

Chapter 20.12 DEFINITIONS

The definitions in this chapter shall apply to Title 20 unless a specific definition is set forth in a subsequent section, chapter, or subtitle in which case that definition shall apply but be limited to that section, chapter, or subtitle as specified therein.

“Accessible electric vehicle charging station” means an electric vehicle charging station where the battery charging station equipment is located within accessible reach of a barrier-free access aisle (minimum 44-inch width) and the electric vehicle.

“Accessory dwelling unit” shall mean a separate, complete dwelling unit attached to or contained within the structure of the primary use or a detached single-family residential dwelling unit (accessory apartment), or contained within a separate structure that is accessory to the primary use or detached single-family dwelling unit (backyard cottage) on the premises.

“Adequate public facilities” means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums. (WAC 365-196-210(3).)

“Aggrieved person” shall mean:

- (1) The applicant and the owner of property to which the land use decision is directed; or
- (2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - (a) The land use decision has prejudiced or is likely to prejudice that person;
 - (b) That person’s asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

“Agricultural processing” shall mean preparing harvested crops or products of animal or poultry husbandry for marketing, transportation or further processing

“Agricultural products” shall mean items resulting from the practice of agriculture, including crops such as flowers, fruits, vegetables, grains, seed, feed, and plants, or animal products such as eggs, milk, and meat, or animal byproducts such as fertilizer.

“Alley” shall mean a public or private access way, either unimproved or improved, which provides a secondary means of vehicular access to abutting property. Alley width shall be considered the distance between the alley right-of-way lines.

“Alteration” shall mean:

- (1) A change or rearrangement of the structural parts or exit facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

“Animal – Small” shall mean animals, other than livestock or animals considered predatory or wild, which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.

“Appeal” shall mean to seek review of a decision or determination from a higher authority. An appeal may be from a staff decision or determination to the examiner; or from an examiner decision to the city council; or from a city council decision to the superior court or other court of competent jurisdiction; however, some permit processes follow different appeal procedures, which procedures are set forth in the corresponding chapter.

“Applicant” means the owner of land proposed for land development or use or its representative who shall have express written authority to act on behalf of the owner. Written consent shall be required from the legal owner of the property.

“Arborist” means an individual trained in the art and science of planting, caring for, and maintaining individual trees, and who is currently certified by the International Society of Arboriculture.

“Available public facilities” means that public facilities are in place, or a financial commitment has been made to provide the facilities concurrent with development. For the purposes of transportation facilities, “concurrent with development” means that the improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years. (RCW 36.70A.070 (6)(b).)

“Awning” shall mean an architectural projection for a building that is wholly supported by the building to which it is attached and comprised of a lightweight rigid skeleton structure over which a covering is attached.

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Biologist” means a person who has a minimum of a bachelor of science degree in biological sciences or a related field from an accredited college or university and two or more years of experience; or a person who has five or more years of experience as a practicing biologist.

“Binding site plan” is a drawing to scale which (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters identified in chapter 20.94 herein; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the decision-maker with authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

“Block” is a group of lots, tracts or parcels within well-defined and fixed boundaries.

“Board” shall mean the design review board (“DRB”) which reviews development applications in the downtown overlay district and makes recommendations to the development director or designee. Also see Chapter 2.76 POMC.

“Bond” shall mean a form of security provided by a bonding company in an amount and form satisfactory to the city attorney, intended to ensure that required improvements are installed and/or maintained, and/or to otherwise guarantee compliance with applicable provisions of this Title.

“Boundary line adjustment” means a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements for width and area for a buildable lot pursuant to this Title.

“Brushing” means an allowed practice of removing ground cover, shrubs and vegetation not defined as a tree to create better visibility on a site for purposes of public safety, surveying or marketing.

“Buffer” means a nonclearing native vegetation area which is intended to protect the functions and values of critical areas.

“Building” shall mean any structure used or intended for supporting or sheltering any use or occupancy.

“Building area” shall mean the area included within the surrounding interior walls of a building or portion thereof, exclusive of courts.

“Building envelope” shall mean the area of a lot that delineates the limits of where a building may be placed on the lot.

“Building facade” shall mean that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves for the entire width of the building elevation.

“Building height” shall mean, except when otherwise specified in this code, the vertical distance from grade plane to the average height of the highest roof surface.

“Building official” shall mean the city employee designated as the building official, or the consultant to the city who has been designated by contract as the building official.

“Building permit” shall mean the permit required for new construction and additions pursuant to the city’s adopted building code. The term “building permit,” as used herein, shall not be deemed to include: permits required for temporary dwellings, permits required for remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the applicable unit of measure (for nonresidential construction) or number of dwelling units (for residential construction) resulting therefrom.

“Building site” means the physical portion of the real property upon which the structures are situated within one lot, and which portion of the lot satisfies the applicable zoning code standards for physical placement, lot coverage, construction of structures, critical areas buffers and setbacks, and all other location and dimensional requirements for the structures.

“Capital facilities” means the facilities or improvements included in a capital facilities plan.

“Business or occupation of outdoor advertising” shall mean the business of renting or selling space by the owner of any billboard or outdoor advertising structure to any other party for a valuable consideration.

“Caliper” means the diameter of a tree trunk, applied only to new or replacement nursery-grown trees, measured six inches above the ground for up to and including four-inch caliper size trees and 12 inches above the ground for larger sizes.

“Campground” shall mean an area of land on which accommodations for temporary occupancy such as tents or recreational vehicles without hook-up facilities are permitted and which is used primarily for recreational purposes on an extended basis over a season or year-round and/or as a commercial activity.

“Capital facilities” means the facilities or improvements included in a capital facilities plan.

“Capital facilities plan” means the capital facilities plan element of the city’s comprehensive plan adopted pursuant to Chapter 36.70A RCW and RCW 36.70A.070, and any amendments to the plan, which may include by reference a capital facilities plan of the school district within the city.

“Charging level” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3 are defined by the electrical output, per the following specifications:

- (1) Level 1. Voltage including the range from zero through 120.
- (2) Level 2. Voltage is greater than 120 and includes 240.
- (3) Level 3 is considered fast or rapid charging. Voltage is greater than 240.

“City” means the City of Port Orchard, Washington.

“City clerk” shall mean the city employee appointed to that position in accordance with the provisions of POMC Title 2.

“City Council” means the city council of the City of Port Orchard, Washington.

“City engineer” shall mean the city employee appointed to that position in accordance with the provisions of POMC Title 2.

“Clearing” or “land clearing,” for purposes of this chapter, means the direct and indirect removal of trees, including topping and limbing, and the destruction, disturbance or removal of other vegetation from any public or private undeveloped, partially developed, or developed lot, public lands, public right-of-way, or utility easement by physical, chemical, or other means. This shall also include any destructive or inappropriate activity applied to a tree or other vegetation that will result in its death or effectively destroy the functionality. “Clearing” shall not include landscape maintenance, brushing, or pruning consistent with accepted horticultural practices which does not impair the health, survival or function of trees or other vegetation. Any proposed activities within a critical area or buffer requires compliance with POMC 20.162.

“Closed record appeal” means an administrative appeal that is heard by the Hearing Examiner. See POMC 2.76.150.

“Closed record appeal hearing” means a hearing held pursuant to POMC 2.76.150.

“Closed record public hearing” means a public hearing before the city council following an open record hearing, in which no new evidence is considered or allowed. Oral argument shall be permitted in favor or against the recommendation of the hearing examiner; however, such oral arguments shall be strictly limited in accordance with this provision.

“Commission” shall mean the planning commission of the city of Port Orchard, Washington.

“Common ownership” means ownership by the same person, corporation, firm, entity, partnership or unincorporated association, or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockbroker, partner or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

“Community residential facility (CRF)” shall mean living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services for a group of individuals comprising more than a family (eight or more individuals excluding staff), including but not limited to counseling, rehabilitation, and medical supervision, including drug and alcohol detoxification but excluding prisoner release participants.

“Community residential facility (CRF – Prisoner release)” shall mean living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services for a group of individuals comprising more than a family (eight or more individuals excluding staff), including but not limited to counseling, rehabilitation, and medical supervision, excluding drug and alcohol detoxification, specifically for prisoner release participants and programs such as halfway houses.

“Comprehensive plan” or “Comprehensive land use plan” means the plan adopted in chapter 20.03 of the Port Orchard Municipal Code, pursuant to Chapter 36.70A RCW.

“Concurrency” or “concurrent with development” means that adequate public facilities are available when the impacts of development occur, or within a specified time thereafter. This definition includes the concept of “adequate public facilities” as defined above. For the purposes of transportation facilities, concurrent with development means that strategies or improvements are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years. (RCW 36.70A.070(6)(b).)

“Consistency” means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

“Construction – New” shall mean structures for which the start of construction commenced on or after the effective date of the ordinance codified in this title and preceding ordinances.

“Council” See “City Council”

“Courtyard” shall mean a space, open and unobstructed to the sky, located at or about grade level on a lot and bounded on three or more sides by walls of a building.

“Coverage – Site” shall mean the percentage of the area of a lot or site that is built upon or covered over with impervious materials.

“Critical areas” shall mean any of those areas in the city which are subject to natural hazards or those lands with features which support unique, fragile, or valuable natural resources including fish, wildlife, and other organisms and their habitat and such resources which in their natural state carry, hold or purify water.

“Critical areas” means those areas identified as:

- (1) Wetlands;
- (2) Areas with a critical recharging effect on aquifers used for potable water;
- (3) Fish and wildlife habitat conservation areas;
- (4) Geologically hazardous areas; and
- (5) Frequently flooded areas.

“Critical facilities” means those facilities necessary to protect the public health, safety and welfare. These facilities include but are not limited to schools, hospitals, police stations, fire departments and other emergency response facilities, and nursing homes. Critical facilities also include sites of hazardous material storage or production.

“Critical root zone” is the area where the tree’s roots are located and is the area surrounding a tree measured at a radial distance from the trunk equal to one foot for every one-inch diameter of tree.

“Cul-de-sac” shall mean a road closed at one end by a circular area of sufficient size for turning large emergency response vehicles.

“DBH” means diameter at breast height. DBH is a tree’s diameter in inches at four and one-half feet above the ground at the lowest point surrounding the trunk, and is used to measure existing trees on a site. On multi-stemmed or multi-trunked trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at DBH.

“Dedication” is the deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by deed, or other instrument of conveyance, or by dedication on a duly filed and recorded plat (or short plat). Dedications by Short Plat may require City Council acceptance.

“Density” means:

- (1) “Density (gross)” shall mean the acreage of a lot or parcel multiplied by the stated permitted allowed units per acre.
- (2) “Density (net)” shall mean the acreage of a lot or parcel minus critical areas multiplied by the density credits as described in POMC 20.122.040.

“Department” means the City of Port Orchard, Washington Department of Community Development or its successor agency, unless otherwise specified.

“Designated accessible space” means an accessible parking space required by WAC [51-50-005](#) and designated for the exclusive use of parking vehicles with a State Disabled Parking Permit.

“Design review board” or “Board” shall mean the advisory board that makes design recommendations to the city council on downtown overlay district applications; see POMC 20.38.228.

“Detention facilities” means stormwater facilities designed to store runoff while gradually releasing it at a predetermined controlled rate. “Detention facilities” shall include all appurtenances associated with their designed functions, maintenance and security.

“Developer” shall mean the person or entity that owns or has development control over property for which development activity is proposed.

“Development activity” or “development” means any construction or expansion of a building, structure, or use, and change in the use of a building or structure, or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the city. (RCW 82.02.090(1)).

“Development agreement” means the agreements authorized in RCW 36.70B.170.

“Development approval” shall mean any written authorization from the city which authorizes the commencement of a development activity.

“Development approval authority” shall mean the city official or tribunal having code authority to approve a development.

“Development site” shall mean the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from Port Orchard to carry out a development activity.

“Director” or “development director” means the Community Development Director of the City of Port Orchard or his or her duly authorized designee, or as otherwise indicated in this title.

“Dock” shall mean a floating or fixed platform used as a landing place for marine transport or for recreational purposes and attached to the shore or a fixed pier by a loosely coupled ramp.

“Domestic water system” means any system providing a supply of potable water which is deemed adequate pursuant to RCW 19.27.097 for the intended use of the development.

“Downtown marquee” shall mean the marquee located at the 700 and 800 blocks of Bay Street and adjacent streets and was constructed with funds from LID No. 65.

“Drip line” of a tree means an imaginary line on the ground created by the vertical projection of the foliage at its greatest circumference.

“Dwelling unit” shall mean one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities, lavatory, and closet, and rooms with internal accessibility, for use solely by the dwelling’s occupant, including but not limited to bachelor, efficiency, and studio apartments, and modular and manufactured homes.

“Easement” shall mean a right granted by the owner of land to another party for specific limited use of that land.

“Electric scooters and motorcycles” means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

“Electric vehicle charging station – Restricted” means an electric vehicle charging station that is: (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking); or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle charging station – Public” means an electric vehicle charging station that is: (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking); or (2) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Enhancement” means actions performed to improve the condition of an existing degraded critical area (e.g., wetlands or streams) such that the functions or values are of a higher quality; provided, that this activity does not significantly degrade another existing function or value.

“Equipment – Heavy” shall mean high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to:

- (1) Carryalls;
- (2) Graders;
- (3) Loading and unloading devices;

- (4) Cranes;
- (5) Drag lines;
- (6) Trench diggers;
- (7) Tractors;
- (8) Augers;
- (9) Bulldozers;
- (10) Concrete mixers and conveyers;
- (11) Harvesters;
- (12) Combines; or
- (13) Other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

“Equipment – Light” shall mean such construction machinery as chainsaws, wheelbarrows, posthole diggers and all handheld tools.

“Erosion” means the process whereby the land surface is worn away by the action of water, wind, ice or other geologic agents, by processes such as gravitational creep or events such as landslides caused by natural or manmade impacts.

“Escrow” means a deposit of cash with the City or escrow agent, pursuant to a written agreement, in order to secure the promise to perform some act.

“Evergreen” shall mean a plant species with foliage that persists and remains green year-round.

“Examiner” see “hearing examiner.”

“External buffer” means a naturally vegetated area or vegetated area along the exterior boundaries of an entire development processed in accordance with a subdivision application which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

“Facade” shall mean the entire building front or street wall face, including grade, to the top of the parapet or eaves and the entire width of the building elevation.

“Family” shall mean any number of persons related by blood, marriage or legal adoption and including foster children and exchange students living together as a single housekeeping unit. “Family” also means the following when living together as a single, not-for-profit housekeeping unit:

- (1) A group of not more than four related and unrelated adults and their related minor children, but not to exceed a total of eight related and unrelated persons; or
- (2) Not more than eight disabled persons, whether adults or minors, living together in a consensual residential living arrangement, but not to exceed a total of eight persons; or
- (3) State licensed adult family homes as defined by RCW 70.128.010; or
- (4) State licensed foster family homes and group care facilities as defined in RCW 74.15.020.

For the purposes of this definition, an adult is a person eighteen years of age or older, and a minor child is a person under the age of eighteen years.

“Fee” or “filing fee” shall mean the fee for filing an application, as said fee is established annually by resolution of the city council. Unless otherwise indicated, all fees must be paid at the time the application is submitted to the city.

“Fence” shall mean a barrier for the purpose of enclosing space or separating lots, composed of: wood, metal or concrete posts connected by boards, rails, panels, wire, mesh, masonry, or concrete, excluding retaining walls.

“Financial commitment” means those sources of public or private funds or combinations thereof that have been identified as sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

“Final plat”: See “Plat – Final plat”.

“Floor – Ground” shall mean the ground floor of a building defined as the three-dimensional interior building space which sits immediately above the basement, crawl space, or floor slab and below the ceiling or joists supporting a roof or second floor and which is nearest in floor elevation to the lowest street elevation located adjacent to the parcel on which the building is located. This includes any loft space.

“Floor – Lowest” shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this code.

“Floor – Second” shall mean the second floor defined as the three-dimensional interior building space which sits above the ground floor and which is not a loft.

“Forest land” shall mean land devoted primarily to growing and harvesting forest and timber products and designated as a forest production district.

“Forest Practice” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, or removing forest biomass, including but not limited to:

- (1) Activities in and over typed water;
- (2) Road and trail construction;
- (3) Harvesting, final and intermediate;
- (4) Precommercial thinning;
- (5) Reforestation;
- (6) Fertilization;
- (7) Prevention and suppression of diseases and insects;
- (8) Salvage of trees; and

(9) Brush control.

“Forest practice” shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

“Geologist” means a person who has a bachelor of science degree in geologic sciences from an accredited college or university and has a minimum of four years’ experience in soil or slope evaluation under the direct supervision of a practicing geologist or licensed geotechnical engineer.

“Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil engineer with the state of Washington, with professional training and experience in geotechnical engineering, including at least four years’ professional experience in evaluating geologically hazardous areas.

“Golf facility” shall mean a recreational facility, under public or private ownership, designed and developed for uses including, but not limited to:

- (1) A golf course;
- (2) Driving range;
- (3) Pro shops;
- (4) Caddyshack buildings;
- (5) Restaurants;
- (6) Office and meeting rooms; and
- (7) Related storage facilities.

“Grade Plane” shall mean a reference plane representing the average of the finished ground level adjoining the building at its exterior walls. Under conditions where the finished ground level slopes significantly away from the exterior walls, that reference plane is established by the lowest points of elevation of the finished surface of the ground within an area between the building and lot line, or where the lot line is more than 6 feet (1829 mm) from the building, between the building and a line 6 feet (1829 mm) from the building.”

“Grading” means any excavating, filling, grubbing, recontouring or removal of earth materials on the surface layer or any combination thereof.

“Grazing area” shall mean any open land area used to pasture livestock in which forage is maintained at an average height of three inches over 80 percent of the area.

“Ground cover” means any living plant material normally terrestrial, growing low to the ground, or other small trees less than four inches in Diameter Breast Height (DBH) and not defined as a tree, all of which are intended to stabilize soils and protect erosion.

“Group home: senior citizen assisted”: See “Dwelling unit – group: senior citizen assisted”.

“Growth Management Act – GMA” shall mean the Growth Management Act (GMA), Chapter 17, Law of 1990, First Extended Session, Chapter 36.70A RCW et seq., and Chapter 32 Laws of 1991, First Special Session, RCW 82.02.050 et seq., as now in existence or hereafter amended.

“Grubbing” means the removal of vegetative matter from underground, such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

“Hard surface” shall mean an impervious surface, a permeable pavement, or a vegetated roof.

“Healthy soil” shall mean soil that is of good quality with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.

“Hearing examiner” means a person appointed to hear or review certain land use decisions pursuant to Article XI, Section 11 of the Washington State Constitution, Chapters 35.63 and 58.17 RCW, and Chapter 2.76 POMC.

“High intensity non-residential use” shall mean manufacturing/industrial (POMC 20.36) land uses and any commercial or mixed use (POMC 20.35), civic or institutional (POMC 20.37.010), or public facilities (20.37.030) land use with over 120,000 square feet gross floor area.

“Hospital” shall mean an establishment primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services. A hospital has an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. Does not include convalescent homes.

“Impact” shall mean any additional demand and need for public facilities or services that is reasonably related to the proposed development.

“Impact fee” means the amount of money determined necessary by the city or the school district and imposed upon new development activity as a condition of development approval or permitting to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates the additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities and that is used for facilities that reasonably benefit the new development. “Impact fee” does not include a reasonable permit or application fee. (RCW 82.02.090(3)).

“Impervious surface” shall mean a non-vegetated or compacted surface area that either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or a non-vegetated or compacted surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt paving, paved walkways, patios, compacted gravel, driveways, parking lots and storage areas, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of surface water.

“Landscape architect” means an individual currently licensed by the State of Washington as a landscape architect.

“Landscaping is an area devoted to or developed and maintained predominantly with native or non-native plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as ornamental pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.”

“Landslide” shall mean episodic down-slope movement of a mass of soil or rock including snow avalanches.

“Level of service” means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.

“Livestock” shall mean grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding, and production, including but not limited to cattle, riding and draft horses, hogs, sheep, and goats.

“Loading space” shall mean a space for the temporary parking of a vehicle while loading or unloading cargo or passengers.

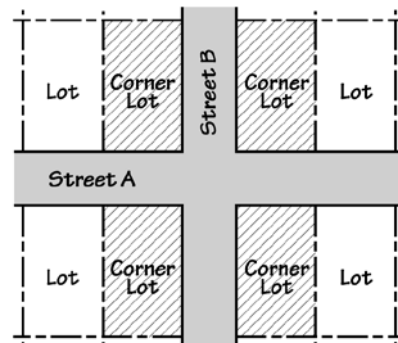
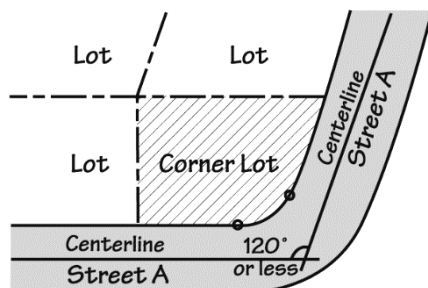
“Loft” shall mean an upper interior space of a building typically consisting of an open unpartitioned floor area that is accessible from the ground floor and that is below the second floor or roof.

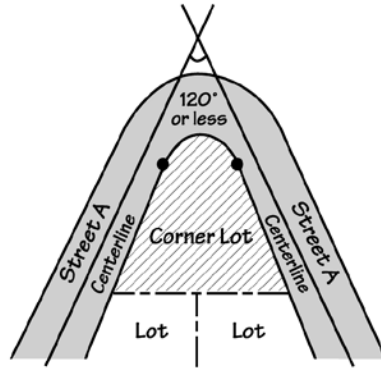
“Long Subdivision” See “Subdivision.”

“Lot” means a fractional part of legally divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. For purposes of this code, adjoining lots under common ownership, which were created without subdivision or short subdivision approval from applicable city or county governments, shall be considered as one lot and subject to the regulations contained herein. The terms of this section shall apply regardless of whether the individual adjoining lot meets current zoning requirements.

“Lot – Corner lot” means a lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figures below.

Corner Lots





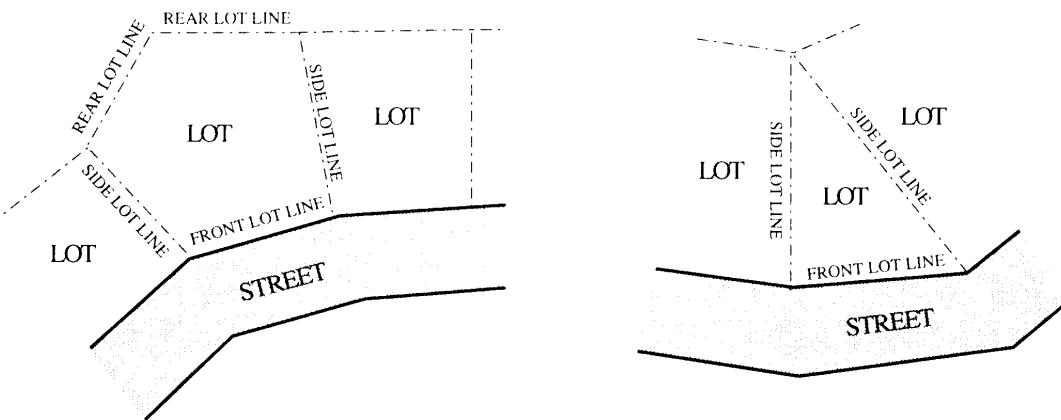
“Flag lot” means an irregular lot with two distinct parts:

- (1) The flag, which is the only building site; and is located behind another lot; and
- (2) The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

“Lot – Interior lot” means a lot that has frontage on one street only.

“Lot – Irregular lot” means one which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line, or a flag lot.

Lot Lines on Irregular Lots



“Lot – Through” shall mean a lot having frontage on two parallel or approximately parallel streets.

“Lot area – Minimum” shall mean the minimum or smallest amount of total lot area in a single ownership, expressed in square feet, necessary to satisfy the physical development standards defined in this code.

“Lot lines” shall mean:

- (1) “Lot front line” means that lot line at which vehicular access is off of a public right-of-way, private street, access easement or tract;
- (2) “Lot rear line” means a lot line which is opposite and most distant from the lot front line. For the purpose of establishing the lot rear line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:
 - (a) For a triangular- or gore-shaped lot, a line 10 feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the lot rear line;
 - (b) In the case of a trapezoidal lot, the rear line of which is not parallel to the front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;
- (3) “Lot side line” means any lot boundary line that is not a lot front line or a lot rear line.

“Lot line – Interior” shall mean lot lines that delineate property boundaries along those portions of the property which do not abut a street.

“Lot line interior – Zero” shall mean the elimination of one side setback so that a side building line can be constructed on the lot line. Zero lot lines must be designated on a plat.

“Low impact development” means a stormwater and land management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low impact development best management practices” means distributed stormwater management practices integrated into a project design that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

“Low impact development principles” means land management strategies that emphasize conservation, use of onsite natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

“Low intensity non-residential use” shall mean a small scale commercial or mixed use (POMC 20.35), civic or institutional (POMC 20.37.010), or public facilities (20.37.030) land use which does not have outdoor storage along the site edge requiring a landscape buffer per POMC 20.128.070, and which has less than 25,000 square feet gross floor area.

“Manufactured home”: See “Dwelling unit – manufactured home”.

“Marijuana” has the meaning established pursuant to RCW 69.50.101, as currently adopted and hereafter amended.

“Marijuana business” or “marijuana businesses” means and incorporates all marijuana uses licensed by the Washington State Liquor and Cannabis Board, including, but not limited to, marijuana producers,

marijuana processors, marijuana retailers, and marijuana retail outlets, each as separately defined herein.

“Marijuana infused products” has the meaning established pursuant to RCW 69.50.101, as currently adopted and hereafter amended.

“Marijuana processor” has the meaning established pursuant to RCW 69.50.101, as currently adopted and hereafter amended.

“Marijuana producer” has the meaning established pursuant to RCW 69.50.101, as currently adopted and hereafter amended.

“Marijuana retail outlet” has the meaning established pursuant to RCW 69.50.101, as currently adopted and hereafter amended, and shall also include marijuana retailers with a medical marijuana endorsement, as defined herein.

“Marijuana retailer” has the meaning established pursuant to RCW 69.50.101, as currently adopted and hereafter amended.

“Marijuana retailer with a medical marijuana endorsement” has the meaning established pursuant to RCW 69.51A.010, as currently adopted and hereafter amended.

“Marquee”: See “Downtown Marquee”.

“Material error” shall mean substantive information upon which a permit decision is based that is submitted in error or is omitted at the time of permit application.

“Maximum Lot Coverage” shall mean the maximum percentage in area of a lot that may have a hard surface constructed thereon.

“May” shall mean optional and permissive, and does not impose a requirement.

“Medical marijuana cooperative” means a cooperative established and registered with the Washington State Liquor and Cannabis Board pursuant to 69.51A RCW, and that may produce and process marijuana for the medical use of its members pursuant to the regulations under RCW 69.51A.250, as currently adopted and hereafter amended.

“Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in [49 CFR 571.500](#).

“Metes and bounds” means a description of real property which starts at a known point of beginning and describes the bearings and distances of the lines forming the boundaries of the property, and is completed when the description returns to the point of beginning.

“Mid-block connection” means a thoroughfare connecting two sides of a residential block, usually located near the middle of said block and intended for pedestrian and bicycle use.

“Mitigation” or “mitigate” shall mean any action which avoids any negative or adverse impact, or which ameliorates any such impact.

“Mobile Home”: See “Dwelling unit – mobile home”.

“Mobile home – Park” shall mean a tract of land developed with individual sites and facilities to accommodate two or more mobile homes.

“Model home” means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.

“Moderate intensity non-residential use” shall mean any commercial or mixed use (POMC 20.35), civic or institutional (POMC 20.37.010), or public facilities (20.37.030) land use featuring at least 25,000 square feet gross floor area or featuring outdoor storage along the site edge requiring a landscape buffer per POMC 20.128.070.

“Modification – Major” shall mean a major alteration of a site plan shall include any one of the following:

- (1) Any enlargement of proposed building(s).
- (2) Any site relocation of proposed building(s).
- (3) Any change in exterior design.
- (4) Any modification that creates new traffic circulation patterns.

“Modular home”: See “Dwelling unit – modular home”.

“Must” shall mean the same meaning as “shall” herein, and is mandatory and imposes a requirement.

“Native vegetation” shall mean plant species that are indigenous and naturalized to the city’s region and which can be expected to naturally occur on a site. Native vegetation does not include noxious weeds.

“Neighborhood electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR 571.500.

“New evidence” shall mean any and all evidence that is submitted or received after the date the examiner, or city council as the case may be, closes the official record. The official record is closed at the end of the hearing, unless the examiner specifically allows the official record to remain open for a time certain.

“Nonelectric vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

“Noxious weed” shall mean any plant which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices (see Chapter 17.10 RCW). The state noxious weed list in Chapter 16-750 WAC is the officially adopted list of noxious weeds by the noxious weed control board and recognized by Port Orchard.

“Official file” shall mean:

- (1) All materials accepted by the examiner, or the city council as the case may be, for purposes of the hearing, or created during the hearing, including but not limited to:
 - (a) All application materials submitted by the applicant;
 - (b) The staff report for the hearing;
 - (c) All written comments received by the city prior to the hearing, or received into the official record during the hearing;
 - (d) The list of persons who signed in to the public hearing indicating a desire to testify, or who wish to be notified of a decision or recommendation on the matter;
 - (e) The electronic recording of the hearing on the matter, or a transcript of the electronic hearing on the matter, certified under oath to be a transcript of the electronic recording of the hearing on the matter;
 - (f) The recommendation or decision of the examiner.
- (2) If a decision of the examiner is appealed to the council, the following will also be included in the official file:
 - (a) The letter or notice of appeal;
 - (b) The staff report on the appeal;
 - (c) Any legal motions, briefs or other written appeal documents submitted by a party of record.
- (3) If the decision of the council is appealed to superior court, the following will also be included in the official file:
 - (a) The electronic recording of the appeal to council and minutes of the same, or a transcript of the electronic hearing on the matter, certified under oath to be a true and correct transcript of the electronic recording of the hearing on the appeal;
 - (b) The decision of the council.

“Official plans” shall mean the comprehensive plan, these development regulations, and other documents adopted by the city council of the city of Port Orchard.

“Official record” shall mean the written and oral information, exhibits, reports, testimony and other evidence submitted in a timely manner and accepted by the examiner, or the city council, if applicable. An electronic recording or transcript certified as a true and correct transcript of an electronic recording of the hearing is a part of the official record.

“Off-site” means any premises not located within the area of the property proposed for a development or use activity, whether or not in the common ownership of the applicant.

“Open record hearing” means a hearing, conducted by a single hearing body or officer authorized by the City to conduct such hearings, that creates the City’s record through testimony and submission of evidence and information, under procedures prescribed by the hearing body or officer.

“Open space” means a portion of land excluding building sites and parking areas which is designated and maintained as an area for leisure, recreation and other activities normally carried on outdoors. Open space may include greenbelt and recreational areas.

“Ordinances” shall mean legislative enactments of a city or county.

“Owner” means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property, if the contract is recorded. (RCW 82.02.090(4).)

“Parapet” shall mean that portion of a building wall which extends above the roof of the building.

“Park” shall mean a site designed or developed for recreational use by the public including, but not limited to: indoor facilities, such as gymnasiums, swimming pools, or activity centers; and outdoor facilities, such as playfields, courts, playgrounds, fishing and boating access areas, or picnicking and other group activity areas, and areas and trails for hikers, equestrians, or bicyclists.

“Parking lot aisle” shall mean that portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited.

“Parking space” shall mean an area accessible to vehicles, improved, maintained, and used for the sole purpose of parking a motor vehicle.

“Parking space – Off-street” shall mean a space on private property with access to a public street or alley used to park a motor vehicle.

“Party” or “party of record” shall mean the applicant, the property owner of the property for which a land use application has been filed, and any person who has submitted written comments or testified as part of the official record of a land use action.

“Pavement width” means the actual paved surface measured from edge to edge of streets or alley road surface.

“Peak hour” shall mean the hour during the morning or afternoon when the most critical level of service occurs for a particular roadway or intersection.

“Permit” or “Project permit” means any land use or environmental permit or license required from the City, including, but not limited to: building permits, land disturbing activity permits, subdivisions, binding site plans, conditional use permits, variances, shoreline substantial development permits, site development permits, temporary use permits, permits or approvals required by critical areas regulations, and site-specific rezones.

“Permit – Temporary use” shall mean a permit to allow a use for a limited duration and/or frequency.

“Person” means any individual, organization, society, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, governmental agency, public or private utility, cooperative, interstate body or other legal entity.

“Pervious surface” means a surface material that allows stormwater to infiltrate into the ground. Examples include, but are not limited to, lawn, landscape, pasture, native vegetation area, and permeable pavements.

“Place of worship” shall mean a place where religious services are conducted, and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy

“Planning commission” shall mean the City of Port Orchard, Washington planning commission.

“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

“Plat – Final plat” is the final drawing of the subdivision and dedication prepared for filing of record with the County auditor, and containing all elements and requirements set forth in chapter 58.17 RCW and chapter 20.90 of this Title.

“Plat – Long plat” shall mean the map or representation of a long subdivision, showing thereon the subdivision of a tract or parcel of land with lots, blocks, streets, and alleys or other subdivisions, easements and dedications as authorized by Chapter 58.17 RCW and in Title 20 Subtitle V.

“Plat – Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision of five (5) or more lots.

“Plat – Short plat” means the map or representation of a short subdivision.

“Plat certificate” means a title report by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of the land being subdivided.

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that: (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

“Port Orchard” shall mean the city of Port Orchard, Washington.

“Preliminary plat”: See “Plat – Preliminary Plat”.

“Private” shall mean solely or primarily for the use of residents or occupants of the premises, e.g., a noncommercial garage used solely by residents or their guests is a private garage.

“Private street” means a privately owned right-of-way which provides access for up to ten (10) residential units and meets the requirements of the City’s Public Works Standards.

“Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the city council shall be considered a project improvement. (RCW 82.02.090(5)).

“Project permit” or “project permit application” shall mean any land use or environmental approval required from the city for a project action, including but not limited to building permits, subdivisions, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by POMC Title 20, critical areas and natural resources, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment

of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this land use regulatory code.

“Property owner”: See “Owner”.

“Protected area” shall mean all land where no construction activity, tree removal, vegetation removal, or soil compaction is allowed and includes the critical root zone of those trees to be preserved.

“Pruning” means cutting back of limbs larger than one and one-half inches in diameter.

“Public agency” shall mean any agency, political subdivision, or unit of local government of this state including but not limited to municipal corporations, special purpose districts, counties, and local service districts; any agency of the state of Washington, the United States or any state thereof; or any Indian tribe recognized as such by the federal government.

“Public agency yard” shall mean a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

“Public facilities” means facilities which are owned, operated and maintained by a public agency.

“Public right-of- way” means any road, alley, street, avenue, arterial, bridge, highway, or other publicly owned ground or place used or reserved for the free passage of vehicular and/or pedestrian traffic or other services, including utilities.

“Public Street”: See “Public Right of Way”.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Reasonable use” shall mean “reasonable use” as defined by the most recent applicable state or federal court decision.

“Recreational vehicle (RV)” shall mean a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to: travel trailer, folding camping trailer, park trailer, truck camper, motor home, and multi-use vehicle.

“Recreational vehicle parks” shall mean the use of land upon which two or more recreational vehicle sites, including hookup facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes.

“Recyclable material” shall mean a nontoxic, recoverable substance that can be reprocessed for the manufacture of new products.

“Regional utility corridor” shall mean a right-of-way tract or easement which contains transmission lines or pipelines for utility companies, excluding distribution lines contained within street rights-of-way or lines serving individual lots or developments.

“Reserve strip” means a strip of land dedicated or created in fee for the purpose of controlling the access to streets or other public rights-of-way from adjoining property.

“Resident” shall mean a person who occupies a residential dwelling within the city of Port Orchard on an ongoing and continual basis, and who actually lives within the home, as distinguished from a visitor or transient.

“Restoration” shall mean the actions to return a stream, wetland or other critical area to a state in which its stability, functions, and values approach its unaltered state as closely as possible.

“Retention facilities” shall mean drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all such drainage facilities designed so that none of the runoff entering the facility will be discharged as surface water. Retention facilities shall include all appurtenances associated with their designed function, maintenance, and security.

“Right-of-way” or “ROW” means a strip of land platted, dedicated, condemned or established by prescription, or otherwise legally established, for the use of pedestrians, vehicles or utilities.

“Sale or lease” means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

“Sanitary sewer systems” means all facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment, or discharge of any water borne waste, whether domestic in origin or a combination of domestic, commercial or industrial waste.

“School district” means South Kitsap School District No. 402.

“Seasonal decoration” shall mean temporary decorations for holidays which do not fall under the definition of a sign. Decorations, which fall under the definition of a sign, must conform to all provisions of the sign code.

“Senior” shall mean a person aged 55 or older.

“School” shall mean an institution primarily for academic instruction, public, private or parochial, and accredited by the state Department of Education.

“School bus base” shall mean an establishment for the storage, dispatch, repair, and maintenance of coaches and other vehicles of a school transit system.

“School district support facility” shall mean uses (excluding schools and bus bases) that are required for the operation of a school district including centralized kitchens, and maintenance or storage facilities.

Schools, elementary and middle/junior high” shall mean public institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the state of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums, and athletic facilities.

“Sensitive Area” see “Critical Area.”

“SEPA responsible official” shall mean the development director, or such other person as the development director has designated in writing to serve as the SEPA responsible official.

“Setback” means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line as described in a particular section of this Title. See section 20.40.020 for additional information.

“Shall” shall have the same meaning as “must” herein, and is mandatory and imposes a requirement.

“Shoreline jurisdiction” shall mean the area extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplains areas landward 200 feet for such floodways, and all wetlands associated with streams, lakes and tidal waters.

“Shoreline master program” shall mean the shoreline master program for the city of Port Orchard, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020.

“Short plat”: See “Plat – Short Plat”.

“Short subdivision” means the division or re-division of land into four (4) or fewer lots, tracts, parcels or divisions for the purpose of sale or lease.

“Should” shall mean strongly advisable, unless the context clearly indicates otherwise.

“Site area – Minimum” shall mean the minimum or smallest amount of total site area in a single ownership expressed in acres necessary to support development consistent with the zoning district provisions of this code.

“Soil amendments” shall mean materials added to soil to improve its physical or chemical properties. Unlike fertilizers, the exact ingredients and chemical composition of soil amendments vary among different sources. Examples could include compost, lime, gypsum, and clay. Soil amendments can be used to improve the permeability and water retention characteristics of soil.

“Specified sexual activities” shall mean human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast; peep shows, topless dancing, and nude dancing.

“State” shall mean the state of Washington.

“Stream” See Chapter 90.58 RCW.

“Street” including the words “Avenue,” “Boulevard,” “Circle,” “Court,” “Drive,” “Lane,” “Loop,” “Parkway,” “Place,” “Road,” “Spur,” “Terrace,” “Way” shall mean:

(1) Any public way, either unimproved or improved, which affords the principal means of access to abutting properties. A street width shall be considered the distance between its right-of-way lines.

(2) A public or recorded private thoroughfare providing the main pedestrian and vehicular access through neighborhoods and communities and to abutting property.

“Street block” means a group of lots or properties on the same side of a street between two street intersections or a street intersection and a dead end.

“Street frontage” shall mean the portion of a lot property line that abuts a public right-of-way. “Street standards” means the requirements contained in the standard drawings and documents specified by the city engineer as the City’s adopted Street Standards.

“Street standards” shall mean the “Engineering Standards and Specifications” for streets as adopted by the Port Orchard City Council.

“Structure” shall mean anything permanently constructed, walled, and roofed including a gas or liquid storage tank that is principally in or on the ground, or over the water, excluding fences less than six feet.

“Subdivider” means any person, firm or corporation who subdivides or develops any land deemed to be a subdivision.

“Subdivision” means the division or re-division of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease, or transfer of ownership, and includes all re-subdivision of land.

“Substantial development or improvement” shall mean:

(1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(2) The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

“Survey monument” or “monument” means the physical structure, along with any references or accessories thereto, used to mark the location of a land boundary survey corner, geodetic control point, or local control point.

“Surveyor” means a registered professional land surveyor licensed to practice surveying in the State of Washington.

“System improvements” means public facilities that are included in the city’s capital facilities plan and are designed to provide service to areas within the city and community at large, in contrast to project or on-site improvements. (RCW 82.02.090(9).)

“Testamentary” shall mean given or bequeathed by a will.

“Trails” shall mean manmade pathways designed and intended for use by nonmotorized transportation modes including walking, biking, horseback riding, and/or recreational uses.

“Tract” means a nonbuildable or buildable unit of land created by a subdivision, short subdivision, deed, or other instrument recorded with the appropriate county recorder. Tracts are usually held in common by the owners of an organization, such as a homeowners’ association, for common benefit and are not in every instance, required to meet minimum lot size and dimensional requirements of the applicable zone.

“Transportation facilities” includes capital facilities related to air, water or land transportation.

“Transportation level of service standards” means a measure which describes the operational condition of the travel stream and acceptable adequacy requirements, as identified in the City’s comprehensive plan (as required by RCW 36.70A.070(6)(b)).

“Transportation system management (TSM)” shall mean low cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride-sharing measures to decrease single-occupancy vehicle trips.

“Tree” means any woody plant characterized by one main stem or trunk and many branches, or multi-stemmed trunks which have a diameter individually or cumulatively of four inches DBH or larger.

“Tree enhancement plan” means a plan prepared by a certified arborist, licensed landscape architect, or certified forester and required of all commercial or industrial properties greater than two acres in size when any tree removal or tree clearing takes place. The tree enhancement plan shall combine tree preservation of existing trees to the extent feasible along with tree replacement and replanting equal to at least 15 percent of the number of significant trees existing on the site prior to any tree removal. The tree enhancement plan shall incorporate trees in as many areas as feasible such as tree tracts, boundary trees, perimeter landscaping, parking lot landscaping, street and driveway trees, facade landscaping, or other viable stands of trees, considering the type of commercial or industrial development.

“Tree inventory” means a detailed list of all trees of four inches DBH or larger, located on a site for which a tree permit is required, and which is prepared by a certified arborist, licensed landscape architect, certified forester, or other qualified tree professional. A tree inventory shall be included on a site plan drawn to scale, and provide the number, size, approximate height, specific location, and tree

species of all trees of four inches DBH or larger, with a summary of all significant trees in sufficient detail for the City to review.

“Tree owner” means the owner of the real property where 51 percent or more of the diameter of the trunk of the tree at ground level is located.

“Tree topping” means as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

“Tree, vegetation and soil protection area” means a separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soil and the preservation or planting of existing and/or native vegetation and trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered TVSPA if they currently or are improved to an extent where they can support healthy soils and the growth of native vegetation and trees. The purpose of these areas for preserving healthy soils, preserving and/or planting native vegetation and trees is stated on the face of the plat when applicable.

“Ultimate roadway section” shall mean a designation that the maximum roadway or intersection capacity has been reached and further right-of-way acquisition and/or improvements are not feasible to increase peak hour vehicle capacity.

“Understory” shall mean the low layer of plants forming an underbrush or underwood.

“Use – Principal” shall mean the primary use for a lot, structure, or building or the major portion thereof, as designated or actually used “Use – Secondary” shall mean an incidental or accessory use for which a lot, structure or building is designated or employed in conjunction with, but not subordinate to, its primary use.

“Utilities” or “public utilities” means enterprises or facilities serving the public by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of natural gas, electricity, telecommunications services and water, and for the disposal of sewage.

“Vacation rental” shall mean a self-contained single-family residence including condominiums, apartments and detached residences that may be rented by groups or individuals. Not to be confused with hotels/motels or bed and breakfast facilities.

“Vegetation” means any and all organic plant life growing at, below or above the soil surface.

“Wall frontage” shall mean the length of an outside building wall on a public right-of-way.

“Wall plane” shall mean the flat vertical surface on a building facade, which may include doors, windows, openings, or other incidental recessions that do not extend through to the roofline.

“Wastewater treatment facility” shall mean a plant for collection, decontamination, and disposal of sewage, including residential, industrial, and agricultural liquid wastes, and including any physical

improvement within the scope of the definition of “water pollution control facility” set forth in WAC 173-90-015(4) as amended.

“Waterwise plant” shall mean a plant that requires regular water while being established. However, once established, it will need less water than most traditional plants, but will not necessarily withstand periods of drought.

“Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.