

ORDINANCE NO. __ -20

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING THE RUBY CREEK NEIGHBORHOOD SUBAREA PLAN AS APPENDIX C OF THE CITY COMPREHENSIVE PLAN; ADOPTING AN AMENDMENT TO THE CITY COMPREHENSIVE PLAN PURSUANT TO RCW 36.70A.130(2)(a)(i); ADOPTING AN AMENDMENT TO THE CITY ZONING MAP; ADOPTING AMENDMENTS TO CHAPTERS 20.31, 20.38 AND 20.127 OF THE PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, with the passage of the Washington State Growth Management Act in 1990 (GMA), Chapter 36.70A RCW, local governments are required to adopt and maintain a comprehensive plan; and

WHEREAS, in June 1995, the City Council adopted 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, the City of Port Orchard completed its most recent periodic update of its comprehensive plan in June 2016, as required by the GMA; and

WHEREAS, the Ruby Creek Neighborhood is a designated Countywide Center in the comprehensive plan, and Section 2.7.5.8 of the comprehensive plan directs the city to develop a subarea plan for the Ruby Creek Neighborhood prior to the next periodic update, and the City has prepared the Ruby Creek Neighborhood Subarea Plan (“Subarea Plan”) to satisfy this requirement; and

WHEREAS, the City most recently adopted annual amendments to the City’s Comprehensive Plan pursuant to RCW 36.70A.470 and 36.70A.106 on July 14, 2020; and

WHEREAS, RCW 36.70A.130(2)(a)(i) allows the initial adoption of a subarea plan outside of the annual amendment process if the plan clarifies, supplements or implements jurisdiction-wide comprehensive plan policies, and the cumulative impacts of the plan are addressed by appropriate environmental review under chapter 43.21C RCW; and

WHEREAS, an update to the City Zoning Map has been prepared to provide consistency between the Map and the zoning changes provided in the Subarea Plan, and

WHEREAS, amendments to Chapters 20.31, 20.38 and 20.127 of the Port Orchard Municipal Code (POMC) have been prepared to provide appropriate development

regulations for the Ruby Creek subarea, to provide consistency between the POMC and the Subarea Plan, and to implement the Subarea Plan, per the requirements of RCW 36.70A.040(3), and

WHEREAS, on July 6th, 2020, the City Council's Land Use Committee reviewed the Subarea Plan and the amendments to the Zoning Map and to Chapters 20.38 and 20.127 POMC, and recommended that they be forwarded to the full City Council for review and approval; and

WHEREAS, on July 8th, 2020, the City submitted the Subarea Plan, and the amendments to the Zoning Map and to Chapters 20.38 and 20.127 POMC, to the Department of Commerce along with a 60-day request for review; and

WHEREAS, on July 23, 2020, the City's SEPA official issued a determination of non-significance for the Subarea Plan and the amendments to the Zoning Map and to Chapters 20.38 and 20.127 POMC, and there have been no appeals; and

WHEREAS, on August 4, 2020 and September 1, 2020, the City's Planning Commission held duly-noticed public hearings on the Subarea Plan and the proposed amendments to the Zoning Map and to Chapters 20.38 and 20.127 POMC, and received and considered public testimony and comments, and the Planning Commission recommended approval of the proposed revisions with certain changes;

WHEREAS, the City Council, after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, and Chapter 36.70A RCW, and that the amendments herein to the City's Comprehensive Plan, Zoning Map, and Chapters 20.31, 20.38 and 20.127 POMC are in the best interests of the residents of the City; **NOW, THEREFORE,**

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

SECTION 1. Findings and Recitals. The recitals set forth above are hereby adopted and incorporated as findings in support of this Ordinance.

SECTION 2. Adoption of the Ruby Creek Neighborhood Subarea Plan. The Ruby Creek Neighborhood Subarea Plan is hereby adopted as Appendix C of the City of Port Orchard Comprehensive Plan. (Exhibit 1)

SECTION 3. Adoption of Amended City of Port Orchard Zoning Map. The City of Port Orchard Zoning Map is hereby adopted, as amended. (Exhibit 2)

SECTION 4. POMC Section 2031.010(2) is revised to read as follows:

(2) The following overlay districts are hereby established:

- (a) View protection overlay district (VPOD).
- (b) Downtown height overlay district (DHOD).
- (c) Self-storage overlay district (SSOD).
- (d) Ruby Creek Overlay District (RCOD).

SECTION 5. Adoption of Ruby Creek Overlay District and Development Regulations. The following new sections are hereby added to Chapter 20.38 POMC (Overlay Districts):

20.38.300 Ruby Creek Overlay District Boundary.

A Ruby Creek Overlay District is hereby established with boundaries as shown below:

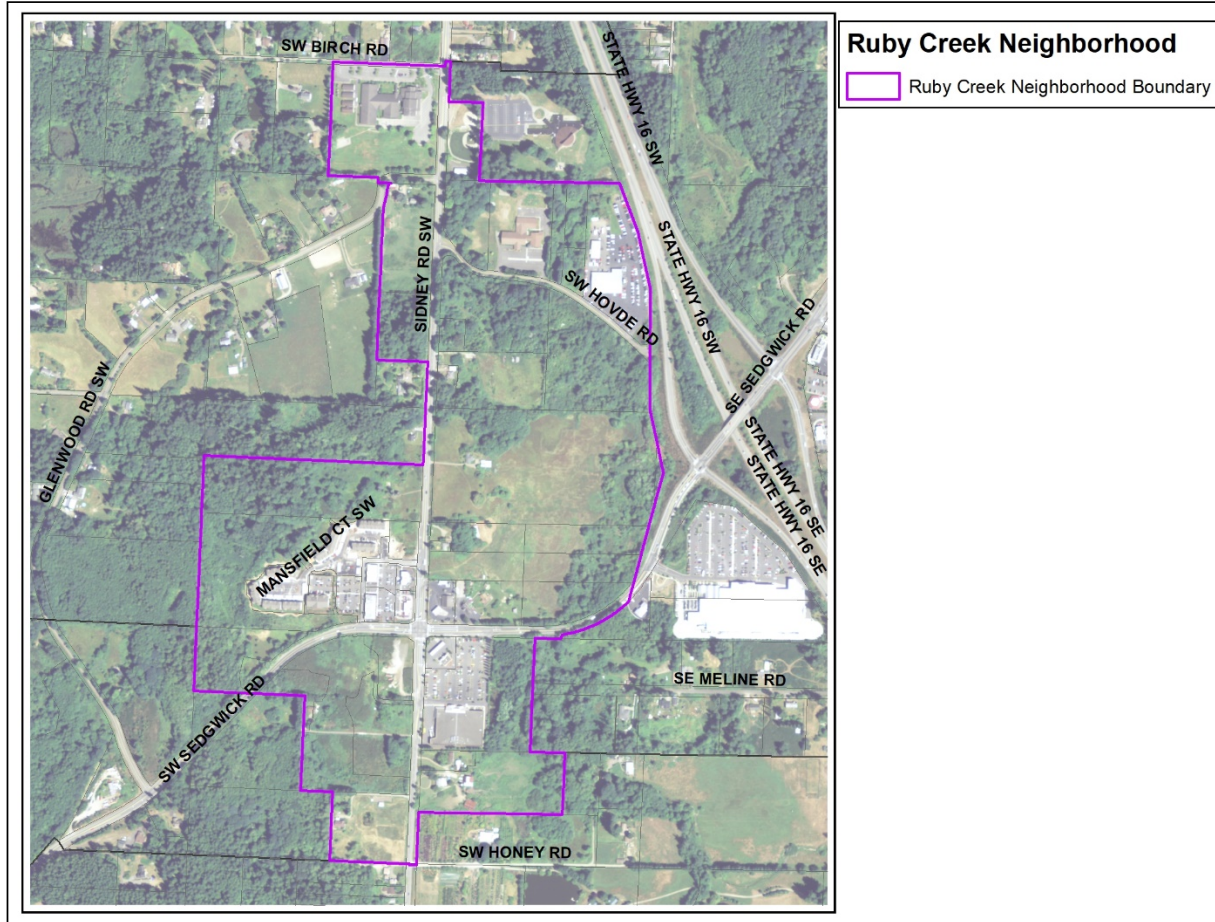


Figure 20.38.300. The Ruby Creek Overlay District Boundary.

20.38.305. Purpose.

The purpose of the Ruby Creek Overlay District (RCOD) is to implement the goals and policies of the Ruby Creek Subarea Plan as adopted in the City's Comprehensive Plan.

20.38.310 Applicability.

The standards of the RCOD shall apply to lands within the RCOD boundary as shown on the map in section 20.38.300.

20.38.315. Conflicts. The RCOD utilizes the city’s existing zoning and development regulations framework except as specified in sections 20.38.320 to 20.38.330. The standards of the RCOD shall control when there is a conflict with other code sections.

20.38.320 Land Use.

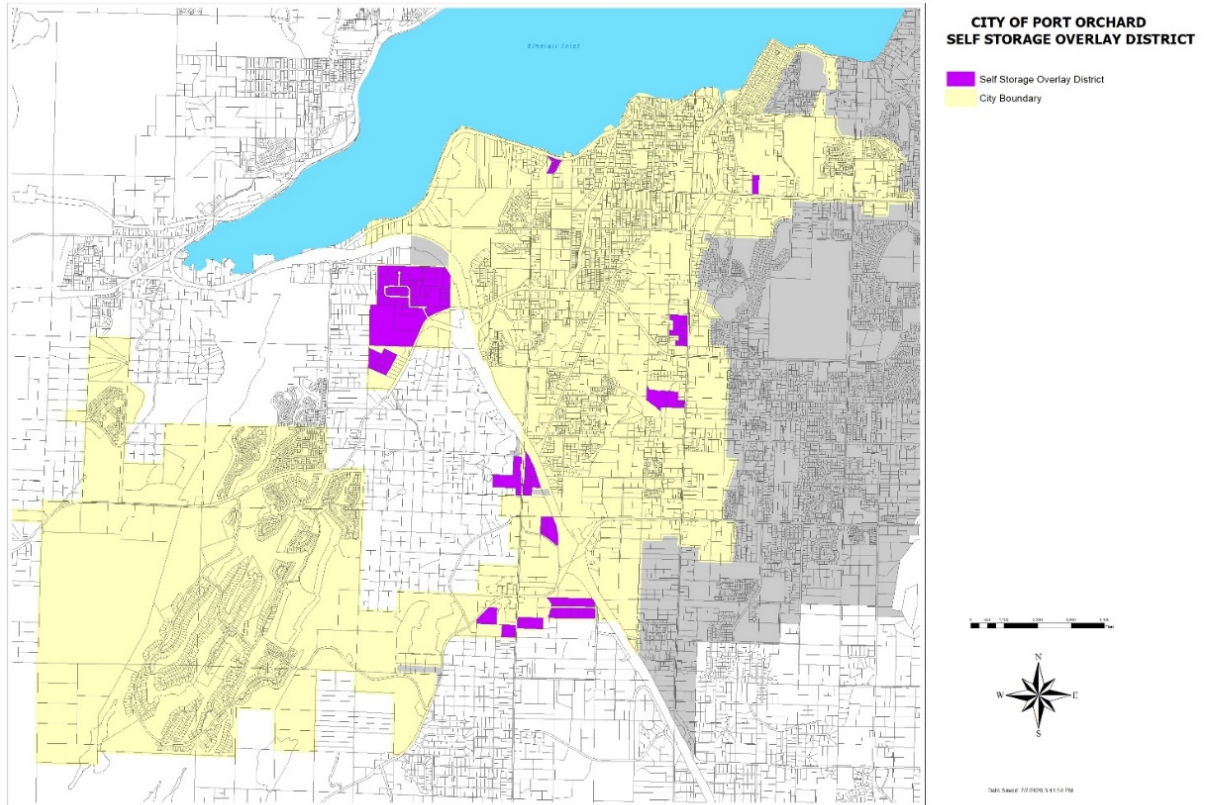
The land use table and restrictions in POMC 20.39 shall control for allowed uses in the RCOD except that the uses in the following table shall be permitted or conditionally permitted as follows:

Specific Use	R1	R3	GB	CMU	DMU	CC	CH	PR	CI
Transit Park and Ride Lot	--	--	--	C	--	C	C	--	C
Surface Parking: Commercial Parking, commuter lease parking or park and ride, remote parking.	--	--	--	--	--	--	--	--	--
Commercial parking garage - standalone	--	--	--	--	--	--	--	--	--
Brewery, distillery under 5,000 square feet.				C	P				
Brewery, distillery 5,001-15,000 square feet.				C	C				
Drive Through Facility (principal or accessory use)	--	--	--	--	--	P	P	--	--
Low impact outdoor storage (accessory use)	--	--	--	--	--	--	P	--	--

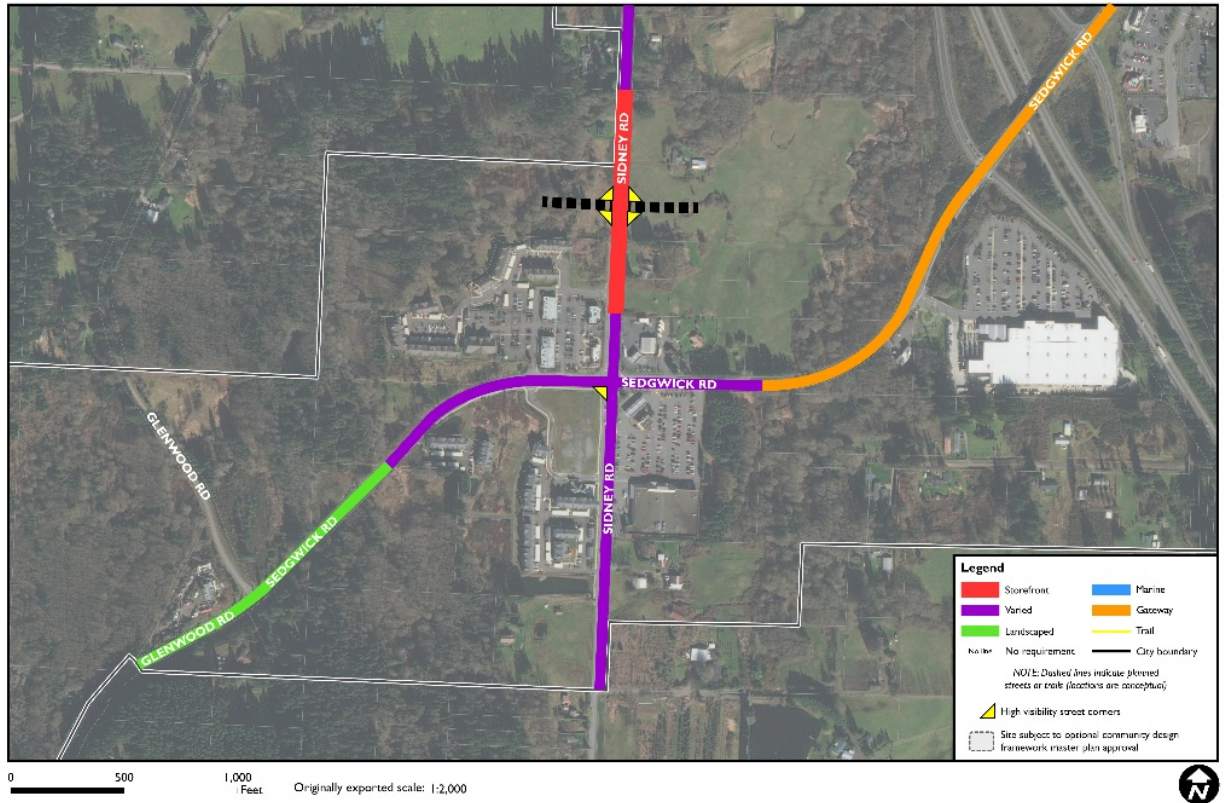
20.38.330 Building Height.

Building Heights in the Ruby Creek Overlay District shall not exceed 55 feet (5 stories) except when height bonuses are granted in accordance with POMC 20.41.

SECTION 6. Figure 2 in POMC 20.38.700 (Self-Storage Overlay District) is hereby amended as follows:



SECTION 7. Figure 20.127.130(15), a Community Design Framework map, is amended as follows:



SECTION 8. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

SECTION 9. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 10. Effective Date. This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after the date of publication. A summary of this ordinance in the form of the ordinance title may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Port Orchard, **APPROVED** by the Mayor and attested by the City Clerk in authentication of such passage this ****th day of ** 2020.**

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Charlotte A. Archer, City Attorney

Scott Diener, Council Member

PUBLISHED:

EFFECTIVE DATE:

- EXHIBITS:
1. Ruby Creek Subarea Plan
 2. Amended City Zoning Map