



CITY OF PORT ORCHARD
Planning Commission

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PLANNING COMMISSION MEETING AGENDA

Tuesday, September 3, 2019
Council Chambers, 3rd Floor of City Hall

- 1. Call to Order: 6:00 p.m.**
Pledge of allegiance
- 2. Welcome – Planning Commissioner Phil King**
- 3. Audience Comments – Not on the Agenda**
Please limit comments to **3 minutes**.
- 4. Business Items**
 - (a) Public Hearing: Amendments to Chapter 20.212 (Dangerous and Unfit Buildings)
 - (b) Discussion/Recommendation: Amendments to Chapter 20.212 (Dangerous and Unfit Buildings)
 - (c) Discussion/Recommendation (contd. from June): Sexually Violent Predator Housing Permanent Ordinance
 - (d) Discussion/Recommendation (contd from June): Tree Canopy/Significant Trees Code
 - (e) Discussion: Title 20 “Housekeeping” Amendments
 - (f) Volunteer Opportunity - Parks Plan Update Selection Committee
- 5. Approval of Minutes from June 4, 2019**
- 6. Adjourn**

The public is invited to speak and give testimony on any item under discussion by the Planning Commission. Please sign in prior to speaking, walk to the podium, and after receiving recognition by the Chairman, state your name, address and purpose for appearing. Please use the microphone for all of your testimony or comments.



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

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

PLANNING COMMISSION STAFF REPORT

Agenda Item No:	4a/4b	Meeting Date:	September 3, 2019
Subject:	Dangerous and Unfit Dwellings, Buildings, and Structures	Prepared by:	Nick Bond, Development Director

Issue: POMC Chapter 20.212, Dangerous and Unfit Dwellings, Buildings, and Structures, designates the Board of Building Appeals (BBA) as the administrative hearing body to hear appeals of orders issued by the “Officer” (Community Development Director).

The BBA is a body of subject-matter experts established by the Building Code to “hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of” the Building Code. The board is made up of local professionals in building and related trades, serving on the board without compensation.

Unlike construction-related issues, orders under Chapter 20.212 typically involve dilapidation, neglect, or abandonment of structures; nuisance conditions and activity; illegal occupancy; health, fire, and safety hazards; substandard, unpermitted construction; and, related issues such as garbage accumulations and nuisance vehicles and vegetation. Such orders, and resulting appeals, typically have little to do with interpretation or application of the Building Code. It is not within the original intent of the BBA to hear such appeals.

The City’s Municipal Court judge has agreed to serve as an administrative hearings officer for Chapter 20.212 appeals. This requires a change in the code to replace the Board with a Hearing Officer. Other changes are proposed to eliminate confusion between Officer and Hearing Officer, and to clarify appeal procedures, what actions are and aren’t stayed during appeal, service and enforcement of Hearing Officer decisions, what costs are recoverable, authority to modify provisions of issued orders, and an unclear sentence regarding emergency actions.

The Planning Commission is requested to consider the proposed changes, hold a public hearing, advise staff of any concerns or suggested revisions, and provide a recommendation to the City Council.

Recommended Motion: “I move that the Planning Commission recommend that the City Council adopt the updated POMC Chapter 20.212 as submitted.”

Attachment: Draft revised Chapter 20.212, Dangerous and Unfit Dwellings, Buildings, and Structures.

Chapter 20.212

DANGEROUS AND UNFIT DWELLINGS, BUILDINGS, AND STRUCTURES

Sections:

- 20.212.010 Purpose – Findings.
- 20.212.020 Definitions.
- 20.212.030 Authority and liability.
- 20.212.040 Criteria for unfit or dangerous buildings or structures.
- 20.212.050 Inspection and complaint.
- 20.212.060 Findings and order.
- 20.212.070 Standards for demolition or repair.
- 20.212.080 Appeals.
- 20.212.090 Enforcement of order.
- 20.212.100 Emergency measures.
- 20.212.110 Sale or disposal of materials and contents.
- 20.212.120 Recovery of expenses.
- 20.212.130 Permits, regulations and workmanship.
- 20.212.140 Remedies not exclusive.
- 20.212.150 Public nuisance.
- 20.212.160 Violations.
- 20.212.170 Penalties and other relief.

20.212.010 Purpose – Findings.

The city council finds that there are within the city of Port Orchard dwellings, buildings, structures, and premises or portions thereof, which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, structure or premises, the occupants of neighboring dwellings, or other residents of the city, or which are otherwise unfit for human habitation, occupancy, or other uses, due to: dilapidation; disrepair; structural defects; unpermitted and substandard construction or modification; lack of maintenance; abandonment or neglect; filth and other conditions attracting insects or vermin or likely to spread disease; defects increasing the risks and hazards of fire, accidents, or other calamities; inadequate ventilation and uncleanliness; inadequate light or sanitary facilities; inadequate drainage; overcrowding; violations of various building, health, and safety regulations; and, other conditions which are inimical to the health and welfare of the residents of the city.

Such dwellings, buildings, structures, and premises are dangerous to occupants, threaten the public health, safety, and welfare, attract and harbor vagrants and criminals, offend public values, lower the value of neighboring properties, contribute to neighborhood or community deterioration, and hamper community and economic development.

When the owners or other persons in possession or control of such properties are unwilling or unable to correct such conditions in a proper and timely manner, it is in the interest of the community and of the occupants of such places for the city to intervene and vacate, secure, correct, repair, or remove such buildings, structures, and conditions, and to pursue all legal means to recover from such persons and/or properties the costs of doing so, including the costs of staff salaries and benefits, materials, contractors, and all other legally recoverable costs and expenses.

20.212.020 Definitions.

For the purposes of this chapter, certain words shall have the meanings as defined in this section.

Words, terms, or phrases not defined in this section shall be as defined in the building code, other codes

of this jurisdiction, or their commonly accepted meanings. Words used in the singular include the plural. Words in masculine gender include the feminine and in the feminine gender include the masculine.

(1) “Abandoned” or “apparently abandoned” shall mean any dwelling, building, structure or premises that is so neglected, or other characteristics exist, as to support a reasonable conclusion that it is vacant – except as may be temporarily occupied by vagrants – and not cared for by any owner, tenant, or other party.

(2) “Abate” shall mean to remove, repair, correct, put an end to, secure from entry, or otherwise eliminate or diminish the intensity of, any dangerous or unfit dwelling, building, structure, or premises or portion thereof, or any condition causing a dwelling, building, structure, or premises to be dangerous or unfit.

~~(3) “Board of appeals” or “board” shall mean the board of building appeals as established under the building code.~~

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

(54) “Building code” shall mean the International Building and Residential Codes, and their referenced codes and standards, and other codes related to the construction, occupancy, and use of buildings and structures, as adopted and amended by Chapter 20.200 POMC or as subsequently amended.

~~(5) “Director” shall mean the Director of the Department of Community Development or Public Works and his/her designee(s).~~

~~(6) “Hearing Officer” shall mean the person designated by the City of Port Orchard to hear appeals of the findings and order issued by the Director, in accordance with POMC 20.212.080.~~

~~(6) “Officer” shall mean and include the mayor and his/her designee(s).~~

(7) “Owner” shall mean the owner or taxpayer shown in the records of the Kitsap County assessor, recorded with the Kitsap County auditor, or as otherwise known to the city of Port Orchard, and shall include any manager, agent, or other representative of the owner, or other person with responsibility for or control over the dwelling, building, structure or premises.

(8) “Person” shall mean and include any individual, business, corporation, organization, or entity.

(9) “Structure” shall mean or include that which is built or constructed or a portion thereof, including but not limited to buildings and such nonhabitable structures as walls, fences, towers, shafts, signs, and other constructed objects, whether temporary or permanent. For the purposes of this chapter, the terms “building” and “structure” may be used interchangeably, and both terms include dwellings and other premises and portions thereof.

20.212.030 Authority and liability.

(1) The ~~officer~~Director is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. These powers shall include the

following, in addition to others granted in this chapter: (a) to determine which dwellings, buildings, structures, or premises or portions thereof are dangerous or unfit for human habitation or other use; (b) to administer oaths and affirmations, examine witnesses, and receive evidence; (c) to investigate and inspect dwellings, buildings, structures and premises and other property conditions in the city, and to enter into and upon such for the purpose of making examinations when the ~~offieer~~Director has reasonable ground for believing they are dangerous or unfit for human habitation or other use; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted, or to otherwise inspect or observe the building or structure in any lawful manner that does not constitute an unlawful trespass or violate a reasonable expectation of privacy; (d) to direct any utility provider to temporarily or permanently suspend or terminate service to any building or structure deemed dangerous or unfit under this chapter, and to authorize the reconnection or resumption of service once the conditions necessitating such action have been corrected to the satisfaction of the ~~offieer~~Director; (e) to hire or otherwise receive assistance from such other experts, inspectors, individuals, contractors, agencies, or others as may be appropriate to conduct or assist with such inspections and actions or to provide reports or other information or resources the ~~offieer~~Director may consider in evaluating such buildings/structures or use in enforcing the provisions of this code; (f) to expend public funds to abate such conditions; and (g) to cause such funds to be recovered by legal means including but not limited to filing liens against the properties upon which such buildings or structures have been abated.

(2) The ~~offieer~~Director or designee, ~~member of the board of building appeals~~Hearing Officer, or employee charged with the enforcement of this chapter, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and ~~is-are~~ hereby relieved from personal liability for any damage or loss accruing to persons or property as a result of, or by reason of, any act or omission in the discharge of official duties.

(3) Any action, suit, or criminal proceeding instituted against the ~~offieer~~Director or designee, ~~member of the board of building appeals~~Hearing Officer, or city employee, because of an act performed or an omission made by that ~~offieer~~Director or designee, ~~board member~~Hearing Officer, or employee in the lawful discharge of duties under the provisions of this chapter shall be defended by legal representatives of the jurisdiction until the final termination of the action, suit, or proceeding. The ~~offieer~~Director or designee, ~~board member~~Hearing Officer, or employee shall not be liable for the costs of any action, suit, or proceeding that is instituted relating to the provisions of this chapter.

20.212.040 Criteria for unfit or dangerous buildings or structures.

The ~~offieer~~Director may determine that a building or structure is dangerous or unfit for occupancy or other use if he/she finds that conditions exist in such building or structure that are dangerous or injurious to the health, safety, or welfare of the occupants of such structure, the occupants of neighboring structures, or other residents of the city, or is otherwise not safe or fit for the use for which it was designed or intended, or for other appropriate and legal use. Such conditions may include the following, without limitations:

(1) Any door, aisle, passageway, stairway, or other means of exit is too narrow or small, or other factors or conditions exist, so as to be unsafe or to hinder safe exit in case of panic, fire, or other emergency.

- (2) The walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or other factors or conditions exist, so as to be unsafe or to not provide safe and adequate means of exit in case of panic, fire, or other emergency.
- (3) The stress in any materials, member, or portion thereof, due to dead and live loads, is more than one and one-half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location.
- (4) Any portion has been damaged by fire, earthquake, wind, flood, deterioration, neglect, or any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such damage or deterioration and is less than the minimum requirements of the building code for new buildings of similar structure, purpose, or location.
- (5) Any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons, damage property, or render other portions of the structure or premises unsafe or unfit to occupy.
- (6) Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the building code for such buildings.
- (7) Any portion thereof is wracked, warped, buckled, settled, deteriorated, or other conditions exist, such that walls or other structural portions have materially less resistance to wind, earthquakes, snow, or other loads, than is required in the case of similar new construction.
- (8) The building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay, or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
- (9) For any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used or is designed and intended to be used.
- (10) The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall within the middle one-third of the base.
- (11) The building, structure, or premises is damaged by fire, wind, earthquake, flood, or any other cause, has become dilapidated, deteriorated, or neglected, or is abandoned or apparently abandoned, so as to:
 - (a) be an attractive nuisance dangerous to children;
 - (b) attract and/or provide harborage for vagrants, criminals, or immoral persons;
 - (c) enable persons to resort thereto and engage in unlawful, immoral, or dangerous activities, or activities constituting a public nuisance.
- (12) The building or structure has been constructed, exists, or is maintained, occupied, or used in violation of any specific requirement or prohibition applicable to such building or structure provided by the building code or any other law of the state or ordinance of the city relating to the condition, location, structure, occupancy, or use of buildings.

- (13) The building or structure, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member, or portion less than 50 percent – or in any supporting part, member, or portion less than 66 percent – of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law for newly constructed buildings of like area, height, and occupancy in the same location.
- (14) Because of neglect, dilapidation, decay, damage, or faulty construction; inadequate light, ventilation, or sanitation facilities; infestation of rodents, roaches, wood-destroying organisms, or other vectors of disease; filth or accumulation of garbage; or, for any other reason, the building, structure, or premises is unsanitary, unfit for human habitation, occupancy, or use, or in a condition that is likely to cause sickness or disease.
- (15) Because of obsolescence, deterioration, damage, lack of sufficient or proper fire-resistive construction or fire-protection systems, faulty electric wiring or components, gas connections, or mechanical systems, or for any other cause, the building, structure, or premises is determined by the fire authority to be a fire hazard.
- (16) Electrical, plumbing, mechanical, ventilation, or other equipment or systems, or portions thereof, due to damage, deterioration, improper installation or use, or any other cause, are unsafe, unable to perform their required or designed function, or contributing or likely to contribute to deterioration or unsafe conditions of other portions of the structure.
- (17) Roofing, siding, vents, or other protective components, systems, or materials are damaged, deteriorated, improperly installed, or for any other reason not functioning properly to prevent the intrusion or retention of moisture into interior components or materials not designed or intended for exposure to moisture.
- (18) Vents, cracks, or other exterior openings are not properly covered or otherwise treated to prevent the entrance of insects, birds, rodents, or other animals.
- (19) Foundations, footings, and related supporting components are damaged, settled, or otherwise deteriorated, or not properly constructed, anchored, installed, or supported, as to provide the required support, stability, or protection against the elements.
- (20) Any portion of a structure remaining on a site after the demolition or destruction of the structure or any structure abandoned or apparently abandoned so as to constitute such structure or portion thereof an attractive nuisance or hazard to the public.
- (21) The building or structure is in such a condition as to constitute a public nuisance.
- (22) Any vehicle, shipping container, tent, mechanical equipment, or other object, used as a dwelling/sleeping unit, storage structure/building, or other structure or occupancy, or component thereof, except as specifically designed and intended for such use, converted to such use in compliance with all applicable regulations, or otherwise approved for such use, and used in accordance with such design or approval.
- (23) Any other condition the building official or other official or expert determines that renders the building or structure unsafe or unfit for habitation, occupancy, or other appropriate and legal use.

20.212.050 Inspection and complaint.

~~If, after a preliminary investigation of any dwelling, building, structure, or premises, the officer finds that it is dangerous or unfit for human habitation, occupancy, or other appropriate and legal use, he or she shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Kitsap County auditor, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, structure, or premises is dangerous or unfit. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the officer in the exercise of reasonable diligence, and the officer makes an affidavit to that effect, then the serving of such complaint upon such persons may be made by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building or structure involved in the proceedings and mailing a copy of the complaint by first class mail to any address of each such person in the records of the Kitsap County assessor or auditor. Such complaint shall contain a notice that a hearing will be held before the officer, at a place therein fixed, not less than 10 days nor more than 30 days after the serving of the complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the officer. A copy of such complaint shall also be filed with the Kitsap County auditor and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law.~~
If, after a preliminary investigation of any dwelling, building, structure, or premises, the Director finds that it is dangerous or unfit for human habitation, occupancy, or other appropriate and legal use, he or she shall issue a complaint stating in what respects such dwelling, building, structure, or premises is dangerous or unfit. Such complaint shall contain a notice that a hearing will be held before the Director, at a place therein fixed, not less than 10 days nor more than 30 days after the serving of the complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Director.

The complaint shall be served either personally or by certified mail with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Kitsap County auditor, and shall be posted in a conspicuous place on such property. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Director in the exercise of reasonable diligence, and the Director makes an affidavit to that effect, then the complaint may be served upon such persons by mailing a copy by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building or structure involved in the proceedings, and mailing a copy by first class mail to any address of each such person in the records of the Kitsap County assessor or auditor. A copy of the complaint shall also be filed with the Kitsap County auditor and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law.

20.212.060 Findings and order.

If the ~~officer~~Director determines that the dwelling, building, structure, or premises is dangerous or unfit for human habitation, occupancy, or use, in accordance with this chapter, he/she shall state in writing his/her findings of fact in support of such determination, and shall issue ~~and cause to be served upon the owner or party in interest thereof, as provided in POMC 20.212.050, and shall post in a conspicuous place on the property,~~ an order that: (1) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises, or otherwise remove or correct the violating condition(s), so as to eliminate the threat and/or nuisance to the occupants and/or community and render it fit for human habitation, occupancy, or other appropriate or legal use, and/or to vacate and close the dwelling, building, structure, or premises, if such course of

action is deemed proper on the basis of the standards set forth in POMC 20.212.040; or (2) requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper on the basis of those standards.

The findings and order shall be served and posted in the same manner as prescribed in POMC 20.212.050. If no appeal is filed, the order shall be final and a copy of the order shall be filed with the Kitsap County auditor.

20.212.070 Standards for demolition or repair.

(1) In ordering the required course of action to be taken by the owner to abate the unfit or dangerous building or structure, the ~~officer~~Director may order the building or structure or a portion thereof demolished and not repaired under any of the following circumstances:

- (a) The estimated cost to repair the building or structure or portion thereof is more than 50 percent of the ~~replacement value or~~ appraised or estimated replacement value of the structure;
- (b) The building or structure, exclusive of the foundation, has damage or deterioration to 33 percent or more of its supporting ~~member or~~ members, or 50 percent of its nonsupporting members, enclosing or outside walls or coverings.

(2) In estimating the replacement value of a building or structure, the ~~officer~~Director shall use the square foot cost estimating method set forth in the “Residential Cost Handbook,” Marshall and Swift, latest available edition, or a cost estimating method or publication that the ~~officer~~Director deems comparable.

(3) Appraised value of a structure shall be as determined by a professional real estate appraiser within one year of the date of the order.

(4) In estimating the cost of repairs, the ~~officer~~Director shall apply the following standards:

- (a) All repair costs shall be based on estimates calculated from the Marshall and Swift’s “Residential Cost Handbook,” latest available edition, or a cost estimating publication that the ~~officer~~Director deems comparable;
- (b) Repair estimates shall assume that all work will comply with the requirements of all applicable current codes;
- (c) If the extent of damage to a portion of a building or structure cannot be ascertained from visual inspection, the ~~officer~~Director shall assume that the relative extent of damage or deterioration identified in the observable portion of the building exists in the unobserved portions; and
- (d) Cost estimates for replacing or repairing the building, structure or portion thereof shall include the same type and quality of materials as originally used in the structure, unless different materials are required by current building, mechanical, electrical, plumbing, energy, fire, or other codes. If the building or structure is so damaged that the original materials cannot be determined, repair costs shall be estimated using the materials identified under the applicable building quality classification in the square foot cost estimating method in the “Residential Cost Handbook” by Marshall and Swift.

20.212.080 Appeals.

(1) In accordance with RCW 35.80.030(1(g)), as now written or hereafter amended, within 30 days from the date of service upon the owner or any party in interest, and posting of the findings and order~~decision~~ issued under POMC 20.212.060, the owner or any party in interest may file a notice of appeal with the city clerk for a hearing before the Hearing Officer~~board of building appeals~~. ~~The rules for hearings before the board shall be those specified in the building code and as established by the board. In addition to the rules and procedures of the board, all matters under this chapter shall be resolved by the board within 60 days from the date of filing therewith and a transcript of the findings of fact of the board shall be made available to the owner or other party in interest upon demand. The findings and orders of the board shall be reported in the same manner and shall bear the same legal consequences as if issued by the officer.~~

(2) The notice of appeal shall:

(a) Be in writing and state clearly and concisely the specific objections to order issued by the Director~~the building official's order~~;

(b) State the ownership or other interest that each appellant has in the building, premises, or portion thereof involved in the order~~order of the building official~~;

(c) State briefly the remedy sought; and

(d) Include the signatures of all appellants and their mailing addresses.

(3) Upon application for an appeal, enforcement of the order is suspended until the resolution of the appeal, except that emergency measures and orders shall not be suspended.

(4) The City shall establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the Hearing Officer, including but not limited to the following:

(a) The Hearing Officer must resolve all matters submitted to him/her within 60 days from the date of filing;

(b) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Hearing Officer; and

(c) A transcript of the Hearing Officer's findings of fact shall be made available to the owner or other party in interest upon demand.

(5) The decision of the Hearing Officer shall be served and posted in the same manner as prescribed in POMC 20.212.050. and shall be enforceable as provided herein.

~~(36)~~ In accordance with RCW 35.80.030(2), as now written or hereafter amended, any person affected by a decision~~an order~~ issued by the board~~Hearing Officer~~ pursuant to subsection (1) of this section may, within 30 days after the posting and service of the decision~~order~~, petition to the superior court for an injunction restraining the officer~~Director~~ from carrying out the provisions of the decision~~order~~. In all such proceedings the court is authorized to affirm, reverse, or modify the decision~~order~~ and such trial

shall be heard de novo. Absent such a timely petition for injunction, the decision of the ~~board~~Hearing Officer shall be final.

20.212.090 Enforcement of order.

(1) If the owner(s) or parties in interest, following exhaustion of their rights to appeal, fail to comply with the final order or decision to secure, repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises or portion thereof, or otherwise remove or correct the violating condition, the ~~officer~~Director may direct or cause such dwelling, building, structure, or premises or portion thereof to be repaired, altered, improved, vacated and closed, removed, or demolished, or such other action as is necessary to remove or correct the violating condition.

(2) In working with an owner or other responsible party who has not appealed the ~~officer~~Director's order and is working toward compliance, the ~~officer~~Director may grant additional time and/or alternative methods for achieving compliance from those initially ordered by the ~~officer~~Director. Such accommodations shall be in writing and signed by both parties, and shall be based on reasonable plans, progress, and/or assurances by the owner or responsible party, or circumstances outside of their control, and upon reasonable interim measures implemented to protect the health, safety, and welfare of the public and/or occupants of the building. Issuance of any permit for work related to the conditions addressed herein may be conditioned on such written agreement. Such accommodations and permit(s) shall be conditioned upon the continued satisfactory performance of the owner or responsible party and may be revoked by the ~~officer~~Director upon lack of such satisfactory performance. The granting or revocation of such accommodations/agreements shall not be subject to appeal.

(3) Any owner or responsible party who has appealed to the ~~board of building appeals~~Hearing Officer must petition the ~~board~~Hearing Officer for any subsequent modification of the time, method, materials, or other provisions of the order issued by the ~~board~~Hearing Officer, unless the ~~board~~Hearing Officer has delegated such authority to the ~~officer~~Director. If such authority has been delegated, the Director, at his or her discretion, may consult with or defer any such decision back to the Hearing Officer.

(4) Any owner or responsible party must petition to the superior court for any subsequent modification of the time, method, materials, or other provisions of any order issued by the court, unless the court has delegated such authority to the ~~officer~~Director or ~~board~~Hearing Officer. If such authority has been delegated, the Director or Hearing Officer, at their discretion, may consult with or defer any such decision back to the superior court.

20.212.100 Emergency measures.

Whenever the ~~officer~~Director finds that any building, structure, premises, or portion thereof, is an imminent hazard to the public, the building occupants, or surrounding buildings or properties, he/she may, without notice and order, take immediate action to vacate, stabilize, secure from entry, or otherwise protect the occupants, public, and surrounding properties or buildings from the hazard. Such action may include closing and vacating sidewalks, streets, and surrounding properties and buildings. ~~or demolish or restore the hazard to a condition of stability and safety and/or take whatever action necessary to barricade or prevent occupants or the public from any dangerous conditions.~~ The ~~officer~~Director shall, within five working days following completion of such work ~~to remove the imminent hazard~~or action, issue a complaint pursuant to this chapter. Any city funds spent in responding to the emergency shall be included in costs recoverable under this chapter.

Any notice posted by the ~~officer~~Director, declaring a building, structure, or premises unsafe or unfit to

enter or occupy may only be removed by the ~~officer~~Director or designee, or with the express approval of the ~~officer~~Director or designee. Any person who removes, alters, defaces, covers, or otherwise renders such notice ineffective, without such express approval, shall be guilty of a misdemeanor.

20.212.110 Sale or disposal of materials and contents.

If the dwelling, building, structure, or premises ~~or portion thereof~~ is removed or demolished by the city, the ~~officer~~Director shall, if possible, sell the materials of the dwelling, building, structure, or premises, and shall credit the proceeds of such sale against the cost of the removal or demolition and, if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the ~~officer~~Director, after deducting the costs incident thereto.

The determination of whether or not it is possible to sell the materials shall be based on factors such as, but not limited to: the type, nature, and condition of the materials; whether or not they can reasonably be removed and separated for sale; and the costs involved in attempting to sell the materials. The salability of the materials may be determined by the ~~officer~~Director based on experience, or in consultation with such contractors or experts as deemed appropriate.

The procedures for selling the materials shall be based on the type and quantity of materials involved. Such procedures may include, but not be limited to: listing in local, Internet, or other forums or publications; request for bids for purchase and removal; public auction; and, recycling by abatement contractor.

20.212.120 Recovery of expenses.

(1) The amount of the cost of such repairs, alterations or improvements; ~~or, vacating and closing; or,~~ removal or demolition, or other action to remove or correct the violation(s) and/or protect the occupants, public, and/or neighboring buildings and properties, taken or caused to be done by the ~~officer~~Director, shall be assessed against the real property upon which such cost was incurred, unless such amount is previously paid. Such costs shall include all reasonable expenses, including, but not limited to, the costs of consultants and contractors, legal counsel, staff time, court fees, materials and equipment, incidentals, mailing, publishing, and recording notices. Pursuant to RCW 35.80.030(1)(h), the amount of such costs shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

(2) For purposes of this section, the cost of vacating and closing shall include (a) the amount of relocation assistance payments that a property owner has not repaid to the city of Port Orchard or other local government entity that has advanced relocation assistance payments to tenants under RCW 59.18.085; and (b) all penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085; ~~and (c) all other reasonable expenses, including, but not limited to, the costs of staff time, materials, incidentals, mailing, publishing, and recording notices.~~

(3) Upon certification to him/her by the ~~officer~~Director, of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020 for delinquent taxes, and when collected to be deposited to the credit of the general fund of the city.

20.212.130 Permits, regulations and workmanship.

All repairs, improvements, maintenance, or other work performed in relation to any enforcement under this code shall be performed and completed by the owner, contractor, or other person in interest in a workmanlike manner and in compliance with all permitting and other requirements of all applicable codes and regulations. The owner or other person in interest shall be responsible for identifying and complying with all applicable codes and regulations.

20.212.140 Remedies not exclusive.

(1) This section does not abrogate or impair the powers of the courts or of any department of the city to enforce any other of its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(2) This section does not impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

20.212.150 Public nuisance.

Any structure or premises subject to complaint or order under this chapter is also a public nuisance.

20.212.160 Violations.

(1) In addition or alternative to any other provisions of this chapter, any person who violates or fails to comply with any of the provisions of this chapter, or who violates or fails to comply with any lawful notice or order made hereunder, shall for each and every such violation and noncompliance respectively be subject to the penalties and provisions specified in POMC 20.212.170.

(2) Each day in which a violation occurs or is allowed to continue shall constitute a separate offense and may be punished as such.

20.212.170 Penalties and other relief.

(1) Civil Penalty. In addition or alternative to any other penalty provided herein or by law, any violation of, or failure to comply with, any provision of this chapter or any lawful order issued hereunder, shall constitute a civil infraction subject to a penalty in the amount of \$250.00, not including statutory penalties, per violation.

(2) Criminal Penalty. In addition or alternative to any other penalty provided herein or by law, any violation of, or failure to comply with, any provision of this chapter or any lawful order issued hereunder, shall constitute a misdemeanor, punishable by a fine of not more than \$1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

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PLANNING COMMISSION STAFF REPORT

Agenda Item No: 4c	Meeting Date: September 3, 2019
Sexually Violent Predator	Nick Bond, Development
Subject: Housing	Prepared by: Director

Issue: On April 9, 2019, the City Council adopted an emergency interim zoning ordinance to provide regulations for the siting and development of secured residential facilities for sexually violent predators (“Secured High Risk Social Service Facilities”). The Planning Commission held a public hearing on a draft permanent ordinance on June 4, 2019. After discussion, the Commissioners requested that staff provide more information on several questions at the next meeting, after consultation with the City Attorney. Staff has provided information from the City Attorney in an attached email.

Recommendation: The Planning Commission is asked to recommend approval of the draft permanent ordinance for the siting and development of secured residential facilities for sexually violent predators to the City Council, as presented.

Suggested Motion: “I move that the Planning Commission recommend approval of the draft permanent ordinance for the siting and development of development of secured residential facilities for sexually violent predators to the City Council, as presented.”

Attachments: Ordinance No. 015-19; Draft Permanent Ordinance; Email from City Attorney Sharon Cates

Hi Keri,

This is to follow up on your questions, below, and on the questions posed by the Planning Commission regarding certain sections of the draft permanent SVP housing ordinance (which you relayed to me by phone last Friday). First, the Planning Commission's questions relate to the following two highlighted sections of the proposed POMC 20.39.122:

(2) Where indicated as a conditional use in the use table, Section 20.39.040, a secured high risk social services facility is required to obtain a conditional use permit per Chapter 20.50. In addition to the criteria for approval in Section 20.50.050, the hearing examiner must also make the following findings in order to issue the conditional use permit:

...

(b) The city shall provide community notification to all landowners within a half-mile radius of the proposed secured high risk social services facility at least two (2) weeks prior to a neighborhood meeting. The project applicant shall cover all community notification costs.

...

(i) The secured high risk social services facility shall have backup power sufficient to energize the safety and security systems in the event of a power outage.

With regard to Section 2(b), above, the Planning Commission wondered whether there was any reason that there was a "half-mile" radius for notification to landowners, rather than another range, such as 2 miles. There is no particular reason — the half-mile distance is what was chosen for the Kitsap County Code, so it was included as a reasonable distance in the City's interim ordinance. However, this can be established as any distance that is determined to be reasonable. I would propose that the distance chosen take into account both public safety (those citizens most likely to be affected) and the cost to the City to provide notice.

Please let me know if this doesn't fully answer your questions or if you'd like to discuss any of this.

Best regards, Sharon

ORDINANCE NO. [REDACTED]-19

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING CHAPTER 20.39 OF THE PORT ORCHARD MUNICIPAL CODE TO ADOPT REGULATIONS RELATED TO SOCIAL SERVICES FACILITIES; REPEALING INTERIM ORDINANCE NO. XX-19; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1990, Washington State passed a law, Chapter 71.09 RCW, to authorize the indefinite civil commitment of individuals found by a Superior Court to be a Sexually Violent Predator (SVP); and

WHEREAS, certain individuals that are civilly committed as SVPs have fulfilled their sentence, but have been found to suffer from a mental abnormality or personality disorder that makes the individual likely to reoffend if not confined in a secure facility; and

WHEREAS, in 1991, a federal district court civil rights lawsuit was filed alleging violations of the constitutional rights of individuals that were civilly committed under Washington law; and

WHEREAS, in 1994, the Federal District Court for Western Washington entered an order and injunction requiring the state to provide constitutionally adequate mental health treatment for individuals that have been civilly committed. The court also found that the lack of a less restrictive alternative (LRA) to total confinement limited an individual's opportunity to demonstrate their reduced risk and ordered the state to explore alternatives; and

WHEREAS, in 2007, the federal district court dismissed the injunction and closed the case after the state established two Secure Community Transition Facilities (SCTF) and amended state law, RCW 71.09.070, to require an annual review to determine if an SVP is eligible for placement in an LRA; and

WHEREAS, an LRA is a facility that provides court-ordered supervision, security, and treatment to individuals that have been civilly committed and conditionally released from a total confinement facility; and

WHEREAS, Washington State does not regulate the location or land use and life safety impacts of community based LRAs; and

WHEREAS, the City Council of the City of Port Orchard determined that current city regulations do not sufficiently define LRA facilities or mitigate their land use and life safety impacts to protect both the residents of potential LRA facilities within the city or the neighbors of such facilities; and

WHEREAS, the Growth Management Act (GMA), Chapter 36.70A RCW, provides that each jurisdiction's comprehensive land use plan and development regulations shall be subject to continuing review and evaluation; and

WHEREAS, the City Council adopted an interim zoning ordinance (Interim Ordinance No. XX-19) to protect public health and safety pursuant to RCW 36.70A.390; and

WHEREAS, on May 14, 2019, pursuant to RCW 36.70A.390, the City Council held a public hearing, which was within sixty (60) days of the adoption of Interim Ordinance No. XX-19; and

WHEREAS, the City Council took into account the oral testimony and written information provided at the public hearing, if any; and

WHEREAS, the City Council now desires to enact permanent regulations to protect public health and safety in a way that mitigates land use and life safety impacts without precluding the state-mandated placement of housing for persons that are civilly committed and conditionally released to a less restrictive alternative to total confinement; **NOW, THEREFORE**,

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

SECTION 1. Findings. The City Council adopts all of the "Whereas" sections of this Ordinance as findings in support of this Ordinance.

SECTION 2. Amendments to POMC 20.39.040 Use Table Adopted. Amendments to the Use Table set forth in Section 20.39.040 of the Port Orchard Municipal Code (POMC) are hereby permanently adopted as set forth in Attachment 1, attached hereto and incorporated herein by this reference.

SECTION 3. Amendments to POMC 20.39.120 Adopted. Amendments to the definition of "Social Services" set forth in POMC 20.39.120 are hereby permanently adopted as follows:

20.39.120 Social Services. Defined: A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons

or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs. Does not include facilities serving persons who have been civilly committed as Sexually Violent Predators (SVPs) and conditionally released to a less restrictive alternative (LRA) in accordance with Chapter 71.09 RCW. Such facilities are are addressed in POMC 20.39.122, below (“Secured High Risk Social Service Facilities”).

SECTION 4. New POMC Section 20.39.122 Adopted. A new POMC Section 20.39.122 is hereby permanently adopted as follows:

20.39.122. Secured High Risk Social Service Facilities. Secured high risk social service facilities are facilities serving one or more persons civilly committed as Sexually Violent Predators (SVPs) and conditionally released to a less restrictive alternative (LRA) in accordance with Chapter 71.09 RCW. An LRA is a facility that provides court-ordered supervision, security, and sex offender treatment services.

(1) Secured high risk social services facilities shall only be permitted in zones where permitted as a conditional use in the land use table in this chapter.

(2) Where indicated as a conditional use in the use table, Section 20.39.040, a secured high risk social services facility is required to obtain a conditional use permit per Chapter 20.50. In addition to the criteria for approval in Section 20.50.050, the hearing examiner must also make the following findings in order to issue the conditional use permit:

(a) The city shall hold a neighborhood meeting prior to a public hearing for the proposed secured high risk social services facility. The project applicant shall cover all meeting costs.

(b) The city shall provide community notification to all landowners within a half-mile radius of the proposed secured high risk social services facility at least two (2) weeks prior to a neighborhood meeting. The project applicant shall cover all community notification costs.

(c) The secured high risk social services facility shall not be located adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time the secured high risk social services facility is established.

(i) “Within the line of sight” means that it is possible to reasonably visually distinguish and recognize individuals.

(ii) “Risk potential activities and facilities” means an activity or facility that provides a higher incidence of risk to the public from persons

conditionally released to an LRA. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified during a public hearing. For the purposes of this section, "school bus stops" does not include bus stops established primarily for public transit.

(d) The secured high risk social services facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6).

(i) Distance shall be measured from all property lines of the social services facility and from all property lines of the facilities and grounds of a public or private school.

(e) The secured high risk social services facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents.

(f) Principal access to the secured high risk social services facility shall be from a city-maintained right-of-way.

(g) If a person's liberty is restricted or a person is not capable of self-preservation without physical assistance, the secured high risk social services facility shall be equipped with an automated fire sprinkler system as required by the building code.

(h) If windows/doors are required to be secured, the secured high risk social services facility shall have a system to automatically release locks, which shall be interlocked with the fire protection system.

(i) The secured high risk social services facility shall have backup power sufficient to energize the safety and security systems in the event of a power outage.

SECTION 5. Repeal of Interim Ordinance. Interim Ordinance No. XX-19 is hereby repealed in its entirety as of the effective date of this Ordinance.

SECTION 6. Severability. If any section, sentence, clause or phrase of this Ordinance or its application to any person or circumstance should be held to be invalid or unconstitutional 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 nor shall the application of the provision to other persons or circumstances be affected.

SECTION 7. Clerical/Typographical Error. Should this Ordinance, upon being enacted by the City Council of the City of Port Orchard during its deliberations on May 14, 2019 have anything inadvertently left out or in error upon publication, the explicit action of the City Council as discussed and passed shall prevail upon subsequent review and verification by the City Council.

SECTION 8. Effective Date. This Ordinance shall be in full force and effect five (5) days after posting and publication, as required by law. A summary of the Ordinance may be published in lieu of the entire Ordinance, as authorized by State 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 14th day of May, 2019.

Robert Putansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

SPONSOR

Sharon Cates, City Attorney

_____, Councilmember

PUBLISHED:
EFFECTIVE DATE:

ATTACHMENTS:
Attachment 1: Amended POMC 20.39.40 Use Table



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

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PLANNING COMMISSION STAFF REPORT

Agenda Item No:	<u>4(e)</u>	Meeting Date:	<u>September 3, 2019</u>
	<u>Title 20 "Housekeeping"</u>	Prepared by:	<u>Nick Bond, Development</u>
Subject:	<u>Amendments</u>		<u>Director</u>

Issue: In March 2019, the City Council adopted the new Title 20 Zoning Code and Zoning Map. Since that time, staff has kept track of a number of errors, inconsistencies and omissions that were overlooked when the code was adopted, which we wish to address in one "cleanup" or "housekeeping" ordinance. These proposed changes have been gathered into one document for Planning Commission review. The changes are listed in numerical order, in redline strikeout/underline format, with explanations at the head of each change.

Because of the number and length of the proposed changes presented in this document, this item is proposed for discussion only at this meeting. The changes will be provided in ordinance format for the October meeting, at which time the Planning Commission will be asked to hold a public hearing, continue its discussion, and provide a recommendation to City Council.

Attachments: Draft Tree Canopy Ordinance (POMC 20.129.050); Email from Nick Bond dated June 7, 2019

TITLE 20 POMC
PROPOSED “HOUSEKEEPING” CORRECTIONS – 2019
SHOWN AS RED STRIKEOUT/UNDERLINE PER SECTION
Explanations for changes are listed in *italic blue* before each change

We didn't have a definition of principal building, even though our zoning district regs in Subtitle III refer to it. The accessory building definition is repeated here from 20.32.010. The façade definition was supposed to have been updated to this when the 20.127 Design Standards chapter was adopted.

Chapter 20.12 Definitions

“Accessory building” means any building of which the form and use are subordinate in both purpose and size, incidental to and customarily associated with a principal permitted building and use located on the same lot. Also see section 20.39.010 and Article VII, Accessory Uses.

~~“Building facade” means 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.~~

“Facade” means the ~~entire building front or~~ street wall face of a building extending from the, including grade, of the building to the top of the parapet or eaves and the entire width of the building elevation.

“Principal building” means a building in which is conducted the main or primary use of the lot on which it is located. Generally, this use will be a principal permitted use as provided in section 20.39.010. It is possible for a lot to have more than one principal building and principal use.

This language has already been prepared and reviewed by the City Attorney as a long-standing requested update to address deficiencies in our application procedures and process regs.

Chapter 20.24

APPLICATION PROCEDURES

Sections:

- 20.24.010 Preapplication conference.
- 20.24.020 Master permit required.
- 20.24.030 Submission requirements.
- 20.24.040 Counter-completeness.
- 20.24.050 Technical completeness.
- 20.24.060 Required corrections.

- 20.24.070 Revisions.
- 20.24.080 Project review – Public notice.
- 20.24.090 Decision criteria.
- 20.24.100 Notice of decision.

20.24.010 Preapplication conference.

(1) The purpose of a preapplication conference is to discuss the nature of the proposed development; application and approval requirements, fees, review process, and schedule; and applicable policies and regulations. As appropriate, the director shall invite representatives of affected agencies, such as other city departments and special purpose districts, to attend any preapplication meeting. The preapplication conference may be recorded.

(2) Requests for scheduling a preapplication conference shall be submitted on forms provided by the city along with payment of the associated fee pursuant to the city's current fee schedule.

(3) Unless waived by the director, potential applicants or their designees are required to attend a preapplication conference with city staff for all Type II, Type III, and Type IV land use actions. This meeting requirement should be deemed waived in the event the director or director's designee is unavailable to meet within 30 calendar days of a request for such meeting. When a preapplication conference is required, the applicant shall meet with the director and any other staff members, as appropriate, to discuss the proposed development.

(4) Applicants may also request an optional preapplication conference if not otherwise required.

(5) Whether the preapplication conference is mandatory or requested by the applicant, the following information shall be provided to the city by the applicant at least 14 calendar days prior to the date of the preapplication conference:

- (a) Identification of the subject property;
- (b) Description of the type of planned development, including proposed uses, estimated density; and
- (c) Identification of any requests for deviation from code requirements.

(6) Failure of the director or any city staff member to provide any of the information required by this section shall not constitute a waiver of any of the standards, criteria, or requirements for the application. Any discussion at the preapplication conference is for the purpose of acquainting the applicant with the known requirements for an undefined proposal. As a result, the discussions shall not bind the city in any manner or prevent the city's future enforcement of all applicable codes, plans, and regulations.

20.24.020 Master permit required.

(1) A master permit application is required for all land use and development projects and shall be submitted in conjunction with the associated permit application(s) required for the project. The master permit application may not be submitted alone.

(2) The director shall establish and may revise at his/her discretion submittal requirements for the master permit application. At a minimum, the master permit application shall require the following:

- (a) Name and contact information of applicant;

- (b) Signature by the property owner or person having authorization to sign on behalf of the property owner;
 - (c) List of all project permit applications submitted with the master permit;
 - (d) List of any permits or decisions applicable to the project proposal that have been obtained prior to filing the application or that are pending before the city or any other governmental entity;
 - (e) Indication of whether review under the State Environmental Policy Act (SEPA) applies to the project, or if the project is categorically exempt, pursuant to Chapter 20.160 POMC; and
 - (f) Indication of whether stormwater drainage review applies to the project pursuant to Chapter 20.150 POMC.
- (3) For purposes of this subtitle, all references to an “application” refers to both the master permit and associated permit application(s).

20.24.030 Submission requirements.

- (1) The director shall establish and may revise at his/her discretion submittal requirements for each type of land use and development permit application required under this title. The submittal requirements shall be in the form of a counter-complete checklist. The requirements shall be made available to the public in a form that clearly explains what material must be submitted for an application to be considered complete, including type, size, detail, and number of copies for each item.
- (2) At a minimum, the following shall be completed and submitted by the applicant for all land use and development applications:
- (a) Master permit application form, pursuant to POMC 20.24.020;
 - (b) Appropriate application form, provided by the department, for each permit submitted with the master permit, including all required items stated therein;
 - (c) Payment of any and all applicable permit fees pursuant to this title and the city’s current fee schedule at the time of application;
 - (d) Environmental checklist (if not exempt from SEPA review pursuant to Chapter 20.160 POMC) and any requirements for SEPA review, when applicable; and
 - (e) Applicable signatures, stamps, or certifications, and attestation by written oath of applicant to the accuracy of all information submitted for an application.
 - (f) Requirements for related permits shall also be provided when applicable.
- (3) The director may require additional material when the director determines, after a determination of technical completeness pursuant to POMC 20.24.050, that such information is needed to adequately assess the proposed project.
- (4) When not required by law, submittal requirements may be waived by the director, in writing, only if the applicant can demonstrate that normally required information is not relevant to the proposed action and is not required to show that an application complies with applicable city codes and regulations.
- (5) The city’s acceptance of documents from an applicant using a counter-complete checklist is used only for purposes of documenting what was submitted by the applicant; it is not a technical review for completeness or compliance with state or local laws and regulations. See POMC 20.24.040 for the counter-complete review process. (Ord. 019-17 § 18 (Exh. 1)).

20.24.040 Counter-completeness.

- (1) Applications may either be brought in person to the city or applications may be mailed to the city for counter-complete review.
- (2) An application is counter-complete if the director finds that the application purports and appears to include the information required by the master permit application and associated permit application(s); provided, no effort shall be made to evaluate the substantive adequacy of the information in the application(s) in the counter-complete review process. No effort shall be made to determine ownership of land as part of the counter-complete review process.
- (3) The director shall make a counter-complete determination regarding an application brought in person to the city while the applicant is present. For applications mailed to the city, the counter-complete determination shall be made within two business days from the date of receipt. If the city does not provide a counter-complete determination for a mailed application, the application shall be deemed counter-complete as of the third day from receipt.
- (4) If the director decides the application is counter-complete, then the application may be submitted and the appropriate fee shall be paid by the applicant.
- (5) If the director decides the application is not counter-complete, then the city shall reject and return the application and identify in writing what is needed to make the application counter-complete.

20.24.050 Application review.

- (1) Within five (5) business days of determining an application as counter complete, the director shall transmit a copy of the application, or appropriate parts of the application, to each affected government agency and city department for review and comment to determine technical completeness of the application. The affected agencies and city departments shall have fifteen (15) calendar days from the date of the transmittal to comment on the application. The agency or city department is presumed to have no comment if comments are not received within this fifteen (15) calendar day period from application transmittal. The director shall grant an extension of time only if the application involves unusual circumstances, provided comments are received at least three (3) business days prior to the 28-day deadline for determining technical completeness.

20.24.~~050~~060 Technical completeness.

- (1) Within 28 calendar days of determining an application as counter-complete, the director shall determine whether an application is technically complete. A project permit application is technically complete for purposes of this section when it meets the submission requirements of this chapter as well as the submission requirements contained in other applicable sections of the code. This determination of technical completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be subsequently undertaken.
- (2) A determination of technical completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or at some later time. Such new information may be required to establish whether the proposal meets applicable city codes and regulations, whether additional environmental study is required, or, more generally, when there are substantial changes in the proposed action.

(3) The city may determine that a counter-complete application is not technically complete because the information submitted is not sufficient for further processing, is incomplete, or is factually incorrect. If the applicant receives a written determination from the city that an application is not technically complete, the applicant shall have up to 90 calendar days to submit the necessary information to the city. Within 14 calendar days after an applicant has submitted the requested additional information, the city shall determine whether the application is technically complete.

(4) If an applicant either refuses in writing to submit additional information or does not submit the required information within 90 calendar days, the application shall be terminated.

(5) If the director does not provide written notification that an application is technically incomplete within the 28-day period, the application shall be deemed technically complete for processing as of the twenty-ninth calendar day following the determination of counter-completeness.

20.24.070 Project Review - Public Notice.

(1) Within 10 business days of determining an application as technically complete, and before making a decision on the application, the director shall issue a notice of application as set forth in 20.25.010. The director shall grant an extension of time only if the application involves unusual circumstances.

(2) Except when a land use action is categorically exempt from SEPA, environmental review shall be conducted concurrently with review of other proposed land use actions requested by an applicant. When a proposed development requires more than one land use action, the applicant may request concurrent review of all proposed land use actions.

20.24.~~060080~~ Required corrections.

(1) Following a determination of technical completeness and the commencement of project review, the director may make a determination in writing that some information is incorrect or that additional information is required. The applicant shall have up to 90 calendar days to submit corrected/additional information.

(2) Within 14 calendar days of receiving corrected/additional information, the director shall determine whether the information, plans, or other review materials are now correct and sufficient for further review. If the city determines that the information submitted by the applicant is insufficient, or if additional information is required, the city shall notify the applicant of the deficiencies and the procedures of this section shall apply as if the city made a new request for information.

(3) If an applicant either refuses in writing to submit additional information or does not submit the required information within 90 calendar days, the application shall be canceled.

20.24.~~070090~~ Revisions.

(1) If, in the judgment of the director, the content of an application is so substantially revised by an applicant, either voluntarily or as corrections, that such revised proposal constitutes a substantially different proposal than that originally submitted, the director shall deem the revised proposal to be a new application.

(2) In reaching a decision whether a revision is substantial, the director shall consider the relative and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses, and the stage of review of the proposal. Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes.

(3) Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record.

(4) A determination that any revision is substantial shall result in the time periods mandated by the Regulatory Reform Act, Chapter 36.70B RCW, and set forth in this title to reset and start from the date at which the revised project application is determined to be technically complete.

(5) A revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of such technically complete substantial revision.

~~20.24.080 — Project review — Public notice.~~

~~(1) Within 10 business days of determining an application as technically complete, the director shall:~~

~~(a) Transmit a copy of the application, or appropriate parts of the application, to each affected government agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 business days to comment on the application. The agency or city department is presumed to have no comment if comments are not received within this 15-business-day period. The public works director shall grant an extension of time only if the application involves unusual circumstances.~~

~~(b) The public works director shall provide for public notice of application, as set forth in Chapter 20.25 POMC.~~

~~(2) Project review by the public works director and appropriate city staff shall identify specific project design and conditions relating to the character of the development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.~~

~~(3) The public notice and interagency communication set forth in this chapter shall include a statement regarding whether the project involves the construction, reconstruction, or resurfacing of any street, alley or other public place and whether a five-year street cut prohibition period, as outlined in POMC 12.04.020, will be in effect.~~

~~(4) Except when a land use action is categorically exempt from SEPA, environmental review shall be conducted concurrently with review of other proposed land use actions requested by an applicant. When a proposed development requires more than one land use action, the applicant may request concurrent review of all proposed land use actions.~~

20.24.~~090~~100 Decision criteria.

The criteria set forth below shall apply to all Type I through IV land use and development permit applications:

(1) Determination of Consistency. The applications are reviewed by the city to determine consistency between the proposed project and the applicable land use and development regulations and the comprehensive plan. A proposed project's consistency with the city's land use and development regulations shall be determined by consideration of:

- (a) The type of land use;
- (b) The level of development, such as units per acre or other measures of density;
- (c) Availability of infrastructure, including public facilities and services needed to serve the development; and
- (d) The character of the development, such as development standards.

(2) Upon review of an application, the decision-maker shall also determine whether the building and/or site design complies with the following provisions:

- (a) The comprehensive plan;
- (b) The applicable provisions of this title;
- (c) The Washington State Environmental Policy Act (SEPA), pursuant to Chapter 20.160 POMC, if not otherwise satisfied;
- (d) The city's public works design standards.

(3) Additional Review Criteria. Additional review criteria appear in each chapter or section of the POMC relating to the development regulations for an individual project permit application or other approval. All of the criteria in this section and the criteria relating to the individual application(s) must be satisfied in order for the city to make a determination of consistency and issue an approval.

(4) Limitations on Review. During project review, the city shall not reexamine alternatives to or hear appeals on the review requirements of this section except for issues of code interpretation.

(5) Burden of Proof. The burden of proof for demonstrating that the application is consistent with the applicable regulations is on the applicant.

20.24.~~100~~110 Notice of decision.

(1) Contents. The notice of decision issued by the director for Type I and II actions, and the findings of fact and conclusions of law issued by the hearing body on Type III and IV actions shall include the following, as a minimum:

- (a) A list of all project permits included in the decision, including all permits being reviewed through the consolidated review process;
- (b) Date and description of the decision;
- (c) Statement of any threshold determination made under SEPA (Chapter 43.21C RCW);
- (d) Procedures for an administrative appeal, if any;
- (e) Statement that the affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Kitsap County assessor;
- (f) Duration of the permit approval and a statement summarizing the permit expiration and extension procedures (if any); and
- (g) Statement that the complete project permit file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall list the place that the file

is available and the name and telephone number of the city representative to contact about reviewing the file.

(2) Persons Entitled to Receive Notice of Decision. A notice of decision, or the written findings of fact and conclusions, shall be provided to the applicant, to any person who submitted written comments on the application (other than a signed petition), to any person who testified at the hearing or any person who requested a copy of the decision, and to the Kitsap County assessor.

(3) For project permit applications, the city shall issue a notice of decision within 120 days of the issuance of the determination of technical completeness on the application, unless the applicant has agreed to a different deadline.

(4) In calculating the time periods for issuance of the notice of decision, the following periods shall be excluded:

(a) Any period during which the applicant has been requested by the director to correct plans, perform required studies, or provide additional required information. The period shall begin from the date the director notifies the applicant of the need for additional information, until the date the director determines that the additional information satisfies the request for information, or 14 calendar days after the date the additional information is provided to the city, whichever is earlier;

(b) If the director determines that the information submitted is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in POMC 20.24.060 for calculating the exclusion period shall apply;

(c) Any period during which an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW and Chapter 20.160 POMC;

(d) Any period for consideration and issuance of a decision for administrative appeals of project permits;

(e) Any extension of time mutually agreed to in writing by the director and the applicant.

(5) The time limits established in this section do not apply to applications that:

(a) Are not project permit applications (such as amendments to the comprehensive plan or a development regulation);

(b) Requires siting approval of an essential public facility;

(c) Are substantially revised by the applicant, in which case the time period shall start from the date that a determination of completeness for the revised application is issued by the director.

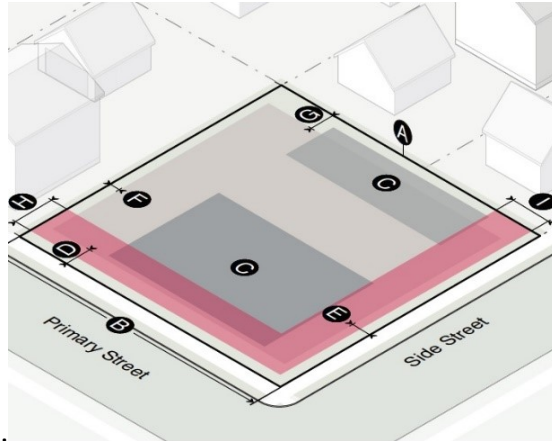
Addresses inconsistencies between 20.32 and 20.127 regarding maximum blank wall requirements.

Section 20.32.080 Fourplex.



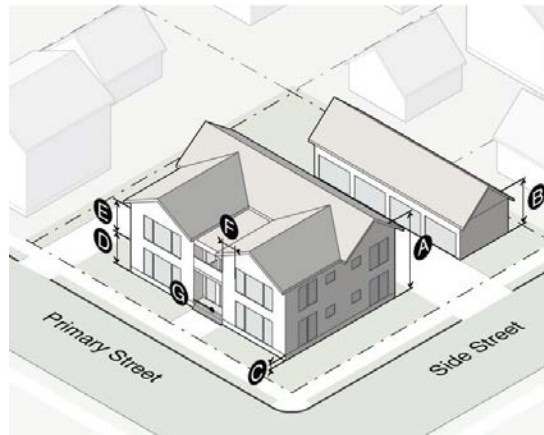
(1) Definition. A building type that accommodates three to four dwelling units vertically or horizontally integrated.

(2) Districts where allowed: R3, R4, R5, NMU.



(3) Lot and Placement.

- (a) Minimum lot area: 7,000 square feet.
- (b) Minimum lot width: 65 feet.
- (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: minimum three, maximum four.
- (5) Build-to Zone (BTZ).
- (a) Building facade in primary street BTZ: set by district.
- (b) Building facade in secondary street BTZ: set by district.



(6) Height and Form.

- (a) Maximum principal building height: three stories/35 feet.
- (b) Maximum accessory structure height: 24 feet.
- (c) Minimum ground floor elevation: two feet.
- (d) Minimum ground floor transparency: 20 percent.
- (e) Minimum upper floor transparency: 20 percent.
- (f) Maximum blank wall area: 1535 feet.
- (g) Pedestrian Access.

- (i) Entrance facing primary street: required.
- (h) Building Elements Allowed.
- (i) Awning/Canopy. See POMC 20.122.020.
- (ii) Balcony. See POMC 20.122.030.
- (iii) Porch. See POMC 20.122.060.
- (iv) Stoop. See POMC 20.122.070.
- (i) Parking Location.
- (i) Front/corner yard restrictions: Parking not allowed in front/corner yards.
- (ii) Garage Door Restrictions.

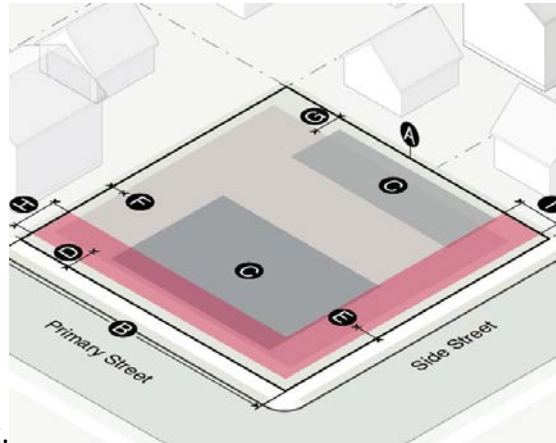
20.32.090 Townhouse.



(1) Definition. A building type that accommodates two or more dwelling units where each unit is separated vertically by a common side wall and located on its own lot. Units cannot be

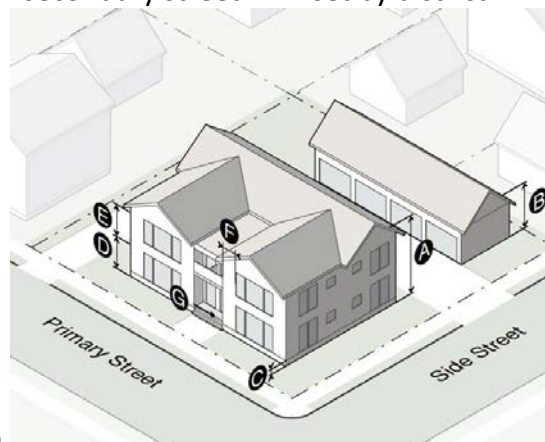
vertically mixed. A subdivision or short subdivision may be required to construct townhome units.

(2) Districts where allowed: R2 (three to four unit residential attached only), R3, R4, R5, RMU, CMU, GMU, BPMU.



(3) Lot and Placement.

- (a) Minimum site area: 5,000 square feet minimum.
 - (b) Minimum site width: 70 feet.
 - (c) Minimum lot area: set by district.
 - (d) Minimum lot width: set by district.
 - (e) Maximum lot coverage: set by district.
 - (f) Primary street setback: set by district.
 - (g) Side street setback: set by district.
 - (h) Side interior setback: set by district.
 - (i) Rear setback: set by district.
- (4) Dwellings allowed per site/lot: one minimum, no maximum.
- (5) Build-to Zone (BTZ).
- (a) Building facade in primary street BTZ: set by district.
 - (b) Building facade in secondary street BTZ: set by district.



(6) Height and Form.

- (a) Maximum principal building height: three stories/35 feet maximum.
- (b) Accessory structure: 24 feet maximum.
- (c) Minimum ground floor elevation: two feet minimum.
- (d) Unit width: 20 feet minimum.

- (e) Number of units permitted in a row: six maximum.
- (f) Transparency ground story: 20 percent minimum.
- (g) Transparency upper story: 20 percent minimum.
- (h) Blank wall area: 1535 feet maximum.
- (i) Pedestrian Access.
 - (i) Entrance facing primary street: required.
 - (j) Building Elements Allowed.
 - (i) Awning/Canopy. See POMC 20.122.020.
 - (ii) Balcony. See POMC 20.122.030.
 - (iii) Porch. See POMC 20.122.060.
 - (iv) Stoop. See POMC 20.122.070.
 - (k) Parking Location.
 - (i) Front/corner yard restrictions: not allowed in front/corner yards.
 - (ii) Garage Door Restrictions.

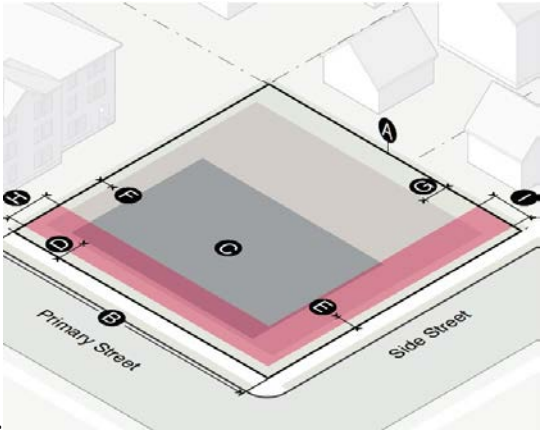
20.32.100 Apartment.





(1) Definition. A building type that accommodates five or more dwelling units vertically and horizontally integrated.

(2) Districts where allowed: R3, R4, R5, NMU, GMU, CMU.



(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: five minimum, no maximum.
- (5) Build-to Zone (BTZ).
- (a) Building facade in primary street BTZ: set by district.
 - (b) Building facade in secondary street BTZ: set by district.



(6) Height and Form.

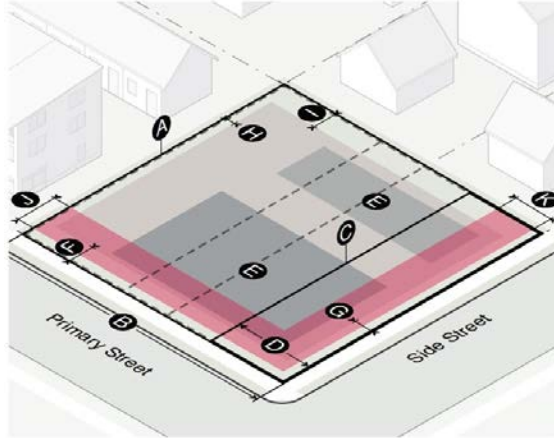
- (a) Maximum building and structure height: set by district.
- (b) Minimum ground floor elevation: two feet minimum.
- (c) Maximum building length:
- (d) Minimum ground story transparency: 20 percent.
- (e) Minimum upper story transparency: 20 percent.
- (f) Maximum blank wall area: ~~1535~~ feet.
- (g) Pedestrian Access.
 - (i) Entrance facing primary street: required.
 - (ii) Entrance spacing along primary street: 100 feet maximum.
- (h) Building Elements Allowed.
 - (i) Awning/Canopy. See POMC 20.122.020.
 - (ii) Balcony. See POMC 20.122.030.
 - (iii) Forecourt. See POMC 20.122.040.
 - (iv) Porch. See POMC 20.122.060.
 - (v) Stoop. See POMC 20.122.070.
- (i) Parking Location.
 - (i) Front/corner yard restrictions: not allowed.

20.32.110 Live-work.



(1) Definition. A building type that accommodates three 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.



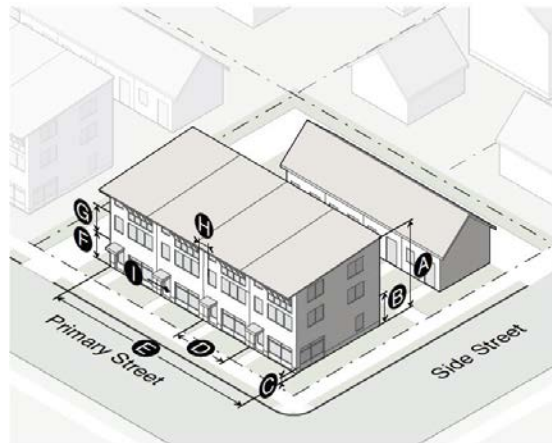
(3) Lot and Placement.

- (a) Minimum site area: 4,000 square feet.
- (b) Minimum site width: 55 feet.
- (c) Minimum lot size: set by district.
- (d) Minimum lot width: 16 feet minimum.
- (e) Maximum lot coverage: set by district.
- (f) Primary street setback: set by district.
- (g) Side street setback: set by district.
- (h) Side interior setback: set by district.
- (i) Rear setback: set by district.

(4) Units per lot: one minimum/no maximum.

(5) Build-to Zone (BTZ).

- (a) Building facade in primary street BTZ: set by district.
- (b) Building facade in secondary street BTZ: set by district.



(6) Height and Form.

- (a) Maximum building and structure height: three stories/35 feet.
- (b) Minimum ground story height: 12 feet.
- (c) Minimum ground floor elevation: two feet.
- (d) Unit width: 15 feet minimum/30 feet maximum.
- (e) Number of units permitted in a row: six.
- (f) Minimum ground story transparency: 20 percent.
- (g) Minimum upper story transparency: 20 percent.

- (h) Maximum blank wall area: ~~1535~~ feet.
- (i) Pedestrian Access.
- (i) Entrance facing primary street: required.
- (j) Building Elements Allowed.
- (i) Awning/Canopy. See POMC 20.122.020.
- (ii) Balcony. See POMC 20.122.030.
- (iii) Porch. See POMC 20.122.060.
- (iv) Stoop. See POMC 20.122.070.
- (k) Parking Location.
- (i) Front/Corner Yard Restrictions.
- (ii) Garage Door Restrictions.

Corrected to indicate that townhomes are each on their own lot. (If there are only two homes on separate lots, they would be attached houses and not townhomes.)

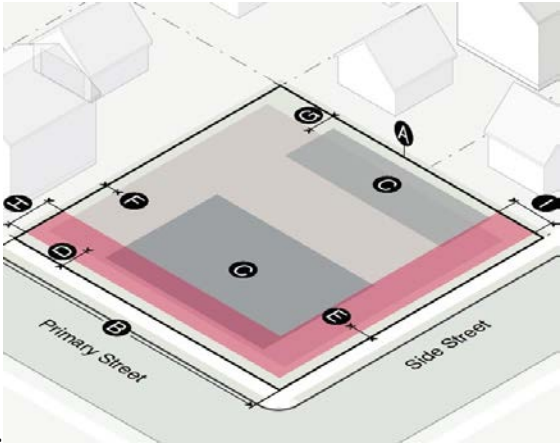
Section 20.32.090(1) Townhouse.





(1) Definition. A building type that accommodates ~~threetwo~~ or more dwelling units where each unit is separated vertically by a common side wall and located on its own lot. Units cannot be vertically mixed. A subdivision or short subdivision may be required to construct townhome units.

(2) Districts where allowed: R2 (three to four unit residential attached only), R3, R4, R5, RMU, CMU, GMU, BPMU.



(3) Lot and Placement.

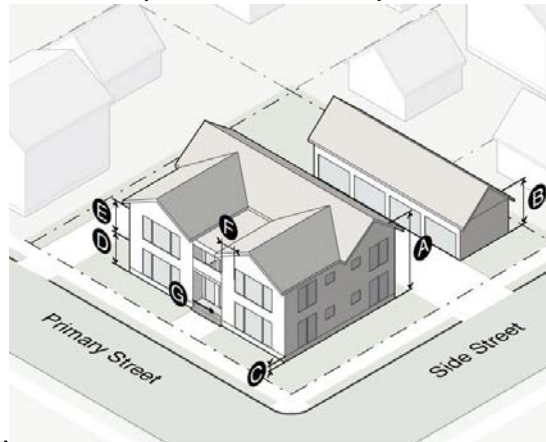
- (a) Minimum site area: 5,000 square feet minimum.
- (b) Minimum site width: 70 feet.
- (c) Minimum lot area: set by district.
- (d) Minimum lot width: set by district.
- (e) Maximum lot coverage: set by district.
- (f) Primary street setback: set by district.
- (g) Side street setback: set by district.
- (h) Side interior setback: set by district.
- (i) Rear setback: set by district.

(4) Dwellings allowed per ~~site~~/lot: one minimum, ~~one~~ maximum.

(5) Build-to Zone (BTZ).

- (a) Building facade in primary street BTZ: set by district.

(b) Building facade in secondary street BTZ: set by district.



(6) Height and Form.

(a) Maximum principal building height: three stories/35 feet maximum.

(b) Accessory structure: 24 feet maximum.

(c) Minimum ground floor elevation: two feet minimum.

(d) Unit width: 20 feet minimum.

(e) Number of units permitted in a row: six maximum.

(f) Transparency ground story: 20 percent minimum.

(g) Transparency upper story: 20 percent minimum.

(h) Blank wall area: 35 feet maximum.

(i) Pedestrian Access.

(i) Entrance facing primary street: required.

(j) Building Elements Allowed.

(i) Awning/Canopy. See POMC 20.122.020.

(ii) Balcony. See POMC 20.122.030.

(iii) Porch. See POMC 20.122.060.

(iv) Stoop. See POMC 20.122.070.

(k) Parking Location.

(i) Front/corner yard restrictions: not allowed in front/corner yards.

(ii) Garage Door Restrictions.

Corrects minimum lot size for R1 zone, except for cottage court developments.

Section 20.34.010 Residential 1 (R1).

(1) Intent. The R1 district is intended to accommodate single-family detached houses with a minimum lot size of ~~5,000~~^{1,200} to 6,000 square feet. Cottage court developments may have individual lots as small as 1,200 square feet, as indicated below. R1 may be applied in areas designated as residential low or residential medium in the Port Orchard comprehensive plan. Uses and building types that would substantially interfere with the single-family residential nature of the district are not allowed.

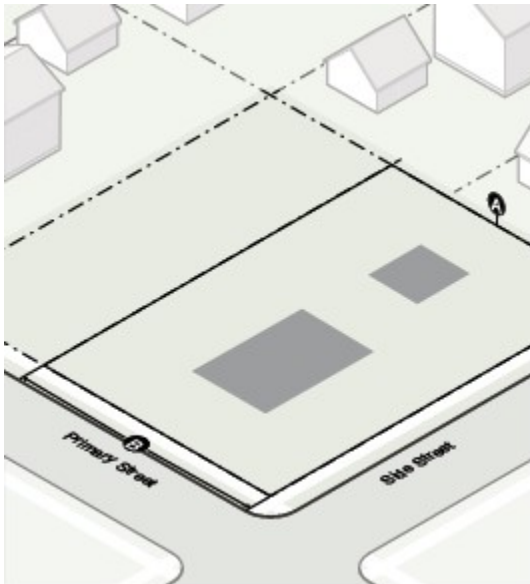
(2) Building Types Allowed. The allowed building types in the R1 zone are as follows:

- (a) Detached house (POMC 20.32.020).
- (b) Backyard cottage (detached ADU) (POMC 20.32.030).
- (c) Accessory buildings (POMC 20.32.010(16)).
- (d) Cottage court (POMC 20.32.040).



R1 Building Types

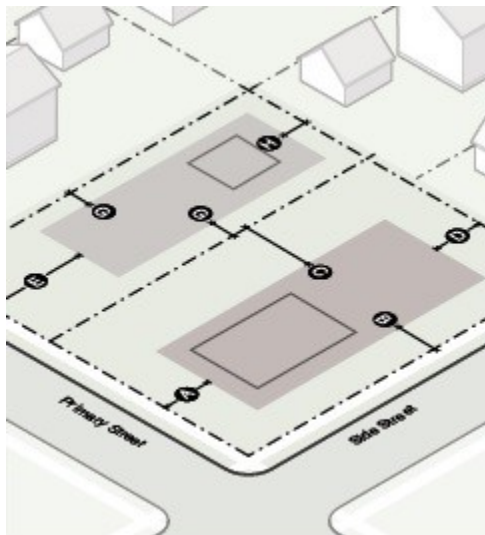
(3) Lot Dimensions.



(a) Minimum Lot Size.

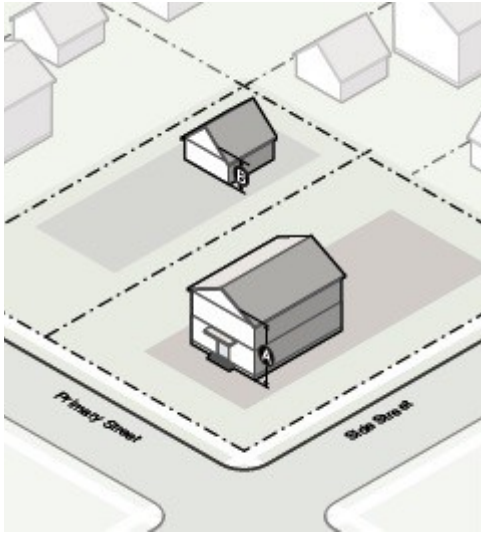
(i) Lots that take vehicular access from primary street: 6,000 square feet.

- (ii) Lots that do not take vehicular access from primary street (lots with vehicular access from alley): 5,000 square feet.
- (iii) Cottage court: 1,200 square feet (see POMC 20.32.040).
- (b) Minimum lot width: 50 feet.
- (4) Maximum hard surface coverage is 50 percent.
- (5) Principal Building Setbacks.
 - (a) Primary street: 10 feet minimum or average front setback (see POMC 20.40.020).
 - (b) Side street: 10 feet minimum.
 - (c) Side interior: five feet minimum.
 - (d) Rear: 10 feet minimum
- (6) Accessory Structure Setbacks.
 - (a) Primary street: 40 feet minimum
 - (b) Side street: 10 feet minimum
 - (c) Side interior: five feet minimum
 - (d) Rear: three feet minimum (rear setback for an accessory structure abutting an alley may be reduced to two feet).



R1 Building Placement

- (7) Building Height.
 - (a) Principal building: three stories/35 feet maximum.
 - (b) Accessory structure: 24 feet maximum.



R1 Building Height

Allows accessory buildings in RMU zone.

20.35.010 Residential mixed use (RMU).

(1) Intent. The RMU district is intended to accommodate working and living in close proximity to one another, including in the same physical space. Building type options include townhouse and live-work. The RMU zone should be applied in areas where the existing or proposed land use pattern promotes live-work uses and in areas designated as commercial in the Port Orchard comprehensive plan. This designation may also be applied in areas designated residential high density in the comprehensive plan; provided, that the area abuts areas designated commercial and residential high density such that the application of the RMU district acts as a transitional zoning district. Uses that would substantially interfere with the live-work nature of the district are not allowed.

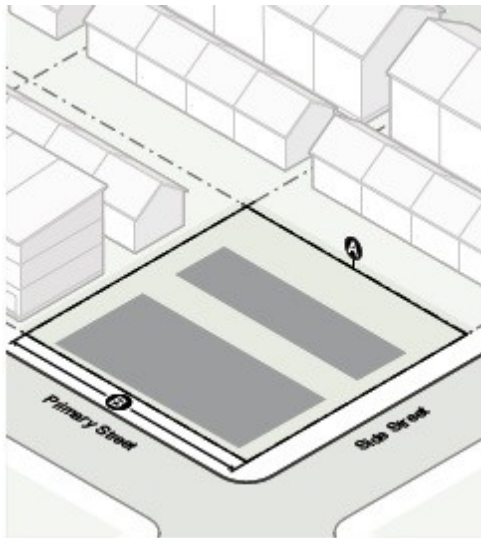
(2) Building Types Allowed. The allowed building types in the RMU zone as follows:

- (a) Townhouse (POMC 20.32.090).
- (b) Live-work (POMC 20.32.110).
- (c) Shopfront house (POMC 20.32.120).
- (d) Accessory buildings (POMC 20.32.010 (16)).



RMU Building Types

(3) Lot Dimensions.



RMU Zone Lot Dimensions

(a) Minimum Lot Size.

- (i) Townhouse: 1,000 square feet.
- (ii) Live-work: 1,000 square feet.
- (iii) Shopfront house: 6,000 square feet.

(b) Minimum Lot Width.

- (i) Townhouse.
 - (A) Lots that take vehicular access from primary street: 30 feet.
 - (B) Lots that do not take vehicular access from primary street: 16 feet.
- (ii) Live-work: 16 feet.
- (iii) Shopfront house: 60 feet.

(4) Maximum hard surface coverage is 90 percent.

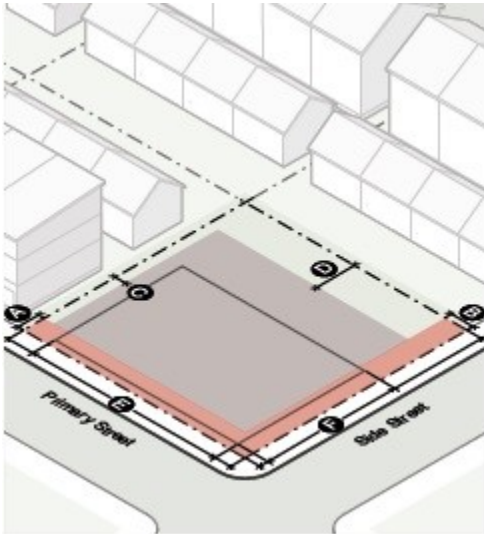
(5) Building Setbacks.

(a) Primary street: zero feet minimum/10 feet maximum.

(b) Side street: zero feet minimum/10 feet maximum.

(c) Side interior: zero or five feet minimum.

(d) Rear: 10 feet (four feet if abutting an alley).



RMU Building Setback and Build-to Zone

(6) Build-to Zone.

(a) Building facing primary street: 70 percent minimum (percent of lot width).

(b) Building facing side street: 35 percent minimum (percent of lot width).

(7) Building Height.

(a) Three stories/35 feet maximum.



RMU Zone Building Height

Allows accessory buildings in CMU zone. Removes “principal” before building setback requirements to indicate that setbacks are the same for both principal and accessory buildings.

20.35.030 Commercial mixed use (CMU).

(1) Intent. The commercial mixed use district is intended to accommodate a broader range of residential and nonresidential activity than neighborhood mixed use. To promote walkability and compatibility, auto-oriented uses are restricted. Building type options include: townhouse, apartment, live-work, shopfront house, single-story shopfront, mixed use shopfront and general building. Commercial mixed use should be applied in areas where the existing or proposed land use pattern promotes mixed use and pedestrian-oriented activity and may be applied in areas designated commercial in the comprehensive plan.

(2) Building Types Allowed. The allowed building types are as follows:

- (a) Townhouse.
- (b) Apartment.
- (c) Live-work unit.
- (d) Shopfront house.
- (e) Single-story shopfront.
- (f) Mixed use shopfront.
- (g) General building.
- (h) Accessory buildings (POMC 20.32.010 (16)).



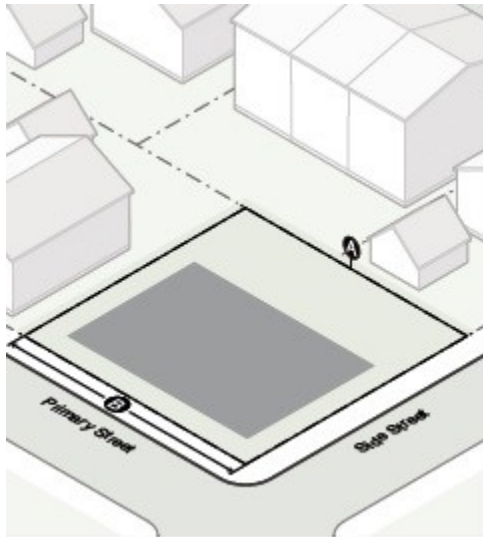
CMU Building Types

(3) Lot Dimensions.

- (a) Minimum Lot Size by Building Type.

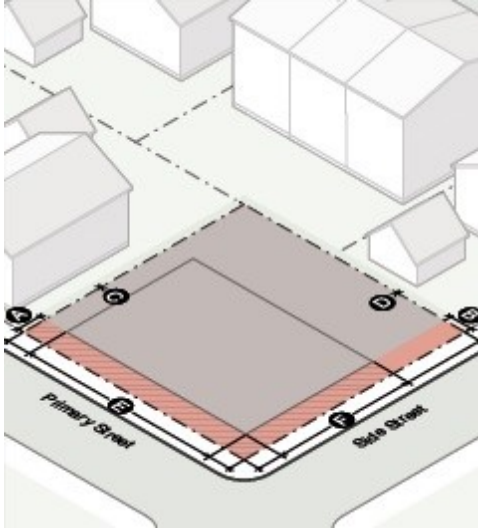
- (i) Townhouse: 800 square feet.
- (ii) Apartment: 5,000 square feet.
- (iii) Live-work unit: 1,000 square feet.
- (iv) Shopfront house: 5,000 square feet.
- (v) Single-story shopfront: 5,000 square feet.
- (vi) Mixed use shopfront: 5,000 square feet.
- (vii) General building: 5,000 square feet.
- (b) Minimum Lot Width.
 - (i) Townhouse: 16 feet.
 - (ii) Apartment: 50 feet.
 - (iii) Live-work unit: see POMC 20.32.110(3)(d).
 - (iv) Shopfront house: 50 feet.
 - (v) Single-story shopfront: 50 feet.
 - (vi) Mixed use shopfront: 50 feet.
 - (vii) General building: 50 feet.

(4) Maximum hard surface coverage is 80 percent.



CMU Lot Dimensions

- (5) ~~Principal~~ Building Setbacks.
 - (a) Primary street: zero feet minimum/10 feet maximum.
 - (b) Side street: zero feet minimum/10 feet maximum.
 - (c) Side interior: zero feet minimum.
 - (d) Rear: 20 feet minimum (rear if abutting an alley: four feet minimum).
- (6) Build-to Zone.
 - (a) Building facade in primary street: 70 percent minimum (percent of lot width).
 - (b) Building facade in side street: 30 percent minimum (percent of lot width).

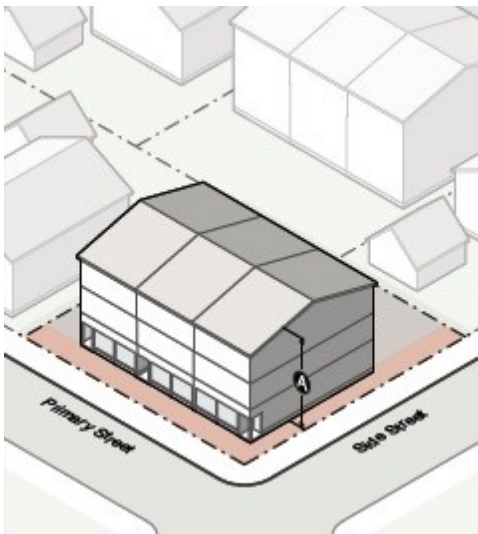


CMU Building Placement

(7) Parking Location. Parking shall be allowed as follows except where another standard is specified in Chapter 20.124 POMC:

- (a) Front yard: not allowed.
- (b) Corner yard: not allowed.
- (c) Side yard: allowed.
- (d) Rear yard: allowed.

(8) Building Height. All buildings and structures: three and one-half stories/40 feet maximum.



CMU Building Height

Allows accessory buildings in DMU zone. Removes “principal” before building setback requirements to indicate that setbacks are the same for both principal and accessory buildings.

20.35.040 Downtown mixed use (DMU).

(1) Intent. The downtown mixed use district is intended to provide for mixed use, pedestrian-oriented development in downtown. To promote walkability and to encourage street-level retail activity, auto-oriented uses and ground-floor residential uses are restricted. Building type options include live-work, single-story shopfront and mixed use shopfront. Downtown mixed use should be applied in areas where the existing or proposed land use pattern promotes the highest levels of pedestrian and mixed use activity in the community and may be applied in areas designated commercial in the comprehensive plan.

(2) Building Types Allowed. The allowed building types are as follows:

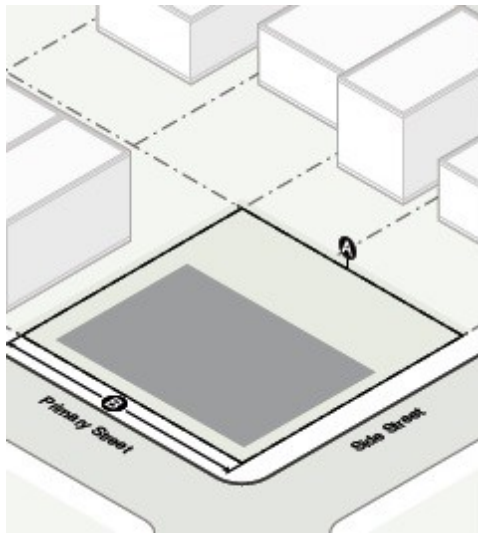
- (a) Live-work unit.
- (b) Single-story shopfront.
- (c) Mixed use shopfront.
- [\(d\) Accessory buildings \(POMC 20.32.010 \(16\)\).](#)



DMU Building Types

(3) Lot Dimensions.

- (a) There are no minimum or maximum lot sizes in the DMU district.
- (b) There is no minimum lot width in the DMU district.



DMU Lot Dimensions

(4) Maximum hard surface coverage is 100 percent.

(5) ~~Principal~~ Building Setbacks.

(a) Primary street: not applicable.

(b) Side street: not applicable.

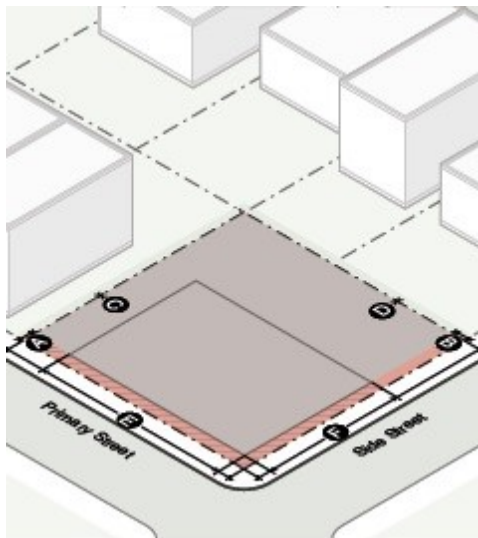
(c) Side interior: not applicable.

(d) Rear: not applicable.

(6) Build-to Zone.

(a) Building facade in primary street: 80 percent minimum (percent of lot width).

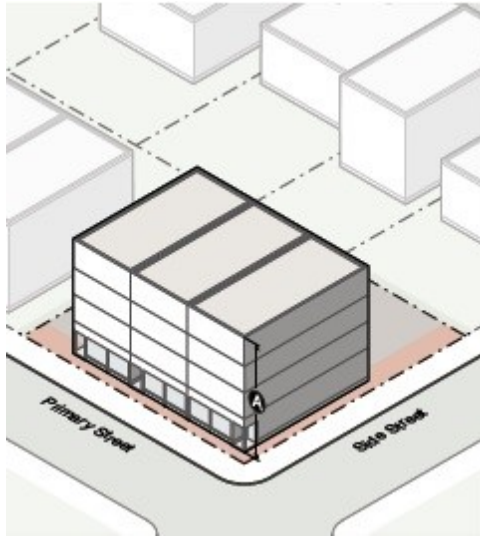
(b) Building facade in side street: 40 percent minimum (percent of lot width).



DMU Building Placement

(7) Parking Location. Parking shall be allowed as follows except where another standard is specified in Chapter 20.127 POMC:

- (a) Front yard: not allowed.
- (b) Corner yard: not allowed.
- (c) Side yard: allowed.
- (d) Rear yard: allowed.
- (8) Building Height.
 - (a) Maximum height: three stories/38 feet unless an alternative maximum building height is specified pursuant to the downtown height overlay district (POMC 20.38.600 through 20.38.670).



DMU Building Height

Allows accessory buildings in GMU zone. Removes “principal” before building setback requirements to indicate that setbacks are the same for both principal and accessory buildings.

20.35.050 Gateway mixed use (GMU).

(1) Intent. The gateway mixed use district is intended to provide transitional districts in the east and west gateways to downtown Port Orchard. The district allows both mixed use, pedestrian-oriented development such as what is allowed in the DMU district along with other moderately more auto-dependent uses. Building type options include townhouse, apartment, live-work, shopfront house, single-story shopfront, mixed use shopfront, and general buildings. Gateway mixed use should be applied to the east and west of downtown and may be applied in areas designated commercial in the comprehensive plan.

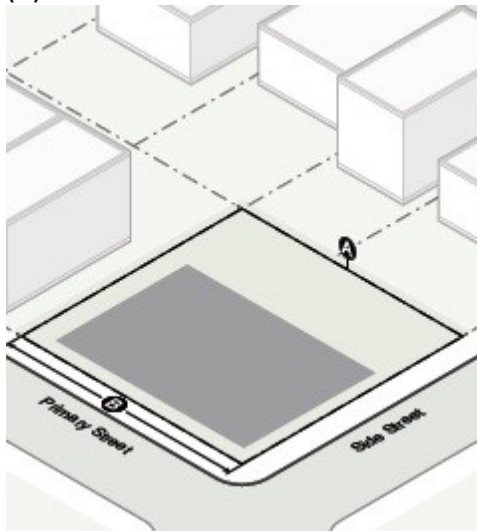
- (2) Building Types Allowed. The allowed building types are as follows:
- (a) Townhouse.
 - (b) Apartment.
 - (c) Live-work unit.
 - (d) Shopfront house.

- (e) Single-story shopfront.
- (f) Mixed use shopfront.
- (g) General building.
- (h) Accessory buildings (POMC 20.32.010 (16)).



GMU Building Types

- (3) Lot Dimensions.
 - (a) There are no minimum or maximum lot sizes in the GMU district.
 - (b) There is no minimum lot width in the GMU district.



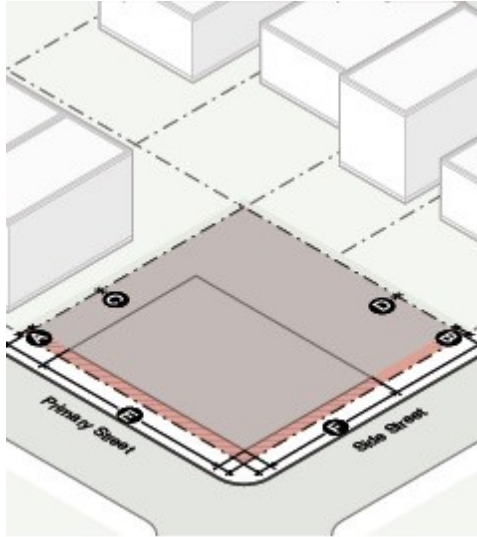
GMU Lot Dimensions

- (4) The maximum hard surface coverage is 90 percent.
- (5) ~~Principal~~ Building Setbacks.
 - (a) Primary street: not applicable.
 - (b) Side street: not applicable.

- (c) Side interior: not applicable.
- (d) Rear: not applicable.

(6) Build-to Zone.

- (a) Building facade in primary street: 80 percent minimum (percent of lot width).
- (b) Building facade in side street: 40 percent minimum (percent of lot width).



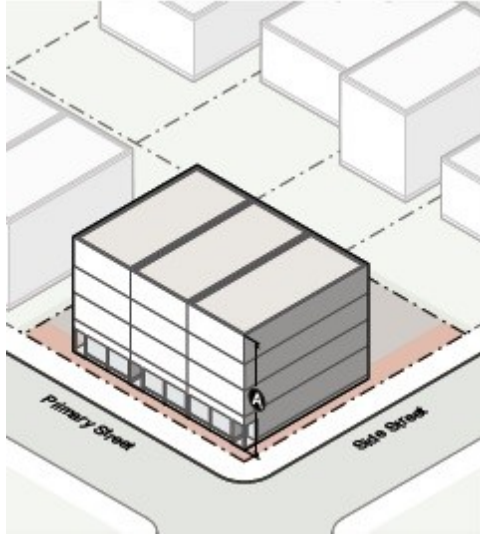
GMU Building Placement

(7) Parking Location. Parking shall be allowed as follows except where another standard is specified in Chapter 20.127 POMC:

- (a) Front yard: not allowed.
- (b) Corner yard: not allowed.
- (c) Side yard: allowed.
- (d) Rear yard: allowed.

(8) Building Height.

- (a) Maximum height: three stories/38 feet unless an alternative maximum building height is specified pursuant to the downtown height overlay district (POMC 20.38.600 through 20.38.670).



GMU Building Height

Allows accessory buildings in CC zone. Removes “principal” before building setback requirements to indicate that setbacks are the same for both principal and accessory buildings.

20.35.060 Commercial corridor (CC).

(1) Intent. The commercial corridor district is intended to serve as a commercial gateway and to take advantage of proximity to major roadways. Therefore, the quality and aesthetics of new development is very important. Building type options include live-work unit, shopfront house, single-story shopfront, mixed use shopfront and general building. The commercial corridor district should be applied along commercial corridors that serve as entrances to downtown or other pedestrian-oriented activity areas.

(2) Building Types Allowed. The allowed building types are as follows:

- (a) Live-work unit.
- (b) Shopfront house.
- (c) Single-story shopfront.
- (d) Mixed use shopfront.
- (e) General building.
- (f) Accessory buildings (POMC 20.32.010 (16)).



CC Building Types

(3) Lot Dimensions.

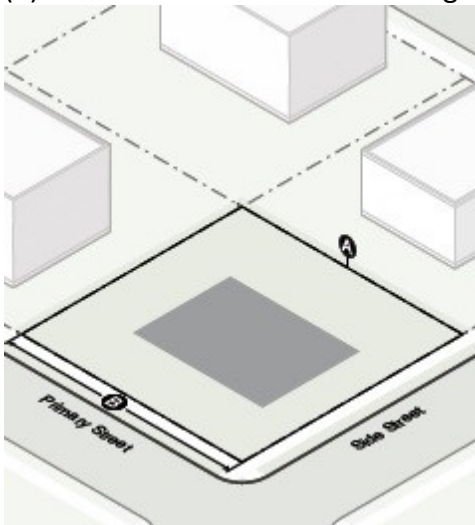
(a) Minimum Lot Size by Building Type.

- (i) Live-work unit: 1,000 square feet.
- (ii) Shopfront house: 5,000 square feet.
- (iii) Single-story shopfront: 5,000 square feet.
- (iv) Mixed use shopfront: 5,000 square feet.
- (v) General building: 5,000 square feet.

(b) Minimum Lot Width.

- (i) Live-work unit: 25 feet.
- (ii) Shopfront house: 50 feet.
- (iii) Single-story shopfront: 50 feet.
- (iv) Mixed use shopfront: 50 feet.
- (v) General building: 50 feet.

(4) Maximum hard surface coverage is 70 percent.



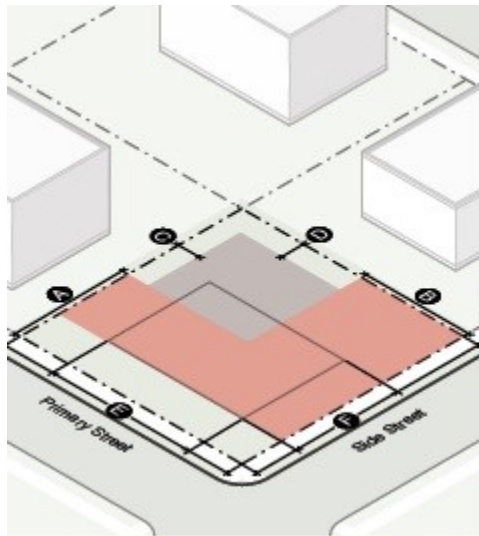
CC Lot Dimensions

(5) ~~Principal~~ Building Setbacks.

- (a) Primary street: 15 feet minimum/50 feet maximum.
- (b) Side street: zero feet minimum/50 feet maximum.
- (c) Side interior: 10 feet minimum.
- (d) Rear: 10 feet minimum.

(6) Build-to Zone.

- (a) Building facade in primary street: 50 percent minimum (percent of lot width).
- (b) Building facade in side street: 25 percent minimum (percent of lot width).



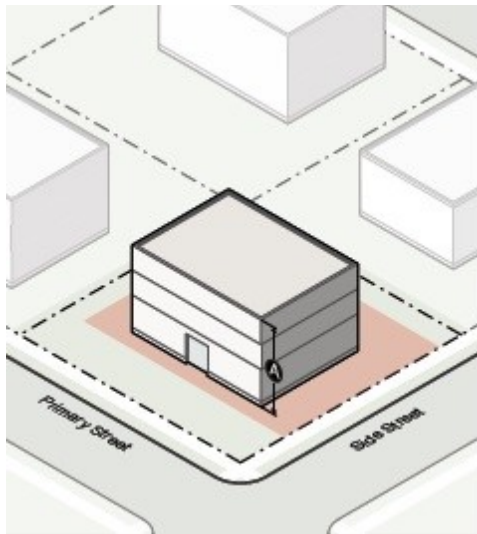
CC Building Placement

(7) Parking Location. Parking shall be allowed as follows except where another standard is specified in Chapter 20.127 POMC:

- (a) Front yard: not allowed.
- (b) Corner yard: not allowed.
- (c) Side yard: allowed.
- (d) Rear yard: allowed.

(8) Building Height.

- (a) All buildings and structures: three stories/35 feet maximum.



CC Building Height

Allows accessory buildings in CH zone. Removes “principal” before building setback requirements to indicate that setbacks are the same for both principal and accessory buildings.

20.35.070 Commercial heavy (CH).

(1) Intent. Commercial heavy is intended for auto-oriented and heavy commercial uses. To help ensure compatibility, residential uses are not allowed. Building type options include single-story shopfront and general building. The commercial heavy district should be applied in areas where the existing or proposed land use pattern contains a variety of auto-oriented and heavy commercial uses and in areas designated as commercial in the comprehensive plan.

(2) Building Types Allowed. The allowed building types are as follows:

(a) Single-story shopfront.

(b) General building.

(c) Accessory buildings (POMC 20.32.010 (16)).



CH Building Types

(3) Lot Dimensions.

(a) Minimum Lot Size by Building Type.

(i) Single-story shopfront: 7,000 square feet.

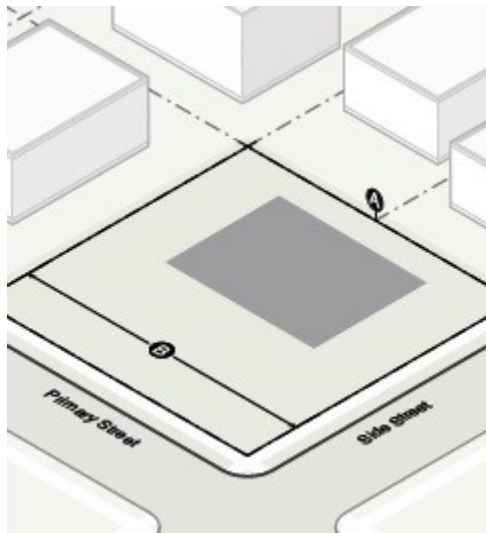
(ii) General building: 7,000 square feet.

(b) Minimum Lot Width.

(i) Single-story shopfront: 70 feet.

(ii) General building: 70 feet.

(4) Maximum hard surface coverage is 70 percent.



CH Lot Dimensions

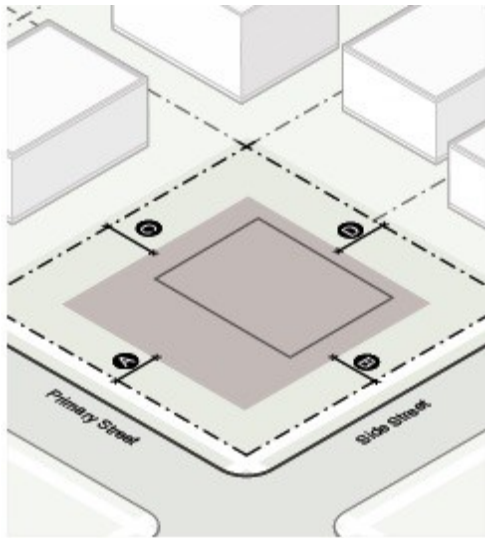
(5) ~~Principal~~ Building Setbacks.

(a) Primary street: 20 feet minimum (from planned ROW acquisition area).

(b) Side street: 20 feet minimum/50 feet maximum.

(c) Side interior: 20 feet minimum.

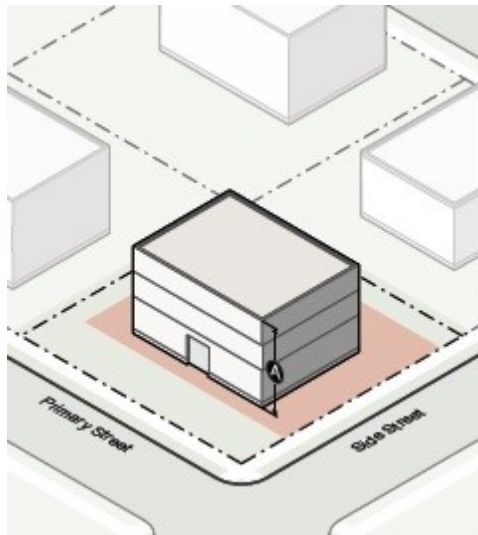
(d) Rear: 20 feet minimum.



CH Building Placement

(7) Parking Location. Parking shall be allowed as follows except where another standard is specified in Chapter 20.127 POMC:

- (a) Front yard: allowed.
 - (b) Corner yard: allowed.
 - (c) Side yard: allowed.
 - (d) Rear yard: allowed.
- (8) Building Height.
- (a) All buildings and structures: three stories/35 feet maximum.



CH Building Height

Allows accessory buildings in IF zone. Removes “principal” before building setback requirements to indicate that setbacks are the same for both principal and accessory buildings.

20.35.080 Industrial flex (IF).

(1) Intent. IF is intended to accommodate a variety of light industrial, commercial and residential uses. To help ensure that land is reserved for employment purposes, residential uses are limited to the upper stories. Building type options include live-work, single-story shopfront, mixed use shopfront and general building. IF should be applied in industrial areas where commercial and residential uses are also desired, or where such pattern is desired in the future and in areas designated as commercial in the comprehensive plan.

(2) Building Types Allowed. The allowed building types are as follows:

- (a) Live-work unit.
- (b) Shopfront house.
- (c) Single-story shopfront.
- (d) Mixed use building.
- (e) General building.

(f) [Accessory buildings \(POMC 20.32.010 \(16\)\)](#).



IF Building Types

(3) Lot Dimensions.

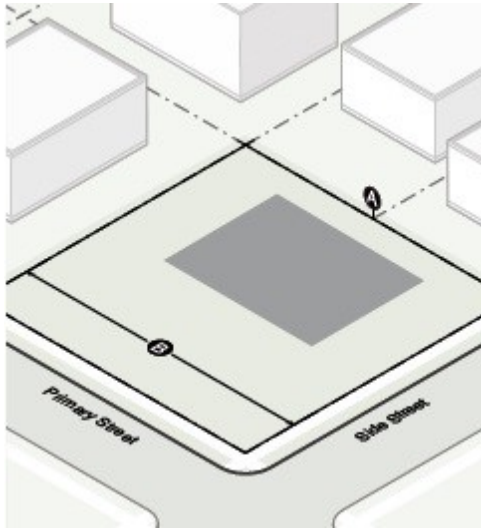
(a) Minimum Lot Size by Building Type.

- (i) Live-work unit: 1,000 square feet.
- (ii) Shopfront house: 5,000 square feet.
- (iii) Single-story shopfront: 5,000 square feet.
- (iv) Mixed use shopfront:
- (v) General building: 7,000 square feet.

(b) Minimum Lot Width.

- (i) Live-work unit: 25 feet.
- (ii) Shopfront house: 50 feet.
- (iii) Single-story shopfront: 50 feet.
- (iv) Mixed use shopfront: 50 feet.
- (v) General building: 50 feet.

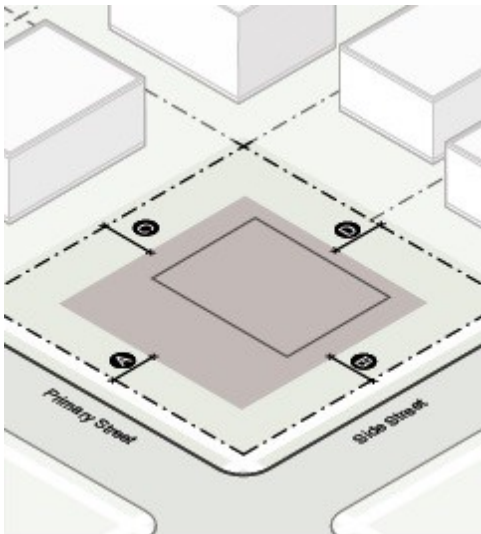
(4) Maximum hard surface coverage is 70 percent.



IF Lot Dimensions

(5) ~~Principal~~ Building Setbacks.

- (a) Primary street: five feet minimum.
- (b) Side street: five feet minimum.
- (c) Side interior: 10 feet minimum.
- (d) Rear: 10 feet minimum.

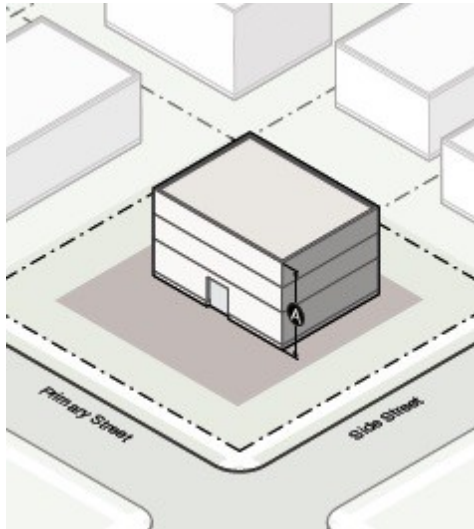


IF Building Placement

(6) Parking Location. Parking shall be allowed as follows except where another standard is specified in Chapter 20.127 POMC:

- (a) Front yard: allowed.
- (b) Corner yard: allowed.
- (c) Side yard: allowed.

- (d) Rear yard: allowed.
- (7) Building Height.
- (a) All buildings and structures: three stories/35 feet maximum.



IF Building Height

Clarifies that self-storage is only permitted in those zones within the SSOD where self-storage is a permitted or conditional use.

20.39.460 Self storage (mini warehouse).

(1) Defined. A facility involved in the rental of storage space, such as rooms, lockers, or containers to individuals for the purpose of storing personal belongings.

(2) Self storage shall only be permitted in areas within the self storage overlay district (SSOD) in accordance with POMC 20.38.700 through 20.38.740, ~~and~~ in zones where permitted outright or as a conditional use in the land use table in this chapter. Self-storage facilities that are built and operated as an accessory to an apartment use are not subject to the limitations of the SSOD.

(3) Where indicated as a conditional use in the use table, POMC 20.39.040, a self-storage facility is required to obtain a conditional use permit per Chapter 20.50 POMC. In addition to the criteria for approval in POMC 20.50.050, the hearing examiner must also make the following findings in order to issue the conditional use permit:

(a) The proposed self-service storage use will provide self storage units that are necessary to meet the needs of Port Orchard's population, as demonstrated by a demand analysis and report provided by the applicant.

(b) The self-storage facility shall be at least two stories in height, as measured from ground level and not including any basement or below-grade area.

The deleted sentence below is inconsistent with the remainder of the chapter, which does provide allowed building types for the LI and HI zones.

20.32.007 Exceptions.

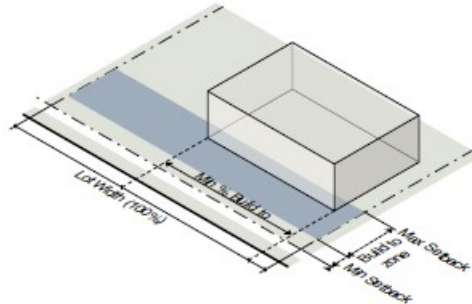
Mechanical equipment buildings associated with public utilities, such as well houses or sewer lift stations, shall be exempt from the standards in this chapter. ~~This chapter shall not apply in the light industrial or heavy industrial zones (Chapter 20.36 POMC).~~

Provides flexibility for constrained sites where achieving the build-to zone requirements would be unachievable based on standard code requirements.

20.40.030 Build-to zone.

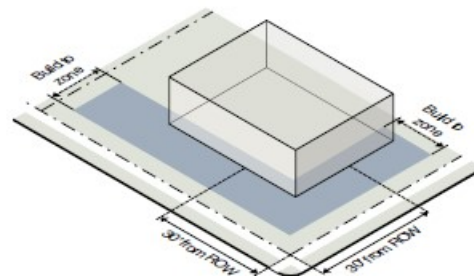
(1) Build-to Zone. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

(2) Build-to Zone on Interior Lots. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the



building divided by the width of the lot.

(3) Build-to Zone on Corner Lots. On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured

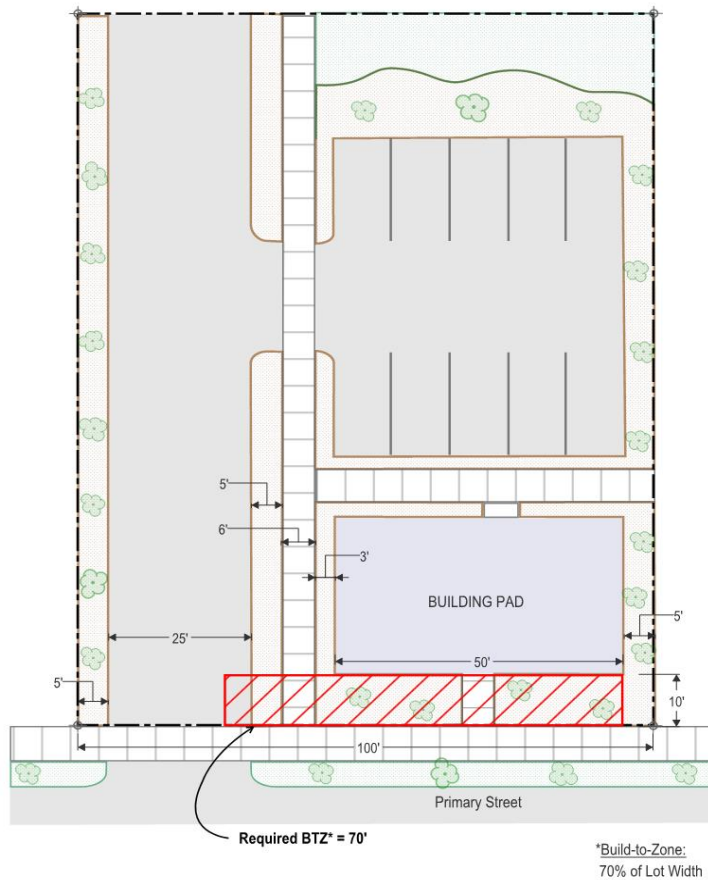


from the intersection of the two right-of-way lines.

(4) Build-to Zone – Uses Allowed. With the exception of parking spaces and outdoor storage, all structures and uses (including outdoor dining) allowed on the lot are allowed in the build-to zone.

(5) When any combination of requirements for landscape buffers, minimum driveway width, critical area protections, or other regulatory limitations create physical constraints resulting in an unachievable build-to-zone percentage, the director may reduce the build-to-zone percentage requirements to the maximum build-to-zone percentage that is physically feasible for the subject lot.

An example of a situation that would warrant a build-to-zone percentage reduction is shown below:



Superseded by Chapter 20.58 (Temporary Uses).

Chapter 20.62 MOBILE HOME REGULATIONS

~~20.62.020 Temporary use permits.~~

~~Temporary use permits may be allowed by the city council to permit a resident to place a mobile home on a parcel of property, regardless of the number of homes already existing on that property. When a temporary use permit is allowed, the city council will do so at a city council meeting and shall specify the duration of the temporary use permit at its discretion. The city council may specify any site conditions that it deems necessary.~~

AWC Attorney Carol Morris prepared these for the City in 2015 as part of the interim subdivision regulations, but they were left out of the permanent subdivision regulations. They provide standardized signature blocks for city and county officials for documents to be recorded.

Chapter 20.80 SUBDIVISIONS – GENERAL PROVISIONS

Sections:

20.80.010 Title.

20.80.020 Authority.

20.80.030 Purpose.

20.80.040 Applicability.

20.80.050 Exemptions.

20.80.060 Document forms.

20.80.0760 Consent to access.

20.80.0870 Limitation of liability.

20.80.0980 Severability.

20.80.010 Title.

(1) The ordinance codified in this subtitle shall be known as the city of Port Orchard subdivision code.

(2) This chapter shall be entitled “Subdivisions – General Provisions.” The provisions of this chapter shall apply to all chapters within this subtitle.

20.80.020 Authority.

This subtitle is adopted pursuant to the provisions of Chapter 58.17 RCW and the general police powers granted to the city pursuant to Chapters 35A.13 and 35A.63 RCW and other applicable laws.

20.80.030 Purpose.

The purpose of this subtitle is to provide rules, regulations, requirements, and standards for the subdivision of land, for obtaining binding site plans, and of the adjustment of existing lot lines within the city, ensuring:

- (1) That the highest feasible quality in subdivisions will be obtained;
- (2) That the public health, safety, general welfare, and aesthetics of the city shall be promoted and protected, complying with the provisions of Chapter 58.17 RCW;
- (3) That orderly growth, development, and the conservation, protection, and proper use of land shall be promoted;
- (4) That the proper provisions for all public facilities, including connectivity, circulation, utilities, and services, shall be made;
- (5) That maximum advantage of site characteristics shall be taken into consideration;
- (6) Undue and unnecessary burdens are not placed on either the applicant or the city; and
- (7) That the process shall be in conformance with provisions set forth in this title and the Port Orchard comprehensive plan.

20.80.040 Applicability.

- (1) The provisions of this subtitle shall apply to all lot line adjustments and the division of any land within the corporate limits of the city of Port Orchard for sale, lease, transfer, or building development into two or more parcels, except as expressly stated in this subtitle.
- (2) Land use review procedures provided in Subtitle II (Permitting and Development Approval) of this title shall apply in addition to applicable provisions within this subtitle.
- (3) No person, firm, or corporation proposing to make, or having made, any division of land as described above within the city limits shall enter any contract for the sale of, or shall offer to sell, any part of the division without having first obtained its approval as a short plat, subdivision plat, or binding site plan in accordance with this subtitle, unless such agreement for sale complies with RCW
- (4) All contiguous land shall be included in a plat application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this subtitle. The applicant shall certify that she/he has included all contiguous land in a plat application and that she/he does not own or otherwise have a legal interest in ownership of contiguous parcels.
- (5) Any land being divided into four or fewer parcels, lots, tracts, or sites shall conform to the short plat provisions of this subtitle. Nothing in this subtitle shall prevent a landowner who has short-platted a parcel into fewer than four lots from filing a short plat within a five-year period to create up to a total of four lots within the boundary of the original short plat. Any land being divided into five or more parcels, lots, tracts, or sites for any purpose, and any land which has been divided under the short plat process within five years, shall conform to the provisions of the preliminary and final plat procedures of this subtitle. The only exception to this provision shall be those lands being subdivided through the binding site plan procedures of this subtitle.

20.80.050 Exemptions.

Pursuant to RCW 58.17.040, the following activities are not considered short plats or plats and the provisions of this subtitle shall not apply:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions made by testamentary provisions, or the laws of descent;

- (3) Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with this subtitle;
- (4) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with this subtitle;
- (5) Lot line adjustments made pursuant to this subtitle;
- (6) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless service" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters and support structures;
- (7) A division of land related to the acquisition or exchange of land by public agencies for public use, except human occupancy, including but not limited to subdivisions made for road construction purposes;
- (8) Portions of property deeded to the city for the limited purpose of providing a right-of-way and/or utility facilities, such as but not limited to the installation of linear utility facilities, such as electric power lines, telephone lines, water supply lines, sewer service lines, cable lines or other utility facilities of a similar or related nature; or a pumphouse, reservoir or well site; provided the remaining property is not reduced in size below the minimum square footage required by applicable zoning, that no conflict is created with any applicable design standards for the property, and that written approval from the planning director is received;
- (9) Division of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation; if sale is made under threat of condemnation, such threat must be evidenced by the government agency filing affidavit so stating with the county auditor.

20.80.060 Document forms. All short plats, final plats, replats or binding site plans shall contains the elements listed in RCW 58.17.160. In addition, the legal description of the subdivision, binding site plan, or boundary line adjustment, and easements, dedications, acknowledgements, and other statements, shall appear substantially in the form as follows, based on the type of land division to be recorded:

1. Easements (sample utility easement):

An easement is reserved for and granted to (the names of all the utilities, public and private, serving the area) and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots and tracts, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by exercise of rights and privileges herein granted.

2. Dedication. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donor or donees, grantee or grantees, for his, her or their use for the purpose intended by the grantors or donors.

Know All Men by these Presents that we, the undersigned owners in the fee simple or contract purchaser and mortgage holder of the land hereby platted, hereby declare this plat and dedicate to the use of the public forever all streets and avenues shown thereon and use thereof for all public purposes not inconsistent with the use thereof for public highway purposes; also the right to make all necessary slopes for cuts and fills upon the lots and blocks shown on this plat in the original reasonable grading of the streets and avenues shown hereon. The undersigned owners hereby waive all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. This subdivision has been made with our fee consent and in accordance with our desires.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this day of _____

[Signature blocks and Notary Certificate to follow.]

3. Acknowledgements or Notary Certificate. The forms for Notary Certificates are set forth in RCW 42.44.100.

4. Surveyor's Certificate.

I hereby certify that the plat of _____ is based upon a complete and actual survey and subdivision of Section , Township , Range , East W.M.; that the courses and distances are shown correctly thereon, that the monuments have been set and the lot and block corners staked correctly on the ground; that this is a true and correct representation of the lands actually surveyed and that I have fully complied with the provisions of the statutes and platting regulations.

Certificate:

Expiration:

Date:

5. City Engineer's Approval.

I hereby certify that this final/short plat/binding site plan is consistent with all applicable Town/City improvement standards and requirements in force on the date of preliminary/short plat approval. I have approved this final/short plat as to the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures. Examined and approved by me this day of , 20 .

City Engineer.

6. Community Development Director's Approval.

I hereby certify that this final/short plat/binding site plan is consistent with all applicable Town/City improvement standards and requirements in force on the date of preliminary/short plat approval. I have approved this final/short plat as to the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures. Examined and approved by me this day of , 20 .

Community Development Director.

7. City Council Approval.

Approved by the City Council of the City of , this day of .

ATTEST:

City Clerk

Mayor

8. City Finance Director Approval.

I hereby certify that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

Executed this day of , 20 .

Finance Director

9. County Treasurer Approval.

This is to certify that all taxes heretofore levied and which has become a lien upon the lands herein described, have been fully paid and discharged, according to the records of my office, up to and including the year .

Executed this day of , 20 .

County Treasurer

10. County Auditor.

Filed at the request of , this day of , 20 , and recorded in Volume of Plats, page(s) , Records of County, Washington.

County Auditor

20.80.0760 Consent to access.

All persons applying for approvals under this subtitle shall permit free access to the land subject to the application to all agencies with jurisdiction considering the proposal for the period of time extending from the date of application to the time of final action.

20.80.0870 Limitation of liability.

It is the specific intent of this subtitle and procedures adopted under this subtitle to place the obligation of complying with the requirements of this subtitle upon the permittee, and no provision is intended to impose any duty upon the city, or any of its officers, employees, or agents. Nothing contained in this subtitle is intended to be or shall be construed to create or form the basis for liability on the part of the city, or its officers, employees, or agents, for any injury or damage resulting from the failure of the permittee to comply with the provisions of this subtitle, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this subtitle or any procedures adopted under this subtitle by the city, its officers, employees, or agents.

20.80.0980 Severability.

If any part, sentence, paragraph, subsection, section, or clause of this subtitle is adjudged unconstitutional, or held invalid, the remainder of the subtitle or the application of the provisions to other persons, property, structures, or circumstances shall not be affected. Whenever any condition or limitation is included in an order authorizing a planned development or any site plan approval, it shall be conclusively presumed that the authorizing officer or body consider such condition or limitation necessary to carry out the spirit and purpose of this subtitle or the requirement of some provision hereof, and to protect the public health, safety, and welfare, and that the officer or body would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Refers to the new signature blocks in “Document Forms” above. Corrects the title of the city’s finance director (formerly treasurer).

20.84.050 Final approval and recording.

- (1) Prior to final approval, documentation authorizing the transfer of property ownership shall be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred when lots are under separate ownership. Lot lines within lots under the same ownership will be adjusted upon the recording of the boundary line adjustment.
- (2) A title insurance certificate updated not more than 30 days prior to recording of the adjustment, which includes all parcels within the adjustment, must be submitted to the department with boundary line adjustment final review documents. All persons having an ownership interest within the boundary line adjustment shall sign the final recording document in the presence of a notary public.
- (3) The final record of survey document must be prepared by a land surveyor in accordance with Chapter 58.09 RCW. The document must include all of the elements set forth in

RCW 58.09.060(1) and contain a land surveyor's certificate as set forth in RCW 58.09.080, as well as approval blocks for the public works and department of community development directors, ~~finance director~~treasurer, and county auditor as set forth in section 20.80.060 of this chapter.

(4) After approval, the applicant shall deposit a recording fee for the boundary line adjustment with the city, and the city shall cause it to be recorded with the county auditor.

POMC 20.127.330 (nonmotorized circulation and design) was not intended to apply to residential development outside of subdivision applications. (Residential design standards are in 20.139. Subdivision design standards are in 20.100.) Recreational and ornamental structures are not required to meet design guidelines.

20.127.020 Applicability and compliance.

(1) Applicability. The provisions of this chapter apply to all development within Port Orchard, except:

(a) Detached houses, backyard cottages, cottage courts (cottages), side-by-side duplexes, back-to-back duplexes, attached houses, and townhomes as defined in Chapter 20.32 POMC shall not be required to comply with this chapter. ~~except that POMC 20.127.330 shall apply to these building types. In addition, POMC 20.127.340 shall apply to townhomes as defined in Chapter 20.32 POMC. Additional~~ Design standards for detached houses, backyard cottages, cottage courts (cottages), side-by-side duplexes, back-to-back duplexes, attached houses, and townhomes design standards are found in Chapter 20.139 POMC. Subdivision design standards are found in Chapter 20.100 POMC.

(b) Properties within the Designated Old Clifton Industrial Park. See the figure below for a map clarifying the location of properties which are exempt.

Figure 20.127.020(1)
Old Clifton Industrial Park



(c) Open-air structures such as pavilions, stages and gazebos for ornamental, performance or recreational use.

(de) The director may waive these provisions in other employment – industrial/office zoned properties where they are screened from view from the public right-of-way and adjacent nonemployment – industrial/office properties by a minimum 20-foot wide landscaped buffer meeting the requirements of Chapter 20.128 POMC – full screening or by preservation of comparable existing landscaping on the site.

(2) Relationship to Other Codes and Documents. Where provisions of this chapter conflict with provisions in any other section of the Port Orchard design standards, this chapter prevails unless otherwise noted herein.

(3) For building additions, remodels, and site improvements, three different thresholds have been established to gauge how the design standards in this chapter are applied to such projects. See Figure 20.127.020(3) below for examples of site development and the respective types of improvements required under each of the three levels of improvements.

(a) Level I improvements include all exterior remodels, building additions, and/or site improvements that affect the exterior appearance of the building/site or cumulatively increase the gross floor area by up to 20 percent of the gross square footage that existed three years

prior to the date of permit issuance. The requirement for such improvements is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards.

For example, if a property owner decides to replace a building facade's siding, then the siding must meet the applicable exterior building material standards, but elements such as building articulation (see POMC 20.127.430) would not be required.

(b) Level II improvements include all improvements that cumulatively increase the gross floor area by 20 percent or more, but not greater than 75 percent, of the gross square footage that existed three years prior to the date of permit issuance. All standards that do not relate to repositioning the building or reconfiguring site development apply to Level II improvements. For example, if a property owner of an existing home in the BP zone wants to convert the home to an office and build an addition equaling 45 percent of the current building's area, then the following elements would apply:

(i) The location and design of the addition/remodel must be consistent with the block frontage standards (see Article II of this chapter), to the extent possible given the location of the existing building. For such developments seeking additions to buildings where an off-street parking location currently does not comply with applicable parking location standards, building additions are allowed provided they do not increase any current nonconformity and generally bring the project closer into conformance with the standards. See Figure 20.127.020(3) for an example of this.

(ii) Comply with applicable site planning and design elements (see Article III of this chapter).

(iii) Comply with all building design provisions of Article IV of this chapter, except architectural scale and materials provisions related to the existing portion of the building where no exterior changes are proposed. The entire building must comply with building elements/details, materials, and blank wall treatment standards of POMC 20.127.440 through 20.127.460.

(iv) The proposed improvements shall comply with the off-street parking, landscaping, and signage provisions of Chapters 20.124, 20.128, and 20.132 POMC.

(c) Level III improvements include all improvements that cumulatively increase the gross floor area by more than 75 percent of the gross square footage that existed three years prior to the date of permit issuance. Such developments must conform to all applicable standards.

(4) Review for Compliance. Proposals for development, including design standard departure requests, shall be reviewed for consistency with the design standards as found in this chapter in conjunction with every underlying permit application(s) (i.e., building permit, stormwater drainage permit, conditional use permit, binding site plan, etc.) at each stage of the development. The city recognizes that every project is unique and that permits are not always submitted in a single package simultaneously. For instance, a project may require a conditional use permit, building permit, land disturbing activity permit, and stormwater drainage permit. It is common that a building permit application be submitted after site development activities have begun. It is also common to develop building pads for future construction as part of an approved development.

Townhome driveway standards are now located in 20.139.

20.127.340 Vehicular circulation and parking.

The standards herein supplement the provisions of public works standards and Chapter 20.124 POMC. Where there is a conflict, the provisions herein apply, except that the public works director may override this requirement and apply the public works standard for a driveway if the public works director finds that a failure to apply the public works standards will result in a threat to public safety.

(1) Purpose.

- (a) To create a safe, convenient, and efficient network for vehicle circulation and parking.
- (b) To enhance the visual character of interior access roads.
- (c) To minimize conflicts with pedestrian circulation and activity.

(2) Driveway Provisions.

(a) Driveways must comply with the public works standards. Where there is a conflict between the driveway provisions in this chapter and those in the public works standards, the driveway provisions in this chapter apply, except that the public works director may override this requirement and apply the public works standard for a driveway if the public works director finds that a failure to apply the public works standards will result in a threat to public safety.

(b) Drive aisles must meet the standards set forth in POMC 20.124.100, Off-street parking design standards.

(c) Minimize parking lot entrances, drive aisles, and other vehicle access routes onto private property from a public right-of-way through the following means:

(i) Driveway lanes crossing a public sidewalk must be no wider than the minimum required per entry or exit lane. The city may impose additional restrictions to parking lot and vehicle access points to reduce impacts to public safety, pedestrian movement, on-street vehicle circulation, and visual qualities.

(ii) Minimize the number of driveway entrances and comply with the public works standards for driveway entrances.

(iii) The reviewing authority may require joint drive aisles serving adjacent developments when joint access is physically and legally available.

(iv) Minimize conflicts between entries and vehicle parking and maneuvering areas.

(v) At street corner sites, drive aisles must be located on the lowest classified roadway and as close as practical to the property line most distant from the intersection, unless the reviewing authority finds there is a compelling reason to the contrary.

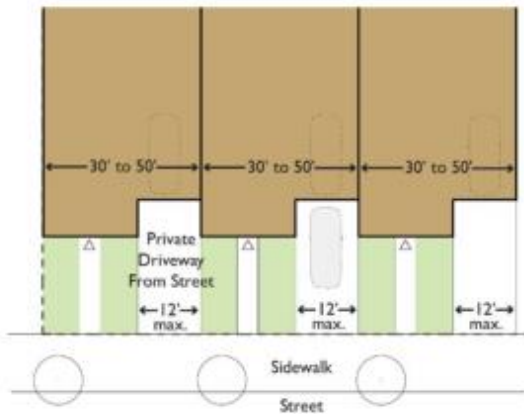
~~(d) Standards for Driveways for Front-Loaded Townhouses.~~

~~(i) Individual driveways are limited to a single lane 12 feet wide.~~

~~(ii) Driveways shared between two attached units are limited to 20 feet in width.~~

~~(iii) Front loaded townhouses or other similar attached housing types must be at least 30 feet wide to qualify for individual or shared driveways.~~

Figure 20.127.340(2)(d)
~~Driveway Standards for Front-Loaded Attached Housing Types~~



The left image shows an acceptable front-loaded townhouse example in plan view, where individual units are at least 30 feet wide. The below example does not meet that requirement.



(~~d~~e) Port Orchard Boulevard Access. Access from Port Orchard Boulevard except for areas with a designated block frontage as shown in the community design framework maps in POMC 20.127.130 shall be prohibited.

(3) Intersite Connectivity. The provision of through vehicle access connections between commercially or nonresidentially zoned properties is required except where the reviewing authority determines it is infeasible or undesirable (e.g., where it is determined that such a vehicle connection would impact safe pedestrian movement). See Article II of this chapter for specific block frontage standards. Vehicle access may be in the form of a dedicated or private alley, connected or shared parking lots, shared drive aisles, or similar features.

(4) Internal Roadway Design.

(a) To increase the function and appearance of internal roadways on large sites (greater than two acres), street trees and sidewalks must be provided on all internal access roadways, excepting access roads designed solely for the purpose of service (e.g., waste pick-up) and loading.

(b) In some instances where traffic speed and volume are low, the reviewing authority may approve a street where vehicle, bicycle and pedestrian movement are mixed such as in a “woonerf” or “shared street.” Woonerf streets must feature traffic calming and safety measures as well as landscape and amenity features as determined by the reviewing authority.

Figure 20.127.340(4)
Good Internal Roadway Examples



The examples above include angled parking and planter strips with street trees. Pedestrian-scaled lighting also contributes to the character in the upper right image.



The above left image illustrates a thoroughfare lane with a row of street trees. A sidewalk is included on one side of the street to provide a strategic connection between businesses. The right image illustrates the curbside “woonerf” design where travel speeds are low and lanes are shared between pedestrians and vehicles.

(c) Drive-Through Facilities. Where allowed, drive-through facilities (e.g., drive-up windows) must comply with the following:

(i) Drive-through lanes, including waiting and holding lanes, must be buffered from the street and internal walkways by one or both of the following:

(A) A planting strip at least five feet wide with continuous plantings of evergreen shrubs and/or trees that will, at maturity, provide a continuous evergreen screen at least four feet tall.

(B) A wall at least three feet high constructed of brick, stone or siding materials that matches the principal walls of the building to which the sign applies.

Departure: Alternative screening schemes may be approved provided they include both the wall and a substantial vegetative screen. The landscaping must comply with Chapter 20.128 POMC.

(ii) Drive-through lanes must not restrict pedestrian access between a public sidewalk and on-site buildings. Walkways must not be located within required stacking space as set forth in the public works standards.

(iii) This section contains standards for drive-through lanes and facilities. Signs associated with drive-through lanes are regulated under POMC 20.132.150(7).

Corrects conflicts between façade transparency requirements in 20.127 and 20.139.

Table 20.127.160(2)
Landscaped Block Frontage Standards



Element	Standards	Examples and Notes
Building placement	10-foot minimum front setback, except where greater setbacks are specified in the district in Chapter 20.122 POMC or where future right-of-way need and/or acquisitions have been identified in city plans. ↻	See POMC 20.127.230 for special design provisions associated with ground level residential uses adjacent to a sidewalk.
Building entrances	Building entrances must be visible and directly accessible from the street. ↻ For uses that front on multiple mixed designated block frontages, an entry along both streets is encouraged, but not required.	
Facade transparency	25 percent minimum for buildings design with ground level nonresidential uses. ↻ 20 15 percent minimum for residential uses. ↻ Windows must be provided on all habitable floors of the facade.	Also see POMC 20.127.140 for additional clarification on transparency standards.  Facade transparency example.
Weather protection	Provide weather protection at least three feet deep over primary business and residential entries.	

Table 20.127.160(2)
Landscaped Block Frontage Standards

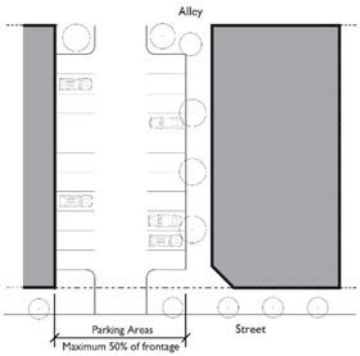

Element	Standards	Examples and Notes
<p>Parking location Also see Chapter 20.124 POMC for related parking requirements</p>	<p>Parking must be placed to the side, rear, below or above uses. For multi-building developments, surface and structured parking areas (ground floor) are limited to no more than 50 percent of the street frontage. Private or shared garage entries must occupy no more than 50 percent of facade width.</p> <p>Provide a 10-foot minimum buffer of landscaping between the street and off-street parking areas meeting the standards of Chapter 20.128 POMC. ↻</p>	 <p>The diagram illustrates a building facade with an alleyway to its left. A parking area is shown between the alley and the building. A dimension line indicates that the parking area must not exceed 50% of the building's street frontage. The street is shown at the bottom of the diagram.</p>
<p>Landscaping Also see Chapter 20.128 POMC for related landscaping standards</p>	<p>The area between the street and building must be landscaped, private porch or patio space, and/or pedestrian-oriented space. For setbacks adjacent to buildings with windows, provide low level landscaping that maintains views between the building and the street. Also provide plant materials that screen any blank walls and add visual interest at both the pedestrian scale and motorist scale. For extended wall areas, provide for a diversity of plant materials and textures to maintain visual interest from a pedestrian scale.</p>	 <p>Example of low level landscaping that screens foundation walls, provides visual interest, and maintains views from dwelling units to the street.</p>
<p>Sidewalk width</p>	<p>Six-foot minimum sidewalks are required. Wider sidewalks may be required where designated in other code sections or in the public works standards.</p>	

Table 20.127.170(2)
Varied Block Frontage Standards



Element	Standards	Examples & Notes
<p>Building placement</p>	<p>Buildings may be placed up to the sidewalk edge provided they meet storefront standards set forth above. 10-foot minimum front setback for other buildings, except where greater setbacks are specified in the district per Chapter 20.122 POMC. ↻ Additional setbacks may be required where future right-of-way need and/or acquisitions have been identified in city plans.</p>	<p>See POMC 20.127.230 for special design provisions associated with ground level residential uses adjacent to a sidewalk.</p>
<p>Facade transparency</p>	<p>Any storefront buildings on these block frontages must meet the storefront block frontage transparency standards above. ↻ 40 percent minimum for buildings designed with nonresidential uses on the ground floor within 10 feet of sidewalk. ↻ 25 percent minimum for buildings designed with nonresidential uses on the ground floor. ↻ <u>2015</u> percent minimum for residential buildings. ↻ Windows must be provided on all habitable floors of the facade.</p>	<p>Also see POMC 20.127.140 for additional clarification on transparency standards.</p>  <p>Facade transparency example – nonresidential use.</p>  <p>Facade transparency example – residential use.</p>

Table 20.127.180(2)
Marine Block Frontage Standards



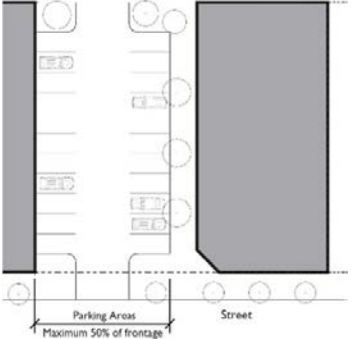
Element	Standards	Examples & Notes
<p>Building placement</p>	<p>Buildings may be placed up to the sidewalk edge provided they meet storefront standards set forth above. 10-foot minimum front setback for other buildings, except where greater setbacks are specified in the district per Chapter 20.122POMC. ↻ Additional setbacks may be required where future right-of-way need and/or acquisitions have been identified in city plans.</p>	<p>See POMC 20.127.230 for special design provisions associated with ground level residential uses adjacent to a sidewalk.</p>
<p>Facade transparency</p>	<p>Any storefront buildings on these block frontages must meet the storefront block frontage transparency standards above. ↻ 40 percent minimum for buildings designed with nonresidential uses on the ground floor within 10 feet of sidewalk. ↻ 25 percent minimum for buildings designed with nonresidential uses on the ground floor within 20 feet of the sidewalk. ↻ 20 15 percent minimum for residential buildings. ↻ Windows must be provided on all habitable floors of the facade.</p>	<p>Also see POMC 20.127.140 for additional clarification on transparency standards.</p>  <p>Facade transparency example – nonresidential use.</p>  <p>Facade transparency example – residential use.</p>

Table 20.127.180(2)
Marine Block Frontage Standards

Element	Standards	Examples & Notes
<p>Parking location</p>	<p>Parking must be placed to the side, below, or above uses. No more than 50 percent of the street frontage may be occupied by parking and drive aisles. ➤</p> <p>Parking in the front requires a departure (see subsection (3)(c) of this section). Parking to the rear may only be approved in conjunction with a variance and/or shoreline variance. The construction of any parking within a shoreline area must be consistent with the requirements of the city’s shoreline master program.</p> <p>No more than 50 percent of the street frontage may be occupied by parking and drive aisles. A 10-foot minimum buffer of landscaping must be provided between the street and off-street parking areas, which meets the landscaping requirements of Chapter 20.128 POMC. New parking structures must feature landscaped setbacks at least 10 feet in width.</p>	

Adds additional qualification to list of qualified individuals who can prepare a landscape plan; removes “other qualified individual”.

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 subsection (1) of this section.

(3) Plans shall be developed by a Washington state licensed landscape architect, a Washington-certified professional horticulturalist (CPH), or a Washington certified professional landscape designer (APLD-WA), ~~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.

(k) Landscape planting, hardscape, and material precedents (imagery) depicting (approximately) the landscape plantings, hardscape, and materials to be used in the project.

(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.

Adds additional qualification to list of qualified individuals who can prepare an irrigation plan; removes "other qualified individual".

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, a Washington-certified professional horticulturalist (CPH), or a Washington certified professional landscape designer (APLD-WA) 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.

(iii) A statement from the applicant agreeing to install an irrigation system if the director finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

Expands terms for consistency with 20.127.020.

20.139.010 Applicability.

(1) The standards in this chapter shall apply to detached houses, backyard cottages, cottage courts (cottages)cottages within a cottage court, side-by-side duplexes, back to back duplexes, attached houses, townhouses, and accessory buildings as defined in Chapter 20.32 POMC, in any zone in which they are built as indicated herein. For existing structures that are being modified or enlarged, the standards shall only apply to the portions of the structure being modified and to any additions, unless the project valuation exceeds 50 percent of the taxable value for the structure.

(2) When the project valuation exceeds 50 percent of the taxable value for the structure, the entire structure shall be brought into compliance with this chapter; except that for any portion of the existing building to which an owner is not proposing structural changes, the city shall not require that portion of the existing building to be modified in the following ways (except when required pursuant to the city's building codes):

(a) Moving an existing exterior wall;

(b) Adding additional windows to an existing exterior wall;

(c) Enlarging an existing covered entry;

(d) Relocating an existing garage or driveway;

(e) Replacing existing siding material; and

(f) Modifying an existing roofline.

Corrects errors in symbology and attached house lot sizes.

20.139.015 Residential garage configuration standards.

(1) The configuration and maximum number of garage bays for the building types listed below shall be limited based on lot width as follows:

Building Type	Lot Width	Maximum number of side-by-side enclosed standard parking stalls when vehicle access is from primary street
Detached House	Less than <40 feet	1
	>40 feet up to 74 feet	2
	>74 feet up to 100 feet	3
	>100 feet	No limit
Backyard Cottage	N/A	N/A
Side-by-Side Duplex	74 feet or less	1 per unit

Building Type	Lot Width	Maximum number of side-by-side enclosed standard parking stalls when vehicle access is from primary street
	>74 feet	2 per unit
Duplex Back-to-Back	40 feet or less	1 for the front unit, no limit for rear unit
	>40 feet and up	2 for the front unit, no limit for rear unit
Attached House	40 74 feet or less	1 per dwelling unit
	> 40 feet 74 and up	2 per unit
Townhouse (See POMC 20.127.340(2)(d))	<30 feet	Not permitted
	>30 feet <u>or more</u>	1 per unit
Accessory Buildings	N/A	N/A

(2) A side-by-side interior parking space shall mean an area within a structure designed for the storage of a single passenger car or light truck.

New section; substance moved from 20.127.

20.139.022 Driveway standards for front-loaded townhomes, attached homes and duplexes.

(1) Individual driveways are limited to a single lane 12 feet wide.

(ii) Driveways shared between two townhomes, two attached homes, or two duplex units are limited to 20 feet in width.

(iii) In order to qualify for one or more individual or shared driveways, the building in which townhomes, attached homes or duplexes are contained must be at least 30 feet wide.



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

216 Prospect Street, Port Orchard, WA 98366
Ph.: (360) 874-5533 • FAX: (360) 876-4980

PLANNING COMMISSION STAFF REPORT

Agenda Item No: 4(d)	Meeting Date: September 3, 2019
Tree Canopy/Significant Trees	Nick Bond, Development
Subject: Code	Prepared by: Director

Issue: At the June 2019 meeting, the Planning Commission reviewed draft tree canopy code language proposed for POMC 20.129.050, which would replace the existing significant trees chapter in the zoning code. The code focuses on maintaining a certain percentage of tree canopy on developed residential sites, based on the type of residential development, instead of retaining and replacing individual trees. The Planning Commission held a public hearing on the tree canopy code, along with other proposed development regulations, but chose to defer a vote and recommendation until additional information had been received. Staff was asked to provide the Commissioners with information at the next meeting on how other jurisdictions had established minimum percentage requirements for a standard tree canopy. Community Development Director replied to the Commission in an email dated June 7, 2019 (attached).

Recommendation: The Planning Commission is requested to recommend approval of the draft tree canopy code to the City Council, as presented.

Suggested Motion: "I move to recommend approval of the draft tree canopy code to the City Council, as presented."

Attachments: Draft Tree Canopy Ordinance (POMC 20.129.050); Email from Nick Bond dated June 7, 2019

Keri Sallee

From: Nick Bond
Sent: Friday, June 07, 2019 10:07 AM
To: Stephanie Bailey; Keri Sallee
Cc: Jim Fisk
Subject: Tree Canopy Ordinance

Stephanie,

I reached out to the planning department at Snohomish County to ask them about the percentages found in their tree canopy ordinance. They chose the 30% tree canopy (at 20 years growth) based on an assessment of the current tree canopy levels in the existing Snohomish County UGA as being at 30%. He said that they recognized that urban lands are required to be allowed to develop under GMA and that some developable lands were forested and some were unforested at the time of their assessment. Through their evaluation, that wanted to strive for no net loss of tree canopy at 20 years post development. In establishing this goal, they recognized that existing unforested sites would become forested through development and that existing forested sites would become less forested at least temporarily. He also mentioned that 20 year tree canopy is likely to be far less canopy than at 40 or 60 years and that in reality the tree canopy approach used would actually result in a long term increase in canopy. He thought that their approach could result in long term tree canopy levels in excess of 50%. In terms of our ordinance, we could tweak these numbers some. I don't have an easy way to estimate our existing tree canopy, but I have reached out to an organization that has some tree data for the central Puget Sound. He did say that for detached SF neighborhoods, 30% could probably apply to all single family development and that the required 30% could be increased by 5-10%. He said at some point depending on proposed home sizes, you will start to see back yards become so full of trees that they are unusable. He also said that 5% is not noticeable on the ground within a development.

I hope this is helpful, please let me know if you have further questions.

Thanks,

Nicholas M. Bond, AICP
Development Director

City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366
(360) 876-7049

ORDINANCE NO. XX-19

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, REPEALING CHAPTER 20.129 (SIGNIFICANT TREES) OF THE PORT ORCHARD MUNICIPAL CODE; ADOPTING NEW CHAPTER 20.129 (TREE CANOPY REQUIREMENTS) OF THE PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, CORRECTIONS, AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Title 20 (Unified Development Code) of the Port Orchard Municipal Code (POMC) was adopted on June 13, 2017 (Ordinance 019-17); and

WHEREAS, the City of Port Orchard may adopt amendments to the City's development regulations pursuant to RCW 36.70A.106; and

WHEREAS, the City Council wishes to encourage preservation of significant trees and mitigation of environmental and aesthetic consequences of tree removal in land development, by establishing tree canopy standards applicable to certain new development; and

WHEREAS, City staff have prepared a new Chapter 20.129 (Tree Canopy Requirements) of the Port Orchard Municipal Code to enact these standards, which will require repeal of the existing significant tree regulations in Chapter 20.129 (Significant Trees); and

WHEREAS, on May 10, 2019, the City provided the Department of Commerce with the required 60-day notice of the City's intent to amend Title 20 to require new residential subdivisions to provide onsite recreation space; and

WHEREAS, on May 20, 2019, the City issued a SEPA Determination of Non-Significance, and no comments or appeals were received; and

WHEREAS, the Planning Commission held a public hearing on June 4, 2019;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals as findings in support of this ordinance.

Section 2. POMC Chapter Repealed - 20.129. Chapter 20.129 (Significant Trees) of the Port Orchard Municipal Code is hereby repealed in its entirety.

Section 3. POMC New Chapter Adopted – 20.129. The new Chapter 20.129 (Tree Canopy Requirements) of the Port Orchard Municipal Code is hereby adopted in its entirety.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid by a court, board, or tribunal of competent jurisdiction, for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Corrections. Upon the approval of the City Attorney, the City Clerk is authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 6. Effective Date; Publication. This ordinance shall take effect and be in full force and effect five days after publication, as provided by law. An approved summary of this ordinance consisting of the title shall be published in the official newspaper of the City.

PASSED BY THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, at a regular meeting thereof this **th day of **, 2019, and SIGNED by the Mayor and attested by the Clerk in authentication of such passage this **th day of **, 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM ONLY:

SPONSORED BY:

Sharon Cates, City Attorney

Scott Diener, Council Member

20.129 Tree Canopy Requirements.

20.129.010 Purpose. It is the purpose of this chapter to:

- (1) Provide incentives for preserving significant trees;
- (2) Mitigate the environmental and aesthetic consequences of tree removal in land development by establishing tree canopy standards applicable to certain new development;
- (3) Provide measures to protect significant trees that may be impacted during construction activities;
- (4) Maintain and protect the public health, safety, and general welfare; and
- (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; and
- (l) Providing a valuable asset to the community.

20.129.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Net Site Area" means the subject site's total (gross) site area minus areas designated as wetlands and wetland buffers, fish and wildlife habitat areas and fish and wildlife habitat buffers, slopes over thirty percent (30%), and stormwater pond facilities.

20.129.030 Applicability. The tree canopy requirements found in this chapter shall apply to all residential development applications. The following activities are exempt from the tree canopy requirements of this section:

- (1) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an immediate threat to person or property as determined by a letter from a qualified arborist;
- (2) Construction of a single detached house, duplex, or residential accessory structure on an individual lot that was not part of a subdivision or short plat subject to current or past city tree canopy or significant tree retention requirements;
- (3) Construction or maintenance of public or private road network elements, and public or private utilities including utility easements not related to a subdivision, short plat, or multifamily development project;
- (4) Construction or maintenance of public parks and trails; and
- (5) Pruning and maintenance of trees.

20.129.040 Significant Tree Retention. All significant trees located within any required landscape buffer as required in POMC 20.128 shall be retained, except activities exempted by 20.129.030. If a significant tree drip line or root protection area extend beyond the required buffer, the significant tree may be removed if the proposed site grading would harm the health or stability of the tree as determined by an arborist. If an arborist identifies a significant tree to be retained as a hazard tree due to blow down risks, the significant tree may be removed.

20.129.050 Tree Canopy Requirements for residential development. New residential subdivisions, short plats, single family attached, and multifamily residential projects containing more than three (3) dwellings shall meet the minimum tree canopy coverage requirements set forth in Table 20.129.050, except as provided section 20.129.060 and 20.129.090.

Table 20.129.050 Tree Canopy Coverage Requirements

Type of Development	Required Tree Canopy Coverage of Development Net Site Area.
Detached Housing Residential Subdivisions, 10 or more lots.	30%
Detached Housing Residential Subdivisions and Short Plats, 5-9 lots.	25%
Detached Housing Residential Subdivisions and Short Plats, 4 or fewer lots.	20%
Cottage Courts	30%
Duplexes, Attached Housing, Townhomes, 10 or more dwellings	20%
Duplexes, Attached Housing, Townhomes, fewer than 10 dwellings	15%
Apartment buildings	15%

20.129.060 Calculating Existing and Future Canopy.

Site tree canopy shall include all evergreen and deciduous trees six (6) feet in height or greater, excluding invasive species or noxious weeds, within the net site area.

(1) The calculation of existing and new tree canopy shall be submitted in writing by a qualified landscape designer or licensed land surveyor in accordance with Table 20.129.060.

Table 20.129.060.

Existing Canopy to be Retained		New Canopy
Option 1 Tree Survey	Option 2 Aerial Estimation	20-Year Canopy Calculation
<ul style="list-style-type: none"> Measure average canopy radius (r) for each tree to be retained Calculate existing canopy area using the formula: Canopy Area (CA)=πr^2 	<ul style="list-style-type: none"> Obtain aerial imagery of site that is less than 2 years old and represents existing conditions. Measure site boundaries Measure canopies of individual trees or stand area 	For each proposed species: <ul style="list-style-type: none"> Calculate radius (r) of canopy at 20 years maturity Calculate canopy coverage using the formula: CA=πr^2 Multiply by the proposed

<ul style="list-style-type: none"> Total the sum of tree canopy areas and divide by net site area to obtain canopy coverage percentage 	<p>using leading edges as the forest boundary</p> <ul style="list-style-type: none"> Divide total canopy measurement by the net site area to obtain canopy coverage percentage 	<p>quantity to be planted to obtain total species canopy area</p> <ul style="list-style-type: none"> Total the sum of species canopy area for all proposed species and divide by gross site area to obtain 20-year canopy coverage percentage
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(2) Existing or New tree canopy may include street trees and may be satisfied through required landscaping as provided in 20.128.

(3) To assist in the preservation and retention of significant trees and existing tree canopy, the applicant may utilize the following credits:

- (a) Individual significant trees retained on site shall be counted at one hundred twenty-five percent (125%) of their actual canopy area.
- (b) For clusters or stands of five (5) or more trees, each tree shall be counted at one hundred fifty percent (150%) of its actual canopy area.
- (c) For clusters or stands of five (5) or more significant trees, each tree shall be counted at two hundred percent (200%) of its actual canopy area.
- (d) Retained trees located within no more than 20 feet of a rain garden or a bio-swale on site shall be counted at one hundred fifty percent (150%) of their actual canopy area.
- (e) The required on-site recreation space required may be reduced by fifty percent (50%) if forty percent (40%) or more of the site has existing tree canopy that is retained along with all native vegetation under that canopy area.

20.129.070 New Tree Planting Requirements and Specifications.

(1) Trees planted to meet tree canopy requirements Table 20.129.050 shall meet the following criteria:

- (a) Sites must be planted or replanted with a minimum of fifty percent (50%) evergreen species, except:
 - (i) The evergreen portion of the required planting mix may be reduced to thirty seven and one half percent (37.5%) when the deciduous mix contains exclusively indigenous species to the Puget Sound region, not including Alder; and
 - (ii) Sites obtaining tree canopy requirements solely through street trees are exempt from the requirement to include evergreen species in the planting mix;
- (b) Sites requiring planting or replanting of tree canopy must plant no more than thirty percent (30%) of trees from the same species and no more than sixty percent (60%) of trees from the same taxonomic family; and
- (c) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements.

20.129.080 Tree Protection Measures. The following tree protection measures shall be taken during clearing or construction where existing tree canopy is being retained:

(1) Tree protective fencing shall be installed along the outer edge of the drip line surrounding the trees retained in order to protect the trees during any land disturbance activities, and fencing shall not be moved to facilitate grading or other construction activity within the protected area;

- (2) Tree protective fencing shall be a minimum height of three feet, visible and of durable construction (orange polyethylene laminar fencing is acceptable); and
- (3) Signs must be posted on the fence reading "Tree Protection Area."

20.129.090 Tree Canopy Reductions. An applicant may, by type 1 administrative variance pursuant to POMC 20.28.150 (1) (a) (iv), seek a reduction in required tree canopy under Table 20.129.060 by no more than ten percent (10%) when the following criteria and those in POMC 20.28.150 (1) (b) are met:

- (a) The applicant demonstrates in writing that they have made a good faith effort to comply with the tree canopy requirements within the physical constraints of the site by:
 - (i) Retaining as much of the tree canopy as possible on site consistent with best management practices for maintaining the health of trees; or
 - (ii) Replanting as much of the tree canopy as possible on site consistent with best management practices for maintaining the health of trees; and
- (b) The applicant proposes to plant additional understory vegetation or ground cover area, excluding lawn cover, invasive species or noxious weeds, to fulfill the remaining canopy requirement in Table 20.129.060 not met by retention or replanting of tree canopy.

20.129.100 Damage to significant trees to be retained. Any significant trees identified in a landscape plan to be retained and subsequently damaged or removed during site development shall be replaced at a rate of three (3) trees for each one (1) damaged or removed significant tree.

Summary for the Planning Commission – 9/3/2019

A committee of individuals to be selected by the City of Port Orchard will perform evaluation of the proposals for the Parks Plan update. The selection committee will include, at minimum: one City Council member, one Planning Commissioner, one Public Works staff member, one DCD staff member, and one community representative. It is anticipated that the consultant selection will take place in October 2019.

REQUEST FOR PROPOSALS (RFP) – Personal Services PORT ORCHARD COMPREHENSIVE PARKS PLAN UPDATE

Project Description

The City of Port Orchard (hereafter referred to as the “City”) is seeking to hire a consultant or team of consultants to prepare an update to the City’s Comprehensive Parks Plan (CPP). The CPP will provide a 20-year vision for parks, recreation, open space, and trails, as well as a 6-year action plan for implementing short- and medium-term steps to succeed in this vision. The plan needs to be financially sustainable and include realistic goals for implementation. The plan will include research, public involvement, and the development of recommendations for all aspects of Port Orchard’s park system, including providing a community demand, supply and needs analysis. The CPP will also create a framework for fiscally sound decision-making over a multi-year planning period.

The CPP is required to be updated every six years to qualify the City for federal and state grants through the State of Washington’s Recreation and Conservation Office (RCO). It is used to assess our residents’ needs and prioritize park acquisition, maintenance, and capital facility needs. The current CPP was drafted in-house and was adopted by the City Council in 2011, with an update to the CPP capital improvements program appendix in 2016. The CPP functions in coordination with the City’s [Comprehensive Plan](#) and [Shoreline Master Program](#).

Port Orchard has approximately 75 acres of park area, as well as trails and other open space.

Primary Objectives

- Update the City’s CPP to restore RCO grant eligibility and to facilitate an update to the City’s parks impact fee program.
- Prepare and implement a community outreach plan for the CPP update.
- Update the CPP vision and create goals and objectives.
- Conduct and prepare a recreation demand and needs study.
- Update the inventory of existing parks, and conduct and prepare a condition assessment report of major park assets such as outdoor restrooms and playgrounds.
- Prepare and recommend capital projects for the next 6 years and 20 years, including cost estimates.
- Develop a useful, readable planning document that will guide the City strategically in managing Port Orchard’s park system for the next 6 years.
- Based on the parks capital improvement program, prepare a new park impact fee calculation report as an appendix to the CPP.

Project Components

Background Information Review

- Review and assessment of current plan.

- Assess park system strengths, weaknesses, opportunities and threats.
- Analysis of level of service that is both feasible and aligned with the desires of residents as expressed through the public involvement process.
- Exploration of finance and funding mechanisms to support development and sustainability of the parks system.

Public Outreach

- Develop public outreach plan to reach a wide range of residents.
- Plan must include online engagement tools such as social media, targeted stakeholders, 2-3 public forums (such as open houses), several City Council briefings/presentations, and informational website assistance.
- Record and document public comments.
- The outreach plan must employ creative tools to develop group consensus and understanding.

Recreation Demand Study

- Conduct and prepare a recreation demand study including:
 - Assess demand for recreation programs.
 - Survey current users about their preferences, including rankings, for additional recreational opportunities.
 - Identify and summarize location “competition”/potential partners in recreation program areas.
 - Review and summarize regional, new and emerging and declining trends in recreation activities.

Outdoor Asset Inventory and Condition Assessments

- Conduct and prepare an assessment of major outdoor recreation assets.
- Assess and rate the condition of park amenities such as playgrounds, outdoor restrooms, sport courts, shelters, hard courts, and grass/dirt sports fields.

Prepare Useful, Readable Planning Document

- Identification and categorization of recommendations into themes with goals, objectives and an action plan for implementation.
- Specific action steps to guide the City in the present and future for its parks. planning/funding/development process, including conceptual ideas for underdeveloped, underused and/or undeveloped park property.
- Development of an action plan for capital improvements including cost, potential funding sources, and timeframe to support the implementation of the plan.
- Recommendation on whether City should adopt level of service standards and evaluation of funding opportunities to achieve said standards.
- Report must include relevant text, graphics, maps, etc. in electronic format for final adoption and distribution.
- Plan adoption through the formal local legislative process.

IX. Evaluation Criteria and Selection Process

The basis of award will be to the respondent receiving the most points based on the following criteria:

- A. Proposed project cost. (MAXIMUM 40 POINTS AVAILABLE)
- B. Qualifications of the consultant and firm. (MAXIMUM 15 POINTS AVAILABLE)
- C. Previous project experience on similar projects. (MAXIMUM 15 POINTS AVAILABLE)

- D. Knowledge of City's Parks Plan and the Parks Element of the Comprehensive Plan, the state Recreation and Conservation Funding Board's Manual 2 "Planning Policies and Guidelines" as they relate to comprehensive parks plan requirements, and general knowledge of the Port Orchard community. (MAXIMUM 15 POINTS AVAILABLE)
- E. Previous municipal work experience. (MAXIMUM 5 POINTS AVAILABLE)
- F. Capability of performing work and meeting required timelines. (MAXIMUM 5 POINTS AVAILABLE)
- G. Response of references. (MAXIMUM 5 POINTS AVAILABLE)

The proposals will be scored and ranked based on the selection committee's evaluation. In the event of close scoring, a shortlist interview may be performed. The firm with the highest cumulative score will be invited to enter into contract negotiations. If an agreement cannot be reached, the second highest proposer may be contacted for negotiations. The City reserves the right to award the contract to the highest ranked firm without further discussions.



Planning Commission Meeting Minutes
City Council Chambers, City Hall
June 4, 2019

COMMISSIONERS:

Present: Stephanie Bailey, David Bernstein, Marcus Lane, Suanne Martin Smith, Annette Stewart (Chair), Trish Tierney

Absent: Mark Trenary, Kathleen Wilson

STAFF PRESENT:

Community Development Director Nick Bond, Long Range Planner Keri Sallee, Code Enforcement Officer Doug Price

1. CALL TO ORDER:

Chair Stewart called the meeting to order at 6:02 p.m. and led the pledge of allegiance.

2. BUSINESS ITEMS:

- A. Public Hearing/Discussion and Recommendation: Sexually Violent Predator Permanent Housing Ordinance.** Long Range Planner Sallee said that on April 9, 2019, the City Council adopted an emergency interim zoning ordinance (Ord. 015-19) to provide regulations for the siting and development of secured residential facilities for sexually violent predators. Per state law, the Council is required to hold a public hearing within 60 days of adoption of an interim zoning ordinance, and the Council held a public hearing on May 24. Council then directed staff to prepare a permanent ordinance, with a public hearing to be held by the Planning Commission.

Sallee said that these facilities are listed under “Secured High Risk Social Service Facilities” in the zoning code, and they will be conditionally permitted only in the Commercial Corridor, Commercial High, Industrial Flex and Light Industrial zones. They will not be permitted in residentially-zoned areas. At the request of the Commissioners, Sallee will consult with the City Attorney on several issues: whether expanding public notice beyond the proposed half-mile radius of a facility would be advisable; whether public notice of a proposed facility should be sent to occupants as well as legal property owners; and, whether a specific, minimum length of time should be identified for operation of an emergency security services generator.

Chair Stewart opened the public hearing. No public testimony was received. Chair Stewart closed the public hearing. Commissioner Tierney made a motion to continue the discussion and vote to the next meeting after receiving more information from the City Attorney. Commissioner Bailey seconded the motion.

B. Public Hearing/Discussion and Recommendation: Zoning Map Revisions. Sallee gave an introduction to the proposed Zoning Map changes. After the City Council adopted a new Zoning Map in March 2019, staff became aware that several parcels had incorrect zone designations that required correction. Additionally, at the same time Christ the Rock Church on Bethel Ave. requested to have its undeveloped parcels rezoned from Civic & Institutional (CI) to Commercial Mixed Use (CMU) so that they can be potentially sold for development. Staff supports this request.

Chair Stewart opened the public hearing. Pastor Virgil Brown of Christ the Rock Church testified in favor of the proposal to rezone the undeveloped church properties from CI to CMU, and explained some the long-term possibilities for the property and the church. Chair Stewart closed the public hearing.

Commissioner Tierney made a motion to recommend approval of the Zoning Map revisions to the City Council as presented. Commissioner Lane seconded the motion. The motion passed unanimously.

C. Public Hearing/Discussion and Recommendation: Development Regulations Updates (Contd from May). Chair Stewart opened the public hearing. No public testimony was received. Chair Stewart closed the public hearing.

Code Enforcement Officer Price gave an update on the most recent versions of proposed changes to Title 20 POMC for code enforcement measures, residential yard/garage sales, and residential vehicle service/repair, all of which had been previously reviewed by the Planning Commission at the May 2019 meeting. Changes that the Commission had requested for the code enforcement and yard/garage sale draft codes have been made, and are shown in the updated drafts.

Price then went through the changes that had been made to the draft Chapter 20.66, Vehicle Service and Repair Accessory to Residential Uses. Although most of the Commission's requested changes had been made, Price explained that although he had attempted to resolve the concerns about conducting "Major Work" outside of a building, he ultimately recommended that the prohibition on this type of work remain in the code. The Planning Commission accepted these changes, with the clarification that outdoor/unenclosed work is subject to time restrictions (limited hours) as indicated in Section 20.66.020(5).

Commissioner Bailey requested that discussion of the tree canopy code be continued to the next meeting. Bond will provide information to the Commission by email on how standard tree canopy minimum percentages have been established by other local jurisdictions.

Commissioner Tierney moved to recommend approval of the development regulations updates to the City Council with changes to Chapter 20.66 as discussed, except for Chapter 20.129. Commissioner Bailey seconded the motion. The motion passed unanimously.

D. Public Hearing/Discussion & Recommendation: 2019 Comprehensive Plan Amendments.

Sallee gave an overview of the 2019 Comprehensive Plan amendments. The City has updated its 6-year TIP to the 2019-24 planning horizon, and Appendix B of the Comprehensive Plan has been revised accordingly. Appendix B has also been revised to include appendices A-F of the Bethel/Sedgwick Corridor Study Plan. Finally, the Land Use Element has been revised to update terminology and map sizes for the City's adopted local centers, along with other changes to bring the element more closely in line with the City's planning vision and other city regulations.

Commissioner Tierney moved to recommend approval of the 2019 Comprehensive Plan amendments to the City Council. Commissioner Bailey seconded the motion. The motion passed unanimously.

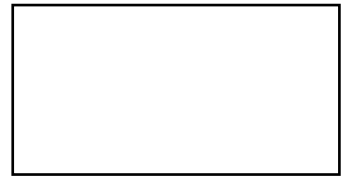
3. APPROVAL OF MINUTES FROM MAY 7, 2019:

Commissioner Tierney made a motion to adopt the minutes of the Planning Commission meeting of May 7, 2019, with corrections. Commissioner Bailey seconded the motion. The motion passed unanimously.

ADJOURN: Chair Stewart adjourned the meeting at 7:26 pm.

Annette Stewart, Chair

Nick Bond, Community Development Director



Planning Commission Meeting Minutes
720 Prospect Street (DCD Building)
May 7, 2019

COMMISSIONERS:

Present: Stephanie Bailey, David Bernstein, Suanne Martin Smith, Trish Tierney, Mark Trenary, Kathleen Wilson

Absent: Marcus Lane, Annette Stewart

STAFF PRESENT:

Code Enforcement Officer Doug Price, Long Range Planner Keri Sallee

1. CALL TO ORDER:

Vice Chair Bailey called the meeting to order at 6:02 p.m. and led the pledge of allegiance.

2. BUSINESS ITEMS:

A. Introduction to 2019 Comprehensive Plan Amendments. Long Range Planner Sallee gave a summary of the City's 2019 Comprehensive Plan amendment package. The proposed amendments include updated Appendix B text references for the City's 6-year Transportation Improvement Plan and the Bethel/Sedgwick corridor plan appendices, as well as revisions to the terminology and sizes of the City's adopted local centers in the Land Use Element. The Planning Commission will hold a public hearing and provide a recommendation to City Council at the June 2019 meeting.

B. Discussion: Development Regulations Updates. Code Enforcement Officer Price presented several new and amended draft code sections in Title 20 POMC, regarding the regulation of garage/yard sales, temporary uses, and vehicle service/repair on residential properties, and providing for criminal penalties and other legal options for code enforcement. The Commissioners requested that Price make several revisions to the garage/yard sale and vehicle service/repair draft regulations, and bring them back to the Commission for review.

Commissioner Tierney made a motion to recommend approval to City Council of the code enforcement provisions and penalties code amendment as presented. Commissioner Wilson seconded the motion. The motion passed unanimously.

Commissioner Tierney made a motion to recommend approval to the City Council of the vehicle service/repair code amendment, with revisions as requested by the Commission. Commissioner Trenary seconded the motion. The motion passed unanimously.

Sallee gave an overview of proposed revisions to Title 20 POMC that would allow nine-lot short plats (an increase to the current 4-lot limit), require onsite recreation space in new residential subdivisions, and establish tree canopy requirements that will be applied along with significant tree requirements for new developments.

The Commission will hold a public hearing, re-review the code revisions, and provide a final recommendation to City Council at the June 2019 meeting.

C. Potential Rezones. Sallee told the Commission that when the City's new Zoning Map was adopted in March 2019, several church and City properties were given incorrect zoning. The City also received a request to downzone a number of small and/or undeveloped parcels east of Mitchell Ave, so that duplexes and triplexes can be built as well as apartment buildings. The Planning Commission will hold a public hearing and provide a recommendation to City Council on the rezones at the June 2019 meeting.

3. APPROVAL OF MINUTES FROM FEBRUARY 5, 2019:

Commissioner Wilson made a motion to adopt the minutes of the Planning Commission meeting of February 5, 2019. Commissioner Martin Smith seconded the motion. The motion passed unanimously.

The meeting was adjourned at 7:36 pm.

Annette Stewart, Chair

Nick Bond, Community Development Director