



## City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366

(360) 876-4407 • FAX (360) 895-9029

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# ACTION SHEET

Agenda of October 11, 2016 - 7:00 p.m.

## 1. CALL TO ORDER

Pledge of Allegiance – **Mayor Putaansuu**

## 2. APPROVAL OF AGENDA –AMENDED, APPROVED

## 3. CITIZEN COMMENTS – HELD

## 4. CONSENT AGENDA

- A. Approval of Checks, Payroll, and Electronic Payments- **APPROVED**
- B. Adoption of a Resolution Approving the Call Back Hours of Information Technology (IT) Personnel – **ADOPTED**
- C. Adoption of a Resolution Accepting a Dedication of Land and Executing a Deed of Dedication to Accept Property and a Boundary Line Adjustment Excusal of Councilmember Ashby – **ADOPTED**
- D. Approval of a Contract with NW Management Consulting, Inc. for an Update of Non-Represented Salary Program - **APPROVED**
- E. Approval of Baldwin Relocation Assistance Voucher in Association with the Passow Property Purchase (Parcel #15) for the Bay Street Pedestrian Pathway Project - **APPROVED**

## 5. PRESENTATION

- A. Fathoms O' Fun Festival, Inc. 2017 Carnival - **HELD**

**10-minute Collective Bargaining discussions pursuant to RCW 42.30.140(4) - HELD**

Approval of the Collective Bargaining Agreement with the Police Guild Representing the Patrol Officers - **APPROVED**

Approval of the Collective Bargaining Agreement with the Police Guild Representing the Sergeant Employees - **APPROVED**

## 6. PUBLIC HEARING

- A. Public Hearing on Revenue Sources Current Expense Budget 2017-2018 and Satisfying the Requirements of RCW 84.55.120 – **HELD**
- B. Public Hearing on Vacating a Portion of City Right-of-way Commonly known as Smith Street - **HELD**

## 7. BUSINESS ITEMS

- A. Adoption of an Ordinance Accepting the Petition to Vacate a Portion of City Right-of-Way Commonly Known as Smith Street - **DISCUSSION MOVED TO OCTOBER 18, 2016, WORK STUDY AND ADOPTION OF ORDINANCE MOVED TO NOVEMBER 8, 2016, COUNCIL MEETING**
- B. Adoption of Ordinance No. 031-16 Approving the Amendments to the 2013 Shoreline Master Program Regarding the Redevelopment of Shoreline Properties, and Minor Clarifications and Corrections– **ADOPTED**
- C. Adoption of a Resolution Approving a Contract with Tom Herstad Building Design, Inc for the 720 Prospect Street Design Project - **ADOPTED**

- D. Approval of Change Order No. 2 to Contract No. 002-16 with PND Engineers, Inc. for the 2016 DeKalb Pier Phase 2 Construction Administration – **APPROVED**
- E. Approval of Change Order No. 3 to Contract No. 024-16 with Rice Fergus Miller for City Hall Cost Alternatives – **APPROVED**
- F. Approval of a Revised Job Description for the Public Works Permit Clerk – **APPROVED**
- G. Approval of September 20, 2016, Council Work Study Session Minutes – **APPROVED**
- H. Approval of September 27, 2016, Council Meeting Minutes – **APPROVED**
- I. Discussion: AWC's 2017 Legislative Session City Priorities – **HELD**
  - Motion to Approve the AWC Priorities - **APPROVED**

**8. REPORTS OF COUNCIL COMMITTEES – HELD**

**9. REPORT OF MAYOR – NONE**

**10. REPORT OF DEPARTMENT HEADS – HELD**

**11. CITIZEN COMMENTS – HELD**

**12. EXECUTIVE SESSION – HELD EARLIER**

**13. ADJOURNMENT- 9:26 P.M.**

**COMMITTEE MEETINGS**

	<b>Date &amp; Time</b>	<b>Location</b>
Finance	October 13, 2016; 7:00pm	City Hall
Economic Development and Tourism	November 14, 2016; 9:00am	City Hall
Utilities	October 17, 2016; 9:30am	City Hall
Sewer Advisory	October 19, 2016; 6:30pm	WSUD*
Land Use	October 19, 2016; 7:30am	City Hall
Lodging Tax Advisory	October 17, 2016; 5:00pm	City Hall
Festival of Chimes & Lights	October 17, 2016; 3:30pm	City Hall
Work Study Session	October 18, 2016; 7:00pm	City Hall

\*West Sound Utility District, 2924 SE Lund Avenue, Port Orchard

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Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned  
The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required  
Meeting materials are available on the City's website at: [www.cityofportorchard.us](http://www.cityofportorchard.us) or by contacting the City Clerk's office, 360.876.4407





## City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366

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### Agenda Staff Report

Agenda Item No.: Business Agenda

Subject: Approval of Ord. 031-16, Amendment to  
the 2013 Shoreline Master Program  
Regarding Redevelopment of Shoreline  
Properties, and Minor Clarifications and  
Corrections.

Meeting Date: October 11, 2016

Prepared by: Nicholas Bond, AICP  
Development Director

Atty Routing No.: 112-16

Atty Review Date: August 15, 2016

**Summary:** The Community Development Department proposes several revisions to the City's 2013 Shoreline Master Program (SMP) to enhance the ability of downtown waterfront property owners to redevelop and improve their properties. Several "housekeeping" measures are also proposed for ongoing consistency with the 2016 Comprehensive Plan, the City's permit processing regulations, the Washington Administrative Code, and recommendations from reviewing agencies.

At present, the SMP requires a 75-ft buffer from the shoreline for non-water-dependent development on properties within the "High Intensity" shoreline designation, which includes most of the downtown waterfront. The 75-ft buffer applies to both new development and redevelopment, which means that if an existing building is demolished, all new future development on the same site must be set back at least 75 ft from the shoreline. Downtown shoreline properties that are shallow or narrow, and that have existing development located 25-40 ft from the shoreline, may not be able to be redeveloped with an economically viable use if they are uniformly subjected to the existing buffer.

The revisions will provide more options for property owners to redevelop within the same footprint as existing primary buildings, with mitigation requirements to improve adjacent shoreline conditions and ensure no net loss of shoreline habitat or water quality. Existing legal development within a shoreline buffer will be considered conforming, with the exception of appurtenant structures and non-water-dependent over-water or in-water structures. The existing 75-ft buffer will continue to apply to undeveloped properties in the High Intensity shoreline designation.

**Recommendation:** Approve Ordinance 031-16.

**Motion for consideration:** I move that the City Council approve Ordinance 031-16.

**Fiscal Impact:** None.

**Alternatives:** Do not approve Ordinance 031-16.

**Attachments:** Ordinance 031-16.



CITY OF PORT ORCHARD  
Planning Commission Minutes  
216 Prospect Street, Port Orchard, WA 98366  
Phone: (360) 874-5533 • Fax: (360) 876-4980

Planning Commission Meeting Minutes - **DRAFT**  
September 14, 2016

**COMMISSIONERS:**

Present: Stephanie Bailey, Marcus Lane, Trish Tierney, Nick Whittleton, Kathleen Wilson

Absent: Annette Stewart, Tim Drury

**STAFF PRESENT:**

Associate Planner Keri Sallee

**1. CALL TO ORDER:**

Chair Pro Tem Tierney called the meeting to order at 6:05 p.m. and led the pledge of allegiance.

**2. AUDIENCE COMMENTS:** None.

**3. BUSINESS ITEMS:**

**a. Discussion: Amendments to the Shoreline Master Program.** (POMC 16.35, SMP Chapters 7, 8 9 and 12; New Appendix E) Associate Planner Sallee gave an overview of the proposed amendments to the Shoreline Master Program (SMP). The purpose is to enhance the ability of downtown waterfront property owners to redevelop and improve their properties, by providing more options to redevelop within the same footprint as existing primary buildings, with associated mitigation requirements. Existing legal development within a shoreline buffer will be considered conforming, with the exception of appurtenant structures and non-water-dependent over-water or in-water structures. The existing 75-ft buffer will continue to apply to undeveloped properties. Several additional “housekeeping” amendments are also proposed for consistency between the SMP and the Zoning Code, and to bring the SMP up to date with the adopted 2016 Comprehensive Plan.

**b. Public Hearing: Amendments to the Shoreline Master Program.** Chair Pro Tem Tierney opened the public hearing at 6:15 p.m. Elissa Whittleton said she was concerned that the proposed amendment could result in “wall to wall” development of the City’s waterfront. Sallee said that the amendment does not supersede restrictions of the Zoning Code and the SMP with regard to required setbacks, maximum height, and maximum lot coverage, and it does not allow property owners to extend existing development further waterward into a shoreline buffer. Chair Pro Tem Tierney closed the hearing at 6:18 p.m. Commissioner Whittleton made a motion to recommend approval to City Council of the amended regulations, with minor changes. Commissioner Bailey seconded the motion. The motion passed unanimously.

**c. Discussion: Amendments to DOD/VPOD/ADU Regulations.** (POMC 16.08, 16.12, 16.20 and 16.30) Sallee gave an overview of the proposed amendments to regulations concerning the Downtown Overlay District (DOD) and the View Protection Overlay District (VPOD), and the definition and regulations for accessory dwelling units (ADUs). The changes to the DOD regulations would allow more land uses, such as residential and professional office, to be located on the ground floor within the downtown, and would remove the minimum residential unit size of 600 sq ft. The optional process for the Mayor to establish and administer administrative guidelines to resolve private party nuisance disputes within the VPOD would be deleted, at the advice of the City attorney. Additionally, an amendment to POMC 16.20 indicates that the City’s Zoning Map will be adopted as a stand-alone document, instead of in an appendix to the City’s Comprehensive Plan.

**d. Public Hearing: Amendments to DOD/VPOD/ADU Regulations.** Chair Pro Tem Tierney opened the public hearing at 6:35 p.m. Elissa Whittleton said she has not seen any evidence to show why the shift to allow more ground-floor uses is being proposed. If downtown is currently having difficulties, it may be due more to a slow recovery from the recession than a problem with existing development regulations. There are also buildings that are not being well maintained, and the City has done nothing with regard to enacting and



implementing a derelict building ordinance. Gerry Harmon said that allowing non-retail uses on the ground floor will cause a loss of City sales tax revenue. The City has already allowed a loss of tax revenue by adopting the multifamily development tax exemption ordinance (Ord. 023-16), which will also affect schools and emergency services. With regard to minimum residential unit size, the creation of very small units may affect the quality of people who will be coming into the community. It is not appropriate for an area that is trying to attract tourists and high-quality development. John Strasinger said he is the co-owner of Carter's Chocolates and the Bay Street Bistro. He said the reason for enacting the DOD regulations in the first place was to prevent the problems that occur when ground-floor space is occupied by real estate agents, day cares and similar uses. These businesses are appointment-only, are frequently closed, and often don't operate on evenings and weekends, which harms tourism and reduces the incentive for new tourism-related businesses to open. If the City allows more appointment-only businesses on the ground floor in downtown, it will be shooting itself in the foot and creating an unsustainable, isolationist economy. The downtown is the City's only walkable area, which is also accessible by ferry, and its retail core must be maintained. Kathy Michael said she has seen people from all over the world visit the downtown, and she has received nothing but positive feedback from them. She wants to keep the ground floor in retail so that people can continue to shop and take home memories of their time in Port Orchard. With regard to very small residential units, the potential densification of downtown, and parking issues, the City needs to carefully consider the precedent it sets and the impacts it would create. Chair Pro Tem Tierney closed the public hearing at 6:51 p.m.

The Commission decided to break this item into separate motions to address individual sections of the draft ordinance. Commissioner Wilson made a motion to recommend approval to the City Council of draft ordinance sections 2 (ADUs). Commissioner Trenary seconded the motion. The motion passed unanimously. Trenary made a motion to recommend approval to the City Council of draft ordinance section 3 (Zoning Map). Commissioner Bailey seconded the motion. The motion passed unanimously. Commissioner Whittleton made a motion to recommend denial to the City Council of draft ordinance sections 4 and 5 (DOD). Trenary seconded the motion. The motion passed unanimously. Bailey made a motion to recommend approval to the City Council of draft ordinance section 6 (VPOD). Commissioner Lane seconded the motion. The motion passed unanimously. Trenary made a motion to recommend approval to City Council of draft ordinance section 7 (Land Use Table). Whittleton seconded the motion. The motion passed unanimously.

**e. Discussion: Revised Model Home Regulations.** (Interim POMC 26.20.050.A.10). Sallee gave an overview of the proposed amendments to the model home regulations. The City's current regulations require that a request for model homes be submitted with the application for a preliminary plat, and the Hearing Examiner must approve the model homes and the preliminary plat at the same time. If a preliminary plat was approved in Kitsap County, and then annexed into the City, it is not eligible for model homes. Since many applicants for preliminary plats intend to sell the approved plat to another developer, and will not be building homes themselves, they have no way to know at the beginning of the approval process how many model homes to request, what the homes will look like, where they will be located, etc. The proposed revisions remove these restrictions and allow model homes to be approved in all preliminary plats located within the City.

**f. Public Hearing: Revised Model Home Regulations.** Chair Pro Tem Tierney opened the public hearing at 7:10 p.m. There were no comments from the public, and the public hearing was closed at 7:10 p.m. Commissioner Bailey made a motion to recommend approval to City Council of the amended regulations. Commissioner Whittleton seconded the motion. The motion passed unanimously.

## **5. ADJOURN:**

Chair Pro Tem Tierney adjourned the meeting at 7:18 pm.

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Annette Stewart, Chair

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Nick Bond, City Development Director



## CITY OF PORT ORCHARD

### DEPARTMENT OF COMMUNITY DEVELOPMENT

216 Prospect Street, Port Orchard, WA 98366

Ph.: (360) 874-5533 • FAX: (360) 876-4980

### PLANNING COMMISSION STAFF REPORT

**Agenda Item No.:** 3A

**Meeting Date:** 9/14/2016

**Subject:**

Amendments to Shoreline  
Master Program and POMC  
Chapter 16.35

**Prepared by:**

Nick Bond, Development Director

**Proposal Summary:** Staff is proposing several amendments to the City's Shoreline Master Program (SMP) to enhance the ability of downtown waterfront property owners to redevelop and improve their properties. At present, the SMP requires a 75-ft buffer from the shoreline for properties within the "High Intensity" shoreline designation, which includes most of the downtown waterfront. The 75-ft buffer applies to both new development and redevelopment, which means that if an existing building is demolished, all new future development on the same site must be set back at least 75 ft from the shoreline. Downtown shoreline properties that are shallow or narrow, and that have existing development located 25-40 ft from the shoreline, may not be able to be redeveloped with an economically viable use if they are uniformly subjected to the existing buffer.

The proposed amendment package provides more options for property owners to redevelop within the same footprint as existing primary buildings, with mitigation requirements to improve adjacent shoreline conditions and ensure no net loss of shoreline habitat or water quality. Existing legal development within a shoreline buffer will be considered conforming, with the exception of appurtenant structures and non-water-dependent over-water or in-water structures. The existing 75-ft buffer will continue to apply to undeveloped properties. Several additional "housekeeping" amendments are also proposed for consistency between the SMP and the Zoning Code, and to bring the SMP up to date with the adopted 2016 Comprehensive Plan.

This item was previously discussed at the August Planning Commission meeting. Comments from the Planning Commission, and from the Department of Fish and Wildlife and the Suquamish Tribe, have been incorporated into the attached draft ordinance. A public hearing follows this item on the September 2016 agenda.

**Recommendation:**

Staff recommends that the Planning Commission vote to recommend approval of the proposed amendments to Chapters 6, 7, 9 and 12 of the Shoreline Master Program and POMC Chapter 16.35.

**Motion:**

I move to recommend that the City Council approve the proposed amendments to Chapters 6, 7, 9 and 12 of the Shoreline Master Program and POMC Chapter 16.35.

**Attachments:**

Draft Ordinance

**CITY OF PORT ORCHARD  
NOTICE OF PUBLIC HEARING**

The Port Orchard Planning Commission will hold a public hearing during a special meeting on Wednesday, September 14, 2016, at 6:00 pm, to take testimony on proposed minor amendments to the City's adopted 2013 Shoreline Master Program (RCW 90.58), including corrections/clarifications, updated City and state code references, more specific guidance for redevelopment of shoreline properties, and other related issues. The proposed amendments can be viewed online at:

<https://www.cityofportorchard.us/news/>

or at the front counter of the Department of Community Development at 216 Prospect Street in Port Orchard.

Any person or public agency expressing an interest is invited to attend the public hearing, and/or submit written comments to Community Development on or before 4:30 PM, September 14, 2016. Further information is available from the Department of Community Development, City of Port Orchard, 216 Prospect Street, Port Orchard, WA 98366, (360) 874-5533 or [planning@cityofportorchard.us](mailto:planning@cityofportorchard.us).