## City of Port Orchard Council Work Study Session

**July 17, 2018**

**6:30 p.m.**

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<table>
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<tbody>
<tr>
<td><strong>1.</strong></td>
<td><strong>Introduction of New Court Administrator, Sharon Ells (Mayor)</strong>&lt;br&gt;Estimated Time: 10 Minutes</td>
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<td><strong>2.</strong></td>
<td><strong>Presentation: Kitsap County Courthouse (Mayor)</strong>&lt;br&gt;Estimated Time: 60 Minutes</td>
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<td><strong>3.</strong></td>
<td><strong>Draft Sinclair Inlet Regulations Ordinance</strong> (Marti/Cates)  Page 3&lt;br&gt;Estimated Time: 60 Minutes</td>
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<td><strong>4.</strong></td>
<td><strong>Equipment Rental Revolving Fund &amp; Policies</strong> (Crocker) Page 21&lt;br&gt;Estimated Time: 60 Minutes</td>
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<td><strong>5.</strong></td>
<td><strong>Zoning Code Update</strong> (Bond) Page 23&lt;br&gt;Estimated Time: 15 Minutes</td>
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<td><strong>6.</strong></td>
<td><strong>CENCOM Board of Directors</strong> (Mayor) Page 97&lt;br&gt;Estimated Time: 10 Minutes</td>
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### Mayor:
Rob Putaansuu  
Administrative Official

### Councilmembers:
Bek Ashby  
Chair: ED/Tourism/LT Committee  
Staff: Development Director  
Finance Committee  
KRCC / PSRC TransPol / KRCC TransPol  
KRCC PlanPol-alt / PRTPD

Shawn Cucciardi  
Finance Committee  
Land Use Committee  
PSRC EDO-alt

Fred Chang  
Utilities Committee  
Sewer Advisory Committee (SAC)  
Staff: Development Director  
Jay Rosapepe  
ED/Tourism/LT Committee  
Utilities Committee  
Sewer Advisory Committee (SAC)  
KRCC-alt / KRCC TransPol-alt  
Kitsap Transit-alt

John Clauson  
Chair: Finance Committee  
Staff: Finance Director  
Kitsap Public Health District-alt  
KEDA/KADA-alt

Cindy Lucarelli  
Chair: Utilities and SAC Committee  
Staff: Public Works Director  
Chair: Chimes and Lights Committee  
Staff: City Clerk  
KEDA/KADA

Scott Diener (Mayor Pro-Tempore)  
Chair: Land Use Committee  
Staff: Development Director  
ED/Tourism/LT Committee  
PSRC Growth Mgmt-alt

### Department Directors:
Nicholas Bond, AICP  
Development Director  
Mark Dorsey, P.E.  
Director of Public Works/City Engineer  
Debbie Hunt  
Court Administrator  
Noah Crocker, M.B.A.  
Finance Director  
Geoffrey Marti  
Police Chief  
Brandy Rinearson, MMC, CPRO  
City Clerk

### Contact us:
216 Prospect Street  
Port Orchard, WA 98366  
(360) 876-4407

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Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.

Meeting materials are available on the City’s website: [www.cityofportorchard.us](http://www.cityofportorchard.us) or by contacting the City Clerk’s Office, 360.876.4407

The City of Port Orchard does not discriminate on the basis of disability. Contact the City Clerk’s office should you need special accommodations.
City of Port Orchard
Work Study Session Executive Summary

Issue Title: Draft Sinclair Inlet Regulations Ordinance
Meeting Date: July 17, 2018
Time Required: 60 Minutes
Attendees: Chief Marti/Sharon Cates

Action Requested At This Meeting: Provide guidance to staff regarding revisions to the proposed ordinance to adopt a new Chapter 9.47 POMC (“Sinclair Inlet Regulations”) to address various issues relating to the misuse of Sinclair Inlet waterways.

Issue: Whether it is in the best interests of the City to adopt a new Chapter 9.47 POMC to set forth regulations for the use of Sinclair Inlet waterways, and whether the draft Ordinance adopting such chapter is sufficient for these purposes.

Background: It has come to the City’s attention that certain jurisdictions in Kitsap County located on state waterways have adopted regulations regarding the use of state waterways in and around their jurisdictions, and that the adoption of these regulations has resulted in an increase in the misuse of the state waterways in and around the City of Port Orchard. The Port Orchard Police Department proposes adopting similar regulations for the waterways around Port Orchard to provide uniform guidance to users of these waterways and to allow the City to address issues of misuse of these waterways to protect the health, safety and welfare of its citizens.

Alternatives: Discuss draft Ordinance and consider whether the proposed or alternative language is appropriate.

Recommendation: Staff recommends adopting Chapter 9.47 POMC as presented, or with appropriate amendments.

Relationship to Comprehensive Plan: None.

Attachments: Draft Ordinance.

Follow-up Notes & Outcomes:
ORDINANCE NO. ______________

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING A NEW CHAPTER 9.47 ("SINCLAIR INLET REGULATIONS") TO THE PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, certain jurisdictions in Kitsap County located on state waterways have adopted regulations regarding the use of state waterways in and around their jurisdictions; and

WHEREAS, the adoption of such regulations has resulted in an increase in the misuse of the state waterways in and around the City of Port Orchard; and

WHEREAS, the City Council has determined that it is in the best interests of the city to adopt certain regulations into the Port Orchard Municipal Code to assist the City in regulating the use of Sinclair Inlet to protect the health and safety of its citizens; NOW, THEREFORE,

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

SECTION 1. Port Orchard Municipal Code Chapter 9.47 ("Sinclair Inlet Regulations") is hereby adopted as follows:

Chapter 9.47 – SINCLAIR INLET REGULATIONS
Sections:
9.47.010 Application.
9.47.020 Authorization.
9.47.040 Definitions.
9.47.050 Additional definitions.
9.47.060 Harbor Warden.
9.47.070 Liability for damages.
9.47.080 Interference with navigation.
9.47.090 Adrift vessels.
9.47.100 Removal of obstructing vessels.
9.47.110 Sunken vessels.
9.47.120 Unseaworthy craft.
9.47.130 Summer anchorage.
9.47.140 Off-season anchorage.
9.47.150 Rules for anchorage.
9.47.160 Mooring buoys.
9.47.170 Residential use of floating homes or houseboats prohibited.
9.47.180 Impoundment authority.
9.47.190 Impound procedures.
9.47.200 Nuisances.
9.47.210 Privately controlled property.
9.47.220 Limitation.
9.47.230 Penalties.

9.47.010 Application.

The provisions of this chapter shall be applicable to all vessels and watercraft operating in the defined “Sinclair Inlet”. The provisions of this chapter shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith, in the areas where the United States and state laws are applicable. To the extent that this chapter is inconsistent with federal or state laws and regulations, the federal and/or state laws shall control.

9.47.020 Authorization.

The city, in the exercise of its police power, assumes control and jurisdiction over all waters within its limits, and such waters shall, for the purposes of this chapter, be known as “Sinclair Inlet.”


The following sections of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC), and any amendments thereto, are adopted by reference, and are included in this chapter as if fully set forth herein:

RCW
79A.60 Regulation of recreational vessels.
79A.60.040 Operation of a vessel in a reckless manner – Operation of a vessel under the influence of intoxicating liquor – Penalty.
79.100 Derelict Vessels.

WAC
352-60 Boating safety.
9.47.040 Definitions.

The “Definitions” contained in RCW 79A.60.010, as the same now exists or may hereafter be amended, are hereby adopted by reference, and the definitions set forth therein shall apply throughout this chapter.

9.47.050 Additional definitions.

In addition to the definitions in RCW 79A.60.010, the following definitions shall apply and have the meanings set forth below, except where the same shall be clearly contrary to or inconsistent with the context of the section in which used.

(1) “Adrift” means (a) without power, oar or sail to provide control to the vessel, (b) under way with no way on, not secured to shore, or anchored or aground, or (c) drifting, at the mercy of the wind and current, having no means of directing the motion of the vessel.

(2) “Anchorage” means a designated position where vessels may anchor or moor and includes areas outside (a) the waterway of Sinclair Inlet, and (b) city owned or leased tidelands.

(3) “Buoy” means a small float moored in the water used to define a navigation channel, convey an official message, or provide temporary moorage for a vessel.

(4) “City” means the city of Port Orchard.

(5) “Floating home” means a building constructed on a float, used whole or in part for human habitation as a dwelling or business, but not designed or primarily used as a vessel, and which is normally incapable of self-propulsion, and usually permanently moored, anchored, or otherwise secured, as distinguished from the mooring or anchoring of a vessel.

(6) “Moor” means a position where vessels or watercraft are affixed to devices or structures other than a vessel’s parochial anchoring system.

(7) “Obstruction” means any vessel or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation, or which cannot comply with the “Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico.” (C.F. 236479).

(8) “Privately controlled property” means privately owned tidelands, and publicly
owned harbor area, tidelands and shorelands, which publicly owned harbor area, tidelands and shorelands have been leased to or otherwise licensed for use of private individuals, associations, corporations, the city or other entities.

(9) “Sinclair Inlet” means those waters located west of the Annapolis Dock and Bremerton Ferry Terminal.

(10) “Waterway” means those waters of Sinclair Inlet located within the city limits of the City of Port Orchard.

**9.47.060 Harbor Warden.**

This chapter shall be enforced by the police chief, who shall be designated the Harbor Warden. It shall be the duty of the Harbor Warden, and his/her authorized designees, to:

(1) Enforce the ordinances and regulations of the city upon the waters of Sinclair Inlet and adjacent lands thereto, when Sinclair Inlet is affected;

(2) Maintain patrols in Sinclair Inlet for the protection of life and property, including but not limited to the removal and disposition of drifting debris and nuisances from the waters of Sinclair Inlet;

(3) Investigate and report upon marine and maritime accidents in Sinclair Inlet;

(4) Coordinate all necessary functions in connection with search and rescue in Sinclair Inlet;

(5) Promulgate rules and regulations governing the use of the navigable portions of waterways; and

(6) Remove, impound or sell any vessel, watercraft or obstruction anchored or moored in violation of this chapter deemed a public nuisance or a hazard to navigation or operated or afloat under conditions deemed unsafe for water transportation.

**9.47.070 Liability for damages.**

(1) Nothing in this title shall be construed so as to release any person owning or controlling any vessel, pier, obstruction or other structure, from any liability for damages, and the safeguards to life and property required in this title shall not be
construed as relieving any person from installing and maintaining all other safeguards that may be required by law.

(2) Vessel owners anchoring vessels in Sinclair Inlet are liable for damages caused by these vessels, including reasonable costs for emergency response, salvage, clean-up or other necessary actions resulting from incidents involving said vessel.

(3) This law is for the public good and shall not be construed as providing protection for particular persons or classes of persons.

9.47.080 Interference with navigation.

No person shall operate any vessel or aircraft on the water in a manner which shall unreasonably or unnecessarily interfere with other vessels or aircraft on the water or with the free and proper navigation of Sinclair Inlet or the launching of any vessel at any public boat launching ramp. Anchoring or mooring in a heavily traveled channel or in an approach to a public boat launching ramp shall constitute such interference.

9.47.090 Adrift vessels.

If an emergency responder (including the U.S. Navy) is required to respond to and take custody of an adrift vessel:

(1) The vessel, if unoccupied or if ownership cannot immediately be determined, may be transported to one of the following facilities:
   (a) Port of Bremerton (Bremerton Marina)
   (b) Port of Bremerton (Port Orchard Marina)
   (c) Port Orchard Dekalb Pier
(2) The owner shall be subject to penalties involved with the agency or agencies responding to the adrift vessel; and
(3) The owner shall be subject to the costs of moorage at the above referenced facilities.

9.47.100 Removal of obstructing vessels.

(1) No owner or other person in charge of any vessel shall, while towing another vessel or obstruction, obstruct any channel or waterway.

(2) It is unlawful to fail, neglect, or refuse to remove a vessel or obstruction obstructing a slip, waterway or other vessel.
(3) The Harbor Warden shall have the power to order the removal of:

(a) Any vessel or obstruction anchored in any waterway or made fast to any buoy, pier or other structure owned by or under the authority and control of the city;

(b) Any vessel and/or its tow obstructing navigation in any channel or waterway;

(c) Any vessel or obstruction lying at any pier in the harbor which is obstructing any slip or other vessel; and

(d) Any vessel or obstruction anchored in an anchorage area contrary to the provisions of this chapter.

(4) In the event any vessel or obstruction identified in this section is not removed as directed by a written order of the Harbor Warden within twenty-four (24) hours, or such order of the Harbor Warden is not fully complied with in other respects, the Harbor Warden shall have the power to take immediate possession of and/or impound such vessel or obstruction and remove the same, using such methods as in the Harbor Warden’s judgment will prevent unnecessary damage to the vessel or obstruction, and/or assign the removal and impounding of the vessel, watercraft or obstruction to a private person or corporation.

9.47.110 Sunken vessels.

When any vessel or obstruction has been sunk, grounded, is at risk of sinking, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the Harbor Warden may order the same immediately removed. If the owner or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the Harbor Warden may take immediate possession thereof and remove the same, using such methods as in the Harbor Warden’s judgment will prevent unnecessary damage to such vessel or watercraft or obstruction. The expense incurred by the Harbor Warden in such removal shall be paid by such vessel or obstruction or the owner or other person in charge thereof; and in case of failure to pay the same, the city may maintain an action for the recovery thereof.
9.47.120 Unseaworthy craft.

(1) It shall be unlawful for an owner or other person without a permit from the Harbor Warden to tow or move into Sinclair Inlet any vessel or obstruction which prior to movement or tow:

(a) Has been used as a permanent place of abode and was not engaged in navigation under its own power within 30 days; or

(b) Appears or exists in an unseaworthy condition, uses or needs support from another vessel or watercraft to remain afloat, or otherwise appears to lack the capacity for safe movement through and across navigable waters, other than the following:

(i) Vessels or watercraft temporarily disabled by accident, collision, or other malfunction but otherwise seaworthy and capable of safe movement;

(ii) Vessels, watercraft or obstructions being towed or moved by or under the control of the Harbor Warden; and

(iii) Barges or disabled but buoyant aircraft in tow by a towage company authorized to do business in the state.

(2) Any person seeking a permit to tow or move any vessel, watercraft or obstruction identified in subsection (1) of this section shall apply to the Harbor Warden therefor.

9.47.130 Summer anchorage.

No person may anchor a vessel in an anchorage area of Sinclair Inlet for more than fourteen (14) days from May 1st to October 1st of each year. All days or parts of a day of anchorage shall be included in determining whether a vessel has been anchored for more than fourteen (14) days. As an example, a vessel which anchors for three (3) days, then leaves and comes back five (5) days later and anchors for eleven (11) more days, has anchored for fourteen (14) days within any one month.
9.47.140 Off-season anchorage.

No person may anchor a vessel in an anchorage area of Sinclair Inlet for more than seventy-two (72) hours from October 1st of each year to April 30th of the following year.

9.47.150 Rules for anchorage.

(1) Except in emergency circumstances, no vessel may anchor in the waterway (vessel routes) area of Sinclair Inlet.

(2) Vessels are to be moored using the vessel’s own ground tackle/anchoring equipment. To avoid creating a hazard to navigation, and to preclude the illegal placement of mooring buoys upon the state-owned tidelands, installation of mooring buoys and other types of permanent, non-retrievable equipment is specifically prohibited. Likewise, a vessel operator shall not detach and leave in place the vessel’s anchor, anchor chain/line, or other anchoring equipment or gear, with the intention of departing the area and returning at a later time.

(3) Vessels are required to display anchor lights at night, as prescribed in U.S. Coast Guard regulations.

(4) All vessels anchoring in Sinclair Inlet are to be registered with the Harbor Warden as soon as practicable after arrival.

(5) Persons operating vessels shall use sound seamanship and proper safety practices anchoring vessels, allowing sufficient scope for tides and conditions and allowances for arcs of swing.

(6) Vessels shall be equipped with safety equipment as required for the type of vessel by the U.S. Coast Guard.

(7) Persons operating or anchoring vessels are specifically prohibited from discharging into Sinclair Inlet sewage, petroleum products, chemicals, paints or any other substances the introduction of which violates state and/or federal environmental regulations.
9.47.160 Mooring buoys.

Mooring buoys are prohibited in Sinclair Inlet where such buoys will interfere with customarily traveled routes for vessels. No more than one buoy may be installed beyond extreme low water or line of navigability for each ownership. However, ownerships exceeding two hundred (200) feet as measured along the shoreline may be permitted more installations on a case by case basis. The city’s permission to install a mooring buoy shall not exempt a person from obtaining any and all necessary permits or permissions required by other government authorities. Nothing in this section shall be interpreted to be inconsistent with Chapter 332-30 WAC, or any other state law, regulation or rule regarding the permitting of mooring buoys.

9.47.170 Residential use of floating homes or houseboats prohibited.

It shall be unlawful to use a floating home or houseboat for residential purposes within Sinclair Inlet.

9.47.180 Impoundment authority.

The Harbor Warden may take immediate possession of and/or impound and remove any vessel, watercraft or obstruction, when:

(1) The operator or person in charge of same reasonably appears incapable of safely operating the vessel, watercraft or obstruction;

(2) The operator or person in charge of same refuses or neglects to obey an order of the Harbor Warden to proceed from or to an area following a citation or in an emergency;

(3) The operator or person in charge operates a vessel, watercraft or obstruction in a negligent, reckless, or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other watercraft and vessels, and the Harbor Warden believes such operation of the vessel, watercraft or obstruction would continue unless possession be taken of the same;

(4) The vessel, watercraft or obstruction appears unsafe for water transportation.
9.47.190 Impound procedures.

The Harbor Warden shall implement the following procedures to impound any vessel, watercraft or obstruction under the authority provided in POMC 9.47.180:

(1) Where immediate removal of the vessel, watercraft or obstruction is not required, the Harbor Warden shall attach a readily visible written notification to the vessel, watercraft or obstruction. The written notification shall contain the following information:

   (a) The date and time the written notification was attached;

   (b) A statement that if the vessel, watercraft or obstruction is not removed within 72 hours from the time the written notification is attached, it will be taken into custody, moored and stored at the owner’s expense;

   (c) The address and telephone number where additional information may be obtained.

(2) The Harbor Warden shall check the records to learn the identity of the last owner of record with the state of Washington. The Harbor Warden shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the written notification.

(3) If the vessel, watercraft or obstruction is not removed within seventy-two (72) hours from the time the written notification is attached, or in those cases where immediate removal is appropriate (as described in this chapter), the Harbor Warden may take custody of the vessel, watercraft or obstruction and provide for the removal, mooring and/or storage to a place of safety.

(4) All vessels, watercraft or obstructions shall be taken to the nearest mooring or storage location that has been inspected by the police department.

(5) All vessels, watercraft or obstructions shall be handled and returned in substantially the same condition as they existed before being towed.

(6) All personal belongings and contents in the vessel, watercraft or obstruction, with the exception of those items of personal property that are registered or
titled with the police department, shall be kept intact, and shall be returned to the owner of the vessel, watercraft or obstruction during normal business hours and upon request and presentation of a driver’s license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vessel, watercraft or obstruction.

(7) All personal belongings, with the exception of those items of personal property that are registered or titled with the police department, not claimed before the auction, shall be disposed of pursuant to Chapter 63.32 or 63.40 RCW.

(8) Any person who shows proof of ownership or written authorization from the impounded vessel or watercraft’s registration, or of the legal owner of the vessel or watercraft’s insurer, may view the vessel or watercraft without charge during normal business hours.

(9) The owner of the vessel, watercraft or obstruction is liable for costs incurred in removing, storing and disposing of same, less amounts realized at auction.

(10) When the vessel, watercraft or obstruction is impounded, the Harbor Warden shall notify the legal and registered owners of the vessel, watercraft or obstruction if known, of the impoundment and proposed sale of same. The owners of any personal property registered or titled with the police department shall be notified of disposition of such property pursuant to Chapter 63.32 or 63.40 RCW, of the impoundment and proposed sale of same. The notification shall be sent by first class mail within twenty-four (24) hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the police department. The notice shall include the location, time of the impoundment, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity to contest the validity of the impoundment pursuant to the procedures described below.
(11) Right to Hearing.

(a) Any person seeking to redeem an impounded vessel, watercraft or obstruction under this section has a right to a hearing in the municipal court for the jurisdiction in which the vehicle was impounded, to contest the validity of the impoundment or the amount of towing and storage charges. Any request for a hearing shall be made in writing and must be received by the municipal court within ten (10) days of the date the opportunity was provided for in subsection 10 of this section. If the hearing request is not received by the municipal court within the 10-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage or other impoundment charges permitted under this chapter.

(b) The procedures to be followed by the municipal court for notification to parties, jurisdiction, and determinations to be made by the court shall be the same as set forth in state law for vehicles (RCW 46.55.120(2)(b) through 46.55.120(4), as the same currently exist or may hereafter be amended). In the event that the city has incurred costs relating to the towing, storage and impoundment of the vessel, watercraft or obstruction, the procedures for entry of a judgment in RCW 46.55.120 (as the same currently exists or may hereafter be amended) shall apply to the city.

(12) Public Auction.

(a) If, after the expiration of thirty (30) days from the date of mailing of notice of impoundment and proposed sale required in subsection 10 of this section to the registered and legal owners, the vessel, watercraft or obstruction remains unclaimed and has not been listed as stolen, then the Harbor Warden shall conduct a sale of the vessel, watercraft or obstruction at public auction. Prior notification of the public auction shall be given by publication in the city’s official newspaper at least once, more than ten (10) days but less than twenty (20) days prior to auction, which shall include the auction date, place and time. The notice shall also contain a description of the vessel, watercraft or obstruction, including any make, model, year and registration number and a notification that at
least a three (3) hour viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(b) The following procedures are required in any public auction of such vessels, watercraft or obstructions:

(i) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid.

(ii) The Harbor Warden shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the police department, the warden shall post a clearly visible sign at the police department that describes in detail where the auction will be held. At the bidding site, a copy of the newspaper advertisement that lists the vessels, watercraft or obstruction for sale shall be posted.

(iii) All bidders must be present at the time of auction unless they have submitted to the Harbor Warden, who may or may not choose to use the preauction bid method, a written bid. Written bids may be submitted up to five calendar days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid.

(iv) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded.

(v) The highest two (2) bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder.

(vi) In case of bidder defaults, the next bidder has the right to purchase the vessel, watercraft or obstruction for the amount of his or her bid.

(vii) The successful bidder shall apply for title (if applicable) within fifteen (15) days.
(viii) If the Harbor Warden receives no bid, or if the warden is the successful bidder at auction, the warden shall sell the vessel, watercraft or obstruction to a licensed vehicle wrecker, hulk hauler, or scrap processor, or the warden shall apply for title to the vessel or watercraft.

(13) The city shall have a lien upon the impounded vessel, watercraft or obstruction for services provided in the towing, storage and impoundment, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vessel, watercraft or obstruction that is not permanently attached to or is not an integral part of the vessel, watercraft or obstruction except for items of personal property registered or titled with the police department. The cost of the auction or a buyer’s fee may not be added to the amount charged for the vessel, watercraft or obstruction at auction, or added to the lien imposed or any overage due.

(14) The city shall not be liable for any loss of or damage to property that may occur while a vessel is secured to a public dock or pier as a result of a violation of this Chapter.

9.47.200 Nuisances.

Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are declared to be public nuisances and it shall be unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above named articles or substances in Sinclair Inlet, or upon the shores thereof or in such position that the same may or can be washed into Sinclair Inlet, either by high tides, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the Harbor Warden and the expense thereof shall be paid by and recoverable from the person creating the nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution under this section.
9.47.210 Privately controlled property.

Nothing in this chapter shall be construed as forbidding an owner of privately controlled property from using the same in a lawful manner; provided, that use of privately controlled property shall be lawfully permitted under applicable state, federal or local law; provided further, an owner of tidelands seeking to use his tideland for anchorage within the anchorage area shall obtain a permit from the city providing such information as is necessary to demonstrate lawful permitted uses by the owner or his or her designee.

9.47.220 Limitation.

Nothing herein shall be deemed to authorize anchorage on private or publicly owned tidelands within Sinclair Inlet.

9.47.230 Penalties.

(1) The penalties for violations of Chapter 352-60 WAC or POMC 9.47.080, 9.47.100, 9.47.120, 9.47.160, and 9.47.170 shall be a civil infraction pursuant to Chapter 7.84 RCW and shall be subject to a monetary penalty of $100.00. Each day during any portion of which a violation of any provision of the aforementioned sections is committed is a separate offense.

(2) The penalties for violations of Chapter 79A.60 RCW shall be as specifically identified in that chapter. Violations designated as infractions in Chapter 79A.60 RCW shall be misdemeanors, as set forth in RCW 79A.60.020. Violations designated as civil infractions in Chapter 79A.60 RCW shall be civil infractions pursuant to Chapter 7.84 RCW, subject to a monetary penalty of $100.00.

SECTION 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.
SECTION 4. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this ____ day of __________ 2018.

____________________________
Robert Putaansuu, Mayor

ATTEST: SPONSOR:

____________________________
Brandy Rinearson, MMC, City Clerk

____________________________
, Councilmember

APPROVED AS TO FORM:

____________________________
Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:
City of Port Orchard
Work Study Session Executive Summary

Issue Title: Equipment Rental Revolving Fund & Policies
Meeting Date: July 17, 2018
Time Required: 60 minutes
Attendees: None

Action Requested At This Meeting: Provide any comments on the policies.

Background: RCW 35.21.088 requires every city having a population of more than eight thousand to establish an equipment rental fund. It is best practice to have written and adopted policies for the management of city operations. These policies have many benefits, such as assisting our elected officials and staff in the financial management of the city operations, saving time and energy discussing financial matters, engendering public confidence, and providing continuity over time as elected official and staff change.

City staff have worked to create an Equipment Rental & Revolving Fund for the City, as well as develop written policies for the managing the fund, standardizing the fleet and identifying small and attractive assets.

The Equipment Rental & Revolving (ER&R) Fund policies establish the criteria for maintaining and operating the ER&R fund as well as the replacement process of the equipment and fleet vehicles. The Fleet Standardization policy establishes standard criteria for the city fleet vehicles including model, size and color schemes. A standardized fleet brings continuity, savings and efficiencies in the operations and management of the fleet. The small and attractive assets policies establish various thresholds for equipment and assets to be classified and managed.

Alternatives: N/A

Recommendation: The Finance Department recommends approving the Ordinance establishing the Equipment Rental and Revolving Fund and adopting the attached policies for the Equipment Rental Revolving Fund, Fleet Standardization, and Small and Attractive Assets.

Relationship to Comprehensive Plan: N/A

Attachments: Will be provided at meeting.

Follow-up Notes & Outcomes:
City of Port Orchard
Work Study Session Executive Summary

Issue Title: Zoning Code Update

Meeting Date: July 17, 2018

Time Required: 15 Minutes

Attendees: Nick Bond, Community Development Director

Action Requested at this Meeting: No action requested. Staff has provided this update to keep the Council informed about progress on the Zoning Code revisions and the status of Planning Commission review.

Background/Issue: The Community Development Department is currently preparing a major update to the City’s Zoning Code to correspond with the City’s current Comprehensive Plan and Unified Development Code including recently-adopted architectural and site design standards. The public participation program, which was approved by City Council in May 2018, anticipates that the Zoning Code update will be completed in fall 2018.

The following draft chapters were provided to the City Council at the June 19 work-study meeting:

20.30 Introduction
20.31 Zoning Map
20.33 Greenbelt Districts
20.34 Residential Districts
20.35 Commercial Districts
20.36 Industrial Districts
20.37 Civic and Open Space Districts
20.38 Overlay Districts
20.39 Article 1 – Use Provisions and Article 2 – Use Table

The Planning Commission is continuing to review and refine the above chapters, and began review of the following chapters at its July 12 meeting:

20.32 Building Types
20.128 Landscaping
20.129 Significant Trees

Alternatives: N/A
Recommendations: Staff recommends that the Zoning Code update proceed according to the work plan and timeline established in the approved public participation program.

Relationship to Comprehensive Plan: Per RCW 36.70A.040(3), the City is required to adopt development regulations, including zoning requirements, that are consistent with and implement the City’s Comprehensive Plan.


Follow-up Notes & Outcomes:
20.32.005 Purpose

The purpose of this chapter is to differentiate building types and provide standards for the construction of different building types to ensure a high quality public realm.

20.32.010 Building Type Descriptions [Format this Section as Table]

1) Detached House.
   a. A building type that accommodates one dwelling unit on an individual lot with yards on all sides. A new manufactured home shall be considered a detached house for the purposes of this Title. "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2). A new Manufactured Home shall be treated as a Detached House for the purposes of this Title.

   b. Zones where permitted: R1, R2, R3, R6, RMU, NMU, BPMU

2) Backyard Cottage.
   a. A small self-contained accessory dwelling unit located on the same lot as a detached house but physically separated.
b. Zones where permitted:

(3) Cottage Court.
   a. A building type that accommodates 5 to 9 detached dwelling units organized around an internal shared courtyard.

b. Zones where permitted:

(4) Duplex: Side by Side.
   a. A building type that accommodates two dwelling units on an individual lot separated vertically side by side that share a common wall.

b. Zones where permitted:

(5) Duplex: Back to back.
   a. A building type that accommodates two dwelling units on an individual lot separated vertically with one unit located directly behind the other unit that share a common wall.

b. Zones where permitted:
(6) Attached House.
   a. A building type that accommodates two attached dwelling units located on two separate lots that share a common wall along a lot line.
   
   b. Zones where permitted:

(7) Four-plex.
   a. A building type that accommodates 3 to 4 dwelling units vertically or horizontally integrated.

   b. Zones where permitted:

(8) Townhouse.
   a. A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.

   b. Zones where permitted.

(9) Apartment.
   a. A building type that accommodates 5 or more dwelling units vertically and horizontally integrated.
b. Zones where permitted.

(10) Live Work.
   a. A building type that accommodates 3 or more units. Units allow for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.

b. Zones where permitted:

(11) Shopfront House.
   a. A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.

b. Zones where permitted:

(12) Single-Story Shopfront
   a. A single-story building type that typically accommodates retail or commercial uses.

b. Zones where permitted:

(13) Mixed Use Shopfront.
   a. A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses.
b. Zones where permitted:

(14) General Building.
   a. A building type that typically accommodates ground floor retail, office, or commercial uses with upper-story residential or office uses.

b. Zones where permitted:

(15) Manufactured or Mobile Home Park.
   a. A cluster of manufactured or mobile homes configured such that more than one mobile home is located on a lot, parcel, or tract. A Manufactured Home Park typically features land or un-subdivided lots leased or rented by the manufactured home owner.
   b. Zones where permitted: None. New mobile home parks are not permitted. Existing legal nonconforming mobile home parks may be maintained.

(16) Accessory Building:
   a. An accessory building is any building of which the form and use are subordinate in both purpose and size, incidental to and customarily associated with a permitted principal building and use located on the same lot.
20.32.020 Detached House

(1) Definition: A building type that accommodates one dwelling unit on an individual lot with yards on all sides.

(2) Districts where allowed: GB, R1, R2, R3, R6, NMU, BPMU

(3) Lot and Placement:
a. Minimum/Maximum Lot Area: Set by District.
b. Minimum Lot Width: Set by District.
c. Maximum Lot Coverage: Set by District.
d. Building and Structure Setback from Primary Street lot line: Set by District.
e. Building and Structure Setback from Side Street lot line: Set by District.
f. Building and Structure Setback from Side Interior lot line: Set by District.
g. Building and Structure Setback from Rear lot line: Set by District.

(4) Maximum dwelling units per lot: 1 Primary, 1 Accessory

(5) Build to Zone (BTZ)
   a. Building Façade in primary street BTZ: Does not apply.
   b. Building façade in secondary street BTZ: Does not apply.

(6) Height and Form.
a. Maximum Principal Building Height: 3 stories / 35 feet max
b. Accessory Structure: 24 feet max
c. Minimum Ground Floor Elevation: 2 Feet Minimum
d. Pedestrian Access.
   i. Entrance facing primary street: Required.
e. Building Elements Allowed:
   i. Balcony. See section 20.122.030
   ii. Porch. See section 20.122.060
   iii. Stoop. See section 20.122.070
f. Parking Location
   i. Front/corner yard restrictions: See 20.122.070
   ii. Garage door restrictions: See 20.122.070
20.32.030 Backyard Cottage

(1) Definition: A small self-contained accessory dwelling unit located on the same lot as a detached house but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.

(2) Districts where allowed: R1, R2, R3, R6, NMU, RMU, BPMU

(3) Lot and Placement:
a. Minimum/Maximum Lot Area: Set by District.
b. Minimum Lot Width: Set by District.
c. Maximum Lot Coverage: Set by District.
d. Building and Structure Setback from Primary Street lot line: Set by District.
e. Building and Structure Setback from Side Street lot line: Set by District.
f. Building and Structure Setback from Side Interior lot line: Set by District.
g. Building and Structure Setback from Rear lot line: Set by District
h. Minimum Building separation: 10’
i. Maximum Building separation: See section 20.32.080.

(4) Max dwelling units per lot: 1 Backyard Cottage may be permitted as an accessory use to 1 detached house or New Manufactured Home on a lot.

(5) Build to Zone (BTZ)
   a. Building Façade in primary street BTZ: Does not apply.
   b. Building façade in secondary street BTZ: Does not apply.

(6) Height and Form.

   a. Maximum Accessory Structure Height: 24 Feet
b. Minimum Ground Floor Elevation: **2 Feet Minimum**

c. Pedestrian Access.
   i. Entrance facing primary street: Does not apply.

d. Building Elements Allowed:
   i. Balcony. Does not apply.
   ii. Porch. Does not apply.
   iii. Stoop. Does not apply.

e. Parking Location
   i. Front/corner yard restrictions: **Does not apply**.
   ii. Garage door restrictions: See Section 20.32.170.
   iii. Additional on-site parking required: See section XXXX.
Definition: A building type that accommodates 5 to 12 detached dwelling units on individual lots organized around an internal shared courtyard.

Districts where allowed: R2, R3, R6, RMU, NMU

Lot and Placement
a. Minimum Site Area: 22,500 square feet
b. Minimum Site Width and Depth: 150’
c. Minimum Lot Area: 1,200 square feet
d. Minimum Lot Width: 20’
e. Maximum Principal Building Footprint: 1,200 square feet
f. Building and Structure Setback from Primary Street lot line: Set by District.
g. Building and Structure Setback from Side Street lot line: Set by District.
h. Building and Structure Setback from Side Interior lot line: Set by District.
i. Building and Structure Setback from Rear lot line: Set by District

(4) Maximum Dwelling Units allowed per site: 5-12
(5) Additional site area required per dwelling unit beyond 5: 4,500 square feet
(6) Maximum Lot Coverage: Does not apply
(7) Build to Zone (BTZ)
   a. Building Façade in primary street BTZ: Does not apply.
   b. Building façade in secondary street BTZ: Does not apply.
(8) Height and Form.
a. Maximum Principal Building Height: 1.5 stories / 24 feet Max
b. Maximum Building Wall Plate Height: 18 feet
c. Maximum Accessory Structure Height: 18 feet
d. Minimum Ground Floor Elevation: 2 feet
e. Courtyard Area:
   a. Minimum Area: 3,000 square feet
   b. Additional Minimum Courtyard Area per dwelling unit beyond 5 units: 600 square foot minimum.
   c. Courtyard cannot be parked or driven on, except for emergency access and as permitted for temporary events.
f. Minimum Courtyard Width
   a. 40 feet
g. Building Elements Allowed:
   i. Balcony. See section 20.122.030
   ii. Porch. See section 20.122.060
   iii. Stoop. See section 20.122.070
h. Parking Location
   i. Front/corner yard restrictions: Not allowed.
   ii. Garage door restrictions: See 20.32.070
20.32.050 Duplex: Side by Side.

(1) Definition: A building type that accommodates two dwelling units on an individual lot separated vertically side by side that share a common wall.

(2) Districts where allowed: R2, R3, RMU, NMU, BPMU

(3) Lot and Placement
a. Minimum Lot Area: Set by district.
b. Minimum Lot Width: Set by district.
c. Maximum Lot Coverage: Set by District
d. Primary Street Setback: Set by District.
e. Side Street Setback: Set by District.
f. Side Interior Setback: Set by District.
g. Rear Setback: Set by District

(4) Dwellings allowed per lot: 2 min, 2 max

(5) Build to Zone (BTZ)
   a. Building Façade in primary street BTZ: Does not apply.
   b. Building façade in secondary street BTZ: Does not apply.

(6) Height and Form.

a. Maximum Principal Building Height: 3 stories / 35 feet
b. Maximum Accessory Structure Height: 24’ feet
c. Minimum Ground Floor Elevation: 2 feet Minimum

d. Pedestrian Access.
   i. Entrance facing primary street: Required.

e. Building Elements Allowed:
   i. Balcony. See section 20.122.030
   ii. Porch. See section 20.122.060
   iii. Stoop. See section 20.122.070

f. Parking Location
   i. Front/corner yard restrictions: See 20.32.070
   ii. Garage door restrictions: See 20.32.070

g. Maximum Garage Door Width for garage bays facing primary street: 10 feet.
20.32.060 Duplex: Back to Back

(1) Definition: A building type that accommodates two dwelling units on an individual lot separated vertically with one unit located directly behind the other unit that share a common wall.
(2) Districts where allowed: R2, R3, RMU, NMU, BPMU

(3) Lot and Placement:

a. Minimum Lot Area: Set by District
b. Minimum Lot Width: Set by District
c. Maximum Lot Coverage: Set by District
d. Primary Street Setback: Set by District.
e. Side Street Setback: Set by District.
f. Side Interior Setback: Set by District.
g. Rear Setback: Set by District

(4) Dwellings allowed per lot: 2 min, 2 max

(5) Build to Zone (BTZ)
   a. Building Façade in primary street BTZ: Does not apply.
   b. Building façade in secondary street BTZ: Does not apply.

(6) Height and Form.
a. Maximum Principal Building Height: 3 stories / 35 feet Max
b. Maximum Accessory Structure Height: 24 feet Max
c. Minimum Ground Floor Elevation: 2 feet Minimum
d. Pedestrian Access.
   i. Entrance facing primary street: Required.
e. Building Elements Allowed:
   i. Balcony. See section 20.32.070
   ii. Porch. See section 20.32.070
   iii. Stoop. See section 20.32.070
f. Parking Location
   i. Front/corner yard restrictions: See 20.32.070
   ii. Garage door restrictions: See 20.32.070
(1) Definition: A building type that accommodates two attached dwelling units located on two separate lots that share a common wall along a lot line.
(2) Districts where allowed: R2, R3, RMU, NMU, BPMU

(3) Lot and Placement

a. Minimum Lot Area: Set by District
b. Minimum Lot Width: Set by District
c. Maximum Lot Coverage: Set by District
d. Primary Street Setback: Set by District.
e. Side Street Setback: Set by District.
f. Side Interior Setback: Set by District.
g. Rear Setback: Set by District

(4) Dwellings allowed per lot: 1 min, 1 max

(5) Build to Zone (BTZ)
   a. Building Façade in primary street BTZ: Does not apply.
   b. Building façade in secondary street BTZ: Does not apply.

(6) Height and Form.
a. Maximum Principal Building Height: 3 stories / 35 feet
b. Maximum Accessory Structure Height: 24 feet
c. Minimum Ground Floor Elevation: 2 feet Minimum
d. Pedestrian Access.
   i. Entrance facing primary street: Required.
e. Building Elements Allowed:
   i. Balcony. See section 20.32.070
   ii. Porch. See section 20.32.070
   iii. Stoop. See section 20.32.070
f. Parking Location
   i. Front/corner yard restrictions: See 20.32.070
   ii. Garage door restrictions: See 20.32.070
20.32.080 Four-Plex

(1) Definition: A building type that accommodates 3-4 dwelling units vertically or horizontally integrated.
[2] Districts where allowed: R3, R4, R5, RMU, NMU

(3) Lot and Placement

- Minimum Lot Area: 7,000 square feet
- Minimum Lot Width: 65’
- Maximum Lot Coverage: Set by District
- Primary Street Setback: Set by District.
- Side Street Setback: Set by District.
- Side Interior Setback: Set by District.
- Rear Setback: Set by District.

(4) Dwellings allowed per lot: Minimum 3, Maximum 4

(5) Build to Zone (BTZ)

- Building Façade in primary street BTZ: Set by District.
- Building façade in secondary street BTZ: Set by District.

(6) Height and Form.
a. Maximum Principal Building Height: 3 stories / 35 feet
b. Maximum Accessory Structure Height: 24 feet
c. Minimum Ground Floor Elevation: 2 feet
d. Minimum Ground Floor Transparency: 20%
e. Minimum Upper Floor Transparency: 20%
f. Maximum Blank Wall Area: **35’**
g. Pedestrian Access.
   i. Entrance facing primary street: Required.
h. Building Elements Allowed:
   i. Awning/canopy. **See Section 20.32.160**
   ii. Balcony. See section 20.32.070
   iii. Porch. See section 20.32.070
   iv. Stoop. See section 20.32.070
i. Parking Location
   i. Front/corner yard restrictions: Parking **Not allowed in front/corner yards.**
   ii. Garage Door Restrictions: **See section 20.32.170.**
(1) Definition: A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.
(2) Districts where allowed: R3, R4, R5, RMU, CMU, GMU, BPMU

(3) Lot and Placement

- Minimum Site Area: 5,000 SF Min
- Minimum Site Width: 70'
- Minimum Lot Area: 1,500 square feet
- Minimum Lot Width (Set by district):
- Maximum Lot Coverage: Set by District
- Primary Street Setback: Set by District
- Side Street Setback: Set by District
- Side Interior Setback: Set by District
- Rear Setback: Set by District

(4) Dwellings allowed per site/lot: 1 min, no max

(5) Build to Zone (BTZ)
- Building façade in primary street BTZ: Set by District
- Building façade in secondary street BTZ: Set by District

(6) Height and Form.
a. Maximum Principal Building Height: 3 stories / 35 feet Max
b. Accessory Structure: 24 feet Max
c. Minimum Ground Floor Elevation: 2 feet Minimum
d. Unit Width: 20 foot Min
e. Number of Units Permitted in a row: 6 max
f. Transparency ground story: 20% minimum
g. Transparency upper story: 20% minimum
h. Blank wall area: 35 feet max.
i. Pedestrian Access.
   i. Entrance facing primary street: Required.
j. Building Elements Allowed:
   i. Awning/canopy: See section 20.32.170
   ii. Balcony. See section 20.32.170
   iii. Porch. See section 20.32.170
   iv. Stoop. See section 20.32.170
k. Parking Location
   i. Front/corner yard restrictions: Not allowed in front/corner yards.
   ii. Garage door restrictions: See section 20.32.170.
(1) Definition: A building type that accommodates 5 or more dwelling units vertically and horizontally integrated.
(2) Districts where allowed: R3, R4, R5, RMU, NMU, GMU, CC
(3) Lot and Placement

- Minimum Lot Area: Set by District
- Minimum Lot Width: Set by District
- Maximum Lot Coverage: Set by District
- Primary Street Setback: Set by District.
- Side Street Setback: Set by District.
- Side Interior Setback: Set by District.
- Rear Setback: Set by District

(4) Dwellings allowed per lot: 5 min, no max

(5) Build to Zone (BTZ)
- Building Façade in primary street BTZ: Set by district.
- Building façade in secondary street BTZ: Set by district.

(6) Height and Form.
a. Maximum building and structure height: Set by district
b. Minimum Ground Floor Elevation: 2 feet Minimum
c. Maximum building length:
d. Minimum ground story transparency: 20%
e. Minimum upper story transparency: 20%
f. Maximum blank wall area: 35'
g. Pedestrian Access.
   i. Entrance facing primary street: Required.
   ii. Entrance spacing along primary street: 100’ max.
h. Building Elements Allowed:
   i. Awning/canopy: See section 20.32.170
   ii. Balcony. See section 20.32.170
   iii. Forecourt: See section 20.32.170
   iv. Porch. See section 20.32.170
   v. Stoop. See section 20.32.170
i. Parking Location
   i. Front/corner yard restrictions: Not allowed.
20.32.110 Live Work

(1) Definition: A building type that accommodates 3 or more units. Units allow for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.
(2) Districts where allowed: RMU, NMU, BPMU, CMU, GMU, DMU, IF, CC

(3) Lot and Placement

- Minimum Site Area: 4,000 square feet
- Minimum Site Width: 55 feet
- Minimum Lot size: 1,000 SF min
- Minimum Lot Width: 16 feet Min
- Maximum Lot Coverage: Set by District
- Primary Street Setback: Set by District.
- Side Street Setback: Set by District.
- Side Interior Setback: Set by District.
- Rear Setback: Set by District

(4) Units per lot: 1 min / no max

(5) Build to Zone (BTZ)
- Building Façade in primary street BTZ: Set by District.
- Building façade in secondary street BTZ: Set by District.

(6) Height and Form.
a. Maximum Building and Structure Height: 3 stories / 35 feet  
b. Minimum Ground Story Height: 12 feet  
c. Minimum Ground Floor Elevation: 2 feet  
d. Unit Width: 15 feet Min / 30 feet Max  
e. Number of Units Permitted in a Row: 6  
f. Minimum ground story transparency: 20%  
g. Minimum upper story transparency: 20%  
h. Maximum blank wall area: 35 feet  
i. Pedestrian Access.  
   i. Entrance facing primary street: Required.  
j. Building Elements Allowed:  
   i. Awning/Canopy: See 20.32.170  
   ii. Balcony. See section 20.32.170  
   iii. Porch. See section 20.32.170  
   iv. Stoop. See section 20.32.170  
k. Parking Location  
   i. Front/corner yard restrictions: See 20.32.170  
   ii. Garage Door Restrictions: See section 20.32.170
(1) Definition: A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses at a scale that complements the existing residential character of the area.

(2) Districts where allowed: NMU, CMU, RMU, GMU, CC, BPMU

(3) Lot and Placement

a. Minimum Lot Area: Set by District
b. Minimum Lot Width: Set by District
c. Maximum Lot Coverage: Set by District
d. Primary Street Setback: Set by District.
e. Side Street Setback: Set by District.
f. Side Interior Setback: Set by District.
g. Rear Setback: Set by District

(4) Dwellings allowed per lot: 2 min, 2 max

(5) Build to Zone (BTZ)
a. Building Façade in primary street BTZ: Set by District
b. Building façade in secondary street BTZ: Set by District.

(6) Height and Form.
a. Maximum Principal Building Height: 3 stories / 35 feet
b. Minimum Ground Story Height: 10 feet
c. Maximum Building Length: 50 feet
d. Maximum Building depth: 75 feet
e. Minimum ground story transparency: 40%
f. Minimum upper story transparency: 20%
g. Pedestrian Access.
i. Entrance facing primary street: Required.

h. Building Elements Allowed:
i. Awning/canopy: See 20.32.170
ii. Balcony. See section 20.32.170
iii. Porch. See section 20.32.170
iv. Stoop. See section 20.32.170

i. Parking Location
   i. Front/corner yard restrictions: Not allowed.
   ii. Garage door restrictions: See 20.32.170.
20.32.130 Single Story Shopfront

(1) Definition: A single story building type that typically accommodates retail or commercial uses.
(2) Districts where allowed: CMU, CC, CH, DMU, GMU

(3) Lot and Placement

a. Minimum Lot Area: Set by District
b. Minimum Lot Width: Set by District
c. Maximum Lot Coverage: Set by District
d. Primary Street Setback: Set by District.
e. Side Street Setback: Set by District.
f. Side Interior Setback: Set by District.
g. Rear Setback: Set by District

(4) Build to Zone (BTZ)

a. Building Façade in primary street BTZ: Set by district.
b. Building façade in secondary street BTZ: set by district.

(5) Height and Form.
a. Maximum Principal Building Height: 1 stories / 24 feet
b. Minimum ground story height: 12 feet
c. Maximum building length: 150 feet
d. Ground story transparency:
   i. Ground Story: 60% min
   ii. Ground Story w/building footprint 20,000 square feet or more: 30% min
e. Blank Wall Area:
   i. 25 feet max
   ii. Building footprint 20,000 square feet or more: 75 feet max
f. Pedestrian Access - Entrance facing primary street: Required.
g. Entrance spacing along primary street:
   i. 75’ max
   ii. Building footprint of 20,000 sf or more: 125 feet max
h. Building Elements Allowed:
   i. Balcony. See section 20.32.170
   ii. Forecourt. See section 20.32.170
   iii. Gallery. See section 20.32.170
i. Parking Location
   i. Front/corner yard restrictions: Set by district.
20.32.140 Mixed Use Shopfront

(1) Definition: A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses
(2) Districts where allowed: RMU, BPMU, CMU, DMU, GMU, CC
(3) Lot and Placement

- Minimum Lot Area: Set by District
- Minimum Lot Width: Set by District
- Maximum Lot Coverage: Set by District
- Primary Street Setback: Set by District.
- Side Street Setback: Set by District.
- Side Interior Setback: Set by District.
- Rear Setback: Set by District.
- Build to Zone (BTZ) - Building façade in primary street BTZ: Set by district.
- Build to Zone (BTZ) - Building façade in secondary street BTZ: Set by district.

(4) Dwellings allowed per lot: No Limit

(5) Height and Form.
a. Maximum Building and Structure Height: Set by District
b. Minimum ground story height: 12 feet
c. Maximum building length: 120 feet
d. Minimum ground story transparency: 60%
e. Minimum upper story transparency: 20%
f. Blank wall area: 25 feet max
g. Pedestrian Access - Entrance facing primary street: Required.
h. Entrance spacing along primary street: 75 feet max
i. Building Elements Allowed:
   i. Awning/Canopy. See section 20.32.170
   ii. Forecourt. See section 20.32.170
   iii. Gallery. See section 20.32.170
j. Parking Location: Set by District
20.32.150 General Building
(1) Definition: A building type that accommodates commercial, office, agricultural, or industrial uses.

(2) Districts where allowed: RMU, BPMU, CMU, GMU, CC, CH, IF, IL, IH, CI, PR, PF

(3) Lot and Placement

a. Minimum Lot Area: Set by District
b. Minimum Lot Width: Set by District
c. Maximum Lot Coverage: Set by District
d. Primary Street Setback: Set by District.
e. Side Street Setback: Set by District.
f. Side Interior Setback: Set by District.
g. Rear Setback: Set by District
h. Build to Zone (BTZ) - Building Façade in primary street BTZ: set by district.
i. Build to Zone (BTZ) - Building façade in secondary street BTZ: set by district.

(4) Dwellings allowed per lot: Not Permitted

(5) Height and Form.
a. Maximum Building and structure Height: Set by district
b. Minimum Ground Story Height: 10 feet
c. Maximum building length: 120 feet
d. Minimum ground story transparency: 40%
e. Minimum upper story transparency: 20%
f. Maximum blank wall area: 50 feet

g. Pedestrian Access - Entrance facing primary street: Required.
h. Pedestrian Access – Entrance Spacing along Primary Street 125 feet max.

k. Building Elements Allowed:
   iv. Awning/Canopy. See section 20.32.170
   v. Forecourt. See section 20.32.170
   vi. Gallery. See section 20.32.170

i. Parking Location: Set by district.
Chapter 20.128 – LANDSCAPING

20.128.010 - Purpose

It is the purpose of this chapter to:

1. Promote well-planned and attractive landscaping that enhances the visual and aesthetic appearance of the city.
2. Provide space definition and landscape continuity between the built environment and the natural environment.
3. Provide appropriate barriers and relief from traffic, noise, heat, glare, and the spread of dust and debris.
4. Reduce potential negative impacts between adjacent and neighboring uses.
5. Reduce flooding and reduce the impact of development on the city’s storm drainage system.
6. Promote tree retention and the protection of existing native vegetation.
7. Provide for the long-term establishment and health of new landscape plantings.
8. Aid in the conservation of energy and replenish the atmosphere with oxygen.
9. Provide for a more pleasant and relaxing urban environment.
10. Ensure the long term maintenance and attractiveness of landscape plantings.
(11) Maintain and enhance property values.

20.128.020 - Applicability and compliance.

(1) Applicability. The provisions of this chapter shall apply to all new non-residential, single family attached (three or more units), and multifamily (three or more units) development within the city. Also:

(a) The provisions of this chapter shall apply to building additions, remodels and site improvements per the Level I-III improvement thresholds set forth in POMC 20.127.020(3)(a-c).

(b) The maintenance provisions of this chapter apply to existing and previously approved landscape plans and required landscape areas.

(c) Temporary deferral. A certificate of occupancy shall be contingent upon the screening and landscaping requirements of this chapter being met. This provision may be temporarily deferred by the director in cases where it is not reasonable for the developer to install certain species of plant material prior to occupancy due to the recommended planting season not occurring at an appropriate phase in construction. In such case, the time deadline for planting such materials shall be extended only to the nearest seasonal period suitable for planting such materials. Additionally, the director shall require that the applicant obtain a temporary deferral when water restrictions are in place preventing regular irrigation or watering of plant material. The director may authorize a temporary deferral through the issuance of a temporary certificate of occupancy or through the approval of a performance bond in accordance with this Title.

(d) Review in conjunction with other permits. Landscape plan review shall be performed in conjunction with other permit applications (i.e. land disturbing activity, stormwater drainage, building permit, etc.). Appeals of decisions related to the application of this chapter shall be connected to the underlaying permit application to which the landscape code has been applied.

(e) The provisions of this chapter may also apply to subdivisions and short plats as specified in POMC 20.100, but shall not apply to the construction of an individual detached house, duplex, or backyard cottage.

(2) Exceptions.

The director may waive the provisions of this chapter for Light Industrial (LI) zoned properties which do not front Old Clifton Road or SR-160 depending on the type of use, number of anticipated employees and customers, and the site’s physical relationship and anticipated impacts to adjacent and neighboring zones, uses and development.

20.128.030 - Landscape plans.

(1) In order to implement the requirements of this section, landscape plans for the entire site are required as part of the following permit application submittals:

(a) Building permit applications.

(b) Preliminary plat applications.

(c) Short plat applications.

(d) Binding site plan applications.
(e) Conditional use permit applications (where new construction, or expansion of a building is proposed, or where landscaping is required to meet conditions for granting approval).

(f) Stormwater drainage permit applications.

(g) Land disturbing activity permit applications.

(2) In order to implement the requirements of this section, landscape plans for the entire site shall be required as part of a Land Disturbing Activity Permit application submittal if the scope of the permit application does not include restoration to pre-disturbance conditions or if the landscape plan approval is not issued under another permit approval as listed in POMC 20.128.030(1)(a).

(3) Plans shall be developed shall be developed by a Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or other qualified individual.

(4) Landscape plans shall include:
   (a) Boundaries and dimensions of the site.
   (b) Location of existing and proposed easements, streets, curbs, utilities, sidewalks and any other hard surfaces.
   (c) Location of buildings and structures, parking lots, driveways, loading areas, outdoor mechanical equipment, signs, refuse enclosures, overhead utilities, water meter location, swales, parking lot lighting, and any existing vegetation that is to remain on the site.
   (d) The location and design of landscape areas to be preserved and planted, and plant list to include the location, number, height at maturity, and type of plant material by botanical and common name.
   (e) Proposed irrigation system if a permanent or temporary system is proposed. All landscaped areas including adjacent right-of-way must be provided with an underground irrigation system.
   (f) Specifications for soil amendments to provide suitable long term growing conditions.
   (g) North arrow and scale.
   (h) Planting detail section drawings.
   (i) Name, address, and phone number of the person preparing the plan.
   (j) Calculations demonstrating compliance with this chapter.

(5) Applicants shall familiarize themselves with existing site conditions, and are encouraged to meet with staff to discuss appropriate design options and alternatives for accomplishing the screening and landscaping objectives of this chapter prior to preparing and submitting a landscape plan.

(6) Applicants are encouraged to integrate landscape plans and stormwater system designs consistent with the City's adopted Stormwater Management Manual.

20.128.040 - Integration with LID stormwater management facilities. (20.128.035)

The required landscape design requirements in this chapter may be integrated with low impact development (LID) stormwater management facilities and best management practices (BMPs) unless site and soil conditions make LID infeasible, subject to the approval of the director and public works department. LID facilities shall not compromise the purpose or intent of required landscaping and
landscaping shall not result in the disruption of the LID facilities' functions. LID facilities shall be designed and constructed in accordance and the LID Technical Guidance Manual for Puget Sound (current edition).

20.128.050 - Plant material and installation standards.

(1) Native plant species. New landscaping materials shall include species native to the region or hardy, waterwise, and non-invasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials must be those identified as hardy in Zone 8b as described in United States Department of Agriculture’s Plant Hardiness Zone Map. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

(2) Tree standards and guidelines.

(a) Tree heights may be called for within this chapter or elsewhere within this title:

(i) Large tree: Capable of growing 35 feet high or greater under normal growing conditions.

(ii) Medium tree: Capable of growing over 15 feet high and less than 35 feet high under normal growing conditions.

(iii) Small tree: Capable of growing up to 15 feet high under normal growing conditions.

(b) Unless otherwise noted herein, required trees shall meet the following standards at the time of planting:

(i) Required deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball), and a minimum height of six feet at the time of planting as measured from the top of the leader branch to the top of the root ball.

(ii) Required evergreen trees shall be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.

(iii) Required trees of any species within parking areas shall be a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball) and a minimum height of ten feet at the time of planting.

(3) Shrub standard. Shrubs, except for ornamental grasses, shall be a minimum of one-gallon size at the time of planting.

(4) Ground cover standards and guidelines.

(a) Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three years as follows, or as per recommendations by Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or other qualified individual. Ground cover plants other than turf forming grasses must be planted in triangular spacing at the following rates:
Four-inch pots at 18-inches on-center.

One-gallon or greater sized containers at 24-inches on-center.

Alternative plant spacing may be appropriate depending on the specific plants. When applicable, plant spacing information must be included with permit application submittals from published sources, such as the *Sunset Western Garden Book*, from Internet sources, or from cut sheets provided by a nursery. Such sources must be identified for verification purposes.

Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception).

Ground cover areas shall contain at least two inches of composted organic material at finished grade.

Tree and plant diversity.

If there are more than eight required trees, no more than 40 percent of them may be of one species.

If there are more than 24 required trees, no more than 20 percent of them may be of one species.

If there are more than 24 required shrubs, no more than 75 percent of them may be of one species.

Soil augmentation and mulching.

Existing soils shall be augmented with a two-inch layer of fully composted organic material tilled a minimum of six inches deep prior to initial planting.

Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock may also be used as a mulch.

Landscape installation standards.

All required landscaping shall be in-ground, except when in raised planters. Plant materials shall be installed to current nursery industry standards.

Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures shall be removed as soon as the plant can support itself.

Existing trees and plant materials to be retained shall be protected during construction. Protection measures may include silt fencing, chain link fencing, or other sturdy fencing placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles, and equipment shall not be allowed within the dripline of trees to be retained.

Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities.
(e) Trees and major shrubs at mature size should avoid interference with windows, decks, pedestrian walkways or other travelled ways, or lighting.
20.128.060 - Landscaping types.

(1) Type A landscaping.

(a) Type A landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and used to screen unwanted views.

(b) Type A landscaping shall minimally consist of:

(i) Trees: Predominately evergreen (more than 50 percent) at the following rates on landscape strips:

   (A) One large tree per 300 square feet or 30 linear feet.
   (B) One medium tree per 220 square feet or 22 linear feet.
   (C) One small tree per 150 square feet or 15 linear feet.

   At least 70 percent of the trees shall be large.

(ii) Shrubs: Predominately evergreen provided at a rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.

(iii) Plant diversity. Trees and shrubs must comply with POMC 20.128.050(5).

(iv) Groundcover: Planted at a density to cover the landscape buffer per POMC 20.128.070 within three years.

(v) The selected plant materials and configuration will be able to screen 70 percent of the unwanted views within five years of planting and fully screen the unwanted view within six years. This requirement will account for the size of materials planted and their typical growth rate.

Figure 20.128.060(1)
Type A landscaping standards.
(2) Type B landscaping.

(a) Type B landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between differing types of residential development and used to screen unwanted views from the pedestrian environment.

(b) Type B landscaping shall minimally consist of:

(i) Trees: At least 50 percent deciduous trees and at least 30 percent evergreen trees at the following rates on landscape strips:

(A) One large tree per 300 square feet or 30 linear feet.

(B) One medium tree per 220 square feet or 22 linear feet.

(C) One small tree per 150 square feet or 15 linear feet

At least 70 percent of the trees shall be large.

(ii) Shrubs: Provided at the rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.

(iii) Plant diversity. Trees and shrubs must comply with POMC 20.128.050(5).

(iv) Groundcover: Planted at a density to cover the landscape buffer per POMC 20.128.070 within three years.

(v) The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.

Figure 20.128.060(2)
Type B landscaping standards.
(3) **Type C landscaping.**

(a) Type C landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontages or between multifamily developments.

(b) Type C landscaping shall minimally consist of:

(i) Trees: At least 70 percent deciduous trees at the following rates on landscape strips:
   
   (A) One large tree per 300 square feet or 30 linear feet.
   
   (B) One medium tree per 220 square feet or 22 linear feet.
   
   (C) One small tree per 150 square feet or 15 linear feet
   
   At least 70 percent of the trees shall be large.

(ii) Shrubs: Provided at the rate provided at a rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.

(iii) Groundcover: Planted at a density to cover the landscape buffer per POMC 20.128.070 within three years.

(iv) Plant diversity. Trees and shrubs must comply with POMC 20.128.050(5).

(v) Tree and shrub placement shall be designed to maximize pedestrian visibility (generally between three and eight feet above grade once trees have matured).

(vi) The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.

(c) Where Type C landscaping is designed to also function as a rain garden, adjustments in the spacing of trees, shrubs, and ground cover will be allowed provided the rain garden meets the function requirements of subsection (6) below and the intended function of Type C landscaping as defined in subsection (a) above.
(4) Type D landscaping.

(a) Type D landscaping refers to all other landscaped areas that do not qualify as Type A-C landscaping. While native and low maintenance trees and shrubs are encouraged in these areas, lawn areas may be used for recreational or design purposes. These areas may also include flower beds and perennial beds.

(b) Type D landscaping may include any combination of plant materials provided they comply with POMC 20.128.050.

(5) Low hedge.

A low hedge is intended to function as an attractive visual divider of space rather than a visual buffer between uses and properties. To qualify as a hedge landscaping type, the planting must be at least 30 inches wide and 30 inches tall. The hedge include plant materials that typically grow no taller than five feet at maturity or are maintained between 30 inches and 48 inches tall. Additional limits on hedges may be imposed by the public works director within required sight triangles at intersections. Shrubs or other hedge plant materials must be placed at a rate of one per four linear feet of landscaped strip or otherwise recommended for shrub species (plant spacing information must be included with permit application submittals from published sources, such as the Sunset Western Garden Book, from Internet sources, or from cut sheets provided by the nursery.)
Figure 20.128.060(5)
Low hedge examples.
(6) Rain garden.

A rain garden is a landscaped depression that collects, absorbs, and filters stormwater runoff from rooftops, driveways, patios, and other hard surfaces. They can also function as an attractive visual divider of space. To qualify as a rain garden, the following elements must be included:

(a) Garden located and designed to capture impervious area runoff.
(b) Six to 12 inches ponding depth.
(c) Twelve to 24 inches rain garden soil depth with two to three inches surface mulch layer.
(d) Gradual side slopes (maximum 2:1).
(e) Overflow design elements with measures to protect erosion.
(f) Generous plantings (capable of reaching 100 percent groundcover) of a variety of small trees, shrubs, ground covers, and grasses. Select plants suitable for the three planting zones within the garden and around the perimeter.

![Rain garden example](image)
20.128.070 - Landscape site design standards.

(1) **Required landscape buffer standards.** Screening between certain uses may be called for in Table 20.128.070 below or elsewhere in this chapter:

   (a) The provisions of this section do not apply to, and landscape buffers are not required for, development with a designated storefront block frontage (POMC 20.127.090-260) unless required as a condition of a permit (such as a conditional use permit or subdivision) or SEPA.

   (b) Where mature trees and vegetation exists within the required buffer areas, the preservation of said mature trees and vegetation may be preferable to new plant materials. The director may require up to 50 percent additional buffer width and/or specific planting conditions to better ensure the survival of existing mature trees and/or augment existing plantings to meet the intent of the standards.

   (c) The letters A, B, and C refer to the required landscape buffer type(s), (described in POMC 20.128.060). Where more than one buffer type is referenced at the intersection of the column and the row, only one of the listed buffer types is required.

   (d) Where the cells at the intersection of the column and the row are empty, there are no landscaping buffer requirements for the particular situation.

   (e) The numbers 1, 2, or 3 after a letter refer to minimum buffer width intensity requirements set forth in subsection B below.

   (f) If a * appears after a use or term within the table, then the use or term is defined in POMC Chapter 20.12 or 20.39.

   (g) Where superscript numbers are included in a cell, see the corresponding note matching the number below the table.
(h) For the application of building additions, remodels and site improvements, the provisions of POMC 20.127.020(3) shall apply.

<table>
<thead>
<tr>
<th>Developing use</th>
<th>Street, park or trail</th>
<th>R1, R2, R6, GB zones</th>
<th>R3, R4, R5 zones</th>
<th>RMU, NMU, GMU, DMU, CMU, BPMU zones</th>
<th>CC, CH zones</th>
<th>IF zone</th>
<th>IL zone</th>
<th>IH zone</th>
<th>CI, PF zones</th>
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<tbody>
<tr>
<td>Single Family attached+ (3 or more units) or Multifamily+ (3 or more units)</td>
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<td>Fence plus BC-5'</td>
<td>Fence or BC-5' or path</td>
<td>Fence or BC-5' or path</td>
<td>Fence plus AB-10'</td>
<td>Fence plus AB-10'</td>
<td>Fence plus AB-10'</td>
<td>Fence plus BC-5'</td>
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<td>Fence plus ABC-5'</td>
<td>Fence or BC-5' or path</td>
<td>Fence or BC-5' or path</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-5'</td>
<td></td>
</tr>
<tr>
<td>Moderate intensity non-residential use*</td>
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<td>Fence plus ABC-10'</td>
<td>Fence or BC-5' or path</td>
<td>Fence or BC-5' or path</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-10'</td>
<td></td>
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<td>High intensity non-residential use*</td>
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<td>Fence plus ABC-15'</td>
<td>Fence or BC-5' or path</td>
<td>Fence or BC-5' or path</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-10'</td>
<td>Fence plus ABC-15'</td>
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<tr>
<td>Use featuring an open storage yard*</td>
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<td>Fence plus ABC-5' or A-10'</td>
<td>Fence plus ABC-5' or A-10'</td>
<td>Fence plus ABC-5' or A-10'</td>
<td>Fence plus ABC-5' or A-10'</td>
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<tr>
<td>Heavy industry*</td>
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<td>Fence plus ABC-5' or A-10'</td>
<td>Fence plus ABC-5' or A-10'</td>
<td>Fence plus ABC-20'</td>
<td></td>
</tr>
</tbody>
</table>

(2) Street, park, or trail buffers.

(a) For landscaping between uses or structures and streets, also see the applicable block frontage standards in POMC 20.127.100-260. Plant materials, installation, and maintenance are subject to the standards of this chapter.

(b) For non-residential, single family attached (three units or more), and multifamily development (three units or more), see POMC 20.127.220 for Trail/Park block frontage standards. Alternative designs will be considered based on the unique context of the site, the development, and the park/trail provided the designs promote safety for park/trail users, and mitigate any potential negative impacts of the proposed use on the park/trail.

(c) For storage yards, a minimum ten-foot wide planting strip with Type A landscaping is required between any street and such storage yard.

(3) Surface parking lot landscaping.

(a) Parking lot perimeters.
(i) For parking lots abutting public right of way, use Type C landscaping at a width equal to or greater than the minimum building setback specified for the applicable block frontage type specified in POMC 20.127.100-260. For parking lots on sites without an applicable block frontage type, the parking lot landscape buffer shall be at least ten feet deep.

(ii) For parking lots along internal private roadways in commercial areas, provide a planting strip at least six feet wide with Type C landscaping.

(iii) For parking lots along internal lot lines, use Type A or B landscaping at least ten feet deep, except where a greater buffer width is required per the standards in Table 20.128.070. Departures will be considered provided they meet the purpose of this chapter. Examples of acceptable departures may include decorative low walls with landscaping, decorative elevated planters, or landscaping with a trellis. In no case may landscaping buffers be less than five feet wide. The minimum height of planters or walls, where used, is three feet. The maximum height of walls where used shall be five (5) feet.

![Figure 20.128.070(3)(a)](image)

Parking lot perimeter landscaping departure examples.
(b) Internal parking lot landscaping.

(i) Trees and shrubs required.

(A) For every 1,000 square feet of vehicular use area, at least one deciduous tree must be planted.

(B) Trees and shrubs must be planted within 15 feet of the parking lot to count as parking lot landscaping.

(C) When a development contains more than 20 or more parking spaces, 50 percent of the trees and shrubs must be planted in islands or medians located within the parking lot.

(ii) Landscaping type.

(A) Type C landscaping shall be utilized for landscaping islands internal to parking lots.

(B) At least 75 percent of the required deciduous trees must be large trees. Medium and small trees are acceptable where overhead electric lines would interfere with normal growth.

(C) Rain gardens and swales may be integrated into required planting areas.

(iii) Landscaped island sizes. At a minimum, tree islands shall be a minimum of 256 square feet. Planting islands must be at least six feet deep and wide.

(iv) Landscaped island spacing. Parking bays shall be broken up with landscaped islands or medians to avoid long monotonous rows of parking. Tree islands shall be evenly distributed throughout the parking lot in order to provide an even tree canopy throughout the lot.

(v) Each parking space must be located within 75 feet of a tree measured from the closest point of the parking space to the tree trunk.
Departures will be considered provided they meet the purpose of this chapter.

(4) Foundation planting. All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

(a) The landscaped area must be at least three feet wide.
(b) There must be at least one three-gallon shrub for every three lineal feet of foundation.
(c) Ground cover plants must fully cover the remainder of the landscaped area.

![Figure 20.128.070(4) Foundation planting.](image)

Foundation plantings would be required along this exposed concrete foundation.

(5) Existing vegetation.

(a) Existing healthy, native, and non-invasive vegetation may be used to fulfill the requirements of this chapter.

(b) When existing vegetation is proposed to be used to fulfill the requirements of this chapter, that vegetation shall be shown on required landscape plans as “existing vegetation to be retained” and prior to land disturbing activities, these areas shall be flagged in the field and be protected by construction fencing. In the event that existing vegetation proposed to be used to fulfill the requirements of this chapter is altered, damaged, or removed during development or construction activity, this area shall be restored to its original state after the development or construction activity is complete, or, shall be replanted in accordance with a new revised landscaping plan developed and approved in accordance with this chapter.

(6) Stormwater facilities.

(a) Plant-based stormwater treatment facilities such as rain gardens [see POMC 20.128.060(6)] and swales may be used to meet the requirements of this section as provided elsewhere in this chapter.
(b) Stormwater detention facilities such as ponds and collection basins may not be used to meet the requirements of this section unless designed per subsection (a) above.

20.128.080 - Development within required buffers.

This section applies to buffers that are required per Table 20.128.070.

(1) Pedestrian walkways are allowed within buffers, subject to the following standards:
   1. Walkways shall not exceed five feet in width.
   2. Walkways shall cross buffers at an angle between 60 and 90 degrees.
   3. Walkways may only run along the length of a buffer if the buffer is at least 40 feet in width, and the walkway is located within the inner 25 percent of the buffer.

(2) Utilities are not permitted in buffers within a residential subdivision, unless no reasonable alternative exists. However, utilities may be installed in an easement that is located along street frontage and parallel to the street. If utilities are placed in a buffer, they shall be located and installed in a way that minimizes disturbance of the buffer area: not parallel, but crossing at an angle between 60 and 90 degrees. If storm water drainage channels are placed in a buffer at an angle less than 60 degrees, the buffer width shall be increased by the width of the utility easement or disturbance, or at least ten feet, whichever is greater.

20.128.090 - Irrigation standards.

The purpose of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable.

All required landscaped areas in the city must comply with at least one of the following:

(1) A permanent built-in irrigation system with an automatic controller will serve the proposed landscape area, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development.

(2) A temporary irrigation system will serve the proposed landscape area, provided the applicant can successfully demonstrate that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall.

(3) A permanent or temporary irrigation system will not serve the proposed landscape area, provided:
   (a) The director finds the landscape area otherwise fulfills the requirements of this section, and
   (b) The applicant submits all of the following with the site plan application:
      (i) A statement from a Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or other qualified individual certifying that the materials to be planted will survive without watering other than natural rainfall.
      (ii) A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the director.
20.128.100 - Maintenance of required buffers and landscaped areas.

(1) Maintenance responsibility.

The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features (installed or vegetated natural areas) required under this section. Damage to these areas shall result in the revegetation requirements or fines per POMC 20.128.090.

(2) Inspections after second and fifth year.

The director shall inspect the site two and five years after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved landscape plan and to ensure that the landscaping is properly maintained. Failure to maintain required landscape areas on a permanent basis may result in fines according to POMC 20.02 and POMC 2.64.

(3) Maintenance responsibility, replacement of damaged vegetation, and associated fines.

(a) The owners of the property and their agents, heirs, or assigns must be responsible for maintaining all required landscaping and screening areas in a healthy, growing condition.

(b) All landscaping and screening areas must be maintained reasonably free of weeds and trash, must be treated for pest/diseases in accordance with the approved landscape plan, and must be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets, sidewalks, and adjoining properties.

(c) Limbing up trees and “topping” or shearing off trees is prohibited, unless required for public safety reasons approved by the director.

(d) The property owner shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations.

(e) Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe or excessive pruning, unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, must be replaced with equivalent vegetation that conforms to the plant materials and installation standards in POMC 20.128.050, other applicable standards of this title, and the approved site plan.

(f) The owner shall have one growing season to replace or replant after receiving notice from the director. The director shall consider the type and location of the required vegetation area in making a determination on the extent of replanting requirements.

(g) Failure to maintain all plantings in accordance with this section shall constitute a violation of the Port Orchard Municipal Code and may result in fines in accordance with POMC 20.02.

(4) Landscape maintenance plan.

The paragraph and list below regarding a landscape maintenance/management plan shall be placed on the landscape plan prior to plan approval, along with any other notes applicable to site landscaping. This statement may be individualized based on the specific characteristics of each site and its...
landscaping plan requirements. The maintenance plan shall be prepared by a Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or other qualified individual.

“The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features shown on this plan. The owners shall be responsible for maintenance of the vegetation, including but not limited to:

(a) Fertilization.
(b) Pruning.
(c) Pest control.
(d) Mulching.
(e) Mowing (if any).
(f) Protection of the root zones from equipment, construction and storage of materials.
(g) Watering.
(h) Other continuing maintenance operations.

Failure to maintain all plantings in accordance with this plan shall constitute a violation of the Port Orchard Municipal Code and may result in fines.”

20.128.110 - Performance assurance/bonding.
In the event that landscaping improvements cannot be installed prior to final plat, final short plat, final binding site plan or formal certificate of occupancy, a cash deposit, letter of credit or other assurance acceptable to the city equal to 150 percent of the estimated landscaping and installation costs must be required. Such deposit must be accompanied by a letter which stipulates completion of all landscape development no later than the next autumn planting season following issuance of the certificate of occupancy or date of final approval, whichever is later. If these conditions are not met, the city may use the deposit to install the landscaping.

20.128.120 - Maintenance assurance/bonding.
Prior to granting a (permanent) certificate of occupancy and/or granting final approval of site improvements, the owner of the subject property shall provide a two-year landscape maintenance bond, cash set-aside, or other assurance acceptable to the city (hereafter “assurance”) in an amount equal to 125 percent of the estimated landscaping and installation costs for the project. It shall be the owner’s responsibility to request a landscape maintenance inspection at least two years after city acceptance upon final landscaping installation inspection. The assurance shall not be released by the city unless the city finds upon inspection that the landscaping has been maintained and is in good health. If the city finds that the landscaping has not been maintained or is not in good health, the city may at its option require the owner to maintain and restore the required landscaping to healthy conditions prior to releasing the landscape maintenance assurance, or may itself perform work to correct the deficiencies using the provided assurance. In the event that a significant amount of the required landscaping requires replacement as determined by the director, the city may require an additional two-year landscape maintenance assurance on all or a portion of the required landscaping.
Chapter 20.129 - SIGNIFICANT TREES (NEW)

20.129.010 Purpose

It is the purpose of this chapter is to:

1. Provide incentives for preserving significant trees and to require the replacement of significant trees at specified ratios when they are removed.

2. Mitigate the environmental and aesthetic consequences of tree removal in land development through tree replacement to achieve a goal of no net loss of trees throughout the City.

3. Provide measures to protect trees that may be impacted during construction activities.

4. Maintain and protect the public health, safety, and general welfare.

5. Preserve the aesthetic, ecological, and economic benefits of forests and tree-covered areas in Port Orchard including:

   a. Providing varied and rich habitats for wildlife;
   b. Absorbing carbon dioxide;
   c. Moderating the effects of winds and temperatures;
   d. Stabilizing and enriching the soil;
   e. Slowing runoff from precipitation and reducing soil erosion;
   f. Improving air quality;
   g. Improving water quality;
   h. Masking unwanted sound;
   i. Providing visual relief and screening;
   j. Providing recreational benefits;
   k. Enhancing the economic value of developments;
   l. Providing a valuable asset to the community.

20.129.020 Applicability

1. This section applies to all significant trees in the city.

2. No significant tree may be removed unless the requirements of this chapter are met.
(3) The following situations, activities, and projects are exempt from the significant tree protection requirements of this section unless the tree is located in a critical area as identified in POMC 20.162:

(a) Utility developments.
(b) Roadway or street (including sidewalks) construction.
(c) Parks projects.
(d) Trees that interfere with overhead utility lines.
(e) Trees that are causing damage to building foundations.

(4) This chapter shall not be construed to authorize the removal of trees where tree removal is not otherwise permitted in the POMC.

20.129.030 - Definitions.

(1) Significant trees are those trees with a DBH (diameter at breast height) of 18 inches or greater and which are not identified by a licensed arborist as damaged, diseased, or a safety hazard due to potential root, trunk or primary limb failure, or new exposure to wind after having grown in a closed, forested situation.

(2) The root protection zone is equal to one-foot radius from the center of the tree for every one inch of tree DBH. A modified root protection zone may be established by a certified arborist’s individual tree evaluation.

20.129.040 - Removal and replacement of all significant trees.

(1) Approval of the director is required for the removal of significant trees. The decision to authorize the removal of a significant tree shall be a Type 1 decision; however, an application that involves two or more procedures may be processed consistent with the procedures provided in POMC 20.25.020(2). Approval requires that the following condition and the replacement requirements of subsection (2) are met:

(a) All significant trees located within any required landscape buffer area or required landscape planting area shall be retained to the extent practical and feasible.

(2) Significant trees that are removed shall be replaced with trees meeting the following requirements:

(a) Trees must be replaced at the rates described in Table 20.129.040(2).

<table>
<thead>
<tr>
<th>Significant Tree Diameter</th>
<th>Number of Replacement Trees Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-22 inches diameter</td>
<td>1</td>
</tr>
<tr>
<td>22-28 inches diameter</td>
<td>2</td>
</tr>
<tr>
<td>28-36 inches diameter</td>
<td>3</td>
</tr>
<tr>
<td>Greater than 36 inches diameter</td>
<td>4</td>
</tr>
</tbody>
</table>
(b) Replacement deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball), and a minimum height of six feet at the time of planting as measured from the top of the leader branch to the top of the root ball. Replacement evergreen trees shall be fully branched and a minimum of six feet in height, measured from the top of the leader branch to the top of the root ball, at the time of planting.

(c) Replacement trees shall primarily be those species native to the Pacific Northwest. In making a determination regarding the species of replacement trees, the director shall defer to the species selected by the property owner unless the director determines that the species selected is unlikely to survive for a period of at least ten years, represents a danger or nuisance, would threaten overhead or underground utilities.

(d) The property owner shall maintain all replacement trees in a healthy condition. The property owner shall be obligated to replant any replacement tree that dies, becomes diseased, or is removed. Replacement trees shall not be removed except when they are replaced at another location in accordance with this chapter.

(e) The director may authorize the planting of fewer and smaller replacement trees if the property owner can demonstrate the reduction is suitable for the site conditions, neighborhood character, and the purposes of this section, and that such replacement trees will be planted in sufficient quantities to meet the intent of this section. The director may require a certifying statement from a Washington state licensed landscape architect, Washington-Certified Professional Horticulturist (CPH), or certified arborist.

(3) If the site does not allow for planting of replacement trees the trees may be planted on an alternative site within the city and not more than 500 feet away from the removed tree, or public property (such as in a city park) subject to the approval of the public works director, provided that guarantees exist (such as a conservation easement) to ensure that the replacement trees will not be removed prior to reaching 18 inches DBH (at which time they will be considered significant trees).

(4) The director shall not authorize the planting of shrubs or bushes in lieu of required replacement trees.

(5) For projects containing 5 or fewer significant trees, the required replacement trees planted shall be in addition to other required trees installed to satisfy street tree and landscaping buffer, parking lot, and other landscape area requirements. For projects containing more than 5 significant trees, up to seventy-five percent (75%) of the required replacement trees to be planted may be satisfied by planting trees within required landscaping buffers and parking lot islands as specified in POMC 20.128.

(6) Guidelines for significant tree replacement. The following guidelines and requirements shall apply to significant tree replacement:

(a) When individual trees or tree stands are protected, replacement trees should be planted to re-establish or enhance tree clusters where they previously existed.

(b) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements.
(c) Replacement trees shall be planted in areas that connect or are adjacent to native growth protection areas or other open space, where appropriate.

(d) Replacement trees shall be integrated into the required landscape plans, if any, for a development.

(e) Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees’ maturation and maintenance requirements.

20.129.050 - Retention and protection of significant trees associated with development proposals.

(1) Significant tree retention plan. The applicant or property owner shall submit a tree retention plan prepared by a certified arborist, horticulturalist, landscape architect, forester or other qualified professional concurrent with the underlying development permit application (such as a land disturbing activity, short subdivision, binding site plan, conditional use, building, or preliminary subdivision permit application), whichever is reviewed and approved first. The tree retention plan shall consist of:

(a) A tree survey that identifies the location, size, and species of individual significant trees or the perimeter of stands of trees on a site.

(b) Identification of the significant trees that are proposed to be retained.

(c) The location and design of root protection during construction and development activities.

(2) Exemption: Significant tree retention plans shall not be required for the construction of a detached house or backyard cottage, but these projects shall comply with all other sections of this chapter.

(3) Protection of significant trees. To provide protection for significant trees that are to remain during and after development activity the following standards apply:

(a) Prior to construction, grading, or other land development, each root protection zone is identified with a temporary chain-link or orange mesh fence with a minimum height of five feet.

(b) No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the root protection zone.

(c) Alternative protection methods may be used if determined by the director to provide equal or greater significant tree protection.
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Issue Title: CENCOM Board of Directors

Meeting Date: July 17, 2018

Time Required: 10 Minutes

Attendees: N/A

Action Requested at this Meeting: Discuss the current and proposed language for the CENCOM bylaws of who can serve on the Board of Directors and their alternates.

Background/Issue: The current bylaws of the CENCOM Board of Directors state the Mayors of the Cities of Port Orchard and Poulsbo, and the Mayor or City Councilmember of Bainbridge Island will serve on the Board of Directors. Mayor Putaansuu would like to propose alternative language, which is attached.

Alternatives: Do not adopt the proposed language revisions.

Recommendations: Recommendation is to adopt the proposed revisions.

Relationship to Comprehensive Plan: None.

Attachments: Current and Proposed language.

Follow-up Notes & Outcomes:
Cencom – Board of Directors

Current language – The Mayors of the Cities Port Orchard and Poulsbo, and the Mayor or City Council Member of Bainbridge Island.

Proposed language – The Mayor, a Council Member or Chief of Police as appointed by the Mayor.

Mayors language - The Mayor, a Council Member or Chief of Police as appointed by the Port Orchard City Council.

Alternates

Alternates are currently selected by the board member.

Should the board members and alternates be selected by the same process?

Mayors language – The board member and alternate shall be either the Mayor, a Council Member or Chief of Police as appointed by the Port Orchard City Council.