Meeting Location:
City Hall
Council Chambers
216 Prospect Street
Port Orchard, WA 98366

Contact us:
Phone (360) 876-4407
Email cityhall@portorchardwa.gov
www.portorchardwa.gov

City Council
Regular Meeting
Tuesday, February 10, 2026
6:30 PM

Pursuant to the Open Public Meetings Act, Chapter 42.30 RCW, the City Council is conducting its public meeting in a hybrid format with options for in-person attendance in the Council Chambers at City Hall or remote viewing and participation via Zoom (link below). The meeting is streamed live on the City's YouTube channel, click here.

Remote Access

Link: https://us02web.zoom.us/j/87835274312
Zoom Meeting ID: 878 3527 4312
Zoom Call-In: 1 253 215 8782

Guiding Principles

Are we raising the bar in all of our actions?
Are we honoring the past, but not living in the past?
Are we building positive connections with our community and outside partners?
Is the decision-making process building a diverse, equitable, and inclusive community?

1. Call to Order

A. Pledge of Allegiance

2. Approval of Agenda

3. Public Hearing

(Accepting public testimony from citizens limited to the specific items listed.)

A. Closed Record Hearing on Site-Specific Rezone Application, LU25-REZONE-01 and the Consideration of the Recommendation of Hearing Examiner (Bond)

4. Executive Session-Closed Session

Pursuant to RCW 42.30.140(2), the City Council WILL hold a closed session on the Site-Specific Rezone Application, LU25-REZONE-01 and the Consideration of the Recommendation of Hearing Examiner. The session duration will be announced prior to the closed session.

5. Public Hearing Action

A. Council Review and Potential Action on Site-Specific Rezone Application, LU25-REZONE-01 and the Consideration of the Recommendation of Hearing Examiner (Bond)

6. Citizen Comments

(This is an opportunity for citizens to address the City Council on agenda items that are not associated with a Public Hearing on this agenda. Comments are limited to 3 minutes. Please approach the podium or raise your Zoom hand if viewing remotely and wait to be recognized by the Mayor. Then, state your name for the official record. If you are attending remotely by Zoom via telephone, enter *9 from your keypad to raise your hand.)

7. Consent Agenda

(Items listed are to be considered routine in nature and are grouped together in a single motion. A Councilmember may remove an item for separate consideration upon request. In the event of such request, the item is placed under Business Items.)

A. Approval of Vouchers and Electronic Payments

B. Approval of Payroll and Direct Deposits

C. Adoption of an Ordinance Adopting Port Orchard Municipal Code Section 13.07.055, and Amending POMC Sections 13.07.070, 13.07.090, 13.07.100, 13.05.080, 13.05.090 and 13.04.100, pertaining to Water and Sewer (Ryan)

D. Adoption of a Resolution Authorizing the Mayor to Execute an Contract with Puget Sound Energy (PSE) for Electrical Design Services for SR166/Bay Street Reconstruction Project (Ryan)

E. Adoption of a Resolution Ratifying the Mayor's Signature on a Temporary Construction Easement for the SR166/Bay Street Improvements Project (Ryan)

F. Approval of a Contract with the Washington State Parks and Recreation Commission Subrecipient Grant Agreement Federal Financial Assistance Grant (Brown)

G. Approval of the January 13, 2026, City Council Regular Meeting Minutes

H. Approval of the January 20, 2026, Work Study Meeting Minutes

8. Presentation

9. Business Items

A. Adoption of an Ordinance Amending Port Orchard Municipal Code Sections 15.30.020, 15.30.070, and 15.30.100, Pertaining to Illicit Discharge to the Stormwater System (Ryan)

B. Adoption of a Resolution Declaring Certain Personal Property as Surplus and Authorizing its Disposition Thereof (Wallace)

10. Discussion Items

(No Action to Be Taken.)

A. Council Choice of RMSA Required Course for 2026 (Lund)

B. Setting Council Retreat Date

11. Reports of Council Committees

(Three council members serve on the committee with staff to make collaborative recommendations about work product. Staff then prepares the items for full Council consideration based on the Committee's discussion.)

A. Council Advisory Committees

12. Report of Mayor

13. Report of Department Directors

14. Citizen Comments

(This is an opportunity for citizens to address the City Council on any items that are not associated with a Public Hearing on this agenda. Comments are limited to 3 minutes. Please approach the podium or raise your Zoom hand if viewing remotely and wait to be recognized by the Mayor. Then, state your name for the official record. If you are attending remotely by Zoom via telephone, enter *9 from your keypad to raise your hand.)

15. Good of the Order

16. Adjournment

ADA Requirements

In compliance with the American with Disabilities Act, if you need accommodations to participate in this meeting, please contact the City Clerk's office at (360) 876-4407. Notification at least 48 hours in advance of meeting will enable the City to make arrangements to assure accessibility to this meeting.

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City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Public Hearing: 3.A. Closed Record Hearing on Site-Specific Rezone Application, LU25-REZONE-01 and the Consideration of the Recommendation of Hearing Examiner (Bond)
Meeting Date: February 10, 2026
Presenter: Nick Bond, Community Development Director

Summary and Background:
In 2025, the City received an application for a site-specific rezone of 2.7 acres from Residential 2 to Residential 3 for two adjoining parcels located at 1061 and 1083 Hull Avenue in the City of Port Orchard. Pursuant to Port Orchard Municipal Code 20.40.040 and Chapter 20.24, the application was routed to the Hearing Examiner to hold a noticed public hearing on proposed site-specific rezones and make a recommendation to the city council as to whether the proposed rezone meets the criteria in POMC § 20.42.030. On December 3, 2025, the City's Hearing Examiner held an open record public hearing on the Hull Avenue Rezone. Notice for the public hearing was provided consistent with POMC 20.40 and 20.24. At this hearing, staff presented a staff report to the Hearing Examiner. Please refer to this staff report for information pertaining to the proposed rezone. The Council is tasked with holding a closed record hearing on the proposed rezone and with making the final decision on the rezone application. After receiving the Hearing Examiner's initial decision and recommendation on the proposed rezone, staff noticed citations to an incorrect POMC provision in the decision regarding allowed densities in the existing and proposed zone and requested that the Hearing Examiner correct the staff report. A corrected hearing examiner decision was received and has been included in this packet. The letter requesting this change has been included in the City Council packet. Additionally, certain scrivener's errors related to Recommendation and hearing dates were identified in the first Revised Recommendation. On February 5, 2026, City staff asked the Hearing Examiner via e-mail to correct these dates and were provided with a Second Revised Recommendation on the same day. The Second Revised Recommendation is provided in the packet in addition to all correspondence with the Hearing Examiner requesting corrections or revisions. The February 5, 2026-stamped Recommendation is the final and correct Hearing Examiner Recommendation. The public was notified of a closed record hearing on the Hull Avenue Rezone as scheduled before the City Council on 2/10/2026. Only the parties, including the applicant and any member of the public who provided testimony at the public hearing held on December 3, 2025, may provide testimony at the Closed Record Hearing. The complete application record has been included in the City Council packet with the exception of the video recording of the hearing, which is available using the following link:
https://portorchardwa.gov/news/?filter_categories%5B%5D=114&filter_categories%5B%5D=160

Relationship to Comprehensive Plan:

Recommendation: Relationship to Comprehensive Plan
See the staff report to the hearing examiner.

Suggested Action: Hold a Closed Record Public Hearing on the Proposed Hull Avenue Rezone, Followed by Discussion, Deliberation, and Possible Action.

Motion for Consideration: N/A

Has item been presented to Committee/Work Study? No
If so, which one: N/A

Fiscal Impact: N/A

Alternatives: This closed record hearing is required by the Port Orchard Municipal Code POMC Chapters 20.40 and 20.24.

Attachments:
1. HExDecisionTranscript_LU25-Rezone-01
2. Index_Binder
3. Revision_and_Correction_correspondence_with_reponsive_HEX_Recommendations_20260205
4. 34_Staff_Report_and_Recommendation_to_the_Hearing_Examiner
5. 00_HExDecision_Revised-26-02-05_RecStamped_LU25-Rezone-01

Appendix A

December 3, 2025 Hearing Transcript

Hull Ave Rezone -- LU25-REZONE-01

Note: This is a computer-generated transcript provided for informational purposes only. The reader should not take this document as 100% accurate or take offense at errors created by the limitations of the programming in transcribing speech. A recording of the hearing is available at the City of Port Orchard Department of Community Development should anyone need an accurate rendition of the hearing testimony.

Examiner Olbrechts: (00:02):

All right, perfect. It is the magic hour. I'll get the recorder going on my side too, just in case. Let's see here. There we go. All right, for the record, it's December 3rd, 2025, 10:00 AM. I'm Phil Albright, hearing examiner for the City of Port Orchard. And this morning we're holding a hearing on an application for a site-specific rezone, file number LU25-rezone-01. And it looks like we got a mix of people attending in person today and online, mostly online, but we've got at least a couple people in the hearing room there. When we get to the public testimony portion, of course, everyone will have an opportunity to speak, whether you're in the hearing room or online. Just make sure that you register your interest to be heard. We'll tell you how to do that once we get to that portion of the hearing. But the hearing format today is we'll start off with a presentation from staff and looks like that's going to be Connor Dalquist.

(00:59):

Is that correct? Mr. Dolquist, you're going to be doing the staff presentation today?

Mr. Dahlquist: (01:03):

Yes, that's correct.

Examiner Olbrechts: (01:04):

Okay. So he'll give us an overview of his staff report, which is a summary of how staff came to the conclusion that the rezone meets the city's standards for rezone approval. After he's done with that, then we'll move on to the applicant. If the applicant wants to add anything, they can. That's not required. It's up to you, but if you want to say something, the time would be right after the staff report. Then after that, we move on to the public portion of the hearing, which is public comments. I'll probably start off with people in the meeting room first. We'll just ask anyone who wants to speak to raise their hand or something, or we'll go through the sign-in sheets and you just need to go to the podium there and I'll swear you in. We'll need to get the spelling of your last name just to make sure we don't embarrass ourselves if we refer to some of your comments in the final decision, and then go ahead and make your comments.

(01:53):

After I've finished with the people in the room, we'll move on to people who are attending virtually. So far, we've got looks like at least five members of the public probably that are at least watching and some of them likely will want to say something. After all that, then we go back to Mr. Dalquist to answer

questions that people ask during their presentations. And Mr. Dolquist also has the opportunity to submit rebuttal evidence as he finds necessary to make a complete record for a good decision, or I should say in my case, recommendation to the city council. After Mr. Dolquist has done, the applicant is a matter of due process because they're the ones that have to prove they meet all the code criteria. They get to go last, present the last rebuttal evidence, and I get a couple weeks to issue a recommendation to the city council.

(02:40):

Now, usually in most cases, the hearing examiner decision is final and it's only appealable to court. That's the way most cities handle it. But by state law, rezones are subject to final approval by the city council. They're considered legislative actions that have to be adopted by an ordinance and only the city council has the authority to adopt an ordinance, not hearing examiners. At the same time though, and this is where it gets a little strange under state law, there's only one public hearing allowed per development project. And so since I'm holding the public hearing, the city council isn't allowed to hold its own hearing. They have to rely upon all the testimony that's presented in this hearing today. By state law, people aren't allowed to present new evidence to the city council. So if you want to be sure that the council considers some of your concerns, make sure you get your concerns in the record today before the hearing is closed so that I can forward those concerns to the city council.

(03:38):

Usually what I do when I prepare these recommendations, at least when there's some public testimony is I'll have an informal transcript put together and I'll also address all the concerns raised by everybody point by point in the recommendation of the city council as well. So now by state law too, I'm only allowed to consider evidence that's put in the record today.That's a state legal requirement to ensure that we're all on a level playing field, that everybody knows what information is being considered for the final recommendation, final decision. So under those laws, I'm not allowed to talk to staff about the project or anybody else. Any documents that I look at for this recommendation, the city council has to be available to everybody else so they can see what was considered as well. So Mr. Dalquist, in preparing his staff report, has put together an exhibit list.

(04:29):

And I keep on forgetting for the city of Port Orchard, you put your exhibit ... It's not in the staff reports. It's not a separate document. Is there somebody that can share screen that can show that exhibit list? I don't have that immediately available. I apologize. Like I said, it's usually just in the staff report. But Mr. Dolquist, do you have that with the exhibit list?

Mr. Dahlquist: (04:51):

It's preferred. I don't know if Jackie had a list on hand. She's in the room right now, our permit planning clerk. Okay. Yeah, can also

Examiner Olbrechts: (05:02):

Share. I got it. I've got it. Just found it. All right. It's index of record. Let me share my screen here. Oh, I'm not allowed to share screen either. Ms. Krokoff, can you enable me to share screen?

(05:26):

No, that doesn't appear to be. I'll just identify real quick, give an overview of the documents that were used to put together the staff recommendation. It's composed of the application, inspection cards, some utility documents about a sewer extension, site grading and utilities. We have surveys. The environmental review, under state law, the environmental checklist is used to determine whether an

environmental impact statement needs to be put together. And the determination based on the checklist for that was that it wasn't required for this rezone, and that's pretty common for a rezone of this size. See, and we have the notice documents for the project, and yeah, that's pretty much the bulk of it. So does anyone need to see any of these? We've got a total of 34 documents or have any objection to their entering the record. There's the list right there on the screen right now.

(06:21):

So seeing and hearing note takers, if you do object, just click on the raise hand button at the bottom of your Zoom screen. Or if you're in the meeting room, just wave your hand if you need to see any of those or object. Not seeing, and that's pretty standard. I mean, the only grounds for objection would be that they're not relevant to this proceeding or maybe not authentic documents. So I'll go ahead and admit to exhibits one through 34, as well as the staff report itself. And Mr. Dolquist, at this point, let me swear you in. Just raise your right hand. Do you swear or affirm to tell the truth and nothing but the truth in this proceeding?

Mr. Dahlquist: (06:51):

I do.

Examiner Olbrechts: (06:52):

Okay, great. Go ahead. All

Mr. Dahlquist: (06:55):

Right. Good morning, Connor Dalquist, associate planner for the City of Port Orchard. With me today also is Nick Bonn, Department of Community Development Director, and then Chris Hammer as well, assistant city engineer. Provided with the staff report for Whole Avenue Rezone are for 34 exhibits as we covered. Staff provided an index of those exhibits and elect to include the exhibits in the record. Since that application was submitted earlier this year, the city has been reviewing the proposed rezone to ensure compliance with the Port Orchard Union Civil Code inconsistency with the adopted comprehensive plan. The applicant proposes a site-specific rezone of approximately 2.7 acres. Total aware, Sherman Avenue transitioned into Hole Avenue. The nearest intersection for reference is Sherman Avenue and Melcher Street West. The subject property consists of two tax parcels currently designated as Residential two or R2 and Greenbelt or GB. The rezoning request only applies to the R2 portion of the site seeking redesignation to R3.

(07:52):

If approved, the applicant's dated intent is to construct town homes in one apartment building with associated infrastructure improvements, including upgrades to Hole Avenue asking fit at the time of development application is submitted. Town homes are permitted in the R2, but however, apartment buildings are not. Proper notice was provided to the public consistent with the requirements of the Port Orchard Municipal Code, including notice of application, CP determination, and the public hearing. Those notices are provided and indexed to the record. Staff received two comments to the application in response to the notice of two comments on the application in response to the notice of application and one petition outside of the designated comment period. These are generally related to the traffic impacts, critical areas, and potential residential densities. Most comments received were project specific in nature and would be addressed at the time of development application is submitted.

(08:45):

These comments were considered in application review. The CEPA responsible official issued a determination of non-significance on September 18th, 2025. Two additional comments were received related to the DNS. The city then issued a modified DNS on October 29th, 2025 due to an error in public comment period. Per the WAC and POMC Title 20, comments to the lead agency shall be within 14 days of the date of issuance of the DNS. So the modified DNS reflected the correct 14-day, period ending November 12th, 2025.

(09:21):

The DNS was not appealed. The subject property is designated in the city's comprehensive plan as median density residential. As proposed, the rezone from R2 to R3 satisfies the specific comprehensive plan goals and policies identified in section two of the staff report. The R3 designation is consistent with the medium density residential land use category and supports the city's goals of providing diverse housing options, accommodating forecasted population growth and promoting efficient land use of residential land while retaining the Greenbelt designation to protect critical areas. Because the application is a rezone, it does not approve or specific site development or infrastructure improvements. Those developments will be reviewed at the time of featured development permit when public comments on traffic safety, stormwater, and critical areas of mitigation can be considered. So at this stage, staff has reviewed the rezone for consistency with the portal to municipal code, the comprehensive plan and the SEPA requirements.

(10:18):

And then the Greenbelt, as mentioned, a portion of the property will remain unchanged to protect those critical areas. And based on the findings in the record, the Department of Community Development finds the application consistent with the criteria of POMC 2042030. The department also acknowledges the substantial public opposition documented in the exhibits to the record. Given the application's consistency with the ordinance criteria and the documented public comments opposing the request, the department issues a neutral recommendation to the hearing examiner. The department neither supports nor opposes the requested site-specific rezone, but affirms that the application is eligible for consideration under the applicable regulations, and I'm happy to answer any other questions we have.

Examiner Olbrechts: (11:01):

Okay. Yeah, I got a few. And this is always unfair to staff, unfortunately, but the courts, in addition to the criteria you have in the code for approving a rezone, the courts also impose a couple of their own. And the primary is that either the rezone is either necessary to implement the comprehensive plan or at least implements the comprehensive plan, or there's been a change in circumstances since the parcel was last zoned. And you just, of course, feel that you shouldn't be rezoning too often that people rely upon stable property regulations, that kind of thing. So I mean, can you cite to any change in condition since this was last rezoned that justified the necessity to change it? Is this necessary to meet your population targets, for instance? Has the surrounding area been increasing in density? Is there anything that's changed since it was last rezone that creates this necessity?

Mr. Dahlquist: (12:03):

Yeah, in the history of the low area, you have the forest on redevelopment rezone is R3, but that happened in the 70s. So that would be probably the nearest density increase that's happened nearby. Even though the rezone wasn't nearby, the project is being built right now. So that kind of creates precedent for, is this an appropriate land use reclassification in the area? We acknowledge that the area, the neighborhood, the existing current neighborhood beyond for the forest on development, but I

would say the current development happening right there at Melcher A and Sherman does create some pattern of bringing more multifamily housing options in the area.

Examiner Olbrechts: (12:52):

Okay. And I certainly agree with you that now's not the time to talk about any future projects, but it is appropriate to talk about whether the infrastructure can handle or is appropriate for the increase in density that'll be facilitated by the rezone. And there were a lot of comments about the streets not being adequate about the sidewalks not being there. I mean, and obviously if a future development is done, they're going to be probably required to put in their own sidewalks on the street front edge. Would that make any big difference in this particular area? I mean, where are the nearest other sidewalks to this rezone area?

Mr. Dahlquist: (13:30):

Yeah, I don't know if I want Nick to jump in before I answer that, but there's potential infrastructure just north of this. So directly where this property is on whole, there is no pedestrian infrastructure, but just north of that, there is existing sidewalks and safety features that could be connected to if seen fit by improvements needed when a development application is submitted. If Nick wanted to add to that, is your hands raised?

Examiner Olbrechts: (13:56):

Mr. Bond, you'll swear in. Just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Mr. Bond: (14:01):

I do.

Examiner Olbrechts: (14:02):

Okay, great. Go ahead, Mr. Bond.

Mr. Bond: (14:04):

So I just wanted to add on to the question about the change in circumstances. Our comprehensive plan was adopted in 2024 as part of our periodic update, so it is a fairly recent comprehensive plan adoption. Under the 2024 comprehensive plan, one of the things that the city has to do that is new under state law is in addition to making sure we have enough capacity for housing and employment, we are now required to plan for housing at various income bans. And so Port Orchard, while on paper we have the land capacity to accommodate housing at all income bans, we really aren't seeing the development of housing as much as is needed in the zero to 80% AMI income band. And so adding additional supply, I think is a bit of a change in circumstance now that we have this requirement. And so it is possible that adding additional land in the R3 zone would increase our capacity for that income band that we are currently not seeing a lot of housing development in.

Examiner Olbrechts: (15:09):

Oh, thank you. That really helps. Thanks, Mr. Bond. Anything else?

Mr. Bond: (15:13):

That is all.

Examiner Olbrechts: (15:14):

Okay. All right. Okay. And so let's see, what else? I think, yeah, that's pretty much all I had, Mr. Dalquist. I mean, like I said, there were a lot of concerns about the roads being subpar in the opinion of the neighbors. I mean, are these roads unusually deficient compared to other parts of the city? I mean, in other words, I'm just trying to look at from a perspective of the existing infrastructure, is this a bad place to increase density as opposed to other parts of the city?

Mr. Dahlquist: (15:40):

Yeah, Chris is on here as well if he wants to be sworn in. But in the analysis, yes, so improvements would be made in conjunction with proposed development if this was approved. So as of now, it probably wouldn't be appropriate with existing conditions, but those of course would be changed when development is proposed and connections to existing infrastructure and traffic improvements to the nearest major intersections would be made and considered. Yeah, right now, so that would all be dependent on if and when proposed project specific would be made. And if Chris, do you had anything or Mr. Hammer?

Examiner Olbrechts: (16:23):

Yeah, Mr. Hammer, if you say anything, I'll have to swear you in.

Mr. Hammer: (16:26):

Okay. I could add some detail if that's desired.

Examiner Olbrechts: (16:29):

Okay. Yeah, we'll swear in. Then just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Mr. Hammer: (16:35):

I do.

Examiner Olbrechts: (16:35):

Okay, great. Go ahead.

Mr. Hammer: (16:37):

So just a little bit of a lay of the land. So to expand on what Connor was saying, Whole Avenue currently has nine-foot lanes and no sidewalks for a segment. The Forest Song development's going to extend the sidewalks down on one side of the street along their frontage. There's some sidewalks that are further north on Hole Avenue. A development of this scale, if it generates more than 30 trips, which it would as proposed, not to say it couldn't be scaled back, but would require offsite improvements to address those deficiencies.

Examiner Olbrechts: (17:16):

Okay, sounds good. Thanks, Mr. Hammer. And let's see, I think putting a recommendation to the city council, I'll probably want to take a look at the surrounding land uses from an aerial photograph Google

Maps. Is there any objection out there at me looking at Google Maps just to get a good lay of the land for the surrounding community? Okay, hearing seeing none. Again, just click on the virtual hand at the bottom of your screen if you're attending virtually, but we'll go ahead and admit Google Maps aerials for the surrounding area. Okay. With that, I guess we're ready to move on to the applicant at this time. Does anyone from the applicant want to address the application at this point? Any takers? Yikes. Yeah, that's a good one right there. Okay, sir, let me swear you in real quick. Just raise your right hand. Sorry, I take it you're part of the applicant team, is that correct?

(18:15):

Okay. Yeah, I can't hear him. I think since he turned off his mic.

Mr. Dahlquist: (18:22):

You think the Zoom cart needs to be unmuted?

Examiner Olbrechts: (18:31):

Yeah, still not coming through. Yeah, we need it for the hearing recording too. Is there somebody in the council chambers that's looking at that?

Mr. Bond: (18:45):

Yeah, we have staff in the council chambers.

Examiner Olbrechts: (18:48):

Okay.

Mr. Bond: (18:49):

It'll be resolved here momentarily.

Speaker 5 (18:51):

Yeah, we'll give them a minute.

Examiner Olbrechts: (19:38):

Of course, I guess we can get him a laptop and then you could just ... We're from a city computer station.

Mr. Larson: (19:44):

Can you hear me now?

Examiner Olbrechts: (19:45):

Yeah, now we can hear you. Is that better?

Mr. Larson: (19:47):

Okay.

Examiner Olbrechts: (19:47):

Welcome to the hearing, sir. Let me swear you in. Just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Mr. Larson: (19:54):

I do.

Examiner Olbrechts: (19:55):

And what's your name, sir, for the record?

Mr. Larson: (19:57):

Noel Larson.

Examiner Olbrechts: (19:58):

Okay. All right, go ahead, Mr. Larson.

Mr. Larson: (20:04):

I'd like to reiterate a couple of things that were said, which also I think were included in the comments that were received. One of the primary things that I think a project, a rezone like this brings to the areas the frontage improvements. And one of the things that was brought up was the possibility of this site being redeveloped would actually create a connection between forest song and properties to the south, potentially sidewalks all the way to downtown. Essentially, it's an infill type situation. So we've got Forest song and neighborhoods to the south, and we've got the neighborhood to the north that has sidewalks, and this is kind of a connector piece.

(20:52):

The second thing that I think I'd like to be considered is the change from R2 to R3 in this case doesn't, I think, make a huge difference in how much the site could be developed. Our intent primarily with the rezone is to provide the option of having apartments along with townhomes or some other higher density type construction. Given that if we were to build townhomes, we believe that we could build roughly 75 bedrooms versus around a hundred bedrooms if they were apartments. So I don't think there's a huge difference between those two things or between the current zoning and what we could do under R3. Either way, we'd have to do a lot of frontage improvements, sidewalks and that sort of thing. So either way, that's going to happen.

(21:59):

Other than that, as the report said, housing is actually really needed in the area. We're falling behind and this particular property, because it's in an urban growth area, really meets all the goals of the Growth Management Act. And that also aligns with the comprehensive plan in Port Orchard. And the Port Orchard Municipal Code actually addresses a lot of the concerns that were presented by the neighbors as far as frontage improvements and infrastructure and that sort of thing. So those are the main things that I wanted to touch on currently based on what I've heard so far.

Examiner Olbrechts: (22:46):

Okay. Thanks, Mr. Larson. Well said. Thank you. All right. Move on now to public comments. As I said, first, we'll put members of the public in the meeting room. And Ms. Crockett, do you see anybody in the meeting room that wants to speak? If you want to say something, just raise your hand at this point. Just

don't see anybody sitting out there from my vantage point, so other than the applicant, nobody in the meeting room?

Speaker 7 (23:09):

I do have one applicant who put their hand up.

Examiner Olbrechts: (23:12):

Okay. All right. Come on up to the podium, whoever rolls your hand and will swear you in and you can get started.

Speaker 7 (23:22):

I'm waiting for them to unmute themselves.

Examiner Olbrechts: (23:26):

Oh, no. Well, at this point I'm asking about people in the meeting room.

Speaker 7 (23:29):

There are no

Examiner Olbrechts: (23:31):

Other in- Okay. All right. So it's just the people attending virtually then. All right. Yeah, so we'll just wait for the person to unmute themselves, see who that is. That's Lindsay Paul Avenue resident.

Ms. Paradiso: (23:43):

Hello. Sorry. Oh, there you are. I was waiting for the people in the room to speak, so I wasn't-

Examiner Olbrechts: (23:49):

Yeah, me too. I think we're past that confusion finally.

Ms. Paradiso: (23:53):

Yeah. So give me one second. Oh,

Examiner Olbrechts: (23:56):

Sorry.

Ms. Paradiso: (23:58):

I'm putting together my sheet. Okay. Okay. Do I have a specific amount of time that I'm allowed to speak

Examiner Olbrechts: (24:05):

For? Well, if you could try to keep it under five minutes. And what's your last name for the record?

Ms. Paradiso: (24:11):

Paradiso. It's P-A-R-A-D-I-S-O.

Examiner Olbrechts: (24:16):

Okay. Ms. Peradiso, let me swear you in. Just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Ms. Paradiso: (24:22):

I do.

Examiner Olbrechts: (24:23):

Okay, great. Go ahead.

Ms. Paradiso: (24:24):

Am I able to turn my camera on or does that not matter?

Examiner Olbrechts: (24:28):

No, you can. And I was trying to find your video as a matter of fact. Let's see here. Yeah, I mean, have you used Zoom before? Because at the bottom left of your screen, there should be a little video camera and if it has

Ms. Paradiso: (24:39):

Any way- I have, but I don't have the option.

Examiner Olbrechts: (24:43):

Oh, that's ...

Mr. Bond: (24:44):

I think we need to bring her in as a panelist for her to share her video.

Examiner Olbrechts: (24:49):

Yeah, I think people, if they want to show themselves, they should be able to. So let's bring her in as a panelist then.

Ms. Paradiso: (24:58):

All right, I'm back and I can do video now. Okay. Okay. There

Examiner Olbrechts: (25:02):

You are. We see you. Okay, great.

Ms. Paradiso: (25:03):

Bye-bye. Nice to see you. Okay, thank you. I have some comments presented or ready, so I'll just say

Speaker 5 (25:09):

Them.

Ms. Paradiso: (25:10):

Okay. Good evening, commissioners. My name is Lindsay and I live on Hole Avenue. I'm asking you to deny the proposed rezone of 1083 Hole from R2 to R3 because the request is not compatible with the established character, function, and long-range planning vision for the neighborhood. Hull Avenue is a low density single family corridor made up of large lots and long-term homeowners. The current R2 zoning reflects what actually exists here. An R3 designation would introduce a scale and intensity of development that doesn't align with any surrounding parcel and would create a sudden unplanned disruption rather than a thoughtful transition. The applicant mentioned that an R3 designation could allow 75 bedrooms and town homes or up to a hundred bedrooms and apartments, and frame this as necessary because the city is falling behind in housing, but that doesn't reflect what's happening in my opinion. Several large apartment complexes have already been built nearby, including the Forest Song apartment complex that is right across from this proposed parcel with hundreds of new units added and more that are currently under construction.

(26:22):

The city's already producing significant housing in locations that are planned and equipped for this level of density. The question isn't whether we should be adding housing, but it's whether this parcel is appropriate for this type of housing, and it simply isn't. While we're close to downtown, the area doesn't function as a mixed use district with towards walkable daily services. Most residents still rely on vehicles to get to basic needs. The proximity alone doesn't justify the medium density zoning.

(26:56):

R3 zoning is intended for areas where infrastructure and services already support it, and that's not the case here. This request also, again, but going to Forest Song, I feel like that is an additional negative precedent that's being set. They said that Forest Song was a precedent. I feel like that raises almost more of a concern because we're trying to add far too many people into an area that can't support it. Like I said, I'm not opposed to housing. I just think that we need to consider appropriate placement and scale and stay consistent with long-range planning. And thank you for your time.

Examiner Olbrechts: (27:44):

Great comments. Thank you. All right. Anyone else out there want to add anything at this point? Just to click on the virtual hand at the bottom of your screen and we'll figure out how to get you up to be heard today.

Ms. Coates: (27:55):

Yes, my name is Savannah Coates.

Examiner Olbrechts: (27:57):

Okay. Ms. Counsel, let me swear in. Just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Ms. Coates: (28:02):

I do.

Examiner Olbrechts: (28:03):

And do you want to be seen today?

Ms. Coates: (28:06):

It doesn't matter to me if my-

Examiner Olbrechts: (28:08):

Okay. All

Ms. Coates: (28:08):

Right. Yeah, I'm not too worried about it. Join us. Okay,

Examiner Olbrechts: (28:11):

Go ahead then. Yeah. And how do you spell your last name for the record? Ms. Coates? Uh-oh, did we lose her?

Speaker 7 (28:23):

I promoted her to a panelist in case she wanted to use

Ms. Coates: (28:26):

The- There we go. Sorry. It just took me just a second. Hello. My name is Savannah Coates and I live at 1080 Hole Avenue. I'm directly across the way from them. My biggest concern here is they are speaking about putting a sidewalk in that will connect to the other sidewalk. There's not going to be a way to get that sidewalk in. First of all, because there's three houses plus my property that's very large, they're not going to be able to connect them. This is a very dangerous road already. People go down this road a million miles an hour, and my driveway is a blind hill driveway. If they put an apartment complex over there, it's going to be very, very dangerous for these kids in their bus route.

(29:16):

Also, these two properties are mine are three-fourth of a mile nearest the public transit bus stop and shops like Extra Mile, Tremont, Pottery, 711 Bay Street. While this may seem like an approachable distance, the lack of pedestrian infrastructure in either direction to reach these services show that the neighborhood cannot responsibly support a development at that scale being proposed here. While there is a development, a short distance up the road, Sherman and Melcher, there's a significantly steep walkway that would not sustain handicap access to The nearest area with sidewalks. Additionally, the developments in that area have resulted in a bus stop at Meltra and Sherman, which is a very tight corner. And two cars can't even turn at the same time. The bus when it takes the corner has to go into the other lane. It's actually dangerous for the kids to have a bus stop there as well.

(30:23):

The sidewalk, I do not feel safe having my child travel to that intersection for buses. They are now picked up out in front of my house, which is also very hazardous because of the hills and you cannot see to pull out of the driveway.

(30:42):

In front of my home doesn't seem reasonable to have an increased amount of children crossing the road for the bus stop here or to move up and down the road for an alternative located pickup. I'm new to this neighborhood and while we selected it for its proximity to town over a previous residence that I used to live in Southworth, we did not consider this as a walkable neighborhood. We fell in love with our home due to the surrounding green spaces and tight-knit communities evident at the Habitat for Humanity

neighborhood and the rest of the homes on the plateau near Hull, Taylor and Smith. And that's pretty much all I got. I'm just really concerned about the danger it's going to bring to everybody pulling in and out of this area because there's nowhere to put a sidewalk in. You can get one out in front of that property, but you're not going to meet any sidewalk that goes to any other roads.

(31:38):

There's too much other people's property. They're not going to allow you guys just to put a sidewalk out front. Okay, thank you.

Examiner Olbrechts: (31:46):

Okay, thank you. Yeah, that's very helpful. All right. Anyone else out there? Again, just click on the virtual hand if you want to say, oh, we got another one. Mr. Norby, let's bring him up. All right. Okay, Mr. Norby. And yes, still we don't see you on camera if you're intending to be seen. We don't see you yet, but that's fine. That's your choice.

Examiner Olbrechts:0 (32:11):

You there, Mr.. I can go without camera.

Examiner Olbrechts: (32:13):

Okay. All right. Let me just swear you in. Just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Examiner Olbrechts:0 (32:19):

I do.

Examiner Olbrechts: (32:20):

And your last name is spelled N-O-R-B-Y, is that correct?

Examiner Olbrechts:0 (32:23):

That is correct. Okay,

Examiner Olbrechts: (32:24):

Great. Go ahead.

Mr. Norby: (32:26):

Oh, good morning, members of the community and panel. My biggest concern is the proximity to resources, both as it's already been stated. It's not really a walkable neighborhood outside of the street itself. So from the northern corner of Hull Avenue to the end of the sidewalk to the south, that's really the amount of walking you can do safely, especially with kids or pets. The type of housing potentially being suggested, lower income housing. It typically comes with people who rely more on those services or walkability. It's not a judgment on my part. I've been there. I understand. The concern comes in, if it's not a walkable area, why are we cramming housing designed for these people to get a leg up in the world into that zone, if that makes sense?

Examiner Olbrechts: (33:22):

Definitely. Is that it, Mr. Norman?

Examiner Olbrechts:0 (33:24):

That is everything I have. Thank

Examiner Olbrechts: (33:25):

You. Okay, great. Thank you. Thank you. All right. Anybody else out there? I think Ms. Walstrom, you had your hand up before. Yeah, let's bring her in then. There she is. Okay, Ms. Walstrom, and is your last name for the record, is that W-A-H-L-S-T-R-O-M?

Examiner Olbrechts:1 (33:44):

Yes, sir.

Examiner Olbrechts: (33:45):

Okay. And did you want to be seen or not? Your camera's off.

Examiner Olbrechts:1 (33:49):

You can turn my camera

Examiner Olbrechts: (33:50):

On. Okay. Actually, I think you have to do it from your end. Right, Ms. Krekoff, let's see how you'd have to go on the bottom left of your screen there. Just click on the video camera.

Examiner Olbrechts:1 (33:59):

There's a functionality that she's enabling as each person uses it, as I understand.

Examiner Olbrechts: (34:05):

Yeah, once you're promoted to panelists, and I think you've been promoted, right, Ms. Krokoff?

Examiner Olbrechts:1 (34:20):

I haven't seen it yet. If we don't get it soon, I can just continue

Speaker 5 (34:26):

As if- Okay. Yeah, let me swear you in. Well ...

Examiner Olbrechts: (34:39):

Oh, now she's muted.

Examiner Olbrechts:1 (34:42):

Okay. There we go. Hi. Okay.

Examiner Olbrechts: (34:44):

All right. Let me swear you in. Ms. Walsh from just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Examiner Olbrechts:1 (34:51):

I swear and affirm to tell the truth and nothing

Speaker 5 (34:52):

But the truth.

Wahlstrom: (34:54):

All right. Go ahead. I have talked with several neighbors about this, and I know that some of the infrastructure is among the things that has been brought up, but some of that is just such a salient feature of the community. There's a plateau near Taylor and Smith Street where there has been possibilities to establish sidewalks and they do get used, but at around the point of 1002 Hole Avenue or 1011 Hole Avenue, the sidewalks do disappear and there is the sidewalk that has come down to the area where Melcher and Sherman meet at Grant. And I think it's great that that has become available. But as Savannah has mentioned, it's not really a good segue in between the two different areas and 1061, 1083 only takes up a portion of that. And I appreciate the baked in settlement or development process of adding the necessity for sidewalks in order to get projects approved.

(36:11):

The plain fact is that it's just this pocket of an area for a song is on an additional plateau. And at that point, they even also have their own barriers to access once you get to the next intersection up to Tremont and Pottery. And so piecemealing the sidewalks doesn't grant this as a walkable neighborhood. Additionally, the people who have residences directly up against Forest Song have complained about additional threats to their vegetation such as Douglas Burs with the removal of all of the vegetation. They've noticed that they have had a lot more tree fall and those sort of things since that property has been developed. And then with the, I think it's either Alderwood, Sandy Loam, or maybe the Kitsap Indianola, it looks like it has ... So this has to do with the report. It looks like that has a tendency to hold onto water in areas or in times of high saturation, such as when we receive atmospheric rivers.

(37:21):

And one of the most severe, as someone who's lived in this neighborhood for 20 years, one of the most severe atmospheric river events we had was about 15 years ago, but we do know that those are going to be coming with increased severity, and so it feels incredibly negligent to overlook that because all of the up slope properties such as where Savannah Coates was and where Forest Song is, those properties had cascading water, which was coming into the homes and basements for the downhill side because the water was just saturating. And if you were to add something with so little permeable layers such as parking lots, buildings and those sort of things, even at a 75 bedroom level, much less a 100 bedroom level for the combined, I think maybe three to four acres that 1061 and 1083 make up, it just doesn't seem like a safe level of development.

(38:32):

And I'm concerned that with removing the vegetation and having the lack of permeable layers, as well as an increased threat to all of the other vegetation that could help stabilize the hill that goes to Port Orchard Boulevard, which is a green belt, a designated green belt, and it has intentionally been kept that way, that a lot of the stability of that hillside does come at risk. I do understand that there was no standing water when they did that survey, but that didn't take place during a high precipitation event. I

just wanted to check my notes and see the disconnected sidewalks. I actually am really excited to hear about this being developed. I consider all the people in Port Orchard, my neighbors, including those who are unhoused. And I know that some have taken up areas such as the addresses that are listed, and I'm excited to have neighbors of all income levels join our area.

(39:43):

I just don't think that even 75 beds, much less 100 is sustainable. If you look, I think it's 917 or 919 Hole. There was a recent fire maybe 10 years ago. It was a single property and it ended up becoming two separate properties. To me, that is an example of sustainable development that matches the way that this neighborhood is. And even if there were families who ended up having children who were going to be using a bus stop in that unsafe area that Savannah ended up pointing out, it's just a handful versus the several dozen potential ones. And we still don't even know the impact of the loss of vegetation from forest song because we haven't weathered the storm where we're going to see the impact of different atmospheric river events, such as the one that I have cited that did provide basically curtains of water coming on the downhill side of those slopes.

Examiner Olbrechts: (40:55):

Okay. Thanks, Ms. Walstrom. Again, very helpful. So all right, anybody else out there? Again, just click on the virtual hand. I think we got everybody. So back to Mr. Dalquist then. Have any comments to make, Mr. Dalquist?

Mr. Dahlquist: (41:12):

I didn't get any questions, just some great comments for feedback for neighborhood contact. So appreciate the public feedback and the critical areas concerns and the space for infrastructure improvements that may be required when development is proposed. Yeah, no follow-up besides ... Yeah, thank you. Okay.

Examiner Olbrechts: (41:34):

Finally, Mr. Larson, you get final word. Do you want to say anything? Oh no, he's muted again. We got to get him audible.

Mr. Dahlquist: (42:04):

The Zoom card again. Yeah, there we

Mr. Larson: (42:06):

Go. Okay. Can you hear me now?

Mr. Dahlquist: (42:07):

There

Examiner Olbrechts: (42:08):

We go. Yeah, we can hear you now. Thanks,

Mr. Larson: (42:09):

Mr. Larson. Something that I've heard brought up a number of times here that I'd like to address is this idea that increases in density in this particular neighborhood don't really fit. A mixture of densities across Port Orchard, isn't that unusual? There's actually a number of developments. I'll give a few examples. Mariner's Glenn at Jackson and Lund, Orchard Point at Pottery and Lippert, and the Keyway Apartments on Sydney are a few examples where we have apartment complexes mixed in with single family neighborhoods. I think that works and just wanted to put it out there that this isn't really an unusual combination across Port Orchard. Thank you.

Examiner Olbrechts: (42:56):

Okay. Thanks, Mr. Larson. All right, with that, I will go ahead and close the hearing. And like I said, I got about a couple weeks to send a recommendation to the city council. If any of you want to get a copy of that, be sure to share your email address with the city. And Mr. Dalquist, where should they send their email address if they want to get a copy of the recommendation? Is that to you or Ms. Kirkoff or how does that work?

Mr. Dahlquist: (43:19):

Yeah, they can reach out to the ... So what email they should reach out to clarify?

Examiner Olbrechts: (43:28):

Sure. Yeah. You want to get your email address? Is that what you're saying?

Mr. Dahlquist: (43:32):

Yeah, so they can reach out to permitcenter@portorchardwa.gov or of course my email, cdelquist@portorchard.awa.gov. And I was going to type them, but it doesn't look like I can share text.

Examiner Olbrechts: (43:47):

Oh, there's no chat there. If you couldn't get that, just call the permit, the planning department, and I'm sure they'll share that information with you. And no, these really good comments today, and I'm glad that the community got those comments in at this stage of review. I mean, so often what I see as a hearing examiner for a few dozen jurisdictions is when someone proposes a department building, I'll have a room full of people upset saying that that kind of density isn't appropriate for their neighborhood. But if the property's already been zoned for that density, there are even state statutes that say you can't reconsider density choices that are made in the zoning code. Once that's in the code, that can't be changed when a specific application is made. So this is the time to do it. And you all got in, I think, all the information necessary to make a reasoned evaluation for the city council.

(44:43):

I mean, even if I recommend approval, I'll still be forwarding, of course, all your comments, like I said, by transcript and also summarizing them. And of course, that'll include the petition and the comment letters as well, all goes to the city council so that they can consider that information as well. So as I said, if you want to see a copy of that recommendation, be sure to share your email with the planning department that'll be sent to you. And then once my recommendation comes in, the planning department will be scheduling what they call a closed record review by the city council. Again, that means they can't consider new information. It's just the information I give them, and then if they decide to approve the rezone, they'll be adopting that by ordinance. So that's a process that'll take probably at least another month or probably more.

(45:30):

So anyway, thanks again for all of you participating today and hope you have a great holiday. We're adjourned.

CITY OF PORT ORCHARD
Department of Community Development
Located at 720 Prospect Street
Mailing address: 216 Prospect Street
Port Orchard, WA 98366
Ph: (360) 874-5533 •permitcenter@cityofportorchard.us

CASE NO.: LU25-REZONE-01

CASE NAME: 1061/1083 HULL AVE

TYPE: SITE SPECIFIC REZONE TYPE III

APPLICANT: NOEL LARSEN – 1909 DEVELOPMENT LLC

INDEX TO THE RECORD

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D
	Application submittal received on March 04, 2025 Included the following items:		
1A	App		03/04/2025
1B	App Master		03/04/2025
1C	Demo Inspection Card 1061		03/04/2025
1D	Demo Inspection Card 1083		03/04/2025
1E	Hull Summary Table		03/04/2025
1F	Narrative		03/04/2025
1G	POMC 20.42.030(2)		03/04/2025
1H	Sewer Extension – Revised		03/04/2025
1I	Site Grading & Utilities		03/04/2025
1J	Topography Survey		03/04/2025
1	Counter Complete	03/06/2025	
2	Transmittal Letter	03/07/2025	
3	Determination of Technically Incomplete	04/03/2025	
	Submittal received April 07, 2025 in response to Determination Letter sent 4/3		
4A	SEPA Application		04/07/2025
4B	SEPA Checklist		04/07/2025
4C	SEPA Checklist Supplement D		04/07/2025
4D	Geotechnical Report		04/07/2025
5	Transmittal Letter	04/09/2025	
6A	SEPA App - revised		04/29/2025
6B	SEPA Checklist		04/29/2025
6C	SEPA Checklist Supplemental D		04/29/2025
	Transmittal Letter	05/07/2025	
8	Determination of Technically Complete	05/13/2025	
9	Notice of Application	05/27/2025	
10	NOA Affidavit of Publication	05/27/2025	
11	NOA Affidavit of Mailing-Emailing	05/27/2025	
12	NOA Sign Posting	05/27/2025	
	Comments received during the NOA Comment Period		

ITEM NO.	DOC. TYPE/SUBJECT	DATED	DATE REC'D
13A	K.Spieth_email-Permit LU25-Rezone-01	06/06/2025	06/09/2025
13B	J.Givens_email-Oppose rezone of 1061_1083 Hull Ave_	06/08/2025	06/09/2025
14	Transmittal Letter for Comments received during the NOA Comment period	03/12/2025	
15	Petition against Rezone		06/16/2025
16	Capacity Memo from KCH COPO City Engineer	09/16/2025	
17	SEPA - DNS	09/18/2025	
18	SEPA DNS Affidavit of Publication	09/18/2025	
19	SEPA DNS Affidavit of mailing-emailing	09/18/2025	
20	SEPA DNS Affidavit of Posting on Property	09/18/2025	
21A	L.Paradiso-email_SEPA Comment – Hull Ave Rezone		09/30/2025
21B	A.Wahlstrom-email_1061_1083 Hull Avenue Rezone		09/30/2025
22	Transmittal Letter	10/02/2025	
23	Notice of Hearing	10/23/2025	
24	NOH Affidavit of Publication	10/23/2025	
25	NOH Affidavit of mailing-emailing	10/23/2025	
26	REVISED SEPA DNS NOTICE	10/29/2025	
27	Revised SEPA DNS Affidavit of Publication	10/29/2025	
28	Revised SEPA DNS Affidavit of mailing-emailing	10/29/2025	
29	Revised SEPA DNS Affidavit of Posting on Property	10/29/2025	
30A	Christine email SEPA questions		11/12/2025
30B	A,Wahlstrom-email SEPA questions		11/12/2025
31	REVISED NOTICE OF HEARING	11/19/2025	
32	Revised NOH Affidavit of Publication	11/19/2025	
33	Revised NOH Affidavit of mailing-emailing	11/19/2025	
34	Staff Report	11/25/2025	
35	Notice for Closed record hearing	01/26/2026	
36	Google Map Imagery	12/03/2025	

Complete as of November 25, 2025

CITY OF PORT ORCHARD
Permit Center

Master Form Counter Complete Checklist

Date Submitted: 3-4-25 Permit #: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Location: 1061/1083 Hull Ave

Applicant Name: Noel Larsen

☑	SUBMITTAL REQUIREMENTS:	NOTES:
Completed Master Permit Application:		
1. Project Information:		
☑ 1a.	Project Name. ***NOTE:*** *This is the name that the project will always be known as. If the Applicant provides something generic, ask for something more specific to distinguish it from other applications and will relate to the project.*	
☑ 1b.	Site Address / Location.	
☑ 1c.	Tax Parcel Number(s).	
☑ 1d.	Existing use of property.	
☑ 1e.	Parcel Size.	1.12 1.58 (2.7 total)
☑ 1f.	Project description / scope of work. *Details; not just "building permit".*	
☑ 1g.	Previous permits listed.	none
☐ 1h.	Pending permits listed.	19-204, 19-205
☑ 1i.	☑ On public utilities? ☑ Yes ☐ No If yes, ☑ Water Provider listed ☑ Sewer Provider listed. If no, ☐ Check for docs from KPHD for Well and/or Septic.	Copo Copo
☑ 1j.	Within Floodplain? ☐ Yes ☑ No	
☑ 1k.	Within 200' of shoreline? ☐ Yes ☑ No	
☑ 1l.	Within 200' of geologically hazardous area? ☐ Yes ☐ No	unspecified
☑ 1m.	Zoning designation.	RZ
☐ 1n.	Overlay District designation. *May be N/A. Project may not be within an overlay district.*	N/A

☑	SUBMITTAL REQUIREMENTS:	NOTES:
☑ 1o.	Are surface waterbodies present? ☐ Saltwater ☒ Creek ☐ Pond ☐ Wetland ☐ None	
☑ 1p.	Was there a Pre-App meeting? ☑ No ☐ Yes: date _____	
2. Concurrency Information:		
☑ 2a.	One of the options must be checked.	N/A
3. SEPA Review:		
☑ 3a.	One of the three options must be checked.	
☑ 3b.	If the third option is checked (Exempt from SEPA), one of the exemption categories must be checked: ☐ *SEPA application is included* ☐ *Issued SEPA determination is included* ☒ *Project is exempt from SEPA:* *The first four checkboxes are the most common reasons for exemption. If the applicant checks the 'Other' box, then they **MUST** list the exemption reference. There is a hyperlink to the code for looking up (WAC 197-11-800).*	WAC 197.11.800(6)(c)
4. Stormwater Drainage Review:		
☑ 4a.	Hard surface quantity. ☒ No ☐ Yes	
☑ 4b.	Land disturbing quantity. ☒ No ☐ Yes	
☑ 4c.	Impervious surface percentage. ☐ No ☒ Yes	
☑ 4d.	Exemption checkboxes.	N/A
5. Permit Types table:		
☑ 5a.	Identify all application types checked. *Expect corresponding permit application(s) and submittal docs for all types checked.*	
6. Contact Information:		
ALL CONTACTS MUST INCLUDE THE NAME OF A PERSON! All contact information must be legible. Additional contacts may be listed on a separate sheet.		
☑ 6a.	Applicant: ☑ ***Contact Name*** *This is the name of a **person**.* ☑ *Company Name (if applicable)* ☑ *Mailing Address* ☑ *Phone* ☑ *Email*	

☑	SUBMITTAL REQUIREMENTS:	NOTES:
☐ 6b.	Property Owner: *May be blank if the property owner is the Applicant. Otherwise,* ☐ *Name (May be a corporation or trust + the name of a **person**)* ☐ *Mailing Address* ☐ *Phone* ☐ *Email*	Same as applicant
☐ 6c.	Engineer: *May be N/A depending on the project. Otherwise,* ☐ *Company and the name of a **person**.* ☐ *Mailing Address* ☐ *Phone* ☐ *Email*	N/A
☐ 6d.	Surveyor: *May be N/A depending on the project. Otherwise,* ☐ *Company and the name of a **person**.* ☐ *Mailing Address* ☐ *Phone* ☐ *Email*	N/A
☐ 6e.	Contractor: • *Not applicable for Land Use permits.* • *For a Residential Building permit, a contractor not required unless "flipping".* • *May be "TBD" if the contractor has not yet been selected.* • *If the owner doing the work, applicant should list "Owner" in Contractor field. Otherwise,* ☐ *Company Name* ☐ *Contact Name: this is the name of a **person**.* ☐ *Phone* ☐ *Email* ☐ *Mailing Address* ☐ *Contractor license # with expiration date* ☐ *City Business License information* ☐ *UBI #* ☐ *Certification statement initialed by Applicant (must **always be initialed**, even if work done by Owner)*	N/A
7. Signatures of Applicant and Owner:		
☐ 7a.	Authorized Agent signature: This is either the Applicant or the Owner (4a. or 4b.above). ☐ *Signed.* ☐ *Dated.* ☐ *Name printed.*	

☑	SUBMITTAL REQUIREMENTS:	NOTES:
☑ 7b.	Property Owner signature: The owner must sign this statement even if he/she already signed as the authorized agent. If the owner is a corporation or trust (info in 4b. above), look up corporation records to assure the signer is authorized. ☑ Owner to check one of the boxes: ☑ *Owner is the Applicant, acting on own behalf.* ☐ *Owner authorizes an Agent or to act on his/her behalf.* ☑ *Sign.* ☑ *Date.* ☑ *Print name.* *OR:* ☐ *A separate authorization letter is submitted. The letter needs to include the text in the signature statement.* *We have a form that can be used for this in the Master Form folder.* *OR:* If this application is submitted by a sub-contractor, such as one pulling a plumbing or mechanical permit for a commercial building project, then the property owner does not need to sign this application. The initialed certification statement on the contractor info on the initial building permit application covers subsequent applications submitted by the subs.	

CITY OF PORT ORCHARD
Permit Center

Site-specific Rezone or Overlay District Revision Counter Complete Checklist

Do not use for a Rezone with a Comprehensive Plan Map Amendment

Permit No.: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave

☑	SUBMITTAL REQUIREMENTS:	NOTES:
1. Completed Master Permit Application (one original):		
☑ 1a.	Use Master Form counter complete checklist.	
2. Completed Rezone or Overlay District Revision Application (7 copies if paper):		
☑ 2a.	Application is for: ☑ *Rezone* ☐ *Downtown Height Overlay District* ☐ *Self-Storage Overlay District* ☐ *View Protection Overlay District*	
☑ 2b.	Owner statement completed, signed and notarized. ☐ *Ownership statement (check one of the boxes)* ☐ *Authorized Agent statement (add name if there is one)*	
3. Document Submittal (7 copies if paper):		
☑ 3a.	Narrative of proposal	
☑ 3b.	Summary table of project statistics ☑ *Site area* ☑ *Building coverage* ☑ *Impervious surface* ☑ *Parking* ☑ *Other data as applicable*	
☑ 3c.	Vicinity map ☐ *8 ½" x 11" or larger* ☑ *Site clearly marked* ☑ *Show nearest major streets and roads* ☑ *Any waterways* ☑ *Zoning*	
☑ 3d.	Plan set ☑ *11" x 17" or larger* ☑ *North arrow* ☑ *Map scale* ☑ *Existing natural features including critical areas and buffers* ☑ *Existing and proposed grades* ☐ *Existing and proposed uses and improvements including utilities, easements, structures, access and parking.* *Planner may want to review when submitted at counter.*	
☐ 3e.	SEPA Checklist *Use SEPA Checklist Counter Complete checklist.*	N/A

☑	SUBMITTAL REQUIREMENTS:	NOTES:
☑ 3f.	Electronic copy of all documents. *Emailed, Drop boxed or on a flash (thumb) drive.*	E-mail
4. Fees:		
☑ 4a.	Fees received with submittal: ☐ *Application fee (~~$1,275~~)* 1375.00 Publication FEE $300.00 ☐ *Technology fee ($10)* ☐ *Hearing Examiner Admin fee ($250)* ☐ *Hearing Examiner deposit ($3,000)* ☐ *Public Notice sign fee (~~$40.20~~)* 49.99 ~~☐ *SEPA review ($300)*~~ ~~☐ *Fire District Review ($250)*~~	$4,984.99

I have reviewed the content of the Application Submittal, and found it to be:

☑ **Counter Complete**. The submittal includes those items as checked above.

☐ **Incomplete**. The submittal does not include the minimum requirements for this application type for counter completeness. All documents were returned to the Applicant along with a copy of this checklist indicating the missing items.

Staff Signature Jackie Krukoff **Date:** 3-6-25

Print Name/Title: Jackie Krukoff, Planning Permit Clerk

CITY OF PORT ORCHARD
Permit Center
Office located at 720 Prospect Street
Mailing address: 216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533 • permitcenter@cityofportorchard.us

SITE-SPECIFIC REZONE or OVERLAY DISTRICT BOUNDARY MODIFICATION

Use the Comprehensive Plan Amendment application form instead of this one if you are applying for a Comprehensive Plan Map Amendment with a Rezone.

For Staff Use Only	File #: LU25-Rezone-01	Receipt #: R00188435

Incomplete Application Will Not Be Accepted

1. APPLICATION TYPE. This application is for *(check the appropriate box):*

- ☑ A site specific rezone to amend the City's Zoning Map.
- ☐ A site-specific boundary modification to an Overlay District. *Select the Overlay District:*
  - ☐ Downtown Height ☐ Self Storage ☐ View Protection

2. SUBMITTAL REQUIREMENTS.

Electronic submittals are required. Contact the Permit Center for formatting and resolution requirements.

This application shall include the following items, unless specifically waived by DCD. Other documentation may be required in addition to what is listed.

Check the box for each item included with this application:

- ☑ **The Master Permit Application Form,** completed.
- ☑ **Site-Specific Rezone Application form** *(this form),* completed. Include the **original** signed and notarized Owner Statement *(page 2 of this application form).*
- ☐ **SEPA Checklist Submittal.** *Use the SEPA Application form for complete submittal requirements.*
- ☑ **A Narrative,** which includes the following:
  - ☑ The legal description of the subject property.
  - ☑ Identify the current Comprehensive Plan Map designation and all sections of the Comprehensive Plan policies and map addressing the subject property.
  - ☑ Describe the proposed development of the property under the proposed zoning designation and overlay district *(as applicable).*
  - ☑ Include plans, information, and/or studies that accurately depict existing and proposed use(s) and improvements.
  - ☑ Explain the rationale for the proposed amendment.
  - ☑ Explain of how the proposed amendment and associated proposal(s) conform to, conflict with, or relate to the criteria and general rules set forth in POMC 20.42.030(2), as applicable.
    - ☑ Submit a **Word version** of the section addressing the criteria in POMC 20.42.030(2).
  - ☐ For Overlay District Boundary Modification, explain how the proposed change will meet the overlay district intent in POMC 20.38.
    - ☐ Submit a **Word version** of the section addressing how the intent in POMC 20.38.
- ☑ **A Summary Table** of proposed project statistics, including site area, , coverage by impervious surface, required and proposed parking, and similar data as required to evaluate conformance of the proposed project with City regulations.
  - ☑ Site area.
  - ☑ Building coverage
  - ☑ Impervious surface coverage.
  - ☑ Required and proposed parking.
  - ☑ Similar data as required to evaluate conformance of the proposed project with City regulations.

LU25-Rezone-01
EXHIBIT 1A
Page 32 of 463

2. SUBMITTAL REQUIREMENTS, *continued.*

☑ **A Vicinity Map,** approximately 800 feet to the inch. *Show:*

- ☑ North arrow and scale.
- ☑ Site clearly marked in relation to the nearest major streets and waterways in the area.
- ☑ Identify the zoning in the surrounding area.

☐ **Plan Sets.** *Show:*

- ☐ North arrow and map scale.
- ☐ Legible and to scale when printed at 11" x 17".
- ☐ Existing natural features, including critical areas and buffers.
- ☐ Existing and proposed grades.
- ☐ Existing and proposed improvements including utilities, easements, structures, access and parking.

OWNER: (select the appropriate statement)

☑ I affirm that the property affected by this application is in my exclusive ownership.

☐ I affirm that the property affected by this application is not in my exclusive ownership. This application is submitted with the consent of all owners of the affected property.

IF AN AGENT IS SUBMITTING THIS APPLICATION ON YOUR BEHALF, complete this verification statement:

As the record owner of the property listed above, I authorize _____, as my Authorized Agent to submit this application on my behalf.

The application as completed is true and correct to the best of my knowledge.

Signature of Owner (Must be notarized)

NOEL LARSEN — Print Name of Owner

2/20/2025 — Date

STATE OF WASHINGTON)
) SS
COUNTY OF KITSAP)

I certify that I know or have satisfactory evidence that Noel Larsen is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

WITNESS MY HAND AND OFFICIAL SEAL this 20th day of February, 2025.

Courtney A Patterson NOTARY PUBLIC STATE OF WASHINGTON COMM. #23012768 MY COMM. EXP. 04/21/2027

NOTARY PUBLIC in and for the State of Washington, residing at Bremerton

My appointment expires: 04/21/2027

COUNTER COMPLETE
Permit Center

Mar 06, 2025

City of Port Orchard
Community Development

CITY OF PORT ORCHARD
Permit Center

MASTER PERMIT APPLICATION FORM

For Title 20 permit types. Check the boxes on page 3 for all permits applied for at this time.

An Incomplete Application Will Not Be Accepted

1. PROJECT INFORMATION:

Project Name:

NOTE: The name must be specific and descriptive. Use the same name on all applications associated with this project.

Site Address/ Location: 1061 and 1083 Hull Ave, Port Orchard, WA 98366

Tax Parcel Number(s): 352401-2-015-2005/352401-2-018-2002

Existing Use of Property: Residential **Parcel Size:** 1.12/1.58 (2.7 Total)

Project Description / Scope of Work:

Site specific rezone of these properties from R2 to R3 to support an apartment building type.

List permits or decisions previously obtained for this project from the City or any other government entity:

None

List permits or decisions currently pending for this project before the City or any other government entity:

19-204, 19-205

Is your project served by public water and/or public sanitary sewer systems?

☑ **Yes: Water Provider:** City of Port Orchard **Sewer Provider:** City of Port Orchard

☐ **No:** If no, Kitsap Public Health District approval documentation must be submitted for well and/or septic use.

Is the project within the floodplain? ☑ No ☐ Yes

Is the project within 200' of the shoreline? ☑ No ☐ Yes

Does the project include new construction within 200' of a geologically hazardous area? ☐ No ☐ Yes

Zoning Designation: R2 (Residential 2) **Overlay District Designation:** Not applicable.

These surface waterbodies are on or adjacent to the property: *(check all that apply)*

☐ Saltwater ☑ Creek ☐ Pond ☐ Wetland ☐ None

Was there a Pre-Application meeting with Staff for this project?

☑ No ☐ Yes: Meeting Date: _____

2. WATER, SEWER, AND TRANSPORTATION CONCURRENCY.

Concurrency review determines if the water and sewer utilities and the transportation network are adequate to accommodate growth. Unless exempt, all new development and construction needs to apply for concurrency.
Check the box below that applies:

☐ Concurrency is not required.

☐ An application for a Capacity Reservation Certificate (CRC) was previously submitted for:

- ☐ Water
- ☐ Sewer
- ☐ Transportation

LU25-Rezone-01
EXHIBIT 1B
Page 34 of 463

2. WATER, SEWER, AND TRANSPORTATION CONCURRENCY *continued.*

Check the box below that applies:

- ☐ An application for a Capacity Reservation Certificate (CRC) is included with this submission for:
  - ☐ Water
  - ☐ Sewer
  - ☐ Transportation
- ☐ The project already has an unexpired City-issued CRC for Water, Sewer, and Transportation.
  - ☐ Must include a copy of the CRC with this application.
- ☐ A combination of documents is included with this submission, which in total verifies and/or is an application for water, sewer, and transportation capacity. *Check all document types you are submitting with this application:*
  - ☐ City document(s) *(verification or application)*
  - ☐ Documentation from other Utility District(s)
  - ☐ Documentation from Kitsap Public Health District
- ☑ Demolition of an existing building or termination of previous use was within the last five years. There is no net impact increase by the proposed new structure or land use on city's water, sewer, or road facilities.
  - ☑ Must include a copy of the Demolition permit or prior use records with this application.

3. SEPA Environmental Review. *Required unless exempt pursuant to POMC 20.160.080 – 090.*
Check one of the next three statements that matches the documents submitted with this application:

- ☐ A completed SEPA Checklist Application is included.
- ☐ A copy of a previously issued SEPA Determination for this project is included.
- ☑ This project is exempt from SEPA review.

  Check the box for the categorical exemption from WAC 197-11-800 that applies to your project:
  - ☐ The total cut and fill will not exceed 100 cubic yards throughout the lifetime of this project.
  - ☐ The project is for four or fewer residential units.
  - ☐ The project is for non-residential construction which is not more than 4,000 square feet gross floor area, and which does not exceed parking facilities for 20 automobiles.
  - ☐ The project is for a parking lot for twenty or fewer automobiles not associated with a structure.
  - ☑ Other: *(**must** cite the WAC reference)* WAC 197-11-800 (6)(c)

4. Stormwater Drainage Review.
A permit may be required for your project per POMC 20.150 Stormwater Drainage.

Does the project the project result in 5,000 sq. ft. or greater of new + replaced hard surface on the property?
☑ **No** ☐ **Yes**

Does the project have land disturbing activities greater than 7,000 sq. ft. but less than one acre?
☑ **No** ☐ **Yes**

Does the site have 35% or less existing impervious lot coverage?
☐ **No** ☑ **Yes**

A Stormwater Drainage Permit may not be required if it meets the exemption criteria under POMC 20.140.070(2). Check the statement below if it is applicable to your project as proposed:

- ☐ Excavation is for a basement, retaining wall, or other structure.
- ☐ Excavation is below finished grade.
- ☐ Excavation is not beyond the limits of the basement or footings.
- ☐ The completed structure will not have an unsupported height greater than five feet.
- ☐ A valid building permit has been or will be obtained for construction associated with the excavation.

5. PERMIT TYPES. *Check all types that you are applying for* ***at this time.***		
Land Use / Planning:		
☐ Accessory Dwelling Unit	☐ Final Plat	☐ Shoreline *(check all that apply)*:
☐ Administrative Interpretation	☐ Final Plat, Alteration	☐ Substantial Development, Hearing
☐ Binding Site Plan, Preliminary	☐ Final Plat, Vacation	☐ Substantial Development, Admin.
☐ Binding Site Plan, Alteration of Prelim.	☐ Non-conforming Use	☐ Conditional Use Permit, Hearing
☐ Binding Site Plan, Final	☐ Preliminary Plat	☐ Conditional Use Permit, Admin.
☐ Binding Site Plan, Alteration of Final	☐ Preliminary Plat, Minor Modifications	☐ Variance, Hearing
☐ Binding Site Plan, Vacation of Final	☐ Preliminary Plat, Major Modifications	☐ Short Plat, Preliminary
☐ Boundary Line Adjustment	☐ Pre-submittal Design Review	☐ Short Plat, Alteration to Preliminary
Comprehensive Plan Map Amend.	☑ Rezone	☐ Short Plat, Final
☐ Comprehensive Plan Text Amend.	☐ SEPA	☐ Short Plat, Alteration of Final
☐ Conditional Use Permit	☐ Shoreline Exemption	☐ Short Plat, Vacation of Final
☐ Critical Areas Review	☐ Sign *(Land Use regulations)*	☐ Temporary Use Permit
☐ Design Review Board Project Review	☐ Sign, Master Sign Plan	☐ Temporary Use Permit Extension
☐ Development Agreement	☐ Sign Variance	☐ Variance, Administrative
	☐ Statement of Restrictions	☐ Variance, Hearing
Public Works:		
☐ Capacity Reservation Certificate	☐ Right-of-Way Permit	☐ Tree Cutting Permit (Minor LDAP)
☐ Land Disturbing Activity Permit, Major	☐ Stormwater Drainage Permit	☐ Variation from Engineering Standards
☐ Land Disturbing Activity Permit, Minor	☐ Street Use Permit	☐ Water and/or Sewer Connection
Building:		
☐ Commercial, New building / Addition	☐ Demolition	☐ Residential Plumbing
☐ Commercial, Alteration / Repairs	☐ Manufactured Home	☐ Residential Mechanical
☐ Commercial Tenant Improvement	☐ Multi-family *(3 units or more)*	☐ Re-roof
☐ Commercial Plumbing	☐ Residential, New	☐ Sign *(Construction of)*
☐ Commercial Mechanical	☐ Residential, Addition / Alteration	☐ Siding, Windows and/or Doors
Fire Code:		
☐ Fire Sprinkler	☐ Fireworks Display	☐ Standpipe System
☐ Fire Alarm	☐ Fireworks Sales	☐ Temporary Tent / Membrane Structure
☐ Fire Suppression System	☐ High Pile Storage	☐ Tank Install / Decommission
Other:		
☐ Address Request	☐ Floodplain Development Permit	☐ Site Plan Checklist
☐ Design Standards Departure Request	☐ Road Name Request	
☐ Other: *(list)*		

6. CONTACT INFORMATION. *Use additional sheets if needed to list more contacts.*

Applicant Name *(Name of person to contact)*: Noel Larsen

Applicant Company Name: 1909 Holdings LLC

Mailing Address *(street, city, state, zip)*: 2612 Burwell St, Bremerton, WA 98312

Phone: (360) 731-2119 **E-mail:** inbox@1909holdings.com

Property Owner *(if different than Applicant)*: Same as Applicant

Mailing Address *(street, city, state, zip)*:

Phone: **E-mail:**

Engineer *(Company and contact name)*: NA

Mailing Address *(street, city, state, zip)*:

Phone: **E-mail:**

Note: Both the Surveyor and the Engineer must be listed for plats.

Surveyor *(Company and contact name)*: NA

Mailing Address *(street, city, state, zip)*:

Phone: **E-mail:**

Contractor: NA **Contact Name:**

Phone: **E-mail:**

Contractor's Mailing Address:

Contractor's License/Registration #: **Expiration Date:**

City Business License: ☐ **Yes** ☐ **No** (*Apply online at: bls.dor.wa.gov*) **Revenue Tax# (UBI):**

I certify that the contractor(s) (general or specialty) who will perform any of the services for which this permit is issued, is registered with the State of Washington, Department of Labor & Industries, in compliance with chapter 18.27 RCW (law of 1963) under certificate number. _____
Applicant initial here

Authorized Agent Signature: The Authorized Agent ("Agent"), either the Property Owner or the Applicant listed above, is the primary contact for all project-related questions and correspondence. The Permit Center will email or call the Agent with requests and/or information about the application. The Agent is responsible for communicating information to all parties involved with the application. The Agent must ensure their contact information is accurate and that their email account accepts Permit Center email.

I affirm that all answers, statements, and information submitted with this application are correct to the best of my knowledge.

AUTHORIZED AGENT: **DATE:**

PRINT NAME:

Property Owner Signature (select one):

☑ The legal owner of the property is submitting this application, acting as the Agent/Contact for this Project. Sign and date below.

☐ The legal owner of the property authorizes the Applicant to act on his/her behalf as the Agent/Contact for this Project. Sign and date below, or submit a signed and dated authorization letter with this application. The text below must be included.

By signing this application and applying for approvals under Port Orchard Municipal Code Title 20, the property owner hereby permits free access to the land subject to the application to all agencies with jurisdiction considering the proposal for the period of time extending from the date of application to the time of final action.

The information on this form is considered a public record and is subject to public disclosure laws in Chapter 42.56 RCW.

OWNER: **DATE:** 2/18/2025

PRINT NAME: Noel Larsen

COUNTER COMPLETE
Permit Center

Mar 06, 2025

City of Port Orchard
Community Development

Project Narrative

1061/1083 Hull Ave Rezone R2 to R3

Legal Description of the Subject Property

Parcel #: 352401-2-015-2005

1061 HULL AVE, PORT ORCHARD, WA 98366

THAT PORTION OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., LYING BETWEEN THE EAST MARGIN OF HULL STREET AND THE WEST MARGIN OF PORT ORCHARD BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M.; THENCE NORTH 89*56'46 WEST ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 570.76 FEET; THENCE SOUTH 43*48'14 WEST ALONG THE EAST MARGIN OF HULL STREET, AS SHOWN ON SURVEY BY THOMAS C. BREITENSTEIN, LAND SURVEYOR, DATED JUNE 30, 1941, A DISTANCE OF 404.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 43*48'14 WEST ALONG SAID EAST MARGIN OF HULL STREET 159.13 FEET; THENCE LEAVING SAID EAST MARGIN RUN SOUTH 35*24'12 EAST 114.44 FEET TO THE SOUTH LINE OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89*56'46 EAST ALONG THE SOUTH LINE OF SAID NORTH 500.00 FEET 221.49 FEET TO THE WEST MARGIN OF PORT ORCHARD BOULEVARD; THENCE NORTH 40*15'35 EAST ALONG SAID WEST MARGIN OF PORT ORCHARD BOULEVARD 92.05 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 320.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 31.54 FEET TO A POINT ON SAID CURVE WHICH BEARS SOUTH 66*11'46 EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 66*11'46 WEST 280.11 FEET TO THE TRUE POINT OF BEGINNING. (ALL AS SHOWN ON SURVEY, BY WARD C. MULLER, LAND SURVEYOR, RECORDED UNDED AUDITOR'S FILE NO. 8905300061 AND FILED IN VOLUME 29 PAGE 183 OF SURVEYS.)

Parcel #: 352401-2-018-2002

1083 HULL AVE, PORT ORCHARD, WA 98366

PARCEL A: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 500 FEET SOUTH AND 1026.7 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER ON THE EAST LINE OF HULL STREET; THENCE NORTH 42*34' EAST ALONG THE EAST LINE OF HULL STREET 129.04 FEET; THENCE SOUTH 36*37'30" EAST 116.90 FEET; THENCE SOUTH 89*31'10" WEST 157 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084; PARCEL B: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 660 FEET SOUTH AND 320 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST TO THE EAST LINE OF HULL STREET; THENCE NORTHEASTERLY ALONG SAID EAST LINE OF HULL STREET TO A POINT 500 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 35; THENCE EAST TO A POINT 160 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 160 FEET TO THE POINT OF BEGINNING; EXCEPT ROADS; EXCEPT THAT PORTION CONDEMNED FOR HIGHWAY PURPOSES IN KITSAP COUNTY SUPERIOR COURT CAUSE NO. 53095; AND EXCEPT THAT PORTION THEREOF LYING EAST OF BOUNDARY LINE AS DESCRIBED IN INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 703658; ALSO EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084.

Current Comprehensive Plan Map Designation

Figure 2-3. Port Orchard Future Land Use Map of the current Comprehensive Plan designates the subject properties as Medium Density Residential (MDR) and Green Belt (GB). The Green Belt portion of the properties are not included in the buildable area of this application.

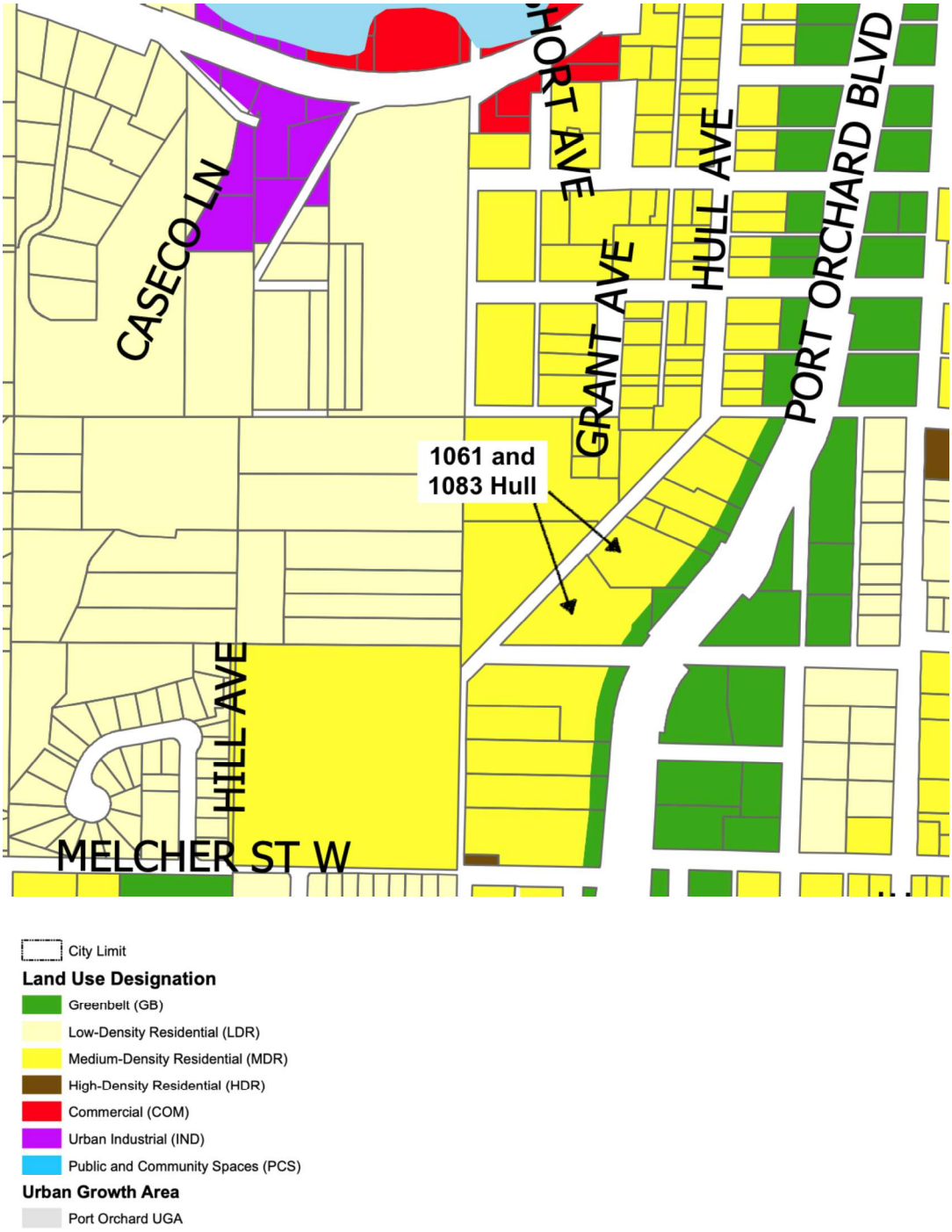


Table 2-1 Port Orchard Zone and Land Use Descriptions designates Medium Density Residential which includes R2 and R3 with R3 being necessary for fourplexes and apartment buildings.

Zone	Land Use Designation	Description/Allowed Uses
GB – Greenbelt	Greenbelt	Protection of critical areas, habitat management areas, greenbelts, and designated open space. Allows for low density residential development.
R1 – Residential 1	Low Density Residential	Allows for single-family detached housing.
R2 – Residential 2 R3 – Residential 3	Medium Density Residential	R2 allows single-family detached and attached, ADUs, duplexes, cottage courts, and townhouses. R3 allows all of the above plus fourplexes and apartment buildings.

Proposed Development Description

This Site-Specific Rezone request stems from a Pre-Application meeting on November 12th, 2019 for a design (see attached PRE-APP SITE GRADING AND UTILITIES 9-26-19) that included townhomes and an apartment building which being used as one example of how the site could be developed. Though it is a preliminary design it, along with the attached sewer extension design (see PROPERINA SEWER EXTENSION REVISED 7-20-22.pdf) does address things like setbacks for top of slope, impervious surface, building and fish bearing streams, stormwater detention, residential frontage standards on Hull, on-street and on-site parking, and ingress and egress to the site for it or similar designs. This design consisted of eighteen 2 and 3 bedroom townhomes and one 30 unit apartment building.

For an alternate example, that is strictly apartments, we chose the Rivulet in Silverdale, a 78 unit apartment complex consisting of 1 and 2 bedroom apartments in a 3 story configuration on a similarly sized property.

An apartment complex on the subject property could have a similar frontage to Hull as this design proposes. (Rivulet in Silverdale)

The responses and data provided starting with the Rationale section of this Narrative and in the Summary Table are based on a combination of these examples and seek to provide an approximate estimate of what could be constructed, impacts and metrics for the subject site as no specific design is being submitted with this application.

Plans, information and/or studies

For existing use see FERNWOOD RIDGETOPO SURVEY.pdf (note buildings and septic tanks were removed under permits 02 1061 and 02 1083)

For an example of a proposed development see PRE-APP SITE GRADING AND UTILITIES 9-26-19.pdf.

For proposed sewer extension see PROPERINA SEWER EXTENSION REVISED 7-20-22.pdf.

Rationale

The proposed amendment supports the Comprehensive Plan Land Use Goals & Policies, Section 2.7. Specifically:

Goal 1, Retaining Port Orchards small town residential character while accommodating growth citywide.

Goal 2, Ensuring that sufficient land is available for development to accommodate allocated growth and employment.

Goal 7, Encourage the development of active, vibrant, and attractive destinations throughout the community.

Goal 8, Connect new and existing neighborhoods to each other, to commercial and employment centers, and to public facilities.

Goal 9, Encourage the ongoing development of downtown as an active, vibrant community, commercial, social, and civic center while respecting its historical character.

The proposed development of the subject site supports Downtown Port Orchard becoming a Designated Center. The subject property could provide pedestrian access for the entire neighborhood to Port Orchard Blvd and downtown Port Orchard in conjunction with the Bay Street Trail Study.

Consistency with the Comprehensive Plan

Per 20.34.030 the R3 zone should be applied in areas designated as residential medium density in the Port Orchard comprehensive plan. These parcels are currently zoned medium density in the Port Orchard comprehensive plan.

The proposed use aligns with the goals of the Comprehensive Plan to encourage more efficient patterns of development, thereby reducing real per capita

infrastructure costs, while providing diversity of housing. In addition, the property could potentially serve as a means of pedestrian access to Port Orchard Blvd (and its future pedestrian improvements) not only for this complex, but for other proposed developments and existing residents in the area, facilitating access to the city's waterfront, local businesses, open space resources and public transit.

Consistency with the Growth Management Act

Changing these parcels to R3 is consistent with the Growth Management Act goals of encouraging development in urban areas, reducing sprawl, encouraging use of public transit and creating diversity of housing for various economic segments.

Consistency with land use and growth projections

Increasing density in areas close to downtown Port Orchard aligns with its redevelopment and anticipated growth in the coming years along with growth in the county as a whole and the Shipyard Infrastructure Optimization Program (SIOP).

Compatibility with neighboring land uses

The proposed use is complimentary to existing and proposed uses in the area including adjacent properties and the downtown area. Residential frontage standards would improve walkability of the area. A design that provides pedestrian access between Hull and Port Orchard Boulevard would provide alternate access to Port Orchard Boulevard and would improve the connection between the neighborhood as a whole and downtown amenities.

Impacts to public services or facilities and other properties in the vicinity

Preliminary evaluation from a pre-application meeting with the city for a similar project found adequate water and sewer available. A design for a sewer extension to Port Orchard Blvd has been engineered to support the proposed density. This site is accessible from both Tremont, via Pottery and Bay Street, via Hull.

Conformance With POMC 20.42.030(2)

(2) Criteria for Review. In addition to the general criteria in subsection (1) of this section, the city shall review applications for site-specific rezone applications and issue approval of said applications pursuant to the following criteria:

(a) Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);

See Rationale above.

(b) Consistency with the purpose of the proposed zoning district;

See Comprehensive Plan Map Designation above.

(c) Consistency between zone criteria and area characteristics;

See Consistency with the Comprehensive Plan above and (e) below.

(d) Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;

See Forest Song project across street from subject property and Bay Street Apartments on Bay Street.

(e) The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers in the more intense zone, if possible. A gradual transition between zoning categories, including height limits, is preferred;

The subject property provides natural buffers between higher and lower density properties. Residential frontage standards would also provide transitions and buffers from lower density residential to higher density residential. In the attached design (PRE-APP SITE GRADING AND UTILITIES 9-26-19.pdf) access roads for the subject property provide additional setbacks to adjacent properties similar to POMC 20.40.060. This design also provides a 10' ROW dedication along Hull with the buildings 10' behind that line allowing frontage like that depicted in the image presented under Proposed Development Description.

(f) Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

(i) Natural features such as topographical breaks, lakes, rivers, streams, ravines and shorelines;

The subject site features topographical breaks on the north-eastern and southern borders.

(ii) Freeways, other major traffic arterials and railroad tracks;

NA

(iii) Distinct change in street layout and block orientation;

Widening of the Hull to accommodate on street parking and transitional design between the street and ground level units.

(iv) Open space and greenspaces suitable in area to mitigate against more intense uses;

The subject site features mature evergreen trees on the western border and Green Belt on the southern border.

(v) Zone boundaries;

(g) In establishing boundaries, the following elements shall be considered:

(i) Physical buffers as described in subsection (2)(f) of this section; and

(ii) Platted lot lines;

(h) Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses;

(i) Impact Evaluation. The evaluation of the changes that would result from approval of the application shall consider the possible negative and positive impacts on the affected area and its surroundings. Factors to be examined include, but are not limited to, the following:

(i) Housing;

See Consistency with the Comprehensive Plan above.

(ii) Public services;

(iii) Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows and energy conservation;

A substantial vegetative screen along Hull with on-site parking behind or under the buildings minimizes the impact of a higher density residential development. Topographical breaks noted in (i) above reduce noise and glare. Building orientation makes solar a viable option for this site.

(iv) Pedestrian safety;

Frontage improvements and the potential for the property to serve as a means of pedestrian access to Port Orchard Blvd (and its future pedestrian improvements) not only for this complex, but for other proposed developments and existing residents in the area,

facilitating access to the city's waterfront, local businesses, open space resources and public transit.

(v) Manufacturing activity;

NA

(vi) Employment activity;

NA

(vii) Character of areas recognized for architectural or historic value;

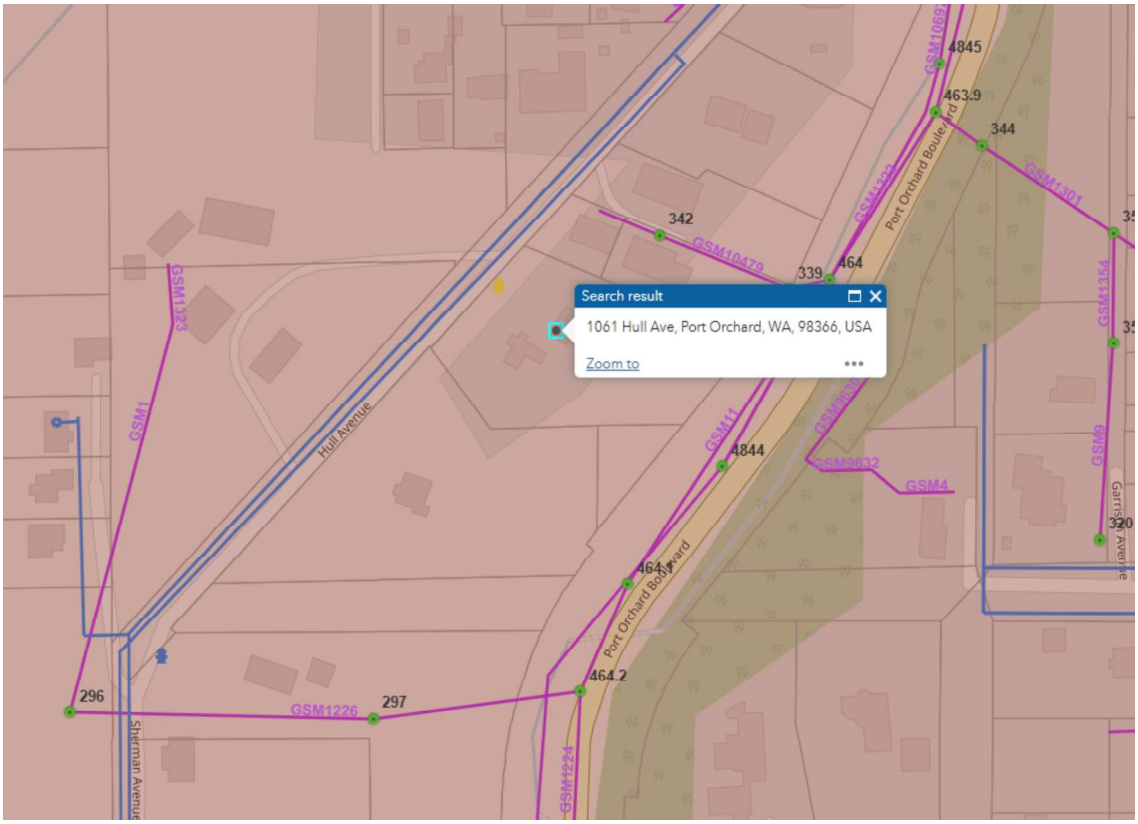
(viii) Shoreline view, public access and recreation;

Subject site is located approximately .75 miles from downtown Port Orchard bus, bus foot ferry and amenities.

(ix) Service Capacities. Development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including: street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity; shoreline navigation;

- *Street access, the subject property accesses Tremont via Pottery Blvd and Bay St via Port Orchard Blvd.*
- *Street capacity,*
- *Transit service,*
- *Parking capacity, see Summary Table, this proposal provides adequate off street parking.*

- *Utility and sewer capacity, a preapplication meeting on November 12th, 2019 for the design depicted in the PRE-APP SITE GRADING AND UTILITIES 9-26-19.pdf identified adequate water and sewer.*



Additionally, the above graphic was provided by the City of Port Orchard October 25, 2024 regarding water and sewer availability adjacent to the subject property.

A preliminary sewer extension engineering plan adequate to support the proposed density is also included in this application (see PROPERINA SEWER EXTENSION REVISED 7-20-22.pdf).

- *Shoreline navigation, NA*

(x) Population and employment allocations as established through the countywide planning policies;

(xi) Changed Circumstances. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in the zoning code;

(xii) Critical Areas. If the area is located in or adjacent to a critical area, the effect of the rezone on the critical area shall be considered. (Ord. 019-17 § 18 (Exh. 1)).

COUNTER COMPLETE
Permit Center

Mar 06, 2025

City of Port Orchard
Community Development

Summary Table

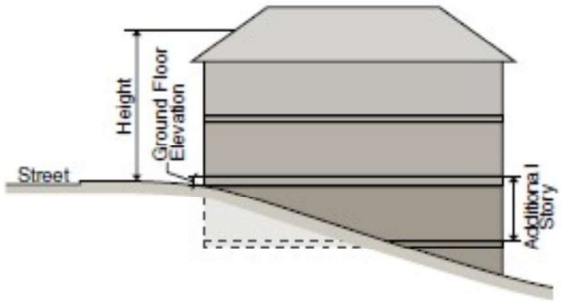
1061/1083 Hull Ave Rezone R2 to R3

TOTAL UNITS
Approximately 80 units, studio, one and two bedroom

SITE AREA
2.7 Acres, 117612 SQFT

BUILDING SETBACKS
Primary Street: 10’
Side: 5’
Rear: 10’

BUILDING HEIGHT:
3 STORIES, 35’, possibly an additional story where site topography allows per POMC 20.40.050 HEIGHT (1) (d) Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



MAXIMUM IMPERVIOUS SURFACE COVERAGE:
Buildable area is approximately 88,000 SQFT or 75% of the total site area of 117,612 SQFT due to topography. The remaining

TOTAL ESTIMATED IMPERVIOUS SURFACE COVERAGE

BUILDING:	Approximately 21,220 SQFT
PARKING:	Approximately 45,500 SQFT
ROAD:	Approximately 5,000 SQFT
SIDEWALKS:	Approximately 4,200 SQFT
TOTAL:	Approximately 75,920 SQFT

LANDSCAPED SPACE
PER 20.127.230 Special residential frontage standards along sidewalks and internal walkways.

Figure 20.127.230
Acceptable Public/Private Transitional Design between Sidewalk or Walkways and Ground Level Units.

REQUIRED PARKING
Parking standards to meet minimum requirements per 20.124.140
Approximately 120 off street parking spaces
Approximately 20 additional off street parking spaces if no on street parking

TOTAL PROPOSED PARKING
Approximately 123 off street parking spaces
Approximately 17 on street parking spaces (along Hull)

DESIGN STANDARDS
Design standards to meet requirements per POMC 20.127.040

COUNTER COMPLETE
Permit Center
Mar 06, 2025
City of Port Orchard
Community Development

Conformance With POMC 20.42.030(2)

(2) Criteria for Review. In addition to the general criteria in subsection (1) of this section, the city shall review applications for site-specific rezone applications and issue approval of said applications pursuant to the following criteria:

(a) Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);

See Rationale above.

(b) Consistency with the purpose of the proposed zoning district;

See Comprehensive Plan Map Designation above.

(c) Consistency between zone criteria and area characteristics;

See Consistency with the Comprehensive Plan above and (e) below.

(d) Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;

See Forest Song project across street from subject property and Bay Street Apartments on Bay Street.

(e) The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers in the more intense zone, if possible. A gradual transition between zoning categories, including height limits, is preferred;

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NA

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NA

(vi) Employment activity;

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(vii) Character of areas recognized for architectural or historic value;

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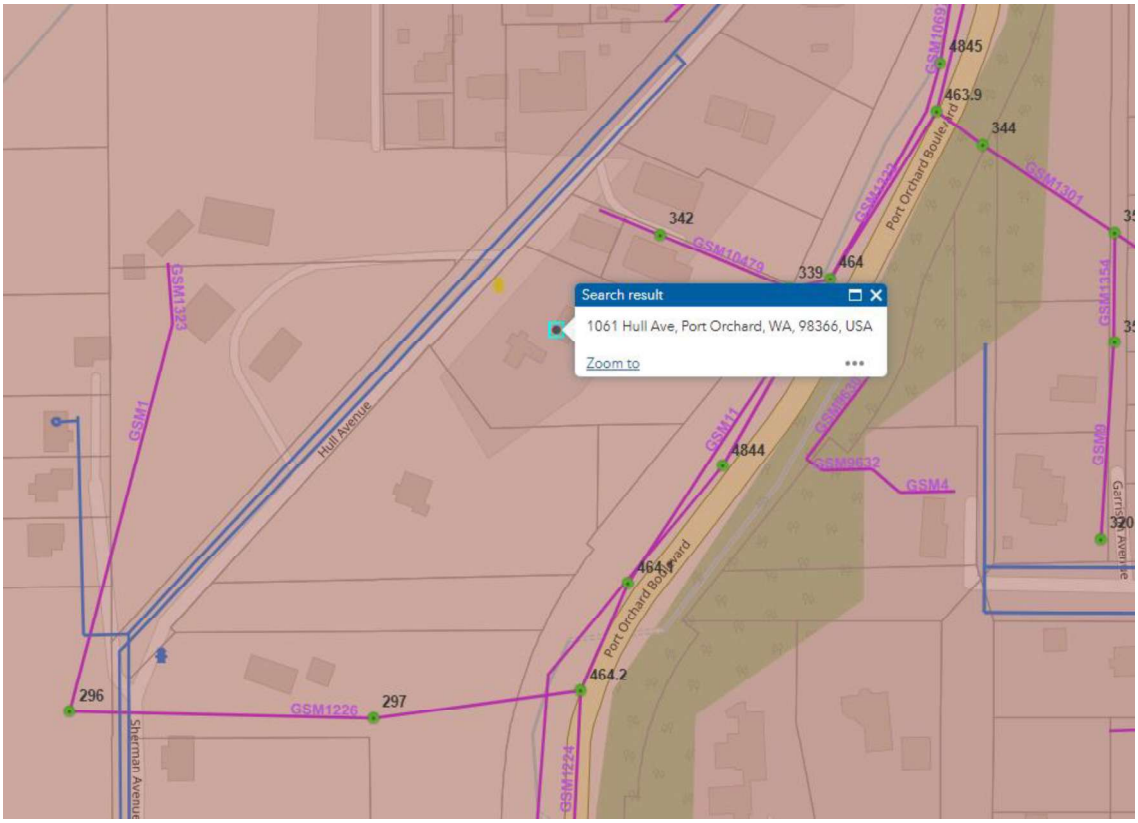

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City of Port Orchard **Permit #** 19-205
Building Inspection Card
This Card Must be Posted on or Near Building

Address: 1061 Hull Ave
Type of Permit: Demolish Existing Structures

Type of Inspection		Approved	Date	Notes
Erosion				COUNTER COMPLETE Permit Center Mar 06, 2025 City of Port Orchard Community Development
Foundation No concrete shall be poured or steel covered prior to approval.	Footings			
	Walls			
	Setbacks			
Underfloor				
Plumbing	Underground			
	Rough-In			
	Hot Water Tank			
Mechanical	Gas Piping			
	Furnace			
	Ducting			
Electrical	Contact L & I to Schedule Inspection			
Shear				
Framing	All of the above must be approved before framing inspection			
Insulation				
Sheetrock				
Sewer/Septic				
Water Service				
Fire Alarm				
Sprinkler				
Stormwater Infrastructure				
Retention/Detention Facilities				
Downspout Connections	Must be inspected prior to backfilling			
Footing Drains				
Final Site Stabilization				
FINAL			10/23/19	

See permit for required inspections. ● Call 360-874-5533 to schedule inspections.

For Certificate of Occupancy Inspections or for Fire Code Permit Inspections:
48 HOURS ADVANCE NOTICE REQUIRED.

For all other inspection types:
24 HOURS ADVANCE NOTICE REQUIRED.

EXHIBIT 1F

City of Port Orchard **Permit #** 19-204
Building Inspection Card
This Card Must be Posted on or Near Building

Address: 1083 Hull Ave
Type of Permit: Demolish Existing Structures

Type of Inspection		Approved	Date	Notes
Erosion				COUNTER COMPLETE Permit Center
Foundation No concrete shall be poured or steel covered prior to approval.	Footings			Mar 06, 2025
	Walls			
	Setbacks			City of Port Orchard Community Development
Underfloor				
Plumbing	Underground			
	Rough-In			
	Hot Water Tank			
Mechanical	Gas Piping			
	Furnace			
	Ducting			
Electrical	**Contact L & I to Schedule Inspection**			
Shear				
Framing	All of the above must be approved before framing inspection			
Insulation				
Sheetrock				
Sewer/Septic				
Water Service				
Fire Alarm				
Sprinkler				
Stormwater Infrastructure				
Retention/Detention Facilities				
Downspout Connections	Must be inspected prior to backfilling			
Footing Drains				
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FINAL			10/23/19	

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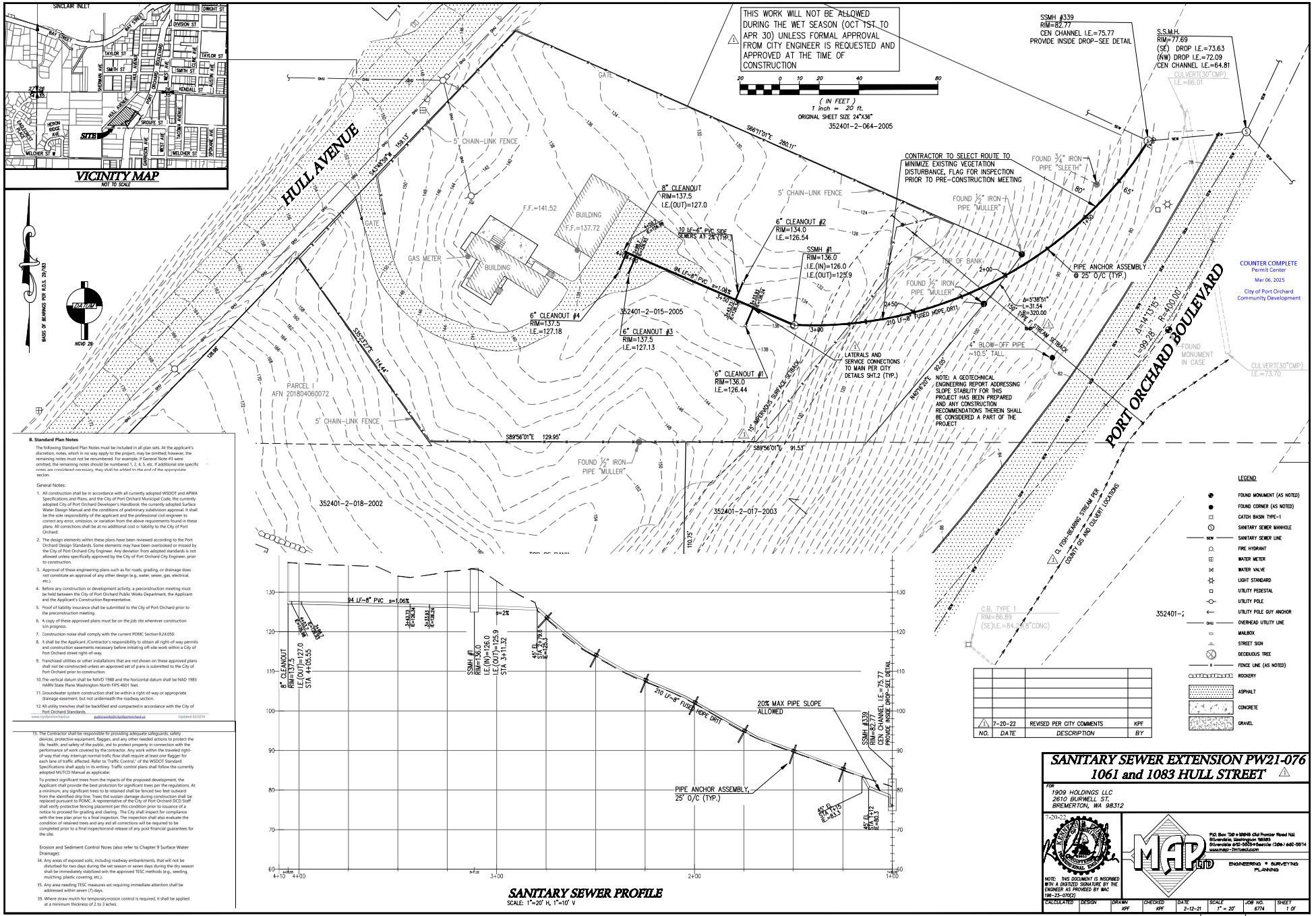
LU25-Rezone-01
EXHIBIT 1G



B. Standard Plan Notes

The following Standard Plan Notes must be included in all plan sets. At the applicant's discretion, notes, which in no way apply to the project, may be omitted; however, the remaining notes must not be renumbered. For example, if General Note #3 were omitted, the remaining notes should be numbered 1, 2, 4, 5, etc. If additional site specific notes are considered necessary, they shall be added to the end of the appropriate section.

General Notes:

1. All construction shall be in accordance with all currently adopted WSDOT and APWA Specifications and Plans, and the City of Port Orchard Municipal Code, the currently adopted City of Port Orchard Developer's Handbook, the currently adopted Surface Water Design Manual and the conditions of preliminary subdivision approval. It shall be the sole responsibility of the applicant and the professional civil engineer to correct any error, omission, or variation from the above requirements found in these plans. All corrections shall be at no additional cost or liability to the City of Port Orchard.
2. The design elements within these plans have been reviewed according to the Port Orchard Design Standards. Some elements may have been overlooked or missed by the City of Port Orchard City Engineer. Any deviation from adopted standards is not allowed unless specifically approved by the City of Port Orchard City Engineer, prior to construction.
3. Approval of these engineering plans such as for roads, grading, or drainage does not constitute an approval of any other design (e.g., water, sewer, gas, electrical, etc.).
4. Before any construction or development activity, a preconstruction meeting must be held between the City of Port Orchard Public Works Department, the Applicant and the Applicant's Construction Representative.
5. Proof of liability insurance shall be submitted to the City of Port Orchard prior to the preconstruction meeting.
6. A copy of these approved plans must be on the job site whenever construction sin progress.
7. Construction noise shall comply with the current POMC Section 9.24.050.
8. It shall be the Applicant /Contractor's responsibility to obtain all right-of-way permits and construction easements necessary before initiating off-site work within a City of Port Orchard street right-of-way.
9. Franchised utilities or other installations that are not shown on these approved plans shall not be constructed unless an approved set of plans is submitted to the City of Port Orchard prior to construction.
10. The vertical datum shall be NAVD 1988 and the horizontal datum shall be NAD 1983 HARN State Plane Washington North FIPS 4601 feet.
11. Groundwater system construction shall be within a right-of-way or appropriate drainage easement, but not underneath the roadway section.
12. All utility trenches shall be backfilled and compacted in accordance with the City of Port Orchard Standards.

www.cityofportorchard.us publicworks@cityofportorchard.us Updated 02/2019

15. The Contractor shall be responsible for providing adequate safeguards, safety devices, protective equipment, flaggers, and any other needed actions to protect the life, health, and safety of the public, and to protect property in connection with the performance of work covered by the contractor. Any work within the traveled right-of-way that may interrupt normal traffic flow shall require at least one flagger for each lane of traffic affected. Refer to "Traffic Control," of the WSDOT Standard Specifications shall apply in its entirey. Traffic control plans shall follow the currently adopted MUTCD Manual as applicable.

To protect significant trees from the impacts of the proposed development, the Applicant shall provide the best protection for significant trees per the regulations. At a minimum, any significant trees to be retained shall be fenced two feet outward from the identified drip line. Trees the sustain damage during construction shall be replaced pursuant to POMC. A representative of the City of Port Orchard DCD Staff shall verify protective fencing placemnt per this condition prior to issuance of a notice to proceed for grading and clearing. The City shall inspect for compliance with the tree plan prior to a final inspection. The inspection shall also evaluate the condition of retained trees and any and all corrections will be required to be completed prior to a final inspection and release of any post financial guarantees for the site.

Erosion and Sediment Control Noes (also refer to Chapter 9 Surface Water Drainage):

34. Any areas of exposed soils, including roadway embankments, that will not be disturbed for two days during the wet season or seven days during the dry season shall be immediately stabilized with the approved TESC methods (e.g., seeding, mulching, plastic covering, etc.).
35. Any area needing TESC measures not requiring immediate attention shall be addressed within seven (7) days.
39. Where straw mulch for temporary erosion control is required, it shall be applied at a minimum thickness of 2 to 3 inches.

SANITARY SEWER PROFILE
SCALE: 1"=20' H, 1"=10' V

NO.	DATE	DESCRIPTION	BY
1	7-20-22	REVISED PER CITY COMMENTS	KPF

SANITARY SEWER EXTENSION PW21-076
1061 and 1083 HULL STREET

FOR
1909 HOLDINGS LLC
2610 BURWELL ST.
BREMERTON, WA 98312

7-20-22

NOTE: THIS DOCUMENT IS INSCRIBED WITH A DIGITIZED SIGNATURE BY THE ENGINEER AS PROVIDED BY WAC 196-23-070(2)

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Silverdale, Washington 98383
Silverdale 692-5625 • Seattle (206) 682-5614
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PLANNING

CALCULATED	DESIGN	DRAWN	CHECKED	DATE	SCALE	JOB NO.	SHEET
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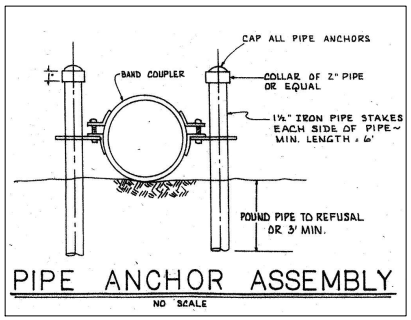
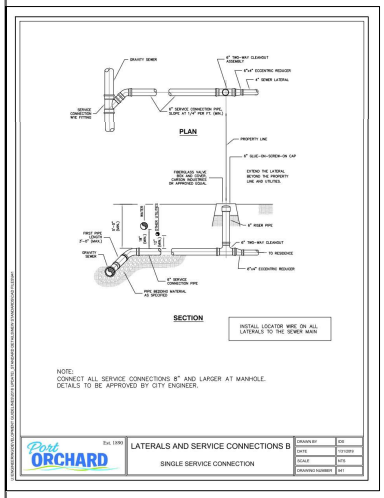
LU25-Rezone-01
EXHIBIT 1H

LU25-Rezone-01

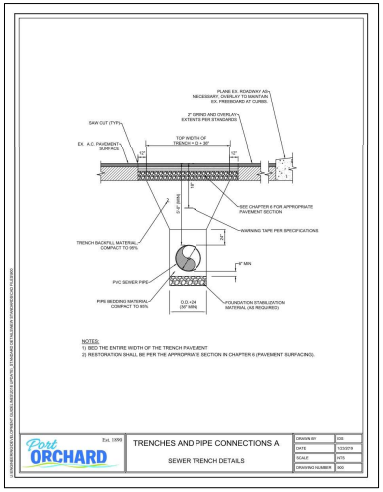


PIPE ANCHOR ASSEMBLY

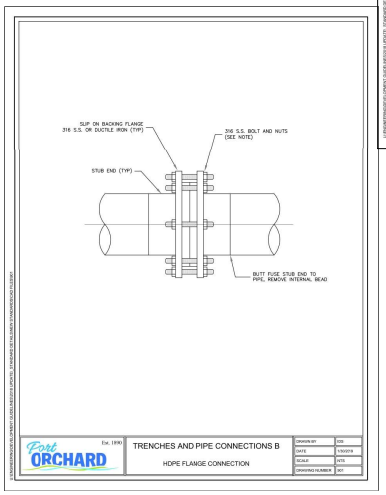
NO SCALE



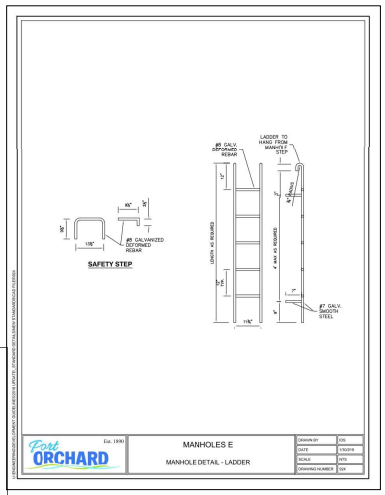
Port ORCHARD Est. 1890 | LATERALS AND SERVICE CONNECTIONS B | SINGLE SERVICE CONNECTION



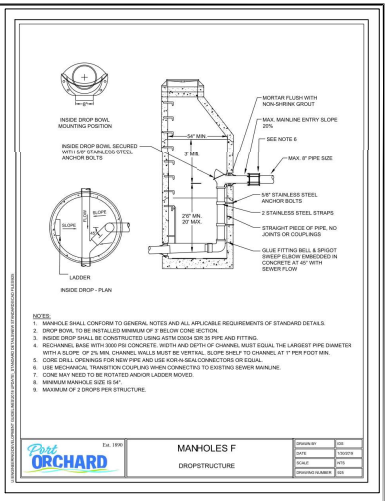
Port ORCHARD Est. 1890 | TRENCHES AND PIPE CONNECTIONS A | SEWER TRENCH DETAILS



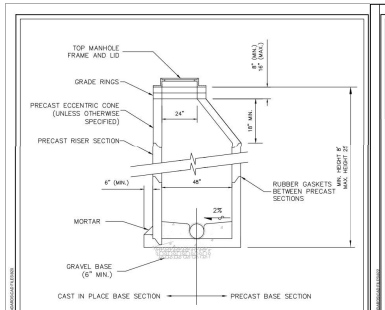
Port ORCHARD Est. 1890 | TRENCHES AND PIPE CONNECTIONS B | HDPE FLANGE CONNECTION



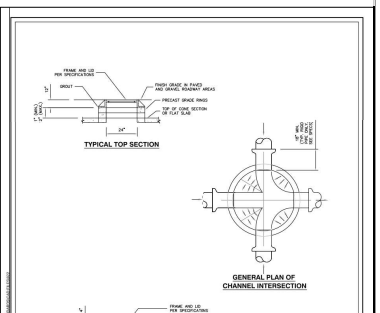
Port ORCHARD Est. 1890 | MANHOLES E | MANHOLE DETAIL - LADDER



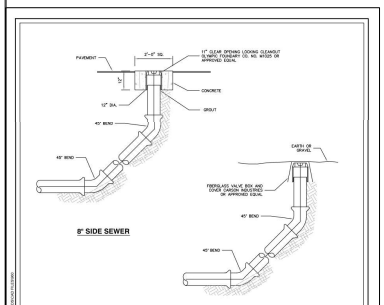
Port ORCHARD Est. 1890 | MANHOLES F | DROPSTRUCTURE



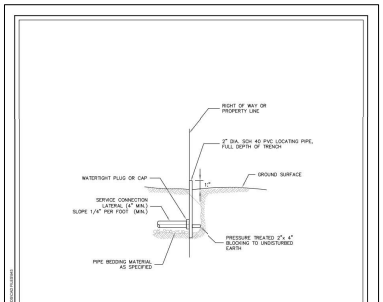
Port ORCHARD Est. 1890 | MANHOLES A | MANHOLE DETAIL 48"



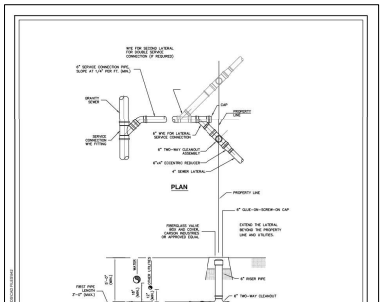
Port ORCHARD Est. 1890 | MANHOLES C | TOP SECTION AND CHANNELIZATION



Port ORCHARD Est. 1890 | CLEANOUTS A | SEWER CLEANOUT DETAIL



Port ORCHARD Est. 1890 | LATERALS AND SERVICE CONNECTIONS D | SERVICE CONNECTION MARKER



Port ORCHARD Est. 1890 | LATERALS AND SERVICE CONNECTIONS C | DOUBLE SERVICE CONNECTION

SANITARY SEWER EXTENSION
1061 and 1083 HULL STREET

NOTES AND DETAILS

FOR
1909 HOLDINGS LLC
2610 BURWELL ST.
BREMERTON, WA 98312

7-20-22

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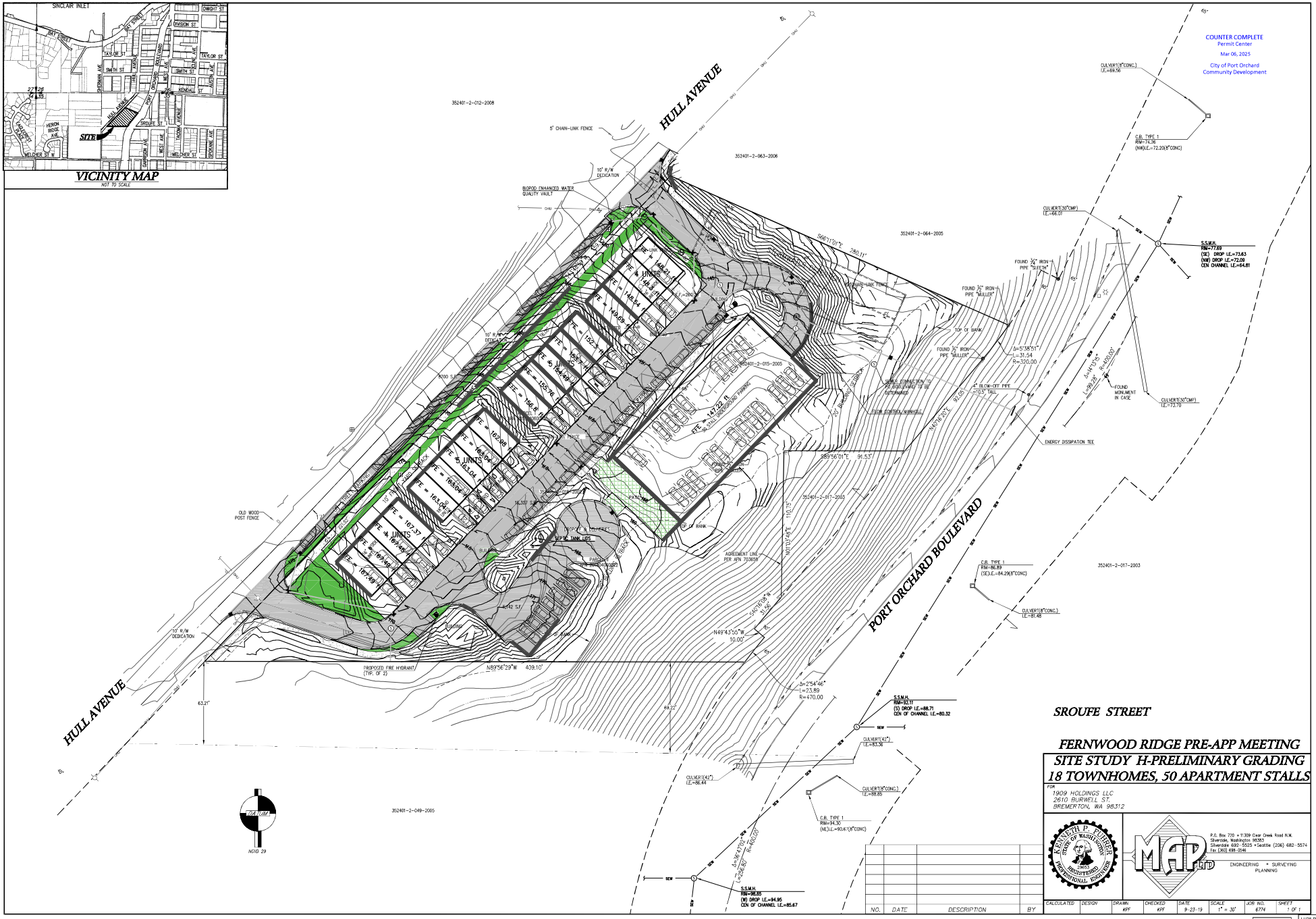
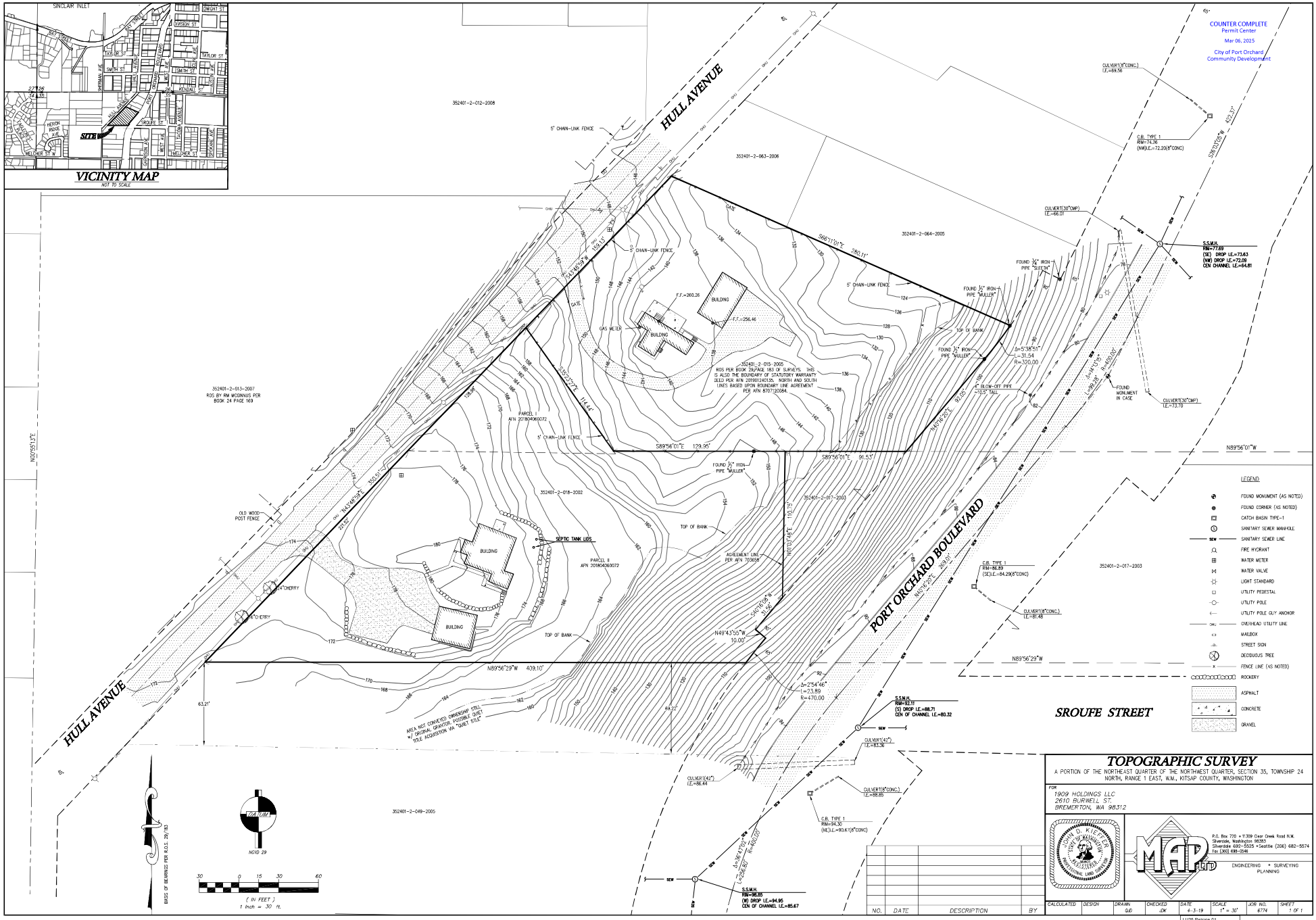
NO.	DATE	DESCRIPTION	BY

CALCULATED	DESIGN	DRAWN	CHECKED	DATE	SCALE	JOB NO.	SHEET
		KPF	KPF	2-12-21	NONE	6774	1 OF


VICINITY MAP
NOT TO SCALE
SITE
SINCLAIR INLET
HULL AVENUE
PORT ORCHARD BOULEVARD
SROUFE STREET
COUNTER COMPLETE
Permit Center
Mar 06, 2025
City of Port Orchard
Community Development
FERNWOOD RIDGE PRE-APP MEETING
SITE STUDY H-PRELIMINARY GRADING
18 TOWNHOMES, 50 APARTMENT STALLS
FOR:
1909 HOLDINGS LLC
2610 BURWELL ST.
BREMERTON, WA 98312
KENNETH P. FULLER
STATE OF WASHINGTON
PROFESSIONAL ENGINEER
MAP LTD
P.O. Box 720 • 11309 Clear Creek Road N.W.
Silverdale, Washington 98383
Silverdale 692 - 5525 • Seattle (206) 682 - 5574
Fax (360) 698 - 3546
ENGINEERING • SURVEYING
PLANNING
NO. DATE DESCRIPTION BY
CALCULATED DESIGN DRAWN CHECKED DATE SCALE JOB NO. SHEET
KPF 9-23-19 1" = 30' 6774 1 OF 1
LU25-Rezone-01
EXHIBIT 11



TOPOGRAPHIC SURVEY

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON

FOR
1909 HOLDINGS LLC
2610 BURWELL ST.
BREMERTON, WA 98312

JOHN D. KIELER
STATE OF WASHINGTON
PROFESSIONAL LAND SURVEYOR

MAP LAND DEVELOPMENT

P.O. Box 720 • 11309 Clear Creek Road N.W.
Silverdale, Washington 98383
Silverdale 692-5525 • Seattle (206) 682-5574
fax (360) 698-3546

ENGINEERING • SURVEYING
PLANNING

NO.	DATE	DESCRIPTION	BY

CALCULATED	DESIGN	DRAWN	CHECKED	DATE	SCALE	JOB NO.	SHEET
		GJD	JDK	4-3-19	1" = 30'	6774	1 OF 1

LU25-Rezone-01
EXHIBIT 1J

LU25-Rezone-01

Transmittal Letter

CITY OF PORT ORCHARD • PERMIT CENTER

New Application

Transmittal Date: March 7, 2025 **Submittal Date:** March 4, 2025

Permit#: LU25-Rezone-01 **Permit Type:** Land Use - Rezone

Project Name: 1061/1083 Hull Ave

Submittal Description: Site specific rezone of these properties from r2 to r3 to support an apartment building type

Project location: 1061/1083 Hull Ave

Return comments to: Connor Dahlquist **by:** March 21, 2025

▶ **Public Works employees' comments go to** Chris Hammer **by:** March 14, 2025

Refer to the numbers following your name to identify the documents in your packet.

✓	Recipients
	Assigned Lead: Connor Dahlquist, Associate Planner (via email: 1; via e-file: 2, 3, 4, 5, 6, 7, 8: via Bluebeam Review: 9, 10, 11)
	PL Oversight: Stephanie Andrews, Senior Planner (via email: 1; via e-file: 2, 3, 4, 5, 6, 7, 8: via Bluebeam Review: 9, 10, 11)
	Angela Garcia, DCD Deputy Director (via email: 1; via e-file: 2, 3, 4, 5, 6, 7, 8: via Bluebeam Review: 9, 10, 11)
	Chris Hammer, City Engineer. (via email: 1; via e-file: 2, 3, 4, 5, 6, 7, 8: via Bluebeam Review: 9, 10, 11)
	Nick Bond, Development Director (via email 1)
	Ellen Ferguson, Permit Center Manager (via email: 1)
	Jim Fisk, Principal Planner (via email: 1)
	Denis Ryan, Public Works Director (via email: 1)
	Christian Williams, Asst. City Engineer (Via email: 1)
	Darren Podraza, PW Inspector (via email: 1)
	Deanna Zimmerman, Permit Center Assistant (via email:1)
	Scott Wolf – Utility Manager (via email:1)

Documents*
1. Transmittal Letter
2. Master Permit Application
3. Site Specific Rezon Application
4. Narrative
5. _1083 Demo Inspection Card
6. 1061 Demo Inspection Card
7. Hull Summary Table
8. POMC 20.42.030 (2)
9. Topography Survey
10. Sewer Extension Map
11. Site grading & Utilities Map

*All documents are saved in the project's e-file located here:
PERMIT CENTER drive → 0 PERMITS → Land Use → Rezones → 2025 → LU25-Rezone-01 →Submittals

Prepared by: Jackie Krukoff
Planning Permit Clerk

LU25-Rezone-01
EXHIBIT 2

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

DATE OF ISSUANCE:	April 03, 2025
PROJECT NAME:	1061/1083 Hull Ave Rezone
FILE NUMBER:	LU25-Rezone-01
DATE APPLICATION RECEIVED:	March 4, 2025
PROJECT TYPE:	Site-Specific Rezone
DESIGNATED CONTACT NAME AND ADDRESS:	Noel Larsen – 1909 Holdings, LLC 2612 Burwell St Bremerton, WA 98312
PROJECT DESCRIPTION:	Rezone from R2 to R3 to support an apartment building type.
LOCATION:	Tax Parcel Number's 352401-2-015-2005, 352401-2-018-2002. Nearest major intersection: Bay St and Port Orchard Blvd. Section 35 Township 24 Range 1E (NW/4)
STAFF CONTACT:	Connor Dahlquist, Associate Planner cdahlquist@portorchardwa.gov 360-874-5533

DETERMINATION OF TECHNICAL INCOMPLETENESS (POMC 20.24.050)

[X] Application is not technically complete for the following reasons:

An initial review of the submitted documents has resulted in the identification of several items that will be required for the City to continue review of the project. Those items are detailed below. The review clock for the project will remain stopped until the requested supplemental information is submitted and deemed adequate.

- A completed SEPA checklist including supplement sheet for nonproject actions. POMC 20.42.020
- Revise submitted Rezone Application with "SEPA Checklist Submittal" checked.

The information listed shall be submitted within ninety (90) calendar days from the date of this Determination.

LU25-Rezone-01
EXHIBIT 3

Following a determination of technical completeness and the commencement of project review, the director may make a determination in writing that that some information is incorrect or that additional information is required. The applicant shall have up to ninety (90) days to submit corrected/additional information. If an applicant either refuses in writing to submit additional information or does not submit the required information within ninety (90) calendar days, the application shall be terminated (POMC 20.24.060).

Connor Dahlquist

Connor Dahlquist, Associate Planner

April 3, 2025

Date Issued

CITY OF PORT ORCHARD

Permit Center
Office located at 720 Prospect Street
Mailing address: 216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533 • permitcenter@portorchardwa.gov

SEPA ENVIRONMENTAL CHECKLIST APPLICATION FORM

For Staff Use Only	File #:	Receipt #:

Use this Application Form when you submit a SEPA Environmental Checklist.
The SEPA Checklist is available on the City's Permit Center website.

Incomplete Submittal Will Not Be Accepted.

1. SUBMITTAL INFORMATION.

Address 1 – 3 below by selecting the appropriate statement(s): *Check all that apply.*

☐ **1.** This SEPA Checklist is submitted with a parent project permit application, to be processed concurrently.

☐ **2.** This SEPA Checklist is **not** submitted with a parent project permit application.
Select the reason for submitting the SEPA Checklist separately:

- ☐ **2A.** The parent permit application was submitted previously.
  Permit No.: _____
- ☐ **2B.** The parent permit will be submitted later.
  Explain why the SEPA Checklist is being submitted ahead of the permit application:

☑ **3.** The SEPA Checklist is for a Non-Project Action and includes Supplement D.

2. SUBMITTAL REQUIREMENTS.

Electronic submittals are required. Contact the Permit Center for formatting and resolution requirements.
Check the box for each item included with this application:

☑ **The Master Permit Application Form,** completed.

☑ **The SEPA Environmental Checklist Application Form** *(this form)*, completed.

☑ **The Environmental Checklist**, completed, signed and dated.

The following list of documents may be required for a SEPA review.
Check the box for each document that is included with this SEPA Checklist Application:

☑ **SEPA Checklist Supplement D, SEPA Checklist for Non-Project Action** completed.

☐ **Site Plan.** Must be scalable and clearly readable when printed at 11" x 17".

☐ **Conceptual Architectural Renderings and Elevations.**

☐ **Stormwater Drainage Report and Plan.**

☐ **Wetland Report.**

☐ **Geotechnical Report.**

☐ **Traffic Impact Analysis.**

Other documentation may be required in addition to what is listed above. Contact Planning Staff with questions or to discuss requirements.

The information on this form and associated documents are considered public records and subject to public disclosure laws in Chapter 42.56 RCW

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

Responses of "Not applicable, no specific project proposed.", indicate the question does not apply to this proposal as there is not a specific project associated with this application, simply a request to change zoning from R2 to R3. Responses of "Not applicable, no specific project proposed."in this application, would be covered in a separate application with SEPA for a specific project. -Noel Larsen, Applicant.

A. Background *Find help answering background questions*

1. **Name of proposed project, if applicable:**

   1061/1083 Hull Rezone
2. **Name of applicant:**

   NOEL LARSEN, 1909 HOLDINGS LLC
3. **Address and phone number of applicant and contact person:**

   2612 BURWELL ST, BREMERTON, WA 98312, 360-731-2119
4. **Date checklist prepared:**

   4/7/2025
5. **Agency requesting checklist:**

   CITY OF PORT ORCHARD
6. **Proposed timing or schedule (including phasing, if applicable):**

   Not applicable, no specific project proposed.
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

   No.
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

   None.
9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

   No.
10. **List any government approvals or permits that will be needed for your proposal, if known.**

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

REZONE FROM R2 TO R3 TO ALLOW APARTMENT BUILDINGS, APPROXIMATELY 80 UNITS, 2.7 TOTAL ACRES.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Parcel #: 352401-2-015-2005
1061 HULL AVE, PORT ORCHARD, WA 98366
*THAT PORTION OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., LYING BETWEEN THE EAST MARGIN OF HULL STREET AND THE WEST MARGIN OF PORT ORCHARD BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M.; THENCE NORTH 89*56'46 WEST ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 570.76 FEET; THENCE SOUTH 43*48'14 WEST ALONG THE EAST MARGIN OF HULL STREET, AS SHOWN ON SURVEY BY THOMAS C. BREITENSTEIN, LAND SURVEYOR, DATED JUNE 30, 1941, A DISTANCE OF 404.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 43*48'14 WEST ALONG SAID EAST MARGIN OF HULL STREET 159.13 FEET; THENCE LEAVING SAID EAST MARGIN RUN SOUTH 35*24'12 EAST 114.44 FEET TO THE SOUTH LINE OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89*56'46 EAST ALONG THE SOUTH LINE OF SAID NORTH 500.00 FEET 221.49 FEET TO THE WEST MARGIN OF PORT ORCHARD BOULEVARD; THENCE NORTH 40*15'35 EAST ALONG SAID WEST MARGIN OF PORT ORCHARD BOULEVARD 92.05 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 320.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 31.54 FEET TO A POINT ON SAID CURVE WHICH BEARS SOUTH 66*11'46 EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 66*11'46 WEST 280.11 FEET TO THE TRUE POINT OF BEGINNING. (ALL AS SHOWN ON SURVEY, BY WARD C. MULLER, LAND SURVEYOR, RECORDED UNDED AUDITOR'S FILE NO. 8905300061 AND FILED IN VOLUME 29 PAGE 183 OF SURVEYS.)*

Parcel #: 352401-2-018-2002
1083 HULL AVE, PORT ORCHARD, WA 98366

*PARCEL A: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 500 FEET SOUTH AND 1026.7 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER ON THE EAST LINE OF HULL STREET; THENCE NORTH 42*34' EAST ALONG THE EAST LINE OF HULL STREET 129.04 FEET; THENCE SOUTH 36*37'30" EAST 116.90 FEET; THENCE SOUTH 89*31'10" WEST 157 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084; PARCEL B: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 660 FEET SOUTH AND 320 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST TO THE EAST LINE OF HULL STREET; THENCE NORTHEASTERLY ALONG SAID EAST LINE OF HULL STREET TO A POINT 500 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 35; THENCE EAST TO A POINT 160 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 160 FEET TO THE POINT OF BEGINNING; EXCEPT ROADS; EXCEPT THAT PORTION CONDEMNED FOR HIGHWAY PURPOSES IN KITSAP COUNTY SUPERIOR COURT CAUSE NO. 53095; AND EXCEPT THAT PORTION THEREOF LYING EAST OF BOUNDARY LINE AS DESCRIBED IN INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 703658; ALSO EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084.*

B. Environmental Elements

1. Earth [Find help answering earth questions]

a. General description of the site:
From 0305 ESC19-G021 Hull Avenue Townhomes.pdf, Site Description, dated October 24, 2019, attached. "The topography of the site in general slopes to the east toward Port Orchard Boulevard. At the time of our site visit, the site was vegetated primarily with trees and low lying brush. The subject parcel is bounded by Hull Avenue to the north, single family residences to the east, a greenbelt and Port Orchard Boulevard to the south, and single family residences to the west. There was no visible evidence of slope failure, sloughing, erosion, or deep seated rotational slides at the time of the site visit."

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:
Rolling in buildable area, steep slopes in non-buildable area.

b. What is the steepest slope on the site (approximate percent slope)?
100%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

From 0305 ESC19-G021 Hull Avenue Townhomes.pdf, Geology-Soils, *"The United States Department of Agriculture (USDA) Soil Survey of Kitsap County Area, Washington, information indicates the following soil type exists on the project site:*

- *Alderwood gravelly sandy loam, 15 to 30 percent slopes*
- *Indianola loamy sand, 5 to 15 percent slopes*
- *Indianola-Kitsap complex, 45 to 70 percent slopes"*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
From 0305 ESC19-G021 Hull Avenue Townhomes.pdf, Slopes, "At the time of our site visit there was no visible evidence of sloughing or slope failure and no visible evidence of groundwater seepage on the slope face."

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
Not applicable, specific project dependent.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.
Typical erosion control practices would apply to specific project.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Estimate 75%, 88,000 or 117,612 square feet of total site area due to topography.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.
Not applicable, rezone only, no specific project associated with this application.

2. Air [Find help answering air questions]

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable, specific project dependent.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable, specific project dependent.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

None

3. Water [Find help answering water questions]

a. Surface Water: *[Find help answering surface water questions]*

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**
   No.
2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**
   No.
3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**
   Not applicable, specific project dependent.
4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**
   No.
5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**
   No.
6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**
   Not applicable, specific project dependent.

b. Ground Water: *[Find help answering ground water questions]*

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**
   No.

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**
   Not applicable, specific project dependent.

c. Water Runoff (including stormwater):

1. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**
   Not applicable, specific project dependent.

2. **Could waste materials enter ground or surface waters? If so, generally describe.**
   Not applicable, specific project dependent.

3. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**
   Not applicable, specific project dependent.

4. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**
   Not applicable, specific project dependent.

4. Plants [Find help answering plants questions]

a. **Check the types of vegetation found on the site:**

☒ **deciduous tree: alder, maple, aspen, other**

☒ **evergreen tree: fir, cedar, pine, other**

☒ **shrubs**

☒ **grass**

☐ **pasture**

☐ **crop or grain**

☐ orchards, vineyards, or other permanent crops.

☐ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**

☐ **water plants: water lily, eelgrass, milfoil, other**

☐ **other types of vegetation**

b. What kind and amount of vegetation will be removed or altered?

Not applicable, specific project dependent.

c. List threatened and endangered species known to be on or near the site.

None.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.

Not applicable, specific project dependent.

e. List all noxious weeds and invasive species known to be on or near the site.

Switch broom.

5. Animals [Find help answering animal questions]

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Deer, songbirds.

Examples include:

- ***Birds: hawk, heron, eagle, songbirds, other:***
- ***Mammals: deer, bear, elk, beaver, other:***
- **Fish: bass, salmon, trout, herring, shellfish, other:**

b. List any threatened and endangered species known to be on or near the site.

None.

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any.

Not applicable, specific project dependent.

e. List any invasive animal species known to be on or near the site.

None.

6. Energy and Natural Resources Find help answering energy and natural resource questions

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable, specific project dependent.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable, specific project dependent.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

Not applicable, specific project dependent.

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

No.

1. Describe any known or possible contamination at the site from present or past uses.

a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None.

b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
Not applicable, specific project dependent.

c. Describe special emergency services that might be required.
Not applicable, specific project dependent.

d. Proposed measures to reduce or control environmental health hazards, if any.
Not applicable, specific project dependent.

b. Noise

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**
   Not applicable, specific project dependent.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**
   Not applicable, specific project dependent.

3. **Proposed measures to reduce or control noise impacts, if any.**
   Not applicable, specific project dependent.

8. Land and Shoreline *Use* Find help answering land and shoreline use questions

a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**
   Low to medium density residential, R2 and R3.

b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**
   No.

1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**
   No.

c. **Describe any structures on the site.**

   None.

d. **Will any structures be demolished? If so, what?**

   Not applicable, no existing structures.

e. **What is the current zoning classification of the site?**

   R2.

f. What is the current comprehensive plan designation of the site?

Medium Density Residential, R2 and R3.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Descending slopes off of the eastern portion of the site are mapped as Moderate Landslide Hazard Areas and Moderate to High Erosion Hazard Areas by Kitsap County.

i. Approximately how many people would reside or work in the completed project?

Depending on the project approximately 100-150 residents.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any.

Not applicable.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

Not applicable, no specific project proposed.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

Not applicable, no specific project proposed.

9. Housing Find help answering housing questions

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any.

Not applicable, no specific project proposed.

10. Aesthetics Find help answering aesthetics questions

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

R3 allows up to 35', building material *not applicable, no specific project proposed.*

b. What views in the immediate vicinity would be altered or obstructed?

None.

c. Proposed measures to reduce or control aesthetic impacts, if any.

Not applicable, no specific project proposed.

11. Light and Glare Find help answering light and glare questions

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
Not applicable, no specific project proposed.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable, no specific project proposed.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable, no specific project proposed.

d. Proposed measures to reduce or control light and glare impacts, if any.

Not applicable, no specific project proposed.

12. Recreation Find help answering recreation questions

a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable, no specific project proposed.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable, no specific project proposed.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.
Not applicable, no specific project proposed.

13. Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**
No.

b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**
No.

c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**
Not applicable, no specific project proposed.

d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**
Not applicable, no specific project proposed.

14. Transportation Find help with answering transportation questions

a. ***Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.***
This site is accessible from both Tremont, via Pottery and Bay Street, via Hull.

b. ***Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?***
No. About 1 mile.

c. ***Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).***
Not applicable, no specific project proposed.

d. ***Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.***
No.

e. ***How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur*** *and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?*

Not applicable, no specific project proposed.

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable, no specific project proposed.

g. Proposed measures to reduce or control transportation impacts, if any.

Not applicable, no specific project proposed.

15. Public Services Find help answering public service questions

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No, not applicable, no specific project proposed.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable, no specific project proposed.

16. Utilities Find help answering utilities questions

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable, no specific project proposed.

C. Signature *Find help about who should sign*

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

The electronic signature below is equivalent to a handwritten signature and is binding for all purposes.

X. _____

Type name of signee: Noel Larsen

Position and agency/organization: Partner, 1909 Development LLC

Date submitted: 4/7/2025

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PERMIT CENTER

APRIL 29, 2025

CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

CITY OF PORT ORCHARD
Permit Center
Office located at 720 Prospect Street
Mailing Address: 216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533 • permitcenter@portorchardwa.gov

SEPA ENVIRONMENTAL CHECKLIST SUPPLEMENTAL SHEET D
FOR NON-PROJECT ACTIONS

Non-project actions are governmental actions involving decisions about policies, plans, or programs containing standards for controlling use or modifying the environment, or will govern a series of connected actions.

SUPPLEMENT D IS NOT REQUIRED FOR PROJECT ACTIONS

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

TO BE COMPLETED BY APPLICANT:

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

   Negligible.

   1a. Proposed measures to avoid or reduce such increases are:

   NA

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

   Negligible.

   2a. Proposed measures to protect or conserve plants, animals, fish, or marine life are:

   None.

3. How would the proposal be likely to deplete energy or natural resources?

   Negligible.

LU25-Rezone-01
EXHIBIT 4C

3a. Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Negligible.

4a. Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

NA

5a. Proposed measures to avoid or reduce shoreline and land use impacts are:

None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Negligible.

6a. Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

NA.

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PERMIT CENTER
Apr 07, 2025
CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

EnviroSound Consulting Inc.

Geotechnical & Environmental Consulting

Limited Geotechnical Engineering Report

Project Information

Project Name: Hull Avenue Townhomes & Apartments
Location: Port Orchard, Washington
Client: 1909 Holdings LLC
Project #: ESC19-G021
Date: October 24, 2019

Company Information

P.O. Box 776
Tracyton, Washington 98393
Phone: 360-698-5950
Fax: 360-698-5929

LU25-Rezone-01
EXHIBIT 4D

October 24, 2019

Mr. John Stallings
1909 Holdings LLC
2610 Burwell Street
Bremerton, WA 98312

Subject: Hull Avenue Townhomes & Apartments Limited Geotechnical Report
1083 & 1061 Hull Avenue
Port Orchard, Washington, 98366
Parcel No: 352401-2-015-2005 & 352401-2-018-2002

Dear Mr. Stallings:

In accordance with your request, EnviroSound Consulting Inc. (EnviroSound) performed this Limited Geotechnical Engineering Report for the subject project. Our scope of services was in general accordance with telephone and email communications with Map Ltd.

Site Location

The subject property is located at 1083 and 1061 Hull Avenue in Port Orchard, Washington. According to the United States Geologic Survey (USGS), 7.5-minute Bremerton-East, Washington Topographic Quadrangle map, the property is located in Section 35, Township 24, Range 1 East, W.M. and at latitude 47.532833 degrees W and at longitude -122.645398 degrees N. The site location is shown on the Site Vicinity Map, Figure 1.

Site Description

The subject property consists of two parcels that encompass a total of 2.58 acres. Both parcels are currently developed with single family residences. Paved driveways provide access to both parcels from Hull Avenue. The topography of the site in general slopes to the east toward Port Orchard Boulevard. At the time of our site visit, the site was vegetated primarily with trees and low lying brush. The subject parcel is bounded by Hull Avenue to the north, single family residences to the east, a greenbelt and Port Orchard Boulevard to the south, and single family residences to the west. There was no visible evidence of slope failure, sloughing, erosion, or deep seated rotational slides at the time of the site visit.

Proposed Development

The proposed development will consist of the construction of four townhouse buildings along the western portion of the site and a multi-level apartment building with an underground parking structure on the northeastern portion of the site, with associated pavement and utilities.

Geology-Soils

The Geologic Map of Surficial Deposits in the Seattle 30' x 60' Quadrangle, Washington (Yount, others. 1993) indicate that the site and surrounding area is mapped as a possible contact between Vashon recessional outwash deposits (Qvr) and Vashon Till (Qvt). Vashon recessional outwash deposits are described as a complex of poorly to moderately sorted and stratified gravel and sand with minor amounts of silt and clay. Vashon Till is described as a light to dark gray, nonsorted, and nonstratified mixture of clay, silt, sand and gravel.

The United States Department of Agriculture (USDA) Soil Survey of Kitsap County Area, Washington, information indicates the following soil type exists on the project site:

- Alderwood gravelly sandy loam, 15 to 30 percent slopes
- Indianola loamy sand, 5 to 15 percent slopes
- Indianola-Kitsap complex, 45 to 70 percent slopes

The soil survey description of the soil type is summarized in the following table.

USDA Soil Survey Name	**3 – Alderwood gravelly sandy loam, 15 to 30 percent slopes**	**19 – Indianola loamy sand, 5 to 15 percent slopes**	**21 – Indianola-Kitsap complex, 45 to 70 percent slopes**
USDA Textural Classification & USCS Soil Type	0 to 7 inches: gravelly sandy loam 7 to 59 inches: very gravelly sandy loam	0 to 1 inches: slightly decomposed plant material 1 to 17 inches: loamy sand 17 to 60 inches: sand	Indianola: 0 to 7 inches: loamy sand 29 to 60 inches: sand Kitsap: 0 to 5 inches: ashy silt loam 5 to 35 inches: silty clay loam 35 to 60 inches: stratified silt to silty clay loam
Origination	Glacial drift and/or glacial outwash over dense glaciomarine deposits.	Sandy glacial outwash.	Indianola: Glacial outwash Kitsap: Lacustrine deposits with volcanic ash in the upper part
Permeability	Moderately rapid above the hardpan and very slow in the pan.	Rapid.	Indianola: Rapid. Kitsap: Slow.
Drainage	Moderately well drained.	Somewhat excessively drained.	Indianola: Somewhat excessively drained. Kitsap: Moderately well drained.
Surface Runoff	Medium.	Medium.	Indianola: Rapid Kitsap: Very Rapid.
Erosion Hazard	Moderate.	Moderate.	Indianola: Severe Kitsap: High.

Slopes

Descending slopes off of the eastern portion of the site are mapped as Moderate Landslide Hazard Areas and Moderate to High Erosion Hazard Areas by Kitsap County. A review of the "Slope Stability, Kitsap County, Washington", Jerry Deeter, 1979 indicates that the subject property is in an area mapped as Stable (S) slopes with some areas of Unstable (U) slopes. Stable slopes are described as generally less than fifteen percent except in areas of low groundwater concentration or competent bedrock. Unstable slopes are described as unstable due to geologic, groundwater, slope or erosional factors which may show evidence past failures. These areas include areas of landslides and talis too small or obscure to be mapped.

At the time of our site visit there was no visible evidence of sloughing or slope failure and no visible evidence of groundwater seepage on the slope face.

Field Exploration

Seven exploratory test pits were excavated on April 11, 2019. Test Pits TP-1, TP-2, TP-3, and TP-4 were excavated on the southern portion of the site on the southern parcel and test pits TP-5, TP-6, and TP-7 were excavated on the northern portion of the site on the northern parcel. The test pits were excavated by Bullseye Excavation, under the direction of an EnviroSound representative. The test pit locations were coordinated with a representative of Map Ltd. and are shown on Figure 2. The logs of the test pits can be found in Appendix A with laboratory data in Appendix B. The test pits were backfilled upon completion of logging and collecting samples.

Soil samples were collected from select depths in the test pits. Soil samples were submitted to Phoenix Soil Research for laboratory analysis. The laboratory test results are shown on the test pit logs and are also attached to this report.

Soil

Test pit TP-1 encountered a gravelly, silty sand to about 2.0 feet underlain by glacial till to a depth of approximately 6.0 feet. The test pit was terminated in a silty, fine sand at about 8.0 feet. Test pit TP-2 encountered loose, silty sand, (fill) to a depth of about 2.0 feet. This was underlain by a medium dense silty sand to approximately 4.0 feet. The test pit was terminated in a dense, silty fine sand at a depth of about 9.0 feet. Test pit TP-3 encountered gravelly silty sand to about 4.0 feet. This was underlain by dense fine sandy silt to the termination depth of approximately 8.0 feet. Test pit TP-4 encountered gravelly, fine to medium sand to a depth of 4.0 feet. This was underlain by a dense sandy silt to a termination depth of 10.0 feet. Test pit TP-5 encountered medium dense, silty, fine sand to a depth of 4.5 feet. This was underlain by a dense, sandy silt to a depth of about 6.0 feet. The test pit was terminated in a silty fine sand at about 8.0 feet. Test pit TP-6 encountered loose, gravelly, silty, sand, (fill) to a depth of about 4.5 feet. This was underlain by medium dense, gravelly fine to medium sand to a depth of about 5.5 feet. Below the sand was a dense silty, gravelly, sand to a depth of about 9.0 feet. The test pit was terminated in a sandy silt at about 11.0 feet. Test pit TP-7 encountered gravelly, silty sand to a depth of about 4.5 feet. This was underlain by very dense, gravelly sand to a depth of about 6.5 feet. The test pit was terminated in a dense, silty fine sand at approximately 8.0 feet. More detailed descriptions of the test pits are provided in the test pit logs in Appendix A.

Groundwater

No groundwater was encountered in the test pits.

It should be noted that groundwater conditions can vary with precipitation or other factors but it is not expected to be a factor during construction of the proposed structures.

Laboratory Testing

To aid in classifying the soils and to evaluate the strength characteristics and for potential infiltration, laboratory tests were performed on selected samples. Test method references are shown in the following table. Phoenix Soil Research of Kingston, Washington was retained to provide laboratory analysis.

Parameter	*Testing Method Reference*
Grainsize Analysis	ASTM D422
Atterberg Limits	ASTM D4318

The results of the laboratory testing are provided in Appendix B.

Seismic Information

EnviroSound has reviewed table 1613.3.2 of the 2015 International Building Code (IBC). Site specific data is not available to a depth of 100 feet. The explorations at this site reached a maximum depth of 11.0 feet. Soils below the depth of the explorations consist of glacially consolidated soils and the blow counts are typically greater than 50. Therefore, for seismic design of structures, the site should be considered class C, "very dense soil and soft rock", as defined in the IBC.

Ground motion accelerations for the site were obtained from the USGS Earthquake Hazards Program website and are presented in the following table. The latitude/longitude method was used to obtain the ground motions at Longitude -122.645398° and Latitude 47.532833° using the 2015 data tables.

Probability of Exceedance	2% in 50 years
Peak Ground Acceleration (PGA)	0.656 g
0.2 second period (S_s)	1.572g
1 second period (S_1)	0.605 g

Soil liquefaction is a state where soil particles lose contact with each other and become suspended in a viscous fluid. The suspension of the individual soil grains results in a complete loss of shear strength as pore pressures increase and the effective overburden stress drops to zero. Liquefaction is typically induced by significant vibration of relatively clean granular soils that are below the water table. Liquefaction occurs most often in soils where the strength is purely frictional (relatively clean sands). Liquefaction has occurred in soils other than clean sand. Liquefaction does not appear to be a potential concern on this site.

Conclusions and Recommendations

General

Based on the findings of this investigation, it is our opinion that the project can be developed provided the recommendations in this report are followed.

The plans provided by MAP Ltd., indicated that the proposed final floor elevation for the four townhouse buildings range from approximately 167 feet for the southern building down to approximately 148 feet for the northern building. The proposed final floor elevation for the building with the underground parking structure will be at approximately 147 feet.

Based on the proposed final floor elevations and proposed grading plan, excavations of up to approximately 16 feet will be required towards the southern portion of the site, and fill of up to 10 feet towards the northern portion of the site.

The proposed underground parking structure, the at-grade parking area and adjacent paved turn-around will be located within approximately 25 feet from the top of the eastern slope. This places them within the specified setback of 20 feet. Based on the site geology and our studies, it is our opinion that the setbacks proposed will not adversely impact the stability of the adjacent slope. Detailed slope stability analyses for these areas is provided in the next section of this report.

As indicated on the plans, a detention vault is proposed adjacent to the northern property line. At its eastern end, the vault will be located approximately 20 feet from the top of the eastern slope. In addition, the vault will be founded approximately 10 feet below the existing ground surface. A slope stability analysis has not been performed for this area. In our opinion, the analysis provided for Section B-B' is applicable for this area. In addition, because the vault is roughly 10 feet below existing grade, and the load imposed by the vault is less than the loads used in section B-B' the factor of safety will be greater for the vault area.

Based on our observations of the native soils, it is our opinion that any material to be excavated may be difficult to use as structural fill due to the fine grained nature of the soils and moisture sensitivity.

Additionally, infiltration of stormwater runoff on this site is not feasible due to the nearby slopes, residences to the north, and fill material and dense soils encountered during the subsurface investigation.

Critical elements of the foundation and earthwork should be monitored and tested by a qualified representative of EnviroSound. These include but are not limited to compaction control of structural fill, foundation subgrade verification, slab on grade verification and subsurface drainage. We recommend that EnviroSound be involved in the process of planning the construction, configurations and elevations for the proposed structures. We also recommend that EnviroSound review updated plans, as these documents become available, to verify that geotechnical recommendations are being incorporated.

Slope Stability

The site plan shows one of the proposed buildings approximately 20 feet from the top of the slope in the northern portion of the property. On the southern portion of the property, a parking area is shown

approximately 20 feet from the top of the slope. A slope stability analysis was performed in both of these locations. The locations of the two cross sections are shown on Figure 2. The cross sections used in the analysis were obtained from the topographic map generated by MAP Ltd.

The analyses were performed using the commercially available computer program GeoStudio. Soil strength parameters used in the analyses were estimated based on exploratory test pits excavated on the site as part of our report and our experience with local soils.

The pseudostatic method was used for the slope stability analysis to estimate the factor of safety (FS) under seismic conditions. The seismic coefficient used in a pseudostatic analysis is typically taken to be 1/2 of the peak ground acceleration (PGA) that the site is estimated to experience during the design earthquake. For this project site the PGA was 0.656, Kh was 0.33 g, based on the information from the USGS for the event with a 2 percent probability of being exceeded in 50 years.

The results of slope stability analyses are expressed as a FS against displacement failure. The FS is the ratio of resisting forces to driving forces. A FS of 1.0 is equilibrium; a FS of less than 1.0 indicates failure. Typically, a FS of 1.5 for static conditions and 1.1 for seismic (pseudostatic) conditions is considered adequate in standard local practice. A FS between 1.0 and 1.5 (or < 1.1 under seismic conditions) is not adequate due to the uncertainties in the modeling process. A lower FS for seismic conditions is adequate as the probability of occurrence of the seismic conditions analyzed is relatively low.

The results of the slope stability analysis are presented in the following tables. A graphical presentation of the results of the static and seismic slope stability analysis are presented in the attached Figures 4-7.

Stability Results for Hull Avenue Townhomes (Static)

	Factor of Safety Observed	Factor of Safety Required
A-A Global Stability	2.409	1.5
B-B Global Stability	2.425	1.5

Stability Results for Hull Avenue Townhomes (Seismic)

	Factor of Safety Observed	Factor of Safety Required
A-A Global Stability	1.118	1.1
B-B Global Stability	1.247	1.1

Foundations

It is recommended that the proposed buildings be supported on perimeter and column foundations founded in densely compacted structural fill. The footings should be designed for a bearing load capacity of 2,000 pounds per square foot (psf). Footings should have adequate embedment for local frost penetration requirements. In the area of this project, the minimum depths are typically 18 inches for exterior footings and 12 inches for interior footings.

The allowable bearing pressures given could be increased by one-third for wind or earthquake loads.

Footing excavations should be cleaned of all loose soil, leveled, and protected from water.

Each footing excavation should be evaluated by a qualified geotechnical engineer or his representative to confirm suitable bearing conditions and to determine that the undisturbed native subgrade soils are present and all loose materials have been removed. This should be accomplished prior to placement of concrete or the working surface.

Assuming compliance with the above recommendations, we expect settlements to be less than 3/4 inch, with differential settlements (between adjacent footings or over a 20-foot span of continuous footing) less than 1/2 inch.

Lateral footing displacement can be resisted by friction along the base of the foundation and passive pressure acting against the appropriate footing faces. We recommend an allowable friction factor of 0.4 and an allowable equivalent fluid passive pressure of 240 per cubic foot (pcf/ft) of depth. These values include a factor of safety of 1.5 for the allowable friction factor and 2.0 for the allowable equivalent fluid passive pressure.

Foundation Drainage

We recommend that footing drains be installed along the outside perimeter of the proposed structures. These drains should consist of a minimum 4-inch diameter perforated rigid pipe (with perforations placed at 4 and 8 o'clock) with a minimum thickness of 6 inches of pea gravel around the pipe. The pipe and pea gravel should be wrapped in filter fabric to reduce the migration of fines into the drainage zone. However, a filter sock should not be used around the pipe. The backfill soils within 1 foot of the walls should consist of free-draining sand and gravel material. This drainage system should be designed to transport water away from the structure and discharge into an appropriate area. If gravity flow to daylight is not possible, a sump-pump system may be necessary. The perimeter subdrain invert should be located at least 18 inches below the lowest adjacent grade.

Roof drains should not be connected to the footing subdrains. The discharge from footing drains, roof drains, or other drains should be routed by means of a tightline to a suitable discharge point that assume excessive stormwater flows do not back-up into the footing drain system assuming the suitable discharge point is a storm sewer.

Lateral Earth Pressures and Retaining Structures

Foundation retaining walls will be required along the north and west walls of the underground parking structure. Lateral pressures will be exerted on retaining walls by backfill soils, surcharge loads, and hydrostatic pressures caused by groundwater. Lateral earth pressures on walls depend upon the type of wall, type of backfill material and allowable wall movements. For walls that are restrained at the top, lateral earth pressures should be estimated for an "at rest" condition. For walls that are free to rotate away from the retained soil, lateral earth pressures should be estimated for an "active" earth pressure. For walls that are compressing the retained soil, lateral earth pressures should be estimated for a "passive" earth pressure. Recommended lateral earth pressures coefficients are provided in the following table along with equivalent fluid pressures. These pressures are calculated assuming a moist unit weight for the

backfill soil of 115 pounds per cubic foot (pcf) and an angle of internal friction of 34 degrees, as would be typical for a sandy backfill soil.

Lateral Earth Pressures, no slope above or below the wall					
"Active" Condition		"At Rest" Condition		"Passive" Condition	
Coefficient (Ka)	Equivalent Fluid Unit Weight (pcf)	Coefficient (Ko)	Equivalent Fluid Unit Weight (pcf)	Coefficient (Kp)	Equivalent Fluid Unit Weight (pcf)
0.260	30	0.412	48	1.926	222

The recommended equivalent fluid unit weights do not include hydrostatic pressure due to groundwater accumulated behind walls. The recommended fluid pressures assume a horizontal ground surface above and below the wall and do not include seismic loading, or any surcharge due to nearby loading from structures, equipment or traffic. The passive pressure value has been reduced by a factor of 2 to limit wall translation.

The potential seismic force on the wall can be modeled as a uniform pressure on the back of the wall equal to 7H (H is the height of the wall (in feet)), for active conditions, if there is no slope above the wall. For walls designed for at rest conditions, with no slope above the wall, the uniform pressure for the seismic increase should be increased to 23H. The units for this pressure are pounds per square foot (psf).

In addition to the lateral loads exerted by the soil on retaining structures, due to the proximity of the detention vault to the adjacent building and garage structures, addition lateral loads will be applied by these structures. Figure 3 provides recommendations for determining the addition loads for design of the vault wall.

Continuous drains with cleanouts should be installed at the base of retaining walls to prevent the buildup of hydrostatic pressure behind the structure. These drains should consist of a minimum 4-inch diameter perforated rigid pipe (with perforations placed down) with a minimum thickness of 6 inches of pea gravel around the pipe. The backfill soils within 1 foot of the walls should consist of free-draining sand and gravel material. This drainage system should be designed to transport water away from the structure and discharge into an appropriate area.

Rockeries

Current plans indicate that excavations up to approximately 16 feet will be required in some areas. Where the dense undisturbed soil is encountered in the excavated slopes, rockery walls may be appropriate. Rockery walls are generally considered slope protection for soils in a cut situation. Rockeries designed and constructed in accordance with Section 8-24 of the WSDOT Standard Specifications are not considered retaining walls, in a cut situation, up to 12 feet in vertical height.

Erosion Control

The project site will require a stormwater pollution prevention plan (SWPPP). Site soils are considered having a low erosion potential due to the relatively moderate slopes, however due to the extent of the grading and the predominately fine-grained nature of the soils it may be difficult to trap sediments without strict adherence to the project SWPPP.

Drainage

Runoff from buildings and impervious surfaces should be directed into an appropriately designed stormwater disposal system. Ground surfaces should be sloped a minimum of 5 percent for a minimum distance of 10 feet away from structures and paved surfaces 2 percent for 10 feet in accordance with Section 1804.4 in the 2015 International Building Code (IBC). Stormwater drainage and/or mitigation shall be in accordance with local codes and regulations. If 10 feet is not available, alternative methods shall be provided to divert water away from the building.

Earthwork Considerations

During wet weather conditions, which are typically present from October through April, subgrade stability problems and grading difficulties may develop due to high moisture content in the soil, disturbance of sensitive soils and/or the presence of perched groundwater. Therefore, we recommend that any proposed earthwork activity be performed during the dry season.

Site Preparation

Clearing in required areas should include removal of vegetation, trees and associated root systems, wood, pavement, retaining walls, rubble, and rubbish. Site stripping should extend to a minimum depth of 6 inches, or until all organics in excess of 3 percent by volume or other unsuitable soils are removed. These materials will not be suitable for use as fill for roadway or building areas. However, stripped topsoil may be stockpiled and reused in landscape or non-structural areas.

Any buried structures encountered during construction should be properly removed and backfilled. Excavation, depressions, or soft and pliant areas extending below planned finish subgrade level should be cleaned to firm, undisturbed soil and backfilled with structural fill to planned finish subgrade.

Groundwater Concerns

Groundwater was not encountered in any of the test pits.

Water table elevations can fluctuate with time. Groundwater levels are typically influenced by seasonal precipitation, irrigation, land use, and climatic conditions, as well as other factors. Groundwater level observations at the time of the field investigation may vary from those observed during periods of heavy or prolonged rainfall. The evaluation of the potential groundwater variability is beyond the scope of this report. Significant groundwater flow, if encountered during construction, would require modifications in the completion of excavation work. We currently do not anticipate that groundwater will be an issue on this project.

Excavations & Constructed Slopes

It is our opinion that the soils encountered in the upper 6.0 feet of the test pits are a Type C material as defined by the Washington Industrial Safety and Health Act's (WISHA) regulations on excavation, trenching, and shoring.

Temporary sloped excavated in Type C material and should be inclined no steeper than 1.5H:1V. The loose soil material encountered in the test pits should be inclined no steeper than 2.0H:1.0V.

In areas where it is not possible to maintain the recommended slopes due to space constraints, temporary shoring would be required. Such shoring would need to be properly designed by an engineer.

The Contractor should be familiar with applicable local, state, and federal safety regulations, including the current WISHA regulations on excavation, trenching and shoring. Construction site safety is the sole responsibility of the Contractor, who shall also be solely responsible for the means, methods, and sequencing of construction operations. EnviroSound is providing this information solely as a service to our client. Under no circumstances should the information provided above be interpreted to mean that EnviroSound is assuming responsibility for construction site safety or the Contractor's activities; such responsibility is not being implied and should not be inferred.

The soils to be penetrated by the proposed excavations may vary significantly across the site. EnviroSound's preliminary soil classification is based solely on the materials encountered in the test pits. The Contractor should continually classify the soils that are encountered as excavation progresses with respect to the WISHA system.

Permanent slopes should be 2H:1V unless specified otherwise by the geotechnical engineer.

Structural Fill

A majority of the soils encountered in the test pits on the site contain significant quantities of fine material and will be difficult to use as structural fill during wet weather. Soils with high fines content should be separated and stockpiled for use in non-structural areas. If the earthwork is to take place during the normally wet period of the year, provisions should be in place for export of wet, moisture sensitive soil and import of granular structural fill material. Imported structural fill should consist of well-graded gravel and/or sand with a maximum grain size of 3 inches and less than 5 percent fines (material passing the U.S. Standard No. 200 Sieve). If construction occurs during dry periods the fine content can be increased to 20 percent.

Structural fill should be placed in loose lifts no more than 12 inches thick, moisture conditioned as necessary (moisture content of soil should be within 2 percent of optimum moisture) and compacted to 95 percent of the maximum dry density as determined by ASTM Test Method D-1557. Additional lifts should not be placed if the previous lift did not meet the required dry density or if soil conditions are not stable. Note that, although in place density testing of fill is frequently used as the primary criterion for acceptance of fill, it should not be the only criterion. As an example, fill that is compacted wet of the optimum moisture content may exhibit "pumping" behavior even if in place density test results indicate greater than 95 percent compaction has been achieved. In such a situation, the fill should be removed and replaced with drier material.

Utility Trench Fill

Excavations for utilities should be completed and maintained during utility installation and backfilling, in accordance with Occupational Safety and Health Administration (OSHA) requirements. The utility

contractor should be responsible for maintaining safety within open trenches. Care should be taken to reduce surcharge loads and vibrations adjacent to utility excavations.

The subsurface soils at this site generally included loose to medium dense soils in the upper 4.0 feet on the site with the potential for caving. We expect that the potential for significant caving within open excavations will be moderate in the upper 0 to 4 feet however, so the utility contractor should exercise caution and be prepared to slope excavation sidewalls at gentler angles or install temporary shoring, if conditions indicate that caving may occur. The factors that may influence the potential for caving could include the depth and length of trench that is opened at any one time, along with the length of time the trench is to remain open and surface and groundwater conditions. The utility contractor should be aware of these factors and observe the excavation for signs of possible caving, such as heavy seepage and tension cracks within and above the excavation sidewalls.

Backfill for utility trenches should consist of suitable material, as described in the **Structural Fill** section of this report. Utility trench backfill placed beneath building and pavement areas should be compacted to at least 95 percent of the maximum dry density based on ASTM Test Method D-1557. The utility trench backfill placed beneath pavement areas, at depths greater than 2 feet below the final grade may be compacted to a minimum of 90 percent of the maximum dry density, as defined by ASTM Test Method D-1557. The bedding material for utility pipes should be in accordance with the manufacturer's specifications. The utility contractor should use equipment and backfill placement methods, which will reduce the possibility of damage to utilities or structures during placement and compaction.

Stormwater

Stormwater infiltration is infeasible on this site due to fill material and dense soils encountered during subsurface investigation and nearby slopes. A stormwater detention vault is being proposed for this property. The size of the vault will be 40 feet x 160 feet x 8 feet and will have a capacity of approximately 51,200 cubic feet. The vault and the rest of the stormwater system is being designed by Map Ltd.

Pavement

Preliminary recommendations for asphalt pavement thicknesses are based on the AASHTO Guide for Design of Pavement Structures. We presume that the primary traffic on the site will be passenger cars. We used the section on Low-Volume Road Design for Flexible Pavement with a 50 percent inherent reliability level, as recommended in the Guide for local roads. We further assumed that the traffic level would be low, corresponding to 50,000 to 100,000 Equivalent Single Axle Load (ESAL) applications over the lifetime of the pavement. Note that one ESAL is for an 18-kip axle load. One passenger car is approximately 0.008 ESALs. Therefore, the low traffic level corresponds to at least 6,250,000 passenger car trips over the pavement. In the test pits, we encountered weathered till consisting of medium dense sand with silt. We assigned this soil a relative quality of "Fair".

Based on the previous assumptions, we preliminarily recommend 2 inches of surface course Asphaltic Concrete (AC) over 6 inches of granular base course. Surface course AC can be substituted for base course and vice versa at a rate of 1 inch of AC per 3 inches of base course. We recommend that the AC thickness not be reduced below 2 inches. The final pavement section can be adjusted based on estimated

vehicle loading and desired design life. In areas of heavier traffic such as garbage trucks or maintenance trucks we recommend 3 inches of AC over 8 inches of base course.

In preparing the preceding recommendations, we assumed that the Elastic Modulus of the Asphaltic Concrete would be at least 400,000 psi, and that the Base Course would be a well graded crushed rock with a California Bearing Ratio (CBR) of 100. If materials with different strengths than presented will be used, we should be contacted to adjust the pavement section recommendations accordingly.

If a porous type of AC is proposed, the available literature indicates that a minimum depth of porous AC at 3 inches.

Concrete pavement design recommendations are based on an assumed modulus rupture or 600 psi and a minimum compressive strength of 4,000 psi for the concrete. A minimum concrete thickness of 3.5 inches is recommended for the parking areas with a base course of 6 inches. In consideration of heavier traffic such as garbage trucks or maintenance vehicles we recommend 5 inches of concrete over a 6 inch layer of base. Pervious concrete typically has a 15 to 25 percent void structure and can have strengths ranging from 500 psi to 4,000 psi.

Prior to the placement of asphalt we recommend that the subgrade be proof rolled with heavy construction equipment such as a loaded dump truck or water truck to ensure that the subgrade is relatively stiff and unyielding.

Limitations

This report has been prepared for 1909 Holdings LLC regarding the subject project. Information presented in this report has been collected and interpreted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions, and in accordance with sound and generally accepted principles consistent with normal consulting practice. No other warranty, expressed or implied, including (but not limited to) any warranty or merchantability or fitness for a particular use has been made.

1909 Holdings LLC and EnviroSound discussed the risks and rewards associated with this project, as well as EnviroSound's fee for services. 1909 Holdings LLC and EnviroSound agreed to allocate certain of the risks so that, to the fullest extent permitted by law, EnviroSound's total aggregate liability to 1909 Holdings LLC is limited to $50,000 or the fee, whichever is less, for any and all injuries, claims (including any claims for costs of defense or other incurred costs), losses, expenses, or damages whatsoever arising out of or in any way related to EnviroSound's services for this project, from any cause or causes whatsoever, including but not limited to, negligence, errors, omissions, strict liability, breach of contract, breach of warranty, negligent misrepresentation, or other acts giving rise to liability based upon contract tort, or statute.

In the event that change in the nature, design, or location of the proposed construction is made, or any physical changes to the site occur, recommendations are not be considered valid unless the changes are reviewed by EnviroSound and conclusions of this report are modified or verified in writing.

The subsurface exploration logs and related information depicts conditions only at the specific locations and at the particular time designated on the logs. The passage of time may result in a change of subsurface conditions at these exploration locations. Subsurface conditions at other locations may differ from conditions occurring at the exploration locations. The nature and extent of variations of subsurface conditions between explorations are not known. If variations appear during additional explorations or construction, reevaluation of recommendations in this report may be necessary.

Stratification lines designating the interface between soil types in subsurface exploration logs represent approximate boundaries. The transition between materials may be gradual.

Analyses and recommendations provided in this report are based in part upon the data obtained from the subsurface explorations.

The scope of EnviroSound services did not include an environmental assessment for the presence or absence of hazardous and/or toxic materials, in the soil, groundwater, surface water, or atmosphere. Any statements or absence of statements in this report on any subsurface exploration log regarding staining or odor of soil, groundwater, or surface water, unusual or suspicious items, or conditions observed are strictly descriptive information for 1909 Holdings LLC.

Sincerely,

Shawn E. Williams, LEG.
Senior Engineering Geologist

Engineering Geologist
2208
Licensed Geologist
Shawn E. Williams
10-24-19

Michael J. Wolczko, P. E.
Senior Engineer

MICHAEL JOHN WOLCZKO
STATE OF WASHINGTON
31276
REGISTERED
PROFESSIONAL ENGINEER
10/24/19

Attachments:

Figure 1 Site Vicinity

Figure 2 Site Plan

Figure 3 Bearing Load Pressure

Figure 4 Static Slope Stability Analysis A-A'

Figure 5 Seismic Slope Stability Analysis A-A'

Figure 6 Static Slope Stability Analysis B-B'

Figure 7 Seismic Slope Stability Analysis B-B'

Appendix A – Test Pit Logs

Appendix B – Laboratory Results

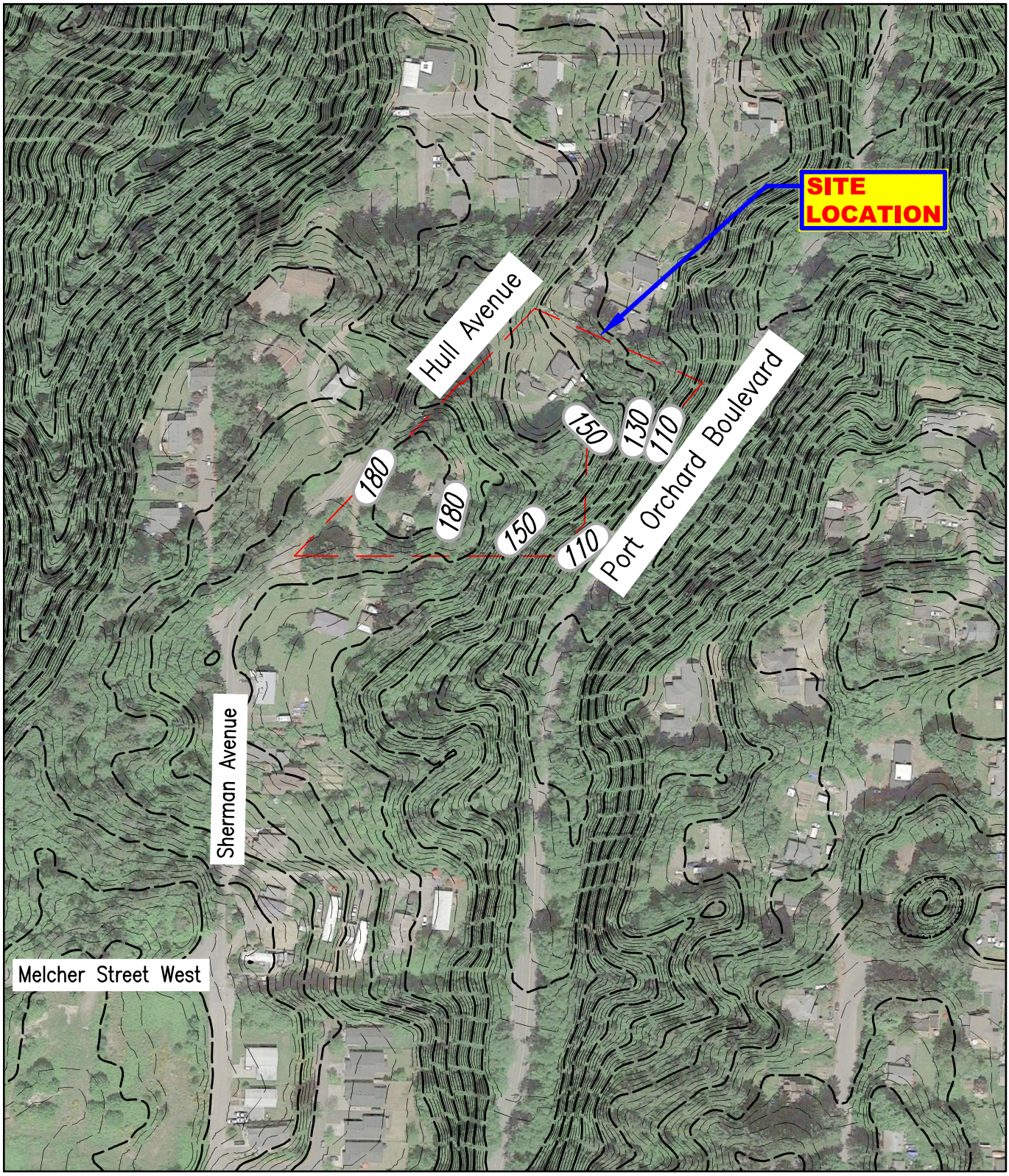


Figure generated from Google Earth Pro, accessed on 4-22-19

EnviroSound Consulting

FIGURE 1. Site Vicinity
Project Name: Hull Avenue Townhomes
Location: Port Orchard, WA
Project: ESC19-G021
Client: 1909 Holdings LLC
Date: October, 2019

N.T.S.

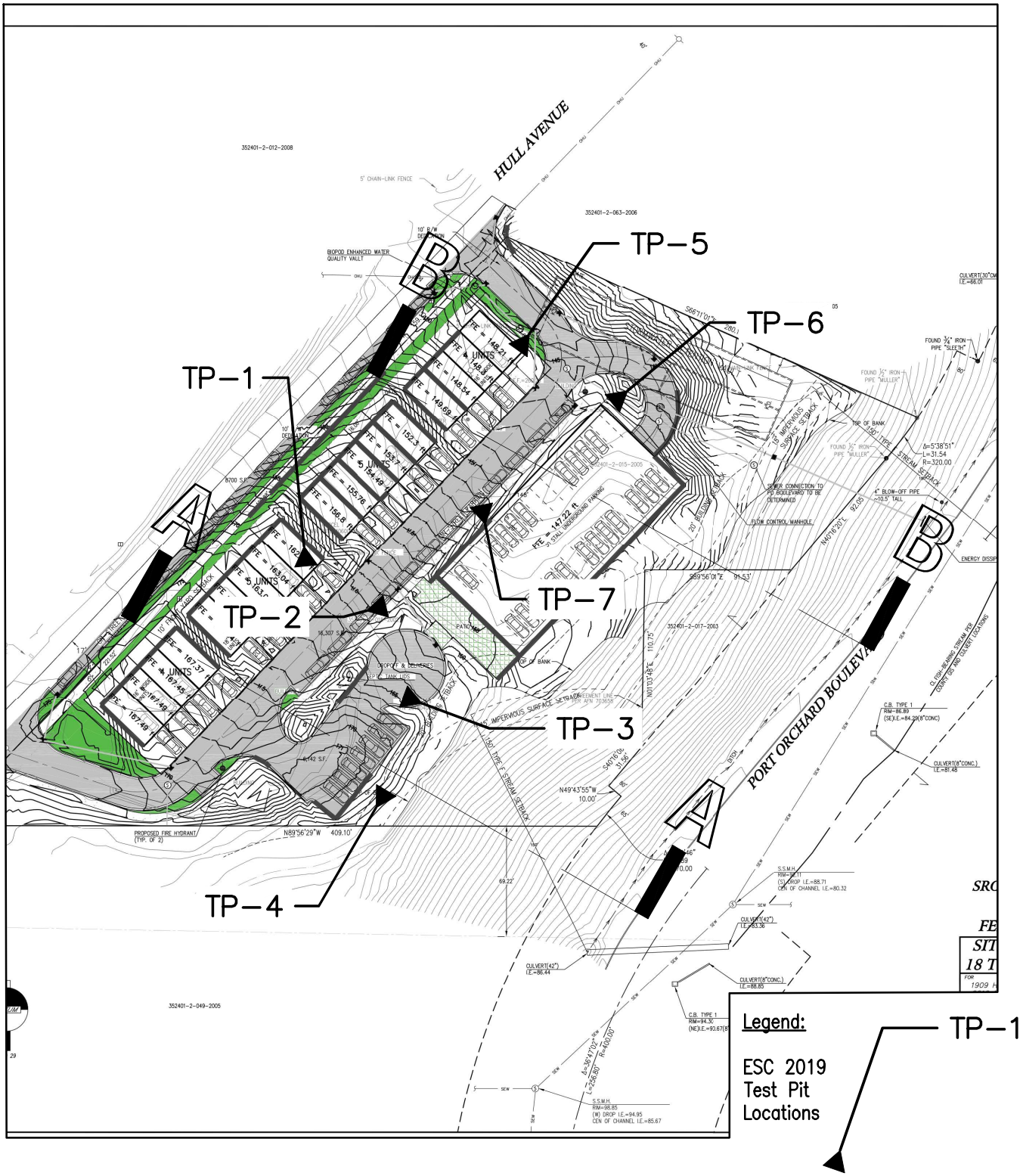


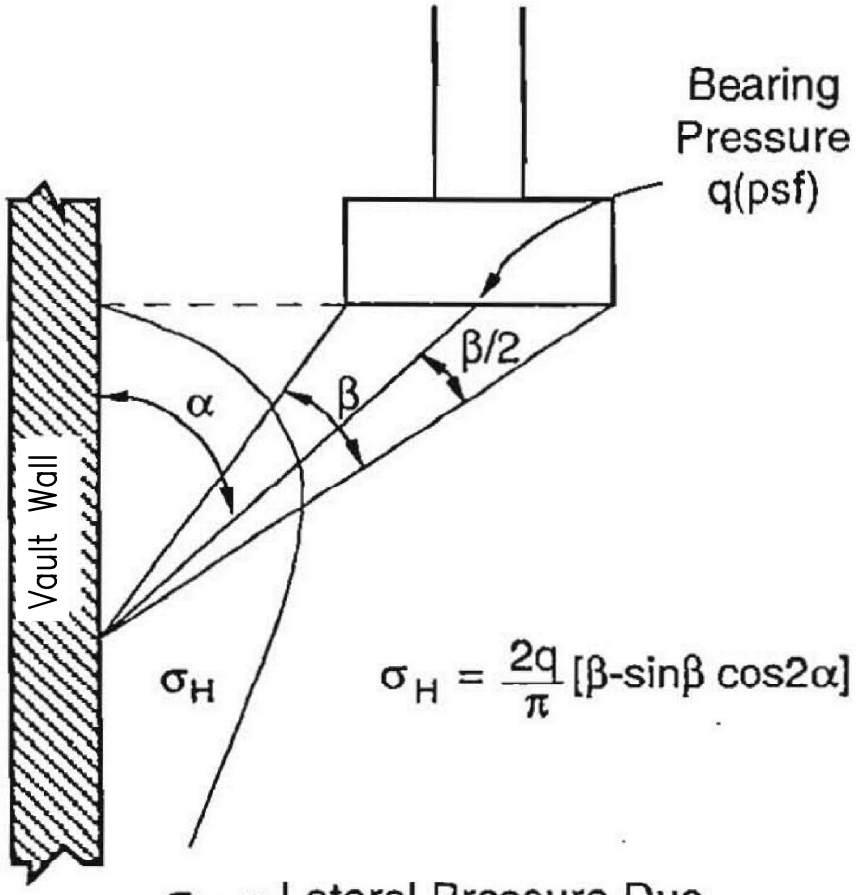
Figure generated from drawing provided by Map Limited.

EnviroSound Consulting

FIGURE 2. Site Plan

Project Name: Hull Avenue Townhomes
Location: Port Orchard, WA
Project: ESC19-G021
Client: 1909 Holdings LLC.
Date: October, 2019

N.T.S.



σ_H = Lateral Pressure Due to Surcharge (psf)

β, α = Angles as Indicated

B) Surcharge due to building wall footings and retaining wall footings with net bearing pressures greater than 3 tsf.

EnviroSound Consulting

FIGURE 3. Lateral Bearing Pressure
Project Name: Hull Avenue Townhomes
Location: Port Orchard, WA
Project: ESC19-G021
Client: 1909 Holdings LLC
Date: October, 2019

N.T.S.

Color	Name	Unit Weight (pcf)	Cohesion' (psf)	Phi' (°)
	Sand	120	0	32
	Sandy Silt	130	0	34

Static F of S: 2.409

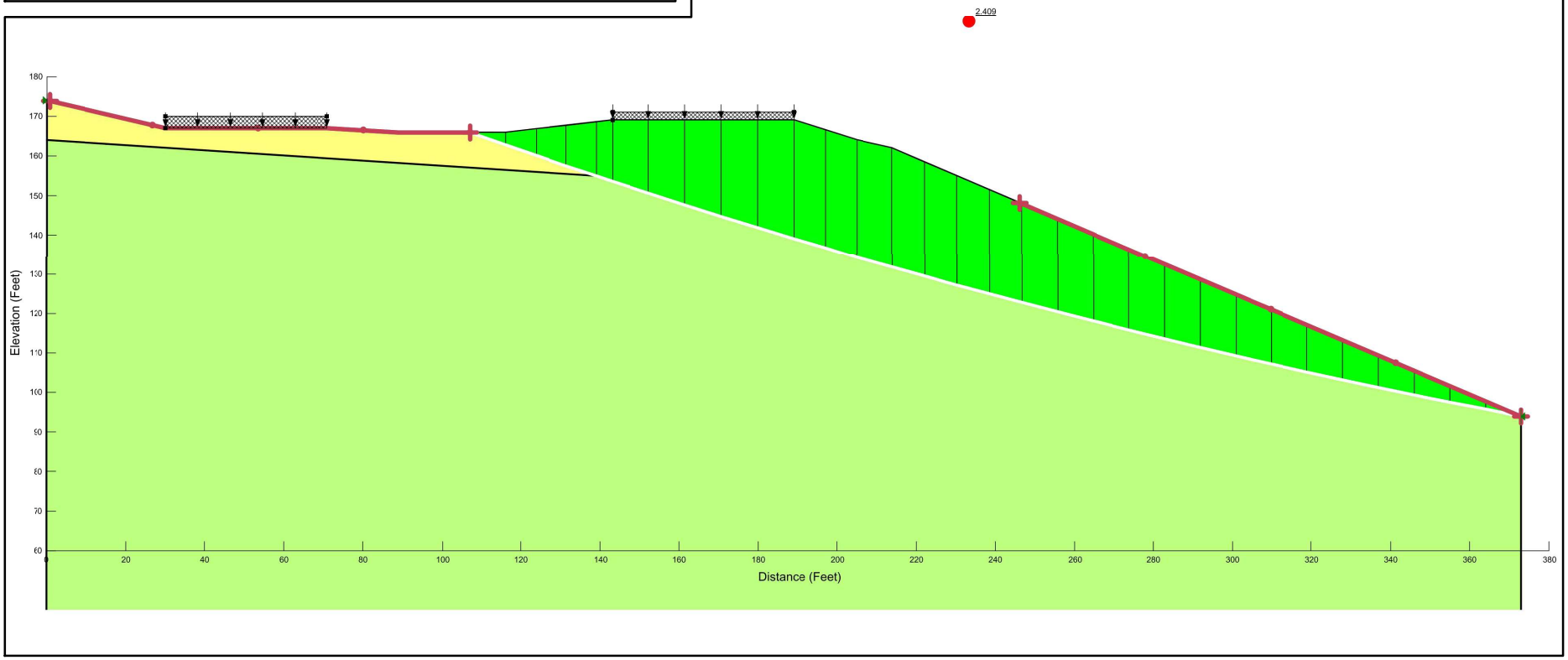


Figure generated from drawing produced by Slope Stability.

N.T.S.

EnviroSound Consulting

FIGURE 4. Static Slope Stability A-A
Project Name: Hull Avenue Townhomes
Location: Port Orchard, WA
Project: ESC19-G021
Client: 1909 Holdings LLC.
Date: October, 2019

Color	Name	Unit Weight (pcf)	Cohesion' (psf)	Phi' (°)
	Sand	120	0	32
	Sandy Silt	130	0	34

Seismic F of S: 1.118

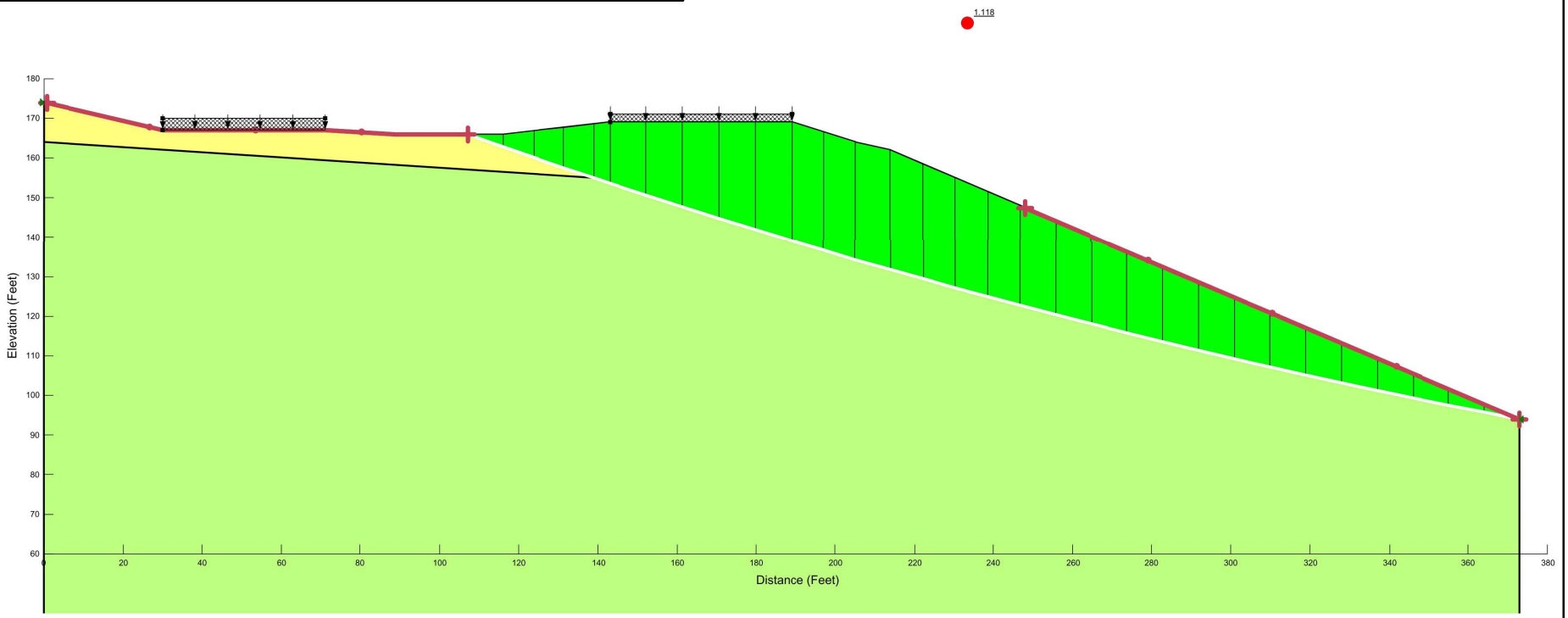


Figure generated from drawing produced by Slope Stability.

N.T.S.

EnviroSound Consulting

FIGURE 5. Seismic Slope Stability A-A
Project Name: Hull Avenue Townhomes
Location: Port Orchrad, WA
Project: ESC19-G021
Client: 1909 Holdings
Date: October, 2019

Color	Name	Unit Weight (pcf)	Cohesion' (psf)	Phi' (°)
	Sand	120	0	32
	Sandy Silt	130	0	34

Static F of S: 2.425

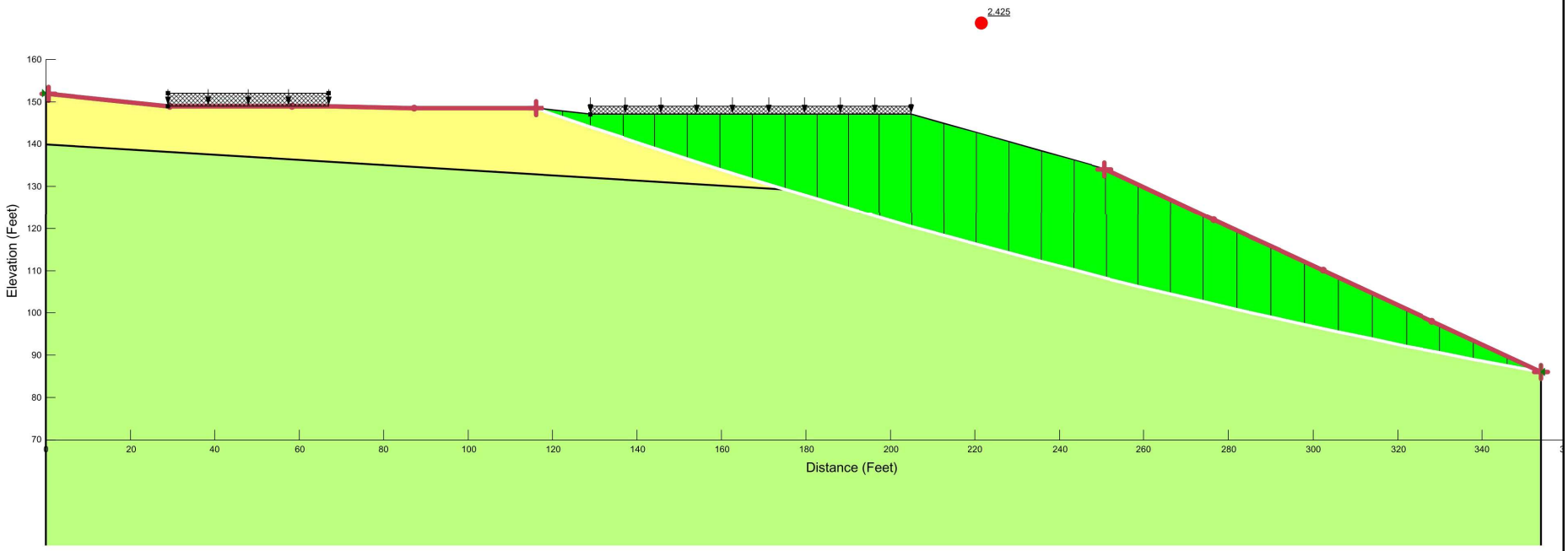


Figure generated from drawing produced by Slope Stability.

N.T.S.

EnviroSound Consulting

FIGURE 6. Static Slope Stability B-B
Project Name: Hull Avenue Townhomes
Location: Port Orchard, WA
Project: ESC19-G021
Client: 1909 Holdings LLC.
Date: October, 2019

Color	Name	Unit Weight (pcf)	Cohesion' (psf)	Phi' (°)
	Sand	120	0	32
	Sandy Silt	130	0	34

Seismic F of S: 1.247

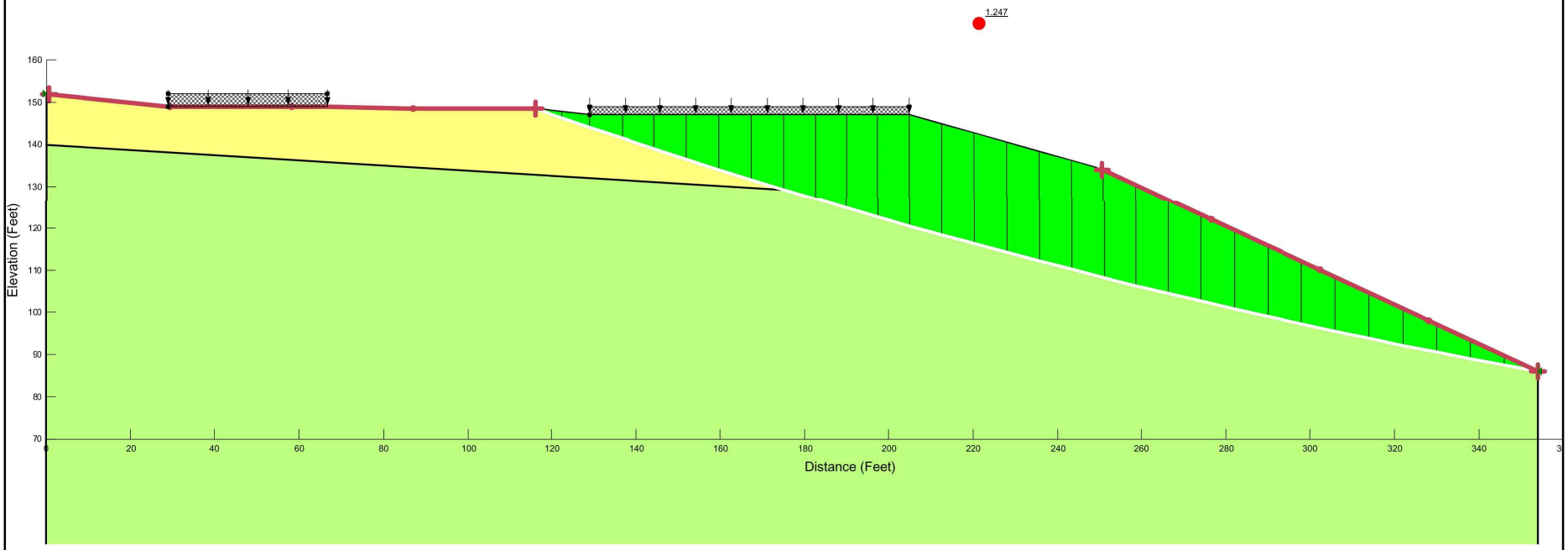


Figure generated from drawing produced by Slope Stability.

N.T.S.

EnviroSound Consulting

FIGURE 7. Seismic Slope Stability B-B
Project Name: Hull Avenue Townhomes
Location: Port Orchard, WA
Project: ESC19-G021
Client: 1909 Holdings LLC.
Date: October, 2019

Appendix A

ESC Test Pit Logs

TEST PIT LOG – TP-1

Project Name: Hull Townhomes
Client: 1909 Holdings, LLC.
Project Number: ESC19-G021

Test Pit Elevation: 178 feet
Test Pit Location: See Figure 2
Depth to Groundwater: None Encountered

DEPTH (FT.)	USGS Classification	VISUAL PHYSICAL DESCRIPTION	SAMPLE NO.	SAMPLE TYPE	SAMPLE DEPTH (FT.)	LABORATORY TESTING RESULTS FOR SAMPLE
0		0-0.4' Topsoil				
	SM	0.4'-2.0' Loose to medium dense, orange-brown to brown-gray, gravelly, silty, SAND; moist.	S-1	Grab	1.5'	
	SM	2.0'-6.0' Medium dense to very dense, gray, gravelly, silty, SAND; moist, scattered cobbles, cemented (Glacial Till).	S-2	Grab	3.0'	M.C.: 10%
5			S-3	Grab	5.0'	
	SP-SM	6.0'-7.5' Dense, brown-gray, slightly silty, fine to medium SAND; moist.	S-4 S-5	Grab Grab	6.5' 7.0'	M.C.: 15%
	SP-SM	7.5'-8.0' Dense, gray, slightly silty, fine SAND; moist.	S-6	Grab	8.0'	M.C.: 9% Gravel: 0.0% Sand: 89.8% Fines: 10.1%
10		Total Depth: 8.0' Groundwater: None Encountered				
15						

Excavation Contractor: Bullseye Excavation
Excavation Equipment: Mini-Trackhoe
Operator: Todd

Excavation Date: 4-11-19
ESC Representative: DPO
Page 1 of 1

TEST PIT LOG – TP-2

Project Name: Hull Townhouses
Client: 1909 Holdings, LLC.
Project Number: ESC19-G021

Test Pit Elevation: 164 feet
Test Pit Location: See Figure 2
Depth to Groundwater: None Encountered

DEPTH (FT.)	USGS Classification	VISUAL PHYSICAL DESCRIPTION	SAMPLE NO.	SAMPLE TYPE	SAMPLE DEPTH (FT.)	LABORATORY TESTING RESULTS FOR SAMPLE
0		0-1.5’ Topsoil/sod.	S-1	Grab	0.5’	
	SM	1.5’-2.0’ Loose, brown-gray, gravelly, silty, SAND; moist (Fill).	S-2	Grab	1.5’	
	SM	1.5’-4.0’ Medium dense to dense, orange-brown, gravelly, silty, SAND; moist.	S-3	Grab	3.0’	M.C.: 10%
5	SP	4.0’-7.0’ Dense, gray, fine to medium SAND; moist, trace silt.	S-4	Grab	5.0’	Gravel: 0.0% Sand: 94.4% Fines: 5.6%
	SM	4.0’-9.0’ Dense, brown-gray, silty, fine SAND; moist.	S-5	Grab	6.0’	M.C.: 21%
			S-6	Grab	9.0’	
10		Total Depth: 9.0’ Groundwater: None Encountered				
15						

Excavation Contractor: Bullseye Excavation
Excavation Equipment: Mini-Trackhoe
Operator: Todd

Excavation Date: 4-11-19
ESC Representative: DPO
Page 1 of 1

TEST PIT LOG – TP-3

Project Name: Hull Townhomes
Client: 1909 Holdings, LLC.
Project Number: ESC19-G021

Test Pit Elevation: 165 feet
Test Pit Location: See Figure 2
Depth to Groundwater: None Encountered

DEPTH (FT.)	USGS Classification	VISUAL PHYSICAL DESCRIPTION	SAMPLE NO.	SAMPLE TYPE	SAMPLE DEPTH (FT.)	LABORATORY TESTING RESULTS FOR SAMPLE
0		0-1.0' Topsoil/sod.	S-1	Grab	0.5'	
	SM	1.0'-2.0' Medium dense to dense, orange-brown to brown-gray, gravelly, silty, SAND; moist.	S-2	Grab	1.5'	M.C.: 16%
	SM-ML	1.0'-4.0' Medium dense, brown-gray, silty, SAND and fine sandy, SILT; moist.	S-3	Grab	3.0'	
5		2.0'-3.5' Dense, brown-gray, silty, fine SAND; moist.				
	SM	4.0'-8.0' Dense, brown-gray to gray, silty, SAND; moist.	S-4	Grab	5.0'	Gravel: 0.0% Sand: 59.4% Fines: 40.6%
			S-5	Grab	7.0'	
			S-6	Grab	8.0'	M.C.: 17%
10		Total Depth: 8.0' Groundwater: None Encountered				
15						

Excavation Contractor: Bullseye Excavation
Excavation Equipment: Mini-Trackhoe
Operator: Todd

Excavation Date: 4-11-19
ESC Representative: DPO
Page 1 of 1

TEST PIT LOG – TP-4

Project Name: Hull Townhomes
Client: 1909 Holdings, LLC.
Project Number: ESC19-G021

Test Pit Elevation: 164 feet
Test Pit Location: See Figure 2
Depth to Groundwater: None Encountered

DEPTH (FT.)	USGS Classification	VISUAL PHYSICAL DESCRIPTION	SAMPLE NO.	SAMPLE TYPE	SAMPLE DEPTH (FT.)	LABORATORY TESTING RESULTS FOR SAMPLE
0		0-0.7' Topsoil	S-1	Grab	0.5'	
	SP-SM	0.7'-2.5' Medium dense to dense, brown, slightly gravelly, slightly silty, fine to medium SAND; moist.	S-2	Grab	1.5'	M.C.: 12%
	SM	2.5'-4.0' Dense, brown-gray, silty, fine SAND; moist.	S-3	Grab	3.0'	
5	ML	4.0'-10.0' Dense, brown-gray to gray, fine sandy, SILT; moist, iron oxide staining.	S-4	Grab	6.0'	
			S-5	Grab	9.0'	
10			S-6	Grab	10.0'	M.C.: 21%
		Total Depth: 10.0' Groundwater: None Encountered				
15						

Excavation Contractor: Bullseye Excavation
Excavation Equipment: Mini-Trackhoe
Operator: Todd

Excavation Date: 4-11-19
ESC Representative: DPO
Page 1 of 1

TEST PIT LOG – TP-5

Project Name: Hull Townhomes
Client: 1909 Holdings, LLC.
Project Number: ESC19-G021

Test Pit Elevation: 136 feet
Test Pit Location: See Figure 2
Depth to Groundwater: None Encountered

DEPTH (FT.)	USGS Classification	VISUAL PHYSICAL DESCRIPTION	SAMPLE NO.	SAMPLE TYPE	SAMPLE DEPTH (FT.)	LABORATORY TESTING RESULTS FOR SAMPLE
0		0-0.5' Topsoil				
	SM	0.5'-1.0' Loose to medium dense, orange-brown, gravelly, silty, fine to medium SAND; moist.	S-1	Grab	0.5'	M.C.: 15%
	SM	1.0'-2.5' Medium dense, brown-light brown, silty, fine SAND; moist, mottling.	S-2	Grab	1.5'	
	SP-SM	2.5'-4.5' Dense, brown-gray, slightly silty, fine SAND; moist.	S-3	Grab	3.0'	
5	ML	4.5'-6.0' Dense, brown-gray, fine sandy, SILT; moist, roots, iron-oxide staining.	S-4	Grab	5.0'	
	SM	6.0'-8.0' Dense, brown-gray to gray, silty, fine SAND; moist.	S-5	Grab	7.0'	Gravel: 0.0% Sand: 66.9% Fines: 33.1% M.C.: 20%
10		Total Depth: 8.0' Groundwater: None Encountered				
15						

Excavation Contractor: Bullseye Excavation
Excavation Equipment: Mini-Trackhoe
Operator: Todd

Excavation Date: 4-11-19
ESC Representative: DPO
Page 1 of 1

TEST PIT LOG – TP-6

Project Name: Hull Townhomes
Client: 1909 Holdings, LLC.
Project Number: ESC19-G021

Test Pit Elevation: 134 feet
Test Pit Location: See Figure 2
Depth to Groundwater: None Encountered

DEPTH (FT.)	USGS Classification	VISUAL PHYSICAL DESCRIPTION	SAMPLE NO.	SAMPLE TYPE	SAMPLE DEPTH (FT.)	LABORATORY TESTING RESULTS FOR SAMPLE
0		0-0.5' Topsoil/sod.				
	SP-SM	0.5'-2.5' Loose, brown-gray, slightly silty, slightly gravelly, SAND; moist (Fill).	S-1	Grab	1.5'	M.C.: 8%
	SM	2.5'-4.5' Loose, red-brown, gravelly, silty, SAND; moist, roots (Fill).	S-2	Grab	3.0'	
5	SM	4.5'-5.5' loose to medium dense, orange-brown, gravelly, silty, fine to medium SAND; moist.				
	SM	5.5'-9.0' Medium dense to dense, light brown to brown-gray, gravelly, silty, SAND; moist, scattered cobbles, mottling.	S-3 S-4	Grab Grab	6.0' 8.0'	
10	ML	9.0'-11.0' Dense, brown-gray, fine sandy, SILT; moist to wet, iron-oxide staining.	S-5 S-6 S-7	Grab Grab Grab	9.5' 10.0' 11.0'	M.C.: 30% M.C.: 29%
15		Total Depth: 11.0' Groundwater: None Encountered				

Excavation Contractor: Bullseye Excavation
Excavation Equipment: Mini-Trackhoe
Operator: Todd

Excavation Date: 4-11-19
ESC Representative: DPO
Page 1 of 1

TEST PIT LOG – TP-7

Project Name: Hull Townhomes
Client: 1909 Holdings, LLC.
Project Number: ESC19-G021

Test Pit Elevation: 142 feet
Test Pit Location: See Figure 2
Depth to Groundwater: None Encountered

DEPTH (FT.)	USGS Classification	VISUAL PHYSICAL DESCRIPTION	SAMPLE NO.	SAMPLE TYPE	SAMPLE DEPTH (FT.)	LABORATORY TESTING RESULTS FOR SAMPLE
0		0-1.0' Topsoil.				
	SM	1.0'-2.5' Loose to medium dense, red-brown, gravelly, silty, SAND; moist, roots.	S-1	Grab	2.0'	M.C.: 16%
	SM	2.5'-4.5' Medium dense, brown-gray, slightly gravelly, silty, SAND; moist.	S-2	Grab	3.0'	
5	SM	4.5'-6.5' Dense to very dense, brown-gray, slightly silty, gravelly, SAND; moist, scattered cobbles, roots.	S-3	Grab	5.0'	Gravel: 37.2% Sand: 49.6% Fines: 13.2%
	SP-SM	6.5'-8.0' Dense, gray, slightly silty, fine to medium SAND; moist.	S-4	Grab	7.5'	M.C.: 11%
10		Total Depth: 8.0' Groundwater: None Encountered				
15						

Excavation Contractor: Bullseye Excavation
Excavation Equipment: Mini-Trackhoe
Operator: Todd

Excavation Date: 4-11-19
ESC Representative: DPO
Page 1 of 1

Appendix B

Laboratory Test Results

EnviroSound Consulting
ESC19-G021

Moisture Contents
ASTM D-2216
Table 1

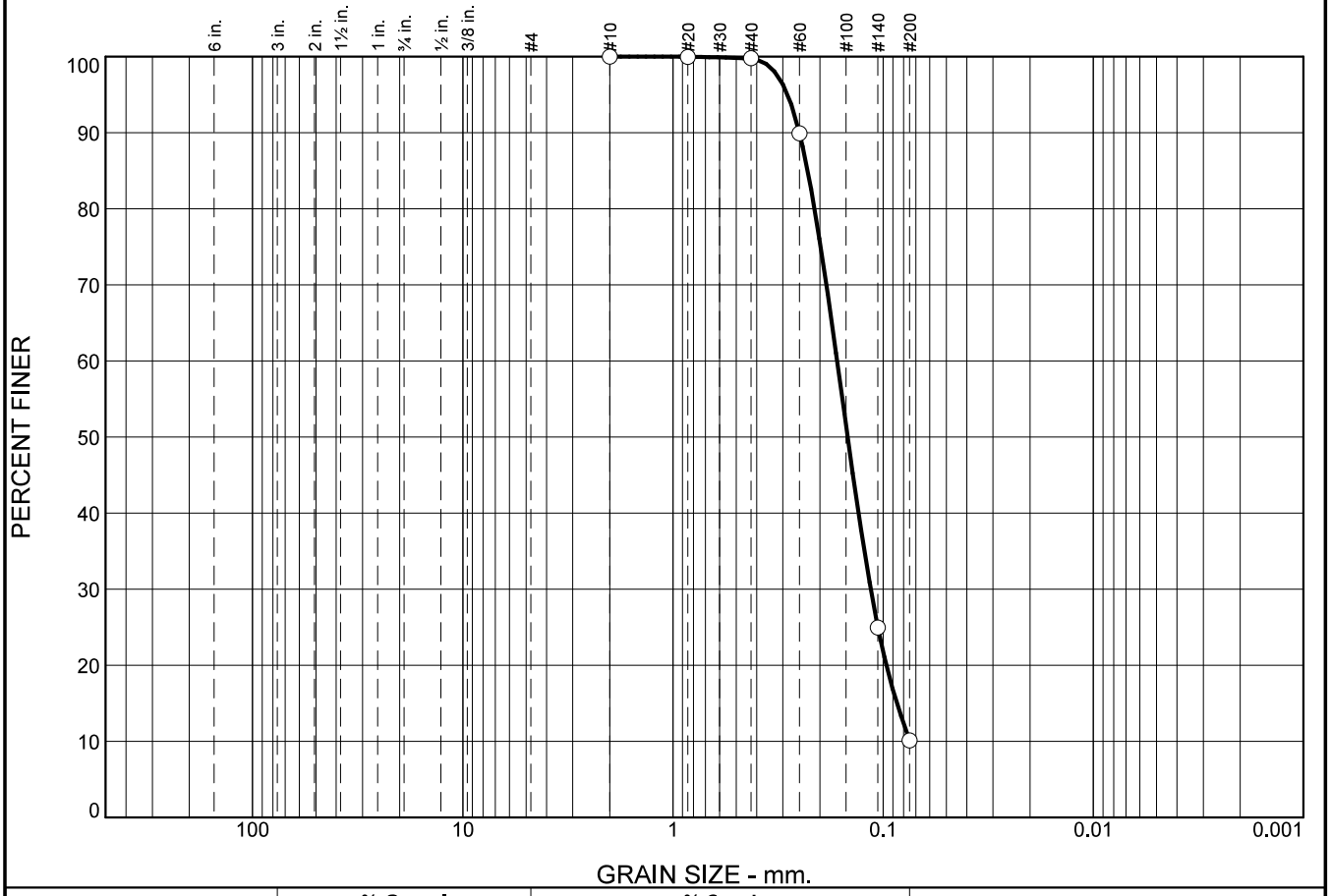
Exploration Number	Sample Number	Depth(ft)	Moisture Content %
TP-1	S-3	3.0	10
TP-1	S-5	6.5	15
TP-1	S-7	8.0	9
TP-2	S-3	3.0	10
TP-2	S-5	6.0	21
TP-3	S-2	1.5	16
TP-3	S-6	8.0	17
TP-4	S-2	1.5	12
TP-4	S-6	10.0	21
TP-5	S-1	0.5	15
TP-5	S-5	7.0	20
TP-6	S-1	1.5	8
TP-6	S-5	9.5	30
TP-6	S-7	11.0	29
TP-7	S-1	2.0	16
TP-7	S-4	7.5	11

EnviroSound Consulting
ESC19-G021

Percent Passing 75 micron
ASTM D-1140
Table 2

Exploration Number	Sample Number	Depth(ft)	Percent Passing 75 Micron
TP4	S-4	6.0	61
TP5	S-4	5.0	58
TP6	S-5	9.5	80

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines
	Coarse	Fine	Coarse	Medium	Fine	
0.0	0.0	0.0	0.0	0.2	89.7	10.1

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#10	100.0		
#20	100.0		
#40	99.8		
#60	89.9		
#140	25.0		
#200	10.1		

* (no specification provided)

Material Description

poorly graded sand with silt

Atterberg Limits

PL= NP LL= NV PI=

Coefficients

D_{90}= 0.2505 D_{85}= 0.2288 D_{60}= 0.1655
D_{50}= 0.1475 D_{30}= 0.1147 D_{15}= 0.0859
D_{10}= C_u= C_c=

Classification

USCS= SP-SM AASHTO= A-3

Remarks

Sample Number: TP1 S7 **Depth:** 8

Date:

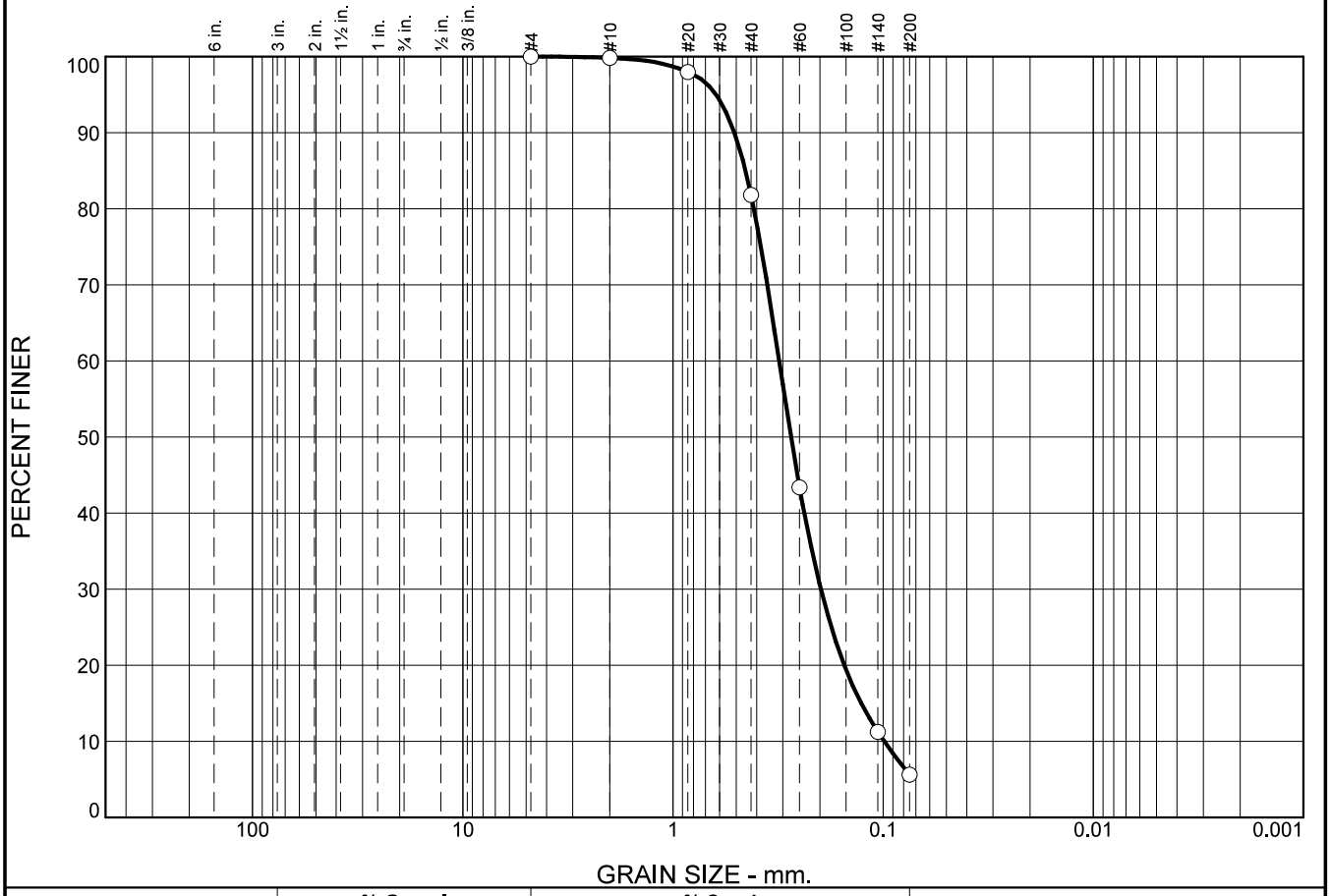
Phoenix Soil Research

Kingston, WA

Client: EnviroSound Consulting
Project: Hull TownHomes ESC19-G021

Project No: PSR19-9-0407 **Figure** 1

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines
	Coarse	Fine	Coarse	Medium	Fine	
0.0	0.0	0.0	0.2	18.0	76.2	5.6

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#4	100.0		
#10	99.8		
#20	98.0		
#40	81.8		
#60	43.4		
#140	11.3		
#200	5.6		

* (no specification provided)

Material Description

poorly graded sand with silt

Atterberg Limits

PL= NP LL= NV PI=

Coefficients

D_{90}= 0.5104 D_{85}= 0.4518 D_{60}= 0.3123
D_{50}= 0.2743 D_{30}= 0.1979 D_{15}= 0.1272
D_{10}= 0.0988 C_u= 3.16 C_c= 1.27

Classification

USCS= SP-SM AASHTO= A-3

Remarks

Sample Number: TP2 S4 **Depth:** 5

Date:

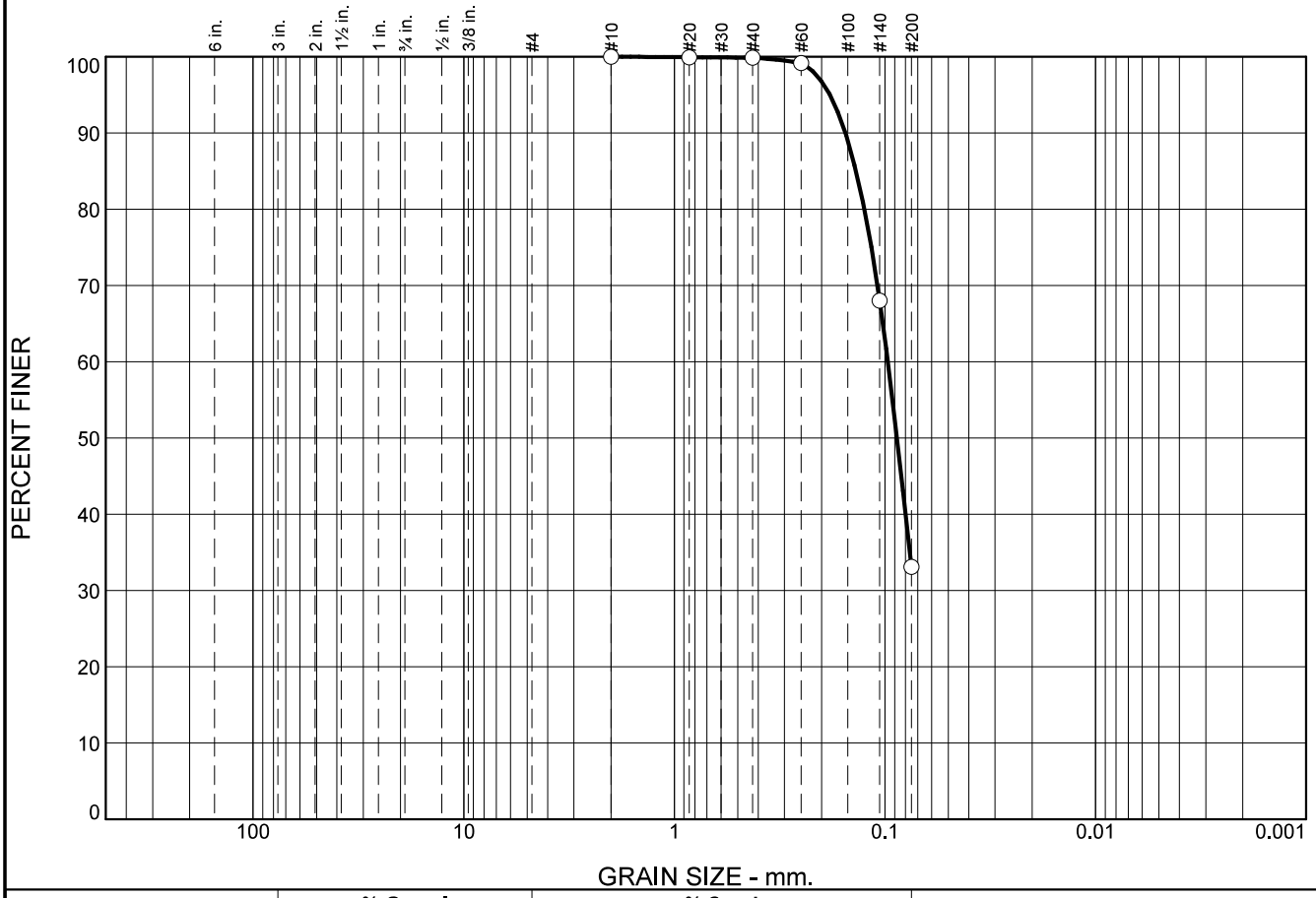
Phoenix Soil Research

Kingston, WA

Client: EnviroSound Consulting
Project: Hull TownHomes ESC19-G021

Project No: PSR19-9-0407 **Figure** 2

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines
	Coarse	Fine	Coarse	Medium	Fine	
0.0	0.0	0.0	0.0	0.1	66.8	33.1

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
#10	100.0		
#20	99.9		
#40	99.9		
#60	99.2		
#140	68.0		
#200	33.1		

* (no specification provided)

Material Description

silty sand

Atterberg Limits

PL= NP LL= NV PI=

Coefficients

D_{90}= 0.1542 D_{85}= 0.1373 D_{60}= 0.0969
D_{50}= 0.0877 D_{30}= D_{15}=
D_{10}= C_u= C_c=

Classification

USCS= SM AASHTO= A-2-4(0)

Remarks

Sample Number: TP5 S5 **Depth:** 7

Date:

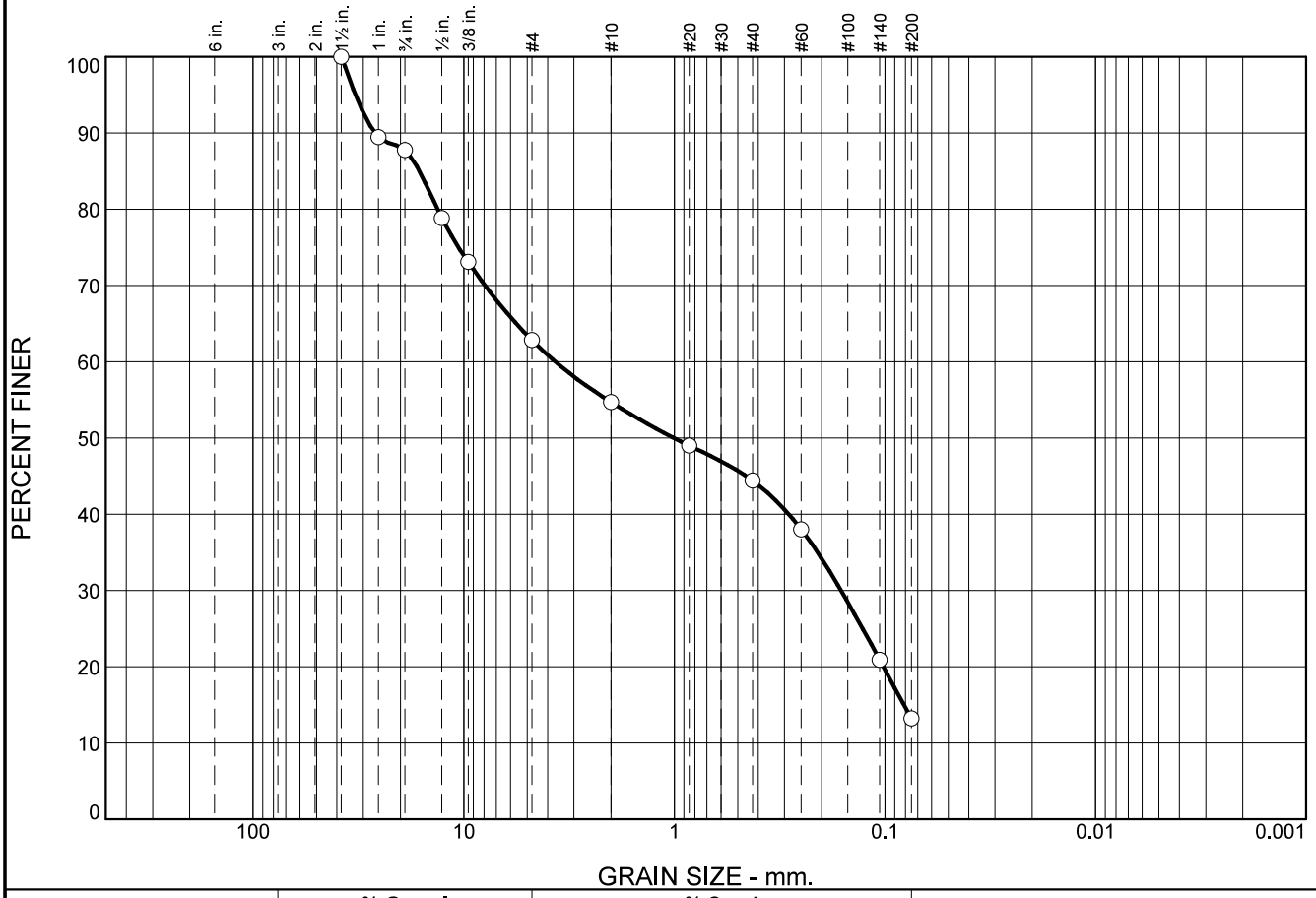
Phoenix Soil Research

Kingston, WA

Client: EnviroSound Consulting
Project: Hull TownHomes ESC19-G021

Project No: PSR19-9-0407 **Figure** 3

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines
	Coarse	Fine	Coarse	Medium	Fine	
0.0	12.3	24.9	8.1	10.3	31.2	13.2

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1.5	100.0		
1	89.5		
0.75	87.7		
0.5	78.8		
0.375	73.1		
#4	62.8		
#10	54.7		
#20	49.0		
#40	44.4		
#60	38.0		
#140	20.9		
#200	13.2		

* (no specification provided)

Material Description

silty sand with gravel

Atterberg Limits

PL= NP LL= NV PI=

Coefficients

D_{90}= 26.4424 D_{85}= 16.2605 D_{60}= 3.6748
D_{50}= 1.0072 D_{30}= 0.1617 D_{15}= 0.0812
D_{10}= C_u= C_c=

Classification

USCS= SM AASHTO= A-1-b

Remarks

Sample Number: TP7 S3 **Depth:** 5

Date:

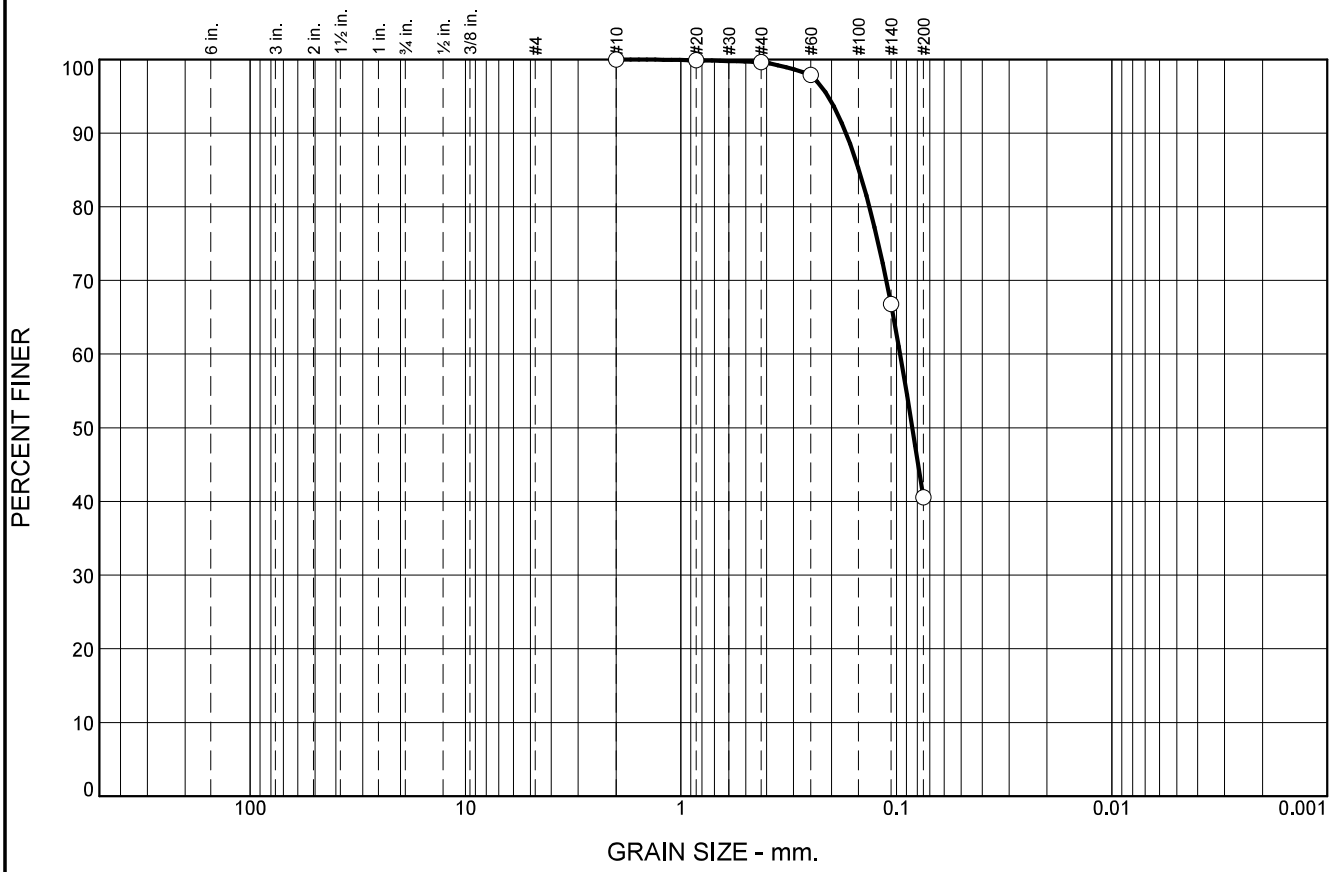
Phoenix Soil Research

Kingston, WA

Client: EnviroSound Consulting
Project: Hull TownHomes ESC19-G021

Project No: PSR19-9-0407 **Figure** 4

Particle Size Distribution Report



	+3"	% GRAVEL	% SAND	% SILT	% CLAY	USCS	AASHTO	PL	LL
○	0.0	0.0	59.4	40.6		SM	A-4(0)	NP	NV

SIEVE inches size	PERCENT FINER ○		
	GRAIN SIZE		
D_{60}	0.0962		
D_{30}			
D_{10}			
	COEFFICIENTS		
C_c			
C_u			

SIEVE number size	PERCENT FINER ○		
#10	100.0		
#20	99.9		
#40	99.7		
#60	97.9		
#140	66.8		
#200	40.6		

Material Description

○ silty sand

REMARKS:

○

○ Depth: 5 Sample Number: TP3 S4

Phoenix Soil Research

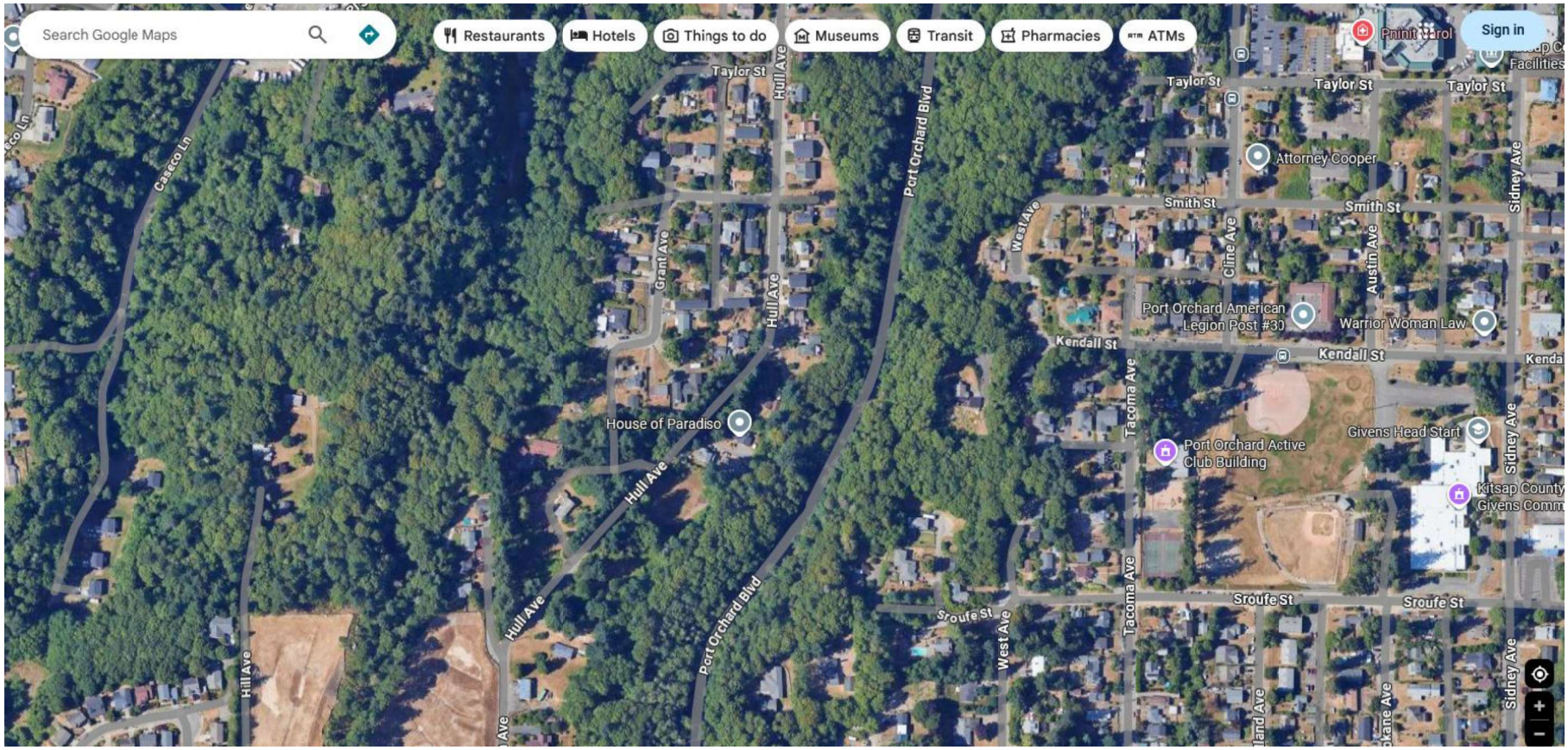
Kingston, WA

Client: EnviroSound Consulting

Project: Hull TownHomes ESC19-G021

Project No.: PSR19-9-0407 Figure 5

Exhibit 36


Search Google Maps
Restaurants
Hotels
Things to do
Museums
Transit
Pharmacies
ATMs
Sign in
Taylor St
Hull Ave
Port Orchard Blvd
Caseco Ln
Grant Ave
West Ave
Cline Ave
Austin Ave
Sidney Ave
Smith St
Attorney Cooper
Port Orchard American Legion Post #30
Warrior Woman Law
Kendall St
Tacoma Ave
House of Paradiso
Port Orchard Active Club Building
Givens Head Start
Kitsap County Givens Comm
Sroufe St
Hill Ave

Transmittal Letter

CITY OF PORT ORCHARD • PERMIT CENTER

Follow-up Submittal

Transmittal Date: April 9, 2025 **Submittal Date:** April 7, 2025

Permit #: LU25-Rezone-01 **Permit Type:** Land Use - Rezone

Project Name: 1061/1083 Hull Ave

Submittal Description: Submittals are in response to the Determination letter sent 4/3

Project location: 1061/1083 Hull Ave

Return comments to: Connor Dahlquist **by:** April 23, 2025

▶ **Public Works employees' comments go to** Chris Hammer **by:** April 16, 2025

Refer to the numbers following your name to identify the documents in your packet.

✓	Recipients	Documents*
	Assigned Lead: Connor Dahlquist, Associate Planner (via email: 1; via e-file: 2, 3, 4, 5, 6, 7, 8: via Bluebeam Review: 9, 10, 11)	1. Transmittal Letter
	PL Oversight: Stephanie Andrews, Senior Planner (via email: 1; via e-file: 2, 3, 4, 5, 6, 7, 8: via Bluebeam Review: 9, 10, 11)	2. Rezone Application – Revised
	Angela Garcia, DCD Deputy Director (via email: 1; via e-file: 2, 3, 4, 5, 6, 7, 8: via Bluebeam Review: 9, 10, 11)	3. SEPA Application
	Chris Hammer, City Engineer. (via email: 1; via e-file: 2, 3, 4, 5, 6, 7, 8: via Bluebeam Review: 9, 10, 11)	4. SEPA Checklist w/Supplemental D
	Nick Bond, Development Director (via email 1)	5. Geotechnical Report
	Ellen Ferguson, Permit Center Manager (via email: 1)	
	Jim Fisk, Principal Planner (via email: 1)	
	Denis Ryan, Public Works Director (via email: 1)	
	Christian Williams, Asst. City Engineer (Via email: 1)	
	Darren Podraza, PW Inspector (via email: 1)	
	Deanna Zimmerman, Permit Center Assistant (via email:1)	
	Scott Wolf – Utility Manager (via email:1)	

*All documents are saved in the project's e-file located here:
PERMIT CENTER drive → 0 PERMITS → Land Use → Rezones → 2025 → LU25-Rezone-01 →Submittals → Submittal 25-04-07

Prepared by: Jackie Krukoff
Planning Permit Clerk

LU25-Rezone-01
EXHIBIT 5

RECEIVED
PERMIT CENTER

April 29, 2025

CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

CITY OF PORT ORCHARD
Permit Center
Office located at 720 Prospect Street
Mailing address: 216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533 • permitcenter@portorchardwa.gov

SEPA ENVIRONMENTAL CHECKLIST APPLICATION FORM

For Staff Use Only	File #:	Receipt #:

Use this Application Form when you submit a SEPA Environmental Checklist.
The SEPA Checklist is available on the City's Permit Center website.

Incomplete Submittal Will Not Be Accepted.

1. SUBMITTAL INFORMATION.

Address 1 – 3 below by selecting the appropriate statement(s): *Check all that apply.*

☐ **1.** This SEPA Checklist is submitted with a parent project permit application, to be processed concurrently.

☐ **2.** This SEPA Checklist is **not** submitted with a parent project permit application.
Select the reason for submitting the SEPA Checklist separately:

- ☐ **2A.** The parent permit application was submitted previously.
  Permit No.: _____
- ☐ **2B.** The parent permit will be submitted later.
  Explain why the SEPA Checklist is being submitted ahead of the permit application:

☑ **3.** The SEPA Checklist is for a Non-Project Action and includes Supplement D.

2. SUBMITTAL REQUIREMENTS.

Electronic submittals are required. Contact the Permit Center for formatting and resolution requirements.
Check the box for each item included with this application:

☑ **The Master Permit Application Form,** completed.

☑ **The SEPA Environmental Checklist Application Form** *(this form)*, completed.

☑ **The Environmental Checklist**, completed, signed and dated.

The following list of documents may be required for a SEPA review.
Check the box for each document that is included with this SEPA Checklist Application:

☑ **SEPA Checklist Supplement D, SEPA Checklist for Non-Project Action** completed.

☐ **Site Plan.** Must be scalable and clearly readable when printed at 11" x 17".

☐ **Conceptual Architectural Renderings and Elevations.**

☐ **Stormwater Drainage Report and Plan.**

☐ **Wetland Report.**

☐ **Geotechnical Report.**

☐ **Traffic Impact Analysis.**

Other documentation may be required in addition to what is listed above. Contact Planning Staff with questions or to discuss requirements.

The information on this form and associated documents are considered public records and subject to public disclosure laws in Chapter 42.56 RCW
(01/30/2023)

RECEIVED
PERMIT CENTER

April 29, 2025

CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal,** even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in "Part B: Environmental Elements" that do not contribute meaningfully to the analysis of the proposal.

Responses of "Not applicable, no specific project proposed.", indicate the question does not apply to this proposal as there is not a specific project associated with this application, simply a request to change zoning from R2 to R3. Responses of "Not applicable, no specific project proposed."in this application, would be covered in a separate application with SEPA for a specific project. -Noel Larsen, Applicant.

LU25-Rezone-01
EXHIBIT 6B
Page 129 of 463

A. Background *Find help answering background questions*

1. **Name of proposed project, if applicable:**

   1061/1083 Hull Rezone
2. **Name of applicant:**

   NOEL LARSEN, 1909 HOLDINGS LLC
3. **Address and phone number of applicant and contact person:**

   2612 BURWELL ST, BREMERTON, WA 98312, 360-731-2119
4. **Date checklist prepared:**

   4/7/2025
5. **Agency requesting checklist:**

   CITY OF PORT ORCHARD
6. **Proposed timing or schedule (including phasing, if applicable):**

   Not applicable, no specific project proposed.
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

   No.
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

   None.
9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

   No.
10. **List any government approvals or permits that will be needed for your proposal, if known.**

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

REZONE FROM R2 TO R3 TO ALLOW APARTMENT BUILDINGS, APPROXIMATELY 80 UNITS, 2.7 TOTAL ACRES.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Parcel #: 352401-2-015-2005
1061 HULL AVE, PORT ORCHARD, WA 98366
*THAT PORTION OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., LYING BETWEEN THE EAST MARGIN OF HULL STREET AND THE WEST MARGIN OF PORT ORCHARD BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M.; THENCE NORTH 89*56'46 WEST ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 570.76 FEET; THENCE SOUTH 43*48'14 WEST ALONG THE EAST MARGIN OF HULL STREET, AS SHOWN ON SURVEY BY THOMAS C. BREITENSTEIN, LAND SURVEYOR, DATED JUNE 30, 1941, A DISTANCE OF 404.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 43*48'14 WEST ALONG SAID EAST MARGIN OF HULL STREET 159.13 FEET; THENCE LEAVING SAID EAST MARGIN RUN SOUTH 35*24'12 EAST 114.44 FEET TO THE SOUTH LINE OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89*56'46 EAST ALONG THE SOUTH LINE OF SAID NORTH 500.00 FEET 221.49 FEET TO THE WEST MARGIN OF PORT ORCHARD BOULEVARD; THENCE NORTH 40*15'35 EAST ALONG SAID WEST MARGIN OF PORT ORCHARD BOULEVARD 92.05 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 320.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 31.54 FEET TO A POINT ON SAID CURVE WHICH BEARS SOUTH 66*11'46 EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 66*11'46 WEST 280.11 FEET TO THE TRUE POINT OF BEGINNING. (ALL AS SHOWN ON SURVEY, BY WARD C. MULLER, LAND SURVEYOR, RECORDED UNDED AUDITOR'S FILE NO. 8905300061 AND FILED IN VOLUME 29 PAGE 183 OF SURVEYS.)*

Parcel #: 352401-2-018-2002
1083 HULL AVE, PORT ORCHARD, WA 98366

*PARCEL A: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 500 FEET SOUTH AND 1026.7 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER ON THE EAST LINE OF HULL STREET; THENCE NORTH 42*34' EAST ALONG THE EAST LINE OF HULL STREET 129.04 FEET; THENCE SOUTH 36*37'30" EAST 116.90 FEET; THENCE SOUTH 89*31'10" WEST 157 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084; PARCEL B: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 660 FEET SOUTH AND 320 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST TO THE EAST LINE OF HULL STREET; THENCE NORTHEASTERLY ALONG SAID EAST LINE OF HULL STREET TO A POINT 500 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 35; THENCE EAST TO A POINT 160 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 160 FEET TO THE POINT OF BEGINNING; EXCEPT ROADS; EXCEPT THAT PORTION CONDEMNED FOR HIGHWAY PURPOSES IN KITSAP COUNTY SUPERIOR COURT CAUSE NO. 53095; AND EXCEPT THAT PORTION THEREOF LYING EAST OF BOUNDARY LINE AS DESCRIBED IN INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 703658; ALSO EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084.*

B. Environmental Elements

1. Earth [Find help answering earth questions]

a. General description of the site:
From 0305 ESC19-G021 Hull Avenue Townhomes.pdf, Site Description, dated October 24, 2019, attached. "The topography of the site in general slopes to the east toward Port Orchard Boulevard. At the time of our site visit, the site was vegetated primarily with trees and low lying brush. The subject parcel is bounded by Hull Avenue to the north, single family residences to the east, a greenbelt and Port Orchard Boulevard to the south, and single family residences to the west. There was no visible evidence of slope failure, sloughing, erosion, or deep seated rotational slides at the time of the site visit."

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:
Rolling in buildable area, steep slopes in non-buildable area.

b. What is the steepest slope on the site (approximate percent slope)?
100%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

From 0305 ESC19-G021 Hull Avenue Townhomes.pdf, Geology-Soils, *"The United States Department of Agriculture (USDA) Soil Survey of Kitsap County Area, Washington, information indicates the following soil type exists on the project site:*

- *Alderwood gravelly sandy loam, 15 to 30 percent slopes*
- *Indianola loamy sand, 5 to 15 percent slopes*
- *Indianola-Kitsap complex, 45 to 70 percent slopes"*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
From 0305 ESC19-G021 Hull Avenue Townhomes.pdf, Slopes, "At the time of our site visit there was no visible evidence of sloughing or slope failure and no visible evidence of groundwater seepage on the slope face."

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
Not applicable, specific project dependent.

f. Could erosion occur because of clearing, construction, or use? If so, generally describe.
Typical erosion control practices would apply to specific project.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Estimate 75%, 88,000 or 117,612 square feet of total site area due to topography.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.
Not applicable, rezone only, no specific project associated with this application.

2. Air Find help answering air questions

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable, specific project dependent.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable, specific project dependent.

c. Proposed measures to reduce or control emissions or other impacts to air, if any.

None

3. Water Find help answering water questions

a. Surface Water: *Find help answering surface water questions*

1. **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**
   No.
2. **Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**
   No.

3. **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**
   Not applicable, specific project dependent.

4. **Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**
   No.
5. **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**
   No.
6. **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**
   Not applicable, specific project dependent.

b. Ground Water: *Find help answering ground water questions*

1. **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**
   No.

2. **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals…; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**
   Not applicable, specific project dependent.

c. Water Runoff (including stormwater):

1. **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**
   Not applicable, specific project dependent.

2. **Could waste materials enter ground or surface waters? If so, generally describe.**
   Not applicable, specific project dependent.

3. **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**
   Not applicable, specific project dependent.

4. **Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**
   Not applicable, specific project dependent.

4. Plants [Find help answering plants questions]

a. **Check the types of vegetation found on the site:**

☒ **deciduous tree: alder, maple, aspen, other**
☒ **evergreen tree: fir, cedar, pine, other**
☒ **shrubs**
☒ **grass**
☐ **pasture**
☐ **crop or grain**
☐ orchards, vineyards, or other permanent crops.
☐ **wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**
☐ **water plants: water lily, eelgrass, milfoil, other**
☐ **other types of vegetation**

b. What kind and amount of vegetation will be removed or altered?
Not applicable, specific project dependent.

c. List threatened and endangered species known to be on or near the site.
None.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.
Not applicable, specific project dependent.

e. List all noxious weeds and invasive species known to be on or near the site.
Switch broom.

5. Animals [Find help answering animal questions]

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.
Deer, songbirds.

Examples include:

- ***Birds: hawk, heron, eagle, songbirds, other:***
- ***Mammals: deer, bear, elk, beaver, other:***
- **Fish: bass, salmon, trout, herring, shellfish, other:**

b. List any threatened and endangered species known to be on or near the site.

None.

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any.

Not applicable, specific project dependent.

e. List any invasive animal species known to be on or near the site.

None.

6. Energy and Natural Resources Find help answering energy and natural resource questions

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable, specific project dependent.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable, specific project dependent.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

Not applicable, specific project dependent.

7. Environmental Health Find help with answering environmental health questions

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

No.

1. Describe any known or possible contamination at the site from present or past uses.

a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None.

b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
Not applicable, specific project dependent.

c. Describe special emergency services that might be required.
Not applicable, specific project dependent.

d. Proposed measures to reduce or control environmental health hazards, if any.
Not applicable, specific project dependent.

b. Noise

1. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**
   Not applicable, specific project dependent.

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**
   Not applicable, specific project dependent.

3. **Proposed measures to reduce or control noise impacts, if any.**
   Not applicable, specific project dependent.

8. Land and Shoreline *Use* Find help answering land and shoreline use questions

a. **What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**
   Low to medium density residential, R2 and R3.

b. **Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**
   No.

1. **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**
   No.

c. **Describe any structures on the site.**

   None.

d. **Will any structures be demolished? If so, what?**

   Not applicable, no existing structures.

e. **What is the current zoning classification of the site?**

   R2.

f. What is the current comprehensive plan designation of the site?

Medium Density Residential, R2 and R3.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Descending slopes off of the eastern portion of the site are mapped as Moderate Landslide Hazard Areas and Moderate to High Erosion Hazard Areas by Kitsap County.

i. Approximately how many people would reside or work in the completed project?

Depending on the project approximately 100-150 residents.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any.

Not applicable.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

Not applicable, no specific project proposed.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

Not applicable, no specific project proposed.

9. Housing Find help answering housing questions

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None.

c. Proposed measures to reduce or control housing impacts, if any.

Not applicable, no specific project proposed.

10. Aesthetics Find help answering aesthetics questions

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

R3 allows up to 35', building material *not applicable, no specific project proposed.*

b. What views in the immediate vicinity would be altered or obstructed?

None.

c. Proposed measures to reduce or control aesthetic impacts, if any.

Not applicable, no specific project proposed.

11. Light and Glare Find help answering light and glare questions

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
Not applicable, no specific project proposed.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable, no specific project proposed.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable, no specific project proposed.

d. Proposed measures to reduce or control light and glare impacts, if any.

Not applicable, no specific project proposed.

12. Recreation Find help answering recreation questions

a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable, no specific project proposed.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable, no specific project proposed.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.
Not applicable, no specific project proposed.

13. Historic and Cultural Preservation Find help answering historic and cultural preservation questions

a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**
No.

b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**
No.

c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**
Not applicable, no specific project proposed.

d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**
Not applicable, no specific project proposed.

14. Transportation Find help with answering transportation questions

a. ***Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.***
This site is accessible from both Tremont, via Pottery and Bay Street, via Hull.

b. ***Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?***
No. About 1 mile.

c. ***Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).***
Not applicable, no specific project proposed.

d. ***Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.***
No.

e. ***How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur*** *and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?*

Not applicable, no specific project proposed.

f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable, no specific project proposed.

g. Proposed measures to reduce or control transportation impacts, if any.

Not applicable, no specific project proposed.

15. Public Services Find help answering public service questions

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No, not applicable, no specific project proposed.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable, no specific project proposed.

16. Utilities Find help answering utilities questions

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable, no specific project proposed.

C. Signature *Find help about who should sign*

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

The electronic signature below is equivalent to a handwritten signature and is binding for all purposes.

X. _____

Type name of signee: Noel Larsen

Position and agency/organization: Partner, 1909 Development LLC

Date submitted: 4/7/2025

CITY OF PORT ORCHARD
Permit Center
Office located at 720 Prospect Street
Mailing Address: 216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533 • permitcenter@portorchardwa.gov

SEPA ENVIRONMENTAL CHECKLIST SUPPLEMENTAL SHEET D
FOR NON-PROJECT ACTIONS

Non-project actions are governmental actions involving decisions about policies, plans, or programs containing standards for controlling use or modifying the environment, or will govern a series of connected actions.

SUPPLEMENT D IS NOT REQUIRED FOR PROJECT ACTIONS

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

TO BE COMPLETED BY APPLICANT:

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

   Negligible.

   1a. Proposed measures to avoid or reduce such increases are:

   NA

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

   Negligible.

   2a. Proposed measures to protect or conserve plants, animals, fish, or marine life are:

   None.

3. How would the proposal be likely to deplete energy or natural resources?

   Negligible.

LU25-Rezone-01
EXHIBIT 6C

3a. Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Negligible.

4a. Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

NA

5a. Proposed measures to avoid or reduce shoreline and land use impacts are:

None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Negligible.

6a. Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

NA.

Transmittal Letter

CITY OF PORT ORCHARD • PERMIT CENTER

New SEPA Application Submittal

Transmittal Date: May 07, 2025 **Submittal Date:** April 29, 2025

Permit#: LU25-Rezone-01 **Permit Type:** Land Use - Rezone

Project Name: 1061/1083 Hull Ave

Submittal Description: SEPA Submittals for a Site specific rezone of these properties from R2 to R3 to support an apartment building type

Project location: 1061/1083 Hull Ave

Return comments to: Connor Dahlquist **by:** May 20, 2025

▶ **Public Works employees' comments go to** Chris Hammer **by:** May 14, 2025

Refer to the numbers following your name to identify the documents in your packet.

✓	Recipients	Documents*
	Assigned Lead: Connor Dahlquist, Associate Planner (via email: 1; via e-file: 2, 3, 4)	1. Transmittal Letter
	PL Oversight: Stephanie Andrews, Senior Planner (via email: 1; via e-file: 2, 3, 4)	2. SEPA App
	Angela Garcia, DCD Deputy Director (via email: 1; via e-file: 2, 3, 4)	3. SEPA Checklist
	Chris Hammer, City Engineer. (via email: 1; via e-file: 2, 3, 4)	4. SEPA Checklist Supplemental D
	Nick Bond, Development Director (via email 1)	
	Ellen Ferguson, Permit Center Manager (via email: 1)	
	Jim Fisk, Principal Planner (via email: 1)	
	Denis Ryan, Public Works Director (via email: 1)	
	Christian Williams, Asst. City Engineer (Via email: 1)	
	Darren Podraza, PW Inspector (via email: 1)	
	Deanna Zimmerman, Permit Center Assistant (via email:1)	
	Scott Wolf – Utility Manager (via email:1)	

*All documents are saved in the project's e-file located here:
PERMIT CENTER drive → 0 PERMITS → Land Use → Rezones → 2025 → LU25-Rezone-01 →Submittals → Submittal 25-04-29

Prepared by: Jackie Krukoff
Planning Permit Clerk

LU25-Rezone-01
EXHIBIT 7

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

DATE OF ISSUANCE:	May 13, 2025
PROJECT NAME:	1061/1083 Hull Ave Rezone
FILE NUMBER:	LU25-Rezone-01
DATE APPLICATION RECEIVED:	March 04, 2025, April 07, 2025, April 29, 2025.
PROJECT TYPE:	Site-Specific Rezone
DESIGNATED CONTACT NAME AND ADDRESS:	Noel Larsen – 1909 Holdings, LLC 2612 Burwell St Bremerton, WA 98312
PROJECT DESCRIPTION:	Rezone from R2 to R3 to support an apartment building type.
LOCATION:	Tax Parcel Number's 352401-2-015-2005, 352401-2-018-2002. Nearest major intersection: Bay St and Port Orchard Blvd. Section 35 Township 24 Range 1E (NW/4)
STAFF CONTACT:	Connor Dahlquist, Associate Planner cdahlquist@portorchardwa.gov 360-874-5533

DETERMINATION OF TECHNICAL COMPLETENESS (POMC 20.24.050)

[X] Application is technically complete and the application is being reviewed for compliance with city codes. There is no preliminary approval at this date.

Following a determination of technical completeness and the commencement of project review, the director may make a determination in writing that that some information is incorrect or that additional information is required. The applicant shall have up to ninety (90) days to submit corrected/additional information. If an applicant either refuses in writing to submit additional information or does not submit the required information within ninety (90) calendar days, the application shall be terminated (POMC 20.24.060).

LU25-Rezone-01
EXHIBIT 8

5/13/2025

Connor Dahlquist, Associate Planner **Date Issued**

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

NOTICE OF APPLICATION

This is a public notice of a development proposal that may interest you. You have the right to comment on this application, receive notice, request a copy of the decision once made and appeal the project decision. Included in this notice is a summary of the proposal, code reference for associated permits that may be required, and the targeted timeframe for City review and decision. Please be aware there are deadlines for comments and appeal; if you do not adhere to these deadlines, your comments may not be considered and/or you may lose your right of appeal. Please read this notice carefully and call the City of Port Orchard Department of Community Development (DCD) if you have questions.

Date of Issuance:	May 27, 2025
File Number:	LU25-Rezone-01
Project Name:	1061/1083 Hull Ave Rezone
Type of Application:	Site Specific Rezone (Type II)
Assessor Parcel Number:	352401-2-015-2005, 352401-2-018-2002
Applicant:	Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312
Date of Application:	March 04, 2025, April 07, 2025, April 29, 2025.
Date Application was Determined Technically Complete:	May 13, 2025
Site Description:	Location: 1061/1083 Hull Ave Nearest road intersection: Bay St and Port Orchard Blvd Size: Zoning District: R2 Shoreline Designation: N/A
Project Permits included with Application:	N/A

Description of Proposed Project:
Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

Preliminary State Environmental Policy Act (SEPA) Determination:
The SEPA official for the City of Port Orchard has not issued a SEPA determination for the requested action at this time.

Existing Studies and Environmental Documents Evaluating the Proposal: Geotechnical Report, Site Grading Civil Plans, Topography Survey, Utility Extension Plans, SEPA Checklist

Other Applicable Codes Which May Require Additional Project Review / Permits:

LU25-Rezone-01
EXHIBIT 9

Additional permitting and/or review may be required under POMC Title 20.

Public Comment Period and Appeals:
Any interested person may comment on this application. The comment period will remain open for 14 days beginning May 27, 2025. The deadline to submit comments is June 10, 2025. Any interested person may request notification of any hearings or meetings and request a copy of the decision once made. Requests must be addressed to City of Port Orchard Permit Center, Attn: Planning Clerk, 216 Prospect Street, Port Orchard, WA 98366, 360-874-5533.

Any interested party may appeal a Type IV decision to the Superior Court within 14 calendar days of the Notice of Decision. The Notice of Decision will be provided to all parties of record.

Examination of File:
The application file may be examined at the DCD Permit Center, 720 Prospect Street, Port Orchard, WA 98366, by appointment between the hours of 8 AM and 4 PM, Monday through Friday, except holidays. To schedule an appointment please call 360-874-5533 and indicate the Permit Number and Project Name for the file you would like to examine.

Staff Contact for this Application:
Connor Dahlquist
Associate Planner
cdahlquist@portorchardwa.gov
360-874-5533

Review Authority:
The City of Port Orchard City Council. A Type IV permit is a quasi-judicial decision and shall be reviewed consistent with the requirements of POMC 20.24.

Project Site Plan: Attached

012-00
017-01
013-01
009-00
013-00
012-00
013-01
2-005
2-009
2-008
2-010
2-012
2-006
028-00
2-065
2-063
2-064
2-055
2-057
023-00
2-013
2-018
2-047
2-017
018-00
2-049
002-00
001-00

CITY OF PORT ORCHARD
Department of Community Development
Located at 720 Prospect Street
Mailing Address: 216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Notice of Application

AFFIDAVIT OF PUBLICATION

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was published in the Kitsap Sun.

Signature of Individual Who Noticed the Newspaper

Jackie Krukoff, Planning Permit Clerk
Print name and title

May 27, 2025
Date of Publication

LU25-Rezone-01
EXHIBIT 10

CITY OF PORT ORCHARD
NOTICE OF APPLICATION

This is a public notice of a development proposal that may interest you. You have the right to comment on this application, receive notice, request a copy of the decision once made and appeal the project decision. Date of Issuance: May 27, 2025. File Number: LU25-Rezone-01. Project Name: 1061/1083 Hull Ave Rezone. Type of Application: Site Specific Rezone (Type II). Assessor Parcel Number: 352401-2-015-2005, 352401-2-018-2002. Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312. Date of Application: March 04, 2025, April 07, 2025, April 29, 2025. Date Application was Determined Technically Complete: May 13, 2025. Site Description: Location: 1061/1083 Hull Ave. Nearest road intersection: Bay St and Port Orchard Blvd. Size: Zoning District: R2. Project Description: Site-specific rezone from Residential 2 (R2) to Residential 3 (R3). Preliminary State Environmental Policy Act (SEPA) Determination: The SEPA official for the City of Port Orchard has not issued a SEPA determination at this time. Existing Studies and Environmental Documents Evaluating the Proposal: Geotechnical Report, Site Grading Civil Plans, Topography Survey, Utility Extension Plans, SEPA Checklist. Additional permitting and/or review may be required under POMC Title 20. Public Comment Period and Appeals: Any interested person may comment on this application. The comment period will remain open for 14 days beginning May 27, 2025. The deadline to submit comments is June 10, 2025. Any interested person may request notification of any hearings or meetings and request a copy of the decision once made. Requests must be addressed to City of Port Orchard Permit Center, Attn: Planning Clerk, 216 Prospect Street, Port Orchard, WA 98366, 360-874-5533. Any interested party may appeal a Type IV decision to the Superior Court within 14 calendar days of the Notice of Decision. The Notice of Decision will be provided to all parties of record. Examination of File: The application file may be examined at the DCD Permit Center, 720 Prospect Street, Port Orchard, WA 98366, by appointment between the hours of 8 AM and 4 PM, Monday through Friday, except holidays. To schedule an appointment please call 360-874-5533 and indicate the Permit Number and Project Name for the file you would like to examine. Staff Contact for this Application: Connor Dahlquist Associate Planner cdahlquist@portorchardwa.gov 360-874-5533. Review Authority: The City of Port Orchard City Council. A Type IV permit is a quasi-judicial decision and shall be reviewed consistent with the requirements of POMC 20.24.

PUBLISHED IN THE KITSAP SUN May 27, 2025

Jackie Krukoff

From: Stephanie Andrews
Sent: Wednesday, May 21, 2025 10:32 AM
To: Jackie Krukoff
Subject: RE: 1 Notice for the 5/27 Kitsap Sun

Approved, thank you!

From: Jackie Krukoff <jkrukoff@portorchardwa.gov>
Sent: Wednesday, May 21, 2025 10:28 AM
To: Stephanie Andrews <sandrews@portorchardwa.gov>
Subject: FW: 1 Notice for the 5/27 Kitsap Sun

Please Approve.

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Wednesday, May 21, 2025 10:26 AM
To: Jackie Krukoff <jkrukoff@portorchardwa.gov>
Subject: RE: 1 Notice for the 5/27 Kitsap Sun

Hello

Please find your order confirmation and proof of ad attached.

Your ad is set to run in [Kitsap Sun] on [5/27/2025]. The order cost is [$204.92] which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing. Please reply by 5/22/2025 with any changes.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

In the future, be on the lookout for access to our online self-serve ad portal in your local publication to conveniently place future legal notices.

Thanks,

*NOTE: We are not legally trained, and it is your responsibility to make sure your AD meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not compliant with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

Nadia Luckett
Public Notice Representative
USA TODAY NETWORK LOCALiQ
Office: 844-254-5287

From: Jackie Krukoff <jkrukoff@portorchardwa.gov>
Sent: Wednesday, May 21, 2025 12:20 PM
To: BKS-DL-PF Legals <legals@kitsapsun.com>
Cc: Jenine Floyd <jfloyd@portorchardwa.gov>; Ellen Ferguson <eferguson@portorchardwa.gov>
Subject: RE: 1 Notice for the 5/27 Kitsap Sun

Please use the revised attachment for 11339379

From: Jackie Krukoff
Sent: Wednesday, May 21, 2025 9:53 AM
To: legals@kitsapsun.com
Cc: Jenine Floyd <jfloyd@portorchardwa.gov>; Ellen Ferguson <eferguson@portorchardwa.gov>
Subject: 1 Notice for the 5/27 Kitsap Sun

Hello,

Please publish the attached notice in the Tuesday, May 27, 2025 edition of the Kitsap Sun:

- Notice of Application – Description: Hull Ave Rezone PO Number: LU25-Rezone-01

Please let me know if you have any questions.

Thanks,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov

LocaliQ
Washington
GANNETT

Order Confirmation

Not an Invoice

Account Number:	288906
Customer Name:	City Of Port Orchard
Customer Address:	City Of Port Orchard 216 Prospect St Port Orchard WA 98366
Contact Name:	Brandy Wallace
Contact Phone:	(360) 876-7030
Contact Email:	bwallace@portorchardwa.gov
PO Number:	

Date:	05/21/2025
Order Number:	11339379
Prepayment Amount:	$ 0.00

Column Count:	1.0000
Line Count:	102.0000
Height in Inches:	10.5500

Print

Product	#Insertions	Start - End	Category
BKS Kitsap Sun	1	05/27/2025 - 05/27/2025	Public Notices
BKS kitsapsun.com	1	05/27/2025 - 05/27/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	$204.92
Tax Amount	$0.00
Service Fee 3.99%	$8.18
Cash/Check/ACH Discount	-$8.18
Payment Amount by Cash/Check/ACH	$204.92
Payment Amount by Credit Card	$213.10

Order Confirmation Amount	$204.92

Ad Preview

CITY OF PORT ORCHARD
NOTICE OF APPLICATION
This is a public notice of a development proposal that may interest you. You have the right to comment on this application, receive notice, request a copy of the decision once made and appeal the project decision. Date of Issuance: May 27, 2025. File Number: LU25-Rezone-01. Project Name: 1061/1083 Hull Ave Rezone. Type of Application: Site Specific Rezone (Type II). Assessor Parcel Number: 352401-2-015-2005, 352401-2-018-2002. Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312. Date of Application: March 04, 2025, April 07, 2025, April 29, 2025. Date Application was Determined Technically Complete: May 13, 2025. Site Description: Location: 1061/1083 Hull Ave. Nearest road intersection: Bay St and Port Orchard Blvd. Size: Zoning District: R2. Project Description: Site-specific rezone from Residential 2 (R2) to Residential 3 (R3). Preliminary State Environmental Policy Act (SEPA) Determination: The SEPA official for the City of Port Orchard has not issued a SEPA determination at this time. Existing Studies and Environmental Documents Evaluating the Proposal: Geotechnical Report, Site Grading Civil Plans, Topography Survey, Utility Extension Plans, SEPA Checklist. Additional permitting and/or review may be required under POMC Title 20. Public Comment Period and Appeals: Any interested person may comment on this application. The comment period will remain open for 14 days beginning May 27, 2025. The deadline to submit comments is June 10, 2025. Any interested person may request notification of any hearings or meetings and request a copy of the decision once made. Requests must be addressed to City of Port Orchard Permit Center, Attn: Planning Clerk, 216 Prospect Street, Port Orchard, WA 98366, 360-874-5533. Any interested party may appeal a Type IV decision to the Superior Court within 14 calendar days of the Notice of Decision. The Notice of Decision will be provided to all parties of record.
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May 27,2025 11339379

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us
www.cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Notice of Application

AFFIDAVIT OF MAILING AND EMAILING

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was mailed to attached list(s) of recipients in accordance with applicable ordinances of the City of Port Orchard.

Signature of Individual Who Mailed Notice

Jackie Krukoff, Planning Permit Clerk
Print name and title

May 27, 2025
Date of Mailing

LU25-Rezone-01
EXHIBIT 11

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

NOTICE OF APPLICATION

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Date of Issuance:	May 27, 2025
File Number:	LU25-Rezone-01
Project Name:	1061/1083 Hull Ave Rezone
Type of Application:	Site Specific Rezone (Type II)
Assessor Parcel Number:	352401-2-015-2005, 352401-2-018-2002
Applicant:	Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312
Date of Application:	March 04, 2025, April 07, 2025, April 29, 2025.
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Project Permits included with Application:	N/A

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Other Applicable Codes Which May Require Additional Project Review / Permits:

Additional permitting and/or review may be required under POMC Title 20.

Public Comment Period and Appeals:
Any interested person may comment on this application. The comment period will remain open for 14 days beginning May 27, 2025. The deadline to submit comments is June 10, 2025. Any interested person may request notification of any hearings or meetings and request a copy of the decision once made. Requests must be addressed to City of Port Orchard Permit Center, Attn: Planning Clerk, 216 Prospect Street, Port Orchard, WA 98366, 360-874-5533.

Any interested party may appeal a Type IV decision to the Superior Court within 14 calendar days of the Notice of Decision. The Notice of Decision will be provided to all parties of record.

Examination of File:
The application file may be examined at the DCD Permit Center, 720 Prospect Street, Port Orchard, WA 98366, by appointment between the hours of 8 AM and 4 PM, Monday through Friday, except holidays. To schedule an appointment please call 360-874-5533 and indicate the Permit Number and Project Name for the file you would like to examine.

Staff Contact for this Application:
Connor Dahlquist
Associate Planner
cdahlquist@portorchardwa.gov
360-874-5533

Review Authority:
The City of Port Orchard City Council. A Type IV permit is a quasi-judicial decision and shall be reviewed consistent with the requirements of POMC 20.24.

Project Site Plan: Attached

012-00
017-01
013-01
009-00
013-01
2-008
2-010
2-012
2-006
028-00
065
2-063
2-064
2-057
023-00
2-013
2-018
2-017
2-017
2-049
002-00

352401-2-015-2005
1909 DEVELOPMENT LLC
2612 BURWELL ST
BREMERTON, WA 98312

352401-2-075-2002
BRADY JON M & PATRICA L
1084 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-009-2003
COLLINS SHERI K
118 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-019-2001
EWERT GERHARD
1123 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-010-2000
LAMOUREUX ETHAN D
108 KENDALL ST
PORT ORCHARD, WA 98366

4043-002-002-0005
NOERENBERG RUSSELL W JR
1108 GARRISON AVE
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

4040-000-028-0002
PORT ORCHARD BLVD
216 PROSPECT ST
PORT ORCHARD, WA 98366

352401-2-018-2002
1909 DEVELOPMENT LLC
2612 BURWELL ST
BREMERTON, WA 98312

352401-2-013-2007
COATES SAVANNAH L & MICHAEL PAUL
1080 HULL AVE
PORT ORCHARD, WA 98366

352401-2-076-2001
CONTRERAS DANIEL ELISHA & BRIANNE
1086 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-008-2004
GUO CUI Q
120 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-011-2009
LASALLE JOHN & MARY
114 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-065-2004
PARADISO MATTHEW LONGOBARDI & LINDSEY RENE
1025 HULL AVE
PORT ORCHARD, WA 98366

352401-2-077-2000
POWERS CHRISTI L & GREGORY
1088 SHERMAN AVE
PORT ORCHARD, WA 98366

4058-009-013-0108
AMORES JOAQUIN & GALLI-BASTOS MIRIAM
977 GRANT AVE
PORT ORCHARD, WA 98366

352401-2-049-2005
COLEMAN GEORGIA GAIL & ROPPE RUTH
6716 N VN DECAR RD SE
PORT ORCHARD, WA 98367

352401-2-005-2007
DIIENNO RITA C
6140 E HOBART ST
MESA, AZ 85205

4058-009-015-0007
KOZLOWSKI CHAD & COOK HILLARI
924 HULL AVE
PORT ORCHARD, WA 98366

352401-2-012-2008
LYONS SCOTT WILLIAM
1050 HULL AVE
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

4043-002-001-0105
PIVAR MICHAEL A & BRANDICE L
10208 39TH AVE SW
SEATTLE, WA 98146

4040-000-023-0007
ROBINSON HONOUR M
1029 GARRISON AVE
PORT ORCHARD, WA 98366

352401-2-050-2001
SAMPSON RAY D & PEGGY A
1117 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-064-2005
SPIETH KURT DUANE & REBECCA JEAN
209 13TH ST
HONOLULU, HI 96818

352401-2-017-2003
WOOTEN CYNTHIA D &
WOLFENBARGER WALTER
399 SROUFE ST
PORT ORCHARD, WA 98366

352401-2-078-2009
SMYTHE STACI H & DWAYNE D
1090 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-063-2006
STIEFVATER EMILY MARIE
129 PENNSYLVANIA AVE
CHILTON, WI 53014

352401-2-057-2004
SNIDER JOSEPH
PO BOX 2812
BELFAIR, WA 98528

352401-2-006-2006
WAHLSTROM DANIEL G & ATHENA
1011 HULL AVE
PORT ORCHARD, WA 98366

Jackie Krukoff

From: Jackie Krukoff
Sent: Monday, May 26, 2025 5:00 PM
To: Noel Larsen
Subject: Notice of Application for the LU25-Rezone-01
Attachments: NOA_LU25-Rezone-01.pdf

Good morning,

Attached is the Notice of Application that the city has sent out regarding the LU25-Rezone-01 1061/1083 Hull Ave.

The comment period ends 4:30 Tuesday, June 10, 2025. If there are any comments received I will send them to you on Wednesday, June 11, 2025

Please let me know if you have any questions.

Kind Regards,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
Mail to:216 Prospect Street, Port Orchard, WA 98366
Office located at 720 Prospect Street
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Notice of Application

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was posted on the subject property in accordance with applicable ordinances of the City of Port Orchard.

Signature of Individual Who Posted Notice

NOEL LARSEN

Printed Name of Individual Who Posted Notice

5/27/2025

Date of Posting

[ATTACH PICTURE OF POSTED SIGN]

LU25-Rezone-01
EXHIBIT 12

PUBLIC NOTICE

PUBLIC NOTICE OF APPLICATION
PROJECT: 1061/1083 HULL AVE REZONE
DESCRIPTION: APPLICATION FOR A SITE-SPECIFIC REZONE FROM RESIDENTIAL 2 (R2) TO RESIDENTIAL 3 (R3).
Location: 1061/1083 HULL AVE
Permit Number(s): LU25-REZONE-01
Permit Application Type(s): SITE-SPECIFIC REZONE (TYPE II)
Comment Deadline: JUNE 10, 2025
Submit Comments To: City of Port Orchard
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
permitcenter@portorchardwa.gov - (360) 874-5533

RECEIVED
PERMIT CENTER
Jun 09, 2025
CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

Jackie Krukoff

From: Kurt D. Spieth <k_bspieth@msn.com>
Sent: Friday, June 06, 2025 10:53 PM
To: Permit Center
Subject: Permit LU25-Rezone-01

[Some people who received this message don't often get email from k_bspieth@msn.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

City of Port Orchard,

Have concerns about rezoning of this property. As you have already rezoned and added high density residential property at the top of Hull/Sherman. You were adding undue stress to the road and excessive traffic past my residence. I have a resident that backs up to this property. My main concerns are road traffic road noise, speed, and the fact that there is a blind curve 25 feet from my driveway, this is in addition to a hill just before the Hull/Sherman intersection to which people presently speed over. I would like to know how the city is going to address these concerns, traffic flow, and the requirement for me to cross the road to get to my mail. By adding high density property right behind my property you are highly impacting the value of my property, The lifestyle I am used to as well as noise and my family safety. A response to this email would be greatly appreciated. There are also concerns about noise during construction of any high-density housing that would go in.
I look forward to your response, and thank you for your time.

Respectfully
Kurt and Rebecca Spieth
Sent from my iPad

LU25-Rezone-01
EXHIBIT 13A

RECEIVED
PERMIT CENTER
Jun 09, 2025
CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

Jackie Krukoff

From: JASON GIVENS <jasongivens@hotmail.com>
Sent: Sunday, June 08, 2025 5:57 PM
To: Permit Center
Subject: Oppose rezone of 1061/1083 Hull Ave.

You don't often get email from jasongivens@hotmail.com. Learn why this is important

To Whom it May Concern:

I am writing to express my opposition of the rezoning of 1061/1083 Hull Ave. from R2 to R3. I reside upon this street and it does not have the infrastructure to support the addition of more apartments.

There is already a large apartment complex being built on the corner. There are no sidewalks along a large portion of the street and it is quite dangerous to walk there particularly with hills and blind curves. Furthermore, motorists constantly drive through the area in excess of the speed limit. The addition of another apartment complex will further exacerbate the problem, particularly once the large complex currently under construction is complete. There will be a significant increase in vehicular traffic and more people walking to and from downtown Port Orchard. It will not be safe, especially when events in downtown Port Orchard close Bay Street and traffic gets diverted to Hull Ave.

Please considered my opposition when you make your decision. I know a number of my neighbors are opposed as well.

Sincerely,

Jason Givens

LU25-Rezone-01
EXHIBIT 13B

Transmittal Letter

CITY OF PORT ORCHARD • PERMIT CENTER

NOA Comment period ended 6/10/2025

Transmittal Date: June 12, 2025

Permit #: LU25-Rezone-01 **Permit Type:** Land Use - Rezone

Project Name: 1061/1083 Hull Ave

Submittal Description: Public comment letters received

Project location: 1061/1083 Hull Ave

Return comments to: Connor Dahlquist

Refer to the numbers following your name to identify the documents in your packet.

✓	Recipients	Documents*
	Assigned Lead: Connor Dahlquist, Associate Planner (via email: 1; via e-file: 2)	1. Transmittal Letter
	PL Oversight: Stephanie Andrews, Senior Planner (via email: 1; via e-file: 2)	2. 2 Public comments received
	Angela Garcia, DCD Deputy Director (via email: 1; via e-file: 2)	
	Chris Hammer, City Engineer. (via email: 1)	
	Nick Bond, Development Director (via email 1)	
	Ellen Ferguson, Permit Center Manager (via email: 1)	
	Jim Fisk, Principal Planner (via email: 1)	
	Denis Ryan, Public Works Director (via email: 1)	
	Christian Williams, Asst. City Engineer (Via email: 1)	
	Scott Wolf – Utility Manager (via email:1)	

*All documents are saved in the project's e-file located here:
PERMIT CENTER drive → 0 PERMITS → Land Use → Rezones → 2025 → LU25-Rezone-01 → Comments → NOA Comment Period ended 25-06-10

LU25-Rezone-01
EXHIBIT 14

Prepared by: Jackie Krukoff
Planning Permit Clerk

RECEIVED
PERMIT CENTER
Jun 16, 2025
CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

Preserve Our Community Character and Safety

HULL AVENUE NEIGHBORHOOD OPPOSITION TO REZONING OF 1083 HULL AVENUE (R2 TO R3)

Dear City of Port Orchard Planning Commission,

We, the residents of the Hull Avenue neighborhood, are writing to express our strong opposition to the proposed rezoning of 1083 Hull Avenue from R2 (low-density residential) to R3 (medium-density residential). The Zillow listing for this property indicates plans to construct either 32 townhomes or 100+ apartment units pending rezoning approval. As a community of families, long-time residents, and homeowners, we are deeply concerned about the impact this would have on traffic safety, infrastructure, environmental stability, and the character of our neighborhood.

Zoning & Comprehensive Plan Conflicts

The City of Port Orchard's comprehensive plan emphasizes preserving the unique identity of low-density neighborhoods while accommodating growth in a way that protects community livability. R3 zoning was never intended for areas like Hull Avenue, which currently consists of single-family homes on spacious lots. Rezoning this parcel would introduce high-density development that is out of alignment with the vision laid out in city planning documents and would set a precedent for similar proposals in other established neighborhoods.

Traffic Impact & Lack of Infrastructure

Hull Avenue is already burdened with high traffic volume, frequent speeding, and several blind curves. The street lacks sidewalks through much of the corridor, and there are no speed bumps or traffic-calming measures in place. Residents regularly witness unsafe driving, and many feel it's too dangerous to walk the neighborhood with their children or pets. We are already anticipating a major influx of vehicles from a new apartment complex at the top of the hill. Adding another large development would significantly worsen traffic conditions and create unacceptable risks for pedestrians and cyclists.

According to city policy, a Traffic Impact Analysis (TIA) is required for developments of this scale. We strongly urge that the city require a full, publicly-reviewed TIA before any further steps are taken with this rezoning request.

Environmental and Ecological Concerns

The slope behind 1083 Hull Avenue serves an essential ecological function. It is part of a designated greenbelt area that naturally absorbs and channels stormwater. The area includes salmonberry, stinging nettle, and other moisture-loving native plants, which are signs of natural swales and groundwater capture. During the 2008/2009 King Tide flood event, runoff from this slope overwhelmed adjacent properties. Removing this vegetation to build roads, parking lots, and rooftops would increase impervious surface and significantly raise the risk of flooding and erosion—not just on-site, but downhill where multiple homes are located.

LU25-Rezone-01
EXHIBIT 15

The city's comprehensive plan specifically prioritizes minimizing impervious surface and promoting low-impact development to protect the watershed. Approving this rezoning would directly contradict those goals.

Wildlife and Habitat Loss
This hillside and its surrounding area are home to deer, a wide variety of bird species, and a water runoff path that leads directly into the inlet—an ecosystem that supports salmon and transient orcas. Several of us use the Merlin app to document bird species in the area, and we've identified dozens just from our backyards. Displacing this habitat for high-density housing would cause irreversible harm to the local environment and degrade the quality of life for both wildlife and residents.

A Growing Pattern of Unchecked Development
Nearby developments like Forest Song have already expanded beyond their approved plans, destroying critical habitat and pushing infrastructure to its limits. The proposed rezoning at 1083 Hull feels like more of the same—motivated by short-term profit rather than long-term community sustainability. Port Orchard Blvd is used as a lay-down and staging area for community events and emergency access. Losing this road to increased congestion or slope instability would affect more than just nearby residents—it would impact the city as a whole.

We are not against responsible development. We understand the need for growth and housing, but this proposal is incompatible with the neighborhood, the city's comprehensive plan, and basic public safety. We respectfully ask that the City of Port Orchard deny the rezoning request for 1083 Hull Avenue and prioritize smart, sustainable planning that reflects the needs of both people and place.

Thank you for your time and consideration.

Sincerely,
The Residents of the Hull Avenue and Surrounding Neighborhood

Name: Lindsey Paradiso Signature: Lindsey Paradiso

Address: 1025 Hull Ave Phone Number: 2065657532

Name: MATT PARADISO Signature:

Address: 1025 HULL AVE Phone Number: 540-230-6397

Name: MARTIN DIEHL Signature:

Address: 1003 HULL AVE Phone Number 360-710-5358

Name: JESSE KNEE Signature:

Address: 919 HULL AVENUE Phone Number: 808-347-7294

Name: Tatjana Givens Signature:

Address: 917 HULL AVENUE Phone Number: 360-728-6201

Name: Jason Givens Signature:

Address: 921 Hull Avenue Phone Number: 435-512-9011

Name: Nadell Knee Signature:

Address: 919 Hull Avenue Phone Number: 850-341-0547

Name: CAITLYN COULTER Signature:

Address: 803 HULL AVE Phone Number: 425 443 0177

Name: DYLAN COULTER Signature:

Address: 803 HULL AVE Phone Number: 425 691 9792

Name: Shawn Robinson Signature:

Address: 725 Hull Ave Phone Number: 217 621 5223

Name: Lauren Robinson Signature:

Address: 725 Hull Ave Phone Number: 510 938 0847

Name: Emily Norby Signature:

Address: 713 Hull Ave Phone Number: 509-215-0437

Name: Andrew Norby Signature:

Address: 713 Hull Ave Phone Number: 509-423-4013

Name: Maurice Hodges Signature:

Address: 709 Hull Avenue Phone Number: 360-633-9701

Name: Cassy Israel Signature:

Address: 301 Sweany Street Phone Number: 360-979-6812

Name: Suzy Bertch Signature:

Address: 615 Hull Ave Phone Number: 360-874-4419

Name: Troy Bertch Signature:

Address: 615 Hull Ave Phone Number: (206) 730-5759

Name: Jerimich Ballard Signature:

Address: 914 Taylor St E Phone Number: 509-656-4095

Name: Richard Browder Signature:

Address: 602 HULL AVE Phone Number: ~~360~~ 4252142671

Name: Bryn Allen Jones Signature:

Address: 601 Hull Phone Number: 306-550-6535

Name: Jennifer Jones Signature:

Address: 601 Hull Ave Phone Number: 360-505-9167

Name: Paul Olson Signature: Paul Olson

Address: 310 Division St. Phone Number: 360 509-5829

Name: Lynn Olson Signature: Lynn Olson

Address: 310 Division St. Phone Number: 360-509-6427

Name: Anne Nestby Signature: Anne Nestby

Address: 3473 SE ~~Tamarack Dr~~ Phone Number: 360-~~841-8454~~ 509-917-85

Name: Jim Nestby Signature: Jmanny Nestby

Address: 3473 SE Tamarack Dr Phone Number: 360 509-9685

Name: Katie Olson Signature: Katie Olson

Address: 4751 SE Horstman Rd. Phone Number: 360-509-1806

Name: Emily Olson Signature: Emily Olson

Address: 314 Division St. Phone Number: 360-536-2015

Name: Megan Norton Signature: Megan Norton

Address: 314 Division St Phone Number: (360) 731-1012

Name: Stan Lingle Signature: Stan Lingle

Address: 610 Hull Avenue Phone Number: 360.707.6292

Name: GARRETT SIDES Signature: GARRETT SIDES

Address: 614 HULL AVE Phone Number: 405-491-5310

Name: Lucile White Signature: Lucile White

Address: 614 Hull Ave Phone Number: 7066077597

Name: Trish Heinrich Signature: Trish Heinrich

Address: 706 Hull Ave Phone Number: (206) 357-7827

Name: CLANCY DONLIN Signature: Clancy Donlin

Address: 205 TAYLOR ST. Phone Number: 46.444.2242

Name: Josh Kennedy Signature: Josh Kennedy

Address: 802 Hall ave Phone Number: 360-801-0582

Name: ~~802 Hall~~ MR Melissa Brown Signature: Melissa Brown

Address: 802 Hall Ave Phone Number: 253.370.1869

Name: Nico Garcia Signature: Nico Garcia

Address: 812 Hull Ave Phone Number: 360-621-9021

Name: Monica Garcia Signature: Monica Garcia

Address: 812 Hull Ave Phone Number: 360.621.9021

Name: Timothy Hetrick Signature: Timothy Hetrick

Address: 811 Hull Ave Phone Number: 541 591 5688

Name: Sabrina Hetrick Signature: Sabrina Hetrick

Address: 811 Hull Ave Phone Number: 541 539 8703

Name: Mitchell Nelson signature: [signature]
address: 815 Hull Ave number: 206-574-8538

Name: Jessica Nelson signature: [signature]
address: 815 Hull Ave number: 2067393403

Name: Athena Wahlstrom signature: [signature]
address: 1011 Hull Ave number: 3604408449

Name: Dan Wahlstrom signature: [signature]
address: 1011 Hull Ave number: 360-440-8354

Name: Chad Kozlowski signature: [signature]
address: 924 Hull Ave number: (360) 620-0989

Name: Kurt Spieth signature: [signature]
address: 1037 Hull Ave number: 360-519-8737

Name: Becky Spieth signature: [signature]
address: 1037 Hull Ave number: 360-271-9503

RECEIVED
PERMIT CENTER
Sep 18, 2025
CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

Memorandum

TO: Planning Commission

FROM: K. Chris Hammer, PE - City Engineer KCH

DATE: 9/17/2025

REGARDING: LU25-Rezone-01; Hull Avenue Rezone

At Issue: Port Orchard Municipal Code section 20.180.006 requires that a capacity evaluation for water, sewer, and transportation be performed for certain rezones in comprehensive plan amendments. The City is asked to consider a legislative zoning map amendment to change zoning from Residential 2 to Residential 3. While the proposed redesignation of property alludes to a future higher density residential development in this location, the impacts and requirements of any development activity would be considered when an application is filed. . As such, this review is limited to a comparison of the current single-family use and potential highest and best multifamily use which under the proposed zoning is thought to accommodate 60 to 90 one- and two-bedroom apartment units.

Transportation: The trip generation for a 90-unit appartements would be expected to generate .56 Peak PM Trips (trips between 4pm and 6pm, Monday-Friday) per unit for a total of 50.4 Peak PM trips. The proposed access via Hull Avenue is expected to have significant impacts on the City's transportation facilities. Considerations of neighborhood local streets (Hull, Melcher, and Pottery) intersections with higher order streets including Port Orchard Blvd., and Tremont must be a consideration of potential impacts to the City's larger roadway network.

Future proposals will be evaluated in more detail with review of applicable permits. Currently, Hull Ave is constructed with narrow lanes and lacks sidewalks. Frontage improvements will likely necessitate a ¾ street improvement to address lane widening, sidewalk, and off-site improvements for roadway lane widening. However, specific requirements will be evaluated upon the submittal of a development activity application. Pedestrian concurrency may be addressed by providing a connection to shoulders along Port Orchard Blvd as a future multi-use pathway is included in the City's Transportation Improvement Plan as an alternative to off-site sidewalk improvements to Hull Ave. The Hull Ave/ Port Orchard Blvd. and Pottery Ave./ Tremont St. intersections are local access and exempt from concurrency. Impacts to other intersections including Port Orchard Blvd./ SR166 Bay Street will be evaluated; however, are not expected to result in level of service failures. The development would pay a transportation impact fee that contributes to City transportation projects as identified in the Transportation Improvement Program.

PUBLIC WORKS
216 PROSPECT ST PORT ORCHARD, WA 98366

PHONE (360)876.4991 | FAX (360) 876.4980
EMAIL: PUBLICWORKS@PORTORCHARDWA.GOV
WWW. PORTORCHARDWA.GOV

LU25-Rezone-01
EXHIBIT 16

Water: The water evaluation for the proposed rezone is limited to whether the City has available water rights to serve the area. City water is available on Hull Avenue.

Future development activity applications will be evaluated in more detail with review of applicable permits. Portions of the existing water main in Hull Avenue are substandard and will be evaluated to ensure adequate fire flow.

There is currently adequate water capacity to serve this and other locations served by the City water system. Future water supply is dependent on completing planned water system capital improvement projects including bringing additional wells online, new reservoirs, and integrating the water systems. As the City is experiencing more rapid growth than assumed in the water plan the Public Works as of this year is planning to look more closely at capacity to accommodate growth annually.

It is possible the City may not have adequate water supply to serve development of this site should planned water system improvements do not proceed. The City has been unable to bring new wells online due to the Foster Decision affecting the ability to perfect new water rights. There is increasing concern that we could run out of water to support growth before the water system plan, ten-year planning period ends in 2034

Sewer: The sewer evaluation of the proposed rezone is limited to whether the City has available sewer treatment plant capacity to serve the area. It appears that the site can be served by gravity by connecting to existing sewer mains in Port Orchard Blvd.
From review of the current sewer system plan, the treatment plant should have adequate capacity to serve this and other developments for the planning period (20 years).

Conclusion and Recommendation: The Public Works Department's review of the proposed rezone does not present capacity concerns as proposed. Public Works recommends that the Hearing Examiner not approve or deny the application based on concerns about transportation, water, or sewer capacity.

CITY OF PORT ORCHARD
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • Fax: (360) 876-4980
planning@portochardwa.gov
www.portorchardwa.gov

CITY OF PORT ORCHARD
DETERMINATION OF NON-SIGNIFICANCE (DNS)

PROJECT: 1061/1083 HULL AVE REZONE

PERMIT APPLICATIONS: Site-Specific Rezone LU25-REZONE-01

LOCATION OF PROPOSAL: 1061/1083 Hull Ave, Port Orchard, WA 98366 APNs #352401-2-015-2005 and 352401-2-018-2002.

DESCRIPTION OF PROPOSAL: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

APPLICANT: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

LEAD AGENCY: City of Port Orchard

SEPA OFFICIAL: Nicholas Bond, Department of Community Development Director
216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533

SEPA DETERMINATION: The City of Port Orchard, as lead agency for this proposal, has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The DNS process is issued pursuant of WAC 197-11-340, WAC 197-11-680, and POMC Title 20. Comments are due by September 30, 2025 at 4:00pm. A fourteen (14) day appeal period will follow the fourteen (14) day comment period.

DATE OF ISSUE: September 18, 2025

Nicholas Bond 9/18/2025

Nicholas Bond, AICP, Department of Community Development Director Date

APPEAL PERIOD: Any person may appeal this determination to the City of Port Orchard Clerk's Office at 216 Prospect Street, Port Orchard, WA no later than October 16, 2025 at 4:00pm in accordance with POMC 20.160.240(6)(b). Appeals shall be submitted in writing, and must include the content required in POMC 20.160.240(10), and applicable appeal fee, as established by resolution of the city council; full appeal procedures can be reviewed under POMC 20.160.240.

LU25-Rezone-01
EXHIBIT 17

CITY OF PORT ORCHARD
Department of Community Development
Located at 720 Prospect Street
Mailing Address: 216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Notice of SEPA DNS

AFFIDAVIT OF PUBLICATION

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was published in the Kitsap Sun.

Signature of Individual Who Noticed the Newspaper

Jackie Krukoff, Planning Permit Clerk
Print name and title

September 18, 2025
Date of Publication

LU25-Rezone-01
EXHIBIT 18

CITY OF PORT ORCHARD

DETERMINATION OF NONSIGNIFICANCE (DNS) FOR THE HULL AVE SITE-SPECIFIC REZONE PROJECT: 1061/1083 HULL AVE REZONE PERMIT APPLICATIONS: Site-Specific Rezone LU25-REZONE-01 LOCATION OF PROPOSAL: 1061/1083 Hull Ave, Port Orchard, WA 98366 APNs #352401-2-015-2005 and 352401-2-018-2002. DESCRIPTION OF PROPOSAL: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3). APPLICANT: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312 LEAD AGENCY: City of Port Orchard SEPA OFFICIAL: Nicholas Bond, Department of Community Development Director 216 Prospect Street Port Orchard, WA 98366 (360) 874-5533 SEPA DETERMINATION: The City of Port Orchard, as lead agency for this proposal, has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The DNS process is issued pursuant of WAC 197-11-340, WAC 197-11-680, and POMC Title 20. Comments are due September 18 ending September 30, 2025 at 4:00pm. A fourteen (14) day appeal period will follow the fourteen (14) day comment period. DATE OF ISSUE: September 18, 2025 APPEAL PERIOD: Any person may appeal this determination to the City of Port Orchard Clerk's Office at 216 Prospect Street, Port Orchard, WA no later than October 16, 2025 at 4:00pm in accordance with POMC 20.160.240(6)(b). Appeals shall be submitted in writing, and must include the content required in POMC 20.160.240(10), and applicable appeal fee, as established by resolution of the city council; full appeal procedures can be reviewed under POMC 20.160.240.

PUBLISHED IN THE KITSAP SUN September 18, 2025

Jackie Krukoff

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, September 16, 2025 1:39 PM
To: Jackie Krukoff
Subject: RE: 11677469 1 Notice for the 9/18 Kitsap Sun
Attachments: 11677469.pdf

AD ORDER #11677469
Attached is a proof of your notice **scheduled to publish once in the Kitsap Sun on Sept. 18, 2025** at the total cost of $150.04 to be **invoiced to your account #288906**.
Deadline to make any changes is BEFORE 10am Wednesday, 9-17-25, otherwise your notice WILL PUBLISH as stated.
An affidavit will be prepared and mailed to you within 7 to 10 days after publishing.

All orders are subject to a non-refundable 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay by ACH. Pay by ACH and Save! Final order cost provided at time of payment and via a receipt.

Liz Arceneaux
Public Notice Representative
LocaliQ | USA TODAY NETWORK
Office:844-254-5287
Tell my boss I rock HERE***!***

From: Jackie Krukoff <jkrukoff@portorchardwa.gov>
Sent: Tuesday, September 16, 2025 3:30 PM
To: BKS-DL-PF Legals <legals@kitsapsun.com>
Cc: Jenine Floyd <jfloyd@portorchardwa.gov>; Tasha Sorensen <tsorensen@portorchardwa.gov>; Lisa Stone <lstone@portorchardwa.gov>
Subject: 11677469 1 Notice for the 9/18 Kitsap Sun

Hello,

Please publish the attached notice in the Thursday, September 18, 2025 edition of the Kitsap Sun:

- SEPA DNS – Description: Hull Ave Rezone PO Number: LU25-Rezone-01

Please let me know if you have any questions.

Thanks,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov

LocaliQ
Washington
GANNETT

Order Confirmation

Not an Invoice

Account Number:	288906
Customer Name:	City Of Port Orchard
Customer Address:	City Of Port Orchard 216 Prospect St Port Orchard WA 98366
Contact Name:	Jackie Krukoff
Contact Phone:	360-874-5533
Contact Email:	jkrukoff@portorchardwa.gov
PO Number:	LU25-Rezone-01

Date:	09/16/2025
Order Number:	11677469
Prepayment Amount:	$ 0.00

Column Count:	1.0000
Line Count:	74.0000
Height in Inches:	7.6600

Print

Product	#Insertions	Start - End	Category
BKS Kitsap Sun	1	09/18/2025 - 09/18/2025	Govt Public Notices
BKS kitsapsun.com	1	09/18/2025 - 09/18/2025	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	$150.04
Tax Amount	$0.00
Service Fee 3.99%	$5.99
Cash/Check/ACH Discount	-$5.99
Payment Amount by Cash/Check/ACH	$150.04
Payment Amount by Credit Card	$156.03

Order Confirmation Amount	**$150.04**

Ad Preview

CITY OF PORT ORCHARD
DETERMINATION OF NONSIGNIFICANCE (DNS) FOR THE HULL AVE SITE-SPECIFIC REZONE PROJECT: 1061/1083 HULL AVE REZONE PERMIT APPLICATIONS: Site-Specific Rezone LU25-REZONE-01 LOCATION OF PROPOSAL: 1061/1083 Hull Ave, Port Orchard, WA 98366 APNs #352401-2-015-2005 and 352401-2-018-2002. DESCRIPTION OF PROPOSAL: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3). APPLICANT: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312 LEAD AGENCY: City of Port Orchard SEPA OFFICIAL: Nicholas Bond, Department of Community Development Director 216 Prospect Street Port Orchard, WA 98366 (360) 874-5533 SEPA DETERMINATION: The City of Port Orchard, as lead agency for this proposal, has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The DNS process is issued pursuant of WAC 197-11-340, WAC 197-11-680, and POMC Title 20. Comments are due September 18 ending September 30, 2025 at 4:00pm. A fourteen (14) day appeal period will follow the fourteen (14) day comment period. DATE OF ISSUE: September 18, 2025 APPEAL PERIOD: Any person may appeal this determination to the City of Port Orchard Clerk's Office at 216 Prospect Street, Port Orchard, WA no later than October 16, 2025 at 4:00pm in accordance with POMC 20.160.240(6)(b). Appeals shall be submitted in writing, and must include the content required in POMC 20.160.240(10), and applicable appeal fee, as established by resolution of the city council; full appeal procedures can be reviewed under POMC 20.160.240.
11677469 9/18/25

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us
www.cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Notice of SEPA DNS

AFFIDAVIT OF MAILING AND EMAILING

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was mailed to attached list(s) of recipients in accordance with applicable ordinances of the City of Port Orchard.

Signature of Individual Who Mailed Notice

Jackie Krukoff, Planning Permit Clerk
Print name and title

September 18, 2025
Date of Mailing

LU25-Rezone-01
EXHIBIT 19

CITY OF PORT ORCHARD
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • Fax: (360) 876-4980
planning@portochardwa.gov
www.portorchardwa.gov

CITY OF PORT ORCHARD
DETERMINATION OF NON-SIGNIFICANCE (DNS)

PROJECT: 1061/1083 HULL AVE REZONE

PERMIT APPLICATIONS: Site-Specific Rezone LU25-REZONE-01

LOCATION OF PROPOSAL: 1061/1083 Hull Ave, Port Orchard, WA 98366 APNs #352401-2-015-2005 and 352401-2-018-2002.

DESCRIPTION OF PROPOSAL: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

APPLICANT: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

LEAD AGENCY: City of Port Orchard

SEPA OFFICIAL: Nicholas Bond, Department of Community Development Director
216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533

SEPA DETERMINATION: The City of Port Orchard, as lead agency for this proposal, has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The DNS process is issued pursuant of WAC 197-11-340, WAC 197-11-680, and POMC Title 20. Comments are due by September 30, 2025 at 4:00pm. A fourteen (14) day appeal period will follow the fourteen (14) day comment period.

DATE OF ISSUE: September 18, 2025

Nicholas Bond 9/18/2025

Nicholas Bond, AICP, Department of Community Development Director Date

APPEAL PERIOD: Any person may appeal this determination to the City of Port Orchard Clerk's Office at 216 Prospect Street, Port Orchard, WA no later than October 16, 2025 at 4:00pm in accordance with POMC 20.160.240(6)(b). Appeals shall be submitted in writing, and must include the content required in POMC 20.160.240(10), and applicable appeal fee, as established by resolution of the city council; full appeal procedures can be reviewed under POMC 20.160.240.

112301-2-013-2006
BROWN RICHARD A & DONNA L
25% BIRDWELL R 50% &
ANDERSON 25%
PO BOX 609

8503-001-003-0208
FESJ LLC
12519 172ND AVE NE
REDMOND, WA 98052

112301-2-031-2004
KITSAP COUNTY TRANSPORTATION BENEFIT
AREA AUTHORITY
60 WASHINGTON AVE STE 200
BREMERTON, WA 98337

112301-2-052-2008
KITSAP COUNTY TRANSPORTATION BENEFIT
AREA DBA KITSAP TRANSIT FINANCE
60 WASHINGTON AVE STE 200
BREMERTON, WA 98337

8503-001-004-0306
MIFAMILIA PROPERTIES LLC
PO BOX 408
GIG HARBOR, WA 98335

112301-2-047-2006
REYNOLDS JOLEEN
PO BOX 489
WAUNA, WA 98395

8503-001-003-0307
SEDGWICK 3 LLC
6622 WOLLOCHET DR NW
GIG HARBOR, WA 98335

102301-1-005-2009
SILVERNALE KEVIN & CYNTHIA
5142 SIDNEY RD SW
PORT ORCHARD, WA 98367

112301-2-026-2001
CHANGELA HITENDRA & SEENA
5455 SIDNEY RD SW
PORT ORCHARD, WA 98366

112301-2-009-2002
HAVEN ON SIDNEY LLC
1302 PUYALLUP ST STE A
SUMNER, WA 98390

112301-2-011-2008
KITSAP COUNTY TRANSPORTATION BENEFIT
AREA DBA KITSAP TRANSIT FINANCE
60 WASHINGTON AVE STE 200
BREMERTON, WA 98337

112301-2-016-2003
LOWES HIW INC ATTN TAX DEPARTMENT
1000 LOWES BLVD
MOORESVILLE, NC 28117

102301-1-006-2008
PARKINS DAVID G
5058 SIDNEY RD SW
PORT ORCHARD, WA 98367

112301-2-046-2007
RICE RONALD G TRUSTEE
369 SW SEDGWICK RD
PORT ORCHARD, WA 98367

8503-000-000-0005
SEDGWICK LANDING CONDOMINIUM
OWNERS ASSOCIATION C/O
6622 WOLLOCHET DR NW
GIG HARBOR, WA 98335

8503-001-003-0000
THE SIDNEY LLC
6622 WOLLOCHET DR NW
GIG HARBOR, WA 98335

102301-1-004-2000
DISNEY & ASSOCIATES
5706 BETHEL RD SE STE 100
PORT ORCHARD, WA 98367

112301-2-053-2007
HAVEN ON SIDNEY LLC
1302 PUYALLUP ST STE A
SUMNER, WA 98390

112301-2-012-2007
KITSAP COUNTY TRANSPORTATION BENEFIT
AREA DBA KITSAP TRANSIT FINANCE
60 WASHINGTON AVE
BREMERTON, WA 98337

112301-2-033-2002
LOWES HIW INC ATTN TAX DEPARTMENT
1000 LOWES BLVD
MOORESVILLE, NC 28117

8503-001-003-0109
REO SIDNEY GROUP LLC
6622 WOLLOCHET DR NW
GIG HARBOR, WA 98335

8503-001-003-0406
SEDGWICK 2 LLC
6622 WOLLOCHET DR NW
GIG HARBOR, WA 98335

102301-1-053-2000
SIDNEY ROAD TOWNHOMES LLC
1302 PUYALLUP ST STE A
SUMNER, WA 98390

Jackie Krukoff

From: Jackie Krukoff
Sent: Thursday, September 18, 2025 9:12 AM
To: Noel Larsen
Cc: Connor Dahlquist
Subject: SEPA DNS for the LU25-Rezone-01 Hull Ave Rezone
Attachments: LU25-REZONE-01 DNS.pdf

Good morning,

Attached is the SEPA DNS for the LU25-Rezone-01 Hull Ave Rezone. The comment period ends September 30, 2025. If there are any comments received, I will send them to you Thursday, October 2nd.

Kind Regards,

Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

Outlook

City of Port Orchard - SEPA DNS for the LU25-Rezone-01 Hull Ave Rezone

From Jackie Krukoff <jkrukoff@portorchardwa.gov>

Date Thu 9/18/2025 8:58 AM

To Permit Center <permitcenter@portorchardwa.gov>

Bcc Connor Dahlquist <cdahlquist@portorchardwa.gov>; 'NWS.Compliance@usace.army.mil' <NWS.Compliance@usace.army.mil>; 'sdiener@co.kitsap.wa.us' <SDiener@co.kitsap.wa.us>; 'sheacock@co.kitsap.wa.us' <sheacock@co.kitsap.wa.us>; 'COM GMU Review Team' <reviewteam@commerce.wa.gov>; 'sepacenter@dnr.wa.gov' <sepacenter@dnr.wa.gov>; 'prevention@skfr.org' <prevention@skfr.org>; 'R6CSPlanning@dfw.wa.gov' <R6CSPlanning@dfw.wa.gov>; 'John Keiss' <John.Kiess@kitsappublichealth.org>; steffanil@kitsaptransit.com <steffanil@kitsaptransit.com>; Edward Coviello <edwardc@kitsaptransit.com>; 'bloughh@housingkitsap.org' <bloughh@housingkitsap.org>; 'Jackson, Jessica' <Jessica.Jackson@pse.com>; 'rileyc@skschools.org' <rileyc@skschools.org>; 'hunsaker@skschools.org' <hunsaker@skschools.org>; Evinger, Matthew (ECY) <mevi461@ecy.wa.gov>; 'aosullivan@suquamish.nsn.us' <aosullivan@suquamish.nsn.us>; 'strudel@suquamish.nsn.us' <strudel@Suquamish.nsn.us>; Rod Malcom <rmalcom@suquamish.nsn.us>; Taylor Harriman <tharriman@suquamish.nsn.us>

2 attachments (551 KB)

LU25-REZONE-01 DNS.pdf; SEPA-Checklist_LU25-Rezone-01.pdf;

Good morning,

Attached is the SEPA DNS that has been issued along with the SEPA Checklist for the LU25-Rezone-01 Hull Ave Rezone. The Comment period for this ends September 30th at 4:00 pm.

Regards,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

Outlook

SEPA DNS for the LU25-Rezone-01 Hull Ave Rezone

From Jackie Krukoff <jkrukoff@portorchardwa.gov>
Date Thu 9/18/2025 9:19 AM
To Permit Center <permitcenter@portorchardwa.gov>
Bcc Connor Dahlquist <cdahlquist@portorchardwa.gov>; 'LindsParadiso@gmail.com' <LindsParadiso@gmail.com>; 'Timothy.Hetrick@yahoo.com' <Timothy.Hetrick@yahoo.com>; 'mattlongo757@gmail.com' <mattlongo757@gmail.com>; 'athena.wahlstrom@gmail.com' <athena.wahlstrom@gmail.com>; k_bspieth@msn.com <k_bspieth@msn.com>; jasongivens@hotmail.com <jasongivens@hotmail.com>

1 attachment (207 KB)
LU25-REZONE-01 DNS.pdf;

Good morning,

You have asked to receive notices for this case. Attached is the SEPA DNS that has been issued for the LU25-Rezone-01 Hull Ave Rezone. The Comment period for this ends September 30th at 4:00 pm.

Kind Regards,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
Mail to: 216 Prospect Street, Port Orchard, WA 98366
Office located at 720 Prospect Street
Ph.: (360) 874-5533 • permitcenter@portorchardwa.gov

File Number: LU25-REZONE-01

Project Name: 1061/1083 HULL AVE REZONE

Notice Type: SEPA DNS

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was posted on the subject property in accordance with applicable ordinances of the City of Port Orchard.

Signature of Individual Who Posted Notice

NOEL LARSEN
Printed Name of Individual Who Posted Notice

SEPT 18, 2025
Date of Posting

[ATTACH PICTURE OF POSTED SIGN]

LU25-Rezone-01
EXHIBIT 20

PUBLIC NOTICE OF APPLICATION
PROJECT: 1061/1083 HULL AVE REZONE
DESCRIPTION: APPLICATION FOR A SITE-SPECIFIC REZONE FROM RESIDENTIAL 2 (R2) TO RESIDENTIAL 3 (R3).
Location: 1061/1083 HULL AVE.
Permit Number(s): LU25-REZONE-01
Permit Application Type(s): SITE-SPECIFIC REZONE (TYPE IV)
Comment Deadline: JUNE 10, 2025
Submit Comments To: City of Port Orchard
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
permitcenter@portorchardwa.gov - (360) 874-5533
PUBLIC NOTICE SEPA DNS
PROJECT: 1061/1083 REZONE
DESCRIPTION: SITE SPECIFIC REZONE FROM RESIDENTIAL 2 (R2) TO RESIDENTIAL 3 (R3).
Location: 1061/1083 HULL AVE, PORT ORCHARD, WA 98366. PARCEL #'S 3524012-015-2005, 3524012-018-2002
Permit Number(s): LU25-REZONE-01
Permit Application Type(s): SITE-SPECIFIC REZONE
Comment Deadline: SEPT 18 - SEPT 30 4:00 PM
Submit Comments To: City of Port Orchard
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
permitcenter@portorchardwa.gov - (360) 874-5533

Jackie Krukoff

From: Lindsey Paradiso <lindsparadiso@gmail.com>
Sent: Tuesday, September 30, 2025 3:32 PM
To: Planning Mailbox; nicholasbond@portorchardwa.gov
Subject: SEPA Comment – Hull Ave R-2→R-3 Rezone (LU25-REZONE-01)

Dear City of Port Orchard Planning Department,

I'm submitting SEPA comments regarding the **Determination of Non-Significance (DNS)** issued for the site-specific rezone at **1061/1083 Hull Avenue (LU25-REZONE-01)**. I live directly next door and will be significantly impacted by this proposed change.

While I have not yet reviewed the environmental checklist, I want to ensure that several critical issues have been fully analyzed and addressed. If these concerns are not already mitigated through enforceable conditions, I urge the City to **rescind the DNS** and issue a **Mitigated Determination of Non-Significance (MDNS) —** or require a **full Environmental Impact Statement (EIS).**

1. Pedestrian Infrastructure & Traffic Safety

Hull Avenue and the surrounding streets lack continuous sidewalks, marked crossings, and basic traffic calming. Increasing density in this context introduces significant risks for pedestrians — particularly schoolchildren, seniors, and residents who walk these streets daily.

We are **already going to see substantial traffic increases** from the 200+ unit apartment development currently under construction at Melcher/Sherman. Adding more density without concurrent infrastructure is not responsible planning. This issue goes beyond just future growth: **Hull Avenue is routinely used as a reroute when Port Orchard Boulevard is closed for events —** and when that happens, drivers cut through at high speeds, often ignoring residential character and creating real danger. The lack of infrastructure, paired with these surges in volume, makes our street **unacceptably hazardous during peak use.**

✅ Mitigation required:

- Funded and constructed sidewalks along impacted routes
- Marked/signed crossings at logical pedestrian desire lines
- A detailed construction-phase traffic control plan to ensure safety and access

2. Stormwater Management

This neighborhood already experiences major runoff during storms. Adding impervious surface will increase flooding, erosion, and water quality concerns unless mitigation is built into the project from day one.

✅ Mitigation required:

- On-site LID features (permeable paving, rain gardens, bioretention)

LU25-Rezone-01
EXHIBIT 21A

- Stormwater system sized for **current** rainfall intensity trends
- No net increase in peak discharge to adjacent properties or ROW

3. Tree Canopy, Habitat, and Wildlife Distruption

The wooded area behind our homes plays a vital role in **stormwater control, temperature regulation, neighborhood character, and wildlife habitat**. Mature trees intercept rainfall, reduce runoff, and provide essential shade — but they also support a thriving population of **hummingbirds, chickadees, juncos, wrens, towhees, deer, foxes, owls, and other native species** that rely on this corridor for food, shelter, and safe movement.

Removing these trees for increased density would not just alter the landscape — it would displace established wildlife and eliminate ecological functions that cannot be quickly or fully restored. Once this habitat is gone, it's gone.

✅ **Mitigation required:**

- A full **tree inventory with DBH measurements** and a defined **retention target**
- **Native replanting at a minimum 2:1 ratio**, with 3-year survival bonding and maintenance
- Incorporation of **wildlife-friendly native species** that support pollinators and birds
- Consideration of **habitat continuity** or preservation zones if large removals occur

4. Construction Impacts

Dust, noise, debris, and road blockage can create serious and prolonged hardship — especially on **narrow residential streets like Hull**, which lack sidewalks and shoulder space, and are lined with homes set close to the road.

Without strong controls, construction can affect:

- **Air quality**, especially for children, elders, and those with asthma
- **Driveway access**, blocking residents from entering or exiting their homes
- **Noise disruption**, especially during early mornings, evenings, or weekends
- **Runoff and debris**, washing into neighboring yards and storm drains
- **Delivery and emergency access**, already tight on Hull's narrow corridor

✅ **Mitigation required:**

- A **Construction Environmental Management Plan (CEMP)** that includes:
  - Daily dust control (e.g., water trucks, tarp coverage, wheel wash)
  - Restricted work hours (e.g., 8am–5pm, no weekends or holidays)
  - On-site construction worker parking and material staging
  - Flagger/signage plans for temporary road closures or detours
  - A 24/7 hotline for complaints with a guaranteed response protocol

Construction is temporary — but for neighbors, the disruption is very real. The burden should not fall on residents to deal with unmanaged impacts.

5. Emergency Vehicle Access

Hull Avenue has been designated by the City as an **emergency through-route** — a fact repeatedly cited as the reason residents have been denied speed bumps or other traffic-calming measures.

Yet, the City has already permitted large-scale construction — including the new apartment complex near Melcher/Sherman — that has **reduced road access**, introduced heavy equipment, and made navigation difficult for both residents and delivery drivers.

If emergency access is truly non-negotiable, how is it acceptable to:

- Allow multiple construction projects to block or restrict access?
- Increase vehicle volumes and on-street parking without mitigation?
- Continue denying residents safety upgrades while inviting more congestion?

✅ **Mitigation required:**

- An **emergency access plan** verified by South Kitsap Fire & Rescue
    - Turning radius diagrams and unobstructed clearances at all construction phases
- A **construction staging and parking plan** that guarantees continuous emergency access
- A **post-occupancy traffic/access review** to ensure long-term EMS function isn't degraded

You can't have it both ways: if Hull is too important for speed bumps, it's too important to overload with unmitigated density and blocked access.

6. Cumulative Impacts

This rezone cannot be evaluated in isolation. We are already seeing the **real-world impacts of nearby construction**: increased noise, worsened air quality, restricted street access, and added traffic on roads that were never designed for this level of intensity.

SEPA requires cumulative impacts to be considered. Ignoring the **combined effect of concurrent and future development** — including multiple multi-unit projects in the area — creates a false sense of minimal risk.

✅ **Required action:**
Please confirm whether a **cumulative impact assessment** was conducted as part of this review. If not, this omission undermines the validity of the DNS and supports the need for an EIS.

Examples of cumulative impacts:

- Compounded vehicle and parking demand on constrained local roads
- Stormwater system strain from multiple nearby projects

- Habitat fragmentation and canopy loss across parcels
- Construction-phase air and noise pollution overlapping across projects
- Diminished emergency access due to aggregate density and bottlenecking

When projects are approved one at a time without coordinated infrastructure planning, it's the neighbors who absorb the consequences — not the developers who profit from the upzones.

7. Neighborhood Opposition

I also want to make it explicitly clear: **we do not want this rezone to happen.** This is not just my opinion — I personally canvassed the neighborhood and collected **signatures from the majority of nearby residents**, all of whom strongly oppose this zoning change. We chose to live here because of the existing scale, character, and livability of this neighborhood. This rezone would permanently alter that, bringing density our infrastructure cannot support and impacts we would be forced to bear.

The voices of impacted residents should carry real weight in this decision. Please listen to your constituents and deny this rezone request.

Requested Action

If these issues are not **explicitly addressed and mitigated** in the checklist and the DNS decision:

- **Rescind the DNS** and issue a **Mitigated DNS (MDNS)** with binding conditions, or
- Require a **full Environmental Impact Statement (EIS)** due to the likely significant impacts

Thank you for your time and for ensuring that Port Orchard grows in a way that is safe, equitable, and environmentally responsible.

Sincerely,
Lindsey Paradiso
1025 Hull Ave. Port Orchard, WA
206.565.7532

--

Lindsey Paradiso
Lindsey Paradiso Photography
206.565.7532 | Hello@LindseyParadiso.com
www.LindseyParadiso.com

Jackie Krukoff

From: Athena Wahlstrom <athena.wahlstrom@gmail.com>
Sent: Tuesday, September 30, 2025 4:04 PM
To: Planning Mailbox; Planning Mailbox
Subject: 1061/1083 Hull Avenue (LU25-REZONE-01)

Officials with the City of Port Orchard Planning Department,

I'm writing in regards to the Determination of Non-Significance (DNS) issued for the site-specific rezone at 1061/1083 Hull Avenue (LU25-REZONE-01). It is my belief that the determination of non significance was hastily concluded. I have provided written concerns in the past during other comment periods where the status of the property and it's surroundings have not changed in the meanwhile. I request the environmental checklist and that a mitigated determination of non significance or a full environmental impact statement be conducted.

There is not a safe walkway that connects between nearby busy residential areas by Melcher and Sherman and near the area where the existing sidewalks have been in place such as in front of and across from 1005 Hull Ave. The road is twisting and has blind corners between the Hull Ave address and the Melcher/Sherman intersection and the roadway at this now refurbished intersection has such a tight turn that only one car can be in the intersection at a time despite it being a two lane road. There are multiple bus stops in this section and the blind corners and rollovers with a missing sidewalk increase this hazard greatly. The sidewalk is not only not continuous but in order to make it continuous would require a substantial excavation of dirt as has been done at Forest Song but on the opposite side of the road. Having pedestrians ping pong from one side of the road to the other in this area would not solve any issues if the sidewalk is only developed adjacent to the proposed property development. Many people currently ping pong from side to side for whatever scant view around a corner or to the immediate walkways in front of them can be allowed as it is. Those using wheeled transportation such as strollers have opted to straddle the yellow line in the middle of the road for the ability to bail into either lane as needed. This describes issues on an average day. The severity of risk increases substantially during traffic revisions for events or construction where Hull is used as a bypass between downtown and the main vehicle corridor leading to 16. The speeds on our road regularly exceed 25 by a significant amount and when it is used as a bypass, again - the issue becomes worse. My home 1011 Hull) has been driven into and my yard driven into and the utility poles at the apex of the turn crashed into as demonstration of this consistent behavior.

During the first major king tide event in recent history (~20 years ago) in which we received an inch+ of rain per hour the water flooded from the East (uphill) side of the street and into the downhill side of the street and into people's yards, homes and basements. All climate data points at an increase in these type of events and considering that these will drain down the hill, into the greenbelt and stream adjacent to Port Orchard Blvd which drains directly into our Salish Sea we must act as good stewards by preserving habitat that sops up moisture and reduces areas where water will not be able to drain directly into the soil. The scale of development proposed here does not give nearly enough opportunity to maintain those features. This provides good stewardship for environmental protections but it also helps preserve slope integrity including nearby homes which are marked at risk and will come under increased risk when their surroundings do not have a protected vegetative barrier.

LU25-Rezone-01
EXHIBIT 21B

During construction for Forest Song I have had twenty five minute waits to leavey neighborhood. Whatever process moves forward needs fo have car better management in the development of the land.

As a hideaway type of neighborhood specialty lighting that is not disruptive to birds at night needs to be utilized in order to reduce disruption of the biodiversity for adjacent wildlife.

I don't believe a rezone to this scale of development is appropriate for the geographic and habitat nature of this neighborhood. There are buildings that can be put in here, but not to this scale. This is a negligent level of development for this site.

Regards,

Athena Wahlstrom
1011 Hull Ave, Port Orchard, WA 98366
3604408449
Athena.wahlstrom@gmail.com

Transmittal Letter

CITY OF PORT ORCHARD • PERMIT CENTER

SEPA DNS Comment period ended 9/30/2025

Transmittal Date: October 2, 2025

Permit #: LU25-Rezone-01 **Permit Type:** Land Use - Rezone

Project Name: 1061/1083 Hull Ave

Submittal Description: Public comment letters received for the SEPA DNS

Project location: 1061/1083 Hull Ave

Return comments to: Connor Dahlquist

Refer to the numbers following your name to identify the documents in your packet.

✓	Recipients
	Assigned Lead: Connor Dahlquist, Associate Planner
	PL Oversight: Stephanie Andrews, Senior Planner
	Angela Garcia, DCD Deputy Director
	Chris Hammer, City Engineer.
	Nick Bond, Development Director
	Lisa Stone, Permit Center Manager
	Jim Fisk, Principal Planner
	Denis Ryan, Public Works Director
	Christian Williams, Asst. City Engineer
	Scott Wolf – Utility Manager

LU25-Rezone-01
EXHIBIT 22

Prepared by: Jackie Krukoff
Planning Permit Clerk

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

NOTICE OF PUBLIC HEARING

This is a public notice that the City of Port Orchard will conduct a public hearing both in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard WA 98366, and online at https://us02web.zoom.us/j/81994240226

Hearing date and time: November 6, 2025 at 3:00PM

File Name: 1061/1083 Hull Ave Rezone

File Number: LU25-REZONE-01

Application Type: Site Specific Rezone (Type IV)

Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

Date of Application: March 04, 2025
Date of Complete Application: May 13, 2025

Site Description:
Location: 1061/1083 Hull Ave Port Orchard, WA 98366
Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018- 2002
Nearest road intersection: Bay St and Port Orchard Blvd
Size: 1061 Hull Ave: 1.12 acres
1083 Hull Ave: 1.58 acres
Zoning District: Residential 2 (R2)
Shoreline Designation: N/A

Description of Proposal: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

SEPA Threshold Determination: The City of Port Orchard issued a Determination of Non-Significance for the proposal on September 18, 2025, consistent with WAC 197-11-340, WAC 197-11-680, and POMC Title 20

Applicable Code(s): Port Orchard Municipal Code Title 20, WAC 197-11 SEPA.

Review of Documents: A copy of the record, including the application and supporting documents, are available for inspection by the public at no cost. A copy of the staff report will be available for inspection at no cost at least five (5) working days prior to the hearing. Copies will be provided at the requester's cost

Comment Period: Any person may participate in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard A 98366, or online at https://us02web.zoom.us/j/81994240226 and provide public testimony or written comment until the close of record by the Hearing Examiner.

Submit Comments to:
Clerk to the Hearing
By Phone: (360) 874-5533
By Mail: 216 Prospect St, Port Orchard, WA 98366
In Person: 720 Prospect St, Port Orchard, WA 98366
By E-mail: permitcenter@portorchardwa.gov

CITY OF PORT ORCHARD
Department of Community Development
Located at 720 Prospect Street
Mailing Address: 216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Notice of Hearing

AFFIDAVIT OF PUBLICATION

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was published in the Kitsap Sun.

Signature of Individual Who Noticed the Newspaper

Jackie Krukoff, Planning Permit Clerk
Print name and title

October 23, 2025
Date of Publication

EXHIBIT 24

CITY OF PORT ORCHARD
NOTICE OF PUBLIC HEARING

This is a public notice that the City of Port Orchard will conduct a public hearing both in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard WA 98366, and online at https://us02web.zoom.us/j/81994240226
Hearing date and time: November 6, 2025 at 3:00PM File Name: 1061/1083 Hull Ave Rezone File Number: LU25-REZONE-01 Application Type: Site Specific Rezone (Type IV) Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312 Date of Application: March 04, 2025 Date of Complete Application: May 13, 2025 Site Description: Location: 1061/1083 Hull Ave Port Orchard, WA 98366 Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018- 2002 Nearest road intersection: Bay St and Port Orchard Blvd Size: 1061 Hull Ave: 1.12 acres 1083 Hull Ave: 1.58 acres Zoning District: Residential 2 (R2) Shoreline Designation: N/A Description of Proposal: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3). SEPA Threshold Determination: The City of Port Orchard issued a Determination of Non-Significance for the proposal on September 18, 2025, consistent with WAC 197-11-340, WAC 197-11-680, and POMC Title 20 Applicable Code(s): Port Orchard Municipal Code Title 20, WAC 197-11 SEPA. Review of Documents: A copy of the record, including the application and supporting documents, are available for inspection by the public at no cost. A copy of the staff report will be available for inspection at no cost at least five (5) working days prior to the hearing. Copies will be provided at the requester's cost Comment Period: Any person may participate in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard A 98366, or online at https://us02web.zoom.us/j/81994240226 and provide public testimony or written comment until the close of record by the Hearing Examiner. Submit Comments to: Clerk to the Hearing Examiner By Mail: 216 Prospect St, Port Orchard, WA 98366 In Person: 720 Prospect St, Port Orchard, WA 98366 or By E-mail: permitcenter@portorchardwa.gov

PUBLISHED IN THE KITSAP SUN October 23, 2025

LocaliQ
Washington
GANNETT

Order Confirmation

Not an Invoice

Account Number:	288906
Customer Name:	City Of Port Orchard
Customer Address:	City Of Port Orchard 216 Prospect St Port Orchard WA 98366
Contact Name:	Brandy Wallace
Contact Phone:	(360) 876-7030
Contact Email:	bwallace@portorchardwa.gov
PO Number:	

Date:	10/21/2025
Order Number:	11775205
Prepayment Amount:	$ 0.00

Column Count:	1.0000
Line Count:	86.0000
Height in Inches:	8.9000

Print

Product	#Insertions	Start - End	Category
BKS Kitsap Sun	1	10/23/2025 - 10/23/2025	Public Notices
BKS kitsapsun.com	1	10/23/2025 - 10/23/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	$173.56
Tax Amount	$0.00
Service Fee 3.99%	$6.93
Cash/Check/ACH Discount	-$6.93
Payment Amount by Cash/Check/ACH	$173.56
Payment Amount by Credit Card	$180.49

Order Confirmation Amount	**$173.56**

1/2

Ad Preview

CITY OF PORT ORCHARD
NOTICE OF PUBLIC HEARING
This is a public notice that the City of Port Orchard will conduct a public hearing both in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard WA 98366, and online at https://us02web.zoom.us/j/81994240226
Hearing date and time: November 6, 2025 at 3:00PM File Name: 1061/1083 Hull Ave Rezone File Number: LU25-REZONE-01 Application Type: Site Specific Rezone (Type IV) Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312 Date of Application: March 04, 2025 Date of Complete Application: May 13, 2025 Site Description: Location: 1061/1083 Hull Ave Port Orchard, WA 98366 Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018- 2002 Nearest road intersection: Bay St and Port Orchard Blvd Size: 1061 Hull Ave: 1.12 acres 1083 Hull Ave: 1.58 acres Zoning District: Residential 2 (R2) Shoreline Designation: N/A Description of Proposal: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3). SEPA Threshold Determination: The City of Port Orchard issued a Determination of Non-Significance for the proposal on September 18, 2025, consistent with WAC 197-11-340, WAC 197-11-680, and POMC Title 20 Applicable Code(s): Port Orchard Municipal Code Title 20, WAC 197-11 SEPA. Review of Documents: A copy of the record, including the application and supporting documents, are available for inspection by the public at no cost. A copy of the staff report will be available for inspection at no cost at least five (5) working days prior to the hearing. Copies will be provided at the requester's cost Comment Period: Any person may participate in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard A 98366, or online at https://us02web.zoom.us/j/81994240226 and provide public testimony or written comment until the close of record by the Hearing Examiner. Submit Comments to: Clerk to the Hearing Examiner By Mail: 216 Prospect St, Port Orchard, WA 98366 In Person: 720 Prospect St, Port Orchard, WA 98366 or By E-mail: permitcenter@portorchardwa.gov
October 23,2025 11775205

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us
www.cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Notice of Hearing

AFFIDAVIT OF MAILING AND EMAILING

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was mailed to attached list(s) of recipients in accordance with applicable ordinances of the City of Port Orchard.

Signature of Individual Who Mailed Notice

Jackie Krukoff, Planning Permit Clerk
Print name and title

October 23, 2025
Date of Mailing

EXHIBIT 25

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

NOTICE OF PUBLIC HEARING

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Hearing date and time: November 6, 2025 at 3:00PM

File Name: 1061/1083 Hull Ave Rezone

File Number: LU25-REZONE-01

Application Type: Site Specific Rezone (Type IV)

Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

Date of Application: March 04, 2025
Date of Complete Application: May 13, 2025

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Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018- 2002
Nearest road intersection: Bay St and Port Orchard Blvd
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Shoreline Designation: N/A

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Submit Comments to:
Clerk to the Hearing
By Phone: (360) 874-5533
By Mail: 216 Prospect St, Port Orchard, WA 98366
In Person: 720 Prospect St, Port Orchard, WA 98366
By E-mail: permitcenter@portorchardwa.gov

352401-2-015-2005
1909 DEVELOPMENT LLC
2612 BURWELL ST
BREMERTON, WA 98312

352401-2-075-2002
BRADY JON M & PATRICA L
1084 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-009-2003
COLLINS SHERI K
118 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-019-2001
EWERT GERHARD
1123 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-010-2000
LAMOUREUX ETHAN D
108 KENDALL ST
PORT ORCHARD, WA 98366

4043-002-002-0005
NOERENBERG RUSSELL W JR
1108 GARRISON AVE
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

4040-000-028-0002
PORT ORCHARD BLVD
216 PROSPECT ST
PORT ORCHARD, WA 98366

352401-2-018-2002
1909 DEVELOPMENT LLC
2612 BURWELL ST
BREMERTON, WA 98312

352401-2-013-2007
COATES SAVANNAH L & MICHAEL PAUL
1080 HULL AVE
PORT ORCHARD, WA 98366

352401-2-076-2001
CONTRERAS DANIEL ELISHA & BRIANNE
1086 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-008-2004
GUO CUI Q
120 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-011-2009
LASALLE JOHN & MARY
114 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-065-2004
PARADISO MATTHEW LONGOBARDI & LINDSEY RENE
1025 HULL AVE
PORT ORCHARD, WA 98366

352401-2-077-2000
POWERS CHRISTI L & GREGORY
1088 SHERMAN AVE
PORT ORCHARD, WA 98366

4058-009-013-0108
AMORES JOAQUIN & GALLI-BASTOS MIRIAM
977 GRANT AVE
PORT ORCHARD, WA 98366

352401-2-049-2005
COLEMAN GEORGIA GAIL & ROPPE RUTH
6716 N VN DECAR RD SE
PORT ORCHARD, WA 98367

352401-2-005-2007
DIIENNO RITA C
6140 E HOBART ST
MESA, AZ 85205

4058-009-015-0007
KOZLOWSKI CHAD & COOK HILLARI
924 HULL AVE
PORT ORCHARD, WA 98366

352401-2-012-2008
LYONS SCOTT WILLIAM
1050 HULL AVE
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

4043-002-001-0105
PIVAR MICHAEL A & BRANDICE L
10208 39TH AVE SW
SEATTLE, WA 98146

4040-000-023-0007
ROBINSON HONOUR M
1029 GARRISON AVE
PORT ORCHARD, WA 98366

352401-2-050-2001
SAMPSON RAY D & PEGGY A
1117 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-064-2005
SPIETH KURT DUANE & REBECCA JEAN
209 13TH ST
HONOLULU, HI 96818

352401-2-017-2003
WOOTEN CYNTHIA D &
WOLFENBARGER WALTER
399 SROUFE ST
PORT ORCHARD, WA 98366

352401-2-078-2009
SMYTHE STACI H & DWAYNE D
1090 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-063-2006
STIEFVATER EMILY MARIE
129 PENNSYLVANIA AVE
CHILTON, WI 53014

352401-2-057-2004
SNIDER JOSEPH
PO BOX 2812
BELFAIR, WA 98528

352401-2-006-2006
WAHLSTROM DANIEL G & ATHENA
1011 HULL AVE
PORT ORCHARD, WA 98366

CITY OF PORT ORCHARD
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • Fax: (360) 876-4980
planning@portorchardwa.gov
www.portorchardwa.gov

CITY OF PORT ORCHARD
STATE ENVIRONMENTAL POLICY ACT
MODIFIED DETERMINATION OF NON-SIGNIFICANCE (DNS)

Date of Issuance: October 29th, 2025

PROJECT: 1061/1083 HULL AVE REZONE

PERMIT APPLICATIONS: Site-Specific Rezone LU25-REZONE-01

LOCATION OF PROPOSAL: 1061/1083 Hull Ave, Port Orchard, WA 98366 APNs #352401-2-015-2005 and 352401-2-018-2002.

DESCRIPTION OF PROPOSAL: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

APPLICANT: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

LEAD AGENCY: City of Port Orchard

SEPA OFFICIAL: Nicholas Bond, Department of Community Development Director
216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533

SEPA DETERMINATION: The City of Port Orchard, as lead agency for this proposal, has modified the DNS issued on September 18th, 2025 in consideration of the following changes: Insufficient open public comment period of twelve (12) days. Per WAC 197-11-340, WAC 197-11-680, and POMC Title 20, comments to the lead agency shall be within fourteen (14) days of date of issuance of the DNS.

The lead agency has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The DNS process is issued pursuant of WAC 197-11-340, WAC 197-11-680, and POMC Title 20. Comments are due by November 12, 2025 at 4:00pm. A fourteen (14) day appeal period will follow the fourteen (14) day comment period.

Nicholas Bond 10/27/2025

Nicholas Bond, AICP, Department of Community Development Director Date

APPEAL PERIOD: Any person may appeal this determination to the City of Port Orchard Clerk's Office at 216 Prospect Street, Port Orchard, WA no later than November 26th, 2025 at 4:00pm in accordance with POMC 20.160.240(6)(b). Appeals shall be submitted in writing, and must include the content required in POMC 20.160.240(10), and applicable appeal fee, as established by resolution of the city council; full appeal procedures can be reviewed under POMC 20.160.240.

LU25-Rezone-01
EXHIBIT 26

CITY OF PORT ORCHARD
Department of Community Development
Located at 720 Prospect Street
Mailing Address: 216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Revised SEPA DNS

AFFIDAVIT OF PUBLICATION

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was published in the Kitsap Sun.

Signature of Individual Who Noticed the Newspaper

Jackie Krukoff, Planning Permit Clerk
Print name and title

October 29, 2025
Date of Publication

LU25-Rezone-01
EXHIBIT 27

CITY OF PORT ORCHARD
STATE ENVIRONMENTAL POLICY ACT MODIFIED DETERMINATION OF NON-SIGNIFICANCE (DNS)
Date of Issuance: October 29th, 2025 PROJECT: 1061/1083 HULL AVE REZONE PERMIT APPLICATIONS: Site-Specific Rezone LU25-REZONE-01 LOCATION OF PROPOSAL: 1061/1083 Hull Ave, Port Orchard, WA 98366 APNs #352401-2-015-2005 and 352401-2-018-2002. DESCRIPTION OF PROPOSAL: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3). APPLICANT: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312 LEAD AGENCY: City of Port Orchard SEPA OFFICIAL: Nicholas Bond, Department of Community Development Director 216 Prospect Street Port Orchard, WA 98366 (360) 874-5533 SEPA DETERMINATION: The City of Port Orchard, as lead agency for this proposal, has modified the DNS issued on September 18th, 2025 in consideration of the following changes: Insufficient open public comment period of twelve (12) days. Per WAC 197-11-340, WAC 197-11-680, and POMC Title 20, comments to the lead agency shall be within fourteen (14) days of date of issuance of the DNS. The lead agency has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The DNS process is issued pursuant of WAC 197-11-340, WAC 197-11-680, and POMC Title 20. Comments are due by November 12, 2025 at 4:00pm. A fourteen (14) day appeal period will follow the fourteen (14) day comment period. APPEAL PERIOD: Any person may appeal this determination to the City of Port Orchard Clerk's Office at 216 Prospect Street, Port Orchard, WA no later than November 26th, 2025 at 4:00pm in accordance with POMC 20.160.240(6)(b). Appeals shall be submitted in writing, and must include the content required in POMC 20.160.240(10), and applicable appeal fee, as established by resolution of the city council; full appeal procedures can be reviewed under POMC 20.160.240.

PUBLISHED IN THE KITSAP SUN October 23, 2025

Jackie Krukoff

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, October 28, 2025 5:01 AM
To: Jackie Krukoff
Cc: Jenine Floyd; Lisa Stone
Subject: RE: 11789597 1 Notice for the 10/29 Kitsap Sun
Attachments: Order_Confirmation_Liners - 2025-10-28T080008.622.pdf

Please Read Through **ENTIRE** Confirmation Before Approving.

Please see attached the order confirmation and proof for your requested ad. Your ad is set to run in Kkitsap Sun on 10/29 costing $173.56. FINAL DEADLINE FOR ANY CHANGES OR TO CANCEL IS BEFORE 10AM TODAY Your notice is scheduled to run per your request and will publish.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!

**Our invoicing is done on a monthly basis. You will receive an invoice for this ad after the close of the month. **

Final Order cost provided at time of payment and via a receipt.

Thanks,
Keyonna Theodore
Public Notice Representative

USA TODAY NETWORK LOCALiQ

Office: 844-254-5287

From: Jackie Krukoff <jkrukoff@portorchardwa.gov>
Sent: Monday, October 27, 2025 7:10 PM
To: BKS-DL-PF Legals <legals@kitsapsun.com>
Cc: Jenine Floyd <jfloyd@portorchardwa.gov>; Lisa Stone <lstone@portorchardwa.gov>
Subject: 11789597 1 Notice for the 10/29 Kitsap Sun

Hello,

Please publish the attached notice in the Wednesday, October 29, 2025 edition of the Kitsap Sun:

- Revised SEPA DNS – Description: Hull Ave Rezone PO Number: LU25-Rezone-01

Please let me know if you have any questions.

Regards,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

LocaliQ
Washington
GANNETT

Order Confirmation

Not an Invoice

Account Number:	288906
Customer Name:	City Of Port Orchard
Customer Address:	City Of Port Orchard 216 Prospect St Port Orchard WA 98366
Contact Name:	Brandy Wallace
Contact Phone:	(360) 876-7030
Contact Email:	bwallace@portorchardwa.gov
PO Number:	

Date:	10/28/2025
Order Number:	11789597
Prepayment Amount:	$ 0.00

Column Count:	1.0000
Line Count:	86.0000
Height in Inches:	8.9000

Print

Product	#Insertions	Start - End	Category
BKS Kitsap Sun	1	10/29/2025 - 10/29/2025	Govt Public Notices
BKS kitsapsun.com	1	10/29/2025 - 10/29/2025	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	$173.56
Tax Amount	$0.00
Service Fee 3.99%	$6.93
Cash/Check/ACH Discount	-$6.93
Payment Amount by Cash/Check/ACH	$173.56
Payment Amount by Credit Card	$180.49

Order Confirmation Amount	**$173.56**

Ad Preview

CITY OF PORT ORCHARD STATE ENVIRONMENTAL POLICY ACT MODIFIED DETERMINATION OF NON-SIGNIFICANCE (DNS) Date of Issuance: October 29th, 2025 PROJECT: 1061/1083 HULL AVE REZONE PERMIT APPLICATIONS: Site-Specific Rezone LU25-REZONE-01 LOCATION OF PROPOSAL: 1061/1083 Hull Ave, Port Orchard, WA 98366 APNs #352401-2-015-2005 and 352401-2-018-2002. DESCRIPTION OF PROPOSAL: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3). APPLICANT: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312 LEAD AGENCY: City of Port Orchard SEPA OFFICIAL: Nicholas Bond, Department of Community Development Director 216 Prospect Street Port Orchard, WA 98366 (360) 874-5533 SEPA DETERMINATION: The City of Port Orchard, as lead agency for this proposal, has modified the DNS issued on September 18th, 2025 in consideration of the following changes: Insufficient open public comment period of twelve (12) days. Per WAC 197-11-340, WAC 197-11-680, and POMC Title 20, comments to the lead agency shall be within fourteen (14) days of date of issuance of the DNS. The lead agency has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The DNS process is issued pursuant of WAC 197-11-340, WAC 197-11-680, and POMC Title 20. Comments are due by November 12, 2025 at 4:00pm. A fourteen (14) day appeal period will follow the fourteen (14) day comment period. APPEAL PERIOD: Any person may appeal this determination to the City of Port Orchard Clerk's Office at 216 Prospect Street, Port Orchard, WA no later than November 26th, 2025 at 4:00pm in accordance with POMC 20.160.240(6)(b). Appeals shall be submitted in writing, and must include the content required in POMC 20.160.240(10), and applicable appeal fee, as established by resolution of the city council; full appeal procedures can be reviewed under POMC 20.160.240. 10/29/2025

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us
www.cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Revisee SEPA DNS

AFFIDAVIT OF MAILING AND EMAILING

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was mailed to attached list(s) of recipients in accordance with applicable ordinances of the City of Port Orchard.

Signature of Individual Who Mailed Notice

Jackie Krukoff, Planning Permit Clerk
Print name and title

October 29, 2025
Date of Mailing

LU25-Rezone-01
EXHIBIT 28

CITY OF PORT ORCHARD
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • Fax: (360) 876-4980
planning@portochardwa.gov
www.portorchardwa.gov

CITY OF PORT ORCHARD
STATE ENVIRONMENTAL POLICY ACT
MODIFIED DETERMINATION OF NON-SIGNIFICANCE (DNS)

Date of Issuance: October 29th, 2025

PROJECT: 1061/1083 HULL AVE REZONE

PERMIT APPLICATIONS: Site-Specific Rezone LU25-REZONE-01

LOCATION OF PROPOSAL: 1061/1083 Hull Ave, Port Orchard, WA 98366 APNs #352401-2-015-2005 and 352401-2-018-2002.

DESCRIPTION OF PROPOSAL: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

APPLICANT: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

LEAD AGENCY: City of Port Orchard

SEPA OFFICIAL: Nicholas Bond, Department of Community Development Director
216 Prospect Street
Port Orchard, WA 98366
(360) 874-5533

SEPA DETERMINATION: The City of Port Orchard, as lead agency for this proposal, has modified the DNS issued on September 18th, 2025 in consideration of the following changes: Insufficient open public comment period of twelve (12) days. Per WAC 197-11-340, WAC 197-11-680, and POMC Title 20, comments to the lead agency shall be within fourteen (14) days of date of issuance of the DNS.

The lead agency has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21 C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The DNS process is issued pursuant of WAC 197-11-340, WAC 197-11-680, and POMC Title 20. Comments are due by November 12, 2025 at 4:00pm. A fourteen (14) day appeal period will follow the fourteen (14) day comment period.

Nicholas Bond 10/27/2025

Nicholas Bond, AICP, Department of Community Development Director Date

APPEAL PERIOD: Any person may appeal this determination to the City of Port Orchard Clerk's Office at 216 Prospect Street, Port Orchard, WA no later than November 26th, 2025 at 4:00pm in accordance with POMC 20.160.240(6)(b). Appeals shall be submitted in writing, and must include the content required in POMC 20.160.240(10), and applicable appeal fee, as established by resolution of the city council; full appeal procedures can be reviewed under POMC 20.160.240.

352401-2-015-2005
1909 DEVELOPMENT LLC
2612 BURWELL ST
BREMERTON, WA 98312

352401-2-075-2002
BRADY JON M & PATRICA L
1084 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-009-2003
COLLINS SHERI K
118 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-019-2001
EWERT GERHARD
1123 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-010-2000
LAMOUREUX ETHAN D
108 KENDALL ST
PORT ORCHARD, WA 98366

4043-002-002-0005
NOERENBERG RUSSELL W JR
1108 GARRISON AVE
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

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GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

4040-000-028-0002
PORT ORCHARD BLVD
216 PROSPECT ST
PORT ORCHARD, WA 98366

352401-2-018-2002
1909 DEVELOPMENT LLC
2612 BURWELL ST
BREMERTON, WA 98312

352401-2-013-2007
COATES SAVANNAH L & MICHAEL PAUL
1080 HULL AVE
PORT ORCHARD, WA 98366

352401-2-076-2001
CONTRERAS DANIEL ELISHA & BRIANNE
1086 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-008-2004
GUO CUI Q
120 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-011-2009
LASALLE JOHN & MARY
114 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-065-2004
PARADISO MATTHEW LONGOBARDI & LINDSEY RENE
1025 HULL AVE
PORT ORCHARD, WA 98366

352401-2-077-2000
POWERS CHRISTI L & GREGORY
1088 SHERMAN AVE
PORT ORCHARD, WA 98366

4058-009-013-0108
AMORES JOAQUIN & GALLI-BASTOS MIRIAM
977 GRANT AVE
PORT ORCHARD, WA 98366

352401-2-049-2005
COLEMAN GEORGIA GAIL & ROPPE RUTH
6716 N VN DECAR RD SE
PORT ORCHARD, WA 98367

352401-2-005-2007
DIIENNO RITA C
6140 E HOBART ST
MESA, AZ 85205

4058-009-015-0007
KOZLOWSKI CHAD & COOK HILLARI
924 HULL AVE
PORT ORCHARD, WA 98366

352401-2-012-2008
LYONS SCOTT WILLIAM
1050 HULL AVE
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

4043-002-001-0105
PIVAR MICHAEL A & BRANDICE L
10208 39TH AVE SW
SEATTLE, WA 98146

4040-000-023-0007
ROBINSON HONOUR M
1029 GARRISON AVE
PORT ORCHARD, WA 98366

352401-2-050-2001
SAMPSON RAY D & PEGGY A
1117 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-064-2005
SPIETH KURT DUANE & REBECCA JEAN
209 13TH ST
HONOLULU, HI 96818

352401-2-017-2003
WOOTEN CYNTHIA D &
WOLFENBARGER WALTER
399 SROUFE ST
PORT ORCHARD, WA 98366

352401-2-078-2009
SMYTHE STACI H & DWAYNE D
1090 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-063-2006
STIEFVATER EMILY MARIE
129 PENNSYLVANIA AVE
CHILTON, WI 53014

352401-2-057-2004
SNIDER JOSEPH
PO BOX 2812
BELFAIR, WA 98528

352401-2-006-2006
WAHLSTROM DANIEL G & ATHENA
1011 HULL AVE
PORT ORCHARD, WA 98366

Jackie Krukoff

From:	Jackie Krukoff
Sent:	Wednesday, October 29, 2025 3:06 PM
To:	Permit Center
Subject:	City of Port Orchard - Modified SEPA DNS for the LU25-Rezone-01 Hull Ave Rezone
Attachments:	Modified_DNS_LU25-Rezone-01.pdf

Good morning,

Attached is the Modified SEPA DNS that has been issued for the LU25-Rezone-01 Hull Ave Rezone. The Comment period for this ends November 12th at 4:00 pm.

Kind Regards,

Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

Connor Dahlquist <cdahlquist@portorchardwa.gov>; 'NWS.Compliance@usace.army.mil'; 'sdiener@co.kitsap.wa.us' <SDiener@co.kitsap.wa.us>; 'sheacock@co.kitsap.wa.us'; 'COM GMU Review Team' <reviewteam@commerce.wa.gov>; 'sepacenter@dnr.wa.gov'; 'prevention@skfr.org'; 'R6CSPlanning@dfw.wa.gov'; 'John Keiss' <John.Kiess@kitsappublichealth.org>; 'steffanil@kitsaptransit.com'; 'Edward Coviello' <edwardc@kitsaptransit.com>; 'bloughh@housingkitsap.org'; 'Jackson, Jessica' <Jessica.Jackson@pse.com>; 'rileyc@skschools.org'; 'hunsaker@skschools.org'; 'Evinger, Matthew (ECY' <mevi461@ecy.wa.gov>; 'aosullivan@suquamish.nsn.us'; 'strudel@suquamish.nsn.us' <strudel@Suquamish.nsn.us>; 'Rod Malcom' <rmalcom@suquamish.nsn.us>; 'Taylor Harriman' <tharriman@suquamish.nsn.us>; 'sepa@dahp.wa.gov'; 'telecombuild@kpud.org'; 'paul@kpud.org'; 'paul.wandling@ci.bremerton.wa.us'; 'Brian Smalley' <bsmalley@wsud.us>; 'Janet Essig' <jessig@wsud.us>; 'jtapia@wsud.us'; Randy Screws <rscrews@wsud.us>; 'Jerald Johnson' <jjohnson@wsud.us>; 'or-sepa-review@wsdot.wa.gov'; 'andrew.larson@wsdot.wa.gov'; 'sepa@pscleanair.gov'; 'dcdnotices@ci.bremerton.wa.us'; 'zak@kitsapregionalcouncil.org'; 'kboughton@cityofpoulsbo.com'; 'nbkcplo@us.navy.mil'

Jackie Krukoff

From: Jackie Krukoff
Sent: Wednesday, October 29, 2025 3:04 PM
To: Permit Center
Subject: Modified SEPA DNS for the LU25-Rezone-01 Hull Ave Rezone
Attachments: Modified_DNS_LU25-Rezone-01.pdf

Good morning,

Attached is the Modified SEPA DNS that has been issued for the LU25-Rezone-01 Hull Ave Rezone. The Comment period for this ends November 12th at 4:00 pm.

Kind Regards,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

Connor Dahlquist <cdahlquist@portorchardwa.gov>; 'LindsParadiso@gmail.com'; 'Timothy.Hetrick@yahoo.com'; 'mattlongo757@gmail.com'; 'athena.wahlstrom@gmail.com'; 'k_bspieth@msn.com'; jasongivens@hotmail.com

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
Mail to: 216 Prospect Street, Port Orchard, WA 98366
Office located at 720 Prospect Street
Ph.: (360) 874-5533 • permitcenter@portorchardwa.gov

File Number: LU25-REZONE-01

Project Name: 1061/1083 HULL AVE REZONE

Notice Type: Modified SEPA DNS

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was posted on the subject property in accordance with applicable ordinances of the City of Port Orchard.

Signature of Individual Who Posted Notice

CONNOR DAHLQUIST
Printed Name of Individual Who Posted Notice

10/29/2025
Date of Posting

[ATTACH PICTURE OF POSTED SIGN]

LU25-Rezone-01
EXHIBIT 29

CATION
AVE REZON
A SITE-
SIDENTIAL
-01
REZONE (TYPE II)
Orchard
lopment
WA 98366
(360) 874-5533
PUBLIC NOTICE SEPA DNS
PROJECT: 1061/1083 REZONE
DESCRIPTION: SITE-SPECIFIC REZONE FROM RESIDENTIAL 2 (R2) TO RESIDENTIAL 3 (R3). HULL AVE.
Location: 1061/1083 HULL AVE, PORT ORCHARD, WA 98366. APN# 352401-2-015-2005, 352401-2-018-2002.
Permit Number(s): LU25-REZONE-01
Permit Application Type(s): SITE-SPECIFIC REZONE
Comment Deadline OCT. 29 - NOV. 12 4:00 PM
Submit Comments To: City of Port Orchard
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
permitcenter@portorchardwa.gov - (360) 874-5533

Jackie Krukoff

From: Friday Hunsaker <fridayspage@gmail.com>
Sent: Wednesday, November 12, 2025 3:32 PM
To: Jackie Krukoff

You don't often get email from fridayspage@gmail.com. Learn why this is important

Hello,

I am writing to inquire about what manner and what way this has been determined to have a non significant environmental impact. The buildings on this slope are required to have a significant setback that does not facilitate a building proposal of this scale.

I and other residents in the area who feel threatened by the reduced safety to our established infrastructure on the same slope are concerned about the determination for a lack of significance. There has been a large amount of appeals offered that do not appear to be addressed by the cited reason for lack of significance.

Furthermore, adjacent to environmental significance is the geologic stability of the area which is supported by vegetation as elucidated in previous appeals.

What does the non significance of environmental impact have to do with mitigating concerns over infrastructural constraints that have been brought up as further reason to significantly reduce the scale of this project by not having a rezoning?

Please advise if a meeting with SEPA representatives or other personnel can be facilitated to help reduce concerns and deepen understanding of this decision making process.

Thank you for your time,

Christine

LU25-Rezone-01
EXHIBIT 30A

Jackie Krukoff

From: Athena Wahlstrom <athena.wahlstrom@gmail.com>
Sent: Wednesday, November 12, 2025 3:22 PM
To: Planning Mailbox; Planning Mailbox; Jackie Krukoff
Subject: 1061/1083 rezone

Hello,

I am writing to inquire about what manner and what way this has been determined to have a non significant environmental impact. The buildings on this slope are required to have a significant setback that does not facilitate a building proposal of this scale.

I and other residents in the area who feel threatened by the reduced safety to our established infrastructure on the same slope are concerned about the determination for a lack of significance. There has been a large amount of appeals offered that do not appear to be addressed by the cited reason for lack of significance.

Furthermore, adjacent to environmental significance is the geologic stability of the area which is supported by vegetation as elucidated in previous appeals.

What does the non significance of environmental impact have to do with mitigating concerns over infrastructural constraints that have been brought up as further reason to significantly reduce the scale of this project by not having a rezoning?

Please advise if a meeting with SEPA representatives or other personnel can be facilitated to help reduce concerns and deepen understanding of this decision making process.

Thank you for your time,

Athena

LU25-Rezone-01
EXHIBIT 30B

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

NOTICE OF PUBLIC HEARING

This is a public notice that the City of Port Orchard will conduct a public hearing both in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard WA 98366, and online at https://us02web.zoom.us/j/81994240226

Hearing date and time: December 3, 2025 at 10:00AM

File Name: 1061/1083 Hull Ave Rezone

File Number: LU25-REZONE-01

Application Type: Site Specific Rezone (Type IV)

Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

Date of Application: March 04, 2025
Date of Complete Application: May 13, 2025

Site Description:
Location: 1061/1083 Hull Ave Port Orchard, WA 98366
Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018- 2002
Nearest road intersection: Bay St and Port Orchard Blvd
Size: 1061 Hull Ave: 1.12 acres
1083 Hull Ave: 1.58 acres
Zoning District: Residential 2 (R2)
Shoreline Designation: N/A

Description of Proposal: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

SEPA Threshold Determination: The City of Port Orchard issued a Determination of Non-Significance (DNS) for the proposal on September 18, 2025. A Modified DNS was issued on October 29, 2025 consistent with WAC 197-11-340, WAC 197-11-680, and POMC Title 20. A Modified DNS was required due to an insufficient open public comment period of twelve (12) days. Comments shall be given to the lead agency within fourteen (14) days of date of issuance of the DNS.

Applicable Code(s): Port Orchard Municipal Code Title 20, WAC 197-11 SEPA.

Review of Documents: A copy of the record, including the application and supporting documents, are available for inspection by the public at no cost. A copy of the staff report will

be available for inspection at no cost at least five (5) working days prior to the hearing. Copies will be provided at the requester's cost

Comment Period: Any person may participate in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard A 98366, or online at https://us02web.zoom.us/j/81994240226 and provide public testimony or written comment until the close of record by the Hearing Examiner.

Submit Comments to:
Clerk to the Hearing Examiner
By Phone: (360) 874-5533
By Mail: 216 Prospect St, Port Orchard, WA 98366
In Person: 720 Prospect St, Port Orchard, WA 98366
By E-mail: permitcenter@portorchardwa.gov

CITY OF PORT ORCHARD
Department of Community Development
Located at 720 Prospect Street
Mailing Address: 216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Revised Notice of Hearing

AFFIDAVIT OF PUBLICATION

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was published in the Kitsap Sun.

Signature of Individual Who Noticed the Newspaper

Jackie Krukoff, Planning Permit Clerk
Print name and title

November 19, 2025
Date of Publication

LU25-Rezone-01
EXHIBIT 32

CITY OF PORT ORCHARD

NOTICE OF PUBLIC HEARING

This is a public notice that the City of Port Orchard will conduct a public hearing both in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard WA 98366, and online at https://us02web.zoom.us/j/81994240226 Hearing date and time: December 3, 2025 at 10:00AM File Name: 1061/1083 Hull Ave Rezone File Number: LU25-REZONE-01 Application Type: Site Specific Rezone (Type IV) Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312 Date of Application: March 04, 2025 Date of Complete Application: May 13, 2025 Site Description: Location: 1061/1083 Hull Ave Port Orchard, WA 98366 Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018- 2002 Nearest road intersection: Bay St and Port Orchard Blvd Size: 1061 Hull Ave: 1.12 acres 1083 Hull Ave: 1.58 acres Zoning District: Residential 2 (R2) Shoreline Designation: N/A Description of Proposal: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3). SEPA Threshold Determination: The City of Port Orchard issued a Determination of Non-Significance (DNS) for the proposal on September 18, 2025. A Modified DNS was issued on October 29, 2025 consistent with WAC 197-11-340, WAC 197-11-680, and POMC Title 20. A Modified DNS was required due to an insufficient open public comment period of twelve (12) days. Comments shall be given to the lead agency within fourteen (14) days of date of issuance of the DNS. Applicable Code(s): Port Orchard Municipal Code Title 20, WAC 197-11 SEPA. Review of Documents: A copy of the record, including the application and supporting documents, are available for inspection by the public at no cost. A copy of the staff report will be available for inspection at no cost at least five (5) working days prior to the hearing. Copies will be provided at the requester's cost Comment Period: Any person may participate in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard A 98366, or online at https://us02web.zoom.us/j/81994240226 and provide public testimony or written comment until the close of record by the Hearing Examiner. Submit Comments to: Clerk to the Hearing Examiner By Phone: (360) 874-5533 By Mail: 216 Prospect St, Port Orchard, WA 98366 In Person: 720 Prospect St, Port Orchard, WA 98366 By E-mail: permitcenter@portorchardwa.gov

PUBLISHED IN THE KITSAP SUN NOVEMBER 19, 2025

LocaliQ
Washington
GANNETT

Order Confirmation

Not an Invoice

Account Number:	288906
Customer Name:	City Of Port Orchard
Customer Address:	City Of Port Orchard 216 Prospect St Port Orchard WA 98366
Contact Name:	Brandy Wallace
Contact Phone:	(360) 876-7030
Contact Email:	bwallace@portorchardwa.gov
PO Number:	

Date:	11/17/2025
Order Number:	11848771
Prepayment Amount:	$ 0.00

Column Count:	1.0000
Line Count:	97.0000
Height in Inches:	10.0300

Print

Product	#Insertions	Start - End	Category
BKS Kitsap Sun	1	11/19/2025 - 11/19/2025	Public Notices
BKS kitsapsun.com	1	11/19/2025 - 11/19/2025	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	$195.12
Tax Amount	$0.00
Service Fee 3.99%	$7.79
Cash/Check/ACH Discount	-$7.79
Payment Amount by Cash/Check/ACH	$195.12
Payment Amount by Credit Card	$202.91

Order Confirmation Amount	**$195.12**

1/2

Ad Preview

CITY OF PORT ORCHARD
NOTICE OF PUBLIC HEARING

This is a public notice that the City of Port Orchard will conduct a public hearing both in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard WA 98366, and online at https://us02web.zoom.us/j/81984240226 Hearing date and time: December 3, 2025 at 10:00AM File Name: 1061/1083 Hull Ave Rezone File Number: LU25-REZONE-01 Application Type: Site Specific Rezone (Type IV) Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312 Date of Application: March 04, 2025 Date of Complete Application: May 13, 2025 Site Description: Location: 1061/1083 Hull Ave Port Orchard, WA 98366 Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018- 2002 Nearest road intersection: Bay St and Port Orchard Blvd Size: 1061 Hull Ave: 1.12 acres 1083 Hull Ave: 1.58 acres Zoning District: Residential 2 (R2) Shoreline Designation: N/A Description of Proposal: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3). SEPA Threshold Determination: The City of Port Orchard issued a Determination of Non-Significance (DNS) for the proposal on September 18, 2025. A Modified DNS was issued on October 29, 2025 consistent with WAC 197-11-340, WAC 197-11-680, and POMC Title 20. A Modified DNS was required due to an insufficient open public comment period of twelve (12) days. Comments shall be given to the lead agency within fourteen (14) days of date of issuance of the DNS. Applicable Code(s): Port Orchard Municipal Code Title 20, WAC 197-11 SEPA. Review of Documents: A copy of the record, including the application and supporting documents, are available for inspection by the public at no cost. A copy of the staff report will be available for inspection at no cost at least five (5) working days prior to the hearing. Copies will be provided at the requester's cost Comment Period: Any person may participate in person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard A 98366, or online at https://us02web.zoom.us/j/81984240226 and provide public testimony or written comment until the close of record by the Hearing Examiner. Submit Comments to: Clerk to the Hearing Examiner By Phone: (360) 874-5533 By Mail: 216 Prospect St, Port Orchard, WA 98366 In Person: 720 Prospect St. Port Orchard, WA 98366 By E-mail: permitcenter@portorchardwa.gov
11/21/2025 11848771

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • permitcenter@cityofportorchard.us
www.cityofportorchard.us

File Number: LU25-Rezone-01

Project Name: 1061/1083 Hull Ave Rezone

Notice Type: Revised Notice of Hearing

AFFIDAVIT OF MAILING AND EMAILING

I hereby certify under penalty of perjury of the Laws of the State of Washington that on the date below, the attached notice was mailed to attached list(s) of recipients in accordance with applicable ordinances of the City of Port Orchard.

Signature of Individual Who Mailed Notice

Jackie Krukoff, Planning Permit Clerk
Print name and title

November 19, 2025
Date of Mailing

LU25-Rezone-01
EXHIBIT 33

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

NOTICE OF PUBLIC HEARING

This is a public notice that the City of Port Orchard will conduct a public hearing both in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard WA 98366, and online at https://us02web.zoom.us/j/81994240226

Hearing date and time: December 3, 2025 at 10:00AM

File Name: 1061/1083 Hull Ave Rezone

File Number: LU25-REZONE-01

Application Type: Site Specific Rezone (Type IV)

Applicant: Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

Date of Application: March 04, 2025
Date of Complete Application: May 13, 2025

Site Description:
Location: 1061/1083 Hull Ave Port Orchard, WA 98366
Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018- 2002
Nearest road intersection: Bay St and Port Orchard Blvd
Size: 1061 Hull Ave: 1.12 acres
1083 Hull Ave: 1.58 acres
Zoning District: Residential 2 (R2)
Shoreline Designation: N/A

Description of Proposal: Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

SEPA Threshold Determination: The City of Port Orchard issued a Determination of Non-Significance (DNS) for the proposal on September 18, 2025. A Modified DNS was issued on October 29, 2025 consistent with WAC 197-11-340, WAC 197-11-680, and POMC Title 20. A Modified DNS was required due to an insufficient open public comment period of twelve (12) days. Comments shall be given to the lead agency within fourteen (14) days of date of issuance of the DNS.

Applicable Code(s): Port Orchard Municipal Code Title 20, WAC 197-11 SEPA.

Review of Documents: A copy of the record, including the application and supporting documents, are available for inspection by the public at no cost. A copy of the staff report will

be available for inspection at no cost at least five (5) working days prior to the hearing. Copies will be provided at the requester's cost

Comment Period: Any person may participate in-person at the Robert Geiger Council Chambers in City Hall at 216 Prospect Street, Port Orchard A 98366, or online at https://us02web.zoom.us/j/81994240226 and provide public testimony or written comment until the close of record by the Hearing Examiner.

Submit Comments to:
Clerk to the Hearing Examiner
By Phone: (360) 874-5533
By Mail: 216 Prospect St, Port Orchard, WA 98366
In Person: 720 Prospect St, Port Orchard, WA 98366
By E-mail: permitcenter@portorchardwa.gov

352401-2-015-2005
1909 DEVELOPMENT LLC
2612 BURWELL ST
BREMERTON, WA 98312

352401-2-075-2002
BRADY JON M & PATRICA L
1084 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-009-2003
COLLINS SHERI K
118 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-019-2001
EWERT GERHARD
1123 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-010-2000
LAMOUREUX ETHAN D
108 KENDALL ST
PORT ORCHARD, WA 98366

4043-002-002-0005
NOERENBERG RUSSELL W JR
1108 GARRISON AVE
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
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5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
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GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

4040-000-028-0002
PORT ORCHARD BLVD
216 PROSPECT ST
PORT ORCHARD, WA 98366

352401-2-018-2002
1909 DEVELOPMENT LLC
2612 BURWELL ST
BREMERTON, WA 98312

352401-2-013-2007
COATES SAVANNAH L & MICHAEL PAUL
1080 HULL AVE
PORT ORCHARD, WA 98366

352401-2-076-2001
CONTRERAS DANIEL ELISHA & BRIANNE
1086 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-008-2004
GUO CUI Q
120 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-011-2009
LASALLE JOHN & MARY
114 KENDALL ST
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

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GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-065-2004
PARADISO MATTHEW LONGOBARDI & LINDSEY RENE
1025 HULL AVE
PORT ORCHARD, WA 98366

352401-2-077-2000
POWERS CHRISTI L & GREGORY
1088 SHERMAN AVE
PORT ORCHARD, WA 98366

4058-009-013-0108
AMORES JOAQUIN & GALLI-BASTOS MIRIAM
977 GRANT AVE
PORT ORCHARD, WA 98366

352401-2-049-2005
COLEMAN GEORGIA GAIL & ROPPE RUTH
6716 N VN DECAR RD SE
PORT ORCHARD, WA 98367

352401-2-005-2007
DIIENNO RITA C
6140 E HOBART ST
MESA, AZ 85205

4058-009-015-0007
KOZLOWSKI CHAD & COOK HILLARI
924 HULL AVE
PORT ORCHARD, WA 98366

352401-2-012-2008
LYONS SCOTT WILLIAM
1050 HULL AVE
PORT ORCHARD, WA 98366

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

352401-2-023-2005
OAKRIDGE HOMES INC
5401 32ND AVE NW STE 100
GIG HARBOR, WA 98335

4043-002-001-0105
PIVAR MICHAEL A & BRANDICE L
10208 39TH AVE SW
SEATTLE, WA 98146

4040-000-023-0007
ROBINSON HONOUR M
1029 GARRISON AVE
PORT ORCHARD, WA 98366

352401-2-050-2001
SAMPSON RAY D & PEGGY A
1117 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-064-2005
SPIETH KURT DUANE & REBECCA JEAN
209 13TH ST
HONOLULU, HI 96818

352401-2-017-2003
WOOTEN CYNTHIA D &
WOLFENBARGER WALTER
399 SROUFE ST
PORT ORCHARD, WA 98366

352401-2-078-2009
SMYTHE STACI H & DWAYNE D
1090 SHERMAN AVE
PORT ORCHARD, WA 98366

352401-2-063-2006
STIEFVATER EMILY MARIE
129 PENNSYLVANIA AVE
CHILTON, WI 53014

352401-2-057-2004
SNIDER JOSEPH
PO BOX 2812
BELFAIR, WA 98528

352401-2-006-2006
WAHLSTROM DANIEL G & ATHENA
1011 HULL AVE
PORT ORCHARD, WA 98366

Jackie Krukoff

From: Jackie Krukoff
Sent: Wednesday, November 19, 2025 1:35 PM
To: Permit Center
Subject: Revised Notice of Hearing for the LU25-Rezone-01 Hull Ave Rezone
Attachments: Agenda_LU25-Rezone-01.pdf; Revised Notice of Public Hearing_LU25-Rezone-01.pdf

Connor Dahlquist <cdahlquist@portorchardwa.gov>; 'lindsparadiso@gmail.com'; 'Timothy.Hetrick@yahoo.com'; 'mattlongo757@gmail.com'; 'athena.wahlstrom@gmail.com'; 'k_bspieth@msn.com'; 'jasongivens@hotmail.com'

Good afternoon,

You are receiving this communication because you have asked to be notified of any Notices for the LU25-Rezone-01 Hull Ave Rezone. Attached to this email you will find the Agenda and Notice of Hearing for the LU25-Rezone-01 Hull Ave Rezone.

The Hearing is scheduled for Wednesday, December 03, 2025 at 10:00 am.

Comment Period: Any person may participate electronically and provide public testimony or submit written comment starting November 19, 2025, until the close of record by the Hearing Examiner.

Kind Regards,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

Jackie Krukoff

From: Jackie Krukoff
Sent: Wednesday, November 19, 2025 1:35 PM
To: Permit Center
Subject: City of Port Orchard - Revised Notice of Hearing for the LU25-Rezone-01 Hull Ave Rezone
Attachments: Agenda_LU25-Rezone-01.pdf; Revised Notice of Public Hearing_LU25-Rezone-01.pdf

Good afternoon,

Connor Dahlquist <cdahlquist@portorchardwa.gov>; 'execoff@kitsapbuilds.com'; nathan@kitsaprealtor.org; bob@pacificsilver.com; 'donmryan@gmail.com'; 'edwardc@kitsaptransit.com'; 'steffanil@kitsaptransit.com'; 'rmalcom@suquamish.nsn.us'

You are receiving this communication because you have asked to be notified of any Hearing Notices that the City has sent out. Attached to this email you will find the Agenda and Notice of Hearing for the LU25-Rezone-01 Hull Ave Rezone.

The Hearing is scheduled for Wednesday, December 03, 2025 at 10:00 am.

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Kind Regards,
Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

CITY OF PORT ORCHARD
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • Fax: (360) 876-4980
planning@portorchardwa.gov
www.portorchardwa.gov

Staff Report and Recommendation to the Hearing Examiner

Hearing Date: December 3, 2025 10:00AM

Subject: Site-Specific Rezone, LU25-REZONE-01

Prepared by Connor Dahlquist, Associate Planner

This Staff Report and Recommendation to the Hearing Examiner is dated November 25, 2025 and based on information available until the time the report was prepared. New information relevant to review of the application may become available prior to the hearing or at the hearing itself. Staff reserves the right to update this report and recommendation based on new information provided.

GENERAL INFORMATION

Applicant's name and address:
Noel Larson
1909 Holdings LLC
2612 Burwell St.
Bremerton, WA 98312

Permit Request: Site-Specific Rezone (LU25-REZONE-01)

Location of proposal: The subject property is currently unaddressed and comprised of two tax parcels identified as Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018-2002, at the transition of Hull Ave to Sherman Ave.

The two parcels of the proposed project are legally described as:

Parcel 1: THAT PORTION OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., LYING BETWEEN THE EAST MARGIN OF HULL STREET AND THE WEST MARGIN OF PORT ORCHARD BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M.; THENCE NORTH 89*56'46 WEST ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 570.76 FEET; THENCE SOUTH 43*48'14 WEST ALONG THE EAST MARGIN OF HULL STREET, AS SHOWN ON SURVEY BY THOMAS C. BREITENSTEIN, LAND SURVEYOR, DATED JUNE 30, 1941, A DISTANCE OF 404.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 43*48'14 WEST ALONG SAID EAST MARGIN OF HULL STREET 159.13 FEET; THENCE LEAVING SAID EAST MARGIN RUN SOUTH 35*24'12 EAST 114.44 FEET TO THE SOUTH LINE OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89*56'46 EAST ALONG THE SOUTH LINE OF SAID NORTH 500.00 FEET 221.49 FEET TO THE WEST MARGIN OF PORT ORCHARD BOULEVARD; THENCE NORTH 40*15'35 EAST ALONG SAID WEST MARGIN OF PORT ORCHARD BOULEVARD 92.05 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 320.00 FEET; THENCE NORTHEASTERLY ALONG

THE ARC OF SAID CURVE 31.54 FEET TO A POINT ON SAID CURVE WHICH BEARS SOUTH 66*11'46 EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 66*11'46 WEST 280.11 FEET TO THE TRUE POINT OF BEGINNING.

Parcel 2: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 500 FEET SOUTH AND 1026.7 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER ON THE EAST LINE OF HULL STREET; THENCE NORTH 42*34' EAST ALONG THE EAST LINE OF HULL STREET 129.04 FEET; THENCE SOUTH 36*37'30" EAST 116.90 FEET; THENCE SOUTH 89*31'10" WEST 157 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084; PARCEL B: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 660 FEET SOUTH AND 320 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST TO THE EAST LINE OF HULL STREET; THENCE NORTHEASTERLY ALONG SAID EAST LINE OF HULL STREET TO A POINT 500 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 35; THENCE EAST TO A POINT 160 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 160 FEET TO THE POINT OF BEGINNING; EXCEPT ROADS; EXCEPT THAT PORTION CONDEMNED FOR HIGHWAY PURPOSES IN KITSAP COUNTY SUPERIOR COURT CAUSE NO. 53095; AND EXCEPT THAT PORTION THEREOF LYING EAST OF BOUNDARY LINE AS DESCRIBED IN INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 703658; ALSO EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084. (hereinafter the “subject property”, “site”, or “project site”).

Description of proposal: The proposal consists of a site-specific rezone (Type IV) of the subject property from Residential 2 (R2) to Residential 3 (R3).

The subject property consists of two tax parcels containing approximately 2.7 acres within the corporate limits of the City of Port Orchard. The subject property is irregularly shaped with approximately 525 feet of frontage on its westerly property line common to the Hull Ave right-of-way. The subject property is generally flat toward its westerly frontage with sloping conditions descending 40’ on the east side toward Port Orchard Blvd. The subject property is currently vacant and was previously developed with single-family homes, but City records indicate they were removed in 2019.

The subject property is currently designated as Medium Density Residential and Greenbelt in Appendix A of the adopted City of Port Orchard Comprehensive Plan and designated as Residential 2 (R2) and Greenbelt (GB) on the City of Port Orchard Zoning Map. The proposal only seeks to redesignate that portion of the property zoned R2 to R3, the remainder, zoned GB, is intended to remain unchanged.

Review of available critical areas data indicates the presence of geologically hazardous areas on the eastern side of the parcels. The parcels are approximately within 120 feet west of a Type F stream which is separated by Port Orchard Blvd.

The applicant requests approval of a site-specific rezone application to designate the buildable area of adjacent 1.12-acre and 1.58-acre sites as R3 to accommodate the development of apartment buildings. The R2 district does not allow apartments, as defined in Port Orchard Municipal Code (POMC) 20.32.100, as a permitted building type. The current GB designated portion of the parcels are not included in the rezone request. The applicant’s stated intent of this site-specific rezone is to designate the R2 portion of the parcels to R3 which permits apartments as an allowed building type and multifamily as a permitted use. The proponent intends to construct 18 townhomes and one 30-unit apartment building with normal and expected infrastructure common to multifamily development and make necessary improvements to

Hull Ave. Any subsequent development applications must demonstrate consistency with all applicable POMC requirements, and the Public Works Engineering Standards and Specifications (PWESS).

Comprehensive Plan and Zoning Map designations:

	Comprehensive Plan Land Use Designation	**Zoning Map Designation**
Site:	Medium Density Residential and Greenbelt	Residential 2 (R2) and Greenbelt (GB)
North:	Medium Density Residential and Greenbelt	Residential 2 (R2) and Greenbelt (GB)
South:	Medium Density Residential and Greenbelt	Residential 2 (R2) and Greenbelt (GB)
East:	Greenbelt	Greenbelt (GB)
West	Medium Density Residential	Residential 2 (R2) and Residential 3 (R3)

Adjacent land use:
North: Single-family detached
East: Port Orchard Blvd, Single-family detached
South: Unopened ROW and Single-family detached
West: Single-family detached

Utility purveyors:
Water: City of Port Orchard
Sewer: City of Port Orchard
Electricity: Puget Sound Energy
Gas: Cascade Natural Gas

Other permits/review required:

- Land Disturbing Activity Permit (LDAP), Stormwater Drainage Permit (SDP), Capacity Reservation Certificate (CRC), and Building Permits.

History of the proposed project:
Noel Larson, on behalf of 1990 Holdings LLC, applied for the requested site-specific rezone on March 6, 2025 which was determined technically complete May 13th, 2025. The proposal consists of changing the zoning of two properties located on the east side of Hull Avenue, in the area where Sherman Avenue transitions to Hull Avenue. For reference, the site lies approximately 675 feet north of the Sherman Avenue and Melcher St W intersection, though Sherman and Hull function as a continuous street alignment in this location. The site-specific rezone is requesting a change from Residential 2 (R2) to Residential 3 (R3) to accommodate the development of 18 townhomes and one 30-unit apartment building. Although townhomes are an allowed building type within R2, apartment buildings are not.

After review by City staff and other agencies, the application was determined technically complete prompting the issuance of a Determination of Complete Application on May 13, 2025 (Exhibit 8). Pursuant to RCW 36.70A.070, if an application is stated as complete, it does not preclude the City from requesting additional information. The proposed project is reviewed under POMC Title 20 that was in effect at the time of complete application. In this instance, the City did not request additional information from the applicant.

The City provided Notice of Application (NOA) on May 27, 2025, with a 14-calendar day comment period ending June 10, 2025, pursuant to POMC 20.25 (Exhibit 9). The City received two comments from the public (Exhibits 13A and 13B) in response to the NOA which were considered fully prior to issuance of the Determination of Nonsignificance (DNS).

The DNS (Exhibit 17) was noticed on September 18, 2025. The comment 14-day comment period was held open until September 30, 2025. The City received two comments (Exhibits 21A and 21B). However, subsequent to DNS publication and notice, the City recognized an error in the published public comment period length was made which had a posted length of twelve (12) days. Per WAC 197-11-340, WAC 197-11-680, and POMC Title 20, comments to the lead agency shall be within fourteen (14) days of date of issuance of the DNS. Subsequently, a Modified DNS (Exhibit 26) was issued October 29, 2025 with a comment period ending November 12, 2025. The City received two additional comments during the second SEPA Determination comment period (Exhibits 30A and 30B). In accordance, the City received comments from the public in response to the Notice of Application which were considered fully prior to issuance of both DNS on September 18, 2025 and September 30, 2025. The DNS was not appealed.

The subject property and surrounding area have historically been designated for single-family residential use. A notable exception occurred in 1977, when the 10-acre parcel (APN# 352401-2-023-2005) southwest of the site was rezoned to allow for apartment development, named the Sherman Hills residential development, now Forest Song which is currently being developed and is currently designated as Residential 3 (R3). That property remains the only higher residential use designation within the predominantly low-density area.

The Port Orchard Municipal Code is a form-based code which addresses permitted building types in addition to permissible land uses. The Residential 2 designation does not permit apartments as an allowed building type nor multi-family residential as a permitted use as described in POMC 20.34.020(2) and 20. 20.39.040 respectively.

The Residential 3 district allows the development of apartment buildings and multi-family residential as an allowable building type and permitted use. The approval of the requested site-specific rezone would allow the development of an apartment building with normal and expected infrastructure of a multi-family development.

City Permit Process:
This application has been submitted as a site-specific rezone and therefore requires a public hearing before the City of Port Orchard Hearing Examiner as a Type IV permit.

I. CRITERIA FOR APPROVAL

A. State Law

1. Environmental Regulations.

- **WAC 197-11-340 Determination of Nonsignificance (DNS).**

Department Response: *Pursuant to WAC 197-11-340, this proposal was reviewed for potential environmental impacts and the lead agency determined that the proposed site-specific rezone does not have probable significant adverse impact on the environment. A Determination of Non-Significance (DNS) was published on September 18, 2025, with an open comment period until September 30th at 4:00pm. A Modified DNS was issued on October 29, 2025, to address the error of providing an insufficient public*

comment period, which had been limited to twelve (12) days. The modified DNS had a fourteen (14) day comment period ending November 12, 2025, at 4:00pm. The DNS was not appealed.

B. City of Port Orchard Comprehensive Plan

Land Use Goals and Policies are provided in the adopted 2024 City of Port Orchard Comprehensive Plan.

1. **Land Use and Zoning Designation.** The 2024 City of Port Orchard Comprehensive Plan designates the area of the proposed site-specific rezone as Medium Density Residential and Greenbelt. The Medium Density Residential land use designation is implemented through various zoning designations, Residential 2 (R2) and Residential 3 (R3) which accommodate the development of single-family detached, attached homes, middle housing (Accessory Dwelling Units, Duplexes, Cottage Courts, Fourplexes, and Townhouses), and apartment buildings. The requested zoning designation to R3 is consistent with the Medium Density Residential designation in the Comprehensive Plan.

   The Greenbelt land use designation is implemented through the Greenbelt (GB) zoning designation which primarily accommodates the protection of critical areas, habitat management areas, greenbelts, and designated open space. The GB zone allows for low density residential development.

Department Response: *The request for a site-specific rezone from R2 to R3 is consistent with the City's Comprehensive Plan designation of Medium Density Residential. The R3 zone is intended to accommodate a transition of low density residential and high-density residential uses. Residential development within R3 designations is limited to three stories in height for compatibility with the designation's residential character. Allowed building type options include Detached House, Backyard Cottage, Carriage House, Cottage Housing, Duplex, Stacked Flat, Triplex, Fourplex, Fiveplex, Sixplex, Townhouse, Apartment, Courtyard Apartment, Forecourt Apartment, and Accessory Building. R3 should be applied in residential areas where a variety of housing types are desired, or where such pattern is desired in the future and in areas designated as Medium Density Residential in the Comprehensive Plan.*

The GB designated portion of the parcels are not included in the proposed site-specific rezone request and will remain as GB.

The site is immediately adjacent to properties designated as Medium Density Residential.

2. Section 2.6 Land Use Goals and Policies

- **Goal 2. Ensure that sufficient land is available for development to accommodate allocated growth in population and employment.**
  - Policy LU-5. Ensure land use and development regulations enable a supply of housing units within the city and adjacent UGA that will accommodate forecasted population growth. Ensure land use and development regulations enable a supply of commercial retail and office space within the city and adjacent UGA that will accommodate forecasted employment growth.
  - Policy LU-8. Provide a variety of single-family, middle housing, and multi-family housing types and employment opportunities that meet the needs of diverse socioeconomic interests.

3. Section 3.3 Housing Goals and Policies

- **Goal 1. Housing stock is planned to accommodate growth targets,**

housing demands, and changes in the population.

- Policy HS-1 Ensure zoned capacity is sufficient to accommodate housing development to meet needs consistent with adopted targets. (see Figure 13 Port Orchard Housing Supply and Need by Income).
- Policy HS-2 Encourage production of diverse housing types throughout the City to expand housing
  choice and access for residents in all stages of life and all household sizes to meet the goals set under RCW 36.70A.020(4). These housing types include but are not limited to detached single-family homes, middle housing forms, multifamily dwelling units (within both single -purpose and mixed -use buildings), live -work dwelling units, accessory dwelling units, pre -fabricated homes, and clustered housing forms.

- **Goal 2. Ensure that affordable housing options are available to all socioeconomic levels of Port Orchard residents.**
  - Policy HS-4 Provide opportunities through future land use and zoning districts for an economically diversified housing supply, including extremely low, very low-, low-, moderate-, and upper -income levels, to maximize housing options and serve a broad range of community needs. (RCW 36.70a.070(2) (d)). The City shall prioritize pedestrian, bicycle and transit facility improvements that connect grocery stores, healthcare facilities, and general commercial centers with surrounding residential areas.
- **Goal 3. Promote the efficient use of residential land in order to maximize development potential and make efficient use of municipal infrastructure.**
  - Policy HS -20 Implement zoning and development regulations which encourage infill housing on empty and redevelopable parcels.

5. Section 8.11 Transportation Goals and Policies

- **Goal.** The City of Port Orchard has a sustainable, equitable, affordable, safe, and efficient multimodal transportation system that promotes vitality of the economy, environment, and health.
  - Policy TR-16. Improve local street patterns — including their design and how they are used — for walking, bicycling, and transit use to enhance communities, connectivity, and physical activity

Department Response: *The proposed site-specific rezone is consistent with the Goals and Policies provided above. If approved, subsequent development of apartments may allow the implementation of these specific Land Use, Housing, and Transportation Goals and Policies.*

A rezone from R2 to R3 is consistent with the City's mapped Comprehensive Plan land use designations. R2 and R3 zoning are both allowed within the Medium Residential Land Use designation, as the subject property is mapped. The proposed change from R2 to R3 would allow for additional housing types which includes the apartment building type.

The redesignation would increase diverse housing stock opportunities to accommodate the increasing population of Port Orchard. The portion of the property currently designated as GB will remain unchanged to protect and buffer existing critical areas along the eastern portion of the property.

If approved, the proposed development would require local road improvements to enhance traffic flow and pedestrian safety along Hull Avenue and other areas, as determined by a detailed evaluation at the time of proposal.

C. City of Port Orchard Municipal Code (POMC)

1. Hearing Examiner

- **POMC Chapter 2.76 Hearing Examiner.** This section of code provides the power and authority of the Hearing Examiner to issue decisions or as appropriate, recommendations, to the City Council. The Hearing Examiner's decisions/recommendations shall be set forth in the findings of facts and conclusions. The decision/ recommendations shall be supported by substantial evidence in the official record.
- **POMC 20.22.** This Chapter of the Port Orchard Municipal Code (POMC) address the review of different application types, consolidation of permit types, application process, public notice and review procedures. This Chapter also requires the City to provide a Determination of Consistency between the proposed project and the applicable regulations and the Comprehensive Plan provisions.
    - **20.22.060 Type IV (city council decision, judicial appeal).** This section of the POMC provides the process of which a Type IV shall be processed and presented before the City's Hearing Examiner who will make a recommendation to the City of Port Orchard City Council.
- **POMC 20.24 Permitting and Development Approval – Application Procedures**. This section of the POMC outlines the procedure which all applications are processed including pre-application conferences, submission requirements, application review, technical completeness, public notice, any required corrections and revisions and Decision criteria for all application types.

Department Response: *This proposal has been processed in accordance with applicable regulations and notification requirements. The City has reviewed the applicant's materials regarding the site-specific rezone and, with the recommended conditions of approval and the analysis presented in this report, has determined that the application is eligible for consideration under applicable regulations. The project is properly before the Hearing Examiner, who will conduct an open record hearing and provide a recommendation to the Port Orchard City Council.*

2. Zoning Designations and Requirements

- **POMC 20.32.020 Residential 2 (R2)**
    - Intent. The R2 district is primarily intended to accommodate detached houses, duplexes, and townhouse development. The R2 may be applied in areas designated medium density residential in the Port Orchard comprehensive plan. Uses that would substantially interfere with the residential nature of the district are not allowed.
    - Unit Density. Four dwelling units per lot inclusive of accessory dwelling units.
    - Building Types Allowed. The allowed building types in the R2 zone are identified in POMC 20.32.015(1).
        - POMC 20.32.015 Building Type Zoning Matrix Key
            - Detached House
            - Backyard Cottage
            - Carriage House
            - Cottage Housing
            - Duplex
            - Stacked Flat
            - Triplex
            - Fourplex
            - Townhouse
            - Courtyard Apartment

- Accessory Building

- Dimensional Standards
  - Minimum Lot Area
    - Lots that do not take vehicle access from an alley: 5,000 square feet
    - Lots that take vehicle access from an alley: 3,000 square feet
  - Minimum Lot Width
    - Lots that do not take vehicle access from an alley: 40 FEET
    - Lots that take vehicle access from an alley: 30 FEET
- Lot Coverage maximum 70%
- Setbacks
  - Primary
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 10 feet minimum*
    - Accessory Buildings: 40 feet minimum
  - Side Street
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 5 feet minimum
    - Accessory Buildings: 10 feet minimum
  - Side Interior
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 5 feet minimum**
    - Accessory Buildings: 5 feet minimum***
  - Rear****
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 10 feet minimum
    - Accessory Buildings: 3 feet minimum, 2 feet minimum where abutting an alley
  - Primary street, garage door
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 20 feet minimum
    - Accessory Buildings: N/A
  - * Unless POMC 20.40.020 provides additional relief.
  - ** Except attached housing types with dwellings on individual fee simple lots such as townhouses or attached houses which do not require a side interior setback.
  - *** Side interior setback may be reduced to zero feet within principal building rear yard where an opened alley abuts rear property line.
  - **** Accessory dwelling units (ADUs) may utilize the rear yard setback applicable to accessory structures, as identified in the table above.
- Building Height
  - Principal Building(s): 3 stories/35 feet maximum
  - Accessory Dwelling Unit(s): 25 feet maximum
  - Accessory Building(s): 18 feet maximum

- **POMC 20.39.030 Residential 3 (R3)**
  - Intent. The R3 district is intended to accommodate a variety of residential options limited to three stories in height. The R3 zone may be applied in areas designated medium density residential in the Port Orchard comprehensive plan. Uses that would substantially interfere with the residential nature of the district are not allowed.
  - (2) Unit Density
    - Detached houses and/or middle housing: maximum of six dwelling units per lot.
    - Apartments: No maximum.
  - (3) Building Types Allowed. The allowed building types in the R3 zone are identified in POMC 20.32.015(1).
    - POMC 20.32.015

- *Detached House*
- *Backyard Cottage*
- *Carriage House*
- *Cottage Housing*
- *Duplex*
- *Stacked Flat*
- *Triplex*
- *Fourplex*
- *Fiveplex*
- *Sixplex*
- *Townhouse*
- *Apartment*
- *Courtyard Apartment*
- *Forecourt Apartment*
- *Accessory Building*

- Dimensional Standards
  - Minimum Lot Area
    - Lots that do not take vehicle access from an alley: 5,000 square feet
    - Lots that take vehicle access from an alley: 3,000 square feet
  - Minimum Lot Width
    - Lots that do not take vehicle access from an alley: 40 FEET
    - Lots that take vehicle access from an alley: 30 FEET
- Lot Coverage maximum 80%
- Setbacks
  - Primary
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 10 feet minimum*
    - Accessory Buildings: 40 feet minimum
  - Side Street
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 5 feet minimum
    - Accessory Buildings: 10 feet minimum
  - Side Interior
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 5 feet minimum**
    - Accessory Buildings: 5 feet minimum***
  - Rear****
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 10 feet minimum
    - Accessory Buildings: 3 feet minimum, 2 feet minimum where abutting an alley
  - Primary street, garage door
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 20 feet minimum
    - Accessory Buildings: N/A
  - * Unless POMC 20.40.020 provides additional relief.
  - ** Except attached housing types with dwellings on individual fee simple lots such as townhouses or attached houses which do not require a side interior setback.
  - *** Side interior setback may be reduced to zero feet within principal building rear yard where an opened alley abuts rear property line.

- **** Accessory dwelling units (ADUs) may utilize the rear yard setback applicable to accessory structures, as identified in the table above.
- Building Height
  - Principal Building(s): 3 stories/35 feet maximum
  - Accessory Dwelling Unit(s): 25 feet maximum
  - Accessory Building(s): 18 feet maximum

Department Response:
The R2 district is primarily intended to accommodate detached houses, duplexes, and townhouse development at a medium density. The subject property is currently zoned R2, which allows up to four dwelling units per lot and limits building types accordingly.

The proposed rezone to R3 would expand the range of permitted residential building types to include apartments and middle housing options such as fiveplexes and sixplexes, while maintaining the three-story height limit consistent with the intent of the district. The R3 designation is also applied in areas designated medium density residential in the Port Orchard Comprehensive Plan, which includes the subject property.

The R3 district provides greater flexibility in residential development while ensuring compatibility with surrounding medium density neighborhoods. Uses that would substantially interfere with the residential character of the district remain prohibited, preserving the intent of the zone. The subject property meets the dimensional standards necessary to support the building types permitted in R3, including lot area, lot width, setbacks, and height limitations.

POMC 20.100

- **POMC 20.180 Concurrency.**

The purpose of this chapter is to implement the concurrency provisions of the transportation and utilities elements of the city's comprehensive plan and the water and sewer comprehensive plans, all in accordance with RCW 36.70A.070(6)(b). All applications that are not exempt under POMC 20.180.004 shall be processed under and shall comply with this chapter, which shall be cited as the city's "concurrency ordinance."

Department Response: *Pursuant to POMC 20.180.006 Capacity evaluations required for certain rezones and comprehensive plan amendments, a capacity evaluation shall be required as part of any application for a comprehensive plan amendment or zoning map amendment (rezone) submitted by a property owner which, if approved, would increase the intensity or density of permitted development. As part of that capacity evaluation, the director shall determine whether capacity is available to serve both the extent and density of development which would result from the zoning/comprehensive plan amendment. The capacity evaluation shall be submitted as part of the staff report and shall be considered by the city in determining the appropriateness of the comprehensive plan or zoning amendment. The city's approval of any comprehensive plan or zoning map amendment shall not reserve any capacity in water, sewer or transportation facilities unless the property owner has applied for and is issued a CRC and a development agreement which includes a deadline for the property owner's submission of development permit application for the proposed development.*

In accordance with this section of code, the City has analyzed the permitted uses under the R2 zone and the R3 zone for potential demand on water, sewer, and transportation facilities and provided for the capacity evaluation as described in Exhibit 16. The R3 zone provides similar opportunities for development that would also be allowed under the R2 zone, with consideration of the additional building types allowed.

The subject property is currently served by public water supply and sewers. Future development-specific capacity will be evaluated upon submittal of an application as defined in POMC 20.180 Concurrency. Future water supply is dependent on completing planned water system capital improvement projects including bringing additional wells online, new reservoirs, and integrating the water systems. Sewer evaluation for available sewer treatment shows that the site can be served by gravity by connecting to the existing sewer mains in Port Orchard Blvd. The rezone request with access via Hull is expected to create significant impacts on the City's existing transportation but does not present concerns as proposed.

The site-specific rezone request is consistent with the Medium Density Residential Comprehensive Plan Designation and is compatible with neighboring uses. The Public Work's Department does not present concerns with the rezone as proposed. Upon development of the site, the property owner will be responsible for applying for Capacity Reservation Certificates that are specific to their proposed demand, rather than an analysis of all uses allowed under the R3 zone that would be available at this time.

3. Site Specific Rezones

POMC 20.42.010 Purpose and authority.

(1) Purpose. The purpose of this chapter is to establish procedures for site-specific amendments to the city's zoning map. Site-specific rezones shall be processed as provided in this chapter and shall be consistent with the land use designations in the city's comprehensive plan. Changes to the zoning map that are city-wide, area-wide, or have area-wide significance are legislative amendments, which shall be applied for and processed pursuant to Chapters 20.04 and 20.22 POMC.

(2) Authority. The director is authorized and directed to administer the provisions of this chapter relating to site-specific rezones. The city's hearing examiner is authorized to hold a public hearing and provide a recommendation to the city council, pursuant to the procedures included in this chapter. The city council shall issue a final decision for all site-specific, quasi-judicial rezone applications**.**

POMC 20.42.020 Application procedures.

Under POMC 20.42.020, site-specific rezone applications are subject to defined procedures and requirements. The director may establish additional procedures as needed and will only process an application once it is determined to be complete. Applications that are clearly inconsistent with the City's Comprehensive Plan may be rejected in writing. Only property owners or their authorized agents are eligible to apply. A complete application must include a signed application form with applicant and property owner information, a legal description of the property, identification of applicable Comprehensive Plan policies and map designations, a description of the proposed development, supporting plans or studies, a rationale for the amendment, and an explanation of how the proposal relates to the review criteria in POMC 20.42.030. A completed SEPA checklist is also required. Applications are subject to standard processing fees, and additional fees may apply if environmental review under SEPA is necessary.

POMC 20.42.030 Application review criteria.

(1) Generally. The following general provisions shall apply to review of all site-specific rezone applications:

(a) There is no presumption of validity favoring the action of rezoning;

(b) The proponents of the rezone have the burden of proof to demonstrate that conditions have changed since the original zoning; and

(c) The rezone must bear a substantial relationship to the public health, safety, morals or welfare.

(2) Criteria for Review. In addition to the general criteria in subsection (1) of this section, the city shall review applications for site-specific rezone applications and issue approval of said applications pursuant to the following criteria:

(a) Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);

(b) Consistency with the purpose of the proposed zoning district;

(c) Consistency between zone criteria and area characteristics;

(d) Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;

(e) The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers in the more intense zone, if possible. A gradual transition between zoning categories, including height limits, is preferred;

(f) Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

(i) Natural features such as topographical breaks, lakes, rivers, streams, ravines and shorelines;

(ii) Freeways, other major traffic arterials and railroad tracks;

(iii) Distinct change in street layout and block orientation;

(iv) Open space and greenspaces suitable in area to mitigate against more intense uses;

(v) Zone boundaries;

(g) In establishing boundaries, the following elements shall be considered:

(i) Physical buffers as described in subsection (2)(f) of this section; and

(ii) Platted lot lines;

(h) Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses;

(i) Impact Evaluation. The evaluation of the changes that would result from approval of the application shall consider the possible negative and positive impacts on the affected area and its surroundings. Factors to be examined include, but are not limited to, the following:

(i) Housing;

(ii) Public services;

(iii) Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows and energy conservation;

(iv) Pedestrian safety;

(v) Manufacturing activity;

(vi) Employment activity;

(vii) Character of areas recognized for architectural or historic value;

(viii) Shoreline view, public access and recreation;

(ix) Service Capacities. Development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including: street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity; shoreline navigation;

(x) Population and employment allocations as established through the countywide planning policies;

(xi) Changed Circumstances. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in the zoning code;

(xii) Critical Areas. If the area is located in or adjacent to a critical area, the effect of the rezone on the critical area shall be considered.

Applicant Response:

The applicant provided responses addressing each of the criteria outlined above as provided on Exhibits 1C and 1E. Their submittal discusses consistency with the comprehensive plan, the purpose of the proposed zoning district, compatibility with surrounding area characteristics, and the potential impacts of the rezone.

Department Response:

As described in the Department Response beginning in Section 2 of this staff report, the request has been reviewed against the adopted Goals and Policies in the Land Use, Housing, and Transportation Elements of the City of Port Orchard Comprehensive Plan and the review criteria of POMC 20.42.030(2)(a). Based on this analysis, the application is eligible for consideration under the applicable regulations.

The subsequent proposed building type is consistent with the purpose of the R3 district where medium density residential is intended and consistent with the applicable design standards, landscaping requirements and engineering standards.

As described in Port Orchard Municipal Code 20.34.030 and in Section 2.4 of the Land Use Element of the City of Port Orchard Comprehensive Plan, Residential 3 may be an appropriate zoning district in areas designated as Medium Density Residential in the Comprehensive Plan. The subject property is within an area designated Medium Density Residential in the City of Port Orchard Comprehensive Plan. Therefore, the proposal is consistent with the proposed zoning district purpose satisfying the Review Criteria provided in POMC 20.42.030(2)(b).

The subject property is in an area which is designated Medium Density Residential adjacent to other Medium Density Residential which include properties zoned as Residential 2 and Residential 3. Residential 2 to the north and south developed with detached houses and Residential 3 to the west accommodating apartments. The site is in an area accommodating lowest and highest building types as allowed in the Medium Density Residential designation. The requested Residential 3 rezone is consistent with the purpose of the designation and the characteristics of existing development through transitioning land uses from more less intense uses to more intense intense uses satisfying the Review Criteria of POMC 20.42.030(2)(c).

The subject property and surrounding area is currently and historically been designated for Medium Density Residential. The R2 zone is the most prevalent zoning designation surrounding the subject property under the Medium Density Residential classification, with the exception of APN# 352401-2-023-2005 which was rezoned to allow multifamily in 1978 and is currently being developed for apartments under the development standards of the R3 district. With R2 and R3 being classified under the same Medium Density Residential classification and an adjacent property being zoned as R3, criteria described in 20.42.030(2)(d) is met.

The requested R3 district would allow a more intense level of residential development than the current R2 designation, primarily through the inclusion of apartments and middle housing types. While the intensity of development could increase, the permitted building types remain similar in form to those already allowed in R2, and the development would continue to be limited to three stories in height. The rezone from R2 to R3 is a gradual increase in allowed building types with the same height requirements, meeting criteria outlined in 20.42.030(2)(e)

The eastern portion of the property zoned as Greenbelt intended to protect critical areas and low-density residential can serve as a natural buffer along Port Orchard Blvd. Unopened ROW immediately south of the subject property serves as a buffer between the neighboring single-family residences zoned as R2. Additionally, landscape requirements as described in POMC 20.128.070 require built and planted treatments to buffer development between neighboring properties. Landscape requirements coupled with site planning requirements of POMC 20.127 may provide a buffer solution to the properties located adjacent to the property. The proposal is consistent with the review criteria of POMC 20.42.030(2)(f).

The proposed site-specific rezone is limited to the subject property's current R2 zoning. The R2 zoning is bounded by the property's lot lines and the GB zoning designation on the east which correlates with a physical boundary as the top of slope. The site-specific rezone satisfies the review criteria of POMC 20.42.030(2)(g).

The subject property does not share any boundaries with commercial areas. POMC 20.42.030)(2)(h) is not applicable.

The proposal satisfies the review criteria found in POMC 20.42.030(2)(i)(i-xii) through the following:

i. *Housing: The proposed amendment would change the zoning designation from R2 to R3. This would expand the range of permitted building types to include apartments and additional middle housing forms. The amendment may increase the overall housing capacity of the site consistent with the Comprehensive Plan's Medium Density Residential designation.*
ii. *Public services: The amendment may result in additional demand on public services and facilities. The site is currently served by public water and sewer systems. Future development will be subject to concurrency review under POMC 20.180 to ensure adequate service capacity.*
iii. *Environmental factors: Available critical areas mapping data indicates the present geologically hazardous areas and is within 120' of a stream. All of these critical areas will be fully evaluated under POMC 20.162 prior to any ground disturbing activities. Any environmental impacts which may result from a project-specific proposal will be adequately mitigated through the Critical Areas Ordinance.*
iv. *Pedestrian safety: Subsequent development associated with the rezone will be required to provide pedestrian connections to existing facilities and may include improvements to Hull Avenue and other off-site improvements.*
v. *Manufacturing activity: Not applicable. The proposal is residential in nature.*
vi. *Employment activity: The amendment is residential and does not directly affect employment activity. Indirect effects may occur through population growth supporting local businesses.*

vii. *Character of areas recognized for architectural or historic value: The amendment is residential and does not directly affect employment activity. Indirect effects may occur through population growth supporting local businesses. The property nor surrounding properties and structures is designated on the historic registry.*

viii. *Shoreline view, public access and recreation: Not applicable. The site is not within shoreline jurisdiction.*

ix. *Service Capacities: Any future development will be analyzed for its impacts relative to service capacities.*

x. *Population and employment allocations: The proposed rezone may increase residential capacity by permitting apartments and higher-density housing types. This aligns with the City's population growth allocations under the Comprehensive Plan.*

xi. *Changed Circumstances: The request reflects the City's ongoing implementation of its Comprehensive Plan and the need to provide diverse housing options. The R3 designation is consistent with the Medium Density Residential land use designation applied to the site.*

xii. *Critical Areas: The site is impacted by critical areas including geologically hazardous areas and within 120' of a mapped stream. These constraints are documented, and full evaluation will occur prior to development. The portion of the property designated Greenbelt (GB) will remain unchanged to protect critical areas and provide buffering.*

4. Environmental Regulations POMC 20.162

- **Article IV Fish and Wildlife Habitat Conservation Areas**

POMC 20.162.068 Purpose.

This article applies to all regulated uses included in the critical areas ordinance, or uses within 200 feet of areas designated as fish and wildlife habitat conservation areas, as categorized in POMC 20.162.070. The intent of this article is to:

(1) Preserve natural flood control, stormwater storage and drainage or stream flow patterns;

(2) Control siltation, protect nutrient reserves and maintain stream flows and stream quality for fish and marine shellfish;

(3) Prevent turbidity and pollution of streams and fish or shellfish bearing waters;

(4) Preserve and protect habitat adequate to support viable populations of native wildlife in both the city and Kitsap County; and

(5) Encourage nonregulatory methods of habitat retention whenever practical, through education and the open space tax program.

POMC 20.162.072 Development standards.

Those regulated uses identified below within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this section. Potential impacts to fish and wildlife habitat conservation areas or their buffers shall be appropriately identified and mitigated consistent with Article XII of this chapter.

(1) Buffers and Building Setbacks. Buffers or setbacks shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 5. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting indigenous vegetation, as approved by the department. Alteration of buffer areas may be allowed for water-dependent and water-related activities

subject to the city's shoreline master program (Chapter 20.164 POMC), and for development authorized by POMC 20.162.032, Exemptions, POMC 20.162.034, Exceptions, POMC 20.162.036, Variances, or POMC 20.162.038, Nonconforming – Existing structures. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwaters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature. Refuse shall not be placed in buffers.

- **Article V. Geologically Hazardous Areas**

20.162.074 Purpose.

This chapter applies to all regulated uses included in the critical areas ordinance within 200 feet of areas designated as geologically hazardous areas, as categorized in POMC 20.162.076. The intent of this chapter is to:
(1) Provide standards to protect human life and property from potential risks;
(2) Control erosion, siltation, and water quality to protect fish and marine shellfish;
(3) Provide controls to minimize erosion caused by human activity;
(4) Use innovative site planning by placing geologically hazardous areas and buffers in open space and transferring density to more suitable areas on the site.

20.162.078 Development standards.

This chapter applies to all regulated uses in this chapter or within 200 feet of areas designated as geologically hazardous or areas of concern. Permit applications include submittals for clearing, grading and building on property containing geologically hazardous areas. Submittal documents prepared by a licensed engineer may also be required by the department, pursuant to the city's stormwater regulations.

(1) Geologically Hazardous Areas and Areas of Geologic Concern.

(a) Approval. Where applicable the department will approve, approve with conditions or deny the development proposal based on the department's evaluation of specific site conditions. The department will also consider any proposed mitigation measures included in a geotechnical report, if one is submitted.

(b) Public Works Requirements. The applicant shall submit a land disturbing activity permit application to the department. The application and supporting documents shall be completed by a professional engineer licensed in the state of Washington. The submittal documents shall be determined on a site-specific basis. The documents may include any combination of, but not be limited to, construction plans, details and specifications for clearing, grading, erosion and sedimentation control, and stormwater drainage and detailed hydrological, geotechnical, soils, and drainage reports and analyses.

(c) Minimum Buffer Requirement. The buffer for all geologically hazardous areas and areas of geologic concern shall include native vegetation from the toe of the slope to 25 feet beyond the top of the slope unless otherwise allowed through a geological report or a site-specific determination.

(d) Building/Impervious Surface Setback Requirements.

(i) Geologically Hazardous Areas. The minimum building and impervious surface setback from the top of slope shall be equal to the height of the slope (1:1 horizontal to vertical) plus the greater of one-third of the vertical slope height or 25 feet.

(ii) Areas of Geologic Concern. A minimum 40-foot building and impervious surface setback shall be maintained from the top of slope. As required in subsection (1)(c) of this section, the 25 feet adjacent to the top of the slope shall be retained as a native vegetation buffer, with an additional minimum 15-foot building and impervious surface setback. The department may decrease the setback when such a setback would result in a greater than 1:1 slope setback or as may be allowed through a geological report or a site-specific determination.

(iii) Toe of Slope Building Setback. A geotechnical report may be required for any new construction within 200 feet of a geologically hazardous area. The department will make a determination based on slope height and stability indicators. Where slope hazard indicators are not identified, the requirements of the International Building Code Section 1805 or Section R403 will apply.

(e) Buffer and Building Setback Modifications – Report Recommendations. The minimum native vegetation buffer and/or building setback requirement may be decreased if a geotechnical report demonstrates that a lesser distance, through design and engineering solutions, will adequately protect both the proposed development and the erosion hazard and/or landslide hazard area (see Articles VIII and X of this chapter for geological and geotechnical report requirements). Should the geotechnical report indicate that a greater buffer and/or building setback is required than specified in this section, the greater buffer and/or building setback shall be required. The department may determine through a site visit, a special report or mapping, that an increased buffer and/or building setback is required from the critical area.

(f) Time Limitations. For major new development, and where required for minor new development, clearing, and grading, shall be limited to the period between May 1st to October 1st, unless the applicant provides an erosion and sedimentation control plan prepared by a professional engineer licensed in the state of Washington that specifically and realistically identifies methods of erosion control for wet weather conditions.

(g) Field Marking Requirements. For major new development, the proposed clearing for the project and all critical area buffers shall be marked in the field for inspection and approval by the department prior to beginning work. Field marking requirements for minor new development will be determined on a case-by-case basis by the department. The field marking of all buffers shall remain in place until construction is completed and final approval is granted by the department. Permanent marking may be required as determined necessary to protect critical areas or their buffers.

(h) Cut and Fill Slopes. The faces of all cut and fill slopes shall be protected to prevent erosion as required by the engineered erosion and sedimentation control plan.

(i) Development Impact Standards. All discharge of runoff from the development site shall be of like quality, flow rate, and velocity as that which flowed from the site prior to development. In addition, all stormwater flows shall be accepted onto, and shall be discharged from, the development site at the natural or otherwise legally existing

locations. The proposed development shall not decrease the slope stability of any area within 200 feet of the property boundary.

(j) Development Risk Standard. In cases where a special report indicates a significant risk to public health, safety and welfare, the department shall deny or require revision of the site development proposal.

(k) Additional Clearing Standards.

(i) Only the clearing necessary to install temporary erosion control measures will be allowed prior to the clearing for roads and utilities construction.

(ii) Clearing for roads and utilities shall be the minimum necessary and shall remain within marked construction limits.

(iii) Clearing for overhead power lines shall be the minimum necessary for construction and will provide the required minimum clearances of the serving utility.

(l) Existing Logging Roads. Where existing logging roads occur in geologically hazardous areas or areas of geologic concern, a geological or geotechnical report may be required prior to use as a temporary haul road or permanent access road under a conversion or COHP forest practices application.

(m) Clustering Requirements. The department may require clustering to increase protection to geologically hazardous areas or areas of geologic concern.

(n) Vegetation Enhancement. The department may require enhancement of buffer vegetation to increase protection to geologically hazardous areas or areas of geologic concern.

(o) Seismic Hazard Area Development Standards.

(i) Proposed new development within a seismic hazard area shall be in accordance with the Uniform Building Code (UBC) Earthquake Design Standards for Seismic Risk Zone 3 of Washington State.

(ii) Applicants for public and commercial building proposals within seismic hazard areas shall submit a geotechnical report addressing any fill or grading that has occurred on the subject parcel. Any fill placed for such development shall have documented construction monitoring as required by the International Building Code.

(iii) All major new development in seismic hazard areas shall require a geotechnical report. Minor new development may also require a geotechnical report, as determined by the department.

(iv) The development proposal may be approved, approved with conditions or denied based on the department's evaluation of the proposed mitigation measures to reduce seismic risk.

(2) Prohibitions.

(a) Critical facilities, as defined in Article II of this chapter, are prohibited in geologically hazardous areas.

(b) In geologically hazardous areas with slopes greater than 80 percent, no development will be allowed either on or within the defined buffer area, unless approved by the department after review of a geotechnical report. The defined buffer zone for geologically hazardous areas is defined in subsection (1)(d) of this section.

(c) On-site sewage disposal should be avoided in geologically hazardous areas and their buffers. In cases where such areas cannot be avoided, review by a geologist or a geotechnical engineer licensed in the state of Washington will be required in coordination with the Bremerton-Kitsap County health district.

Department Response: *The site contains and/or is adjacent to areas that contain streams, and steep slopes. However, there are no mapped indicators of wetlands on or adjacent to the subject property. The site is vacant and may be developed under the current zoning designation with analysis of critical areas. Any proposed development is subject to POMC 20.162 which requires an analysis of the critical areas and their associated buffers prior to the approval or issuance of a Land Disturbing Activity Permit or Building Permit.*

II. PUBLIC COMMENT

A. Notice of Application

Upon Determination of Complete Application on May 13, 2025 (Exhibit 8), Notice of Application was issued May 27, 2025 (Exhibit 9). The Department of Community Development received six comments within the fourteen-day comment periods and a petition outside of the designated comment period (Exhibit 15). Most comments received were project-specific in nature and would be addressed at the time a development application is submitted. A rezone application does not require, or authorize, improvements of infrastructure to be made. Concerns raised included potential increases in traffic volumes, the adequacy of pedestrian infrastructure, protection of existing critical areas, and preservation of the low-density character along the street. These comments are provided as Exhibits 13A-B, 15, 21A-B, and 30A-B.

B. SEPA DNS and Modified DNS

Invitation to comment was provided pursuant to WAC 197-11-355. A SEPA Determination of Non-Significance (DNS) was issued on September 18, 2025 (Exhibit 17). A Modified DNS (Exhibit 26) was issued on October 29, 2025 to address the insufficient fourteen (14) comment period given. The DNS appeal period closed on October 16, 2025. The Modified DNS appeal period closed on November 26, 2025. No appeals of the SEPA DNS were filed.

C. Notice of Public Hearing Before the Hearing Examiner

A. A Notice of Public Hearing (NOH) before the Hearing Examiner was posted in the newspaper of record on October 23, 2025 (Exhibit 24). Notice of the public hearing before the Hearing Examiner was mailed to all surrounding property owners, interested parties, and commenting agencies on October 23, 2025 (Exhibit 25). Due to the Modified DNS issuance, a new Notice of Hearing before the Hearing Examiner was posted in the newspaper of record on November 19, 2025 (Exhibit 32). The new Notice of the Hearing before the Hearing Examiner was mailed to all surrounding property owners, interested parties, and commenting agencies on November 19, 2025. (Exhibit 33).

D. Public Comment

The Department of Community Development received six comments during the Notice of Application and SEPA comment periods, and one petition against the proposed rezone which was submitted outside of the comment period. Staff followed up with two individuals who submitted public comments to provide additional information and clarifications, but neither were responsive.

III. PROPOSED FINDINGS

B. The City of Port Orchard received an application for a site-specific rezone on March 6, 2025 (Exhibits 1A-1J).

C. The application was determined technically incomplete on April 3, 2025 (Exhibit 3).

D. The required documentation, a SEPA Checklist including the supplement sheet for nonproject actions, (Exhibits 4A-C, 6A-C), along with a supporting Geotechnical Report (Exhibit 4D) were submitted on April 7, 2025 and April 29, 2025.

E. The application was determined to be technically complete on May 13, 2025 (Exhibit 8).

F. The City of Port Orchard provided a Notice of Application (NOA) (Exhibit 9) on May 27, 2025.

G. The NOA was posted on the site and was provided to the surrounding property owners, and to affected agencies (Exhibits 10-12)

H. Two letters of comment were received in response to the NOA (Exhibits 13A-B) and a petition letter was provided outside of the fourteen (14) day comment period (Exhibit 15).

I. The City issued a Determination of Non-Signification (DNS) on September 18, 2025 with a twelve (12) day comment period ending September 30, 2025 (Exhibit 17).

J. The DNS was posted on the site and was provided to the surrounding property owners, and to affected agencies pm September 18, 2025 (Exhibits 19-20).

K. The DNS was published in newspaper of record on September 18, 2025. (Exhibit 18)

L. Two letters of comment were received in response to the DNS (Exhibits 21A-B).

M. Notice of Hearing was mailed to surrounding property owners and parties of interest on October 23, 2025 (Exhibit 25).

N. Notice of Hearing was published in newspaper of record on October 23, 2025 (Exhibit 24)

O. Per WAC 197-11-340, WAC 197-11-680, and POMC Title 20, comments to the lead agency shall be within fourteen (14) days of date of issuance of the DNS.

P. The City issued a Modified DNS on October 29, 2025 with a fourteen (14) comment period ending November 12, 2025 (Exhibit 26) due to an error in insufficient public comment period posted as a twelve (12) day period.

Q. The Modified DNS was posted on the site and was provided to the surrounding property owners, and to affected agencies on October 29, 2025 (Exhibits 28-29).

R. The Modified DNS was published in newspaper of record on October 29, 2025. (Exhibit 27)

S. The City received two additional comments during the second SEPA Determination comment period (Exhibits 30a and 30b).

T. Neither the DNS nor the Modified DNS were appealed.

U. An updated Notice of Hearing was mailed to surrounding property owners and parties of interest on November 19, 2025. (Exhibit 33)

V. An updated Notice of Hearing was published in newspaper of record on November 19, 2025. (Exhibit 32)

W. The proposal is consistent with the Port Orchard Municipal Code and the Comprehensive Plan.

X. The application for site-specific rezone has been properly processed POMC Title 20 Subtitle II. Permitting and Development Approval, and POMC Title 20 Subtitle III. Zoning Regulations.

Y. The procedures for review of this application are found in POMC 20.24.

Z. This proposal is in conformance with applicable City of Port Orchard ordinances and regulations addressed above in this document.

AA. This proposal is properly before the Hearing Examiner for a recommendation to the City of Port Orchard City Council in accordance with applicable state and local laws.

IV. RECOMMENDATION TO THE HEARING EXAMINER

Based on the findings in the record, the Department of Community Development finds the application consistent with the criteria of POMC 20.42.030. The Department also acknowledges the substantial public opposition documented in the Exhibits to the Record.

Given the application's consistency with the ordinance criteria and the documented public comments opposing the request, the Department issues a neutral recommendation to the Hearing Examiner. The Department neither supports nor opposes the requested site-specific rezone, but affirms that the application is eligible for consideration under the applicable regulations.

The Department respectfully forwards the application to the Hearing Examiner for an open record hearing and recommendation to the City Council. The Hearing Examiner may recommend approval, denial, or conditional approval of the rezone request based on the record and testimony presented.

Ultimately, the decision rests with the City Council, which is discretionary. In exercising that discretion, the Council should weigh the goals and policies of the adopted Comprehensive Plan alongside the public comment record when reaching its determination.

CITY OF PORT ORCHARD
Department of Community Development
Permit Center
Office Located at 720 Prospect Street
Mailing Address: 216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • permitcenter@portorchardwa.gov

CITY OF PORT ORCHARD
NOTICE OF CLOSED-RECORD HEARING
CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON

Case No.: LU25-REZONE-01
Project Name: 1061/1083 Hull Ave Rezone

APPLICANT & PROPERTY DETAILS
Applicant: Noel Larsen, 1909 Holdings, LLC
Project Location: 1061/1083 Hull Ave. (APNs) 352401-2-015-2005, and 352401-2-018-2002

HEARING DETAILS
Hearing Body: Port Orchard City Council
Hearing Date: February 10, 2026
Hearing Time: 6:30 pm
Hearing Location: Port Orchard City Hall Council Chamber, 216 Prospect Street
or participate remotely through:
Link: https://us02web.zoom.us/j/89294675108
Zoom Meeting ID: 892 9467 5108
Zoom Call-In: 1 253 215 8782

PROJECT DESCRIPTION
Application for a site-specific rezone from Residential 2 (R2) to Residential 3 (R3).

PURPOSE OF THIS NOTICE
This notice is provided pursuant to POMC 20.24, requiring mailed notice to property owners within 300 feet of the project site and to all parties of record, and published notice in the City's newspaper of record.
The City Council will conduct a closed-record hearing to consider the Hearing Examiner's recommendation (or other review authority) for the above-referenced application.

ABOUT CLOSED-RECORD HEARINGS
Under POMC 20.22.150 and RCW 36.70B, a closed-record hearing:

- Is limited to the existing record established before the Hearing Examiner or prior review body.
- Does not allow new evidence, testimony, or factual information.
- Allows the applicant, parties of record, and City staff to present argument only based on the existing record.
- Allows the City Council to approve, deny, modify, or remand the recommendation.

Members of the public may attend, but no new testimony or evidence may be introduced.

HOW TO PARTICIPATE
Written comments may be submitted prior to the closed-record hearing only if they do not introduce new evidence.

Comment Deadline: February 10, 2026
Submit comments to:
City of Port Orchard - Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
permitcenter@portorchardwa.gov
360.874.5533

REVIEWING THE RECORD
The project file, staff report, and Hearing Examiner recommendation (if applicable) are available at:
City of Port Orchard - Department of Community Development
720 Prospect Street, Port Orchard, WA 98366
https://portorchardwa.gov/departments/community-development-department/

ACCOMMODATIONS
To request ADA accommodations, contact:
City Clerk's Office
360.876.4407
cityclerk@portorcharwa.gov
Requests should be made as early as possible.

MAILED: _____
PUBLISHED: _____ (Kitsap Sun)

RECEIVED
PERMIT CENTER
Dec 24, 2025
CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

BEFORE THE HEARING EXAMINER FOR THE CITY OF PORT ORCHARD

RE: Hull Ave Rezone Site Specific Rezone LU25-REZONE-01	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION TO CITY COUNCIL

Introduction

Noel Larsen on behalf of 1909 holdings requests approval of a site-specific rezone of 2.7 acres from Residential 2 to Residential 3 for two adjoining parcels located at 1061 and 1083 Hull Ave. It is recommended that the City Council approve the rezone.

This is a challenging rezone request. Unlike many land use permit applications where the City has no legal choice but to approve, the City likely could defend a decision to either approve or deny the requested rezone. There are several factors supporting the rezone. State and City middle housing policies weigh heavily in favor of the rezone. The City has a developer ready to add 48 multi-family units to the City's housing stock. The proposal will also be located almost directly across Hull Avenue from another 162-unit complex. The project area is buffered from sensitive R1 development by Greenbelt zoning on the east side of the rezone area. The City Engineer has determined that even at a maximum buildout of 90 dwelling units, the City can provide sufficient transportation, water and sewer infrastructure to serve that density.

Area residents are not as enthusiastic about the rezone. A petition with about 34 signatures opposes the rezone. As noted in the petition, the Hull Ave area is comprised of "*single-family homes on spacious lots*." The staff report identifies that there isn't a major difference between the uses authorized in the

R2 and R3 zones. That position is somewhat debatable[1]. More importantly, the 48-unit multi-family development planned by the Applicant is of a very different residential character from the existing single-family detached development. The rezone area is surrounded on all sides by R2 zoning except for a large R3 zoned apartment complex to the southwest and some Greenbelt zoning on the eastern side. The one positive factor for Hull Ave residents is that the lots in the Hull Ave area are largely if not almost completely developed as shown in Google Aerial photographs, Ex. 35. This should serve to slow down any further encroachment of R3 multi-family development into the area.

The petition against the rezone asserts that the proposed upzone is contrary to the comprehensive plan because the contemplated multifamily development is not compatible with the existing single-family development. The comprehensive plan does have policies that encourage compatibility of use[2]. However, the most specific of those policies encourages middle housing "*in low density residential neighborhoods*" to increase home ownership and rental housing options. See Policy HS-13[3]. HS-13 qualifies its policy by stating that such zoning should be added to areas unencumbered by critical areas. The proposed rezone area is adjacent steep slopes that borders its eastern side. As noted in the Applicant's geotechnical report, Ex. 4D, the Applicant's proposed development will be 20 feet from the steep slopes at its closest point.

A factor that curiously isn't directly[4] addressed in the City's detailed rezone criteria is the availability of other areas to accommodate upzone uses. As shown in the City's zoning map, the City has several large nodes of R3 zoning that are located near commercially zoned areas. If there is still ample room to accommodate high density development in these areas, one may question the need for additional R3 zoning in the R2 neighborhood of the Hull Avenue area. Development Director Nick Bond testified that the City does have land use zoning capacity for R3 middle housing. However, the City is not making much forward progress in developing middle housing for the zero to 80% Average Median Income homeowners.

Overall, the comprehensive plan policies and state mandates encouraging middle housing are the strongest arguments for approving the rezone. Those policies expressly contemplate placing middle housing in single-family neighborhoods. Both the R3 and R2 zones share a maximum 35-foot height

[1] The R3 zone authorizes apartment complexes with no restriction as to density. The R2 zone limits density apparently for all types of housing to four dwelling units per acre.

[2] Policy CN-6 encourages balancing of compatibility, accommodating growth, promoting affordability and offering a wide range of housing types; Policy LU-1 requires that land use regulations "maintain and enhance" low density residential neighborhoods while encouraging that new development provides a mix of housing types.

[3] HS-13 provides as follows: *Expand capacity for middle housing in low-density residential neighborhoods that are unencumbered by critical areas or their buffers throughout the city to increase home ownership and rental housing options. (RCW 36. 70A. 635).*

[4] The issue is indirectly addressed in rezone criteria that require conformance to the comprehensive plan. Comprehensive Plan policies such as HS-1 require that the City ensure that its zoning has sufficient capacity to accommodate housing targets. Policy LU-42 requires the City to consider "adopting reasonable measures" to encourage more development if it is lagging in meeting its growth targets.

limits for primary buildings. The shared maximum building height limits the scale of the middle housing to compatible development when combined with the City's landscaping standards and the Greenbelt buffering along the project site's east side. Although the City has adequate land use capacity to accommodate middle housing elsewhere, those areas are not being developed for that purpose. The proposed rezone presents a timely opportunity to significantly add to the City's middle housing stock.

Testimony

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. No members of the public testified. The transcript is provided for informational purposes only as Appendix A.

Exhibits

Exhibits 1-34 of the Index to the Record were admitted into the record during the December 3, 2025 public hearing. Ex. 35 was admitted at the hearing as Google Map aerial photographs of the project site and Hull Avenue neighborhood.

FINDINGS OF FACT

Procedural:

1. Applicant. Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

2. Hearing. A hearing was held before the Hearing Examiner on the subject application at 10:00 am on December 3, 2025.

Substantive:

3. Project/Site Description. Noel Larsen on behalf of 1909 holdings requests approval of a site specific rezone of 2.7 acres from Residential 2 to Residential 3 for two parcels located at 1061 and 1083 Hull Ave.

The rezone area is currently vacant. It was previously developed with single-family homes that City records indicate were removed in 2019. The subject property is currently designated as Medium Density Residential and Greenbelt in the City of Port Orchard Comprehensive Plan and designated as Residential 2 (R2) and Greenbelt (GB) on the City of Port Orchard Zoning Map. The proposal only seeks to redesignate that portion of the property zoned R2 to R3. The remainder, zoned GB, is intended to remain unchanged.

The Applicant requests approval of a site-specific rezone application to designate the buildable area of adjacent 1.12-acre and 1.58-acre sites as R3 to accommodate the development of apartment buildings. The R2 district does not allow apartments. The proponent intends to construct 18

townhomes and one 30-unit apartment building with normal and expected infrastructure common to multifamily development and make necessary improvements to Hull Ave.

4. Surrounding Area. The project site is surrounded on all sides by single-family residences with Port Orchard Blvd adjoining to the east and unopened right of way adjoining to the south. The two parcels are highlighted with black circles in the zoning map below. The bright yellow is R2, orange is R3 and the light yellow is R1.

The subject property and surrounding area have historically been designated for single family residential use. A notable exception occurred in 1977, when the 10-acre parcel (APN# 352401-2-023-2005) southwest of the site was rezoned to allow for apartment development. That site is currently zoned R3 and is being development as the Forest Song apartment complex.

5 Adverse Impacts. Using City development standards as guide, there are no significant adverse impacts associated with the project. A SEPA[5] Determination of Non-Significance (DNS) was issued on September 18, 2025 (Exhibit 17). Potential adverse impacts can be primarily attributable to the increase in density. Importantly, the increase in density will meet City concurrency standards. It should be understood, however, that local streets are exempt from concurrency. Impacts are more specifically addressed as follows:

A. Infrastructure Capacity. The City Engineer has found adequate transportation, water and sewer capacity to serve the upzone.

The proposed rezone would increase maximum allowed density by 50% from the 4 single-family detached units per acre allowed in the R2 zone to the 6 single-family detached units

[5] "SEPA" is the State Environmental Policy Act, Chapter 43.21C RCW. A DNS is a determination that an environmental ~~impact statement is not necessary to~~ evaluate the proposal.

per acre allowed in the R3 zone. The R2 zone allows multifamily buildings containing up to four dwelling units and unlimited townhouse developments with the 4 units per acre maximum density. The R3 zone allows buildings containing up to six dwellings per acre along with unlimited density for apartment buildings. Both zones have a 35-foot height maximum. The Applicant testified that under the R2 zone he could build 75 townhome bedrooms compared to 100 bedrooms for apartments in the R3 zone[6]. Tr. 8.

The City Engineer did a capacity analysis assessing of the proposed rezone as it affects transportation, water and sewer. Ex. 16. In Ex. 16 the City Engineer concluded that the rezone "does not present capacity concerns." The impacts were based upon the maximum potential buildout of the rezone of up to 90-unit apartments as opposed to the specific development plans of the Applicant. The City Engineer found that impacts to the City's transportation system would be significant, but would not reduce level of service to intersections subject to concurrency review. It should be noted that the Hull Ave/ Port Orchard Blvd and Pottery Ave/ Tremont St. intersections are local access and exempt from concurrency. The City Engineer also determined there was adequate water and sewer capacity to serve the rezone. He acknowledged that water capacity was dependent upon additional water system improvements and that moving forward on those improvements was complicated by water rights issues.

The City Engineer's capacity analysis recognized the absence of sidewalks along Hull Ave. This was also a problem referenced by project opponents. Future development of the rezone area will be required to provide pedestrian connections to existing facilities and may include improvements to Hull Avenue and other off-site improvements. As testified by City staff, frontage sidewalk improvements to the rezone area could connect to sidewalk improvements already in place directly north of the rezone area. Tr. 5. Such a connection is likely if the Applicant develops its contemplated 48-unit development. The Forest Song development to the southwest will also be adding sidewalks to its frontage. The Applicant testified that with the Forest Song frontage improvements that sidewalks may connect all the way to downtown[7]. Tr. 8.

Project opponents also identified a blind corner on Hull Ave.. They noted that they didn't find Hull Ave safe for pedestrians. However, safety issues along the frontage of the rezone area can be mitigated during subsequent project review. Should any school bus stops be located off-site the City can require reasonable off-site improvements such as cleared shoulders to provide safe school bus access for school children.

[6] It's unclear how the Applicant is able to project 75 townhome bedrooms for 2.7 acres subject to an R2 density limit of four units per acre. It could be that the Applicant considers townhome development to not be subject to the density limitations of the R2 district. If that is the City's staff interpretation as well the staff may want to so advise the Council.

[7] Savanah Coates testified that she lives across the street from the rezone area at 1080 Hull Ave. and that she doesn't see how sidewalks on her side of the street could connect to others. Tr. 8. However, the Applicant was addressing sidewalks on the rezone side of Hull Ave. Those sidewalks could connect with a street crossing to frontage improvements to Forest Song.

B. Compatibility. Regulatory and specific site features provide for compatible development.

The requested R3 district would allow a more intense level of residential development than the current R2 designation, primarily through the inclusion of apartments and middle housing. While the intensity of development could increase, the permitted building types remain similar in form to those already allowed in R2. The development would continue to be limited to three stories in height. The rezone from R2 to R3 is a gradual increase in allowed building types with the same height requirements.

The eastern portion of the property zoned as Greenbelt is intended to protect critical areas and low-density residential can serve as a natural buffer along Port Orchard Blvd. Unopened ROW immediately south of the subject property serves as a buffer between the neighboring single-family residences zoned as R2. Additionally, landscape requirements as described in POMC 20.128.070 require built and planted treatments to buffer development between neighboring properties. Landscape requirements coupled with site planning requirements of POMC 20.127 may provide a buffer solution to the properties located adjacent to the property. The proposal is consistent with the review criteria of POMC 20.42.030(2)(f).

One factor against compatibility is that the rezone area is surrounded on all sides by R2 and greenbelt zoning with R3 zoning only located across the Sherman/Hull intersection to the southwest. The southwest corner of that intersection has a ten-acre parcel currently being developed as the Forest Song apartment complex. A couple persons testified that Forest Song is composed of hundreds of units. Tr. 11, Ex. 21A, p. 1[8]. The surrounding area is otherwise predominantly R2 zoning with detached single-family homes. However, as previously noted the height limits of the R3 zone are the same and the changes in use between the R2 and R3 are not large, which is to be expected since the comprehensive plan land use map allows both zones at the rezone area.

Concerns from project opponents include issues with construction impacts including noise, runoff and interference with traffic circulation, including emergency access. As outlined in Section 2.1B of the City's public works standards, construction traffic is regulated by the City and may require a right of way use permit. Construction runoff is regulated by the City's stormwater and land disturbance permits, Chapter 21.140 and 21.150 POMC. Construction noise is regulated by POMC 9.24.050.

C. Critical Areas. Critical areas mapping data indicates the presence geologically hazardous areas and is within 120' of a stream. These critical areas will be fully evaluated under POMC 20.162 prior to any ground disturbing activities. Any environmental impacts which

[8] Taking judicial notice of the land disturbing permit for the project, PW23-036, the Forest Song apartment appears to be currently approved for 162 units. If judicial notice is not appropriate, from the public testimony the Forest Song complex can simply be recognized as a large apartment complex.

may result from a project-specific proposal will be adequately mitigated through the Critical Areas Ordinance.

The petition against the rezone cites to loss of wildlife. There is no indication that any protected species under City regulations is located at the project site. Overall, directing high density development within urbanized areas such as Port Orchard helps protect more suitable habitat areas in rural areas from urban sprawl.

D. Drainage. A few project opponents noted that the Hull Avenue neighborhood experiences major stormwater runoff during storms. The City's stormwater regulations should address any stormwater impacts created by new development. Those standards, Chapter 20.150 POMC, include the adoption of the 2019 Edition of the Washington State Department of Ecology Stormwater Manual for Western Washington. The Manual incorporates all known, available and reasonable methods of stormwater prevention, control and treatment (AKART) that applied at the time the Manual was adopted. See RCW 90.52.040 and RCW 90.48.010. The Manual requires developers to demonstrate via detailed engineering calculations for projects of this size that off-site stormwater flows generated by the development do not exceed predevelopment, forested conditions. The standards also require stormwater treatment to ensure that water quality is not adversely affected.

6. Middle Housing Capacity. City staff testified that the City has adequate capacity to accommodate housing in the zero to 80% Area Median Income band. However, the City isn't seeing development occurring for that income range. Tr. 5.

Conclusions of Law

1. Authority. POMC 20.42.010(2) authorizes the hearing examiner to hold hearings on site specific rezones and to make recommendations to the City Council for a final decision.

2. Zoning Designation. The rezone area is currently zoned Residential (R2).

3. Review Criteria. POMC 20.42.030 governs the criteria for site-specific rezones. Applicable criteria are quoted in italics below and applied via corresponding conclusions of law.

POMC 20.42.030(1): *Generally. The following general provisions shall apply to review of all site-specific rezone applications:*

(a) There is no presumption of validity favoring the action of rezoning;

(b) The proponents of the rezone have the burden of proof to demonstrate that conditions have changed since the original zoning; and

(c) The rezone must bear a substantial relationship to the public health, safety, morals or welfare.

4. Criterion met. The criterion is met.

The requirement for changed conditions in POMC 20.42.030(1) is a key requirement of the City's rezone criteria. Washington appellate courts require that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. *See Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone implements the Comprehensive Plan, a showing that a change of circumstances has occurred is not required. *Id.* at 112. The changed circumstances requirement provides for stability in zoning designations that can be relied upon by property owners. The City's requirement for changed conditions is arguably more stringent than the judicial standard since the City's code doesn't offer comprehensive plan implementation as an alternative to establishing changed circumstances.[9]

A change in condition identified in the staff report is development of the 10-acre Forest Song apartment complex site just southwest of the project site at the southwest corner of the Sherman/Hull Ave. intersection. The site was rezoned to R3 in 1977 but is only being currently developed.

The proposal also clearly implements comprehensive plan policies that encourage middle housing and a wide diversity of housing types. *See, e.g.* Comprehensive Plan Policy LU-8 and HS-2; Housing Goal 2. As testified by Director Bond, those policies were adopted in 2024 and thus constitute a change in circumstances. Tr. 5. This change is reflected in several bills adopted by the state legislature, starting with a 2021 amendment the Growth Management Act (RCW 36.70A.070(2)) to require cities to analyze and plan for future housing across a variety of income ranges and housing unit types. More stringent requirements have been adopted since to compel more middle housing in cities and counties. *See, e.g.* RCW 36.70A.635.

Beyond the changed conditions issue, the proposal bears a substantial relationship to the public health, safety and welfare because the proposal will not create any significant adverse impacts as gauged by City development standards for the reasons identified in Finding of Fact (FOF) No. 5.

POMC 20.42.030(2)(a): *Criteria for Review. In addition to the general criteria in subsection (1) of this section, the city shall review applications for site-specific rezone applications and issue approval of said applications pursuant to the following criteria:*

> *(a) Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);*

[9] Of course, if the City's comprehensive plan policies implemented by the rezone were adopted after the current zoning, then the adoption of the policies would itself qualify as a change in circumstances. The date of the last rezone of the property is not identified in the record.

5. Criterion met. The Comprehensive Plan Land Use Map designation of the rezone area is Medium Density Residential. The R2 and R3 zones are both authorized implementing zones for that designation. Further, as detailed in the staff report, the proposal implements several comprehensive plan policies and goals because it helps achieve population targets, adds to a variety and diversity of housing types over the full range of income levels and promotes infill development.

POMC 20.42.030(2)(b): *Consistency with the purpose of the proposed zoning district;*

6. Criterion met. POMC 20.34.030 provides that the purpose of the R3 district is to accommodate a variety of residential options limited to three stories in height. The Applicant is pursuing the rezone for an apartment complex that is consistent with this purpose.

POMC 20.42.030(2)(c): *Consistency between zone criteria and area characteristics;*

7. Criterion met. The criterion is met because the rezone is found compatible with the surrounding area for the reasons identified in FOF 5B.

POMC 20.42.030(2)(d): *Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;*

8. Criterion met. The Forest Song apartment complex to the southwest arguably creates a precedent for an evolving trend towards higher density development in this portion of the City.

POMC 20.42.030(2)(e): *The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers in the more intense zone, if possible. A gradual transition between zoning categories, including height limits, is preferred;*

9. Criterion met. As noted in FOF No. 5B, the rezone area is fairly well suited for the upzone because of the Greenbelt zoning serving as a buffer to the east, unopened right of way along the southern perimeter and Forest Song apartment complex to the southwest. The height limits for both the R2 and R 3 districts are the same.

POMC 20.42.030(2)(f): *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

(i) Natural features such as topographical breaks, lakes, rivers, streams, ravines and shorelines;

(ii) Freeways, other major traffic arterials and railroad tracks;

(iii) Distinct change in street layout and block orientation;

(iv) Open space and greenspaces suitable in area to mitigate against more intense uses;

(v) Zone boundaries;

10. Criterion met. As previously noted, the Greenbelt zoning to the east serves as a moderately good buffer, especially to the much lower density R1 zoning to the east. The Greenbelt zoning on the rezone area correlates with the top of a slope, which serves as a physical buffer as contemplated in the standard quoted above.

POMC 20.42.030(2)(g): *In establishing boundaries, the following elements shall be considered:*

(i) Physical buffers as described in subsection (2)(f) of this section; and

(ii) Platted lot lines;

11. Criterion met. The Greenbelt zoning serves as an effective boundary to protect R1 development to the east.

POMC 20.42.030(2)(h): *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses;*

12. Not Applicable. There are no commercial uses involved with the proposal.

POMC 20.42.030(2)(i): *Impact Evaluation. The evaluation of the changes that would result from approval of the application shall consider the possible negative and positive impacts on the affected area and its surroundings. Factors to be examined include, but are not limited to, the following:*

(i) Housing;
(ii) Public services;
(iii) Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows and energy conservation;
(iv) Pedestrian safety;
(v) Manufacturing activity;
(vi) Employment activity;
(vii) Character of areas recognized for architectural or historic value;
(viii) Shoreline view, public access and recreation;
(ix) Service Capacities. Development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including: street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity; shoreline navigation;

(x) Population and employment allocations as established through the countywide planning policies;

(xi) Changed Circumstances. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in the zoning code;

(xii) Critical Areas. If the area is located in or adjacent to a critical area, the effect of the rezone on the critical area shall be considered.

13. Criterion met. Pertinent factors quoted above are all addressed in FOF No. 5.

Universal Permitting Criteria

POMC 20.24.100: *The criteria set forth below shall apply to all Type I through IV land use and development permit applications:*

(1) *Determination of Consistency. The applications are reviewed by the city to determine consistency between the proposed project and the applicable land use and development regulations and the comprehensive plan. A proposed project's consistency with the city's land use and development regulations shall be determined by consideration of:*

(a) *The type of land use;*
(b) *The level of development, such as units per acre or other measures of density;*
(c) *Availability of infrastructure, including public facilities and services needed to serve the development; and*
(d) *The character of the development, such as development standards.*

(2) *Upon review of an application, the decision-maker shall also determine whether the building and/or site design complies with the following provisions:*

(a) *The comprehensive plan;*
(b) *The applicable provisions of this title;*
(c) *The Washington State Environmental Policy Act (SEPA), pursuant to Chapter 20.160 POMC, if not otherwise satisfied;*
(d) *The city's public works design standards.*

(3) *Additional Review Criteria. Additional review criteria appear in each chapter or section of the POMC relating to the development regulations for an individual project permit application or other approval. All of the criteria in this section and the criteria relating to the individual application(s) must be satisfied in order for the city to make a determination of consistency and issue an approval.*

(4) *Limitations on Review. During project review, the city shall not reexamine alternatives to or hear appeals on the review requirements of this section except for issues of code interpretation.*

(5) *Burden of Proof. The burden of proof for demonstrating that the application is consistent with the applicable regulations is on the Applicant.*

10. Criterion met. The criterion is met. The Applicant has demonstrated conformance to the comprehensive plan, adequacy of infrastructure and compatibility with surrounding development as previously discussed. The proposal conforms to SEPA requirements since the City issued a DNS in conformance with SEPA standards.

RECOMMENDATION

It is recommended that the City Council approve the requested rezone from R2 to R3 as recommended by City planning staff.

DATED this 24th day of December 2025.

Phil Olbrechts
Hearing Examiner for Port Orchard

From: Jackie Krukoff
To: Jim Fisk
Subject: FW: Revised Hull Ave Rezone
Date: Thursday, January 8, 2026 7:24:41 AM
Attachments: Rezone -- Hull Ave -- LU25-REZONE-01 .pdf

FYI

From: Phil Olbrechts <olbrechtslaw@gmail.com>
Sent: Wednesday, January 07, 2026 10:37 AM
To: Jackie Krukoff <jkrukoff@portorchardwa.gov>; Nick Bond <nbond@portorchardwa.gov>
Subject: Revised Hull Ave Rezone

Revised recommendation attached. This is the first time in my 30 years working with four dozen jurisdictions that I've seen a density set as units/lot. That's a highly creative and innovative way to maximize middle housing as encouraged by the legislature. I suspect I'll be seeing more of this new standard. Converting from units/acre to unit/lot made my language fairly confusing so I took a stab at rewriting it to make it more clear. That language is the paragraph split between pages and four. If I've still managed to misrepresent the new middle housing language let me know. I added a footnote at the signature line disclosing the request for revision. Normally any such request would trigger public comment. However to keep his moving along and because the request doesn't involve any contested issue I just dealt with it as a disclosure.

On Tue, Jan 6, 2026 at 1:52 PM Jackie Krukoff <jkrukoff@portorchardwa.gov> wrote:

> Thank you so much!
>
> **From:** Phil Olbrechts <olbrechtslaw@gmail.com>
> **Sent:** Tuesday, January 06, 2026 10:51 AM
> **To:** Jackie Krukoff <jkrukoff@portorchardwa.gov>
> **Subject:** McCormick
>
> Here's another one for you!
>
> On Tue, Jan 6, 2026 at 1:15 PM Jackie Krukoff <jkrukoff@portorchardwa.gov> wrote:
>
> > Oooooh nice!! Best place to be right now. Thank you so much.
> >
> > **From:** Phil Olbrechts <olbrechtslaw@gmail.com>
> > **Sent:** Tuesday, January 06, 2026 10:15 AM
> > **To:** Jackie Krukoff <jkrukoff@portorchardwa.gov>
> > **Subject:** Re: Request to Hearing Examiner for revisions to Recommendation for the LU25-Rezone-01 Hull Ave Rezone

Sounds good. I'm on vacation and the sun is very tempting in MIami but will try to get it out by tomorrow morning.

On Tue, Jan 6, 2026 at 1:13 PM Jackie Krukoff <jkrukoff@portorchardwa.gov> wrote:

> Jim said: As soon as possible. Thursday at the latest to ensure we can make the January 13 City Council meeting.
>
> **From:** Phil Olbrechts <olbrechtslaw@gmail.com>
> **Sent:** Tuesday, January 06, 2026 10:10 AM
> **To:** Jackie Krukoff <jkrukoff@portorchardwa.gov>
> **Subject:** Re: Request to Hearing Examiner for revisions to Recommendation for the LU25-Rezone-01 Hull Ave Rezone
>
> THank you. Looks like a very straightforward revision that doesn't need to be distributed for public comment. When do you need it done by?
>
> On Tue, Jan 6, 2026 at 12:16 PM Jackie Krukoff <jkrukoff@portorchardwa.gov> wrote:
>
> > Hello,
> >
> > Please see the attached request for revisions for the LU25-Rezone-01 Hull Ave Rezone.
> > Kind Regards,
> > Jackie Krukoff
> > Planning Permit Clerk
> > **City of Port Orchard**
> > Office Located at 720 Prospect St.
> > 360-874-5533 ext 130
> > *jkrukoff@portorchardwa.gov*.
> > Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

CITY OF PORT ORCHARD
Department of Community Development
Office Located at 720 Prospect Street
Mailing Address: 216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • planning@portorchardwa.gov

January 6, 2025

Phil Olbrechts
Olbrechts and Associates, PLLC
720 N. 10th St., A #297
Renton, WA 98057

Re: Hearing Examiner Recommendation LU25-REZONE-01 Revisions

Mr. Olbrechts,

The City of Port Orchard Department of Community Development (DCD) has reviewed your Recommendation dated December 24, 2025, regarding LU25-REZONE-01 for the properties located at 1061 and 1083 Hull Avenue, which proposes redesignation from Residential 2 (R2) to Residential 3 (R3). Following this review, DCD has identified the need for revisions to the Recommendation to ensure accuracy in the description and calculation of unit density.

On pages 4 and 5, the Recommendation describes density as being calculated on a per-acre basis. However, Port Orchard Municipal Code (POMC) 20.12 defines "unit density" as the number of dwelling units permitted on a *lot* or *parent lot*. This definition differs from the acreage-based approach described in the Recommendation.

Further, POMC 20.34.020 (Residential 2) establishes a maximum density of four dwelling units per lot. This maximum applies collectively to single-family homes, middle-housing building types, and accessory dwelling units. Any lot of at least 5,000 square feet may therefore accommodate up to four dwelling units in any combination of permitted building types within the R2 district. For example, four detached houses, a fourplex, or a mix of allowed building types may be developed so long as the four-unit maximum per lot is not exceeded.

The Recommendation states that the R2 district allows four units per acre. When density is correctly applied on a per-lot basis, however, the potential sitewide density is significantly higher. Using the Recommendation's acreage-based calculation, a 2.7-acre R2-zoned site would yield a maximum of 10.87 dwelling units. In contrast, the subject site currently consists of two lots and may therefore support up to eight dwelling units under existing zoning. If subdivided into lots of at least 5,000 square feet, each resulting lot could support four dwelling units. Under this scenario, a 2.7-acre site could theoretically accommodate approximately 94 dwelling units.

If the Residential 2 unit-per-lot standard were converted to an acreage-based density limit, the calculation would first determine how many lots fit within one acre and then apply the allowed units per lot. Residential 2 requires a minimum lot size of 5,000 square feet for lots accessed by a primary street and permits four dwelling units per lot. One acre contains 43,560 square feet; therefore:

- 43,560 ÷ 5,000 = 8.712 lots per acre
- 8.712 lots × 4 units per lot = 34.848 dwelling units per acre

This demonstrates that applying the unit-per-lot standard as an acreage-based density limit produces a significantly higher density than assumed in the Hearing Examiner's Recommendation.

To ensure the City Council's review is based on accurate information, DCD respectfully requests the following revisions:

- **Page 5, Lines 24-25:** Replace "acre" with "lot" and replace "single-family detached" with "dwelling."
- **Page 6, Lines 1-3:** Replace "acre" with "lot"; replace "multifamily buildings" with "detached houses and/or middle housing building types"; and replace "buildings containing" with "detached houses and/or middle housing building types."

These requested edits are shown in detail in the track-change language below. Additionally, DCD notes that Page 6, Footnote 6 may be revised at the Hearing Examiner's discretion for consistency with the issues described in this letter, or omitted entirely.

A. Infrastructure Capacity. The City Engineer has found adequate transportation, water and sewer capacity to serve the upzone.

The proposed rezone would increase maximum allowed density by 50% from the 4 ~~single-family detached~~dwelling units per ~~acre~~ lot allowed in the R2 zone to the 6 ~~single-family detached~~dwelling units per ~~acre~~ lot allowed in the R3 zone. The R2 zone allows detached houses and/or middle housing building types ~~multifamily buildings~~ containing up to four dwelling units and unlimited townhouse developments with the 4 units per ~~acre~~ lot maximum density. The R3 zone allows detached houses and/or middle housing building types ~~buildings containing~~ up to six dwellings per ~~acre~~ lot along with unlimited density for apartment buildings. Both zones have a 35-foot height maximum. The Applicant testified that under the R2 zone he could build 75 townhome bedrooms compared to 100 bedrooms for apartments in the R3 zone 6. Tr. 8.

[6] It's unclear how the Applicant is able to project 75 townhome bedrooms for 2.7 acres subject to an R2 density limit of four units per acre. It could be that the Applicant considers townhome development to not be subject to the density limitations of the R2 district. If that is the City's staff interpretation as well the staff may want to so advise the Council.

We appreciate your attention to these clarifications and your continued collaboration in ensuring the accuracy of the Recommendation. Please feel free to contact DCD should further information be needed.

Sincerely,

Nicholas Bond

Nick Bond, AICP
Department of Community Development Director

RECEIVED
PERMIT CENTER
Jan 07, 2026
CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

BEFORE THE HEARING EXAMINER FOR THE CITY OF PORT ORCHARD

RE: Hull Ave Rezone Site Specific Rezone LU25-REZONE-01	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION TO CITY COUNCIL

Introduction

Noel Larsen on behalf of 1909 holdings requests approval of a site-specific rezone of 2.7 acres from Residential 2 to Residential 3 for two adjoining parcels located at 1061 and 1083 Hull Ave. It is recommended that the City Council approve the rezone.

This is a challenging rezone request. Unlike many land use permit applications where the City has no legal choice but to approve, the City likely could defend a decision to either approve or deny the requested rezone. There are several factors supporting the rezone. State and City middle housing policies weigh heavily in favor of the rezone. The City has a developer ready to add 48 multi-family units to the City's housing stock. The proposal will also be located almost directly across Hull Avenue from another 162-unit complex. The project area is buffered from sensitive R1 development by Greenbelt zoning on the east side of the rezone area. The City Engineer has determined that even at a maximum buildout of 90 dwelling units, the City can provide sufficient transportation, water and sewer infrastructure to serve that density.

Area residents are not as enthusiastic about the rezone. A petition with about 34 signatures opposes the rezone. As noted in the petition, the Hull Ave area is comprised of "*single-family homes on spacious lots*." The staff report identifies that there isn't a major difference between the uses authorized in the

R2 and R3 zones. That position is somewhat debatable[1]. More importantly, the 48-unit multi-family development planned by the Applicant is of a very different residential character from the existing single-family detached development. The rezone area is surrounded on all sides by R2 zoning except for a large R3 zoned apartment complex to the southwest and some Greenbelt zoning on the eastern side. The one positive factor for Hull Ave residents is that the lots in the Hull Ave area are largely if not almost completely developed as shown in Google Aerial photographs, Ex. 35. This should serve to slow down any further encroachment of R3 multi-family development into the area.

The petition against the rezone asserts that the proposed upzone is contrary to the comprehensive plan because the contemplated multifamily development is not compatible with the existing single-family development. The comprehensive plan does have policies that encourage compatibility of use[2]. However, the most specific of those policies encourages middle housing "*in low density residential neighborhoods*" to increase home ownership and rental housing options. See Policy HS-13[3]. HS-13 qualifies its policy by stating that such zoning should be added to areas unencumbered by critical areas. The proposed rezone area is adjacent steep slopes that borders its eastern side. As noted in the Applicant's geotechnical report, Ex. 4D, the Applicant's proposed development will be 20 feet from the steep slopes at its closest point.

A factor that curiously isn't directly[4] addressed in the City's detailed rezone criteria is the availability of other areas to accommodate upzone uses. As shown in the City's zoning map, the City has several large nodes of R3 zoning that are located near commercially zoned areas. If there is still ample room to accommodate high density development in these areas, one may question the need for additional R3 zoning in the R2 neighborhood of the Hull Avenue area. Development Director Nick Bond testified that the City does have land use zoning capacity for R3 middle housing. However, the City is not making much forward progress in developing middle housing for the zero to 80% Average Median Income homeowners.

Overall, the comprehensive plan policies and state mandates encouraging middle housing are the strongest arguments for approving the rezone. Those policies expressly contemplate placing middle housing in single-family neighborhoods. Both the R3 and R2 zones share a maximum 35-foot height

[1] The R3 zone authorizes apartment complexes with no restriction as to density. The R2 zone limits density apparently for all types of housing to four dwelling units per lot.

[2] Policy CN-6 encourages balancing of compatibility, accommodating growth, promoting affordability and offering a wide range of housing types; Policy LU-1 requires that land use regulations "maintain and enhance" low density residential neighborhoods while encouraging that new development provides a mix of housing types.

[3] HS-13 provides as follows: *Expand capacity for middle housing in low-density residential neighborhoods that are unencumbered by critical areas or their buffers throughout the city to increase home ownership and rental housing options. (RCW 36. 70A. 635).*

[4] The issue is indirectly addressed in rezone criteria that require conformance to the comprehensive plan. Comprehensive Plan policies such as HS-1 require that the City ensure that its zoning has sufficient capacity to accommodate housing targets. Policy LU-42 requires the City to consider "adopting reasonable measures" to encourage more development if it is lagging in meeting its growth targets.

limits for primary buildings. The shared maximum building height limits the scale of the middle housing to compatible development when combined with the City's landscaping standards and the Greenbelt buffering along the project site's east side. Although the City has adequate land use capacity to accommodate middle housing elsewhere, those areas are not being developed for that purpose. The proposed rezone presents a timely opportunity to significantly add to the City's middle housing stock.

Testimony

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. No members of the public testified. The transcript is provided for informational purposes only as Appendix A.

Exhibits

Exhibits 1-34 of the Index to the Record were admitted into the record during the December 3, 2025 public hearing. Ex. 35 was admitted at the hearing as Google Map aerial photographs of the project site and Hull Avenue neighborhood.

FINDINGS OF FACT

Procedural:

1. Applicant. Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

2. Hearing. A hearing was held before the Hearing Examiner on the subject application at 10:00 am on March 21, 2024.

Substantive:

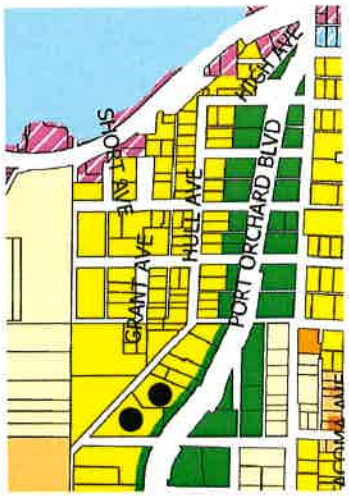
3. Project/Site Description. Noel Larsen on behalf of 1909 holdings requests approval of a site specific rezone of 2.7 acres from Residential 2 to Residential 3 for two parcels located at 1061 and 1083 Hull Ave.

The rezone area is currently vacant. It was previously developed with single-family homes that City records indicate were removed in 2019. The subject property is currently designated as Medium Density Residential and Greenbelt in the City of Port Orchard Comprehensive Plan and designated as Residential 2 (R2) and Greenbelt (GB) on the City of Port Orchard Zoning Map. The proposal only seeks to redesignate that portion of the property zoned R2 to R3. The remainder, zoned GB, is intended to remain unchanged.

The Applicant requests approval of a site-specific rezone application to designate the buildable area of adjacent 1.12-acre and 1.58-acre sites as R3 to accommodate the development of apartment buildings. The R2 district does not allow apartments. The proponent intends to construct 18

townhomes and one 30-unit apartment building with normal and expected infrastructure common to multifamily development and make necessary improvements to Hull Ave.

4. Surrounding Area. The project site is surrounded on all sides by single-family residences with Port Orchard Blvd adjoining to the east and unopened right of way adjoining to the south. The two parcels are highlighted with black circles in the zoning map below. The bright yellow is R2, orange is R3 and the light yellow is R1.



The subject property and surrounding area have historically been designated for single family residential use. A notable exception occurred in 1977, when the 10-acre parcel (APN# 352401-2-023-2005) southwest of the site was rezoned to allow for apartment development. That site is currently zoned R3 and is being development as the Forest Song apartment complex.

5 Adverse Impacts. Using City development standards as guide, there are no significant adverse impacts associated with the project. A SEPA[5] Determination of Non-Significance (DNS) was issued on September 18, 2025 (Exhibit 17). Potential adverse impacts can be primarily attributable to the increase in density. Importantly, the increase in density will meet City concurrency standards. It should be understood, however, that local streets are exempt from concurrency. Impacts are more specifically addressed as follows:

A. Infrastructure Capacity. The City Engineer has found adequate transportation, water and sewer capacity to serve the upzone.

The proposed rezone would increase maximum allowed density by 50% from the 4 dwelling units per lot allowed in the R2 zone to the 6 dwelling units per lot allowed in the

[5] "SEPA" is the State Environmental Policy Act, Chapter 43.21C RCW. A DNS is a determination that an environmental ~~impact statement is not necessary to~~ evaluate the proposal.

R3 zone. As to residential building types, the R2 zone allows (1) detached single-family homes, and (2) middle housing building types containing up to four dwelling units per lot and building. The R3 zone allows (1) detached single-family homes, (2) middle housing building types up to six dwellings per lot and building, and (3) apartment developments with unrestricted density and units per building. Those apartments are not permitted in the R@ zone. Both zones have a 35-foot height maximum. The Applicant testified that under the R2 zone he could build 75 townhome bedrooms compared to 100 bedrooms for apartments in the R3 zone. Tr. 8.

The City Engineer did a capacity analysis assessing the proposed rezone as it affects transportation, water and sewer. Ex. 16. In Ex. 16 the City Engineer concluded that the rezone "does not present capacity concerns." The impacts were based upon the maximum potential buildout of the rezone of up to 90-unit apartments as opposed to the specific development plans of the Applicant. The City Engineer found that impacts to the City's transportation system would be significant, but would not reduce level of service to intersections subject to concurrency review. It should be noted that the Hull Ave/ Port Orchard Blvd and Pottery Ave/ Tremont St. intersections are local access and exempt from concurrency. The City Engineer also determined there was adequate water and sewer capacity to serve the rezone. He acknowledged that water capacity was dependent upon additional water system improvements and that moving forward on those improvements was complicated by water rights issues.

The City Engineer's capacity analysis recognized the absence of sidewalks along Hull Ave. This was also a problem referenced by project opponents. Future development of the rezone area will be required to provide pedestrian connections to existing facilities and may include improvements to Hull Avenue and other off-site improvements. As testified by City staff, frontage sidewalk improvements to the rezone area could connect to sidewalk improvements already in place directly north of the rezone area. Tr. 5. Such a connection is likely if the Applicant develops its contemplated 48-unit development. The Forest Song development to the southwest will also be adding sidewalks to its frontage. The Applicant testified that with the Forest Song frontage improvements that sidewalks may connect all the way to downtown[6]. Tr. 8.

Project opponents also identified a blind corner on Hull Ave.. They noted that they didn't find Hull Ave safe for pedestrians. However, safety issues along the frontage of the rezone area can be mitigated during subsequent project review. Should any school bus stops be located off-site the City can require reasonable off-site improvements such as cleared shoulders to provide safe school bus access for school children.

B. Compatibility. Regulatory and specific site features provide for compatible development.

[6] Savanah Coates testified that she lives across the street from the rezone area at 1080 Hull Ave. and that she doesn't see how sidewalks on her side of the street could connect to others. Tr. 8. However, the Applicant was addressing sidewalks on the rezone side of Hull Ave. Those sidewalks could connect with a street crossing to frontage improvements to Forest Song.

The requested R3 district would allow a more intense level of residential development than the current R2 designation, primarily through the inclusion of apartments and middle housing. While the intensity of development could increase, the permitted building types remain similar in form to those already allowed in R2. The development would continue to be limited to three stories in height. The rezone from R2 to R3 is a gradual increase in allowed building types with the same height requirements.

The eastern portion of the property zoned as Greenbelt is intended to protect critical areas and low-density residential can serve as a natural buffer along Port Orchard Blvd. Unopened ROW immediately south of the subject property serves as a buffer between the neighboring single-family residences zoned as R2. Additionally, landscape requirements as described in POMC 20.128.070 require built and planted treatments to buffer development between neighboring properties. Landscape requirements coupled with site planning requirements of POMC 20.127 may provide a buffer solution to the properties located adjacent to the property. The proposal is consistent with the review criteria of POMC 20.42.030(2)(f).

One factor against compatibility is that the rezone area is surrounded on all sides by R2 and greenbelt zoning with R3 zoning only located across the Sherman/Hull intersection to the southwest. The southwest corner of that intersection has a ten-acre parcel currently being developed as the Forest Song apartment complex. A couple persons testified that Forest Song is composed of hundreds of units. Tr. 11, Ex. 21A, p. 1[7]. The surrounding area is otherwise predominantly R2 zoning with detached single-family homes. However, as previously noted the height limits of the R3 zone are the same and the changes in use between the R2 and R3 are not large, which is to be expected since the comprehensive plan land use map allows both zones at the rezone area.

Concerns from project opponents include issues with construction impacts including noise, runoff and interference with traffic circulation, including emergency access. As outlined in Section 2.1B of the City's public works standards, construction traffic is regulated by the City and may require a right of way use permit. Construction runoff is regulated by the City's stormwater and land disturbance permits, Chapter 21.140 and 21.150 POMC. Construction noise is regulated by POMC 9.24.050.

C. Critical Areas. Critical areas mapping data indicates the presence geologically hazardous areas and is within 120' of a stream. These critical areas will be fully evaluated under POMC 20.162 prior to any ground disturbing activities. Any environmental impacts which may result from a project-specific proposal will be adequately mitigated through the Critical Areas Ordinance.

[7] Taking judicial notice of the land disturbing permit for the project, PW23-036, the Forest Song apartment appears to be currently approved for 162 units. If judicial notice is not appropriate, from the public testimony the Forest Song complex can simply be recognized as a large apartment complex.

The petition against the rezone cites to loss of wildlife. There is no indication that any protected species under City regulations is located at the project site. Overall, directing high density development within urbanized areas such as Port Orchard helps protect more suitable habitat areas in rural areas from urban sprawl.

D. Drainage. A few project opponents noted that the Hull Avenue neighborhood experiences major stormwater runoff during storms. The City's stormwater regulations should address any stormwater impacts created by new development. Those standards, Chapter 20.150 POMC, include the adoption of the 2019 Edition of the Washington State Department of Ecology Stormwater Manual for Western Washington. The Manual incorporates all known, available and reasonable methods of stormwater prevention, control and treatment (AKART) that applied at the time the Manual was adopted. See RCW 90.52.040 and RCW 90.48.010. The Manual requires developers to demonstrate via detailed engineering calculations for projects of this size that off-site stormwater flows generated by the development do not exceed predevelopment, forested conditions. The standards also require stormwater treatment to ensure that water quality is not adversely affected.

6. Middle Housing Capacity. City staff testified that the City has adequate capacity to accommodate housing in the zero to 80% Area Median Income band. However, the City isn't seeing development occurring for that income range. Tr. 5.

Conclusions of Law

1. Authority. POMC 20.42.010(2) authorizes the hearing examiner to hold hearings on site specific rezones and to make recommendations to the City Council for a final decision.

2. Zoning Designation. The rezone area is currently zoned Residential (R2).

3. Review Criteria. POMC 20.42.030 governs the criteria for site-specific rezones. Applicable criteria are quoted in italics below and applied via corresponding conclusions of law.

POMC 20.42.030(1): *Generally. The following general provisions shall apply to review of all site-specific rezone applications:*

(a) There is no presumption of validity favoring the action of rezoning;

(b) The proponents of the rezone have the burden of proof to demonstrate that conditions have changed since the original zoning; and

(c) The rezone must bear a substantial relationship to the public health, safety, morals or welfare.

4. Criterion met. The criterion is met.

The requirement for changed conditions in POMC 20.42.030(1) is a key requirement of the City's rezone criteria. Washington appellate courts require that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. *See Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone implements the Comprehensive Plan, a showing that a change of circumstances has occurred is not required. *Id.* at 112. The changed circumstances requirement provides for stability in zoning designations that can be relied upon by property owners. The City's requirement for changed conditions is arguably more stringent than the judicial standard since the City's code doesn't offer comprehensive plan implementation as an alternative to establishing changed circumstances.[8]

A change in condition identified in the staff report is development of the 10-acre Forest Song apartment complex site just southwest of the project site at the southwest corner of the Sherman/Hull Ave. intersection. The site was rezoned to R3 in 1977 but is only being currently developed.

The proposal also clearly implements comprehensive plan policies that encourage middle housing and a wide diversity of housing types. *See, e.g.* Comprehensive Plan Policy LU-8 and HS-2; Housing Goal 2. As testified by Director Bond, those policies were adopted in 2024 and thus constitute a change in circumstances. Tr. 5. This change is reflected in several bills adopted by the state legislature, starting with a 2021 amendment the Growth Management Act (RCW 36.70A.070(2)) to require cities to analyze and plan for future housing across a variety of income ranges and housing unit types. More stringent requirements have been adopted since to compel more middle housing in cities and counties. *See, e.g.* RCW 36.70A.635.

Beyond the changed conditions issue, the proposal bears a substantial relationship to the public health, safety and welfare because the proposal will not create any significant adverse impacts as gauged by City development standards for the reasons identified in Finding of Fact (FOF) No. 5.

POMC 20.42.030(2)(a): *Criteria for Review. In addition to the general criteria in subsection (1) of this section, the city shall review applications for site-specific rezone applications and issue approval of said applications pursuant to the following criteria:*

> *(a) Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);*

5. Criterion met. The Comprehensive Plan Land Use Map designation of the rezone area is Medium Density Residential. The R2 and R3 zones are both authorized implementing zones for that designation. Further, as detailed in the staff report, the proposal implements several comprehensive

[8] Of course, if the City's comprehensive plan policies implemented by the rezone were adopted after the current zoning, then the adoption of the policies would itself qualify as a change in circumstances. The date of the last rezone of the property is not identified in the record.

plan policies and goals because it helps achieve population targets, adds to a variety and diversity of housing types over the full range of income levels and promotes infill development.

POMC 20.42.030(2)(b): *Consistency with the purpose of the proposed zoning district;*

6. Criterion met. POMC 20.34.030 provides that the purpose of the R3 district is to accommodate a variety of residential options limited to three stories in height. The Applicant is pursuing the rezone for an apartment complex that is consistent with this purpose.

POMC 20.42.030(2)(c): *Consistency between zone criteria and area characteristics;*

7. Criterion met. The criterion is met because the rezone is found compatible with the surrounding area for the reasons identified in FOF 5B.

POMC 20.42.030(2)(d): *Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;*

8. Criterion met. The Forest Song apartment complex to the southwest arguably creates a precedent for an evolving trend towards higher density development in this portion of the City.

POMC 20.42.030(2)(e): *The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers in the more intense zone, if possible. A gradual transition between zoning categories, including height limits, is preferred;*

9. Criterion met. As noted in FOF No. 5B, the rezone area is fairly well suited for the upzone because of the Greenbelt zoning serving as a buffer to the east, unopened right of way along the southern perimeter and Forest Song apartment complex to the southwest. The height limits for both the R2 and R 3 districts are the same.

POMC 20.42.030(2)(f): *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

(i) Natural features such as topographical breaks, lakes, rivers, streams, ravines and shorelines;

(ii) Freeways, other major traffic arterials and railroad tracks;

(iii) Distinct change in street layout and block orientation;

(iv) Open space and greenspaces suitable in area to mitigate against more intense uses;

(v) Zone boundaries;

10. Criterion met. As previously noted, the Greenbelt zoning to the east serves as a moderately good buffer, especially to the much lower density R1 zoning to the east. The Greenbelt zoning on the rezone area correlates with the top of a slope, which serves as a physical buffer as contemplated in the standard quoted above.

POMC 20.42.030(2)(g): *In establishing boundaries, the following elements shall be considered:*

(i) Physical buffers as described in subsection (2)(f) of this section; and

(ii) Platted lot lines;

11. Criterion met. The Greenbelt zoning serves as an effective boundary to protect R1 development to the east.

POMC 20.42.030(2)(h): *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses;*

12. Not Applicable. There are no commercial uses involved with the proposal.

POMC 20.42.030(2)(i): *Impact Evaluation. The evaluation of the changes that would result from approval of the application shall consider the possible negative and positive impacts on the affected area and its surroundings. Factors to be examined include, but are not limited to, the following:*

(i) Housing;
(ii) Public services;
(iii) Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows and energy conservation;
(iv) Pedestrian safety;
(v) Manufacturing activity;
(vi) Employment activity;
(vii) Character of areas recognized for architectural or historic value;
(viii) Shoreline view, public access and recreation;
(ix) Service Capacities. Development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including: street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity; shoreline navigation;
(x) Population and employment allocations as established through the countywide planning policies;

(xi) Changed Circumstances. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in the zoning code;

(xii) Critical Areas. If the area is located in or adjacent to a critical area, the effect of the rezone on the critical area shall be considered.

13. Criterion met. Pertinent factors quoted above are all addressed in FOF No. 5.

Universal Permitting Criteria

POMC 20.24.100: *The criteria set forth below shall apply to all Type I through IV land use and development permit applications:*

(1) *Determination of Consistency. The applications are reviewed by the city to determine consistency between the proposed project and the applicable land use and development regulations and the comprehensive plan. A proposed project's consistency with the city's land use and development regulations shall be determined by consideration of:*

(a) *The type of land use;*

(b) *The level of development, such as units per acre or other measures of density;*

(c) *Availability of infrastructure, including public facilities and services needed to serve the development; and*

(d) *The character of the development, such as development standards.*

(2) *Upon review of an application, the decision-maker shall also determine whether the building and/or site design complies with the following provisions:*

(a) *The comprehensive plan;*

(b) *The applicable provisions of this title;*

(c) *The Washington State Environmental Policy Act (SEPA), pursuant to Chapter 20.160 POMC, if not otherwise satisfied;*

(d) *The city's public works design standards.*

(3) *Additional Review Criteria. Additional review criteria appear in each chapter or section of the POMC relating to the development regulations for an individual project permit application or other approval. All of the criteria in this section and the criteria relating to the individual application(s) must be satisfied in order for the city to make a determination of consistency and issue an approval.*

(4) *Limitations on Review. During project review, the city shall not reexamine alternatives to or hear appeals on the review requirements of this section except for issues of code interpretation.*

(5) *Burden of Proof. The burden of proof for demonstrating that the application is consistent with the applicable regulations is on the Applicant.*

10. Criterion met. The criterion is met. The Applicant has demonstrated conformance to the comprehensive plan, adequacy of infrastructure and compatibility with surrounding development as

previously discussed. The proposal conforms to SEPA requirements since the City issued a DNS in conformance with SEPA standards.

RECOMMENDATION

It is recommended that the City Council approve the requested rezone from R2 to R3 as recommended by City planning staff.

DATED this 7th day of January 2025[9].

Phil Olbrechts
Hearing Examiner for Port Orchard

[9] This recommendation was originally issued on December 24, 2025. The City requested a revision on January 6, 2025 on the basis that the Examiner's recommendation was based upon the understanding that the City's density standards are based upon the standard dwelling units/acre as opposed to the highly unique and innovative standard of units/lot. Since this issue was not contested by any project opponents and was clear error by the examiner, this recommendation was revised without requesting additional public comment.

From: Phil Olbrechts
To: Jim Fisk
Cc: Planning Mailbox; Nick Bond
Subject: Re: FW: Revised Hearing Examiner Recommendation for the LU25-Rezone-01 Hull Ave Rezone
Date: Thursday, February 5, 2026 10:18:58 AM
Attachments: Rezone -- Hull Ave -- LU25-REZONE-01 .pdf

Corrections attached. Thanks for the opportunity to correct.

On Thu, Feb 5, 2026 at 8:50 AM Jim Fisk <jfisk@portorchardwa.gov> wrote:

> Mr. Olbrechts,
>
> We are preparing for a closed-record hearing before with the City Council next week. In preparation for the hearing, we've identified a few scrivener's errors that we hope you can address and return a corrected version today. Corrections as follows:
>
> - Pg 3 of 12: Procedural: 2 – Correct hearing date is December 3, 2026
> - Pg 12 of 12: Recommendation date should be "7th day of January **2026**"
> - Pg 12 of 12: Footnote 9 – The City requested a revision on January 6, **2026**
>
> We appreciate your prompt attention to this.
>
> Thanks in advance,
>
> Jim
>
> **James C. Fisk, AICP, CNU-A**
>
> Principal Planner
>
> City of Port Orchard
>
> 216 Prospect St
>
> Port Orchard, WA 98366
>
> 360.874.5533
>
> Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

From: Jackie Krukoff <jkrukoff@portorchardwa.gov>
Sent: Thursday, January 8, 2026 10:21 AM
To: Permit Center <permitcenter@portorchardwa.gov>
Subject: Revised Hearing Examiner Recommendation for the LU25-Rezone-01 Hull Ave Rezone

Good morning,

Please see the attached revised Hearing Examiner recommendation for the LU25-Rezone-01 Hull Ave Rezone.

Kind Regards,

Jackie Krukoff
Planning Permit Clerk
City of Port Orchard
Office Located at 720 Prospect St.
360-874-5533 ext 130
jkrukoff@portorchardwa.gov.

Please make official submittals to the Permit Center at permitcenter@portorchardwa.gov to ensure maintenance of an accurate Record.

CITY OF PORT ORCHARD
Department of Community Development
216 Prospect Street, Port Orchard, WA 98366
Phone: (360) 874-5533 • Fax: (360) 876-4980
planning@portorchardwa.gov
www.portorchardwa.gov

Staff Report and Recommendation to the Hearing Examiner

Hearing Date: December 3, 2025 10:00AM

Subject: Site-Specific Rezone, LU25-REZONE-01

Prepared by Connor Dahlquist, Associate Planner

This Staff Report and Recommendation to the Hearing Examiner is dated November 25, 2025 and based on information available until the time the report was prepared. New information relevant to review of the application may become available prior to the hearing or at the hearing itself. Staff reserves the right to update this report and recommendation based on new information provided.

GENERAL INFORMATION

Applicant's name and address:
Noel Larson
1909 Holdings LLC
2612 Burwell St.
Bremerton, WA 98312

Permit Request: Site-Specific Rezone (LU25-REZONE-01)

Location of proposal: The subject property is currently unaddressed and comprised of two tax parcels identified as Assessor Parcel Numbers 352401-2-015-2005 and 352401-2-018-2002, at the transition of Hull Ave to Sherman Ave.

The two parcels of the proposed project are legally described as:

Parcel 1: THAT PORTION OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., LYING BETWEEN THE EAST MARGIN OF HULL STREET AND THE WEST MARGIN OF PORT ORCHARD BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M.; THENCE NORTH 89*56'46 WEST ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 570.76 FEET; THENCE SOUTH 43*48'14 WEST ALONG THE EAST MARGIN OF HULL STREET, AS SHOWN ON SURVEY BY THOMAS C. BREITENSTEIN, LAND SURVEYOR, DATED JUNE 30, 1941, A DISTANCE OF 404.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 43*48'14 WEST ALONG SAID EAST MARGIN OF HULL STREET 159.13 FEET; THENCE LEAVING SAID EAST MARGIN RUN SOUTH 35*24'12 EAST 114.44 FEET TO THE SOUTH LINE OF THE NORTH 500.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 89*56'46 EAST ALONG THE SOUTH LINE OF SAID NORTH 500.00 FEET 221.49 FEET TO THE WEST MARGIN OF PORT ORCHARD BOULEVARD; THENCE NORTH 40*15'35 EAST ALONG SAID WEST MARGIN OF PORT ORCHARD BOULEVARD 92.05 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 320.00 FEET; THENCE NORTHEASTERLY ALONG

THE ARC OF SAID CURVE 31.54 FEET TO A POINT ON SAID CURVE WHICH BEARS SOUTH 66*11'46 EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 66*11'46 WEST 280.11 FEET TO THE TRUE POINT OF BEGINNING.

Parcel 2: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 500 FEET SOUTH AND 1026.7 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER ON THE EAST LINE OF HULL STREET; THENCE NORTH 42*34' EAST ALONG THE EAST LINE OF HULL STREET 129.04 FEET; THENCE SOUTH 36*37'30" EAST 116.90 FEET; THENCE SOUTH 89*31'10" WEST 157 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084; PARCEL B: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 35, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 660 FEET SOUTH AND 320 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE WEST TO THE EAST LINE OF HULL STREET; THENCE NORTHEASTERLY ALONG SAID EAST LINE OF HULL STREET TO A POINT 500 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 35; THENCE EAST TO A POINT 160 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 160 FEET TO THE POINT OF BEGINNING; EXCEPT ROADS; EXCEPT THAT PORTION CONDEMNED FOR HIGHWAY PURPOSES IN KITSAP COUNTY SUPERIOR COURT CAUSE NO. 53095; AND EXCEPT THAT PORTION THEREOF LYING EAST OF BOUNDARY LINE AS DESCRIBED IN INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 703658; ALSO EXCEPT ANY PORTION LYING NORTH OF A LINE ESTABLISHED IN AUDITOR'S FILE NO. 8907120084. (hereinafter the “subject property”, “site”, or “project site”).

Description of proposal: The proposal consists of a site-specific rezone (Type IV) of the subject property from Residential 2 (R2) to Residential 3 (R3).

The subject property consists of two tax parcels containing approximately 2.7 acres within the corporate limits of the City of Port Orchard. The subject property is irregularly shaped with approximately 525 feet of frontage on its westerly property line common to the Hull Ave right-of-way. The subject property is generally flat toward its westerly frontage with sloping conditions descending 40’ on the east side toward Port Orchard Blvd. The subject property is currently vacant and was previously developed with single-family homes, but City records indicate they were removed in 2019.

The subject property is currently designated as Medium Density Residential and Greenbelt in Appendix A of the adopted City of Port Orchard Comprehensive Plan and designated as Residential 2 (R2) and Greenbelt (GB) on the City of Port Orchard Zoning Map. The proposal only seeks to redesignate that portion of the property zoned R2 to R3, the remainder, zoned GB, is intended to remain unchanged.

Review of available critical areas data indicates the presence of geologically hazardous areas on the eastern side of the parcels. The parcels are approximately within 120 feet west of a Type F stream which is separated by Port Orchard Blvd.

The applicant requests approval of a site-specific rezone application to designate the buildable area of adjacent 1.12-acre and 1.58-acre sites as R3 to accommodate the development of apartment buildings. The R2 district does not allow apartments, as defined in Port Orchard Municipal Code (POMC) 20.32.100, as a permitted building type. The current GB designated portion of the parcels are not included in the rezone request. The applicant’s stated intent of this site-specific rezone is to designate the R2 portion of the parcels to R3 which permits apartments as an allowed building type and multifamily as a permitted use. The proponent intends to construct 18 townhomes and one 30-unit apartment building with normal and expected infrastructure common to multifamily development and make necessary improvements to

Hull Ave. Any subsequent development applications must demonstrate consistency with all applicable POMC requirements, and the Public Works Engineering Standards and Specifications (PWESS).

Comprehensive Plan and Zoning Map designations:

	Comprehensive Plan Land Use Designation	**Zoning Map Designation**
Site:	Medium Density Residential and Greenbelt	Residential 2 (R2) and Greenbelt (GB)
North:	Medium Density Residential and Greenbelt	Residential 2 (R2) and Greenbelt (GB)
South:	Medium Density Residential and Greenbelt	Residential 2 (R2) and Greenbelt (GB)
East:	Greenbelt	Greenbelt (GB)
West	Medium Density Residential	Residential 2 (R2) and Residential 3 (R3)

Adjacent land use:
North: Single-family detached
East: Port Orchard Blvd, Single-family detached
South: Unopened ROW and Single-family detached
West: Single-family detached

Utility purveyors:
Water: City of Port Orchard
Sewer: City of Port Orchard
Electricity: Puget Sound Energy
Gas: Cascade Natural Gas

Other permits/review required:

- Land Disturbing Activity Permit (LDAP), Stormwater Drainage Permit (SDP), Capacity Reservation Certificate (CRC), and Building Permits.

History of the proposed project:
Noel Larson, on behalf of 1990 Holdings LLC, applied for the requested site-specific rezone on March 6, 2025 which was determined technically complete May 13th, 2025. The proposal consists of changing the zoning of two properties located on the east side of Hull Avenue, in the area where Sherman Avenue transitions to Hull Avenue. For reference, the site lies approximately 675 feet north of the Sherman Avenue and Melcher St W intersection, though Sherman and Hull function as a continuous street alignment in this location. The site-specific rezone is requesting a change from Residential 2 (R2) to Residential 3 (R3) to accommodate the development of 18 townhomes and one 30-unit apartment building. Although townhomes are an allowed building type within R2, apartment buildings are not.

After review by City staff and other agencies, the application was determined technically complete prompting the issuance of a Determination of Complete Application on May 13, 2025 (Exhibit 8). Pursuant to RCW 36.70A.070, if an application is stated as complete, it does not preclude the City from requesting additional information. The proposed project is reviewed under POMC Title 20 that was in effect at the time of complete application. In this instance, the City did not request additional information from the applicant.

The City provided Notice of Application (NOA) on May 27, 2025, with a 14-calendar day comment period ending June 10, 2025, pursuant to POMC 20.25 (Exhibit 9). The City received two comments from the public (Exhibits 13A and 13B) in response to the NOA which were considered fully prior to issuance of the Determination of Nonsignificance (DNS).

The DNS (Exhibit 17) was noticed on September 18, 2025. The comment 14-day comment period was held open until September 30, 2025. The City received two comments (Exhibits 21A and 21B). However, subsequent to DNS publication and notice, the City recognized an error in the published public comment period length was made which had a posted length of twelve (12) days. Per WAC 197-11-340, WAC 197-11-680, and POMC Title 20, comments to the lead agency shall be within fourteen (14) days of date of issuance of the DNS. Subsequently, a Modified DNS (Exhibit 26) was issued October 29, 2025 with a comment period ending November 12, 2025. The City received two additional comments during the second SEPA Determination comment period (Exhibits 30A and 30B). In accordance, the City received comments from the public in response to the Notice of Application which were considered fully prior to issuance of both DNS on September 18, 2025 and September 30, 2025. The DNS was not appealed.

The subject property and surrounding area have historically been designated for single-family residential use. A notable exception occurred in 1977, when the 10-acre parcel (APN# 352401-2-023-2005) southwest of the site was rezoned to allow for apartment development, named the Sherman Hills residential development, now Forest Song which is currently being developed and is currently designated as Residential 3 (R3). That property remains the only higher residential use designation within the predominantly low-density area.

The Port Orchard Municipal Code is a form-based code which addresses permitted building types in addition to permissible land uses. The Residential 2 designation does not permit apartments as an allowed building type nor multi-family residential as a permitted use as described in POMC 20.34.020(2) and 20. 20.39.040 respectively.

The Residential 3 district allows the development of apartment buildings and multi-family residential as an allowable building type and permitted use. The approval of the requested site-specific rezone would allow the development of an apartment building with normal and expected infrastructure of a multi-family development.

City Permit Process:
This application has been submitted as a site-specific rezone and therefore requires a public hearing before the City of Port Orchard Hearing Examiner as a Type IV permit.

I. CRITERIA FOR APPROVAL

A. State Law

1. Environmental Regulations.

- **WAC 197-11-340 Determination of Nonsignificance (DNS).**

Department Response: *Pursuant to WAC 197-11-340, this proposal was reviewed for potential environmental impacts and the lead agency determined that the proposed site-specific rezone does not have probable significant adverse impact on the environment. A Determination of Non-Significance (DNS) was published on September 18, 2025, with an open comment period until September 30th at 4:00pm. A Modified DNS was issued on October 29, 2025, to address the error of providing an insufficient public*

comment period, which had been limited to twelve (12) days. The modified DNS had a fourteen (14) day comment period ending November 12, 2025, at 4:00pm. The DNS was not appealed.

B. City of Port Orchard Comprehensive Plan

Land Use Goals and Policies are provided in the adopted 2024 City of Port Orchard Comprehensive Plan.

1. **Land Use and Zoning Designation.** The 2024 City of Port Orchard Comprehensive Plan designates the area of the proposed site-specific rezone as Medium Density Residential and Greenbelt. The Medium Density Residential land use designation is implemented through various zoning designations, Residential 2 (R2) and Residential 3 (R3) which accommodate the development of single-family detached, attached homes, middle housing (Accessory Dwelling Units, Duplexes, Cottage Courts, Fourplexes, and Townhouses), and apartment buildings. The requested zoning designation to R3 is consistent with the Medium Density Residential designation in the Comprehensive Plan.

   The Greenbelt land use designation is implemented through the Greenbelt (GB) zoning designation which primarily accommodates the protection of critical areas, habitat management areas, greenbelts, and designated open space. The GB zone allows for low density residential development.

Department Response: *The request for a site-specific rezone from R2 to R3 is consistent with the City's Comprehensive Plan designation of Medium Density Residential. The R3 zone is intended to accommodate a transition of low density residential and high-density residential uses. Residential development within R3 designations is limited to three stories in height for compatibility with the designation's residential character. Allowed building type options include Detached House, Backyard Cottage, Carriage House, Cottage Housing, Duplex, Stacked Flat, Triplex, Fourplex, Fiveplex, Sixplex, Townhouse, Apartment, Courtyard Apartment, Forecourt Apartment, and Accessory Building. R3 should be applied in residential areas where a variety of housing types are desired, or where such pattern is desired in the future and in areas designated as Medium Density Residential in the Comprehensive Plan.*

The GB designated portion of the parcels are not included in the proposed site-specific rezone request and will remain as GB.

The site is immediately adjacent to properties designated as Medium Density Residential.

2. Section 2.6 Land Use Goals and Policies

- **Goal 2. Ensure that sufficient land is available for development to accommodate allocated growth in population and employment.**
  - Policy LU-5. Ensure land use and development regulations enable a supply of housing units within the city and adjacent UGA that will accommodate forecasted population growth. Ensure land use and development regulations enable a supply of commercial retail and office space within the city and adjacent UGA that will accommodate forecasted employment growth.
  - Policy LU-8. Provide a variety of single-family, middle housing, and multi-family housing types and employment opportunities that meet the needs of diverse socioeconomic interests.

3. Section 3.3 Housing Goals and Policies

- **Goal 1. Housing stock is planned to accommodate growth targets,**

housing demands, and changes in the population.

- Policy HS-1 Ensure zoned capacity is sufficient to accommodate housing development to meet needs consistent with adopted targets. (see Figure 13 Port Orchard Housing Supply and Need by Income).
- Policy HS-2 Encourage production of diverse housing types throughout the City to expand housing
  choice and access for residents in all stages of life and all household sizes to meet the goals set under RCW 36.70A.020(4). These housing types include but are not limited to detached single-family homes, middle housing forms, multifamily dwelling units (within both single -purpose and mixed -use buildings), live -work dwelling units, accessory dwelling units, pre -fabricated homes, and clustered housing forms.

- **Goal 2. Ensure that affordable housing options are available to all socioeconomic levels of Port Orchard residents.**
  - Policy HS-4 Provide opportunities through future land use and zoning districts for an economically diversified housing supply, including extremely low, very low-, low-, moderate-, and upper -income levels, to maximize housing options and serve a broad range of community needs. (RCW 36.70a.070(2) (d)). The City shall prioritize pedestrian, bicycle and transit facility improvements that connect grocery stores, healthcare facilities, and general commercial centers with surrounding residential areas.
- **Goal 3. Promote the efficient use of residential land in order to maximize development potential and make efficient use of municipal infrastructure.**
  - Policy HS -20 Implement zoning and development regulations which encourage infill housing on empty and redevelopable parcels.

5. Section 8.11 Transportation Goals and Policies

- **Goal.** The City of Port Orchard has a sustainable, equitable, affordable, safe, and efficient multimodal transportation system that promotes vitality of the economy, environment, and health.
  - Policy TR-16. Improve local street patterns — including their design and how they are used — for walking, bicycling, and transit use to enhance communities, connectivity, and physical activity

Department Response: *The proposed site-specific rezone is consistent with the Goals and Policies provided above. If approved, subsequent development of apartments may allow the implementation of these specific Land Use, Housing, and Transportation Goals and Policies.*

A rezone from R2 to R3 is consistent with the City's mapped Comprehensive Plan land use designations. R2 and R3 zoning are both allowed within the Medium Residential Land Use designation, as the subject property is mapped. The proposed change from R2 to R3 would allow for additional housing types which includes the apartment building type.

The redesignation would increase diverse housing stock opportunities to accommodate the increasing population of Port Orchard. The portion of the property currently designated as GB will remain unchanged to protect and buffer existing critical areas along the eastern portion of the property.

If approved, the proposed development would require local road improvements to enhance traffic flow and pedestrian safety along Hull Avenue and other areas, as determined by a detailed evaluation at the time of proposal.

C. City of Port Orchard Municipal Code (POMC)

1. Hearing Examiner

- **POMC Chapter 2.76 Hearing Examiner.** This section of code provides the power and authority of the Hearing Examiner to issue decisions or as appropriate, recommendations, to the City Council. The Hearing Examiner's decisions/recommendations shall be set forth in the findings of facts and conclusions. The decision/ recommendations shall be supported by substantial evidence in the official record.
- **POMC 20.22.** This Chapter of the Port Orchard Municipal Code (POMC) address the review of different application types, consolidation of permit types, application process, public notice and review procedures. This Chapter also requires the City to provide a Determination of Consistency between the proposed project and the applicable regulations and the Comprehensive Plan provisions.
    - **20.22.060 Type IV (city council decision, judicial appeal).** This section of the POMC provides the process of which a Type IV shall be processed and presented before the City's Hearing Examiner who will make a recommendation to the City of Port Orchard City Council.
- **POMC 20.24 Permitting and Development Approval – Application Procedures**. This section of the POMC outlines the procedure which all applications are processed including pre-application conferences, submission requirements, application review, technical completeness, public notice, any required corrections and revisions and Decision criteria for all application types.

Department Response: *This proposal has been processed in accordance with applicable regulations and notification requirements. The City has reviewed the applicant's materials regarding the site-specific rezone and, with the recommended conditions of approval and the analysis presented in this report, has determined that the application is eligible for consideration under applicable regulations. The project is properly before the Hearing Examiner, who will conduct an open record hearing and provide a recommendation to the Port Orchard City Council.*

2. Zoning Designations and Requirements

- **POMC 20.32.020 Residential 2 (R2)**
    - Intent. The R2 district is primarily intended to accommodate detached houses, duplexes, and townhouse development. The R2 may be applied in areas designated medium density residential in the Port Orchard comprehensive plan. Uses that would substantially interfere with the residential nature of the district are not allowed.
    - Unit Density. Four dwelling units per lot inclusive of accessory dwelling units.
    - Building Types Allowed. The allowed building types in the R2 zone are identified in POMC 20.32.015(1).
        - POMC 20.32.015 Building Type Zoning Matrix Key
            - Detached House
            - Backyard Cottage
            - Carriage House
            - Cottage Housing
            - Duplex
            - Stacked Flat
            - Triplex
            - Fourplex
            - Townhouse
            - Courtyard Apartment

- Accessory Building

- Dimensional Standards
  - Minimum Lot Area
    - Lots that do not take vehicle access from an alley: 5,000 square feet
    - Lots that take vehicle access from an alley: 3,000 square feet
  - Minimum Lot Width
    - Lots that do not take vehicle access from an alley: 40 FEET
    - Lots that take vehicle access from an alley: 30 FEET
- Lot Coverage maximum 70%
- Setbacks
  - Primary
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 10 feet minimum*
    - Accessory Buildings: 40 feet minimum
  - Side Street
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 5 feet minimum
    - Accessory Buildings: 10 feet minimum
  - Side Interior
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 5 feet minimum**
    - Accessory Buildings: 5 feet minimum***
  - Rear****
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 10 feet minimum
    - Accessory Buildings: 3 feet minimum, 2 feet minimum where abutting an alley
  - Primary street, garage door
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 20 feet minimum
    - Accessory Buildings: N/A
  - * Unless POMC 20.40.020 provides additional relief.
  - ** Except attached housing types with dwellings on individual fee simple lots such as townhouses or attached houses which do not require a side interior setback.
  - *** Side interior setback may be reduced to zero feet within principal building rear yard where an opened alley abuts rear property line.
  - **** Accessory dwelling units (ADUs) may utilize the rear yard setback applicable to accessory structures, as identified in the table above.
- Building Height
  - Principal Building(s): 3 stories/35 feet maximum
  - Accessory Dwelling Unit(s): 25 feet maximum
  - Accessory Building(s): 18 feet maximum

- **POMC 20.39.030 Residential 3 (R3)**
  - Intent. The R3 district is intended to accommodate a variety of residential options limited to three stories in height. The R3 zone may be applied in areas designated medium density residential in the Port Orchard comprehensive plan. Uses that would substantially interfere with the residential nature of the district are not allowed.
  - (2) Unit Density
    - Detached houses and/or middle housing: maximum of six dwelling units per lot.
    - Apartments: No maximum.
  - (3) Building Types Allowed. The allowed building types in the R3 zone are identified in POMC 20.32.015(1).
    - POMC 20.32.015

- *Detached House*
- *Backyard Cottage*
- *Carriage House*
- *Cottage Housing*
- *Duplex*
- *Stacked Flat*
- *Triplex*
- *Fourplex*
- *Fiveplex*
- *Sixplex*
- *Townhouse*
- *Apartment*
- *Courtyard Apartment*
- *Forecourt Apartment*
- *Accessory Building*

- Dimensional Standards
  - Minimum Lot Area
    - Lots that do not take vehicle access from an alley: 5,000 square feet
    - Lots that take vehicle access from an alley: 3,000 square feet
  - Minimum Lot Width
    - Lots that do not take vehicle access from an alley: 40 FEET
    - Lots that take vehicle access from an alley: 30 FEET
- Lot Coverage maximum 80%
- Setbacks
  - Primary
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 10 feet minimum*
    - Accessory Buildings: 40 feet minimum
  - Side Street
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 5 feet minimum
    - Accessory Buildings: 10 feet minimum
  - Side Interior
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 5 feet minimum**
    - Accessory Buildings: 5 feet minimum***
  - Rear****
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 10 feet minimum
    - Accessory Buildings: 3 feet minimum, 2 feet minimum where abutting an alley
  - Primary street, garage door
    - Principal Building(s), Parent Lot, and Accessory Dwelling Units: 20 feet minimum
    - Accessory Buildings: N/A
  - * Unless POMC 20.40.020 provides additional relief.
  - ** Except attached housing types with dwellings on individual fee simple lots such as townhouses or attached houses which do not require a side interior setback.
  - *** Side interior setback may be reduced to zero feet within principal building rear yard where an opened alley abuts rear property line.

    - **** Accessory dwelling units (ADUs) may utilize the rear yard setback applicable to accessory structures, as identified in the table above.
- Building Height
    - Principal Building(s): 3 stories/35 feet maximum
    - Accessory Dwelling Unit(s): 25 feet maximum
    - Accessory Building(s): 18 feet maximum

Department Response:
The R2 district is primarily intended to accommodate detached houses, duplexes, and townhouse development at a medium density. The subject property is currently zoned R2, which allows up to four dwelling units per lot and limits building types accordingly.

The proposed rezone to R3 would expand the range of permitted residential building types to include apartments and middle housing options such as fiveplexes and sixplexes, while maintaining the three-story height limit consistent with the intent of the district. The R3 designation is also applied in areas designated medium density residential in the Port Orchard Comprehensive Plan, which includes the subject property.

The R3 district provides greater flexibility in residential development while ensuring compatibility with surrounding medium density neighborhoods. Uses that would substantially interfere with the residential character of the district remain prohibited, preserving the intent of the zone. The subject property meets the dimensional standards necessary to support the building types permitted in R3, including lot area, lot width, setbacks, and height limitations.

POMC 20.100

- **POMC 20.180 Concurrency.**

The purpose of this chapter is to implement the concurrency provisions of the transportation and utilities elements of the city's comprehensive plan and the water and sewer comprehensive plans, all in accordance with RCW 36.70A.070(6)(b). All applications that are not exempt under POMC 20.180.004 shall be processed under and shall comply with this chapter, which shall be cited as the city's "concurrency ordinance."

Department Response: *Pursuant to POMC 20.180.006 Capacity evaluations required for certain rezones and comprehensive plan amendments, a capacity evaluation shall be required as part of any application for a comprehensive plan amendment or zoning map amendment (rezone) submitted by a property owner which, if approved, would increase the intensity or density of permitted development. As part of that capacity evaluation, the director shall determine whether capacity is available to serve both the extent and density of development which would result from the zoning/comprehensive plan amendment. The capacity evaluation shall be submitted as part of the staff report and shall be considered by the city in determining the appropriateness of the comprehensive plan or zoning amendment. The city's approval of any comprehensive plan or zoning map amendment shall not reserve any capacity in water, sewer or transportation facilities unless the property owner has applied for and is issued a CRC and a development agreement which includes a deadline for the property owner's submission of development permit application for the proposed development.*

In accordance with this section of code, the City has analyzed the permitted uses under the R2 zone and the R3 zone for potential demand on water, sewer, and transportation facilities and provided for the capacity evaluation as described in Exhibit 16. The R3 zone provides similar opportunities for development that would also be allowed under the R2 zone, with consideration of the additional building types allowed.

The subject property is currently served by public water supply and sewers. Future development-specific capacity will be evaluated upon submittal of an application as defined in POMC 20.180 Concurrency. Future water supply is dependent on completing planned water system capital improvement projects including bringing additional wells online, new reservoirs, and integrating the water systems. Sewer evaluation for available sewer treatment shows that the site can be served by gravity by connecting to the existing sewer mains in Port Orchard Blvd. The rezone request with access via Hull is expected to create significant impacts on the City's existing transportation but does not present concerns as proposed.

The site-specific rezone request is consistent with the Medium Density Residential Comprehensive Plan Designation and is compatible with neighboring uses. The Public Work's Department does not present concerns with the rezone as proposed. Upon development of the site, the property owner will be responsible for applying for Capacity Reservation Certificates that are specific to their proposed demand, rather than an analysis of all uses allowed under the R3 zone that would be available at this time.

3. Site Specific Rezones

POMC 20.42.010 Purpose and authority.

(1) Purpose. The purpose of this chapter is to establish procedures for site-specific amendments to the city's zoning map. Site-specific rezones shall be processed as provided in this chapter and shall be consistent with the land use designations in the city's comprehensive plan. Changes to the zoning map that are city-wide, area-wide, or have area-wide significance are legislative amendments, which shall be applied for and processed pursuant to Chapters 20.04 and 20.22 POMC.

(2) Authority. The director is authorized and directed to administer the provisions of this chapter relating to site-specific rezones. The city's hearing examiner is authorized to hold a public hearing and provide a recommendation to the city council, pursuant to the procedures included in this chapter. The city council shall issue a final decision for all site-specific, quasi-judicial rezone applications**.**

POMC 20.42.020 Application procedures.

Under POMC 20.42.020, site-specific rezone applications are subject to defined procedures and requirements. The director may establish additional procedures as needed and will only process an application once it is determined to be complete. Applications that are clearly inconsistent with the City's Comprehensive Plan may be rejected in writing. Only property owners or their authorized agents are eligible to apply. A complete application must include a signed application form with applicant and property owner information, a legal description of the property, identification of applicable Comprehensive Plan policies and map designations, a description of the proposed development, supporting plans or studies, a rationale for the amendment, and an explanation of how the proposal relates to the review criteria in POMC 20.42.030. A completed SEPA checklist is also required. Applications are subject to standard processing fees, and additional fees may apply if environmental review under SEPA is necessary.

POMC 20.42.030 Application review criteria.

(1) Generally. The following general provisions shall apply to review of all site-specific rezone applications:

(a) There is no presumption of validity favoring the action of rezoning;

(b) The proponents of the rezone have the burden of proof to demonstrate that conditions have changed since the original zoning; and

(c) The rezone must bear a substantial relationship to the public health, safety, morals or welfare.

(2) Criteria for Review. In addition to the general criteria in subsection (1) of this section, the city shall review applications for site-specific rezone applications and issue approval of said applications pursuant to the following criteria:

(a) Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);

(b) Consistency with the purpose of the proposed zoning district;

(c) Consistency between zone criteria and area characteristics;

(d) Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;

(e) The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers in the more intense zone, if possible. A gradual transition between zoning categories, including height limits, is preferred;

(f) Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

(i) Natural features such as topographical breaks, lakes, rivers, streams, ravines and shorelines;

(ii) Freeways, other major traffic arterials and railroad tracks;

(iii) Distinct change in street layout and block orientation;

(iv) Open space and greenspaces suitable in area to mitigate against more intense uses;

(v) Zone boundaries;

(g) In establishing boundaries, the following elements shall be considered:

(i) Physical buffers as described in subsection (2)(f) of this section; and

(ii) Platted lot lines;

(h) Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses;

(i) Impact Evaluation. The evaluation of the changes that would result from approval of the application shall consider the possible negative and positive impacts on the affected area and its surroundings. Factors to be examined include, but are not limited to, the following:

(i) Housing;

(ii) Public services;

(iii) Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows and energy conservation;

(iv) Pedestrian safety;

(v) Manufacturing activity;

(vi) Employment activity;

(vii) Character of areas recognized for architectural or historic value;

(viii) Shoreline view, public access and recreation;

(ix) Service Capacities. Development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including: street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity; shoreline navigation;

(x) Population and employment allocations as established through the countywide planning policies;

(xi) Changed Circumstances. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in the zoning code;

(xii) Critical Areas. If the area is located in or adjacent to a critical area, the effect of the rezone on the critical area shall be considered.

Applicant Response:
The applicant provided responses addressing each of the criteria outlined above as provided on Exhibits 1C and 1E. Their submittal discusses consistency with the comprehensive plan, the purpose of the proposed zoning district, compatibility with surrounding area characteristics, and the potential impacts of the rezone.

Department Response:
As described in the Department Response beginning in Section 2 of this staff report, the request has been reviewed against the adopted Goals and Policies in the Land Use, Housing, and Transportation Elements of the City of Port Orchard Comprehensive Plan and the review criteria of POMC 20.42.030(2)(a). Based on this analysis, the application is eligible for consideration under the applicable regulations.

The subsequent proposed building type is consistent with the purpose of the R3 district where medium density residential is intended and consistent with the applicable design standards, landscaping requirements and engineering standards.

As described in Port Orchard Municipal Code 20.34.030 and in Section 2.4 of the Land Use Element of the City of Port Orchard Comprehensive Plan, Residential 3 may be an appropriate zoning district in areas designated as Medium Density Residential in the Comprehensive Plan. The subject property is within an area designated Medium Density Residential in the City of Port Orchard Comprehensive Plan. Therefore, the proposal is consistent with the proposed zoning district purpose satisfying the Review Criteria provided in POMC 20.42.030(2)(b).

The subject property is in an area which is designated Medium Density Residential adjacent to other Medium Density Residential which include properties zoned as Residential 2 and Residential 3. Residential 2 to the north and south developed with detached houses and Residential 3 to the west accommodating apartments. The site is in an area accommodating lowest and highest building types as allowed in the Medium Density Residential designation. The requested Residential 3 rezone is consistent with the purpose of the designation and the characteristics of existing development through transitioning land uses from more less intense uses to more intense intense uses satisfying the Review Criteria of POMC 20.42.030(2)(c).

The subject property and surrounding area is currently and historically been designated for Medium Density Residential. The R2 zone is the most prevalent zoning designation surrounding the subject property under the Medium Density Residential classification, with the exception of APN# 352401-2-023-2005 which was rezoned to allow multifamily in 1978 and is currently being developed for apartments under the development standards of the R3 district. With R2 and R3 being classified under the same Medium Density Residential classification and an adjacent property being zoned as R3, criteria described in 20.42.030(2)(d) is met.

The requested R3 district would allow a more intense level of residential development than the current R2 designation, primarily through the inclusion of apartments and middle housing types. While the intensity of development could increase, the permitted building types remain similar in form to those already allowed in R2, and the development would continue to be limited to three stories in height. The rezone from R2 to R3 is a gradual increase in allowed building types with the same height requirements, meeting criteria outlined in 20.42.030(2)(e)

The eastern portion of the property zoned as Greenbelt intended to protect critical areas and low-density residential can serve as a natural buffer along Port Orchard Blvd. Unopened ROW immediately south of the subject property serves as a buffer between the neighboring single-family residences zoned as R2. Additionally, landscape requirements as described in POMC 20.128.070 require built and planted treatments to buffer development between neighboring properties. Landscape requirements coupled with site planning requirements of POMC 20.127 may provide a buffer solution to the properties located adjacent to the property. The proposal is consistent with the review criteria of POMC 20.42.030(2)(f).

The proposed site-specific rezone is limited to the subject property's current R2 zoning. The R2 zoning is bounded by the property's lot lines and the GB zoning designation on the east which correlates with a physical boundary as the top of slope. The site-specific rezone satisfies the review criteria of POMC 20.42.030(2)(g).

The subject property does not share any boundaries with commercial areas. POMC 20.42.030)(2)(h) is not applicable.

The proposal satisfies the review criteria found in POMC 20.42.030(2)(i)(i-xii) through the following:

i. *Housing: The proposed amendment would change the zoning designation from R2 to R3. This would expand the range of permitted building types to include apartments and additional middle housing forms. The amendment may increase the overall housing capacity of the site consistent with the Comprehensive Plan's Medium Density Residential designation.*
ii. *Public services: The amendment may result in additional demand on public services and facilities. The site is currently served by public water and sewer systems. Future development will be subject to concurrency review under POMC 20.180 to ensure adequate service capacity.*
iii. *Environmental factors: Available critical areas mapping data indicates the present geologically hazardous areas and is within 120' of a stream. All of these critical areas will be fully evaluated under POMC 20.162 prior to any ground disturbing activities. Any environmental impacts which may result from a project-specific proposal will be adequately mitigated through the Critical Areas Ordinance.*
iv. *Pedestrian safety: Subsequent development associated with the rezone will be required to provide pedestrian connections to existing facilities and may include improvements to Hull Avenue and other off-site improvements.*
v. *Manufacturing activity: Not applicable. The proposal is residential in nature.*
vi. *Employment activity: The amendment is residential and does not directly affect employment activity. Indirect effects may occur through population growth supporting local businesses.*

vii. *Character of areas recognized for architectural or historic value: The amendment is residential and does not directly affect employment activity. Indirect effects may occur through population growth supporting local businesses. The property nor surrounding properties and structures is designated on the historic registry.*

viii. *Shoreline view, public access and recreation: Not applicable. The site is not within shoreline jurisdiction.*

ix. *Service Capacities: Any future development will be analyzed for its impacts relative to service capacities.*

x. *Population and employment allocations: The proposed rezone may increase residential capacity by permitting apartments and higher-density housing types. This aligns with the City's population growth allocations under the Comprehensive Plan.*

xi. *Changed Circumstances: The request reflects the City's ongoing implementation of its Comprehensive Plan and the need to provide diverse housing options. The R3 designation is consistent with the Medium Density Residential land use designation applied to the site.*

xii. *Critical Areas: The site is impacted by critical areas including geologically hazardous areas and within 120' of a mapped stream. These constraints are documented, and full evaluation will occur prior to development. The portion of the property designated Greenbelt (GB) will remain unchanged to protect critical areas and provide buffering.*

4. Environmental Regulations POMC 20.162

- **Article IV Fish and Wildlife Habitat Conservation Areas**

POMC 20.162.068 Purpose.

This article applies to all regulated uses included in the critical areas ordinance, or uses within 200 feet of areas designated as fish and wildlife habitat conservation areas, as categorized in POMC 20.162.070. The intent of this article is to:

(1) Preserve natural flood control, stormwater storage and drainage or stream flow patterns;

(2) Control siltation, protect nutrient reserves and maintain stream flows and stream quality for fish and marine shellfish;

(3) Prevent turbidity and pollution of streams and fish or shellfish bearing waters;

(4) Preserve and protect habitat adequate to support viable populations of native wildlife in both the city and Kitsap County; and

(5) Encourage nonregulatory methods of habitat retention whenever practical, through education and the open space tax program.

POMC 20.162.072 Development standards.

Those regulated uses identified below within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this section. Potential impacts to fish and wildlife habitat conservation areas or their buffers shall be appropriately identified and mitigated consistent with Article XII of this chapter.

(1) Buffers and Building Setbacks. Buffers or setbacks shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed in Table 5. Distances shall be measured from the ordinary high water mark (OHM) or from the top of the bank where the OHM cannot be identified. Buffers shall be retained in their natural condition. It is acceptable, however, to enhance the buffer by planting indigenous vegetation, as approved by the department. Alteration of buffer areas may be allowed for water-dependent and water-related activities

subject to the city's shoreline master program (Chapter 20.164 POMC), and for development authorized by POMC 20.162.032, Exemptions, POMC 20.162.034, Exceptions, POMC 20.162.036, Variances, or POMC 20.162.038, Nonconforming – Existing structures. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwaters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the ordinary high water mark or top of bank shall be defined so as to include the entire stream feature. Refuse shall not be placed in buffers.

- **Article V. Geologically Hazardous Areas**

20.162.074 Purpose.

This chapter applies to all regulated uses included in the critical areas ordinance within 200 feet of areas designated as geologically hazardous areas, as categorized in POMC 20.162.076. The intent of this chapter is to:
(1) Provide standards to protect human life and property from potential risks;
(2) Control erosion, siltation, and water quality to protect fish and marine shellfish;
(3) Provide controls to minimize erosion caused by human activity;
(4) Use innovative site planning by placing geologically hazardous areas and buffers in open space and transferring density to more suitable areas on the site.

20.162.078 Development standards.

This chapter applies to all regulated uses in this chapter or within 200 feet of areas designated as geologically hazardous or areas of concern. Permit applications include submittals for clearing, grading and building on property containing geologically hazardous areas. Submittal documents prepared by a licensed engineer may also be required by the department, pursuant to the city's stormwater regulations.

(1) Geologically Hazardous Areas and Areas of Geologic Concern.

(a) Approval. Where applicable the department will approve, approve with conditions or deny the development proposal based on the department's evaluation of specific site conditions. The department will also consider any proposed mitigation measures included in a geotechnical report, if one is submitted.

(b) Public Works Requirements. The applicant shall submit a land disturbing activity permit application to the department. The application and supporting documents shall be completed by a professional engineer licensed in the state of Washington. The submittal documents shall be determined on a site-specific basis. The documents may include any combination of, but not be limited to, construction plans, details and specifications for clearing, grading, erosion and sedimentation control, and stormwater drainage and detailed hydrological, geotechnical, soils, and drainage reports and analyses.

(c) Minimum Buffer Requirement. The buffer for all geologically hazardous areas and areas of geologic concern shall include native vegetation from the toe of the slope to 25 feet beyond the top of the slope unless otherwise allowed through a geological report or a site-specific determination.

(d) Building/Impervious Surface Setback Requirements.

(i) Geologically Hazardous Areas. The minimum building and impervious surface setback from the top of slope shall be equal to the height of the slope (1:1 horizontal to vertical) plus the greater of one-third of the vertical slope height or 25 feet.

(ii) Areas of Geologic Concern. A minimum 40-foot building and impervious surface setback shall be maintained from the top of slope. As required in subsection (1)(c) of this section, the 25 feet adjacent to the top of the slope shall be retained as a native vegetation buffer, with an additional minimum 15-foot building and impervious surface setback. The department may decrease the setback when such a setback would result in a greater than 1:1 slope setback or as may be allowed through a geological report or a site-specific determination.

(iii) Toe of Slope Building Setback. A geotechnical report may be required for any new construction within 200 feet of a geologically hazardous area. The department will make a determination based on slope height and stability indicators. Where slope hazard indicators are not identified, the requirements of the International Building Code Section 1805 or Section R403 will apply.

(e) Buffer and Building Setback Modifications – Report Recommendations. The minimum native vegetation buffer and/or building setback requirement may be decreased if a geotechnical report demonstrates that a lesser distance, through design and engineering solutions, will adequately protect both the proposed development and the erosion hazard and/or landslide hazard area (see Articles VIII and X of this chapter for geological and geotechnical report requirements). Should the geotechnical report indicate that a greater buffer and/or building setback is required than specified in this section, the greater buffer and/or building setback shall be required. The department may determine through a site visit, a special report or mapping, that an increased buffer and/or building setback is required from the critical area.

(f) Time Limitations. For major new development, and where required for minor new development, clearing, and grading, shall be limited to the period between May 1st to October 1st, unless the applicant provides an erosion and sedimentation control plan prepared by a professional engineer licensed in the state of Washington that specifically and realistically identifies methods of erosion control for wet weather conditions.

(g) Field Marking Requirements. For major new development, the proposed clearing for the project and all critical area buffers shall be marked in the field for inspection and approval by the department prior to beginning work. Field marking requirements for minor new development will be determined on a case-by-case basis by the department. The field marking of all buffers shall remain in place until construction is completed and final approval is granted by the department. Permanent marking may be required as determined necessary to protect critical areas or their buffers.

(h) Cut and Fill Slopes. The faces of all cut and fill slopes shall be protected to prevent erosion as required by the engineered erosion and sedimentation control plan.

(i) Development Impact Standards. All discharge of runoff from the development site shall be of like quality, flow rate, and velocity as that which flowed from the site prior to development. In addition, all stormwater flows shall be accepted onto, and shall be discharged from, the development site at the natural or otherwise legally existing

locations. The proposed development shall not decrease the slope stability of any area within 200 feet of the property boundary.

(j) Development Risk Standard. In cases where a special report indicates a significant risk to public health, safety and welfare, the department shall deny or require revision of the site development proposal.

(k) Additional Clearing Standards.

(i) Only the clearing necessary to install temporary erosion control measures will be allowed prior to the clearing for roads and utilities construction.

(ii) Clearing for roads and utilities shall be the minimum necessary and shall remain within marked construction limits.

(iii) Clearing for overhead power lines shall be the minimum necessary for construction and will provide the required minimum clearances of the serving utility.

(l) Existing Logging Roads. Where existing logging roads occur in geologically hazardous areas or areas of geologic concern, a geological or geotechnical report may be required prior to use as a temporary haul road or permanent access road under a conversion or COHP forest practices application.

(m) Clustering Requirements. The department may require clustering to increase protection to geologically hazardous areas or areas of geologic concern.

(n) Vegetation Enhancement. The department may require enhancement of buffer vegetation to increase protection to geologically hazardous areas or areas of geologic concern.

(o) Seismic Hazard Area Development Standards.

(i) Proposed new development within a seismic hazard area shall be in accordance with the Uniform Building Code (UBC) Earthquake Design Standards for Seismic Risk Zone 3 of Washington State.

(ii) Applicants for public and commercial building proposals within seismic hazard areas shall submit a geotechnical report addressing any fill or grading that has occurred on the subject parcel. Any fill placed for such development shall have documented construction monitoring as required by the International Building Code.

(iii) All major new development in seismic hazard areas shall require a geotechnical report. Minor new development may also require a geotechnical report, as determined by the department.

(iv) The development proposal may be approved, approved with conditions or denied based on the department's evaluation of the proposed mitigation measures to reduce seismic risk.

(2) Prohibitions.

(a) Critical facilities, as defined in Article II of this chapter, are prohibited in geologically hazardous areas.

(b) In geologically hazardous areas with slopes greater than 80 percent, no development will be allowed either on or within the defined buffer area, unless approved by the department after review of a geotechnical report. The defined buffer zone for geologically hazardous areas is defined in subsection (1)(d) of this section.

(c) On-site sewage disposal should be avoided in geologically hazardous areas and their buffers. In cases where such areas cannot be avoided, review by a geologist or a geotechnical engineer licensed in the state of Washington will be required in coordination with the Bremerton-Kitsap County health district.

Department Response: *The site contains and/or is adjacent to areas that contain streams, and steep slopes. However, there are no mapped indicators of wetlands on or adjacent to the subject property. The site is vacant and may be developed under the current zoning designation with analysis of critical areas. Any proposed development is subject to POMC 20.162 which requires an analysis of the critical areas and their associated buffers prior to the approval or issuance of a Land Disturbing Activity Permit or Building Permit.*

II. PUBLIC COMMENT

A. Notice of Application

Upon Determination of Complete Application on May 13, 2025 (Exhibit 8), Notice of Application was issued May 27, 2025 (Exhibit 9). The Department of Community Development received six comments within the fourteen-day comment periods and a petition outside of the designated comment period (Exhibit 15). Most comments received were project-specific in nature and would be addressed at the time a development application is submitted. A rezone application does not require, or authorize, improvements of infrastructure to be made. Concerns raised included potential increases in traffic volumes, the adequacy of pedestrian infrastructure, protection of existing critical areas, and preservation of the low-density character along the street. These comments are provided as Exhibits 13A-B, 15, 21A-B, and 30A-B.

B. SEPA DNS and Modified DNS

Invitation to comment was provided pursuant to WAC 197-11-355. A SEPA Determination of Non-Significance (DNS) was issued on September 18, 2025 (Exhibit 17). A Modified DNS (Exhibit 26) was issued on October 29, 2025 to address the insufficient fourteen (14) comment period given. The DNS appeal period closed on October 16, 2025. The Modified DNS appeal period closed on November 26, 2025. No appeals of the SEPA DNS were filed.

C. Notice of Public Hearing Before the Hearing Examiner

A. A Notice of Public Hearing (NOH) before the Hearing Examiner was posted in the newspaper of record on October 23, 2025 (Exhibit 24). Notice of the public hearing before the Hearing Examiner was mailed to all surrounding property owners, interested parties, and commenting agencies on October 23, 2025 (Exhibit 25). Due to the Modified DNS issuance, a new Notice of Hearing before the Hearing Examiner was posted in the newspaper of record on November 19, 2025 (Exhibit 32). The new Notice of the Hearing before the Hearing Examiner was mailed to all surrounding property owners, interested parties, and commenting agencies on November 19, 2025. (Exhibit 33).

D. Public Comment

The Department of Community Development received six comments during the Notice of Application and SEPA comment periods, and one petition against the proposed rezone which was submitted outside of the comment period. Staff followed up with two individuals who submitted public comments to provide additional information and clarifications, but neither were responsive.

III. PROPOSED FINDINGS

B. The City of Port Orchard received an application for a site-specific rezone on March 6, 2025 (Exhibits 1A-1J).

C. The application was determined technically incomplete on April 3, 2025 (Exhibit 3).

D. The required documentation, a SEPA Checklist including the supplement sheet for nonproject actions, (Exhibits 4A-C, 6A-C), along with a supporting Geotechnical Report (Exhibit 4D) were submitted on April 7, 2025 and April 29, 2025.

E. The application was determined to be technically complete on May 13, 2025 (Exhibit 8).

F. The City of Port Orchard provided a Notice of Application (NOA) (Exhibit 9) on May 27, 2025.

G. The NOA was posted on the site and was provided to the surrounding property owners, and to affected agencies (Exhibits 10-12)

H. Two letters of comment were received in response to the NOA (Exhibits 13A-B) and a petition letter was provided outside of the fourteen (14) day comment period (Exhibit 15).

I. The City issued a Determination of Non-Signification (DNS) on September 18, 2025 with a twelve (12) day comment period ending September 30, 2025 (Exhibit 17).

J. The DNS was posted on the site and was provided to the surrounding property owners, and to affected agencies pm September 18, 2025 (Exhibits 19-20).

K. The DNS was published in newspaper of record on September 18, 2025. (Exhibit 18)

L. Two letters of comment were received in response to the DNS (Exhibits 21A-B).

M. Notice of Hearing was mailed to surrounding property owners and parties of interest on October 23, 2025 (Exhibit 25).

N. Notice of Hearing was published in newspaper of record on October 23, 2025 (Exhibit 24)

O. Per WAC 197-11-340, WAC 197-11-680, and POMC Title 20, comments to the lead agency shall be within fourteen (14) days of date of issuance of the DNS.

P. The City issued a Modified DNS on October 29, 2025 with a fourteen (14) comment period ending November 12, 2025 (Exhibit 26) due to an error in insufficient public comment period posted as a twelve (12) day period.

Q. The Modified DNS was posted on the site and was provided to the surrounding property owners, and to affected agencies on October 29, 2025 (Exhibits 28-29).

R. The Modified DNS was published in newspaper of record on October 29, 2025. (Exhibit 27)

S. The City received two additional comments during the second SEPA Determination comment period (Exhibits 30a and 30b).

T. Neither the DNS nor the Modified DNS were appealed.

U. An updated Notice of Hearing was mailed to surrounding property owners and parties of interest on November 19, 2025. (Exhibit 33)

V. An updated Notice of Hearing was published in newspaper of record on November 19, 2025. (Exhibit 32)

W. The proposal is consistent with the Port Orchard Municipal Code and the Comprehensive Plan.

X. The application for site-specific rezone has been properly processed POMC Title 20 Subtitle II. Permitting and Development Approval, and POMC Title 20 Subtitle III. Zoning Regulations.

Y. The procedures for review of this application are found in POMC 20.24.

Z. This proposal is in conformance with applicable City of Port Orchard ordinances and regulations addressed above in this document.

AA. This proposal is properly before the Hearing Examiner for a recommendation to the City of Port Orchard City Council in accordance with applicable state and local laws.

IV. RECOMMENDATION TO THE HEARING EXAMINER

Based on the findings in the record, the Department of Community Development finds the application consistent with the criteria of POMC 20.42.030. The Department also acknowledges the substantial public opposition documented in the Exhibits to the Record.

Given the application's consistency with the ordinance criteria and the documented public comments opposing the request, the Department issues a neutral recommendation to the Hearing Examiner. The Department neither supports nor opposes the requested site-specific rezone, but affirms that the application is eligible for consideration under the applicable regulations.

The Department respectfully forwards the application to the Hearing Examiner for an open record hearing and recommendation to the City Council. The Hearing Examiner may recommend approval, denial, or conditional approval of the rezone request based on the record and testimony presented.

Ultimately, the decision rests with the City Council, which is discretionary. In exercising that discretion, the Council should weigh the goals and policies of the adopted Comprehensive Plan alongside the public comment record when reaching its determination.

RECEIVED
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Feb 05, 2026
CITY OF PORT ORCHARD
COMMUNITY DEVELOPMENT

BEFORE THE HEARING EXAMINER FOR THE CITY OF PORT ORCHARD

RE: Hull Ave Rezone Site Specific Rezone LU25-REZONE-01	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION TO CITY COUNCIL

Introduction

Noel Larsen on behalf of 1909 holdings requests approval of a site-specific rezone of 2.7 acres from Residential 2 to Residential 3 for two adjoining parcels located at 1061 and 1083 Hull Ave. It is recommended that the City Council approve the rezone.

This is a challenging rezone request. Unlike many land use permit applications where the City has no legal choice but to approve, the City likely could defend a decision to either approve or deny the requested rezone. There are several factors supporting the rezone. State and City middle housing policies weigh heavily in favor of the rezone. The City has a developer ready to add 48 multi-family units to the City's housing stock. The proposal will also be located almost directly across Hull Avenue from another 162-unit complex. The project area is buffered from sensitive R1 development by Greenbelt zoning on the east side of the rezone area. The City Engineer has determined that even at a maximum buildout of 90 dwelling units, the City can provide sufficient transportation, water and sewer infrastructure to serve that density.

Area residents are not as enthusiastic about the rezone. A petition with about 34 signatures opposes the rezone. As noted in the petition, the Hull Ave area is comprised of "*single-family homes on spacious lots*." The staff report identifies that there isn't a major difference between the uses authorized in the

R2 and R3 zones. That position is somewhat debatable[1]. More importantly, the 48-unit multi-family development planned by the Applicant is of a very different residential character from the existing single-family detached development. The rezone area is surrounded on all sides by R2 zoning except for a large R3 zoned apartment complex to the southwest and some Greenbelt zoning on the eastern side. The one positive factor for Hull Ave residents is that the lots in the Hull Ave area are largely if not almost completely developed as shown in Google Aerial photographs, Ex. 35. This should serve to slow down any further encroachment of R3 multi-family development into the area.

The petition against the rezone asserts that the proposed upzone is contrary to the comprehensive plan because the contemplated multifamily development is not compatible with the existing single-family development. The comprehensive plan does have policies that encourage compatibility of use[2]. However, the most specific of those policies encourages middle housing "*in low density residential neighborhoods*" to increase home ownership and rental housing options. See Policy HS-13[3]. HS-13 qualifies its policy by stating that such zoning should be added to areas unencumbered by critical areas. The proposed rezone area is adjacent steep slopes that borders its eastern side. As noted in the Applicant's geotechnical report, Ex. 4D, the Applicant's proposed development will be 20 feet from the steep slopes at its closest point.

A factor that curiously isn't directly[4] addressed in the City's detailed rezone criteria is the availability of other areas to accommodate upzone uses. As shown in the City's zoning map, the City has several large nodes of R3 zoning that are located near commercially zoned areas. If there is still ample room to accommodate high density development in these areas, one may question the need for additional R3 zoning in the R2 neighborhood of the Hull Avenue area. Development Director Nick Bond testified that the City does have land use zoning capacity for R3 middle housing. However, the City is not making much forward progress in developing middle housing for the zero to 80% Average Median Income homeowners.

Overall, the comprehensive plan policies and state mandates encouraging middle housing are the strongest arguments for approving the rezone. Those policies expressly contemplate placing middle housing in single-family neighborhoods. Both the R3 and R2 zones share a maximum 35-foot height

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[1] The R3 zone authorizes apartment complexes with no restriction as to density. The R2 zone limits density apparently for all types of housing to four dwelling units per lot.

[2] Policy CN-6 encourages balancing of compatibility, accommodating growth, promoting affordability and offering a wide range of housing types; Policy LU-1 requires that land use regulations "maintain and enhance" low density residential neighborhoods while encouraging that new development provides a mix of housing types.

[3] HS-13 provides as follows: *Expand capacity for middle housing in low-density residential neighborhoods that are unencumbered by critical areas or their buffers throughout the city to increase home ownership and rental housing options. (RCW 36. 70A. 635).*

[4] The issue is indirectly addressed in rezone criteria that require conformance to the comprehensive plan. Comprehensive Plan policies such as HS-1 require that the City ensure that its zoning has sufficient capacity to accommodate housing targets. Policy LU-42 requires the City to consider "adopting reasonable measures" to encourage more development if it is lagging in meeting its growth targets.

limits for primary buildings. The shared maximum building height limits the scale of the middle housing to compatible development when combined with the City's landscaping standards and the Greenbelt buffering along the project site's east side. Although the City has adequate land use capacity to accommodate middle housing elsewhere, those areas are not being developed for that purpose. The proposed rezone presents a timely opportunity to significantly add to the City's middle housing stock.

Testimony

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. No members of the public testified. The transcript is provided for informational purposes only as Appendix A.

Exhibits

Exhibits 1-34 of the Index to the Record were admitted into the record during the December 3, 2025 public hearing. Ex. 35 was admitted at the hearing as Google Map aerial photographs of the project site and Hull Avenue neighborhood.

FINDINGS OF FACT

Procedural:

1. Applicant. Noel Larsen, 1909 Holdings, LLC 2612 Burwell St 98312

2. Hearing. A hearing was held before the Hearing Examiner on the subject application at 10:00 am on December 3, 2025.

Substantive:

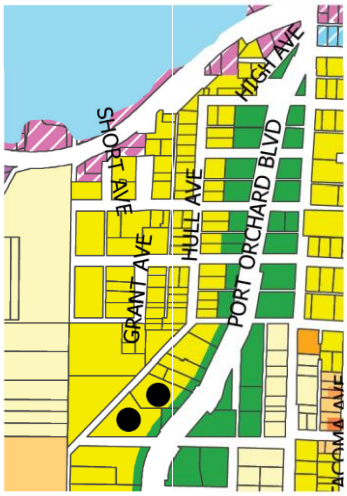
3. Project/Site Description. Noel Larsen on behalf of 1909 holdings requests approval of a site specific rezone of 2.7 acres from Residential 2 to Residential 3 for two parcels located at 1061 and 1083 Hull Ave.

The rezone area is currently vacant. It was previously developed with single-family homes that City records indicate were removed in 2019. The subject property is currently designated as Medium Density Residential and Greenbelt in the City of Port Orchard Comprehensive Plan and designated as Residential 2 (R2) and Greenbelt (GB) on the City of Port Orchard Zoning Map. The proposal only seeks to redesignate that portion of the property zoned R2 to R3. The remainder, zoned GB, is intended to remain unchanged.

The Applicant requests approval of a site-specific rezone application to designate the buildable area of adjacent 1.12-acre and 1.58-acre sites as R3 to accommodate the development of apartment buildings. The R2 district does not allow apartments. The proponent intends to construct 18

townhomes and one 30-unit apartment building with normal and expected infrastructure common to multifamily development and make necessary improvements to Hull Ave.

4. Surrounding Area. The project site is surrounded on all sides by single-family residences with Port Orchard Blvd adjoining to the east and unopened right of way adjoining to the south. The two parcels are highlighted with black circles in the zoning map below. The bright yellow is R2, orange is R3 and the light yellow is R1.



The subject property and surrounding area have historically been designated for single family residential use. A notable exception occurred in 1977, when the 10-acre parcel (APN# 352401-2-023-2005) southwest of the site was rezoned to allow for apartment development. That site is currently zoned R3 and is being development as the Forest Song apartment complex.

5 Adverse Impacts. Using City development standards as guide, there are no significant adverse impacts associated with the project. A SEPA[5] Determination of Non-Significance (DNS) was issued on September 18, 2025 (Exhibit 17). Potential adverse impacts can be primarily attributable to the increase in density. Importantly, the increase in density will meet City concurrency standards. It should be understood, however, that local streets are exempt from concurrency. Impacts are more specifically addressed as follows:

A. Infrastructure Capacity. The City Engineer has found adequate transportation, water and sewer capacity to serve the upzone.

The proposed rezone would increase maximum allowed density by 50% from the 4 dwelling units per lot allowed in the R2 zone to the 6 dwelling units per lot allowed in the

[5] "SEPA" is the State Environmental Policy Act, Chapter 43.21C RCW. A DNS is a determination that an environmental impact statement is not necessary to evaluate the proposal.

R3 zone. As to residential building types, the R2 zone allows (1) detached single-family homes, and (2) middle housing building types containing up to four dwelling units per lot and building. The R3 zone allows (1) detached single-family homes, (2) middle housing building types up to six dwellings per lot and building, and (3) apartment developments with unrestricted density and units per building. Those apartments are not permitted in the R@ zone. Both zones have a 35-foot height maximum. The Applicant testified that under the R2 zone he could build 75 townhome bedrooms compared to 100 bedrooms for apartments in the R3 zone. Tr. 8.

The City Engineer did a capacity analysis assessing the proposed rezone as it affects transportation, water and sewer. Ex. 16. In Ex. 16 the City Engineer concluded that the rezone "does not present capacity concerns." The impacts were based upon the maximum potential buildout of the rezone of up to 90-unit apartments as opposed to the specific development plans of the Applicant. The City Engineer found that impacts to the City's transportation system would be significant, but would not reduce level of service to intersections subject to concurrency review. It should be noted that the Hull Ave/ Port Orchard Blvd and Pottery Ave/ Tremont St. intersections are local access and exempt from concurrency. The City Engineer also determined there was adequate water and sewer capacity to serve the rezone. He acknowledged that water capacity was dependent upon additional water system improvements and that moving forward on those improvements was complicated by water rights issues.

The City Engineer's capacity analysis recognized the absence of sidewalks along Hull Ave. This was also a problem referenced by project opponents. Future development of the rezone area will be required to provide pedestrian connections to existing facilities and may include improvements to Hull Avenue and other off-site improvements. As testified by City staff, frontage sidewalk improvements to the rezone area could connect to sidewalk improvements already in place directly north of the rezone area. Tr. 5. Such a connection is likely if the Applicant develops its contemplated 48-unit development. The Forest Song development to the southwest will also be adding sidewalks to its frontage. The Applicant testified that with the Forest Song frontage improvements that sidewalks may connect all the way to downtown[6]. Tr. 8.

Project opponents also identified a blind corner on Hull Ave.. They noted that they didn't find Hull Ave safe for pedestrians. However, safety issues along the frontage of the rezone area can be mitigated during subsequent project review. Should any school bus stops be located off-site the City can require reasonable off-site improvements such as cleared shoulders to provide safe school bus access for school children.

B. Compatibility. Regulatory and specific site features provide for compatible development.

[6] Savanah Coates testified that she lives across the street from the rezone area at 1080 Hull Ave. and that she doesn't see how sidewalks on her side of the street could connect to others. Tr. 8. However, the Applicant was addressing sidewalks on the rezone side of Hull Ave. Those sidewalks could connect with a street crossing to frontage improvements to Forest Song.

The requested R3 district would allow a more intense level of residential development than the current R2 designation, primarily through the inclusion of apartments and middle housing. While the intensity of development could increase, the permitted building types remain similar in form to those already allowed in R2. The development would continue to be limited to three stories in height. The rezone from R2 to R3 is a gradual increase in allowed building types with the same height requirements.

The eastern portion of the property zoned as Greenbelt is intended to protect critical areas and low-density residential can serve as a natural buffer along Port Orchard Blvd. Unopened ROW immediately south of the subject property serves as a buffer between the neighboring single-family residences zoned as R2. Additionally, landscape requirements as described in POMC 20.128.070 require built and planted treatments to buffer development between neighboring properties. Landscape requirements coupled with site planning requirements of POMC 20.127 may provide a buffer solution to the properties located adjacent to the property. The proposal is consistent with the review criteria of POMC 20.42.030(2)(f).

One factor against compatibility is that the rezone area is surrounded on all sides by R2 and greenbelt zoning with R3 zoning only located across the Sherman/Hull intersection to the southwest. The southwest corner of that intersection has a ten-acre parcel currently being developed as the Forest Song apartment complex. A couple persons testified that Forest Song is composed of hundreds of units. Tr. 11, Ex. 21A, p. 1[7]. The surrounding area is otherwise predominantly R2 zoning with detached single-family homes. However, as previously noted the height limits of the R3 zone are the same and the changes in use between the R2 and R3 are not large, which is to be expected since the comprehensive plan land use map allows both zones at the rezone area.

Concerns from project opponents include issues with construction impacts including noise, runoff and interference with traffic circulation, including emergency access. As outlined in Section 2.1B of the City's public works standards, construction traffic is regulated by the City and may require a right of way use permit. Construction runoff is regulated by the City's stormwater and land disturbance permits, Chapter 21.140 and 21.150 POMC. Construction noise is regulated by POMC 9.24.050.

C. Critical Areas. Critical areas mapping data indicates the presence geologically hazardous areas and is within 120' of a stream. These critical areas will be fully evaluated under POMC 20.162 prior to any ground disturbing activities. Any environmental impacts which may result from a project-specific proposal will be adequately mitigated through the Critical Areas Ordinance.

[7] Taking judicial notice of the land disturbing permit for the project, PW23-036, the Forest Song apartment appears to be currently approved for 162 units. If judicial notice is not appropriate, from the public testimony the Forest Song complex can simply be recognized as a large apartment complex.

The petition against the rezone cites to loss of wildlife. There is no indication that any protected species under City regulations is located at the project site. Overall, directing high density development within urbanized areas such as Port Orchard helps protect more suitable habitat areas in rural areas from urban sprawl.

D. Drainage. A few project opponents noted that the Hull Avenue neighborhood experiences major stormwater runoff during storms. The City's stormwater regulations should address any stormwater impacts created by new development. Those standards, Chapter 20.150 POMC, include the adoption of the 2019 Edition of the Washington State Department of Ecology Stormwater Manual for Western Washington. The Manual incorporates all known, available and reasonable methods of stormwater prevention, control and treatment (AKART) that applied at the time the Manual was adopted. See RCW 90.52.040 and RCW 90.48.010. The Manual requires developers to demonstrate via detailed engineering calculations for projects of this size that off-site stormwater flows generated by the development do not exceed predevelopment, forested conditions. The standards also require stormwater treatment to ensure that water quality is not adversely affected.

6. Middle Housing Capacity. City staff testified that the City has adequate capacity to accommodate housing in the zero to 80% Area Median Income band. However, the City isn't seeing development occurring for that income range. Tr. 5.

Conclusions of Law

1. Authority. POMC 20.42.010(2) authorizes the hearing examiner to hold hearings on site specific rezones and to make recommendations to the City Council for a final decision.

2. Zoning Designation. The rezone area is currently zoned Residential (R2).

3. Review Criteria. POMC 20.42.030 governs the criteria for site-specific rezones. Applicable criteria are quoted in italics below and applied via corresponding conclusions of law.

POMC 20.42.030(1)*: Generally. The following general provisions shall apply to review of all site-specific rezone applications:*

(a) There is no presumption of validity favoring the action of rezoning;

(b) The proponents of the rezone have the burden of proof to demonstrate that conditions have changed since the original zoning; and

(c) The rezone must bear a substantial relationship to the public health, safety, morals or welfare.

4. Criterion met. The criterion is met.

The requirement for changed conditions in POMC 20.42.030(1) is a key requirement of the City's rezone criteria. Washington appellate courts require that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. *See Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone implements the Comprehensive Plan, a showing that a change of circumstances has occurred is not required. *Id.* at 112. The changed circumstances requirement provides for stability in zoning designations that can be relied upon by property owners. The City's requirement for changed conditions is arguably more stringent than the judicial standard since the City's code doesn't offer comprehensive plan implementation as an alternative to establishing changed circumstances.[8]

A change in condition identified in the staff report is development of the 10-acre Forest Song apartment complex site just southwest of the project site at the southwest corner of the Sherman/Hull Ave. intersection. The site was rezoned to R3 in 1977 but is only being currently developed.

The proposal also clearly implements comprehensive plan policies that encourage middle housing and a wide diversity of housing types. *See, e.g.* Comprehensive Plan Policy LU-8 and HS-2; Housing Goal 2. As testified by Director Bond, those policies were adopted in 2024 and thus constitute a change in circumstances. Tr. 5. This change is reflected in several bills adopted by the state legislature, starting with a 2021 amendment the Growth Management Act (RCW 36.70A.070(2)) to require cities to analyze and plan for future housing across a variety of income ranges and housing unit types. More stringent requirements have been adopted since to compel more middle housing in cities and counties. *See, e.g.* RCW 36.70A.635.

Beyond the changed conditions issue, the proposal bears a substantial relationship to the public health, safety and welfare because the proposal will not create any significant adverse impacts as gauged by City development standards for the reasons identified in Finding of Fact (FOF) No. 5.

POMC 20.42.030(2)(a): *Criteria for Review. In addition to the general criteria in subsection (1) of this section, the city shall review applications for site-specific rezone applications and issue approval of said applications pursuant to the following criteria:*

> *(a) Consistency with the existing comprehensive plan (the comprehensive plan that has been approved and is in place at the time the application was submitted);*

5. Criterion met. The Comprehensive Plan Land Use Map designation of the rezone area is Medium Density Residential. The R2 and R3 zones are both authorized implementing zones for that designation. Further, as detailed in the staff report, the proposal implements several comprehensive

[8] Of course, if the City's comprehensive plan policies implemented by the rezone were adopted after the current zoning, then the adoption of the policies would itself qualify as a change in circumstances. The date of the last rezone of the property is not identified in the record.

plan policies and goals because it helps achieve population targets, adds to a variety and diversity of housing types over the full range of income levels and promotes infill development.

POMC 20.42.030(2)(b): *Consistency with the purpose of the proposed zoning district;*

6. Criterion met. POMC 20.34.030 provides that the purpose of the R3 district is to accommodate a variety of residential options limited to three stories in height. The Applicant is pursuing the rezone for an apartment complex that is consistent with this purpose.

POMC 20.42.030(2)(c): *Consistency between zone criteria and area characteristics;*

7. Criterion met. The criterion is met because the rezone is found compatible with the surrounding area for the reasons identified in FOF 5B.

POMC 20.42.030(2)(d): *Zoning history and precedential effect. Previous and potential zoning changes both in and around the area identified in the application shall be examined;*

8. Criterion met. The Forest Song apartment complex to the southwest arguably creates a precedent for an evolving trend towards higher density development in this portion of the City.

POMC 20.42.030(2)(e): *The impact of more intense zones on less intense zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers in the more intense zone, if possible. A gradual transition between zoning categories, including height limits, is preferred;*

9. Criterion met. As noted in FOF No. 5B, the rezone area is fairly well suited for the upzone because of the Greenbelt zoning serving as a buffer to the east, unopened right of way along the southern perimeter and Forest Song apartment complex to the southwest. The height limits for both the R2 and R 3 districts are the same.

POMC 20.42.030(2)(f): *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

(i) Natural features such as topographical breaks, lakes, rivers, streams, ravines and shorelines;

(ii) Freeways, other major traffic arterials and railroad tracks;

(iii) Distinct change in street layout and block orientation;

(iv) Open space and greenspaces suitable in area to mitigate against more intense uses;

(v) Zone boundaries;

10. Criterion met. As previously noted, the Greenbelt zoning to the east serves as a moderately good buffer, especially to the much lower density R1 zoning to the east. The Greenbelt zoning on the rezone area correlates with the top of a slope, which serves as a physical buffer as contemplated in the standard quoted above.

POMC 20.42.030(2)(g): *In establishing boundaries, the following elements shall be considered:*

(i) Physical buffers as described in subsection (2)(f) of this section; and

(ii) Platted lot lines;

11. Criterion met. The Greenbelt zoning serves as an effective boundary to protect R1 development to the east.

POMC 20.42.030(2)(h): *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses;*

12. Not Applicable. There are no commercial uses involved with the proposal.

POMC 20.42.030(2)(i): *Impact Evaluation. The evaluation of the changes that would result from approval of the application shall consider the possible negative and positive impacts on the affected area and its surroundings. Factors to be examined include, but are not limited to, the following:*

(i) Housing;
(ii) Public services;
(iii) Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows and energy conservation;
(iv) Pedestrian safety;
(v) Manufacturing activity;
(vi) Employment activity;
(vii) Character of areas recognized for architectural or historic value;
(viii) Shoreline view, public access and recreation;
(ix) Service Capacities. Development which can be reasonably anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including: street access to the area; street capacity in the area; transit service; parking capacity; utility and sewer capacity; shoreline navigation;
(x) Population and employment allocations as established through the countywide planning policies;

(xi) Changed Circumstances. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone designations in the zoning code;
(xii) Critical Areas. If the area is located in or adjacent to a critical area, the effect of the rezone on the critical area shall be considered.

13. Criterion met. Pertinent factors quoted above are all addressed in FOF No. 5.

Universal Permitting Criteria

POMC 20.24.100: *The criteria set forth below shall apply to all Type I through IV land use and development permit applications:*

(1) *Determination of Consistency. The applications are reviewed by the city to determine consistency between the proposed project and the applicable land use and development regulations and the comprehensive plan. A proposed project's consistency with the city's land use and development regulations shall be determined by consideration of:*

(a) *The type of land use;*
(b) *The level of development, such as units per acre or other measures of density;*
(c) *Availability of infrastructure, including public facilities and services needed to serve the development; and*
(d) *The character of the development, such as development standards.*

(2) *Upon review of an application, the decision-maker shall also determine whether the building and/or site design complies with the following provisions:*

(a) *The comprehensive plan;*
(b) *The applicable provisions of this title;*
(c) *The Washington State Environmental Policy Act (SEPA), pursuant to Chapter 20.160 POMC, if not otherwise satisfied;*
(d) *The city's public works design standards.*

(3) *Additional Review Criteria. Additional review criteria appear in each chapter or section of the POMC relating to the development regulations for an individual project permit application or other approval. All of the criteria in this section and the criteria relating to the individual application(s) must be satisfied in order for the city to make a determination of consistency and issue an approval.*

(4) *Limitations on Review. During project review, the city shall not reexamine alternatives to or hear appeals on the review requirements of this section except for issues of code interpretation.*

(5) *Burden of Proof. The burden of proof for demonstrating that the application is consistent with the applicable regulations is on the Applicant.*

10. Criterion met. The criterion is met. The Applicant has demonstrated conformance to the comprehensive plan, adequacy of infrastructure and compatibility with surrounding development as

previously discussed. The proposal conforms to SEPA requirements since the City issued a DNS in conformance with SEPA standards.

RECOMMENDATION

It is recommended that the City Council approve the requested rezone from R2 to R3 as recommended by City planning staff.

DATED this 7th day of January 2026[9].

Phil Olbrechts
Hearing Examiner for Port Orchard

[9] This recommendation was originally issued on December 24, 2025. The City requested a revision on January 6, 2026 on the basis that the Examiner's recommendation was based upon the understanding that the City's density standards are based upon the standard dwelling units/acre as opposed to the highly unique and innovative standard of units/lot. Since this issue was not contested by any project opponents and was clear error by the examiner, this recommendation was revised without requesting additional public comment.

City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Consent Agenda: 7.C. Adoption of an Ordinance Adopting Port Orchard Municipal Code Section 13.07.055, and Amending POMC Sections 13.07.070, 13.07.090, 13.07.100, 13.05.080, 13.05.090 and 13.04.100, pertaining to Water and Sewer (Ryan)

Meeting Date: February 10, 2026

Presenter: Denis Ryan, Public Works Director

Summary and Background:

The City of Port Orchard operates water and sanitary sewerage systems and has adopted regulations for the operation and use of these utilities at Title 13 of the Port Orchard Municipal Code. In 2023, following a lengthy process of code development, the City Council adopted Ordinance No. 020-23, codified at Chapters 13.04 and 13.07 of the Port Orchard Municipal Code, to enhance existing regulations and requirements for the control of the discharge of fats, oils and grease to the City's sewerage system, and to enhance existing regulations and requirements for the protection of the public water systems from contamination via cross-connections and backflow incidents. Since 2023, staff have been identifying necessary amendments to meet evolving operational conditions and newly identified impacts that warrant targeted, largely technical amendments to Chapters 13.04, 13.05, and 13.07 to clarify regulatory standards, address identified gaps, and safeguard public infrastructure and environmental quality. Amendments include: Amendment of POMC 13.04.100, Cross Connections, to defer primary regulation of this topic to Chapter 13.75, Cross Connections and avoid duplication. Adoption of POMC 13.07.055 to establish exceptions to mandatory premise isolation for consistency with WAC 246-290-490. Amendment of POMC 13.07.070 to reflect existing practice and resources allocation for observing inspections. Amendment to POMC 13.07.090 due to modifications in software utilized by City and to ensure code reflects capabilities. Amendment to code enforcement/penalties provisions to reference recently updated Chapter 2.64, Code Enforcement.

Relationship to Comprehensive Plan: 7 - Utilities

Recommendation: Staff recommends adoption of an Ordinance Adopting Port Orchard Municipal Code Section 13.07.055, and Amending POMC Sections 13.07.070, 13.07.090, 13.07.100, 13.05.080, 13.05.090 and 13.04.100, pertaining to Water and Sewer.

Motion for Consideration: I move to adopt an Ordinance adopting new POMC Section 13.07.055, and Amending POMC Sections 13.07.070, 13.07.090, 13.07.100, 13.05.080, 13.05.090 and 13.04.100, pertaining to Water and Sewer.

Has item been presented to Committee/Work Study? No
If so, which one: No

Fiscal Impact: None anticipated.

Alternatives: Do not adopt and provide alternative guidance.

Attachments:
1. Ordinance 13.04 13.05 13.07 Redlines
2. Ordinance 13.04 13.05 13.07 Redlines

13.04.100 Cross connections.

The installation or maintenance of any cross connection which would endanger the water supply of the city of Port Orchard is prohibited. Such cross connections are declared to be a public health hazard and shall be abated.

The control or elimination of cross connections shall be in accordance with WAC 246-290-490. ~~The policies, procedures and criteria for determining appropriate levels of protection shall be in accordance with the Accepted Procedure and Practice in Cross Connection Control Manual – Pacific Northwest Section – American Water Works Association, Fourth Edition, or any superseding edition.~~

It shall be the responsibility of the city to protect the potable water system from contamination or pollution due to cross connections. Water service to any premises shall be contingent upon the customer providing cross connection control in a manner approved by the city engineer. ~~Backflow prevention assemblies required to be installed shall be a model approved by the Kitsap County health department.~~

The city engineer, or their designated representative with proper identification, shall have free access at reasonable hours of the day to all parts of the premises or within the building to which the water is supplied. Water service may be refused or terminated to any premises for failure to allow necessary inspections.

In all areas where this provision and POMC 13.07 "Cross-Connection Control" conflict, POMC 13.07 "Cross-Connection Control" shall take precedence unless otherwise specified.

13.07.055 Exceptions to Mandatory Premise Isolation

(1) An exception to mandatory premise isolation as required under WAC 246-290-490(4)(b)(i), (ii), (iii) and (Table 13, formerly codified as Table 9) may be granted where plumbing deviates from the expected standard in such a way that cross-connections are eliminated. This includes:

(a) Medical/Health Services Facilities not having laboratories or similar facilities, with no water-connected X-ray equipment

(b) Dental Offices having independent water supplies for dental work and digital X-ray equipment

(c) Bottling Plants without bottling processes

(d) Laundry or Dry Cleaners without cleaning processes on premises

(e) Marina or Dock for small boat moorage only

(f) Agricultural Premises with hobby farm activities only

(g) Mortuary facility with funeral services only

(h) Digital film printing with no water-connected equipment and/or self-contained film processing operations with no water-connected equipment and using only pre-packaged/pre-mixed chemicals

(i) Nursing or boarding home with no water-connected medical equipment, specialized plumbing, or other hazards

(j) Other facilities as evaluated by the City CCS or designee on a case-by-case basis

(2) The city CCS shall evaluate all requests for exception as follows:

(a) Existing construction shall be subject to a risk assessment survey and operational monitoring as appropriate.

(b) New construction shall be required to implement premise isolation regardless of plumbing deviations

(3) Exceptions granted by the city CCS shall last for one year from the date of issuance. A risk assessment survey conducted by the city CCS shall be required annually for continued renewal of the exception.

(4) Exceptions granted by the city CCS may be terminated by the city CCS for any reason, including but not limited to the following:

(a) Establishment of conditions consistent with high hazard cross-connections or WAC 246-290-490(4)(b)(i), (ii), (iii) and (Table 13, formerly codified as Table 9)

(b) Change of occupant business operations, such as but not limited to tenant improvements and changes of ownership with or without modification of plumbing

(c) Expiration of a previously granted exception without a risk assessment survey conducted in the previous year

13.07.070 New construction.

(1) Risk assessments for new construction shall be conducted as outlined below: Upon application for a water service connection, a city CCS shall review the application and determine the risk posed to the public water system by the customer's water system. A city

CCS shall classify the water service connection as either a high health hazard cross-connection, a low health hazard cross-connection, or no health hazard cross-connection, and shall specify the need for and identify the type of backflow protection required (if applicable) for premises isolation backflow protection. When deemed necessary, a city CCS shall request the city's engineering division or local administrative authority to require a detailed plan and specification for the plumbing installation in order to facilitate risk assessment review of the water use at the property.

(2) A city CCS shall review all water system related plans and specifications to:

(a) Assess the actual or potential health hazard or contamination risk to the public water system.

(b) Assess the complexity of any existing and/or proposed water piping system.

(c) Assess the probability of cross-connections within a customer's water system.

(d) Determine what cross-connections might constitute acceptable risks.

(e) Determine the reliability required of any backflow prevention assembly utilized within a facility or mandated for premises isolation.

(f) Assess the actual or potential use and/or availability of any unapproved auxiliary water supply systems.

(g) Assess the storage and handling of material dangerous to health and toxic substances that, if introduced into the water system, would constitute a water system, plumbing, or health hazard.

(3) If it is determined that any of these conditions will exist, a city CCS shall advise the customer in writing that such cross-connections exist and may, as a courtesy, offer technical guidance in eliminating or controlling such cross-connections. If a city CCS determines that the customer's water system represents a potential health hazard risk to the city water system, such as, but not limited to, WAC 246-290-490(4)(b)(Table 13, formerly codified as Table 9) facilities and/or systems, a backflow preventer commensurate with the assessed degree of hazard shall be required for premises isolation at the water service connection, notwithstanding any point of hazard, point of use, or fixture protection existing or proposed within the property lines of the premises.

(4) Backflow preventers, when required, shall be installed and tested before the water service is activated. A city CCS shall advise the customer that it is the customer's responsibility to install the backflow preventer and have it tested by a Washington State certified backflow assembly tester (BAT) prior to use of the water service, and that annual

testing and documentation is required thereafter. ~~A city CCS shall attend and witness the initial test of all backflow assemblies installed for premises protection. It is the responsibility of the customer to contact a city CCS and coordinate an appointment time for a city CCS to attend and witness the required test of a backflow assembly (24-hour advance notice is required). (Ord. 020-23 § 2 (Exh. B)).~~

13.07.090 Records and reports.

(1) The city of Port Orchard's cross-connection control program files shall include files for each customer requiring the installation of a premises isolation backflow prevention assembly. A computer software database may be utilized, in part or full, for compiling and extracting information required for tracking compliance as well as Department of Health annual reporting.

(2) The following information shall be maintained ~~in each file~~:

(a) Copies of all correspondence with customer relative to cross-connection control.

(b) Copies of evaluation reports, complete with field drawings (if applicable).

(c) Copies of all completed backflow assembly test report forms.

(d) Copies of all reports or correspondence pertaining to enforcement action, cross-connections, or backflow incidents. (Ord. 020-23 § 2 (Exh. B)).

(3) The city CCS shall assign a test due date for each backflow prevention assembly and shall make every effort to provide notice to the customer of the testing due date. Annual backflow assembly testing will be required by the City established due date regardless of the actual date previous tests were performed.

13.07.100 Enforcement.

Unprotected cross-connections which are declared by this chapter to be unlawful, whether presently existing or hereinafter installed, as well as any customer who has violated or is continuing to violate any provision of this chapter, or an order issued hereunder, are hereby declared to be public nuisances. In addition to any other provisions of ~~the Port Orchard Municipal Code pertaining to abatement of public nuisances~~POMC 2.64, and in addition to any other enforcement methods authorized by an ordinance of the city or local or state law, these violations may be subject to abatement and enforcement through any of the following methods (at the discretion of the director or designee):

(1) Notice of Violation. Whenever the city finds that any customer has violated or is continuing to violate any provision of this chapter, or an order issued hereunder, the city may serve upon such customer a written notice of the violation that will include a minimum

of an additional 10 days to comply and notification that water services will be terminated on the next business day following the specified due date. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Compliance Orders. Whenever the city finds that a customer has violated, or continues to violate, any provision of this chapter, or order issued hereunder, the city may issue a compliance order to the customer responsible for the violation. This order shall direct that the cross-connection be eliminated or protected with an approved backflow prevention assembly and that the assembly be installed and properly operated and maintained. The order shall specify that water services shall be discontinued and/or applicable penalties imposed unless, following a specified time period, the directed actions are taken. A compliance order may not extend the deadline for compliance beyond any applicable state or federal deadlines, nor does a compliance order release the customer from liability from any past, present, or continuing violation(s). Issuance of a compliance order shall not be a prerequisite to taking any other action against the customer. Failure to comply with any terms or requirements of a compliance order by a customer shall be an additional and independent basis for termination of water services or any other enforcement action authorized under this chapter and deemed appropriate by the city.

(3) Cease and Desist Orders. The city may issue a cease and desist order upon finding a customer has or is violating this chapter. The decision to issue a cease and desist order shall consider the likelihood that a customer's violations could cause a severe threat to the public water system. The order issued by the city will direct the customer to cease and desist all such violations and to: (a) immediately cease such actions creating a cross-connection; (b) comply with all applicable cross-connection control standards and requirements; (c) take such appropriate action as may be needed to properly address a continuing or threatened violation, including halting operations. Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the customer.

(4) Recovery of Costs Incurred by the City. Any customer violating any of the provisions of this chapter or who creates or maintains a cross-connection without an approved, operational backflow prevention assembly shall be liable to the city for any expense, loss, fines, or damage caused by such violation or backflow incident. The city will bill the customer for the cost incurred by the city for any cleaning, repair, replacement work, or other damages caused by the cross-connection. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of this section and Chapter 20.02 POMC.

(5) Noncompliance Fines. Notwithstanding any other section of this chapter, any customer found by the city to have violated any provision of this chapter, or orders issued hereunder, shall be fined in an amount not to exceed $1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments will be billed separately from the utility billing for services. Unpaid charges, fines, and penalties shall be sent to collections. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the customer.

(6) Termination of Water Services. The city shall have authority to terminate water services to any customer upon determining that such customer has: (a) refused access allowed by this chapter thereby preventing the implementation of any purpose of this chapter; (b) violated any provision of this chapter including failure to install or test a backflow assembly; or (c) violated any lawful order of the city issued with respect to this chapter. The city will attempt to provide reasonable notice to tenants and owners prior to water service being terminated, but if the city determines the cross-connection or other violation of this code presents an imminent and serious threat to the public water system, the city may immediately terminate the customer's water service, the notice ~~and appeal~~ rights set forth herein notwithstanding. Service will be restored after the customer has made arrangements to come into compliance and paid a disconnect/connect charge, as established in POMC 13.04.050. If a customer makes arrangements for compliance and payment after 4:30 p.m., the water will not be reconnected until the next morning. If a customer wishes to have their water reconnected after 4:30 p.m., they will be charged after-hours rates per POMC 13.04.055. (Ord. 020-23 § 2 (Exh. B)).

13.05.090 Penalties.

(1) Noncompliance Fines. Notwithstanding any other section of this chapter, any customer found by the city to have violated any provision of this chapter, or orders issued hereunder, shall be fined in an amount not to exceed $1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments will be billed separately from the utility billing for services. Unpaid charges, fines, and penalties shall be sent to collections. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the customer. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of noncompliance, penalties shall accrue for each day during the period of such noncompliance. In addition to the penalty amounts assessable above, the director may recover reasonable attorneys' fees, court costs, and other expenses associated with compliance and enforcement activities authorized under this chapter. This shall include

recovery of costs for sampling and monitoring, and the cost of any actual damages incurred by the city. The city shall petition the superior court of Kitsap County to impose, assess, and recover such sums. When recommending the amount of civil liability, the public works director shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the customer's violation, corrective actions by the customer, the compliance history of the customer, and any other factor as justice requires, and shall present this analysis as evidence in support of the recommended penalty. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a customer.

(2) Termination of Water Services. The city shall have authority to terminate water services to any customer upon determining that such customer has: (a) refused access allowed by this chapter thereby preventing the implementation of any purpose of this chapter; (b) violated any provision of this chapter; or (c) violated any lawful order of the city issued with respect to this chapter. The city will attempt to provide reasonable notice to tenants and owners prior to water service being terminated, but if the city determines the violation of this code presents an imminent and serious threat to the environment, public health or ~~the~~ public ~~water system~~utilities, the city may immediately terminate the customer's water service, the notice ~~and appeal~~ rights set forth herein notwithstanding. Service will be restored after the customer has made arrangements to come into compliance and paid a disconnect/connect charge, as established in POMC 13.04.050. If a customer makes arrangements for compliance and payment after 4:30 p.m., the water will not be reconnected until the next morning. If a customer wishes to have their water reconnected after 4:30 p.m., they will be charged after-hours rates per POMC 13.04.055.

(3) Recovery of Expenses. All expenses incurred by the city in correcting the violation shall be billed to the property owner and/or person responsible for the violation and shall become due and payable to the city within 10 calendar days. Such costs may include, but are not limited to, the following:

(a) "Legal expenses," which shall include, but are not limited to:

(i) Personnel costs, both direct and indirect, including attorney's fees and all costs incurred by the city attorney's office or its designee;

(ii) Actual and incidental expenses and costs incurred by the city in preparing notices, contracts, court pleadings, and all other necessary documents; and

(iii) All costs associated with retention and use of expert witnesses or consultants;

(b) "Abatement expenses," which shall include, but are not limited to:

(i) Costs incurred by the city for preparation of notices, contracts, and related documents;

(ii) All costs associated with inspection of the abated property and monitoring of said property consistent with orders of compliance issued by the city's hearing examiner or a court of competent jurisdiction;

(iii) All costs incurred by the city for hauling, storage, disposal, or removal of vegetation, trash, debris, dangerous structures or structures unfit for occupancy, potential vermin habitat or fire hazards, junk vehicles, obstructions to public rights-of-way, and setback obstructions;

(iv) All costs incurred by law enforcement or related enforcement agencies;

(v) All costs incurred by the city during abatement of code violations may include interest in an amount as prescribed by law; and

(4) The city shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this chapter, and all other related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on parity.

A facility is liable to the city for any expense, loss, or damage occasioned by the city for reason of appropriate cleanup and proper disposal of said waste materials.

(5) Remedies Nonexclusive. The provisions in this section are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions concurrently or sequentially against a noncompliant user or to take other actions as warranted by the circumstances. (Ord. 020-23 § 1 (Exh. A)).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO THE CITY WATER AND SEWERAGE SYSTEMS; ADOPTING PORT ORCHARD MUNICIPAL CODE SECTION 13.07.055; AMENDING PORT ORCHARD MUNICIPAL CODE SECTIONS 13.07.070, 13.07.090, 13.07.100, 13.05.080, 13.05.090 AND 13.04.100; PROVIDING FOR SEVERABILITY AND PUBLICATION, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orchard operates water and sanitary sewerage systems and has adopted regulations for the operation and use of these utilities, codified at Title 13 of the Port Orchard Municipal Code (POMC); and

WHEREAS, in 2023, the City Council adopted Ordinance No. 020-23, codified at Chapters 13.04 and 13.07 of the Port Orchard Municipal Code, to enhance existing regulations and requirements for the control of the discharge of fats, oils and grease to the City's sewerage system, and to enhance existing regulations and requirements for the protection of the public water systems from contamination via cross-connections and backflow incidents; and

WHEREAS, since adoption, evolving operational conditions and newly identified impacts that warrant targeted amendments to Chapters 13.04, 13.05, and 13.07, to clarify regulatory standards, address identified gaps, and safeguard public infrastructure and environmental quality; and

WHEREAS, the City Council recently amended Chapter 2.65 POMC governing enforcement tools and procedures for transparency, and related amendments to Chapters 13.04 and 13.07 are necessary for continuity and correct cross-referencing; and

WHEREAS, this Ordinance and the amendments set forth herein are enacted as an exercise of the police power authority of the City of Port Orchard to protect and preserve the public health and welfare; and

WHEREAS, the City Council, after careful consideration of the proposed amendments and all public comments, finds that the proposed amendments are consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that adoption of the code language herein is 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. Adoption. New Port Orchard Municipal Code Section 13.07.055, is hereby adopted to read as follows:

13.07.055 Exceptions to Mandatory Premise Isolation

(1) An exception to mandatory premise isolation as required under WAC 246-290-490(4)(b)(i), (ii), (iii) and (Table 13, formerly codified as Table 9) may be granted where plumbing deviates from the expected standard in such a way that cross-connections are eliminated. This includes:(a) Medical/Health Services Facilities not having laboratories or similar facilities, with no water-connected X-ray equipment

(b) Dental Offices having independent water supplies for dental work and digital X-ray equipment

(c) Bottling Plants without bottling processes

(d) Laundry or Dry Cleaners without cleaning processes on premises

(e) Marina or Dock for small boat moorage only

(f) Agricultural Premises with hobby farm activities only

(g) Mortuary facility with funeral services only

(h) Digital film printing with no water-connected equipment and/or self-contained film processing operations with no water-connected equipment and using only pre-packaged/pre-mixed chemicals

(i) Nursing or boarding home with no water-connected medical equipment, specialized plumbing, or other hazards

(j) Other facilities as evaluated by the City CCS or designee on a case-by-case basis

(2) The city CCS shall evaluate all requests for exception as follows:

(a) Existing construction shall be subject to a risk assessment survey and operational monitoring as appropriate.

(b) New construction shall be required to implement premise isolation regardless of plumbing deviations

(3) Exceptions granted by the city CCS shall last for one year from the date of issuance. A risk assessment survey conducted by the city CCS shall be required annually for continued renewal of the exception.

(4) Exceptions granted by the city CCS may be terminated by the city CCS for any reason, including but not limited to the following:

(a) Establishment of conditions consistent with high hazard cross-connections or WAC 246-290-490(4)(b)(i), (ii), (iii) and (Table 13, formerly codified as Table 9)

(b) Change of occupant business operations, such as but not limited to tenant improvements and changes of ownership with or without modification of plumbing

(c) Expiration of a previously granted exception without a risk assessment survey conducted in the previous year

SECTION 2. Amendment. Port Orchard Municipal Code Section 13.07.070, New construction, is hereby amended in part to read as follows:

***

(4) Backflow preventers, when required, shall be installed and tested before the water service is activated. A city CCS shall advise the customer that it is the customer's responsibility to install the backflow preventer and have it tested by a Washington State certified backflow assembly tester (BAT) prior to use of the water service, and that annual testing and documentation is required thereafter.

***

SECTION 3. Amendment. Port Orchard Municipal Code Section 13.07.090, Records and reports, is hereby amended in part to read as follows:

13.07.090 Records and reports.

(1) The city of Port Orchard's cross-connection control program files shall include files for each customer requiring the installation of a premises isolation backflow prevention assembly. A computer software database may be utilized, in part or full, for compiling and extracting information required for tracking compliance as well as Department of Health annual reporting.

(2) The following information shall be maintained:

(a) Copies of all correspondence with customer relative to cross-connection control.

(b) Copies of evaluation reports, complete with field drawings (if applicable).

(c) Copies of all completed backflow assembly test report forms.

(d) Copies of all reports or correspondence pertaining to enforcement action, cross-connections, or backflow incidents.

(3) The city CCS shall assign a test due date for each backflow prevention assembly and shall make every effort to provide notice to the customer of the testing due date. Annual backflow assembly testing will be required by the City established due date regardless of the actual date previous tests were performed.

SECTION 4. Amendment. Port Orchard Municipal Code Section 13.07.100, Enforcement, is hereby amended in part to read as follows:

13.07.100 Enforcement.

Unprotected cross-connections which are declared by this chapter to be unlawful, whether presently existing or hereinafter installed, as well as any customer who has violated or is continuing to violate any provision of this chapter, or an order issued hereunder, are hereby declared to be public nuisances. In addition to any other provisions of the Port Orchard Municipal Code pertaining enforcement, including but not limited to Chapter 2.64 POMC, and in addition to any other enforcement methods authorized by an ordinance of the city or local or state law, these violations may be subject to abatement and enforcement through any of the following methods (at the discretion of the director or designee):

***

(6) Termination of Water Services. The city shall have authority to terminate water services to any customer upon determining that such customer has: (a) refused access allowed by this chapter thereby preventing the implementation of any purpose of this chapter; (b) violated any provision of this chapter including failure to install or test a backflow assembly; or (c) violated any lawful order of the city issued with respect to this chapter. The city will attempt to provide reasonable notice to tenants and owners prior to water service being terminated, but if the city determines the cross-connection or other violation of this code presents an imminent and serious threat to the public water system, the city may immediately terminate the customer's water service, the notice rights set forth herein notwithstanding. Service will be restored after the customer has made arrangements to come into compliance and paid a disconnect/connect charge, as established in POMC 13.04.050. If a customer makes arrangements for compliance and payment after 4:30 p.m., the water will not be reconnected until the next morning. If a customer wishes to have their water reconnected after 4:30 p.m., they will be charged after-hours rates per POMC 13.04.055.

***

SECTION 5. Amendment. Port Orchard Municipal Code Section 13.05.080, Enforcement, is hereby amended in part to read as follows:

13.05.080 Enforcement.

***

(6) Violations of any provision of this chapter, or an order issued hereunder, are hereby declared to be public nuisances. In addition to any other provisions of the Port Orchard Municipal Code, including but not limited to Chapter 2.64 POMC, and in addition to any other enforcement methods authorized by an ordinance of the city or local or state law, these violations may be subject to abatement and enforcement through any of the following methods (at the discretion of the director or designee):

(a) Notice of Violation. Whenever the city finds that any customer has violated or is continuing to violate any provision of this chapter, or an order issued hereunder, the city may serve upon such customer a written notice of the violation that will include a minimum of an additional 10 days to comply and notification that water services will be terminated on the next business day following the specified due date. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) Compliance Orders. Whenever the city finds that a customer has violated, or continues to violate, any provision of this chapter, or order issued hereunder, the city may issue a compliance order to the customer responsible for the violation. This order shall direct that the violation condition be abated, and all associated appurtenances maintained. The order shall specify that water services shall be discontinued and/or applicable penalties imposed unless, following a specified time period, the directed actions are taken. A compliance order may not extend the deadline for compliance beyond any applicable state or federal deadlines, nor does a compliance order release the customer from liability from any past, present, or continuing violation(s). Issuance of a compliance order shall not be a prerequisite to taking any other action against the customer. Failure to comply with any terms or requirements of a compliance order by a customer shall be an additional and independent basis for termination of water services or any other enforcement action authorized under this chapter and deemed appropriate by the city.

(c) Cease and Desist Orders. The city may issue a cease and desist order upon finding a customer has violated or is violating this chapter. The decision to issue a cease and desist order shall consider the likelihood that a customer's violations could cause a severe threat to the public and/or sewer system. The order issued by the city will direct the customer to cease and desist all such violations and to: (i) immediately cease such actions creating a condition in which a

discharge violation occurs; (ii) comply with all applicable fats, oils, and grease discharge standards and requirements; (iii) take such appropriate action as may be needed to properly address a continuing or threatened violation, including halting operations. Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the customer.

***

SECTION 6. Amendment. Port Orchard Municipal Code Section 13.05.090, Penalties, is hereby amended in part to read as follows:

13.05.090 Penalties.

***

(2) Termination of Water Services. The city shall have authority to terminate water services to any customer upon determining that such customer has: (a) refused access allowed by this chapter thereby preventing the implementation of any purpose of this chapter; (b) violated any provision of this chapter; or (c) violated any lawful order of the city issued with respect to this chapter. The city will attempt to provide reasonable notice to tenants and owners prior to water service being terminated, but if the city determines the violation of this code presents an imminent and serious threat to the environment, public health or public utilities, the city may immediately terminate the customer's water service, the notice rights set forth herein notwithstanding. Service will be restored after the customer has made arrangements to come into compliance and paid a disconnect/connect charge, as established in POMC 13.04.050. If a customer makes arrangements for compliance and payment after 4:30 p.m., the water will not be reconnected until the next morning. If a customer wishes to have their water reconnected after 4:30 p.m., they will be charged after-hours rates per POMC 13.04.055.

***

SECTION 7. Amendment. Port Orchard Municipal Code Section 13.04.100, Cross connections, is hereby amended in part to read as follows:

13.04.100 Cross connections.

The installation or maintenance of any cross connection which would endanger the water supply of the city of Port Orchard is prohibited. Such cross connections are declared to be a public health hazard and shall be abated.

The control or elimination of cross connections shall be in accordance with WAC 246-290-490. It shall be the responsibility of the city to protect the potable water system from contamination or

pollution due to cross connections. Water service to any premises shall be contingent upon the customer providing cross connection control in a manner approved by the city engineer.

The city engineer, or their designated representative with proper identification, shall have free access at reasonable hours of the day to all parts of the premises or within the building to which the water is supplied. Water service may be refused or terminated to any premises for failure to allow necessary inspections.

In all areas where this provision and Chapter 13.07 POMC "Cross-Connection Control" conflict, Chapter 13.07 POMC "Cross-Connection Control" shall take precedence unless otherwise specified.

SECTION 8. 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 9. 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 10. Effective Date. This Ordinance shall take effect and be in full force and effect on ____, which is at least five days after adoption and publication of this ordinance, as provided by law.

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 __ day of _____ 2026.

Robert Putaansuu, Mayor

ATTEST:

Brandy Wallace, MMC, City Clerk

APPROVED AS TO FORM:

Charlotte A. Archer, City Attorney

SPONSOR:

_____, Councilmember

PUBLISHED:
EFFECTIVE DATE:

City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Consent Agenda: 7.D. Adoption of a Resolution Authorizing the Mayor to Execute an Contract with Puget Sound Energy (PSE) for Electrical Design Services for SR166/Bay Street Reconstruction Project (Ryan)
Meeting Date: February 10, 2026
Presenter: Denis Ryan, Public Works Director

Summary and Background:
The City of Port Orchard's Public Works Department is advancing the SR166/Bay Street Reconstruction Project, which involves roadway improvements from south of Geiger Street to north of Frederick Avenue. This project is funded through a Federal Highway Administration (FHWA) grant administered by WSDOT, with a 13.5% local match, and is included in the 2025–2026 Biennial Budget. As part of the reconstruction effort, electrical design work is required to accommodate street lighting, signalization, and related electrical infrastructure. Puget Sound Energy (PSE) has provided a proposal for professional electrical design services necessary for the project. The proposed contract amount is not to exceed $30,000, which includes a contingency to address unforeseen design adjustments. This work is essential to ensure compliance with utility standards and coordination with other project elements.

Relationship to Comprehensive Plan: 8 - Transportation

Recommendation: Staff recommends approval and authorization for the Mayor to execute a contract with Puget Sound Energy (PSE) for electrical design services related to the SR166/Bay Street Reconstruction Project in an amount not to exceed $30,000, which includes a contingency.

Motion for Consideration: I move to approve and authorize the Mayor to execute a contract with Puget Sound Energy for electrical design services related to the SR166/Bay Street Reconstruction Project in an amount not to exceed $30,000.

Has item been presented to Committee/Work Study? No
If so, which one: No

Fiscal Impact: The cost of this contract will be funded through the SR166/Bay Street

Reconstruction Project budget (304.05.595.10.60). The project is supported by FHWA/WSDOT grant funding with a local match requirement. The PSE expenses are included in the current 2025-2026 Budget.

Alternatives: Do not approve and provide further guidance.

Attachments:

1. PSE SR166 Electrical Design
2. RESOLUTION_-_PSE_Design_SR166

Docusign Envelope ID: EE717105-F156-47BC-B220-20F915BB3A4A

PUGET SOUND ENERGY

Design Costs Payment Agreement

Date
1/22/2026

CUSTOMER (OWNER) NAME	CO-OWNER NAME (IF APPLICABLE)	PROJECT NAME	
CITY OF PORT ORCHARD		SR 166 BAY ST RECONSTRUCTION	
SERVICE ADDRESS	CITY	STATE	ZIP
555 BAY ST	PORT ORCHARD	WA	98366
BILLING ADDRESS	CITY	STATE	ZIP
216 PROSPECT ST	PORT ORCHARD	WA	98366

PHONE	EMAIL	PSE Notification NO.
360-535-2497	RPUTAANSUU@PORTORCHARDWA.GOV	101178414
PROJECT MANAGER	**PROJECT MANAGER PHONE**	**PROJECT MANAGER EMAIL**
ERROL BURGOS	425-324-5341	ERROL.BURGOS@PSE.COM

Design Costs Information:

Your project will require engineering time and/or a non-routine jurisdictional permit. Therefore, we are asking for an upfront payment for Design Costs as outlined in PSE's Rate Schedule 85 on file with the Washington Utilities & Transportation Commission.

Please note that the Design Costs collected up front will be applied as a credit towards the project's Normal Construction Costs as defined in Rate Schedule 85. If this project is deemed to be canceled at any point, PSE's accumulated project charges will be reconciled against the upfront payment amount and a refund or additional billing will follow as appropriate.

Terms and conditions around Design Costs and the applicability of the upfront payment to the project's costs are outlined in Rate Schedule 85, which can be located at PSE's website.

Project Options

Design Costs Payment Required: $ 22,651.83 Plus applicable taxes.

The design cost is based on our estimate of engineering hours required and/or permit acquisition costs. This amount does not include construction costs.

Please Select Your Choice and Sign Below.

☐ **Cancel Project** – This project is no longer viable and will not be moving forward at this time. No charges apply.

☐ **Continue Project** – This is a viable project, please invoice me for the estimated design costs amount listed above.

Should you have any questions or concerns associated with your project or design costs payment requirements please contact your project manager.

This cost information is valid for 90 days from the Date Issued, and is subject to being updated after that time.

Please note we will not begin the design for your project until this signed contract is returned.

Signature: _____ Name: _____ Title: _____ Date: _____

RESOLUTION NO. _____

~~**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A COMMERCIAL ELECTRIC FACILITIES CONTRACT WITH PUGET SOUND ENERGY FOR THE MELCHER PUMP STATION REHABILITATION PROJECT.**~~**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PUGET SOUND ENERGY FOR ELECTRICAL DESIGN SERVICES FOR THE SR166/BAY STREET RECONSTRUCTION PROJECT.**

WHEREAS, the City of Port Orchard identified the need for the SR166/Bay Street Reconstruction Project to improve roadway infrastructure from south of Geiger Street to north of Frederick Avenue (the "Project"); and~~the City identified the need for the Melcher Pump Station Rehabilitation Project, to make necessary improvements to this key piece of infrastructure (the "Project"); and~~

WHEREAS, the City applied for and received a grant through the Federal Highway Administration (FHWA) administered by the Washington State Department of Transportation (WSDOT) to fund the Project, which includes a 13.5% local match; and~~the City applied for and received a loan through the Washington State Public Works Board (PWB) Traditional Fund Loan Program to fund the Project; and~~

WHEREAS, the Project requires electrical design services coordinated with Puget Sound Energy (PSE), the electrical service provider for the region, to ensure proper design and integration of electrical facilities for street lighting, signalization, and related infrastructure; and~~construction on the Melcher Pump Station Rehabilitation Project began in 2025; and~~

WHEREAS, PSE has provided the City with a proposal for electrical design services in an amount not to exceed $30,000, which includes a contingency allowance for unforeseen design adjustments; and~~the Project requires electrical improvements coordinated with Puget Sound Energy (PSE), the electrical services provider for the region, including removal of an idle three-phase transformer bank, replacement of an existing pole, and relocation of primary spans to ensure reliable electrical service for the pump station and compliance with current utility standards; and~~

_____

WHEREAS, approval of this contract will further the work necessary to advance the SR166/Bay Street Reconstruction Project; and

~~**WHEREAS**, PSE has provided the City with a Commercial Electric Facilities Contract that includes approved design and updated construction costs for the required electrical improvements in the amount of $43,897.76, with any additional costs to be identified by PSE as necessary for final connection; and~~

WHEREAS, the City Council finds it is in the best interests of the City and its residents to approve the contract with PSE; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT: It is the intent of the Port Orchard City Council that the recitals set forth above are hereby adopted and incorporated as findings in support of this Resolution**.**

THAT: The City Council approves and authorizes the Mayor to execute a contract with Puget Sound Energy for electrical design services related to the SR166/Bay Street Reconstruction Project in an amount not to exceed $30,000, and to take all actions necessary to effectuate this approval.~~**The** City Council approves the Mayor's execution of the Commercial Electric Facilities Contract with Puget Sound Energy for the Melcher Pump Station Rehabilitation Project in the amount of $43,897.76, with additional costs to be identified by PSE. The Mayor is authorized to take all actions necessary to effectuate this approval.~~

THAT: The Resolution shall take full force and effect upon passage and signatures hereon.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage on this 10~~13~~th day of February~~January~~, 2026.

_____
Robert Putaansuu, Mayor

ATTEST:

_____
City Clerk, Brandy Wallace, MMC

City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Consent Agenda: 7.E. Adoption of a Resolution Ratifying the Mayor's Signature on a Temporary Construction Easement for the SR166/Bay Street Improvements Project (Ryan)
Meeting Date: February 10, 2026
Presenter: Denis Ryan, Public Works Director

Summary and Background:
As part of the SR166/Bay Street Improvements Project (the "Project"), the City needs to secure Temporary Construction Easement (TCE) from certain property owners to facilitate the project. Consistent with WSDOT Local Programs requirements, the City utilizes the services of a consultant to negotiate, draft and secure execution of all necessary easements for this project. At the regular meeting on January 13, 2026, the City Council adopted a Resolution authorizing three temporary construction easements for the Project in the following amounts: Parcel No. 4055-010-007-0008 (Flying Dutchman LLC) – 2,215 SF - $12,000.00 Parcel No. 4650-009-001-0005 (Kitsap Bank) – 5,268 SF - $23,800.00 Parcel No. 4650-012-003-0007 (Kitsap Bank) – 3,208 SF - $17,400.00 The City's consultant submitted these three requests, but there were actually four separate easements for approval. Payment for the fourth easement was inadvertently lumped into the request for Parcel No. 4650-012-003-0007 (Kitsap Bank) in the amount of $17,400.00. Accordingly, the Council approved of the total payment amount for all four easements with its approval on January 13, 2026. The omitted easement was for Parcel No. 4650-012-001-0009 (Kitsap Bank). This easement covers approximately 1,904 square feet and will allow the City and its contractors to perform necessary work, including excavation, utility installation, sidewalk and driveway reconstruction, and restoration activities. The easement was executed by the Mayor to maintain project schedule and coordination. This ratification ensures formal Council concurrence with the Mayor's action. Again, compensation for this easement was included in the prior Council-approved item for the SR166/Bay Street Improvements Project, so there is no additional cost. The easement will expire on November 30, 2026, or upon formal closeout of the Project, whichever occurs first.

Relationship to Comprehensive Plan: 8 - Transportation

Recommendation: Staff recommends that the City Council adopt a Resolution ratifying the Mayor's execution of a Temporary Construction Easement for the SR166/Bay Street

Improvements Project.

Motion for Consideration: I move to adopt a Resolution ratifying the Mayor's execution of a Temporary Construction Easement for Parcel No. 4650-012-001-0009 for the SR166/Bay Street Improvements Project at no additional cost.

Has item been presented to Committee/Work Study? No
If so, which one: No

Fiscal Impact: No additional cost. Compensation for this easement was previously approved and included in the Project budget.

Alternatives: Do not approve and provide further guidance.

Attachments:
1. 4650-012-001-0009_Temp_Easemet_-_recorded
2. RESOLUTION_-_SR166_Temporary_Easements

After recording return document to:

City of Port Orchard – Clerk's Office
216 Prospect Street
Port Orchard, WA 98336

CITY OF PORT ORCHARD 202601270097
Easement Rec Fee: $ 306.50
01/27/2026 02:17 PM Page: 1 of 4
Paul Andrews, Kitsap Co Auditor

Document Title: Temporary Easement
Reference Number of Related Document: N/A
Grantor(s): Kitsap Bank
Grantee(s): City of Port Orchard
Legal Description: Lots 1 and 2, Block 12, S.M. Stevens' Town Plat of Sidney, as per plat recorded in Volume 1 of Plats, Page 1, Records of Kitsap County: together with tidelands fronting; also together with vacated road
Additional Legal Description - See Exhibit A
Assessor's Tax Parcel Number: 4650-012-001-0009

TEMPORARY EASEMENT

SR166/Bay Street Improvements - Preservation

The Grantor(s), **Kitsap Bank, a bank corporation organized under the laws of the State of Washington,** for and in consideration of TEN AND NO/100 ($10.00) DOLLARS, and other valuable consideration, conveys and grants unto the **City of Port Orchard, a Washington municipal corporation**, and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its right of Eminent Domain, the right, privilege and easement over, upon, and across the hereinafter described lands for the purpose of Ingress, egress and the placement of personnel and equipment for construction of public street and utility improvements with necessary appurtenances, including, but not limited to, removal of existing landscaping, driveway pavement, sidewalks, walls, and fences; temporary excavation and placement of construction concrete forms to rebuild public sidewalks and driveways; restoration and access conformance activities, such as regrading, restoration of landscaping areas, reconstruction of driveways, sidewalks, paths, and walkways; underground and above ground utility construction work, including supporting activities such as temporary excavation and shoring work, backfilling, and joint utility trench construction.

Said lands being situated in Kitsap County, State of Washington, and described in Exhibit

EXCISE TAX EXEMPT JAN 27 2026

TEMPORARY EASEMENT

A, attached hereto, and made a part hereof.

The term of this Temporary Easement shall commence on the date of acceptance of this Temporary Easement by Grantee and shall terminate on November 30, 2026, hereinafter the "Term".

It is further agreed that this Temporary Easement may be extended by up to 1 year at the Grantee's option. The rate associated with this extension shall be at the same rate as the original Temporary Easement, or at the newly established rate determined by an updated waiver valuation; whichever is higher. Grantee shall notify Grantor in writing, and render payment, prior to exercising this option.

It is understood and agreed that delivery of this temporary easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the City of Port Orchard unless and until accepted and approved hereon in writing for the City of Port Orchard, by its authorized agent.

Dated: 12-3, 20 25

By: LARRY GROHN

Its: SVP, KITSAP BANK

Accepted and Approved

City of Port Orchard

By: Signed by: Robert Putaansuu 3B96492E3F5847D...

Rob Putaansuu
Mayor

Date: 1/21/2026, 20

TEMPORARY EASEMENT

STATE OF WASHINGTON)
: ss
County of Kitsap)

On this 3 day of December 2025, before me personally appeared Larry Gronn to me known to be the SVP of the Kitsap Bank, a bank corporation organized under the laws of the State of Washington, that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that (he/she is) (they are) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

KRISTINA L GUZMAN 116846 NOTARY PUBLIC COMMISSION EXPIRES 06-15-27 STATE OF WASHINGTON

Notary Public in and for the State of Washington, residing at Shoreline

My commission expires 6/15/27

EXHIBIT A
TAX PARCEL NO. 4650-012-001-0009

REVIEWED

INITIALS DATE

LEGEND:

PROPERTY LINE

TEMPORARY CONSTRUCTION EASEMENT

TOTAL TEMPORARY CONTRUCTION EASEMENT = 1,904 SF

TAX PARCEL NO. 4650-012-001-0009
PROJECT PARCEL NO. 6

N

CITY OF PORT ORCHARD
SR 166
BAY STREET
PORT ORCHARD, WA

kpff

0 10 20 40
1 inch = 20 feet

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, RATIFYING THE MAYOR'S EXECUTION OF A TEMPORARY CONSTRUCTION EASEMENT FOR THE SR166/BAY STREET IMPROVEMENTS PROJECT.

WHEREAS, the City of Port Orchard is undertaking the SR166/Bay Street Improvements Project (the "Project") to improve public infrastructure and utilities serving downtown Port Orchard; and

WHEREAS, the Project requires temporary construction easements from abutting property owners to facilitate construction activities; and

WHEREAS, the City secured a Temporary Construction Easement from the property owner of Parcel No. 4650-012-001-0009, covering approximately 1,904 square feet, to allow the City and its contractors to perform necessary work, including excavation, utility installation, sidewalk and driveway reconstruction, and restoration activities; and

WHEREAS, the Mayor executed the easement agreement to maintain project schedule and coordination; and

WHEREAS, compensation for this easement was included in a prior Council-approved item for the SR166/Bay Street Improvements Project, and therefore there is no additional cost to the City; and

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT: The City Council hereby ratifies the Mayor's execution of the Temporary Construction Easement for Parcel No. 4650-012-001-0009, covering approximately 1,904 square feet, for the SR166/Bay Street Improvements Project at no additional cost.

THAT: The Resolution shall take full force and effect upon passage and signatures hereon.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage on this 10th day of February, 2026.

_____
Robert Putaansuu, Mayor

ATTEST:

_____
Brandy Wallace, MMC, City Clerk

City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Consent Agenda: 7.F. Approval of a Contract with the Washington State Parks and Recreation Commission Subrecipient Grant Agreement Federal Financial Assistance Grant (Brown)
Meeting Date: February 10, 2026
Presenter: Matt Brown, Police Chief

Summary and Background:
Historically, the City has been an active partner with the Washington State Parks and Recreation Commission as the police department provides marine safety on Sinclair Inlet and other area waterways. The Marine Services Unit launches emergency operations for search and rescue, provides community education, and delivers other enforcement services with a team of marine officers and two vessels. In 2025, the unit responded to vessels/persons in distress, illegal moorage, navigational hazards, and derelict and sinking vessels. The annual agreement captures the obligations of both the police department and the commission in the awarding of funds for recreational boating enforcement and education. The agreement also sets forth the deliverables under the Federal Financial Assistance Grant. The Port Orchard Police Department's Marine Services Unit has historically made all the yearly deliverables. The 2026 grant funds are anticipated to cover roughly 30% of the Marine Services Unit budget. Grant acceptance will be brought before the council once the value is known.

Relationship to Comprehensive Plan: N/A

Recommendation: Staff recommends the Council authorize the Mayor to sign the Washington State Parks and Recreation Commission Subrecipient Agreement Federal Financial Assistance Grant.

Motion for Consideration: I move to authorize the Mayor to sign the Washington State Parks and Recreation Commission Subrecipient Agreement Federal Financial Assistance Grant.

Has item been presented to Committee/Work Study? No
If so, which one: No

Fiscal Impact: Additional revenue to fund the City's successful Marine Services Unit.

Alternatives: Not authorize the agreement and provide additional guidance.

Attachments:

1. Contract with WA Parks and Rec Comm

INTERGOVERNMENTAL AGREEMENT

Between

WASHINGTON STATE PARKS AND RECREATION COMMISSION

And

Port Orchard Police Department

Agency Size Category: Small

Marine Lead: Robert Luke, 360-337-9876

AGREEMENT#: VRF 527-198

THIS AGREEMENT is between the Washington State Parks and Recreation Commission, "STATE PARKS," and Port Orchard Police Department the "AGENCY".

THE PURPOSE OF THIS AGREEMENT is to establish a cooperative framework between STATE PARKS and the AGENCY to enhance the performance of boating safety and education services in the state per RCW 88.02.650, WAC 352-65-040(10) and WAC 352-65.010. The goal is to reduce the number and severity of recreational boating casualties of all types associated with recreational boating and ensure a safe and enjoyable boating environment for all users.

THEREFORE, IT IS MUTUALLY AGREED THAT:

SUMMARY STATEMENT

In exchange for vessel registration fees, transmitted to the AGENCY by the Washington State Treasurer, AGENCY shall furnish the necessary personnel, equipment, material, and services and otherwise do all things necessary for, or incidental to, the performance of marine law enforcement and other duties as defined in Chapter 79A.60 RCW - REGULATION OF RECREATIONAL VESSELS.

PERIOD OF PERFORMANCE

The term of this agreement, once signed by STATE PARKS, shall end on September 30, 2026.

RECORDS MAINTENANCE

The parties to this agreement shall each maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the services described herein. These records are subject to inspection, review, or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this agreement must be retained for six years after expiration, and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties must have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. Each party shall utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this agreement will continue to be employees or agents of that party and will not be considered for any purpose to be employees or agents of the other party.

AGREEMENT ALTERATIONS AND AMENDMENTS

This agreement may be amended by mutual agreement of the parties. Such amendments are not binding unless they are in writing.

INDEMNIFICATION

Each party is responsible for the actions and inactions of itself and its own officers, employees, and agents acting within the scope of their authority.

TERMINATION FOR CAUSE

If STATE PARKS determines that AGENCY is not in compliance with the minimum requirements of this agreement, the State Parks Marine Law Enforcement Coordinator will notify AGENCY in writing of the deficiency. AGENCY will have forty-five days following receipt of the notice of deficiency to submit a plan satisfactory to STATE PARKS to remedy the deficiency. If, after forty-five days, AGENCY has not submitted a plan to STATE PARKS for remedying the deficiency or is unable to demonstrate its ability to meet minimum requirements, STATE PARKS will have the

option to terminate this agreement. If AGENCY disagrees with STATE PARKS' decision to cancel this agreement, AGENCY may seek a hearing per chapter 34.05 RCW, the Administrative Procedure Act to contest this decision.

DISPUTES

In the event that a dispute arises under this agreement, it will be determined by a Dispute Board in the following manner: Each party to this agreement appoints one member to the Dispute Board. The members so appointed jointly appoint an additional member to the Dispute Board. The Dispute Board reviews the facts, contract terms, and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board is final and binding on the parties hereto.

GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this agreement must be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency must be resolved by giving precedence in the following order:

a. Applicable state and federal statutes and rules;

b. Summary Statement; and

c. Any other provisions of the agreement, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent may not be unreasonably withheld.

WAIVER

A failure by either party to exercise its rights under this agreement does not preclude that party from subsequent exercise of such rights and does not constitute a waiver of any other rights under this agreement unless stated to be such, in writing, signed by an authorized representative of the party, and attached to the original agreement

SEVERABILITY

If any provision of this agreement or any provision of any document incorporated by reference is held invalid, such invalidity does not affect the other provisions of this agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this agreement are declared to be severable.

ALL WRITINGS CONTAINED HEREIN

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement exist or bind the parties.

CONTRACT MANAGEMENT

The contract representative for each of the parties are responsible for and are the contact person for all communications and billings regarding the performance of this agreement.

The Contact Representative for AGENCY is:

Robert Luke, Officer

Port Orchard Police Department

360-337-9876

RLuke@portorchardwa.gov

The Contract Representative for STATE PARKS is:

Bryan Alexander, Marine Law Enforcement Coordinator

(360) 902-8835.

IN WITNESS WHEREOF, the parties have executed this agreement.

Washington State Parks and Recreation Commission	Port Orchard Police Department
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Approved As To Form:

Michael Young

Asst. Attorney General

12/21/17

Exhibit A

AGENCY REQUIREMENTS

Signed Agreement:

AGENCY shall sign an Approved Program Agreement with STATE PARKS that contains all qualifications and requirements necessary to establish or maintain eligibility to receive vessel registration fees as established by RCW 88.02.650. AGENCY agrees to use the A-299 Web Forms to provide information necessary to complete the annual Approved Program Agreement. AGENCY agrees to utilize the web-enabled process designated by STATE PARKS to generate the Approved Program Agreement. AGENCY agrees to complete the submission process by October 15, 2025.

Designated Marine Lead / Conference Attendance / Surveys:

AGENCY must designate a "Marine Lead" - the Deputy/Officer/or Supervisor (LT, SGT, Undersheriff) that is responsible for interacting with STATE PARKS on all issues and matters related to AGENCY's Marine Law Enforcement unit. Duties include but are not limited to:

- Ensuring all required reports are completed and submitted to STATE PARKS within document due date guidelines.
- Submitting personnel names to attend training courses and conferences.
- Attending the annual Fall Conference or designating another to attend.
- Ensuring that all commissioned officers/deputies identified in the A-299 Web Form have received Marine Law Enforcement Training.
- Ensuring that all tasks identified on the BOAT Currency Web Form are current and up to date.
- Taking proactive steps to ensure that his/her agency will have all necessary equipment and other necessary infrastructure in place so to utilize the SECTOR system for all boating related safety inspections and warnings. Inspections can be entered into SECTOR at the time of the inspections or at a later time.
- Communicating with STATE PARKS on all matters and issues that may arise around recreational boating safety and marine law enforcement and disseminating information within their agency as appropriate.
- Responding to any and all recreational boating safety surveys sent by STATE PARKS within the requested timeline.
- Ensuring that all data on their agency held by STATE PARKS is up to date and accurate.

Reporting Recreational Boating Activities and Financial Data:

Training Currency Forms: AGENCY agrees to complete a BOAT Currency Web Form for each officer/deputy identified in their A-299 Web Form by October 15 of each year. Only officers/deputies whose training qualifications are current will be considered trained.

Summary of Activity Report Web Forms: AGENCY agrees to use the Summary of Activity Report (SOAR) web form to report all required recreational boating safety (RBS) activities. AGENCY may report the activities daily, monthly, or quarterly using the SOAR Web Forms.

Utilize SOAR Web Forms: AGENCY will use the Summary of Activity Report (SOAR) web form designated by STATE PARKS to report all required RBS Activities.

Reporting Frequency: AGENCY must submit a Summary of Activity Report (SOAR) at least quarterly to STATE PARKS. However, it may report RBS Activities daily or monthly using the SOAR Web Forms.

Review and Approval of SOAR: STATE PARKS will provide AGENCY with a summary of all reported RBS Activities at the end of the quarter and provide AGENCY with the opportunity to correct, update, and/or amend their report to address any inaccuracies or omissions. If all information is correct, AGENCY will print, sign, and submit a copy of the SOAR quarterly summary to STATE PARKS by the designated deadline.

Due Dates: The SOAR is due to STATE PARKS by the 15th of the month following the end of the quarter as follows:

Quarter	Beginning Date	End Date	SOAR Due Date
First Quarter	January 1	March 31	April 15
Second Quarter	April 1	June 30	July 15
Third Quarter	July 1	September 30	October 15
Fourth Quarter	November 1	December 31	January 15

Vessel Registration Fee Expenditure Report: AGENCY will use the Vessel Registration Fee Expenditure Report Web Form to provide STATE PARKS with accounting information as directed. AGENCY agrees to submit this form by October 15 of each year.

EXHIBIT B

FUNDING REQUIREMENTS

AGENCY Financial System Report: AGENCY agrees to provide STATE PARKS with a report from the AGENCY'S financial system that demonstrates that vessel registration fees (VRFs) are deposited in a dedicated account and showing the deposit of state vessel registration funds received from the Office of State Treasurer. See Exhibit E for an example. This report may not be an Excel spreadsheet, and it must be submitted with the Vessel Registration Fee Expenditure Report.

VRF Fund Balance Report: AGENCY agrees to provide STATE PARKS a report from the AGENCY financial system showing the fund balance of the dedicated VRF account. See Exhibit E for an example. VRF fund balance on this system-generated report should match the bottom line on the VRF report ("Total Remaining Balance of State VRF funds for Fiscal Year").

Provide Local Spending: AGENCY agrees to contribute local funds to provide financial support to its marine law enforcement program to augment the funding provided through VRFs.

Limitation on Use of Funds: AGENCY agrees to use VRFs solely for recreational boating safety purposes, which include all activities or expenditures identified in the document "Allowable Costs and Expenditures for State Vessel Registration Fees and Federal Assistance Grants," as now existing or as may be updated in the future. This document can be found on the MLE Forms Website at: http://mle.parks.wa.gov/. AGENCY may charge actual, direct administrative costs to the VRF account. An example would be actual staff hours spent to fill out forms, or to maintain the dedicated account. AGENCY agrees not to charge administrative fees based on an estimated percentage of a staff person's time.

Local Ordinances, STATE PARKS notification: AGENCY agrees that if it adopts a local ordinance governing recreational boating, the ordinances will be at least as restrictive as, but may be more restrictive than, Washington State boating laws and regulations.

EXHIBIT C

OPERATIONAL REQUIREMENTS

Officer/Deputy Qualifications: AGENCY agrees to utilize officers/deputies with law enforcement certificates from the Criminal Justice Training Commission that authorize them to enforce all boating laws and regulations. Officers/deputies who have completed equivalent training may be approved by the STATE PARKS Director or designee.

Officer/Deputy Training Required: AGENCY agrees to ensure that all officers/ deputies involved in the recreational boating safety program attend the Washington State Basic Marine Law Enforcement Training course. STATE PARKS may decide to provide this training at no charge to AGENCY. Only officers/deputies that have attended this training will be considered trained. The AGENCY recognizes the National Association of Boating Law Administrators' Boating Crewmember Course or the Federal Law Enforcement Training Centers' Marine Law Enforcement Training Program as an equivalent course. Officers/deputies may attend an alternative and equivalent course with prior written STATE PARKS approval.

New Programs, Officers/Deputies, Must Acquire Training Within One Year: AGENCY agrees to acquire required training for officers/deputies within one year of becoming an approved program, and within one year for each newly assigned boating safety officer/deputy.

Training Currency: AGENCY must submit a BOAT Currency Requirements Report Web Form for all active personnel listed on the roster submitted with the A-299 Web Form by October 15 each year. These reports must be submitted at least annually but may be updated throughout the year. If AGENCY feels that they will be unable to complete all training tasks required, it shall submit a statement of explanation to the Marine Law Enforcement Coordinator.

Document Additional Training: AGENCY agrees to list on the A-299 form any additional training courses its personnel have completed.

Vessels and Equipment: AGENCY agrees to acquire and make available the necessary boating safety patrol equipment, including vessels capable of serving the minimum requirements outlined in this agreement. Patrol vessels must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC.

Vessel, Aircraft, Vehicle and Equipment Inventory Required: AGENCY agrees to supply STATE PARKS with an inventory of all vessels, aircraft, vehicles, and equipment utilized in the recreational boating safety missions along with details of how they are equipped each year in the A-299 web form.

Information required on the A-299 includes:

- **Vessels:** STATE PARKS requires the following data on each vessel:
  - Name
  - Manufacturer
  - Radio equipped (Y/N): Radio equipped means the vessel has an agency radio installed or "hardwired". Non-radio equipped boats are vessels that do not have radios installed. Portable radios may be carried on these boats, but they would be considered non-radio equipped. Examples include personal watercraft, drift boats, jon boats, kayaks, and inflatable rafts (motorized or non-motorized).
  - SECTOR equipped (Y/N): SECTOR equipped boats are the patrol vessels that are SECTOR equipped with a computer or tablet plus printer and scanner, including those that are permanently installed or "hardwired" OR portable cased units that are taken on an off the vessel. Non-SECTOR equipped boats are vessels that do not have a computer, tablet, printer installed or a cased kit.
  - Model
  - Length
  - Type of propulsion
  - Horsepower
  - Year purchased
  - Funds used to purchase the vessel (local, state, or federal)
  - Percent of time employed for the RBS mission

- **Aircraft:** The number of aircraft in your agency and the percentage they used for RBS activities.
  - Aircraft type
  - Manufacturer
  - SECTOR/Radio equipped
  - Model
  - Year
  - Funds Used for Purchase
  - Percent of time employed for the RBS mission

- **Vehicles**: Other Patrol Vehicles (Trucks, Cars, SUVs, ATVs) The number of other patrol vehicles assigned to the marine services unit and the percentage they are used for RBS activities
  - Vehicle Type
  - Manufacturer
  - SECTOR/Radio equipped
  - Model
  - Year

- Funds Used for Purchase
- Percent of time employed for the RBS mission

- **Equipment Valued at $5000.00 Dollars** (i.e. Engines, Electronics, etc.): Agencies are required to update their inventory of durable items defined as having a cost or value of $5000.00 dollars or more. Only items listed under "allowable expenses" defined in in the document "Allowable Costs and Expenditures for State Vessel Registration Fees and Federal Assistance Grants" (found on the MLE Forms Website at http://mle.parks.wa.gov/) should be purchased with vessel registration fees.
  - Equipment Type
  - Manufacturer
  - Model
  - Year purchased
  - Funds used for Purchase (local, state, federal)

Sale of Vessels Purchased with Vessel Registration Fees or STATE PARKS Provided Federal Funding: AGENCY agrees to notify STATE PARKS 60 days in advance of the sale date of any vessel purchased with federal funds provided by STATE PARKS. The sale of vessels purchased with state dollars, when sold at the end of their useful life, must be consistent with the AGENCY's policies and procedures. AGENCY agrees to remove the vessel from the Patrol Vessel Inventory once it is sold.

Boating Accident Reports Required, Timeline to Submission: AGENCY agrees to submit accident reports to STATE PARKS (in compliance with RCW 79A.60.200, RCW 79A.60.220 and WAC 352-70) as follows:

- For any boating accident resulting in a death, or in an injury requiring hospitalization, AGENCY agrees to:
  - Notify STATE PARKS within 48 hours of becoming aware of the incident.
  - Fill out and submit a complete Boating Accident Investigation Report (BAIR – form number A-425) within ten days of the occurrence.
  - Include the results of any other investigation conducted by the agency, including but not limited to statements from witnesses or any party involved, photos, maps, or additional information.
  - Submit, within one week of completion, any coroner's reports concerning the death of any person resulting from the boating accident.
- In addition to the requirements above, for any boating accident resulting in a death, or in an injury requiring hospitalization, OR damage to any vessel or property of two thousand dollars or more, OR a vessel is a complete loss, OR a person disappears from the vessel under circumstances that indicate death, AGENCY agrees to submit a Boating Accident Report (BAR – Form number A-440) within 10 days of the occurrence to STATE PARKS.

Boater Assistance: AGENCY agrees to create and maintain the ability to respond, or coordinate response to, boating emergencies that occur within AGENCY's jurisdiction and document each occurrence and report it to STATE PARKS through the Summary of Activity

Report (SOAR) Web Form as prescribed in this agreement. AGENCY agrees to report each incident utilizing the following definitions:

- **Search & Rescue/Recovery**: Search and rescue (SAR) is defined as a water-borne response (including aircraft) involving a person or vessel **in peril**. AGENCY agrees to only report SAR cases on the Summary of Activity Report (SOAR) Web Form that were assigned a case number by their agency or a USCG MISLE Case ID Number and an Urgent Marine Information Broadcast (UMIB) initiated by the USCG. Agencies should not report assists (defined below) as SAR cases.

- **Assist**: An "Assist" is defined as aid where there is no immediate danger to the vessel or its occupants. This includes vessels involved in boating accidents, disabled, aground, out of fuel, or otherwise unable to reach a safe mooring under its own power. Assistance may include providing a tow, jump start, re-floating, re-righting, fuel, repair, repair parts, assisting persons in the water, etc. This does NOT include the salvage of a vessel once abandoned, or commercial vessels. AGENCY agrees to report responses of this nature as assists and will report the number of vessels assisted and the number of persons assisted on the SOAR web form.

Boating Safety Patrols Required, Minimum Hours: AGENCY agrees to patrol on the waters of its jurisdiction with the intent of enforcing Washington State Boating Safety Laws and Regulations and to promote boating safety some minimum hours based on their agency size (Small – 133, Medium – 255, Large - 436) per year during peak boating hours within AGENCY's jurisdiction. Patrol hours can be a combination of hours patrolling on the water in a vessel as well as hours spent at boat launch ramps or other appropriate shore-side enforcement activities.

Enforcement of Boating Laws Required: AGENCY agrees to enforce all Washington State boating safety laws and regulations including vessel registration laws as specified in Title 88 RCW, and as specified in local codes or ordinances. In addition, AGENCY shall document and report the numbers of inspections and warnings for each type of boating violation through SECTOR either at the time of the inspection or at a later time. STATE PARKS recommends that AGENCY adopt a zero-tolerance policy in the enforcement of mandatory boater education card carriage, life jacket wear/carriage, boating under the influence, and rules of the road violations, and strongly consider issuing citations for violations of these laws, in all circumstances.

Boating Safety Inspections Required: AGENCY shall complete a minimum number of written boating safety inspections based on their agency size (Small – 92, Medium – 283, Large – 372) using the SECTOR system or Form #A-274 during enforcement and informational contacts when considered safe and appropriate to document boater compliance with state boating laws. STATE PARKS will provide boating safety inspection forms. AGENCY shall enter all inspections through SECTOR either at the time of the inspections or at a later time.

Boating Safety Education Program Required, Designated Officer or Deputy: AGENCY shall create, adopt, and/or maintain a boating safety education and information program. At a minimum AGENCY shall designate an officer/deputy to coordinate the activities of the boating safety education program. AGENCY shall ensure that the designated boating safety education officer/deputy receives training from STATE PARKS. AGENCY agrees that the designated officer or deputy will oversee AGENCY's boating safety education and outreach program including, but not limited to, coordinating activities listed in Exhibit F. AGENCY is not obligated to engage in all outreach and education activities listed in Exhibit F but it must ensure that its program is appropriate for the types of boating and primary boating accidents within AGENCY's jurisdiction.

Waterway Marking: AGENCY agrees to place and maintain Aids to Navigation (ATONs) as appropriate, within the waters of AGENCY's jurisdiction. AGENCY agrees to report to STATE PARKS the number and hours spent placing or maintaining only the ATONs that they are responsible for within its jurisdiction on the SOAR web form. AGENCY agrees to use only those waterway markers that conform to the United States Aids to Navigation System.

EXHIBIT D

NOTES AND DEFINITIONS

Washington STATE PARKS' Marine Law Enforcement Training Program is accredited through the National Association of State Boating Law Administrators Boat Operation and Training (BOAT) Program. As a term of accreditation, STATE PARKS must ensure that all active marine officers and deputies maintain proficiency in basic recreational boating safety skills. This is important because these skills are perishable but critical to operate in a marine environment. STATE PARKS recognizes that there are many different circumstances that could prevent training from being completed (wildfires, maintenance issues, staffing shortfalls, etc.). Each circumstance will be evaluated on its own merits.

Approved Program: A marine law enforcement program that has signed an Approved Program Agreement with Washington State Parks and is in good standing.

Boating Safety Patrol: The total number of hours that all agency vessels patrolled on the water. These are the actual hours as documented on the patrol vessel hour meter or logbook. Note that this is different than officer on-water patrol hours. If two officers are patrolling on a single vessel for eight hours, you would report eight boating safety patrol hours and 16 officer on-water patrol hours. The patrol hours do not include transit time to the body of water to be patrolled.

Instructor Qualified Certified Boating Education Instructors: Any officer/deputy designated as Certified Boating Education Instructors must be listed as Instructor Qualified for the Adventures in Boating course by the State Parks Education and Outreach Program Manager. STATE PARKS considers education and outreach activities a key component of preventing boating injuries and fatalities. Classroom instruction, school presentations, and participation in Community Events, along with Dealer and Rental site visits, and effective use of media are crucial to preventing boating accidents and fatalities.

Local Spending: These are funds appropriated by the city or county government used for boating safety programs. Local funds cannot include state or federal grant dollars.

Peak Boating Hours: STATE PARKS defines peak boating hours as four hours on Friday afternoon/evening and 8 hours Saturday and Sunday for weekends from Memorial Day to Labor Day, which equals approximately 332 hours per boating season. STATE PARKS also recognizes that AGENCY may be impacted by non-traditional Peak Boating seasons due to hunting and fishing activities. STATE PARKS maintains this patrol hour goal to ensure local agencies are focused on injury prevention activities. While many agencies patrol many more

hours than 332 and many agencies patrol less than 332 hours, the goal to achieve these patrol hours remains the same. While the patrol hour goal is 332 hours, STATE PARKS has collected data for patrol hours performed by all participating agencies over a period of years and has established the average boat log hours for agencies based on jurisdiction population size according to the U.S. Census. Patrol hours are considered a critical metric. It is used by STATE PARKS to determine if an agency is complying with the minimum requirements. Failing to achieve the minimum number of hours of patrol (based on size) could be a factor in determining ineligibility for vessel registration fees.

RBS Activities: AGENCY is required to report all RBS activities to STATE PARKS on the Summary of Activity Report (SOAR) web form. RBS Activities include, but are not limited to, enforcement activities, outreach and education, and administrative support.

Trained: Commissioned officer/deputy trained by the CJTC or equivalent who has attended the Basic Marine Law Enforcement Course or STATE PARKS approved equivalent and has maintained currency requirements documented on the BOAT Currency Web Form. AGENCY must have a trained officer/deputy aboard a vessel in order to use vessel registration fees to pay either the trained officer or untrained officers/deputies.

Web-enabled Forms: These are forms located on the website http://mle.parks.wa.gov/ that are the official documents used by STATE PARKS in the administration of state vessel registration fees and federal financial assistance grants. These forms replace paper versions used prior to CY 2018 and must be used as a condition of ongoing eligibility to receive state vessel registration fees.

NOTE: Use of SECTOR/TRACS is mandatory during all operating hours.

EXHIBIT E

FINANCIAL REPORT EXAMPLES

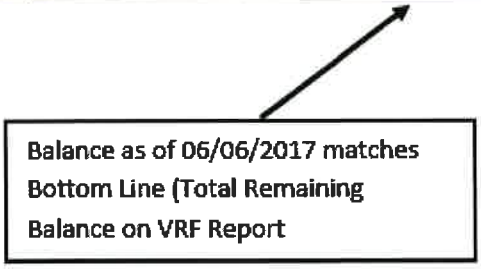
Example of a VRF Fund Balance Report

XXXXXX County

Fund Master – All Funds

Balances as of 06/06/2017

Key	Cash in Funds	Pooled Cash	Pooled Investment	Investment Funds	Cash & Investments	Total Payables	Available Funds
130-Boating Safety	57,294.64	0.00	0.00	0.00	57,294.64	7,300.64	64,595.28
	57,294.64	0.00	0.00	0.00	57,294.64	7,300.64	64,595.28



Example of a Financial System Report

XXXXXXX County
Treasurer Cash Receipt
Receipt #
EFWA12345678

Date of Transfer / Deposit

Date: 060602017
Received From: StateOfWAMonthlyEFT

Customer ID # 8910
Clerk: David Smith

Fund/Key	Revenue	Description	Amount
130	33600840	State Boating Safety	$20,744.72
		Total Receipt Amount	**$20,744.72**

Deposited into Dedicated Account For Boating Safety

Correct Amount Received

EXHIBIT F

EDUCATION AND OUTREACH TACTICS AND SUGGESTED GOALS

- **Boating Safety Presentations to Schools:** These are presentations to local public and private schools, K-12, colleges or universities.
  - Small Agency, 10 hours
  - Medium Agency, 15 hours
  - Large Agency, 25 hours

- **Vessel Rental Site Visits:** These are site visits to local vessel rental sites if they exist. The intent is to ensure the employees and renters are following the guidance on the Motor Vessel Rental Safety Checklist (Form number P&R A-446 - Rev 04/2017). These can also be site visits to businesses that rent out kayaks, canoes, stand-up paddleboards or other small non-motorized craft. The intent of visits in this case is to emphasize basic safety behaviours such as encouraging renters to always wear a life jacket and encouraging boating in low hazard areas.
  - Small Agency, 2 visits
  - Medium Agency, 4 visits
  - Large Agency, 6 visits

- **Participation in Community Events**: These are events like county fairs, parades, and night outs that have the ability to reach large numbers of community members. A qualified event requires face-to-face interaction with community members. Participation on the water in regattas, races, opening days where there is little to no face-to-face interaction between officers/deputies and community members does not count as a "Community Event". Also, maintaining a screen line or security area at an on-water event does not count for reporting event hours on the SOAR.
  - Small Agency, 40 hours
  - Medium Agency, 150 hours
  - Large Agency, 275 hours

- **Vessel Dealer Site Visits:** These are visits to vessel dealerships and brokers, where applicable, to ensure they are following dealer registration laws, educate them on any safety issues with type of vessels they sell, and checks that required safety equipment is on board during test rides and sea trials. Dealers should also be encouraged to remind their customers of the mandatory boater education requirement.
  - Small Agency, 5 visits
  - Medium Agency, 10 visits
  - Large Agency, 15 visits

- **Education Classes:** This is classroom instruction of the Adventures in Boating course sanctioned by Washington State Parks that qualifies passing students to obtain a Mandatory Boater Education Card.
  - Small Agency, 15 students, 1 Class
  - Medium Agency, 20 students, 1 Class
  - Large Agency, 50 students, 1 Class

- **Professional Prevention Partners (Safe Kids, Power Squadron, USCG Auxiliary, etc.):** Engaging partners can multiply the effectiveness of a marine law enforcement program's effectiveness by increasing its area of influence and leveraging the resources of partners. Partnering activities include meetings, conference calls, event participation, and actual on-water time. Agencies should report the hours spent working with Prevention Partners conducting RBS activities in their jurisdictions as well as meetings, conference calls etc.
    - Small Agency, 1 hour
    - Medium Agency, 3 hours
    - Large Agency, 5 hours

Media Contacts: Agencies should distribute recreational boating safety content through their own social media channels, social media channels of their partners, or the news media.

- **Owned Media:** This is the number of hours spent on this activity and the number of posts or articles distributed through communication channels that are owned and managed by the agency, like the agency website, social media channels (Facebook, Twitter), newsletters, etc.
    - Small Agency, 4 hours
    - Medium Agency, 8 hours
    - Large Agency, 16 hours

- **Earned Media:** This is the number of hours spent on this activity and the number of articles broadcast through media channels that are not managed by the agency. Examples include stories in the newspaper, radio, television. Agencies should also count the number of recreational boating safety posts on the social media channels of partner organizations when the agency can show that the posts are the result of its interaction with that partner.
    - Small Agency, 4 hours
    - Medium Agency, 8 hours
    - Large Agency, 16 hours

- **Campaigns; Operation Dry Water, Spring Aboard, National Safe Boating Week, and Safe Paddling Week:** See the SOAR web form for reporting requirements, and goals for all agencies regardless of size is participation in these campaigns. The State Parks Recreational Boating Safety Communication staff will distribute content to all agencies for each of the campaigns, making participation quick and simple. These campaigns can have a powerful impact if all agencies participate.

    - **Water Safety Day – School Outreach** May 15, 2026, marks Washington State's 3rd Annual Water Safety Day. The AGENCY is encouraged to introduce and promote the Water Safe Washington program to a minimum of three schools located within its county or city. The AGENCY is encouraged to support school registration and participation in Water Safe Washington activities as part of its broader boating and water safety education efforts.

- **Safe Paddling Week** – *Awareness Campaign Safe Paddling Week* is a newly launched initiative sponsored by the Washington State Parks Recreational Boating Safety Program. The campaign aims to raise public awareness about essential paddling safety practices, including the consistent use of personal flotation devices (PFDs), seeking proper training, and adopting responsible on-water behaviours.

- **The Operation Dry Water campaign** is a national campaign focused on the deterrence of boating under the influence. It is a combination of emphasis patrols and media the weekend before the Fourth of July.

- **The Spring Aboard campaign** is a national campaign designed to encourage all boaters to take a recreational boating safety class. It occurs in late March.

- **National Safe Boating Week** is a nationally observed week focused on encouraging all boaters to wear their lifejackets. In addition to media posts, agencies are encouraged to participate in "Wear IT" events. More information will be distributed in the late winter about this campaign to help agencies effectively participate. This campaign is sponsored by the National Safe Boating Council

EXHIBIT G

DATA ENTERED ON THE A-299 FORM

Washington State Parks & Recreation Commission – Recreational Boating Program

Request for Boating Safety Program Approval

Application Year:

2026

AGENCY INFO	
Agency Name	**Agency Size**
Port Orchard Police Department	Small
Agency Signing Officer Title	**Signing Officer First Name**
Chief	Matt
Signing Officer Last Name	**Dedicated Account Number**
Brown	001-0-336-00-84

STAFFING

Roles	SAW ID	Rank	First Name	Last Name	Commission	FT/PT	Email Address	Date of Marine L.E. Training	Training Current?	Non-WA Parks Courses
Supervisor, Fiscal Lead,Boating Safety Officer	THolden	Sergeant	Trey	Holden	Regular	Full time	tholden@portorchardwa.gov	4/24/2003	Yes	N/A

Updated 11/7/2025

Boating Safety Officer,Coordinator of Boating Education, Marine Lead		Officer	Robert	Luke	Regular	Full time	RLuke@portorchardwa.gov	5/22/2023	Yes	N/A
Boating Safety Officer		Officer	Nick	Smith	Regular	Full time	nSmith@portorchardwa.gov	5/22/2023	Yes	N/A
Boating Safety Officer		Officer	DJ	Huibregtse	Regular	Full time	dHuibregtse@portorchardwa.gov	5/18/2017	Yes	N/A
Boating Safety Officer		Officer	Jon	Eilertson	Regular	Full time	JEilertson@cityofportorchard.us	12/7/2020	No	Officially part of Marine Patrol Team, but Awaiting BMLE Course.
Boating Safety Officer		Officer	Steve	Morrison	Regular	Full time	smorrison@cityofportorchard.us	5/2/2013	Yes	
Boating Safety Officer		Sergeant	Andrew	Brandon	Regular	Full time	abrandon@portorchardwa.gov	5/13/2010	Yes	
Supervisor, Fiscal Lead,Boating Safety Officer	THolden	Sergeant	Trey	Holden	Regular	Full time	tholden@portorchardwa.gov	4/24/2003	Yes	N/A

Number of Full Time RBS Officer	**Number of Part Time/Seasonal RBS Officers**
4.00	0.00
Number of Other RBS Officers	**Marine Lead Mobile Phone**
0.00	360-337-9876

Updated 11/7/2025

BOAT PATROL SCHEDULE

Patrol Season Begins	Patrol Season Ends
6/1/2026	9/30/2026

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Patrol Hours	2.00	0.00	0.00	0.00	0.00	0.00	2.00
Number of Officers	2.00	0.00	0.00	0.00	0.00	0.00	2.00
Number of Vessels	1.00	0.00	0.00	0.00	0.00	0.00	1.00

Total Planned Patrol Hours
40.00

Total Planned Inspections
50.00

RBS EQUIPMENT, VESSELS, AIRCRAFT AND VEHICLES

Type	Vessel Name	Vehicle/ Aircraft/ Equipment Type	Manufacturer	Sector/ Radio	Model	Length	Propulsion Type	Horse Power	Year	Funds Used for Purchase	% Time Used for RBS
Vessels	Marine 7		Livingston	Radio equipped	16	16.00	Outboard	90.00	2,009		100.00
Vessels	Marine 7		Safe Boats	Radio equipped	31	31.00	Outboard	750.00	2,008		100.00

Number of Radio Equipped Boats	Number of Non-Radio Equipped Boats
2.00	0.00
Number of Aircraft	**Number of Other Patrol Vehicles**
0.00	0.00
Number of Vessels SECTOR Equipped	**Number of Vessels Non-SECTOR Equipped**
0.00	2.00

Updated 11/7/2025

LOCAL ORDINANCES

Port Orchard had adopted RCW79A.60 Violations, RCW 88.02, WAC 352.60
Moorage Violations at Dekalb Street Pier P9.46.020
Moorage Violation at Water Street P9.46.030

EXHIBIT H

RCW and WACs listed in THE PURPOSE OF THIS AGREEMENT

RCW 88.02.650

Deposit of fees in general fund—Allocation for boating safety and education and law enforcement purposes.

(1) General fees for vessel registrations collected by the director must be deposited in the general fund. Except as provided in subsection (2) of this section, any amount above one million one hundred thousand dollars per fiscal year must be allocated to counties by the state treasurer for boating safety/education and law enforcement programs. Eligibility for boating safety/education and law enforcement program allocations is contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation must be based on the numbers of registered vessels by county of moorage. Each benefiting county is responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within the county. Any fees not allocated to counties due to the absence of an approved boating safety program must be allocated to the state parks and recreation commission for awards to local governments to offset law enforcement and boating safety impacts of boaters recreating in jurisdictions other than where registered. Jurisdictions receiving funds under this section shall deposit the funds into an account dedicated solely for supporting the jurisdiction's boating safety programs. These funds may not replace existing local funds used for boating safety programs.

(2) During the 2015-2017 fiscal biennium, if 2015 *Engrossed Senate Bill No. 5416 is enacted before August 1, 2015, any amount above one million three hundred fifty thousand dollars per fiscal year must be allocated to counties by the state treasurer for boating safety, education, and law enforcement programs.

WAC 352-65-010

What is the purpose of boating safety program approval?

The purpose of boating safety program approval is to establish a process to review and approve local boating safety programs and to make funds available to local governments to support their boating safety education, information, and law enforcement activities and to offset out-of-county boater impacts.

WAC 352-65-040

What are the minimum requirements necessary to obtain boating safety program approval?

The minimum requirements necessary to obtain boating safety program approval are as follows:

(1) Boating accident reporting and investigation.

(a) Each county or local jurisdiction must provide an assurance that all serious or fatal recreational boating accidents will be thoroughly investigated to the maximum extent possible, and that copies of the investigative reports will be submitted to state parks as specified in RCW 88.12.175.

(b) The approved county or local jurisdiction must support the statewide boating accident reporting system by:

(i) Providing recreational boaters with copies of the state required boating accident report (BAR) form and informing recreational boaters of their responsibility to submit the completed BAR as specified in RCW 88.12.155; and

(ii) Submitting to state parks a completed BAR form which includes all available information about the accident or casualty as specified in chapter **352-70** WAC.

(2) Boater assistance. The county or local jurisdiction will have the ability to respond or coordinate response to recreational boating emergencies which occur within its jurisdiction. Such emergencies may include swift water response, open water rescue, ice rescue, vessel fire, overdue boater search, or other boating-related emergencies or distress calls.

(3) Training. The county or local jurisdiction will be responsible for acquiring the training for its assigned boating safety program personnel. The training will include basic boating safety officer training as provided by the United States Coast Guard, state parks, or any county or local jurisdiction whose training program is approved by state parks.

Such training must be acquired within one year of initiating a new boating safety program, and within one year for each newly assigned boating safety officer.

(4) Rules and regulations. When the county or local jurisdiction adopts ordinances governing recreational boating, the ordinances must be as restrictive but may be more restrictive than Washington state boating laws and regulations.

(5) Enforcement. The county or local jurisdiction must:

(a) Provide:

(i) Officers with law enforcement certificates from the criminal justice training commission which authorizes such officers to enforce all boating laws and regulations or officers who have completed such other training program as may be approved by the director or designee;

(ii) A patrol schedule that ensures such officers patrol the waterways during peak recreational boating periods;

(iii) The necessary boating safety patrol equipment, including vessel(s) capable of serving the minimum requirements of this section. The patrol vessel must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC;

(b) Respond to on-water complaints, accidents, and emergencies;

(c) Enforce safety equipment, vessel operation, noise level, navigation and harbor improvements, and registration laws as specified in Title 88 RCW, and as specified in local codes or ordinances.

(6) Boating safety education and information. The county or local jurisdiction must have a boating safety education and information program as follows: Have a designated officer, trained by state parks, to coordinate the activities of boating safety education instructors, act as liaison to boating safety education organizations, and to coordinate:

(a) Boating safety presentations which may include any of the following: Presentations in primary and secondary schools, to boating organizations, and youth groups.

(b) Boating safety instruction. A public course of instruction using lessons and materials from state parks education curriculum, or other state or nationally recognized curriculum approved by state parks.

(c) Boating safety information. Distribute boating safety information and materials, including materials provided by state parks, to boating and outdoor recreation organizations, the boating public, public agencies, and the local media.

(7) Waterway marking. The county or local jurisdiction will use only those waterway markers which conform to the uniform state waterway marking system found in chapter **352-66** WAC.

(8) Boating safety inspections. The county or local jurisdiction will complete written boating safety inspections during enforcement and informational contacts when considered safe and appropriate to document boater compliance with state boating laws. State parks will provide boating safety inspection forms. A copy of the completed inspection will be submitted to state parks for statistical purposes.

(9) Reports. The county or local jurisdiction agrees to submit an annual report of activities performed through the boating safety program and to submit an annual report of all program expenditures. The county or local jurisdiction agrees to participate in statewide boating surveys coordinated by state parks.

(10) Limitations on use of funds. These funds are intended to increase education and enforcement efforts and to stimulate greater local participation in boating safety and are not to supplant existing local funds used for boating safety programs. The county or local jurisdiction agrees to deposit boat registration fees allocated by the state treasurer under RCW 88.02.040, into an account dedicated solely for boating safety purposes which include all activities or expenditures identified in this section.

Meeting Location:
Council Chambers
216 Prospect Street
Port Orchard, WA 98366

Contact us:
Phone (360) 876-4407
cityhall@portorchardwa.gov
www.portorchardwa.gov

City Council
Minutes
Regular Meeting of Tuesday, January 13, 2026

Roll Call was taken by the City Clerk as follows:

Present: John Morrissey, Councilmember, Position No. 2
Jay Rosapepe, Councilmember, Position At-Large
Shirah Dedman, Councilmember, Position No. 6
Mark Trenary, Councilmember, Position No. 1
Eric Worden, Councilmember, Position No. 4
Heidi Fenton, Councilmember, Position No. 5
Scott Diener, Mayor Pro-Tempore, Position No. 3
Robert Putaansuu, Mayor

Staff present: Public Works Director Ryan, Finance Director Crocker, Community Development Director Bond, HR Director Lund, Chief of Police Brown, City Clerk Wallace, and Deputy City Clerk Floyd.

Staff present via Zoom: City Attorney Archer

Audio/Visual was successful.

1. CALL TO ORDER

Mayor Putaansuu called the meeting to order at 6:32 p.m.

A. Pledge of Allegiance

Scouting America Troop 1528 led the audience and Council in the Pledge of Allegiance.

2. COUNCIL AND MAYOR GROUP PHOTO

Council and the Mayor took a group photo.

3. APPROVAL OF AGENDA

Moved by Mark Trenary; seconded by John Morrissey to Amend Business Items by swapping Business Item E Adoption of a Resolution Authorizing the Mayor to Execute an Agreement with the WA State Department of Ecology for FY2025-2027 Stormwater Capacity Grant, with

Business Item D Adoption of a Resolution Accepting Three Temporary Construction Easements for the SR166/Bay Street Improvements Project.

Motion Carried: 7 - 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

Moved by Jay Rosapepe; seconded by Mark Trenary to Approve the amended agenda.

Motion Carried: 7 – 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

4. CITIZEN COMMENTS

There were no citizen comments.

5. CONSENT AGENDA

Moved by Shirah Dedman; seconded by Heidi Fenton to Move Consent Agenda D Interlocal Cooperative Purchasing Agreement with the City of Seattle and place under Business Items.

Motion Carried: 7 - 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

Moved by Jay Rosapepe; seconded by Scott Diener to Approve the Consent Agenda as amended.

Motion Carried: 7 - 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

A. Approval of Vouchers and Electronic Payments

Approval of Voucher Nos. 89812 and 89818 through 89862 and 89865 through 89892 including bank drafts in the amount of $1,323,664.03 and EFT's in the amount of $467,210.27 totaling $1,790,874.30.

B. Approval of Payroll and Direct Deposits

Approval of Payroll Check Nos. 89813 through 89817 and 89863 through 89864 including bank drafts and EFT's in the amount of $494,062.70 and Direct Deposits in the amount of $614,957.68 totaling $1,109,020.38.

C. Adoption of a Resolution Authorizing the City of Port Orchard to Enter into an Interlocal Cooperative Purchasing Agreement with the City of Seattle

~~**D.** Adoption of a Resolution Adopting Personnel Policy Related to Bilingual Pay~~

6. PRESENTATION

There were no presentations.

7. PUBLIC HEARING

There were no public hearings.

8. BUSINESS ITEMS

A. Approval of a Collective Bargaining Agreement with Teamsters Local Union 589 representing Public Works Employees for 2026-2028

Moved by Scott Diener; seconded by Jay Rosapepe to Authorize the Mayor to sign the 2026-2028 collective bargaining agreement between the City of Port Orchard and the Teamsters Local Union 589 representing Public Works Employees.

Motion Carried: 7- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

B. Approval of a Collective Bargaining Agreement with the Teamsters Local Union 589 representing Municipal Court Employees for 2026-2028

Moved by Mark Trenary; seconded by John Morrissey to Authorize the Mayor to sign the 2026-2028 collective bargaining agreement between the City of Port Orchard and the Teamsters Local Union 589 representing Municipal Court Employees.

Motion Carried: 7- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

C. Adoption of a Resolution Authorizing the Mayor to Execute a Contract with Herrera for the Stormwater Action Plan Update 2025 (Ryan)

Councilmember Worden recused himself at 6:45 p.m.

Moved by John Morrissey; seconded by Heidi Fenton to Adopt a Resolution authorizing the Mayor to execute a contract with Herrera Environmental Consultants for the Stormwater Action Plan Update 2025 in the amount of $45,000.

Motion Carried: 6- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

D. Adoption of a Resolution Authorizing the Mayor to Execute an Agreement with the WA State Department of Ecology for FY2025-2027 Stormwater Capacity Grant

Moved by Scott Diener; seconded by Mark Trenary to Adopt a Resolution, approving and ratifying the Mayor's execution of an Agreement with the Washington State Department of Ecology for Water Quality Stormwater Capacity Grant funding Agreement No. WQSWCAP-2527-PoOrPW-00172, in the amount of $120,000.

Motion Carried: 6- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

Councilmember Worden returned to the meeting at 7:59 p.m.

E. Adoption of a Resolution Accepting Three Temporary Construction Easements for the SR166/Bay Street Improvements Project

Moved by Eric Worden; seconded by Scott Diener to Adopt a Resolution authorizing the Mayor or designee to accept three temporary construction easements for the SR166/Bay Street Improvements Project.

Motion Carried: 7- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

F. Adoption of a Resolution Accepting the Lodging Tax Advisory Committee's Recommendation for 2026 Funding

Councilmember Dedman voiced concerns with allocating money to Love Kitsap.

Moved by John Morrissey; seconded by Mark Trenary to Adopt adopting the Lodging Tax Advisory Committee's recommendation for the 2026 funding allocation, as presented.

Motion Carried: 6- 1

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey

Voting Against: Shirah Dedman

G. Adoption of a Resolution Authorizing the Mayor to Execute a Commercial Facilities Contract with PSE for the Melcher Pump Station Rehab Project

MAIN MOTION Moved by Eric Worden; seconded by Jay Rosapepe to Adopt a Resolution authorizing the Mayor to execute a Commercial Electric Facilities Contract with Puget Sound Energy for the Melcher Pump Station Rehabilitation Project in the amount of $43,897.76, with additional costs to be identified by PSE.

AMENDED MOTION: Moved by John Morrissey; seconded by Jay Rosapepe to Amend the motion to cap the amount at $60,000.

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

Motion Carried: 7- 0

MAIN MOTION: Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Motion Carried: 7- 0

Voting Against: None

H. Approval of Amendment #20 to Contract No. 066-20 with Rice Fergus Miller for the Community Event Center Project

Moved by Scott Diener; seconded by Jay Rosapepe to Approve Amendment #20 to Contract C066-20 as presented.

Motion Carried: 7- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

I. Approval of Amendment No.7 to Contract No. 053-19 with Terraphase Engineering, Inc. for the ESSB 6091 Foster Pilot Project Services

Moved by Mark Trenary; seconded by Heidi Fenton to Authorize the Mayor to execute Amendment No. 7 to Contract No. C053-19 with Terraphase Engineering, Inc., for ESSB 6091

Foster Pilot Project Services with a new contract total of $772,348.

Motion Carried: 7- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

J. Approval of a Memorandum of Agreement with the BlueBridge Alliance

Moved by Eric Worden; seconded by Heidi Fenton to Authorize the Mayor to sign a Memorandum of Agreement with the BlueBridge Alliance.

Motion Carried: 7- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

K. Approval of the November 25, 2025, City Council Regular Meeting Minutes

Moved by Jay Rosapepe; seconded by John Morrissey to Approve the meeting minutes as presented.

Motion Carried: 6- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey

Voting Against: None

Abstaining: Shirah Dedman

L. Approval of the December 9, 2025, City Council Regular Meeting Minutes

Moved by Mark Trenary; seconded by John Morrissey to Approve the December 9th regular Council meeting minutes.

Motion Carried: 6- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey

Voting Against: None

Abstaining: Shirah Dedman

M. Approval of the December 16, 2025, City Council Regular Meeting Minutes

Moved by Scott Diener; seconded by John Morrissey to Approve the regular meeting minutes of Tuesday, December 16, 2025, as presented.

Motion Carried: 6- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey

Voting Against: None

Abstaining: Shirah Dedman

N. Adoption of a Resolution Adopting Personnel Policy Related to Bilingual Pay

Moved by Jay Rosapepe; seconded by John Morrissey to Adopt a Resolution, establishing a new policy related to bilingual pay.

Motion Carried: 7- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman

Voting Against: None

9. DISCUSSION ITEMS

There were no discussion items.

10. REPORT OF COUNCIL COMMITTEES

A. Council Advisory Committees

Councilmember Rosapepe reported on Kitsap Transit meetings.

A brief discussion was held regarding upcoming appointments to Council Committees.

11. REPORT OF MAYOR

The Mayor reported on the following:

- Town hall meetings.
- Dedication ceremony held at 1333 Lloyd Parkway and recognizing Red Lumsden.
- Staff updates.
- Alternate for Puget Sound Regional Executive Board, Kitsap Regional Coordinating Council, and Kitsap 911.

12. REPORT OF DEPARTMENT DIRECTORS

Public Works Director Ryan reported on proposals for Givens Park Master Plan. He also reported on the Bethel Corridor right-of-way phase.

Finance Director Crocker reported on a tax credit check the City received for the electric vehicles and charging stations.

Community Development Director Bond reported on a grant or loan program for the facades downtown and an agreement for the Haven Apartments project.

City Attorney Archer reported on the legislative session and bills that were filed and spoke about a case regarding the Public Records Act.

In response to Councilmember Morrissey, City Attorney Archer said she would look into HB 1380 regarding homeless encampment enforcing.

Brief discussions were held regarding a bill about a governing body at the state level that could remove head law enforcement officers and Coffee with Council.

Police Chief Brown reported on staffing and training and voiced his appreciation for HR Director Lund for the good candidates they had.

City Clerk Wallace reported on interviews for Communication Specialist and electing a Mayor Pro-Tempore for 2026.

HR Director Lund reported that in accordance with Ordinance 008-20 for job descriptions, revisions had been made for the Court Clerk, Maintenance Technician II, IT Manager and HR Director. Also, in accordance with Resolution 007-11 regarding personnel policies, updates had been made to domestic violence leave and now includes hate crimes, Washington Paid Family Medical Leave Program, cleanup language related to City vehicles and property, Smart Commuter Policy about ORCA cards, and HRA Veba contributions.

13. CITIZEN COMMENTS

There were no citizen comments.

14. GOOD OF THE ORDER

Councilmember Rosapepe reminded Council to not forget about filing their F1 for PDC, and said the South Kitsap Public Education Foundation has an event on April 25 and lastly thanked the police department regarding their response during a rally downtown.

Councilmember Morrissey welcomed Councilmember Dedman.

Councilmember Fenton said there will be a ribbon cutting at the (South Kitsap) Helpline tomorrow.

Councilmember Worden explained he will not be in attendance at the last meeting of the month.

15. EXECUTIVE SESSION

There was no executive session.

16. ADJOURNMENT

The meeting adjourned at 9:11 p.m. No other action was taken.

Brandy Wallace, MMC, City Clerk

Robert Putaansuu, Mayor

Meeting Location:
Council Chambers
216 Prospect Street
Port Orchard, WA 98366

Contact us:
Phone (360) 876-4407
cityhall@portorchardwa.gov
www.portorchardwa.gov

City Council
Minutes
Work Study Session of Tuesday, January 20, 2026

Roll Call was taken by the City Clerk as follows:

Present: John Morrissey, Mayor Pro-Tempore, Councilmember, Position No. 2
Jay Rosapepe, Councilmember, Position At-Large
Shirah Dedman, Councilmember, Position No. 6, **via Zoom**
Mark Trenary, Councilmember, Position No. 1
Eric Worden, Councilmember, Position No. 4
Heidi Fenton, Councilmember, Position No. 5
Scott Diener, Councilmember, Position No. 3
Robert Putaansuu, Mayor

Staff present: City Clerk Wallace and City Attorney Archer.

1. CALL TO ORDER

Mayor Putaansuu called the meeting to order at 6:30 p.m.

A. Pledge of Allegiance

Mayor Putaansuu led the audience and Council in the Pledge of Allegiance.

2. DISCUSSION ITEMS

Mayor Putaansuu said he would like to share with the Council a couple things at the end of the meeting; downtown mural proposal, Gorst Coalition, and funding for Bay Street.

A. Nomination and Appointment of Mayor Pro-tempore 2026

Moved by Eric Worden; seconded by Scott Diener to Appoint Councilmember John Morrissey as the Mayor Pro-tempore for 2026.

Motion Carried: 7- 0

Voting For: Mark Trenary, Jay Rosapepe, Scott Diener, Eric Worden, Heidi Fenton, John Morrissey, Shirah Dedman
Voting Against: None

B. Council Committee Assignments

After discussion and polling, the Council Committee assignments were suggested as follows:

Land Use
Diener
Rosapepe
Dedman

Economic Development/Tourism
Fenton
Morrissey
Dedman

Transportation
Diener
Trenary
Worden

Finance
Trenary
Worden
Morrissey

Utilities/SAC
Fenton
Dedman
Rosapepe

Lodging Tax
Morrissey

Ad hoc POMC Title 2.04 Review
Rosapepe
Worden
Diener

Outside agencies:
Kitsap Regional Coordinating Council (KRCC): Fenton
Kitsap Regional Coordinating Council (KRCC): Trenary (alt)
Kitsap Economic Development Alliance (KEDA): Morrissey
Kitsap Economic Development Alliance (KEDA) : Trenary (alt)
Puget Sound Regional Council (PSRC): Rosapepe (alt)
Kitsap Public Health Board: Rosapepe (alt)
Kitsap Transit (2nd year term): Rosapepe (alt)
911: Fenton (alt)

Council Direction: A resolution will be brought forth at the next Council meeting for adoption of the Committee assignments.

C. Team Building Workshop

Mayor Putaansuu provided a proposal for a team building workshop for him and Council. The purpose is to provide City Council and the Mayor with a structured, neutral retreat designed to strengthen trust, clarify toles, and establish shared ways of working, so Council meetings and interactions are more productive, respectful, and aligned with the City's values and responsibilities to the community.

In response to Mayor Putaansuu asking if the Council would like to proceed with this workshop, Councilmembers Fenton, Dedman, and Trenary voiced their concerns which included the cost of $5,000.

Mayor Putaansuu mentioned this workshop would need the full Council's support. As it does not, the workshop will not be moving forward.

Council Direction: None

A brief discussion was held about not having a facilitator for the next Council Retreat.

At 7:55 p.m., Mayor Putaansuu recessed the meeting for a 5-minute break.

At 8:00 p.m., Mayor Putaansuu reconvened the meeting back into session.

D. Council Outreach

Coffee with Council

Council discussed the next few months of Coffee with Council and agreed that Councilmembers Diener, Fenton, and Dedman would attend February 7th; Councilmembers Morrissey, Dedman, and Worden would attend March 7th; Councilmembers Diener, Rosapepe, and Trenary would attend April 4th; and Councilmembers Morrissey, Trenary, and Worden would attend May 2nd.

Councilmember Virtual Hours

Councilmember Dedman inquired about hosting virtual meetings for her to meet with the public. She would carve out a specific timeframe and noted this would also be helpful to individuals who may have accessibility issues.

In response, Mayor Putaansuu noted he would like to assist with this idea and asked Councilmember Dedman to send him an email outlining what she envisions. Once it is finalized, he would like to share the information with the public. He said this option is open to all Councilmembers.

Town Hall Meetings

Councilmember Worden read into record a statement outlining his concerns regarding another Councilmember questioning meetings he and Councilmember Morrissey wanted to have with their neighbors at McCormick Woods. He said he is open to hearing from all Councilmembers on this topic but asked that we be honest and consistent.

Discussion was held regarding transparency, having town hall meetings that would target certain geographic areas, not having the meetings at City Hall but rather in the specific geographic area of the City, attendance of the meetings, option to mail notices, town hall meetings should be less formal than City Council meetings, location options, using the City's booth at the downtown Farmer's Market, outreach, staff responding to citizen questions, timeframes, and holding a Q&A during the town hall meetings.

City Attorney Archer explained there is no requirement to record the meeting, but by state law, the meeting would need to be noticed, an agenda published, and minutes taken.

Council Direction: Hold the first meeting in McCormick Woods, discuss at a work study session the topics for these meetings, bring this up again at the next Council meeting for possible dates, and have the Town Hall meetings on a Thursday.

Mayor Putaansuu spoke about federal funding and the Bay Street project which was selected for three million dollars, explaining he was notified earlier in the day that there is a bipartisan transportation funding package that is working its way through the system and there could be a vote as early as next week. He explained the next steps in the process and pointed out we may still not receive the money.

Mayor Putaansuu also said he received a proposal from a local artist for a mural downtown off the Bay Street Pedestrian Pathway near the Soroptimist pavilion. The proposal is $4,500 plus tax.

Additional discussion was held regarding a bid and proposal process to allow other options and artists to showcase their work.

Council Direction: Council would like more options and artists to choose from and would like Mayor Putaansuu to bring up the Gorst Coalition topic at the next Council meeting.

3. GOOD OF THE ORDER

Not held.

4. ADJOURNMENT

The meeting adjourned at 8:58 p.m. No other action was taken.

_____ _____

Brandy Wallace, MMC, City Clerk Robert Putaansuu, Mayor

City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Business Items: 9.A. Adoption of an Ordinance Amending Port Orchard Municipal Code Sections 15.30.020, 15.30.070, and 15.30.100, Pertaining to Illicit Discharge to the Stormwater System (Ryan)
Meeting Date: February 10, 2026
Presenter: Denis Ryan, Public Works Director

Summary and Background:
The City of Port Orchard, consistent with applicable federal, state and local regulations and its National Pollutant Discharge Elimination System (NPDES) permit, regulates the flow of stormwater in the City to manage runoff, prevent flooding, and improve water quality. In 2022, the City Council adopted Ordinance No. 043-22, codified at Chapter 15.30 of the Port Orchard Municipal Code, to provide updated regulations for illicit discharges to the stormwater system designed to preserve the health, safety, and general welfare, and to protect and enhance the water quality of watercourses and water bodies through the regulation of non-stormwater discharges, dumping and illicit connections to the storm drain system to the maximum extent practicable. Since its adoption, staff have identified targeted, largely technical in nature amendments necessary to the code provisions for illicit discharge to clarify definitions, insert language set out in state law for cohesive application, and to add language requested by Department of Ecology, pursuant to the City's NPDES permit. These amendments do not change current practices; rather the amendments bring the code into line with the current practices and applicable federal and state regulations.

Relationship to Comprehensive Plan: 5 - Natural Systems
7 - Utilities

Recommendation: Staff recommends adoption of an ordinance amending Port Orchard Municipal Code Sections 15.30.020, 15.30.070, and 15.30.100, updating existing regulations for illicit discharges to the stormwater system.

Motion for Consideration: I move to adopt an Ordinance Amending Sections Sections 15.30.020, 15.30.070, and 15.30.100, of the Port Orchard Municipal Code, pertaining to regulation of illicit discharges to the stormwater system.

Has item been presented to Committee/Work Study? No
If so, which one: No

Fiscal Impact: None anticipated.

Alternatives: Do not adopt and provide alternative guidance.

Attachments:
1. Ord_re_Amendments_to_Illicit_Discharge_11182981.1_
2. Redline_Ordinance_amending_POMC_15.30

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO REGULATION AND PREVENTION OF ILLICIT DISCHARGE; AMENDING PORT ORCHARD MUNICIPAL CODE SECTIONS 15.30.020, 15.30.070, AND 15.30.100; PROVIDING FOR SEVERABILITY AND PUBLICATION, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orchard operates stormwater utility and has adopted regulations for the operation and use of these facilities, codified at Title 13 of the Port Orchard Municipal Code (POMC); and

WHEREAS, in 2022, the City Council adopted Ordinance No. 043-22, codified at Chapter 15.30 of the Port Orchard Municipal Code, to provide for the health, safety, and general welfare, and to protect and enhance the water quality of watercourses and water bodies through the regulation of non-stormwater discharges, dumping and illicit connections to the storm drain system to the maximum extent practicable; and

WHEREAS, since adoption, evolving operational conditions a warrant targeted amendments to Chapter 15.30 to clarify definitions and regulatory standards; and

WHEREAS, this Ordinance and the amendments set forth herein are enacted as an exercise of the police power authority of the City of Port Orchard to protect and preserve the public health and welfare; and

WHEREAS, the City Council, after careful consideration of the proposed amendments and all public comments, finds that the proposed amendments are consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that adoption of the code language herein is 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. Amendment. Port Orchard Municipal Code Section 15.30.020, Definitions, is hereby amended in part to read as follows:

15.30.020 Definitions.

Definitions provided below and those set out in POMC 20.150.020 apply to this chapter, provided if there is a conflict between this chapter and POMC 20.150.020 as to a defined term, the definition set out in this chapter applies to the application of this chapter.

***

(9) “Illicit discharge” means any direct or indirect nonstormwater discharge to a storm drainage system or to surface or groundwater that is not composed entirely of stormwater, except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and those discharges expressly allowed conditionally by this chapter.

***

(15) “PCBs” refers to the group of 209 human-made polychlorinated biphenyl compounds which have been designated by the Washington State Department of Ecology to be a dangerous waste and/or of concern in stormwater.

(16) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(17) “Pollution” means such contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the city, state, or United States, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(18) “Port Orchard stormwater manuals” or the “stormwater manuals” means as defined at POMC 20.150.060(3).

(19) “Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved.

(20) “Sanitary sewer” means a conveyance system which transports sewage and to which storm, surface and groundwaters are not intentionally admitted.

(21) “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water and stormwater as may be inadvertently present. The admixture of sewage with industrial wastes as defined above or other wastes also shall be considered “sewage” within the meaning of this definition.

(22) “Stop work order” means an immediate order posted at a site halting all operations except those required to correct improper activities.

(23) “Storm drainage system” or “storm drain system” means facilities, including the city’s municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(24) “Storm water” or “stormwater” means any surface flow, runoff, and drainage consisting entirely of uncontaminated water from any form of natural precipitation, including snowmelt, during and following precipitation, and resulting from such precipitation that meets the nonpollutant requirements.

(25) “Stormwater pollution prevention plan” or “SWPPP” means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(26) “Source control BMPs” means a structure or operation that is intended to prevent pollutants from encountering stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Structural source control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational source control BMPs are nonstructural practices that prevent or reduce pollutants from entering stormwater.

(27) “Wastewater” means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(28) “Watercourse” means a depression formed by runoff moving over the surface of the earth; any natural or artificial channel through which water flows; a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically.

(29) “Waters of the state” means lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington as defined in Chapter 90.48 RCW.

SECTION 2. Amendment. Port Orchard Municipal Code Section 15.30.070, Discharge prohibitions, is hereby amended in part to read as follows:

15.30.070 Discharge prohibitions.

(1) Prohibition of Illicit Discharges. It is unlawful for any person to throw, drain, or otherwise discharge, or cause or allow others under its control to throw, drain or otherwise discharge, any materials other than stormwater into the storm drain system and/or surface and groundwaters of the city. Prohibited materials include, but are not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct, or continuance of any illicit discharge to the storm drain system is prohibited.

Examples of prohibited discharges include, but are not limited to, the following: trash or debris; solid waste; construction materials; petroleum products including, but not limited to, oil, gasoline, grease, fuel oil, or heating oil; antifreeze and other automotive products; fixed and mobile vehicle washes; metals in either particulate or dissolved form in excess of naturally occurring amounts; flammable or explosive materials; radioactive materials; batteries; acids, alkalis, or bases; paints, stains, resins, lacquers, or varnishes; degreasers or solvents; drain cleaners; commercial and household cleaning materials; carpet cleaning wastes; pesticides, herbicides, or fertilizers; steam cleaning wastes; laundry waste; soaps, detergents, or ammonia; swimming pool or spa filter backwash (diatomaceous earth); swimming pool cleaning wastewater; chlorine, bromine, and other disinfectants; heated water; chlorinated swimming pool or hot tub water; human and animal wastes; domestic or sanitary sewage; recreational vehicle waste; animal carcasses; food and food wastes; yard waste; bark and other fibrous materials (does not include large woody debris in approved restoration projects); collected lawn clippings, leaves, or branches; wastes associated with building construction; concrete and concrete by-products; silt, sediment, including dirt, sand, and gravel; dyes and ink (except as stated in subsection (2)(e) of this section); chemicals not normally found in uncontaminated water; any other process-associated discharge except as otherwise allowed in this section; and any hazardous material or waste not listed above.

(2) Conditional Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

> (a) Discharges from potable water sources, including waterline flushing, hyper-chlorinated (> 10 mg/liter chlorine) waterline flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system;

(b) Discharges from lawn watering and other irrigation runoff; however, these shall be minimized through water conservation efforts;

(c) Dechlorinated spa or swimming pool discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the storm drainage system;

(d) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The amount of street wash, dust control, and building wash water shall be minimized. At active construction sites, street sweeping must be performed prior to washing the street;

(e) Dye testing with verbal notification to the city a minimum of 24 hours prior to the time of the test;

(f) Routine external building washdown that does not use detergents for buildings built or renovated before 1950 and after 1980. Commercial, industrial, and multi-story residential structures constructed or renovated between the years 1950 and 1980 (i.e. those most likely to have PCB-containing building materials), shall be assessed for PCB-containing materials consistent with “How to find and address PCBs in building materials” (Ecology, 2024, Publication No. 22-04-024, as may be amended) prior to routine building washdown to the MS4. Structures confirmed or suspected to have PCB-containing materials shall not discharge washdown to the MS4. Single-family residential buildings are exempt from PCB assessment prior to building washdown, for the purposes of this section. Structures built or renovated between 1950-1980 and determined to be without PCB-containing materials may conduct routine building washdown (without detergents) as described above.

(g) Nonstormwater discharges covered by another NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency or Washington State Department of Ecology; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system;

(h) Discharges resulting from maintenance, repair, or operation of firefighting equipment and facilities that are not directly associated with public firefighting, including discharges from public firefighting training exercises, unless city-approved best management practices are implemented;

(i) Other nonstormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed and approved by the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or groundwater.

(3) Allowable Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they do not contain pollutants or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

(a) Diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)), uncontaminated pumped groundwater, foundation drains, air conditioning condensation, irrigation water from agricultural sources that is commingled with urban stormwater, springs, water from crawl space pumps, footing drains, flows from riparian habitats and wetlands, non-stormwater discharges authorized by another NPDES or State Waste Discharge Permit, and discharges from emergency firefighting activities in accordance with “S2. Authorized Discharges” of the city’s NPDES permit.

(b) Discharges specified in writing by the city as being necessary to protect public health and safety.

(c) If a person can demonstrate that there are no additional pollutants being discharged from the premises above the background conditions of the water entering the site, that person shall not be in violation of subsection (1) of this section.

(4) Prohibition of Illicit Connections.

(a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(b) Any connection identified by the director that could convey anything not composed entirely of surface and stormwater directly into drainage facilities is considered an illicit connection and is prohibited with the following exceptions: connections conveying

allowable discharges or connections conveying discharges pursuant to an NPDES permit or a state waste discharge permit.

(c) Illicit connections must be disconnected and redirected, if warranted, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the city. Illicit connections shall be eliminated within six (6) months of confirming the illicit connection.

(d) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which is connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as a storm sewer, sanitary sewer, or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city.

(5) Prohibition of Stormwater Discharge to Sanitary Sewer. Stormwater shall not be discharged into the sanitary sewer without written permission to do so from the city of Port Orchard.

(6) Prohibition of Waste Disposal. No person shall throw, deposit, leave, maintain, or keep in or upon any public or private property, the stormwater drainage system, or waters of the state any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, or accumulations that may cause or contribute to pollution. Wastes deposited in proper nonleaking waste receptacles for the purposes of collection are exempt from this prohibition.

SECTION 3. Amendment. Port Orchard Municipal Code Section 15.30.100, Requirement to prevent, control, and reduce stormwater pollutants by the use of source control best management practices (BMPs), is hereby amended in part to read as follows:

15.30.100 Requirement to prevent, control, and reduce stormwater pollutants by the use of source control best management practices (BMPs).

(1) General. Any person causing or allowing discharge to a storm water drainage system, surface waters or groundwater shall limit pollutants in the discharge by implementing source control best management practices (BMPs).

(2) The owner or operator of an institutional, commercial or industrial facility shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drain system, watercourses, surface water, or groundwater through the use of structural and nonstructural source control BMPs set out in the stormwater

manuals for the activity, operation or facility, provided those facilities or activities not identified in the stormwater manuals shall utilize structural and nonstructural source control BMPs which have been approved by the city for the activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state.

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SECTION 4. Amendment. Port Orchard Municipal Code Section 15.30.140, Enforcement and penalties, is hereby amended in part to read as follows:

15.30.140 Enforcement and penalties.

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(7) Violations Deemed a Public Nuisance. Any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken, or otherwise remediated pursuant to POMC 2.64, nuisances.

***

SECTION 5. 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 6. 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 7. Effective Date. This Ordinance shall take effect and be in full force five days after adoption and publication of this ordinance, as provided by law.

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 __ day of _____ 2026.

Robert Putaansuu, Mayor

ATTEST:

Brandy Wallace, MMC, City Clerk

APPROVED AS TO FORM:

Charlotte A. Archer, City Attorney
PUBLISHED:
EFFECTIVE DATE:

Chapter 15.30
ILLICIT DISCHARGE PREVENTION, DETECTION AND ELIMINATION

***

15.30.020 Definitions.

Definitions provided below and those set out in POMC 20.150.020 apply to this chapter, provided if there is a conflict between this chapter and POMC 20.150.020 as to a defined term, the definition set out in this chapter applies to the application of this chapter.

(1) "AKART" means all known available and reasonable methods of prevention, control, and treatment.

(2) "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(3) "City" means Port Orchard, Washington, or as indicated by the context, the public works director, or other authorized representative of the governmental authority of the city of Port Orchard.

(4) "Director" means the public works director or designee(s).

(5) "Discharge" means to throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run, or seep from land or to be thrown, drained, released, dumped, spilled, emptied, emitted, or poured into water.

(6) "Groundwater" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

(7) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(8) "Illicit connection" means (a) any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyances which allow any nonstormwater discharge including

sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city; or (b) any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city.

(9) "Illicit discharge" means any direct or indirect nonstormwater discharge to a storm drainage system ~~municipal separate storm sewer~~ or to surface or groundwater that is not composed entirely of stormwater, except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and those discharges expressly allowed conditionally by this chapter.

(10) "Industrial waste" means any liquid, gaseous or solid substance or a combination thereof which is an undesired by-product waste resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources, except garbage.

(11) "Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances which is intended to convey only stormwater (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) and which are: (a) owned or operated by the city of Port Orchard; (b) designed or used for collecting or conveying stormwater; (c) are not part of a publicly owned treatment works (any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and (d) are not a combined sewer (a system that collects sanitary sewage and stormwater in a single sewer system).

(12) "National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by the Environmental Protection Agency (EPA) or by the Washington State Department of Ecology that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

(13) "Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

(14) "Owner" or "person" includes any individual, association, organization, partnership, firm, corporation, business, lessee, or other entity recognized by law; acting as either the owner or as the owner's agent, and/or having responsibility, charge, and/or control over any property that is subject to the provisions of this chapter.

(15) "PCBs" refers to the group of 209 human-made polychlorinated biphenyl compounds which have been designated by the Washington State Department of Ecology to be a dangerous waste and/or of concern in stormwater.

(165) "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(176) "Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the city, state, or United States, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(187) "Port Orchard stormwater manuals" or the "stormwater manuals" means as defined at POMC 20.150.060(3).

(198) "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved.

(2019) "Sanitary sewer" means a conveyance system which transports sewage and to which storm, surface and groundwaters are not intentionally admitted.

(210) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water and stormwater as may be inadvertently present. The admixture of sewage with industrial wastes as defined above or other wastes also shall be considered "sewage" within the meaning of this definition.

(221) "Stop work order" means an immediate order posted at a site halting all operations except those required to correct improper activities.

(232) "Storm drainage system" or "storm drain system" means any ~~publicly owned~~ facility, including the city's municipal separate storm sewer system, by which stormwater is

collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(243) "Storm water" or "stormwater" means any surface flow, runoff, and drainage consisting entirely of uncontaminated water from any form of natural precipitation, including snowmelt, during and following precipitation, and resulting from such precipitation that meets the nonpollutant requirements.

(254) "Stormwater pollution prevention plan" or "SWPPP" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(265) "Source control BMPs" means a structure or operation that is intended to prevent pollutants from encountering stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Structural source control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational source control BMPs are nonstructural practices that prevent or reduce pollutants from entering stormwater.

(276) "Wastewater" means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(287) "Watercourse" means a depression formed by runoff moving over the surface of the earth; any natural or artificial channel through which water flows; a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically.

(298) "Waters of the state" means lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington as defined in Chapter 90.48 RCW. (Ord. 043-22 § 1 (Exh. A); Ord. 019-09 § 3).

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15.30.070 Discharge prohibitions.

(1) Prohibition of Illicit Discharges. It is unlawful for any person to throw, drain, or otherwise discharge, or cause or allow others under its control to throw, drain or otherwise discharge, any materials other than stormwater into the ~~municipal~~ storm drain system and/or surface

and groundwaters of the city. Prohibited materials include, but are not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct, or continuance of any illicit discharge to the storm drain system is prohibited.

Examples of prohibited discharges include, but are not limited to, the following: trash or debris; solid waste; construction materials; petroleum products including, but not limited to, oil, gasoline, grease, fuel oil, or heating oil; antifreeze and other automotive products; fixed and mobile vehicle washes; metals in either particulate or dissolved form in excess of naturally occurring amounts; flammable or explosive materials; radioactive materials; batteries; acids, alkalis, or bases; paints, stains, resins, lacquers, or varnishes; degreasers or solvents; drain cleaners; commercial and household cleaning materials; carpet cleaning wastes; pesticides, herbicides, or fertilizers; steam cleaning wastes; laundry waste; soaps, detergents, or ammonia; swimming pool or spa filter backwash (diatomaceous earth); swimming pool cleaning wastewater; chlorine, bromine, and other disinfectants; heated water; chlorinated swimming pool or hot tub water; human and animal wastes; domestic or sanitary sewage; recreational vehicle waste; animal carcasses; food and food wastes; yard waste; bark and other fibrous materials (does not include large woody debris in approved restoration projects); collected lawn clippings, leaves, or branches; wastes associated with building construction; concrete and concrete by-products; silt, sediment, including dirt, sand, and gravel; dyes and ink (except as stated in subsection (2)(e) of this section); chemicals not normally found in uncontaminated water; any other process-associated discharge except as otherwise allowed in this section; and any hazardous material or waste not listed above.

(2) Conditional Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

(a) Discharges from potable water sources, including waterline flushing, hyper-chlorinated (> 10 mg/liter chlorine) waterline flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system;

(b) Discharges from lawn watering and other irrigation runoff; however, these shall be minimized through water conservation efforts;

(c) Dechlorinated spa or swimming pool discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the stormwater system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the storm drainage system;

(d) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The amount of street wash, dust control, and building wash water shall be minimized. At active construction sites, street sweeping must be performed prior to washing the street;

(e) Dye testing with verbal notification to the city a minimum of 24 hours prior to the time of the test;

(f) Routine external building washdown that does not use detergents for buildings built or renovated before 1950 and after 1980. Commercial, industrial, and multi-story residential structures constructed or renovated between the years 1950 and 1980 (i.e. those most likely to have PCB-containing building materials), shall be assessed for PCB-containing materials consistent with "How to find and address PCBs in building materials" (Ecology, 2024, Publication No. 22-04-024, as may be amended) prior to routine building washdown to the MS4. Structures confirmed or suspected to have PCB-containing materials shall not discharge washdown to the MS4. Single-family residential buildings are exempt from PCB assessment prior to building washdown, for the purposes of this section. Structures built or renovated between 1950-1980 and determined to be without PCB-containing materials may conduct routine building washdown (without detergents) as described above.

(~~f~~g) Nonstormwater discharges covered by another NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency or Washington State Department of Ecology; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system;

(gh) Discharges resulting from maintenance, repair, or operation of firefighting equipment and facilities that are not directly associated with public firefighting, including discharges from public firefighting training exercises, unless city-approved best management practices are implemented;

(~~h~~i) Other nonstormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed and approved by the city, which addresses

control of such discharges by applying AKART to prevent contaminants from entering surface or groundwater.

(3) Allowable Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they do not contain pollutants or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

(a) Diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)), uncontaminated pumped groundwater, foundation drains, air conditioning condensation, irrigation water from agricultural sources that is commingled with urban stormwater, springs, water from crawl space pumps, footing drains, flows from riparian habitats and wetlands, non-stormwater discharges authorized by another NPDES or State Waste Discharge Permit, and discharges from emergency firefighting activities in accordance with "S2. Authorized Discharges" of the city's NPDES permit.

(b) Discharges specified in writing by the city as being necessary to protect public health and safety.

(c) If a person can demonstrate that there are no additional pollutants being discharged from the premises above the background conditions of the water entering the site, that person shall not be in violation of subsection (1) of this section.

(4) Prohibition of Illicit Connections.

(a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(b) Any connection identified by the director that could convey anything not composed entirely of surface and stormwater directly into ~~municipal~~ drainage facilities is considered an illicit connection and is prohibited with the following exceptions: connections conveying allowable discharges or connections conveying discharges pursuant to an NPDES permit or a state waste discharge permit.

(c) Illicit connections must be disconnected and redirected, if warranted, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the city. Illicit connections shall be eliminated within six (6) months of confirming the illicit connection.

(d) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which is connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as a storm sewer, sanitary sewer, or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city.

(5) Prohibition of Stormwater Discharge to Sanitary Sewer. Stormwater shall not be discharged into the sanitary sewer without written permission to do so from the city of Port Orchard.

(6) Prohibition of Waste Disposal. No person shall throw, deposit, leave, maintain, or keep in or upon any public or private property, the stormwater drainage system, or waters of the state any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, or accumulations that may cause or contribute to pollution. Wastes deposited in proper nonleaking waste receptacles for the purposes of collection are exempt from this prohibition. (Ord. 043-22 § 1 (Exh. A); Ord. 007-18 § 1; Ord. 019-09 § 8).

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15.30.100 Requirement to prevent, control, and reduce stormwater pollutants by the use of source control best management practices (BMPs).

(1) General. Any person causing or allowing discharge to a storm water drainage system, surface waters or groundwater shall limit pollutants in the discharge by implementing source control best management practices (BMPs).

(2) The owner or operator of an institutional, commercial or industrial facility shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the ~~municipal~~ storm drain system, watercourses, surface water, or groundwater through the use of structural and nonstructural source control BMPs set out in the stormwater manuals for the activity, operation or facility, provided those facilities or activities not identified in the stormwater manuals shall utilize structural and nonstructural source control BMPs which have been approved by the city for the activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state.

(3) Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional

operational, treatment, structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

(4) BMP Descriptions. BMPs are described in the stormwater manuals adopted by the city. The stormwater manuals describe the types of regulated activities, the types of contaminants generated by each activity, the contaminant's effect on water quality, the applicable required source control BMPs, and the available treatment BMPs. The stormwater manuals include information on design, maintenance, and allowable use of additional or alternative BMPs. Source control BMPs not included in the stormwater manuals may be approved by the director or designee if the director or designee determines that it provides equivalent effectiveness. The city may require additional source control BMPs and/or treatment BMPs or facilities if additional BMPs or facilities are deemed necessary by the director and/or their designee to eliminate an ongoing release of pollution, in accordance with the stormwater manuals.

(5) Priority of BMP Implementation. In applying the stormwater manuals, the director shall first require the implementation of source control BMPs unless the stormwater manuals specifically require treatment BMPs. If source control BMPs (or treatment BMPs if required by the stormwater manuals) do not prevent contaminants from entering surface and stormwater or groundwater, the director may require implementation of additional source control BMPs and/or treatment BMPs, according to AKART.

(6) Prevention of Pollution of Surface and Groundwater. BMPs shall be applied as required herein, so that when all appropriate combinations of individual BMPs are utilized, pollution of surface or groundwater is prevented. If all BMPs required herein or by the director are applied, and pollution still occurs, the discharger shall modify existing practices or apply further water pollution control measures, as specified by the director. In the absence of implementation of applicable BMPs, the director shall be authorized to conclude that individual activities are causing pollution in violation of this section, and shall be authorized to enforce this chapter accordingly. (Ord. 017-23 § 1 (Exh. A); Ord. 043-22 § 1 (Exh. A); Ord. 019-09 § 11).

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15.30.140 Enforcement and penalties.

(1) Authorization. The director is authorized to enforce this chapter and any permit, order or approval issued pursuant to this chapter, against any violation or threatened violation thereof.

(2) Compliance. The director shall attain compliance with this chapter by requiring the implementation of source control BMPs. The director may initially rely on education and informational assistance to gain compliance with this chapter, unless the director determines a violation poses a hazard to public health, safety, or welfare, endangers any property, or adversely affects the safety and operation of city right-of-way, utilities and/or other property owned or maintained by the city, that should be addressed through immediate penalties. The director may demand immediate cessation of discharges and assess penalties for violations that are an imminent or substantial danger to the health or welfare of persons or danger to the environment. Enforcement actions shall escalate for noncompliance.

Enforcement shall include one or more of the following actions, singly or in combination, at the discretion of the director or designee. Responsibility for violations subject to enforcement under this chapter is joint and several, and the city is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the city required to take action against all persons potentially responsible for compliance.

The director may apply whatever enforcement action, or combination of actions, is determined appropriate within the following range of actions, regardless of the position in the range:

(a) Written warning with voluntary compliance. May be applied to first time, minor violations. Educational materials and informational assistance will be provided to the violator.

(b) Compensatory actions such as community service related to stormwater education or mitigation in lieu of penalty or enforcement proceedings. Requires a formal written agreement between the director and the violator.

(c) Written notice of violation ordering compliance, in accordance with subsection (3) of this section.

(d) Civil or criminal penalties, in accordance with subsections (4) and (5) of this section.

(e) Emergency cease and desist order. In circumstances where a violation poses a hazard to public health, safety, or welfare, endangers any property, or adversely affects the safety and operation of city right-of-way, utilities and/or other property owned or maintained by

the city, the director is authorized to issue cease and desist orders. The cease and desist order may require immediate compliance with this chapter by halting operations and/or terminating discharges may be applied by means of the use of a stop work order.

(f) Disconnection from the MS4. Applies to illicit connections to MS4, to illicit discharges in emergency situations, or continued failure of the property owner to comply.

(g) Revocation of permit. Where the violation of this chapter provides a nuisance or poses a hazard to public health, safety and welfare, and has not previously been abated, the director may, upon written notice, revoke any and all permits associated with the site and/or issuance of an associated stop work order. Service of a written notice of revocation shall be in the same manner as service of a notice and order. Revocation of a permit by the director may be appealed within 10 working days of service of written notice. The appeal must be in accordance with POMC 15.30.150.

(3) Notice and Order.

(a) Contents. The director shall have authority to issue to an owner or person responsible for a violation of this chapter an order to maintain or repair a component of a stormwater facility or BMP to bring it into compliance with this chapter or other city regulations, to remove any illicit connection, to cease any illicit discharge, and to repair or remediate any damages to the environment caused by any such violation. The order shall include the following:

(i) The order identification number or permit number; and

(ii) The street address, when available, and the tax parcel number of real property and/or description of personal property sufficient for identification of where the violation occurred or is located; and

(iii) A description of the specific nature, extent and time of the violation and the damage that has occurred or potential damage that reasonably might occur; and

(iv) A notice that the violation or the potential violation cease and desist; and

(v) A statement of the corrective action required to be taken. If the director has determined that corrective work is required, the order shall require that all required permits be secured, that work physically be commenced, and that the work be completed within such times as the director determines are reasonable under the circumstances; and

(vi) A statement advising that if any required work is not commenced or completed within the times specified, the director may proceed to cause abatement of the violation and

cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and

(vii) Any requirements for monitoring, analyses and reporting; and

(viii) A statement specifying the amount of any civil penalty assessed as a result of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent; and

(ix) An order to the owner to provide the director a detailed plan showing drawings and steps that will be taken to achieve compliance within a specific time. The plan is subject to the approval of the director; and

(x) A statement advising that the order shall become final unless, no later than 10 working days after the notice and order are served, any person aggrieved by the order requests an appeal in accordance with POMC 15.30.150.

(b) Service. Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the date of postmark. The notice and order may be, but is not required to be, posted on the subject property.

(c) Appeal. Persons to whom the notice and order of the director is issued may appeal the same within 10 working days of service. The appeal must be in accordance with POMC 15.30.150.

(4) Civil Penalties.

(a) Conduct made unlawful by this chapter shall constitute a class one civil infraction and is subject to enforcement and fines as provided in Chapter 2.64 POMC. Each day of noncompliance with any of the provisions of this chapter shall constitute a separate offense.

(b) In addition to any other available sanction or remedial procedure, any person engaging in conduct made unlawful by this chapter shall be subject to a civil penalty in an amount not to exceed $5,000 per occurrence, per day, for each violation from the date set for compliance until the date of compliance, based on the nature of the violation, the damage

or risk to the public or to public resources, and/or the degree of bad faith of the person subject to the enforcement action, and whether or not the violation was intentional.

(c) Payment of a monetary penalty pursuant to this chapter does not relieve the person of the duty to correct the violation.

(d) Joint and Several Responsibility and Liability. Responsibility for civil penalties under this chapter is joint and several, and the city is not prohibited from seeking recovery against a party where other persons may also be potentially responsible for a violation, nor is the city required to take action against all persons potentially responsible for compliance.

(5) Criminal Prosecution. Any person violating or failing to comply with any of the provisions of this chapter shall be subject to criminal prosecution and, upon conviction, shall be guilty of a misdemeanor for the first offense and a gross misdemeanor for any subsequent offense occurring within a five-year period. Each day of noncompliance with any of the provisions of this chapter shall constitute a separate offense.

(6) Recovery of Costs Incurred by the City. In addition to any costs for enforcement under this chapter, any person violating any of the provisions of this chapter shall be liable to the city for any expense, loss, or damage caused by such violation or discharge, including but not limited to the costs for bringing the city back into compliance with its NPDES permit associated with any violation of these regulations, and any fines levied for violations of the city's NPDES permit.

(7) Violations Deemed a Public Nuisance. Any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken, or otherwise remediated pursuant to POMC 2.64, nuisances.

(8) Summary Abatement.

(a) Whenever any violation of this chapter causes or creates a condition, the continued existence of which constitutes, in the opinion of the director, an immediate threat to the public health, safety or welfare or to the environment, the director may summarily and without prior notice, at the cost of the owner, abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement.

(b) Within 15 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including labor and materials, legal expenses,

administrative costs, and interest to the extent such costs are known. Persons to whom the assessment of costs of abatement is issued may appeal the same within 10 working days of service. The appeal must be in accordance with POMC 15.30.150. If the amount due is not paid within a timely manner as determined by the decision of the city or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(9) The owner shall pay the abatement costs in not more than 12 equal payments. Such costs shall accrue interest at the rate set by the city's finance department per annum or the rate charged to the city for obtaining the funds necessary to abate, whichever interest is greater.

(10) Injunctive Relief. In addition to any other remedy provided by this chapter or the Port Orchard Municipal Code, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this chapter and/or to restore a condition which existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this chapter shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining, and/or prosecuting such action.

(11) Remedies Not Exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the city to seek cumulative remedies. (Ord. 043-22 § 1 (Exh. A); Ord. 019-09 § 15).

15.30.150 Appeals.

(1) The director's notice and order, revocation of a permit, or assessment of costs of abatement may be appealed to the city council by persons to whom the notice and order, revocation of a permit, or assessment of costs of abatement is issued. An appeal shall be considered timely if, but only if, it is filed in writing with the director within 10 working days of service, and the appeal fee adopted by the city council is paid in full. In addition to the appeal fee, if the director determines that the services of an independent consultant are reasonably necessary in adjudicating the appeal, the appellant shall make an initial cash deposit to pay for an independent review as the same may be reasonably required by the director. The initial deposit, which is only an estimate of the consultant's costs, shall be paid in advance of the hearing. If it is determined during any point in the appeal process that the initial deposit is insufficient to cover all reasonable consultant's costs, the appellant shall be required to make an additional deposit in an amount sufficient to cover

the same. Any portion of the deposit that is not used to cover all reasonable consultant's costs shall be refunded to the appellant. The amount of the deposit shall be at least $500.00 but not more than $1,500, and it shall be determined by the director based upon a good faith estimate of permissible costs. The appellant shall be given equal access to any report prepared by the consultant.

(2) The director shall accept appeals that meet the requirements of this section and shall schedule such appeals for consideration by the city council. The city council hearing shall be scheduled within 60 days after the appeal is accepted. The director shall reject any appeal that fails to meet the filing and submittal requirements of this section. The appeal fee shall be refunded in the event the director rejects the appeal or in the event that the appellant files a statement with the director withdrawing the appeal at least 15 calendar days before the scheduled hearing. In all other cases, the appeal fee shall be nonrefundable.

(3) The written appeal shall contain all of the following information and attachments:

(a) A copy of the notice and order, revocation of a permit, or assessment of costs of abatement being appealed;

(b) The name of the property owner and, if applicable, the owner's agent;

(c) The name and signature of each appellant and a statement showing that each is entitled to file the appeal under subsection (1) of this section; and

(d) A statement of appeal identifying each issue in the notice and order or assessment of costs of abatement that the appellant wishes to appeal, the reasons why each issue is in error as a matter of fact and/or law, and evidence relied upon.

(4) The city council, under its quasi-judicial authority, shall hear the appeal in an open record hearing. At least 10 business days before the hearing, notice of the same shall be mailed to parties who are entitled to notice of the decision. The notice of hearing does not need to be posted or published. The appeal shall be limited to those issues raised in subsection (3)(d) of this section, and shall be similar in format as other quasi-judicial matters that may from time to time come before the city council.

(5) At least 10 business days before the hearing, the director and appellant shall each submit, as part of the record, separate reports to the city council containing a statement of the issues and applicable laws, discussion and analysis, proposed findings of fact and conclusions of law, and copies of any pertinent document referenced therein. The burden shall be on the city to support the order of the director by a preponderance of the evidence. Reports, if any, prepared by the independent consultant referenced in subsection (1) of this

section shall be part of the record. The city council shall decide as follows, based upon the record made during the course of the public hearing:

(a) Uphold the order, revocation, or assessment of costs of abatement of the director in its entirety; or

(b) Uphold the order, revocation, or assessment of costs of abatement of the director in part and reverse the order, revocation, or assessment of costs of abatement in part; or

(c) Reverse the order, revocation, or assessment of costs of abatement of the director in its entirety.

(6) The city council shall issue a final decision on the appeal supported by written findings and conclusions within 10 business days of the hearing. The decision shall also include venue information and limitations on filing judicial appeal(s) of the decision. The director shall serve a copy of the final decision to the appellant and other parties of record. Service shall be in the same manner as set forth in POMC 15.30.140(3)(b). (Ord. 043-22 § 1 (Exh. A); Ord. 019-09 § 16).

15.30.160 Records retention.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall retain an on-site written record of the discharge and the actions taken to prevent its occurrence. Such records shall be kept and maintained on a permanent basis from the effective date of the ordinance codified in this chapter. The record shall include books, documents, memoranda, reports, and correspondence relating to any operation, maintenance, monitoring, sampling, and chemical analysis associated with the discharge and all records which pertain to matters which are the subject of any enforcement or litigation activities brought by the director pursuant to this chapter. Copies of any or all records shall be provided to the director upon their request. (Ord. 017-23 § 1 (Exh. A); Ord. 043-22 § 1 (Exh. A); Ord. 019-09 § 17).

15.30.170 Construction – Intent.

This chapter is enacted as an exercise of the city's power to protect and preserve public health, safety, and welfare. Its provisions shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will, or should be, especially protected or benefited by the terms of this chapter. The primary obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be, or shall be, construed to create or form a basis for liability for the city, its officers, employees or agents for any injury

or damage resulting from the failure of the person holding title to the property (owner of record) to comply with the provisions of this chapter, or by reason or in consequence of any act or omission, to act in connection with the implementation or enforcement of this chapter by the city, its officers, employees, or agents. (Ord. 043-22 § 1 (Exh. A); Ord. 019-09 § 18).

15.30.180 City's nonliability.

The primary obligation of compliance with this chapter shall be placed upon the person holding title to the property. Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for the city or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the city. (Ord. 043-22 § 1 (Exh. A)).

City of Port Orchard
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Business Items: 9.B. Adoption of a Resolution Declaring Certain Personal Property as Surplus and Authorizing its Disposition Thereof (Wallace)
Meeting Date: February 10, 2026
Presenter:

Summary and Background:
Assets of the City that are no longer useable, are no longer of value to the City, or are surplus to City needs may be removed from City ownership, sold, or in any other way disposed with a declaration of surplus by the City Council. Staff is asking the Council to surplus various water quality monitoring equipment, as depicted in Exhibit A to the resolution, and belong to the Stormwater Utility fund. The Finance department has estimated the current value of the personal property to be $4,145. While items were acquired for public utility purposes, the value of the property is less than $50,000, therefore a public hearing is not required, pursuant to RCW 35.94.040(2). Although the City's internal asset value of the items have been determined to be of low value, any monies from the sale of surplus property will be deposited into the Fund(s) which owned them. When disposal is to the general public through direct sale, sealed bid or auction, final determination of value shall be the highest responsible bid or offer. The City may transfer a surplus asset to another public agency upon written request and a determination that it is in the public interest. Staff will dispose the item in a manner that reflects the best interest of the City.

Relationship to Comprehensive Plan: N/A

Recommendation: Staff is recommending adoption of a resolution declaring personal property as surplus and allowing for its disposition.

Motion for Consideration: I move to adopt a resolution declaring personal property as described, as surplus and authorizing its disposition.

Has item been presented to Committee/Work Study? No
If so, which one: N/A

Fiscal Impact: Money received from the disposition of surplus items will be deposited into the

Funds of ownership.

Alternatives: Do not adopt and provide further guidance.

Attachments:

1. Res_Declaring_Surplus
2. Public_Works_Memo_storm_water_items

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, DECLARING CERTAIN PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING ITS DISPOSITION THEREOF

WHEREAS, certain personal property owned by the Stormwater Utility Fund of the City of Port Orchard has become surplus to the needs of the City; and

WHEREAS, the City Council has determined that the current asset value of the items as $4,145; and

WHEREAS, while items were acquired for public utility purposes, the value of the property is less than $50,000, therefore a public hearing is not required, pursuant to RCW 35.94.040(2); and

WHEREAS, the City Council has, pursuant to the requirements of POMC 1.30.020, considered the possible future requirements of the City, the present value of the personal property, the likelihood of locating a buyer, possible intergovernmental cooperation, and the general welfare of the citizens of Port Orchard in determining whether it is in the best interest of the City to dispose of such personal property; and

WHEREAS, the City Council desires to dispose various water quality monitoring equipment (see exhibit A) belonging to the Stormwater Utility Fund, in the best interest of the City; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT: Council declares various water quality monitoring equipment (see exhibit A) as surplus.

FURTHER THAT: Staff is instructed to dispose the items in a manner that reflects the best interest of the City.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage this 10th day of February 2026.

_____
Robert Putaansuu, Mayor

ATTEST:

_____
Brandy Wallace, MMC, City Clerk

CITY OF PORT ORCHARD
Public Works Department
216 Prospect Street, Port Orchard, WA 98366
Voice: (360) 876-4991
publicworks@portorchardwa.gov
www.portorchardwa.gov

MEMORANDUM

TO: Finance Department
FROM: Denis Ryan, Public Works Director
DATE: 1/28/2026

REGARDING: Request – Surplus Water Quality Monitoring Equipment

The Public Works Department requests approval to surplus the following items. These items were originally purchased to conduct water quality monitoring in compliance with the Western Washington Phase II Municipal Stormwater Permit.
They are no longer needed for two reasons:

1. The City does not have qualified personnel to operate the equipment.
2. The permit now allows participation in the Stormwater Action Monitoring (SAM) program, which performs the required monitoring on our behalf.

Item	Value	Asset Tag ID	Notes
Axiom Data Logger	$95.00	5896	To King County or Holt
SmartRoll Rugged Dissolved Oxygen Indicator and case	$1,550.00	5439	Needs to be disposed of – expired parts and obsolete
SmartRoll Rugged Dissolved Oxygen Indicator	0	5438	Needs to be disposed of – expired parts and obsolete
Waterless water level loggers	0	3029,3030,3031,3032, 3033	These sensors were in creeks- only 2 of them are left – Zack and I are going to pull them out then they will need to be disposed of
VR Solar Battery	0		For disposal – old doesn't work
ISCO and case	$1000.00	3216	To King County or Holt
Sontek Flow Tracker and case	$1500.00	5895	Surplus – never been used – purchased for $14000 (King County does not want this)

Sincerely,

Denis Ryan, Public Works Director

RMSA Catalog of Possible Courses to Satisfy Supervisor and Council Employment Standards Training Requirement

1/13/2026

Anti Harassment in the Workplace

(Assigned to all new employees) (Council chosen topic for 2024)

Harassment in the workplace is a serious issue that requires a thorough understanding to promote awareness and ultimately prevention. Improper behavior in the workplace may have significant consequences for those involved, for yourself as an employee, and your employer. Recognizing the various types of harassment will help you to identify potential warning signs and take the necessary steps to report harassment. *1 hour, Liked by 2440 users.*

A Supervisors Guide to Eliminating Employment Claim Risk

(Managers chose this topic for 2025)

This course will focus on three common employment claim types: discrimination, harassment and retaliation. Supervisors play an absolutely critical role in minimizing liability for these kinds of claims by understanding how these claims arise and engaging in good supervisory practices. Although this recording is from September 27, 2022, the content is still current. *1 hour 25 minutes*

Discipline and Termination

(Completed in 2019 by Council & Managers) (Managers chosen topic for 2024) (Council chosen topic for 2025.)

In every organization, employees are let go for various reasons. The decision to discipline or even terminate an employee is not one that should be taken lightly, and there is a right and wrong way to approach the situation. In this course, learners will explore ways to appropriately address issues before termination is necessary, be able to terminate employees confidently if discipline fails, and for employees to understand the need for a disciplinary process and the rules and expectations that inform them. *1 hour, liked by 79 users*

Sexual Harassment for Managers

(Some took in 2013)

Sexual harassment in the workplace can happen to anyone, male or female, regardless of sexual orientation. Recognizing what sexual harassment is a leader, both the subtle cues as well as the overt advances, will help you to identify potential warning signs and take the necessary steps to prevent sexual harassment. There are a number of preventive measures that can be employed as well as recommendations of what to do if you or one of your employees have been or are the victim of sexual harassment. *2 hours, liked by 384 users*

[NEW]: Sexual Harassment Prevention – Local Government

(Managers chose this topic for 2026)

People are a major part of any successful organization. When working with people the risk for sexual harassment and misconduct increases. With the increased need for collaboration and effective teamwork, the results of poor interpersonal interactions are seen in the number of sexual harassment claims in the workplace. It is increasingly important to have trust in those we work with and the organizations we work for. Eradicating sexually harassing behavior in the workplace is critical to having a successful organization. This course provides you with the information needed to spot and address incidents of sexual harassment. The problem is not solved simply with awareness. Take the information presented in this course and make meaningful changes to policy, member

behavior, and your organization's culture.*1 hour, liked by 479 users*

Workplace Bullying

(Completed in 2023 by Managers and City Council)

When we think of bullying, we immediately associate it with the school yard, certainly not something we face as an adult. Unfortunately, bullying in the workplace occurs more often than you think. In fact, there are various forms of bullying, from overt forms to those which are quite passive. Workplace bullying may have significant consequences for those involved, for yourself as an employee as well as your employer. A thorough understanding of workplace bullying will help promote awareness and ultimately prevention.
1 hour, liked by 844 users

Other Options to fulfill requirement:

There are additional options available that would satisfy this requirement that may be more beneficial to you. If you choose one of these options, please provide proof of attendance to Human Resources so that you can be credited with meeting the requirement for the year.

There may be a fee to attend some of these options.

- *AWC's Elected Officials Essentials*
- *AWC's Elected Officials Forum*
- *AWC's Labor Relations Institute*
- *Potentially AWC's Annual Conference and Member Expo: if there are employment-related topics presented and attended*
- *Summit Law Webinars*

CITY COUNCIL ADVISORY COMMITTEE MEETING DATES

STANDING COMMITTEE	Date & Time	Location
Economic Development and Tourism	February 9, 2026; 9:30am; 2nd Monday of the month	Remote Access
Utilities	February 10, 2026; 4:30pm; 2nd Tuesday of the month	Remote Access
Finance	February 17, 2026; 4:30pm; 3rd Tuesday of the month	Remote Access
Transportation	February 10, 2026; 4:45pm; 4th Tuesday of the month	Remote Access
Land Use	February 18, 2026; 4:30pm; 3rd Wednesday of the month	Remote Access
Lodging Tax Advisory	TBD; 2026	City Hall
Sewer Advisory	February 10, 2026; 3:30pm	WSUD
Outside Agency Committees	Varies	Varies
Coffee with Council	February 7, 2026; 10:00am	701 Bay Street
Town Hall	Thursday, April 2, 2026; TBD	TBD
Town Hall	Thursday, June 4, 2026; TBD	TBD
Town Hall	Thursday, September 3, 2026; TBD	TBD

*Dates subject to change

MAYOR

Robert (Rob) Putaansuu
Mayor
Administrative Official

CITY COUNCIL

Scott Diener
Councilmember Position 3
Land Use Committee
Transportation Committee

Mark Trenary
Councilmember Position 1
Finance Committee
Transportation Committee
KRCC-alt
KEDA-alt

Jay Rosapepe
Councilmember Position At-Large
Utilities/Sewer Advisory Committee
Land Use Committee
Kitsap Public Health District
PSRC-alt
Kitsap Transit

John Morrissey
Councilmember Position 2
Mayor Pro-Tem
Finance Committee
E/D & Tourism Committee
Lodging Tax
Kitsap Economic Development Alliance

Eric Worden
Councilmember Position 4
Transportation Committee
Finance Committee

Heidi Fenton
Councilmember Position 5
Utilities/Sewer Advisory Committee
E/D & Tourism Committee
KRCC
911-alt

Shirah Dedman
Councilmember Position 6
E/D & Tourism Committee
Utilities/Sewer Advisory Committee
Land Use Committee

DEPARTMENT DIRECTORS

Tim Drury
Municipal Court Judge

Debbie Lund, CEBS SPHR SHRM-SCP
Human Resources Director

Noah Crocker, M.B.A.
Finance Director

Brandy Wallace, MMC, CPRO
City Clerk

Matt Brown
Police Chief

Nicholas Bond, AICP
Community Development Director

Denis Ryan, CPWP-M, CPRP
Public Works Director