service providers. Special districts serving municipalities or potential annexation areas are encouraged to consolidate or dissolve as a result (MPP-PS-6). Counties are asked to review special service districts’ plans to identify any inconsistencies with local or regional planning goals. Cities and counties are asked to collaborate with special service districts to review district location and design criteria for public facilities to ensure that regional and local growth management objectives are met.
Transportation funding is really PSRC’s hammer

Sound Off is a public forum. Opinions are selected from letters to the editor or may be written specifically for this feature. Today, Kitsap Alliance of Property Owners (KAPO) president Karl Duff, a Port Orchard resident, argues that the Puget Sound Regional Council, in which Kitsap County participates is a environmental extremist organization that has as its goal restricting your freedom to drive your own automobile.

Because of federal and state funding associated with transportation projects in Washington state, transportation planning has a dual impact on all policy development.

Planning is first directed toward accomplishment of the overall environmental and development goals. Then the Puget Sound Regional Council — of which Kitsap County is a member, but with little or no influence — invokes a funding priority scheme that favors those in compliance with its “Vision 2040” objectives.

Because Kitsap’s actual transportation funding over the past 10 years is also a relevant subject of interest, the Kitsap Alliance of Property Owners is conducting a separate review and report of that issue, to include both the funding sources and their actual application and funding.

The Vision 2040 strategy and priorities are directed toward nothing less than eliminating the automobile as a common means of transportation and forcing use of mass transit.

The strategy contains statements such as:

• strategies that reduce demand for drive-alone travel will continue to become even more important in the future; and
• demand management reduces the rate of growth — as well as the overall number — of people driving alone. This results in less traffic congestion, fewer vehicle emissions, and less fuel consumption.

In the context of these strategies, there is no mention of civic or personal preference or time impact on those who will be forced to “choose” mass transit as the right answer to their commute needs.

No doubt there are people potentially interested in providing their own views in these matters. There is no provision for this in Vision 2040.

Vision 2040 transportation arguments and tactics involve both financial coercion, tax redistribution and environmental ideology that is no longer scientifically supported.
Does the PSRC actually benefit Kitsap?

By KARL DUFF
For the Independent

This is the third in a series of guest columns dealing with Puget Sound Regional Council's (PSRC) Vision 2040, a region-wide, long-range, land-use planning policy.

The review is meant to address the underlying question, "Is Vision 2040 beneficial to Kitsap?"

In previous Guest Opinions we have addressed the overall goals of Vision 2040 and clearly identified the overarching environmental goals that may impact the development of Vision 2040 policies.

While the environment is the most important factor in the overall strategy, transportation has now also become evident as the major "tool" for implementation of that strategy.

The first hint of what is to come is Vision 2040's opening statement, "Development patterns of the last half of the 20th century often separated people from jobs, focused on accommodating the automobile and altered critical ecosystems."

The applicability of this statement to Kitsap County is limited, inasmuch as the impact of "critical ecosystems" has been negligible, and development of our county's transportation infrastructure has been largely the result of the federal government's employment market because it reflects the choices we made rather than our individual freedom.

PSRC's failure to recognize Kitsap's realities and to make any effort to accommodate that leads Vision 2040 away from benefit to Kitsap.

Keeping in mind that "region" refers to the greater King, Snohomish, Pierce and Kitsap County area — some of the development "policies" (DPs) established by Vision 2040:

• (DP-4) encourages adherents to, "Accommodate the region's growth first and foremost in urban growth areas."

• Also in (DP-4), the stated goal for the region is to "direct growth and development to a limited number of designated regional growth centers."

• (DP-7) gives "funding priority — both for transportation infrastructure and for economic development — to support designated regional growth centers consistent with the regional vision."

• (DP-16) directs "commercial, retail, and community services that serve rural residents into neighboring cities and existing activity areas to prevent the conversion of rural land to commercial use."

• Also, "The region will permanently sustain the ecological functions, resource value, lifestyle, and character of rural lands for future generations by limiting the types and intensities of development in rural areas."

• (DP-27) "Maintains the viability of long-term permanent rural lands by avoiding the construction of new highways and major roads in rural areas."

• (DP-46) "Develop(s) and implement(s) design guidelines to encourage construction of healthy buildings and facilities to promote healthy people."

• (DP-56) "Tailor(s) concurrency programs for centers and other subareas to encourage development that can be supported by transit."

And so on and so forth.

The sum total of these and other goals and policies is to force development into fixed-boundary urban growth areas while making current rural areas fixed in nature and essentially off-limits to development.

A specific impact on Kitsap is that Silverdale, a designated "regional growth center," will have to accommodate approximately 15,500 new residents and 14,000 new jobs.

Realistically, that would require about 7,500 new housing units in the one-square-mile "center" of Silverdale.

While the 14,000 jobs would be most welcome, it is not clear how the employers would also fit in the center and where they would come from.

In the end, based on the policies of Vision 2040, the Silverdale we know today would be gone, and in its place would have a new version of the major housing suburbs of Seattle.

Interestingly, the cost of the infrastructure for the county-controlled urban areas would be borne to a large extent by the rural residents of the county (more than 99 percent of county residents), while that same group of taxpayers would receive little direct benefit from the improvements — and in some cases would be specifically excluded from similar benefits in rural areas.

Under Vision 2040, PSRC controls the distribution of federal and state transportation funding to the four-county area of King, Snohomish, Pierce and Kitsap counties.

These funds are available for use as a hammer to force compliance with the policies of Vision 2040.

The message from PSRC seems clear: "Do it as we direct or funding will not be available."

This is a clear example of how PSRC has taken power to direct the development of Kitsap County according to its obvious Puget Sound orientation, with almost no real representation by Kitsap residents.

Recall that Kitsap County has only 4 percent of the vote in PSRC, based on population.

Again the question we are trying to answer: "Is the impact of Vision 2040 beneficial to Kitsap County?"

Clearly, it is not.

Karl Duff is president of the Kitsap Alliance of Property Owners.
Fifteen Things you need to know about Vision 2040 and PSRC

Vision 2040 implements 26 individual "goals" and 159 "policies" without a single indication of how they are paid for or any real means of measuring achievement. Almost every one of the policies is stated in subjective terms or using terms without definition so as to preclude meaningful assessment of progress or success.

Note: RCW 36.70A is The Growth Management Act

1. Kitsap has no logical reason or legal requirement to be part of PSRC

RCW 36.70A.210(7) "Multi-county planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand (450,000) or more, with contiguous urban areas and may be adopted by other counties.

Kitsap Population is approximately 235,000. Kitsap does not have contiguous urban areas with King, Pierce, or Snohomish counties. Kitsap is not part of the federal Seattle Metropolitan area.

2. Nothing in GMA requires or authorizes the creation of "regional" bodies for legislative purposes

RCW 36.07A.210(2) The legislative authority of a county that plans under (GMA) shall adopt county-wide planning policies in cooperation with the cities located in whole or in part within the county.

3. There is no fiscal impact for Vision 2040

RCW 36.07A.210(3) "A county-wide planning policy shall at a minimum, address the following; (h) An analysis of fiscal impact.

4. Nothing in our Constitution or GMA delegates legislative authority from a county to a "regional" body nor do those laws provide a mechanism for elected county officials to make such delegation.

Vision 2040 MPP-En-2 "County wide planning policies are to be updated, where necessary, prior to December 31, 2010, to address the revised multi-county planning policies of Vision 2040

5. While GMA has 14 equal priority goals, Vision 2040 has established, with out required justification, that environment and transportation will have planning precedence over all other considerations.

The environment model on which 2040 is based is not applicable to Kitsap with regard to sources of water, river and shoreline conditions, mountains, and general population distributions. Likewise, the Transportation model does not recognize the population distributions of Kitsap, the distribution of major employers, and actual transportation needs. The prime transportation interest is elimination of automobiles.
12. Under Vision 2040 Silverdale will gain 18,000 population and 15,000 jobs to be concentrated in the center (read one square mile centered on Old Town Silverdale)

To achieve that assimilation approximately 7500 dwelling units will be needed (about 9 million square feet). The only way to accomplish that is to develop vertical. Old Town and the “center” will be covered with 5 and six story apartments and condos. It is not clear what kind of jobs the 15,000 new jobs will be or where they will be housed.

13. Within Vision 2040 are statements that make the document directive in nature and binding on Kitsap County and the cities of the county.

“These policies play three key roles (1) give direction for implementing the Regional Growth Strategy....”

“They shall provide overall guidance and direction for planning processes and decision making at both regional and local levels.”

14. Under Vision 2040, using transportation funding as the rationale, PSRC would exercise “review: authority over county and city planning policies and comprehensive plans.

“The regional Council has established a process for the review of local, county wide, and transit agency plans guides by (1) the consistency provisions of GMA,....(3) directives for coordination in the Regional Council’s ILA and Framework Plan.

“Local jurisdictions are asked to incorporate a brief report in future updates to their comprehensive plans that addresses: (1) conformity with the requirements in GMA for comprehensive plan elements,....(3) consistency with the multi-county planning policies”

“County wide planning bodies are asked to include a report in updates to county wide planning policies that addresses: (1) consistency of county wide planning policies and the multi-county planning policies.... The report will be a primary tool for the Regional Council to develop certification recommendations for consideration by the Council’s boards.”

15. Kitsap county and the associated cities and Port Districts have a very small voting “Voice” in PSRC

PSRC includes King, Pierce and Snohomish counties as well as Kitsap. Voting count is based on population,(2006 Estimates King 1, 827,000; Pierce 767,000; Snohomish 670,000; Kitsap 240,000.) based on those estimates Kitsap has 7 percent of the region population and a 7 percent voice in PSRC decisions. Through PSRC membership Kitsap local jurisdictions surrender their land use planning authority to non-Kitsap jurisdictions.
PSRC
MEMBERS
King, Snohomish, Pierce, Kitsap

GOALS
1. Get people out of their ears
2. Restrict population densities
3. Control housing choices
4. Restrict all shorelines, saltwater, lakes, and streams
5. Impose buffer zones
6. Buffer all so-called wetlands
7. Condense population into high density living areas
8. Create large people-free zones
9. Control yard plants and rain collection
10. Demanding complete compliance

RESULTS
CONTROL OF YOUR LIFE
ALL 2009 COMPREHENSIVE PLAN UPDATE PUBLIC COMMENTS

James Weaver

From: Mary McClure [McClure@KitsapRegionalCouncil.org]
Sent: Wednesday, November 25, 2009 3:22 PM
To: Lary Coppola; Lary Coppola; ‘John Clauson’; ‘Carolyn Powers’
Cc: James Weaver
Subject: Revenue Sharing Review
Attachments: C 11 17 09 RS .doc

<<...>>
Lary, John, and Carolyn ~

Attached is the letter that the Revenue Sharing Review Team agreed to send to the City of Port Orchard and the Kitsap Regional Council's Executive Board. It is a progress report, seeking the City's continued involvement in the review process and negotiation of UGA agreements. It is silent on whether or not the City intended its original letter (April 23, 2009) as a notice of withdrawal from the Revenue Sharing ILA 18 months later (the 6 month review + 12 month withdrawal period) ~ although it could be considered either moot or valuable leverage to reaching the successor agreements, you may wish to address that at the KRCC Executive Board meeting on Tuesday, December 1. As I have expressed before, my greatest concern with this process is that I have watched many worthy efforts languish when they are without any pressure to complete...

On a separate front, I want to report that James and I met with Rocky Piro from the Puget Sound Regional Council and will be proposing that language be added to the Countywide Planning Policies that lays the groundwork for your City's emergence and countywide support as a higher level Growth Center, as the demonstration of your vision for the denser, higher, pedestrian-friendly, multi-modal urban place evolves. My sense is that James was satisfied that this is the constructive step forward that the City needs for your Comprehensive Plan revisions and stepping stone. We also discussed a conscious introduction of the Port Orchard of Tomorrow to the community of elected officials over the coming year.

I hope your Thanksgiving is warm and wonderful, with your inner eyes on the importance things in our lives ~

Mary McClure
Executive Management
by McClure Consulting LLC

Kitsap Regional Coordinating Council
360-377-4900 (voice)
360-297-7762 (fax)
P.O. Box 1934
Kingston, WA 98346
www.KitsapRegionalCouncil.org
Planning Commission votes against growth center designation

By CHARLIE BERMANT
Port Orchard Independent Staff Writer
Dec 02 2009, 7:38 PM · UPDATED

The Port Orchard Planning Commission expressed unanimous opposition to a proposal that will designate downtown as a high growth area, while acknowledging its recommendation could be ignored.

“We need to recognize that we are not the decision-making body,” said Planning Commission chair Bek Ashby. “If we recommend that the city council turn down this proposal they might just turn around and pass it anyway.”

At issue is whether Port Orchard seeks designation as a “Urban Growth Center” which would entitle the city to receive Federal funds that can be used for downtown development and other improvements. It would also increase density requirements for some parts of the city.

The idea, which is designated as “Appendix F” to the Port Orchard Comprehensive Plan, is due for decision at the Dec. 22 meeting of the city council.

Those opposing the amendment feel it would change the look and feel of Port Orchard, and have a negative effect on its small town flavor. The fund acquisition also increases reliance on the Puget Sound Regional Council, an entity that has drawn criticism for the imposition of “strings attached” to funding that passes through that organization.

Several people spoke out against the UGC designation at the Nov. 24 city council meeting, but there were no spectators at the Planning Commission meeting on Tuesday night.

As an advisory board, the Planning Commission has no formal power. The decision whether to approve or exercise the amendment from the comprehensive plan will come from the city council. But it still has influence. Council member Jim Colebank said on Wednesday that he was inclined to vote against inclusion of the appendix based on the Planning Commission’s recommendation.

“I agree with the idea that we are being rushed,” Colebank said. “I respect the Planning Commission and appreciate their attention to detail.”

Council members Jerry Childs and Fred Olin have voiced opposition to the UGC designation. If these three do not change their opinion, UGC advocates will need all four remaining council members in order to accept the distinction.

Council members Rob Putaansuu and Carolyn Powers said on Wednesday they were not certain
Ashby, who does not vote except in cases of a tie, said she felt the city needed to request more time to refine the document, waiting at least a year to gather public testimony before making a decision.

“It's not like we have to rush,” she said. “Even if this is approved we won’t see any money for at least three years.”

Council members Fred Chang and John Clauson did not respond to calls for comment.

Development Director James Weaver said the city was under the impression it had some time to deliberate the matter, but learned in October that action was needed by the end of the year in order to qualify for the current funding round.

“We need to do this right away in order to qualify,” Weaver said. “The timing is not ideal. There is a short window in order to take advantage of a three year process. That’s why it’s so rushed.”

Over the course of the meeting, Weaver said the time limit may not be absolute, and the funding sources available through UGC designation are not exclusive.

“There are other places where we can get funding,” he said.

Those speaking out against the UGC feel that it is unnecessary and restrictive. Commissioner Vance Vaught said the city should be able to make its own choices, and should not allow others to “take control of our destiny.” And commissioner Tim Drury agrees with UGC’s goals but not its methods.

“I don’t think we need this guidance,” Drury said. “The items listed in Appendix F are things that we have been doing for several years. I don’t see anything here that is radically different from what we are already doing.”

Port Orchard Independent Staff Writer Charlie Bermant can be reached at ebermant@portorchardindependent.com or (360) 876-4414.
October 28, 2009

Port Orchard City Council
216 Prospect Street
Port Orchard, WA 98366

RE: City of Bremerton’s Comments on DNS Issued on October 16, 2009 and
Port Orchard’s 2009 Comprehensive Sanitary Sewer Plan Update

Dear City Council,

The City of Bremerton (“Bremerton”) is in receipt of SEPA DNS issued by the City of Port Orchard (“Port Orchard”) on October 16, 2009. This letter addresses Bremerton’s comments regarding the DNS issued for Port Orchard’s “Comprehensive Sanitary Sewer Plan Update” dated September 2009, as well as the plan as follows:

I. BACKGROUND

Bremerton annexed approximately 3200 acres of land in 2009 known as South Kitsap Industrial Area (“SKIA”) urban growth area (“UGA”), City of Bremerton Ordinance Nos. 5053 & 5057. This area was officially annexed on March 1, 2009 and April 1, 2009 utilizing the 75% annexation method as allowed for by RCW 35.13.125. Notification was provided to the Office of Financial Management as required by RCW 35.13.260, and officially recorded with Kitsap County as required by RCW 35.13.150.

Bremerton is the planning authority for all territory within our city limits and our associated UGA’s including the SKIA area. This planning authority extends to planning for all urban services (such as storm water, water, and wastewater) as required by state law under the Growth Management Act by RCW 36.70A.040.

As you may be aware, Bremerton has previously appealed Port Orchard’s 2008 Comprehensive Plan Update regarding comments and inclusion of the SKIA region in their planning documents (GMHB Case # 09-3-0003). The City of Bremerton agreed to a settlement with the City of Port Orchard regarding this matter on the basis that Port Orchard removed all reference to SKIA as a “preferred” sewer service provider from their 2008 Comprehensive Plan Update and label as “potential” sewer service provider.
II. BREMERTON'S COMMENTS ON SEPA DNS ISSUED OCTOBER 16, 2009:

General Comments:
The City of Port Orchard has provided inadequate analysis throughout this planning document regarding expansion of sewer services to SKIA. The City of Bremerton finds this data arbitrary for the issuance of the DNS to meet SEPA requirements. Additionally, the SEPA checklist does not address expansion of service area including SKIA.

Below the City of Bremerton comments on specific sections of plan document:
   a. Table 3-2 there seems to be a conflict with the information provided in Table 3-2 and the paragraph immediately following Table 3-2. If the Marina Pump Station’s firm capacity is defined as the capacity with the largest pump out of service, then the firm capacity is 2400 GPM or 3.46 MGD. It is not appropriate to add the capacity of the smaller pumps to the larger pump as they do not have the ability to overcome the larger pump’s TDH. This is important as the Marina Pump Station capacity is cited when basin planning for the upstream basins. This is a critical component of Port Orchard’s basin capacity planning that is not accurately portrayed.
   b. Chapter 4.5 Population Projections does not adequately address the projected population for the SKIA Area; The City of Bremerton intends to complete a full analysis of growth needs during the SKIA Sub Area planning process.
   c. Chapter 5.4 Wastewater flows utilizes data from the 2003 South Kitsap Industrial Area Plan. This is an out of date document which did not anticipate the City of Bremerton’s Annexation of SKIA and is not current with projections recognized by the Kitsap County’s Capital Facilities Plan. On March 10, 2008 Kitsap County adopted Ordinance 409-2008, which incorporates updates to their Comprehensive Plan and six year Capital Facilities Plan. Additionally, The City of Bremerton has calculated peak flows for this area in the City of Bremerton September 2008 Sewer Planning Document. Bremerton’s 2008 Sewer Planning Document projects higher flows than the old SKIA plan that is being utilized by the City of Port Orchard for this update. All references to Port Orchard being an authorized sewer provider to SKIA should be removed as Bremerton has not requested that Port Orchard provide service in this area.
   d. In addition to the comments made above, the City of Bremerton incorporates section three below for comment on the DNS issued on October 16, 2009.

III. THE 2009 COMPREHENSIVE SANITARY SEWER UPDATE

General Comments:
The Plan references the City of Port Orchard as an “authorized” sewer service provider for SKIA. The City of Bremerton opposes any language making reference to Port Orchard as an authorized sewer provider to the SKIA region as this territory is in the City of Bremerton.
Bremerton recognizes that inter-jurisdictional coordination is an important part of the urban planning process. The City of Bremerton as part of the development of a sub-area plan for SKIA will research and make findings regarding how the area will be served with municipal utilities required by RCW 36.70A.070. Exactly who and where specific services will be provided will be determined by Bremerton and it is premature to conclude anything more definitive right now as to how that planning process will handle the issue. Port Orchard should not do anything in their comprehensive sewer plan to assert sewer service area "authorization" for any part of SKIA let alone all of it. At this time the City of Bremerton has not entered into any agreements with Port Orchard to provide sewer services within Bremerton's City limits. The City of Bremerton believes that the City of Port Orchard could be a potential provider of service to portions of SKIA. After consulting with the City of Port Orchard, Bremerton will determine how each service will be provided and funded.

Below the City of Bremerton comments on the specific sections as follows:

a. **Sewer Service Area, Section 3.34**, This section identifies SKIA as Port Orchard's sewer service area. This area is in the City of Bremerton. The required services needed for future growth in this region will be planned for by the City of Bremerton. Bremerton recognizes that inter-jurisdictional coordination is an important part of the urban planning process and will properly coordinate planning efforts as appropriate during the development of the South Kitsap Industrial Area sub area planning process.

b. **Wastewater Flows, section 5.4**, This section provides in part: "The SKIA is a large site with many possibilities for future development, such as a NASCAR race track or another major facility. However, these possibilities are only speculative for now. Consequently, longer term or build-out projection of wastewater flow projection for the SKIA have not yet been developed by Kitsap County or the Port of Bremerton" (Page 30, Port Orchard Comprehensive Sanitary Sewer Plan). Kitsap County is no longer the authorized planning agency for this region. The City of Bremerton is the authorized planning agency for this area and as such the city will determine the wastewater flows as part of its planning process.

c. **The map figures found throughout the document lack proper labeling, titles, and explanation of what it is to represent.**
   1. The City of Bremerton is not properly shown in many of the maps; it appears that the City of Port Orchard is using old data to create these maps. New data is available at the Kitsap County GIS website.
   2. Figure 1.2 is not labeled properly, assuming that this is the map immediately following Figure 1.1, the city limits of Bremerton include SKIA and need to be properly represented. The SKIA area should be removed from your map as an assigned service area.
   3. Port Orchard is representing that SKIA is part of their sewer service area in some of these maps. Their titles are unknown; therefore properly referencing them is not possible. The City of Bremerton requests that
accurate data is utilized to create all maps and that Bremerton's city limits and sewer provider area include SKIA.

In closing, the City of Bremerton requests the Port Orchard remove all reference to the SKIA area of Bremerton in their planning documents. It is premature for Port Orchard to anticipate servicing the entire SKIA region. Bremerton will cooperate with regional jurisdictions during the sub area planning phase of the SKIA area. It should be noted that at this time there are multiple "potential" sewer services providers to consider.

The City of Bremerton recognizes the efforts Port Orchard has taken to develop this major update to its Sanitary Sewer Comprehensive Plan, and we hope that the city will consider our comments as it deliberates on the draft and finalizes the document prior to adoption. We appreciate Port Orchard's effort to complete this challenging and complicated task.

Sincerely,

[Signature]

Cecil McConnell
Mayor Pro-Tem

Cc:
Roger Lubevich, City Attorney
Port Orchard City Clerk
Department of Ecology
October 30, 2009

Port Orchard City Council
216 Prospect Street
Port Orchard, WA 98366

Re: Overton & Associates Comments on 2009 Comprehensive Sanitary Sewer Plan Update and SEPA Determination of Nonsignificance

Dear City Council:

This is on behalf of Overton & Associates Holdings, LLC ("Overton"). We are writing to provide comments on the City’s 2006 Comprehensive Sanitary Sewer Plan Update ("Sewer Plan Update") and SEPA Determination of Nonsignificance ("DNS"), dated October 16, 2009.

Overton is a long-term owner of significant acreage in Kitsap County, near the City of Port Orchard ("City"). Overton has an interest in ensuring that the City’s land use plans and policies are logical, lawful, and consistent with neighboring jurisdictions’ plans, particularly with respect to the South Kitsap Industrial Area ("SKIA") recently annexed by the City of Bremerton.

We have two primary comments on the Sewer Plan Update and DNS. First, these documents identify SKIA as within Port Orchard’s sewer service area. This is not accurate. The SKIA area was annexed by the City of Bremerton earlier this year, and the City of Bremerton will soon embark on a sub-area planning process that will identify appropriate municipal utility providers, consistent with RCW 36.70A.070. It is inappropriate and premature for the City of Port Orchard to identify itself as a sewer service provider for the SKIA area at this time.

Second, the Sewer Plan Update and DNS appear to be based on outdated, inaccurate information. Chapter 4.5 of the DNS (Population Projections) does not adequately address the projected population for the SKIA area, and Chapter 5.4 of the DNS (Wastewater flows) utilizes inaccurate data from the 2003 South Kitsap Industrial Area Plan. In addition, Section 5.4 of the Sewer Plan Update states that the SKIA area is currently in Kitsap County’s jurisdiction, although it was annexed to the City of Bremerton this year. The Sewer Plan Update and DNS should be revised to reflect the most recent, accurate information available.

In sum, Overton agrees with the issues raised in the City of Bremerton’s October 28, 2009 comment letter, and we ask you to consider these comments as you complete the Sewer Plan Update process.
We appreciate your attention to these comments.

Very truly yours,

[Signature]

Courtney F. Flora

cc: Cecil McConnell, Mayor Pro-Tem, City of Bremerton
    Port Orchard City Clerk
    Department of Ecology
    David Overton
City of Port Orchard: 2009 Comprehensive Plan Update

Executive Summary: The Growth Management Act (GMA), RCW 36.70A requires that each city that plans under the GMA must periodically review, and, if needed, revise its comprehensive plan and development regulations every seven years to ensure compliance with the Growth Management Act. 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. These amendments were developed from and are consistent with the Kitsap Countywide Planning Policies (CPPs).

The following is items are the main proposed changes for consideration to the 2009 Port Orchard Comprehensive Plan:

1) **Administrative and clerical corrections.** Further review of the approved 2008 Port Orchard Comprehensive Plan identified clerical errors and administrative text changes that have been corrected in the 2009 update.

2) **Update of Zoning and Comprehensive Land Use Maps.** The 2009 annexation of McCormick Woods and additional smaller 2009 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.

3) **Creation of Appendix F: Identifying Port Orchard as a Puget Sound Regional Council-Urban Growth Center.** The 2009 Comprehensive Plan update includes a description of the criteria that have been met with the annexation of McCormick Woods, and summary of previously adopted plans and land use regulations that have qualified Port Orchard to request designation by the Puget Sound Regional Council as a regional urban growth center, allowing to City to pursue increased availability in transportation, recreation, planning, and infrastructure funding.

4) **Update of Associated Plans Adopted by Reference.** The update of partner utility district capital facilities plans, City capital facilities plans, school district capital facilities plans, previously adopted downtown plans, and existing sub-area plans for areas that have been annexed, are documented and referenced in the 2009 annual Comprehensive Plan update.
DRAFT - 2009 PORT ORCHARD
COMPREHENSIVE PLAN UPDATE

2009 Amendment of the Port Orchard Comprehensive Plan to update Zoning and Comprehensive Plan maps to reflect annexations, correct clerical errors, update the referenced Corridor Plans and Capital Facilities Plans, and create an appendix for a proposed Regional Growth Center designation for the City of Port Orchard.
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- Appendix D. ..................................................... Port Orchard Land Use Capacity/Kitsap County Buildable Land Report
- Appendix E. ........................................................................ Land Use Change Request Analysis
- Appendix F. .......................................................... Port Orchard Downtown Regional Growth Center
- Appendix G. .............................................................. Plans adopted by Reference
1.2 What is a Comprehensive Plan?

This Plan, when adopted in its final form by the City Council, is a vehicle to help the City achieve its vision of the future. Used as a guide for the physical, economic and community development of Port Orchard for the next 20 years, the Plan establishes goals and policies for the City to use in evaluating and making future decisions. The Plan’s policies communicate the long-term values and aspirations, and by viewing the City as a whole, the Plan shows how all the different parts – land use, housing, transportation, natural systems and capital facilities – must work together to achieve the desired vision.

The City of Port Orchard’s regulatory and non-regulatory decisions and programs, as well as its budget, should be consistent with the Plan. Used this way, the Plan minimizes conflict in decision making, promotes coordination among programs and regulations, brings predictability to the development process, and increases effectiveness of City efforts to improve citizens’ quality of life. Individual landowners and interest groups are able to use the Plan to evaluate their decisions in light of the community’s goals.

1.3 Planning Context

As this Plan seeks to achieve the community’s vision, it must do so in a way that meets the requirements of state laws; it also seeks to do so in a way that fulfills the intent of municipal, regional and local guidelines, preferences, and non-regulatory planning efforts. The primary state mandates that this Plan fulfills are contained in the GMA. Regional policies this Plan seeks to fulfill include the Puget Sound Regional Council’s VISION 2040 plans. Non-regulatory planning efforts interrelated with this Plan include recreation and habitat conservation planning, salmon recovery planning, and water resources planning.

1.3.1 Washington State Growth Management Act (GMA)

Passage of the GMA in 1990 by the State Legislature marked a major change in growth management planning in Washington. For the first time in the state’s history, all urban counties and their cities were required to develop and adopt comprehensive plans and to implement these plans through regulatory means. To ensure comparable planning efforts, the GMA required that comprehensive plans address specific issues including (but not limited to) land use, transportation, housing, capital facilities and services, natural environment and economic development.

Since 1990, the GMA has been amended multiple times. This document complies with the GMA as amended.

The GMA established 13 goals for the comprehensive planning process. Per RCW 36.70A.020, the following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:
Chapter 8. TRANSPORTATION

8.1. Transportation Plan Context

The Transportation element identifies future system improvements derived from the analysis completed in both City Capital Facilities documents, and the EIS for the Kitsap County 2006 Comprehensive Plan 10-Year Update and the Sidney/Pottery Multi-Model Corridor Plan. In addition to roadway improvements, this element also identifies ways to provide more opportunities for pedestrians, bicyclists and transit riders.

The policy direction within this element provides new non-motorized transportation system links between residential areas and nearby employment and shopping areas. The objective of these policies is to reduce automobile dependence within the City, and to minimize the need to widen roads to accommodate increasing traffic volumes.

The purpose and vision of the transportation policy element is to provide a safe, dependable, properly maintained, fiscally and environmentally responsible multi-modal transportation system that is consistent with and supports the other elements of the Comprehensive Plan. The transportation system should respect community character, environment, and neighborhoods; improve mobility and safety; minimize impacts from regional facilities; and promote increased use of transit and non-motorized travel. The transportation system needs to be both locally and regionally coordinated, adequately financed, and community supported.

The goals and policies identified in this element are based upon existing conditions information and transportation systems analysis contained in the Kitsap County produced joint jurisdiction, Port Orchard/South Kitsap Sub-Area Plan and the 2006 Kitsap County Comprehensive Plan 10 Year Update and Environmental Impact Analysis. The data collected, analysis conducted, and capital facilities and transportation planning provided in those environmental document (Kitsap County 2006 Comprehensive Plan: Volume II, Environmental Impact Analysis, the Kitsap County and Appendix E: Transportation with additional supporting appendices) included supporting analysis and mitigation related to transportation facilities within the city, transportation impact analysis, proposed projects, performance standards, financial and implementation plan, and mitigation for the various alternatives considered. The document also incorporates the data, analysis, and updates provided in the Port Orchard Capital Facilities Plan 2006 update (Ordinance 026-06).

8.2. Transportation Vision

The transportation network of the City of Port Orchard is meant to serve the land use of the community and seek to achieve the most efficient means of transporting people
Chapter 10. Capital Facilities

10.1. Plan Context

The purpose of the Capital Facilities Element is to provide policy direction to decision makers regarding development regulations and expenditures for capital facilities associated with fire protection and emergency medical services, law enforcement, parks, schools, water, sewer, stormwater and solid waste collection and disposal. The policies of the Capital Facilities Element call for adequate facilities and services that meet the needs of the City and corridor plans such as the Sidney/Pottery Corridor Study Plan.

One of the principal goals of the GMA is for cities to provide for compact urban development that accommodates the majority of growth in a community so that the necessary urban facilities and services are provided and delivered efficiently and cost effectively. Urban level facilities and services are permitted only within UGAs.

Certain public facilities and services must be provided at a specific level of service (LOS), concurrently with development. This requirement is intended to ensure that development will not occur without the necessary infrastructure. Developers and property owners are typically required to construct the necessary infrastructure or provide a fee to compensate for their fair share of facilities and services. This is necessary to maintain an established LOS as defined by Port Orchard.

The Capital Facilities Element is an element in the Port Orchard's Comprehensive Plan that uses sound fiscal policies to provide facilities consistent with the Land Use Element and concurrent with, or prior to the impacts of development in order to achieve and maintain adopted standards for levels of service, and to exceed the adopted standards, when possible. Capital facilities generally have very long useful lives, significant costs, and are not mobile. This plan incorporates and adopts by reference the 2006 Port Orchard Capital Facilities Plan Update (Ordinance 026-06), the joint Port Orchard/South Kitsap Sub-Area Plan data and analysis, and the 2006 Kitsap County Comprehensive Plan 10-Year Update, Capital Facilities Plan (Appendix D) and associated Environmental Impact Statement.

One of the principal criteria for identifying needed capital improvements is standards for levels of service (LOS). The referenced Capital Facilities Plans contains LOS standards for each public facility, and requires that new development be served by adequate facilities (i.e., the "concurrency" requirement of the Growth Management Act). The Capital Facilities element within this plan also contains goals and policies that guide and implement the provision of adequate public facilities.
Appendix G: Plans Adopted by Reference
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<th>PLAN OR DOCUMENT</th>
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<tr>
<td>City of Port Orchard 2009 Comprehensive Sanitary Sewer Plan Update</td>
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<tr>
<td>City of Port Orchard 2009 Sidney / Pottery Corridor Plan</td>
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<td>South Kitsap School District 2009-2014 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 2008 Water System Plan</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 2003 South 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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<td>City of Port Orchard 1994 Shoreline Master Program</td>
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<td>City of Port Orchard 1994 Ross Creek Comprehensive Management Plan</td>
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<td>City of Port Orchard 1994 Capital Facilities Plan</td>
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<td>City of Port Orchard 1992 Tremont Corridor Specific Plan</td>
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<td>City of Port Orchard 1987 Blackjack Creek Comprehensive Management Plan</td>
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Executive Summary: The Growth Management Act (GMA), RCW 36.70A requires that each city that plans under the GMA must periodically review, and, if needed, revise its comprehensive plan and development regulations every seven years to ensure compliance with the Growth Management Act. 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. These amendments were developed from and are consistent with the Kitsap Countywide Planning Policies (CPPs).

The following is items are the main proposed changes for consideration to the 2009 Port Orchard Comprehensive Plan:

1) **Administrative and clerical corrections.** Further review of the approved 2008 Port Orchard Comprehensive Plan identified clerical errors and administrative text changes that have been corrected in the 2009 update.

2) **Update of Zoning and Comprehensive Land Use Maps.** The 2009 annexation of McCormick Woods and additional smaller 2009 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.

3) **Update of Associated Plans Adopted by Reference.** The update of partner utility district capital facilities plans, City capital facilities plans, school district capital facilities plans, previously adopted downtown plans, and existing sub-area plans for areas that have been annexed, are documented and referenced in the 2009 annual Comprehensive Plan update.

The Port Orchard Planning Commission unanimously passed PC Resolution 008-09 recommending support of the above 2009 Port Orchard Comprehensive Plan. Appendix F was provided as a possible addition to the 2009 Port Orchard Comprehensive Plan that identifies and documents the PSRC designation as a Regional Urban Growth Center.

4) **Please Note: Appendix F - Port Orchard Designation as a PSRC Regional Urban Growth Center** has been removed from the proposed 2009 Port Orchard Comprehensive Plan Update in support of Planning Commission Resolution PC 009-09.