



**CITY OF PORT ORCHARD**  
**Planning Commission**  
216 Prospect Street, Port Orchard, WA 98366  
(360) 874-5533 [planning@cityofportorchard.us](mailto:planning@cityofportorchard.us)

## **PLANNING COMMISSION MEETING AGENDA**

Tuesday, April 6, 2021  
6:00 pm

*This meeting will be held remotely via telephone and Zoom video conferencing pursuant to the Governor's "Stay Home, Stay Healthy Proclamation" No. 20-25, as amended.*

### **Zoom Link:**

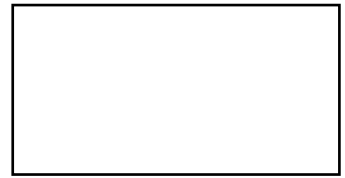
<https://us02web.zoom.us/j/83056474745?pwd=MFVkdC96MGFBUVhoUmwxFVZlQkNkdz09>

**Dial-in (phone audio) only: +1 253 215 8782**

**Meeting ID: 830 5647 4745**

**Passcode: 514813**

- 1. Call to Order: 6:00 p.m.**  
Pledge of allegiance
- 2. Audience Comments – Topics not on Tonight's Agenda**  
Please limit comments to **3 minutes**.
- 3. Approval of Minutes from February 2, 2021**
- 4. Business Items**
  - (a) Public Hearing: Ordinance Amending POMC 20.04, Timing of Comprehensive Plan Amendment Submittals
  - (b) Discussion and Recommendation: Ordinance Amending POMC 20.04, Timing of Comprehensive Plan Amendment Submittals
  - (c) Update: Draft Downtown Subarea Plan
- 5. Adjourn**



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**Planning Commission Meeting Minutes**  
**February 2, 2021**  
**Zoom Teleconference**

**COMMISSIONERS:**

**Present:** Stephanie Bailey, Phil King, Annette Stewart (Chair), Trish Tierney

**Absent:** Dave Bernstein, Joe Morrison, Mark Trenary

**STAFF:**

Community Development Director Nick Bond, Long Range Planner Keri Sallee

**CITY CONSULTANTS (FOR ITEM 4a):**

Jeff Ding, EA Engineering

Jeff Foster, GGLO

Mitch Ptacek, GGLO

Rich Schipanski, EA Engineering

- 1. CALL TO ORDER:** Chair Stewart called the meeting to order at 6:01 p.m., and led the Pledge of Allegiance.
- 2. PUBLIC COMMENTS:** There were no comments from the public regarding issues not on the agenda.
- 3. APPROVAL OF MINUTES FROM JANUARY 13, 2021:** Commissioner King made a motion to approve the minutes of the January 13, 2021 Planning Commission meeting, as presented. Commissioner Tierney seconded the motion. The motion passed unanimously.

**4. BUSINESS ITEMS:**

- a. PUBLIC MEETING: DRAFT EIS FOR DOWNTOWN SUBAREA PLAN.** Community Development Director Bond introduced the City's consultants on the Downtown Subarea Plan: Jeff Foster and Mitch Ptacek of GGLO, and Jeff Ding and Rich Schipanski of EA Engineering. Schipanski provided an overview for the public about the planning process that had been used to create the draft Downtown Subarea Plan and how the Environmental Impact Statement (EIS) for the plan had been prepared, and how the EIS would be used to evaluate future development proposals within the area. The EIS included an evaluation of three alternative levels of growth and development intensity (no action, residential focus, mixed-use focus). Goals and policies have been created specifically for the Downtown Plan that are consistent with and implement the larger overall framework of the City's Comprehensive Plan. Standards for street frontages, building design requirements, building height limits, and parking have been modified in certain zones and overlay districts. Schipanski discussed how proposals for redevelopment of the City's downtown commercial corridor and Kitsap County's uptown campus expansion would fit into the Downtown

Plan. The public was invited to submit questions and comments to the City and consultants on both the Downtown Plan and the EIS.

Shahbaz Naftchi said that he and his family live in the heart of the area that is being studied, and they appreciate the planning effort that has been made. There have been a lot of demographic changes since they moved here in 2005, including younger families and children, and they feel these are good changes for the community.

Ann Wiggins asked how the plan would specifically impact her home at 1147 Sidney Ave. Bond said that although Wiggins' property was within the 800-ft notification area, this property is outside of the Downtown Plan boundary, so there will be no direct changes to her property. Wiggins said that she is concerned about additional traffic from more growth in the downtown area affecting her when she drives to and from her home. She would especially like to know if development or transportation construction projects will affect Sidney Ave. Bond said that the traffic impact analysis that has been prepared for the plan shows that under all three EIS alternatives, there is minimal impact from increased downtown growth and new trip generation, and is not anticipated to trigger any new level of service (LOS) failures to existing streets in the area. Bond noted that the intersection of Sidney Ave and Bay Street is under state control, since Bay Street is a state highway, and this intersection cannot be changed without state involvement. There is no possibility of widening Bay Street without removing buildings and this is not proposed. Sidney Ave may see some traffic impacts from construction when the County's expansion projects take place, but these are temporary and the final traffic counts from the improvements are not expected to result in significant degradation of the existing LOS on Sidney Ave. Wiggins said there is already a problem with speeding on this road. Bond said that the road design in front of the proposed new courthouse will include bulb-outs to slow traffic flow and shorten the pedestrian crossing distance at crosswalks. Wiggins hopes that construction traffic plans will accommodate pedestrians trying to cross the road with temporary stop signs and other measures.

Pat Moriarty said that he lives at 1710 Guy Wetzel St, and asked if there would be any impacts to his property. Bond said that no changes were proposed for this residential area above the Westbay Center, or for the allowable height in the Westbay Center. The only impacts would be general in nature, from a small population increase and additional building development as evaluated in alternatives 2 and 3.

Stanley Smith asked how higher tides could impact future downtown development. Bond said that future sea level rise has been evaluated as part of the City's periodic update to the Shoreline Master Program (SMP), which is the next item on the agenda. The City is increasing the required base flood elevation for new construction within areas identified as vulnerable to future flooding from sea level rise and coastal storm events. The City will also adopt FEMA's new floodplain maps within the next year or so. The City does not require property owners to make changes to existing properties and structures, but when changes are proposed in future, they will need to comply with the updated standards and requirements. Public works projects for seawalls and road reconstructions that require elevation increases in response to sea level rise will be the City's responsibility, but private property owners will be responsible for the protection of their own shoreline properties.

Smith asked if the Downtown Plan and EIS have considered the boardwalk and pedestrian pathway along Sinclair Inlet. Bond said that while the plan acknowledges the pathway, that project has already been approved and has received federal grant funding, so its impacts have already been evaluated and are not part of the EIS. Public works projects for seawalls and road reconstructions that require elevation increases in response to sea level rise will be the City's responsibility, but private property owners will be responsible for the protection of their own shoreline properties.

- b. PUBLIC HEARING: DRAFT 2021 SHORELINE MASTER PROGRAM UPDATE.** Long Range Planner Sallee introduced the final draft 2021 periodic update to the City's Shoreline Master Program. The revised SMP includes updates required by the Department of Ecology, minor changes for internal consistency with updated City policies and regulations since the 2013 SMP was adopted, and new policies and regulations regarding future sea level rise and coastal flooding hazards. The official shoreline maps were also revised for consistency with post-2013 updates to the City's Comprehensive Plan and Critical Areas Ordinance.

Gary Anderson, Port of Bremerton Commissioner, asked if there has been any communication with WSDOT about elevating Bay Street, so that when buildings are elevated you won't have to step up into buildings from the street level. Sallee said that the City informed WSDOT about the sea level rise study and shared it with them, and WSDOT expressed concerns about future impacts to Bay Street from sea level rise. At this time, however, WSDOT does not have a plan or budget for Bay Street retrofitting in response to sea level rise. Bond said that WSDOT eventually plans to turn over Bay Street to the City for maintenance, and is not focusing its efforts on this and similar "spur roads" in small communities that will eventually come under local jurisdiction.

Randy Corbell said that he had reviewed the redline version of the SMP update, and asked if the shoreline permit exemptions section had been removed. Sallee said that this section used to include a verbatim list of everything in the RCW that provided an exemption from shoreline permit requirements, but the City found that this SMP section quickly became outdated as the RCW exemptions were revised. This SMP section will now simply reference the portions of the RCW that contain shoreline permit exemptions, and therefore it will always remain up to date.

- c. DISCUSSION AND RECOMMENDATION: DRAFT 2021 SHORELINE MASTER PROGRAM UPDATE.**

Commissioner Tierney made a motion to recommend that the City Council approve the draft 2021 Shoreline Master Program update. Commissioner Bailey seconded the motion. The motion passed unanimously.

**ADJOURN:** Chair Stewart adjourned the meeting at 7:34 pm.

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Annette Stewart, Chair

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Nick Bond, Community Development Director



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**DEPARTMENT OF COMMUNITY DEVELOPMENT**

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**PLANNING COMMISSION STAFF REPORT**

<b>Agenda Item No:</b> 4a, 4b	<b>Meeting Date:</b> April 6, 2021
Public Hearing and Recommendation: Ordinance Amending POMC 20.04, <b>Subject:</b> Timing of Comprehensive Plan Amendment Submittals	<b>Prepared by:</b> Nick Bond, Development Director

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**Issue:** POMC 20.04.060 currently requires that all applications for amendments to the City's Comprehensive Plan must be submitted to the Department of Community Development (DCD) by 4:00 pm on January 31 of each year. This requirement applies to both general applications from citizens, and to applications prepared by the City itself. However, this requirement has proven to create a hardship for the City, whose Comprehensive Plan amendments often depend on financial information and planned studies that cannot be provided until later in the calendar or fiscal year, such as updates to the City's 6 and 20-year Transportation Improvement Program and utility plans (water, stormwater and sewer), as well as ongoing City projects that are subject to frequent updates and revisions such as the South Kitsap Community Events Center (SKCEC) and the Downtown Subarea Plan. The City therefore proposes to revise POMC 20.04 to allow City-initiated amendments to be submitted to DCD at any time prior to the City Council's adoption of the final Comprehensive Plan amendment agenda, which is required to be done by April 30 of each year.

At the April 6, 2021 meeting, the Planning Commission is requested to hold a public hearing on the proposed ordinance amending POMC 20.04, and provide a recommendation to City Council.

**Recommendation:** The Planning Commission is requested to consider public testimony and comments provided at the public hearing, and recommend that the City Council approve an ordinance amending POMC 20.04 to revise the submittal date requirements for annual Comprehensive Plan amendment applications.

**Suggested Motion:** "I move to recommend that the City Council approve an ordinance amending POMC 20.04 to revise the submittal date requirements for annual Comprehensive Plan amendment applications."

**Attachments:** Ordinance

**ORDINANCE NO. 0xx-21**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,  
AMENDING CHAPTER 20.04; PROVIDING FOR SEVERABILITY AND  
CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, consistent with RCW 36.70A.130, the City must periodically review and consider revisions to its Comprehensive Plan; and

**WHEREAS**, the City has codified review procedures for amendments to the Comprehensive Plan at Port Orchard Municipal Code Chapter 20.04; and

**WHEREAS**, the City desires to amend Chapter 20.04 POMC to allow greater flexibility, consistent with RCW 36.70A.130, for the timing of City-initiated amendments to the Comprehensive Plan, which are often time sensitive and arise due to the ever-changing needs of the City throughout the calendar year; and

**WHEREAS**, this Ordinance was submitted to the Department of Commerce for 14-day expedited review on March 2, 2021, and review was granted on March 2, 2021; and

**WHEREAS**, on March 12, 2021, the City's SEPA official issued a determination of nonsignificance for the proposed amendments, and there have been no appeals; and

**WHEREAS**, the Planning Commission conducted a public hearing on the substance of this Ordinance on April 6, 2021, and recommended adoption by the City Council; and

**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, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City and further advance the public health, safety and welfare; **NOW, THEREFORE,**

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

**SECTION 1. POMC 20.04.060 Agenda Process - Amended.** Port Orchard Municipal Code Section 20.04.060 is hereby amended to read as follows:

20.04.060 Agenda process.

(1) The director shall prepare and administer a preliminary comprehensive plan amendment agenda listing each application and containing written comments on proposed comprehensive plan amendments. Any interested party, including applicants, citizens, and government agencies, may submit items to the comprehensive plan amendment process agenda.

(2) All comprehensive plan amendment applications must be completed and submitted to the planning department by 4:00 p.m. on January 31st of any year in order to be considered during that year's amendment process, provided City-initiated amendments may be submitted to the director at any time prior to the adoption of the final comprehensive plan amendment agenda. Completed applications that are received after the submission date will be placed on the comprehensive plan amendment agenda for the following calendar year. Applications that are incomplete will be returned to the applicant.

(3) By February 28th of each year, the director shall compile and maintain for public review a recommended final comprehensive plan amendment agenda for site-specific amendments and for city-wide amendments, including any proposed development regulations necessary to implement such amendments. The director shall base these docket recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendment as well as the planning department staff and budget availability to accommodate the public review process.

(4) The director shall provide notice of the recommended final comprehensive plan amendment agenda as provided in POMC 20.04.080.

(5) The director shall provide the recommended final comprehensive plan amendment process agenda of project-specific amendments and city-wide comprehensive plan amendments, along with a brief description of each suggested plan amendment to the city council for review and consideration. The city council, after considering the development director's recommended final comprehensive plan amendment agenda, shall adopt the final comprehensive plan amendment agenda for the current year plan amendment cycle no later than April 30th of each year.

**SECTION 2. POMC 20.04.070 Process - Amended.** Port Orchard Municipal Code Section 20.04.070 is hereby amended to read as follows:

20.04.070 Process.

Upon adoption of the final comprehensive plan amendment agenda, the annual comprehensive plan amendment process shall be consistent with the general process and schedule



for applications as described in POMC 20.04.060. The planning commission shall make its recommendation, by resolution, to the city council prior to June 30th of the current year. The city council shall make a final decision on each proposed amendment by December 15th of the current year. Determination of an exception to the annual amendment process shall be made by the city council after recommendation by the planning commission. The failure to comply strictly with the calendar established in this section shall not affect the validity of amendments to the comprehensive plan.

**SECTION 3. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

**SECTION 4. Corrections.** Upon approval of the city attorney, the city clerk and the codifiers of this ordinance are authorized to make necessary technical corrections to this ordinance, including, without limitation, the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or section/subsection numbering.

**SECTION 5. Effective Date.** This ordinance shall be in full force five days after posting and publication as required by law. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

**PASSED** by the City Council of the City of Port Orchard, Washington at its regular meeting on the 13th of April 2021, and approved by the Mayor and attested by the Clerk in authentication of such passage this date here.

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Robert Putansuu, Mayor

ATTEST:

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Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM ONLY:

Sponsored by:

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Charlotte A. Archer, City Attorney

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Scott Diener, Council Member



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**PLANNING COMMISSION STAFF REPORT**

<b>Agenda Item No:</b> 4c	<b>Meeting Date:</b> April 6, 2021
Update on Draft Downtown	Nick Bond, Development
<b>Subject:</b> Subarea Plan	<b>Prepared by:</b> Director

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**Issue:** The Planning Commission most recently reviewed a draft of the Downtown Subarea Plan and Environmental Impact Statement (EIS) at the February 2021 meeting. The meeting included a public open house coordinated by the City’s consultant, GGLO. GGLO incorporated comments received from the public, the City, and commenting agencies into an updated version of the draft plan, dated April 1, which has been reviewed by staff.

Staff will provide a section-by-section summary of their review, comments, and recommended revisions to the Planning Commission at the April 6 meeting. A final plan is expected to be provided in May 2021.

**Attachments:** Revised Draft Subarea Plan – April 1, 2021 (Sections 1, 2 and 3)