



CITY OF PORT ORCHARD
Planning Commission
216 Prospect Street, Port Orchard, WA 98366
(360) 874-5533 planning@cityofportorchard.us

PLANNING COMMISSION MEETING AGENDA

Tuesday, November 5, 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. Approval of Minutes from September 3, 2019**
- 5. Business Items**
 - (a) Public Hearing: Title 20 “Housekeeping” Amendments
 - (b) Discussion/Recommendation: Title 20 “Housekeeping” Amendments
 - (c) Discussion: Potential Rezones
 - (d) Discussion/Recommendation (contd from Sept): Tree Canopy/Significant Trees Code
 - (e) Discussion/Recommendation: Shoreline Master Program Update – Public Participation Plan and Work Plan
- 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.



**Planning Commission Meeting Minutes
City Council Chambers, City Hall
September 3, 2019**

COMMISSIONERS:

Present: David Bernstein, Suanne Martin Smith, Annette Stewart (Chair), Trish Tierney, Kathleen Wilson

Absent: Stephanie Bailey Phil King, Mark Trenary

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. Discussion: Amendments to Chapter 20.212 – Dangerous and Unfit Buildings. Code Enforcement Officer Price gave an overview of the proposed changes to POMC Chapter 20.212, which involve transferring responsibility for appeals of code violation abatement orders from the City's Building Board of Appeals (BBOA) to a City hearing officer. Although some abatement orders may involve building code violations, many others do not, and the BBOA is not the correct body to review non-building code matters. The City's municipal court judge, who is a former planning commissioner, has been contacted and is willing to serve as the hearing officer for appeals on abatement orders. The City, and not the appellant, will pay the cost for his services. Associated changes are being made to Title 2 (appointive positions) that will create the hearing officer position and qualifications.

B. Public Hearing: Amendments to Chapter 20.212 – Dangerous and Unfit Buildings. Chair Stewart opened the public hearing. No public testimony was received. Stewart closed the public hearing.

Commissioner Tierney made a motion to recommend that the City Council approve the amendments to Chapter 20.212 as presented. Commissioner Martin Smith seconded the motion. The motion passed unanimously.

A. Discussion and Recommendation (contd. from June): Sexually Violent Predator (SVP) Housing Permanent Ordinance.

Long Range Planner Sallee summarized the previous discussion about this ordinance, which had taken place at the June 2019 meeting. A public hearing had also been held at the June meeting. At the Commissioners' request, Sallee had consulted with the City Attorney on several issues after the June meeting: whether expanding public notice beyond the proposed half-mile radius of an SVP 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.

Sallee said that with regard to the notice issues, the City Attorney had advised a consistent approach. If the City wanted to change the proposed notification radius from a half-mile to one mile or some other distance, it could do so, but the distance should be consistent for all notices since singling out any application or applicant with a different distance requirement could appear prejudicial, unless an overriding need for an alternative distance can be documented. This would also apply when deciding whether to notify residents as well as property owners. With regard to the emergency generator, the City Attorney advised against establishing a specific, minimum time of operation in City code. The City is not an expert on SVP facilities and should not attempt to determine the need for, or the operating requirements of, onsite emergency generators. This legal responsibility should remain with the state-licensed facility operator.

Commissioner Martin Smith made a motion to recommend that the City Council approve the Sexually Violent Predator Housing permanent ordinance as presented. Commissioner Tierney seconded the motion. The motion passed unanimously.

B. Discussion and Recommendation (contd. from June): Tree Canopy/Significant Trees Code.

Bond had provided email information after the June meeting, to follow up on Commissioner Bailey's questions about how other jurisdictions with tree canopy requirements had developed their tree canopy percentage requirements. He spoke with the developer of Snohomish County's tree canopy ordinance, who said they used a tree canopy calculation tool that estimated the existing tree canopy in urban areas of Snohomish County at approximately 30% in single-family residential areas. Since the County wished to retain this existing level of tree canopy, this is the percentage that was incorporated into their ordinance. Bond said that Port Orchard doesn't have the advanced mapping tools of Snohomish County, but when looking at environmental maps and subtracting out ravine areas (like Blackjack Creek), it appears that 30% may be a net increase over the current tree canopy in the City's single-family neighborhoods, which seems to average approximately 15%.

Commissioner Bernstein asked if the purpose of the tree canopy was more for aesthetics or habitat value. Bond said that it will serve both purposes, and also complement required landscaping in new subdivisions. It is not intended to create or contribute to a buffer effect, however, such as landscaping between commercial and residential zoned properties. Bernstein asked why the tree canopy requirements will only apply in residential areas. Bond said that although the landscaping code does require trees in non-residential buffers, right-of-way and parking lots, it is generally desirable for commercial development to maximize use of land in a

way that single-family development generally does not. A tree canopy requirement of 30% would be inconsistent with the high lot coverages that are allowed in the commercial and industrial zones for viable development proposals. If a site is cleared for commercial development, under the proposed tree canopy code the developer will only be required to retain any trees protected under the critical areas ordinance.

Bernstein asked if subdivision developers could be required to “cluster” their required tree canopy preservation areas near adjacent critical areas or areas on adjacent subdivisions that had already been set aside for tree preservation, to create more substantive habitat areas. Bond said that he would be reluctant to require this in code, as it could make development more difficult for oddly-shaped properties, access issues, or those with a lot of critical areas. It could, however, be recommended where feasible as administrative guidance.

Commissioner Wilson said that if the significant trees code is being repealed in its entirety, the definition of “significant tree” should be put into the main Definitions chapter of Title 20. Sallee will add this definition into the ordinance.

Bernstein said that if a stand of trees are removed, and just one tree is left, that tree becomes a blowdown hazard – what prevents someone from having an arborist say that it is now a danger tree? Bond said that this situation would be identified and caught when the City reviews the landscape plan for a subdivision application, and the developer would either have to modify the tree removal plan or remove all the trees and replace them.

Bernstein asked how the tree canopy code would apply to existing single-family homes and undeveloped lots that will not be part of a new subdivision application. Sallee said that the owner of a single-family house will not be required to prepare a landscaping plan or tree replacement plan if they want to remove trees from their existing developed lot. Bernstein asked what would happen if the owner wanted to tear down and rebuild or significantly add on to the house? Bond said he would consider that question, and whether the significant tree code could potentially be retained to apply to all development unless the tree canopy code applied instead, i.e. if there was a new subdivision application. In other words, there would be a “Path A” for existing lots and “Path B” for new subdivisions. Bernstein said that would make him more comfortable.

Tierney said she would prefer to wait until all the Commissioners were present to participate in the discussion prior to voting. Bernstein said he would like to review the landscaping code against the tree canopy and significant trees code at the same time at the next meeting. Chair Stewart confirmed that the item will be continued for further discussion at the October meeting.

- C. Discussion: Title 20 “Housekeeping” Amendments.** Sallee gave an initial overview of the 2019 Title 20 “housekeeping” amendment package, which is a collection of all the minor errors, inconsistencies and omissions that have been noted in the code through the year, and which are intended to be cleaned up in one ordinance. The amendments do not involve substantive changes to the code. The Planning Commission will be asked to discuss the amendment package in detail, hold a public hearing, and provide a recommendation to City Council at the October meeting.

D. Volunteer Opportunity – Parks Plan Update Selection Committee. Sallee said that the City will be updating its Parks Plan in 2019-2020, and has published an RFP for consultants to do this work. The Planning Commissioners are invited to volunteer for the consultant selection committee, which will meet in early to mid October. Commissioners Bernstein, Stewart and Tierney volunteered to serve on the committee.

3. APPROVAL OF MINUTES FROM JUNE 4, 2019:

Commissioner Tierney made a motion to adopt the minutes of the Planning Commission meeting of June 4, 2019 as submitted. Commissioner Martin Smith seconded the motion. The motion passed unanimously.

ADJOURN: Chair Stewart adjourned the meeting at 7:16 pm.

Annette Stewart, Chair

Nick Bond, Community Development Director



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

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PLANNING COMMISSION STAFF REPORT

Agenda Item No:	<u>5(a) and (b)</u>	Meeting Date:	<u>November 5, 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. In the explanatory document, the changes are listed in numerical order, in redline strikeout/underline format, with explanations at the head of each change. The ordinance is also provided for Commission review. This item was previously discussed at the September 2019 meeting.

On November 5, 2019, the Planning Commission is requested to hold a public hearing, continue its discussion, and provide a recommendation to City Council.

Recommendation: The Planning Commission is requested to recommend that the City Council approve the Title 20 housekeeping ordinance.

Suggested Motion: "I move to recommend that the City Council approve the Title 20 housekeeping ordinance, as presented."

Attachments: Ordinance; Corrections By Code Section Explanatory Document

ORDINANCE NO. __ -18

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING MINOR REVISIONS AND CORRECTIONS TO TITLE 20 OF THE PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on June 13, 2017, the Port Orchard City Council adopted ordinance 019-17 establishing a new unified development code (Title 20 POMC); and

WHEREAS, on March 13, 2018, the Port Orchard City Council adopted ordinance 010-18, which corrected minor errors and made other minor revisions to Title 20 POMC; and

WHEREAS, since the adoption of ordinance 010-18, City staff have docketed additional minor errors and several other proposed minor revisions to Title 20, pursuant to Chapter 20.06.020(7); and

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

WHEREAS, on August 19, 2019, the City submitted to the Department of Commerce a request for expedited review of the proposed minor revisions and corrections to Title 20, pursuant to RCW 36.70A.106(3)(b); and

WHEREAS, on September 13, 2019, the City's SEPA official issued a determination of non-significance for the proposed adoption of minor revisions and corrections to Title 20, and there have been no appeals; and

WHEREAS, on October 1, 2019, the Planning Commission held a duly-noticed public hearing on the proposed adoption of minor revisions and corrections to Title 20, and public testimony was received, and the Planning Commission recommended approval of the proposed adoption; **NOW, THEREFORE**

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

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

SECTION 2. The following definitions are added to Chapter 20.12:

“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.

“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.

SECTION 3. The following definition in Chapter 20.12 is revised to read as follows:

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

SECTION 4. The following definition in Chapter 20.12 is deleted:

“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.

SECTION 5. Chapter 20.24 is revised to read as follows:

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.

20.24.060 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.

20.24.080 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.

20.24.090 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.

20.24.100 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.

20.24.110 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.

SECTION 6. Section 20.32.007 is revised to read as follows:

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.

Building Type	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	
Park																						
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

* See restriction in POMC 20.32.090.

SECTION 8. Section 20.32.080 is revised to read as follows:

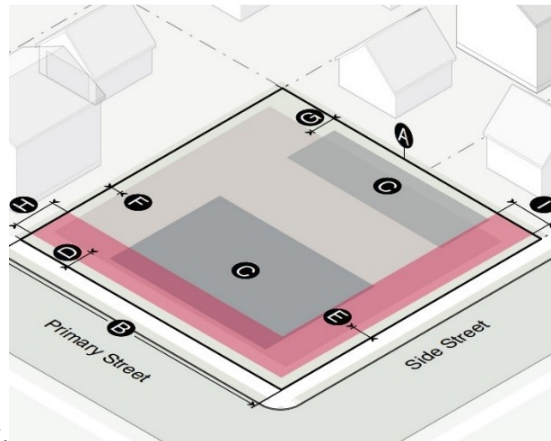
Section 20.32.080 Fourplex.





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

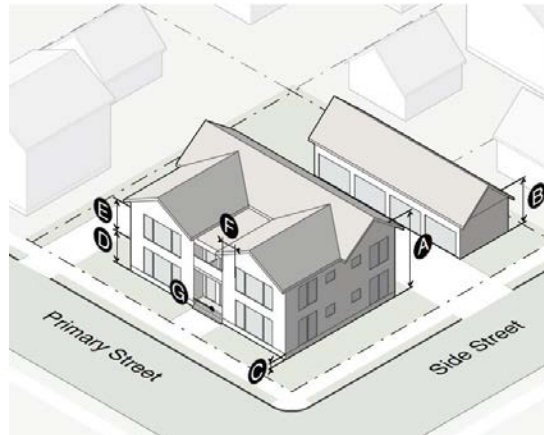
(2) Districts where allowed: R3, R4, R5, NMU.



(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: 15 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.

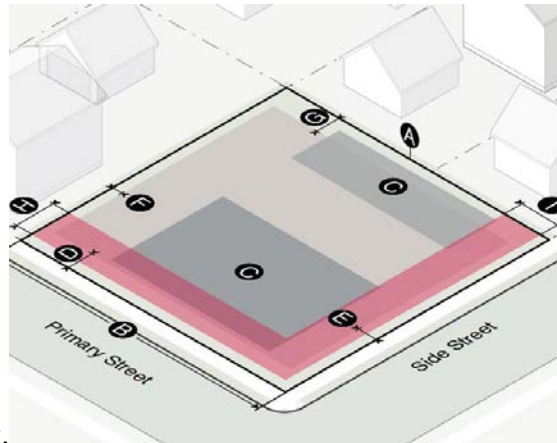
SECTION 9. Section 20.32.090(1) is revised to read as follows:

Section 20.32.090(1) Townhouse.



(1) Definition. A building type that accommodates three 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, NMU, CMU, GMU, BPMU.



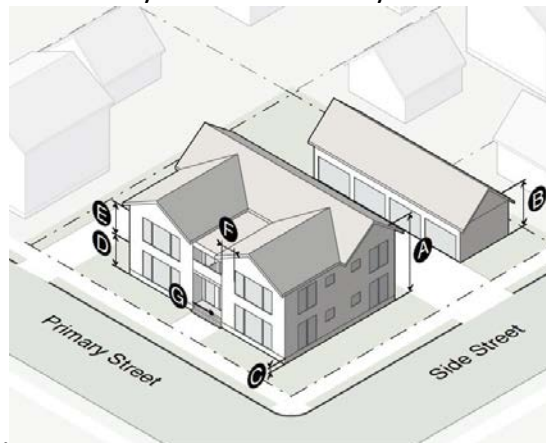
(3) Lot and Placement.

- (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 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.

SECTION 10. Section 20.32.100 is revised to read as follows:

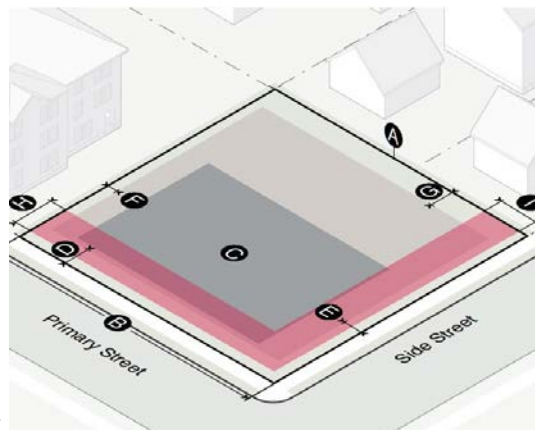
20.32.100 Apartment.





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

(2) Districts where allowed: R3, R4, R5, 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: 35 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.

SECTION 11. Section 20.34.010 is revised to read as follows:

Section 20.34.010 Residential 1 (R1).

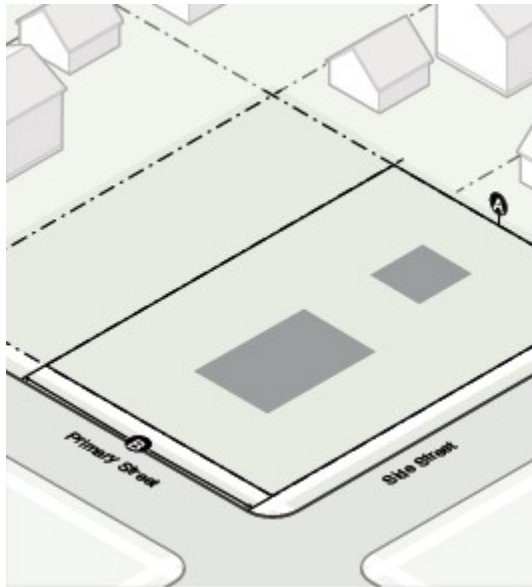
(1) Intent. The R1 district is intended to accommodate single-family detached houses with a minimum lot size of 5,000 to 6,000 square feet. (Cottage court developments may have individual lots as small as 1,200 square feet, as indicated below.) R1 may be applied in areas designated as residential low 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).

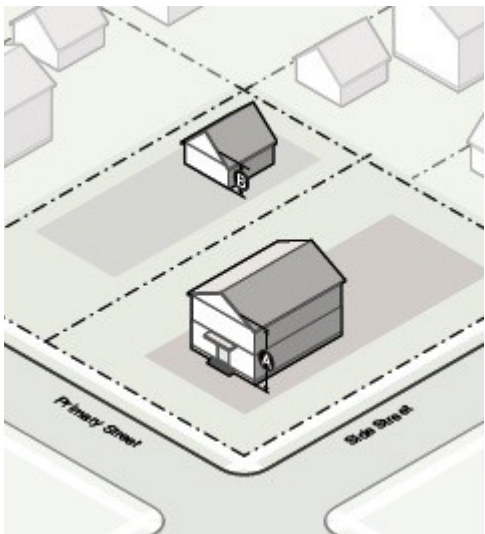


R1 Building Placement

(7) Building Height.

(a) Principal building: three stories/35 feet maximum.

(b) Accessory structure: 24 feet maximum.



R1 Building Height

SECTION 12. Section 20.35.010 is revised to read as follows:

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.

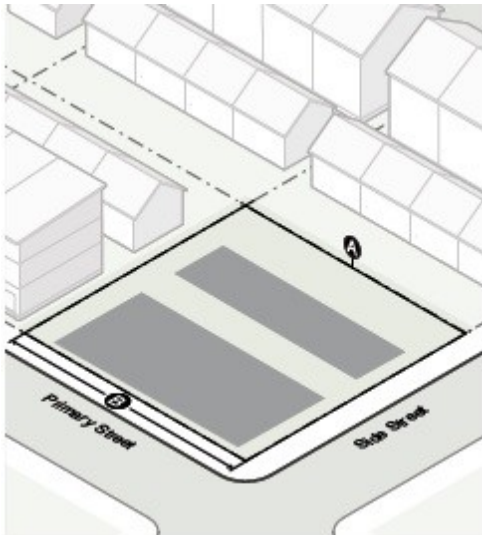
(2) Building Types Allowed. The allowed building types in the RMU zone as follows:

- (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.

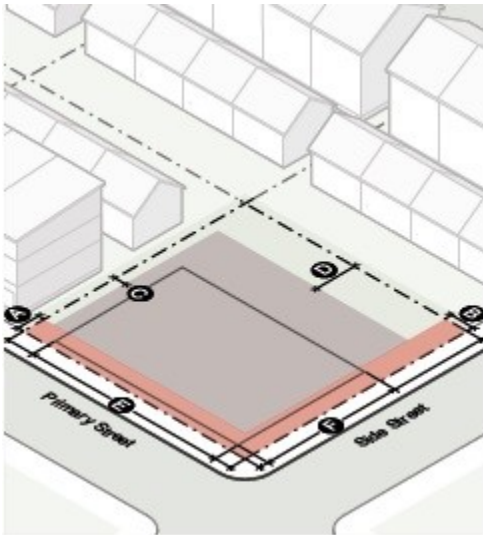
(b) Minimum Lot Width.

- (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

SECTION 13. Section 20.35.030 is revised to read as follows:

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.

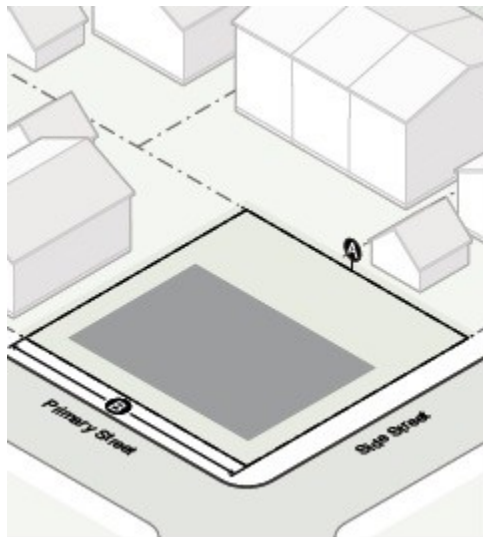
(a) Minimum Lot Size by Building Type.

- (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.



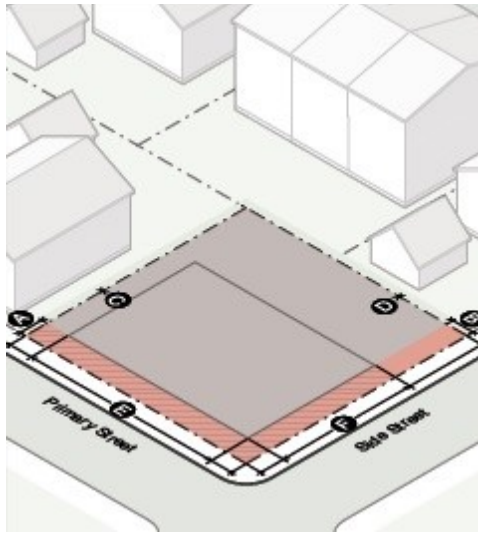
CMU Lot Dimensions

(5) 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).

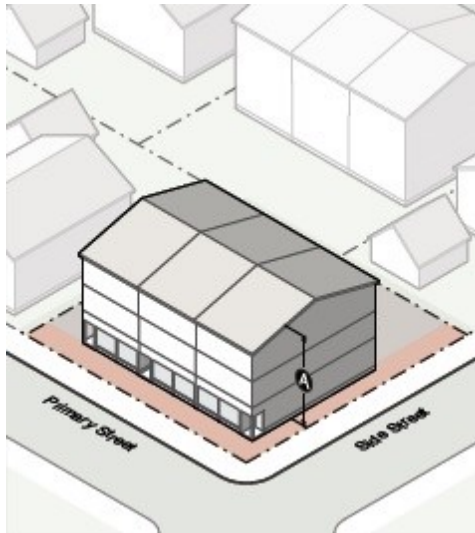


CMU Building Placement

(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

SECTION 14. Section 20.35.040 is revised to read as follows:

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)).

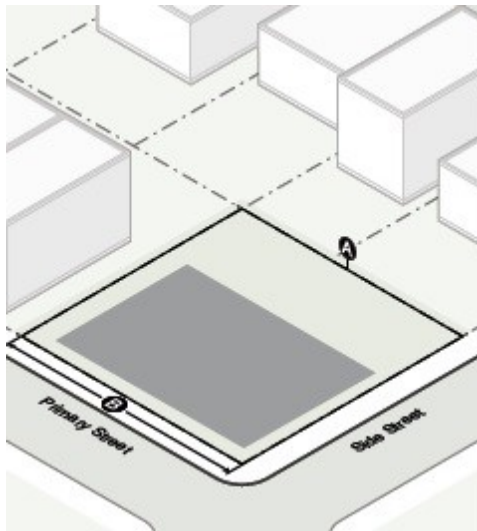


DMU Building Types

(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.



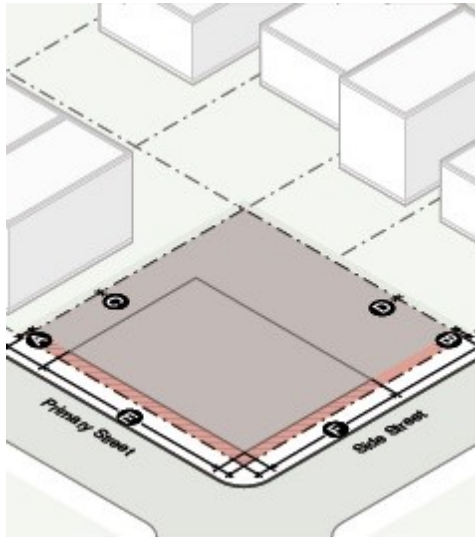
DMU Lot Dimensions

(4) Maximum hard surface coverage is 100 percent.

(5) Building Setbacks.

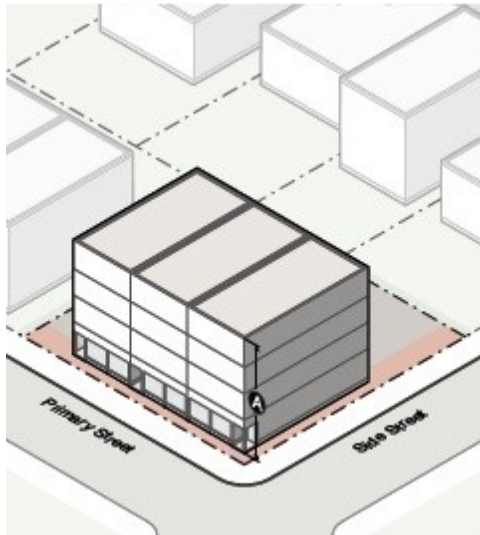
(a) Primary street: not applicable.

- (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

SECTION 15. Section 20.35.050 is revised to read as follows:

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:

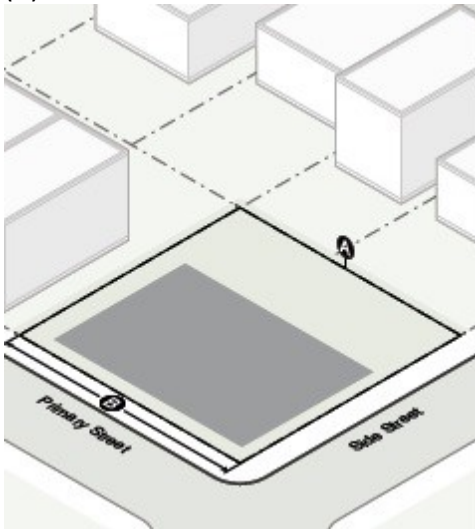
- (a) Townhouse.
- (b) Apartment.
- (c) Live-work unit.
- (d) Shopfront house.
- (e) Single-story shopfront.
- (f) Mixed use shopfront.
- (g) General building.
- (h) Accessory buildings (POMC 20.32.010 (16)).



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) Building Setbacks.

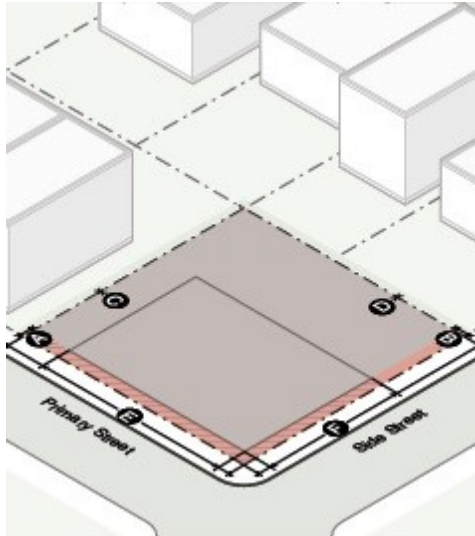
- (a) Primary street: not applicable.
- (b) Side street: not applicable.
- (c) Side interior: not applicable.

(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.

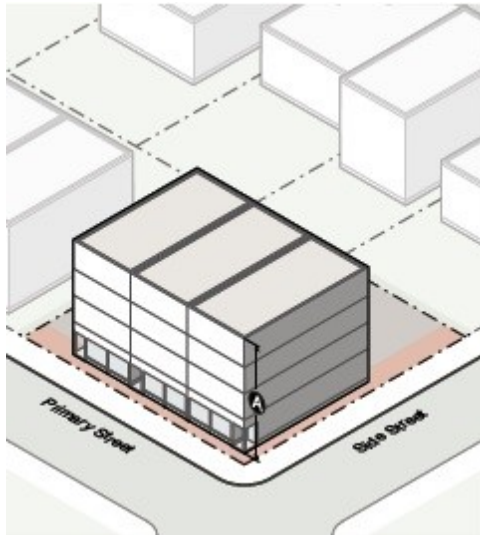
(b) Corner yard: not allowed.

(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

SECTION 16. Section 20.35.060 is revised to read as follows:

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.

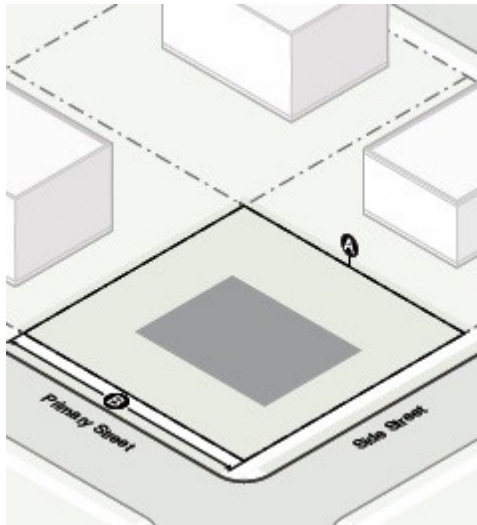
(a) Minimum Lot Size by Building Type.

- (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.



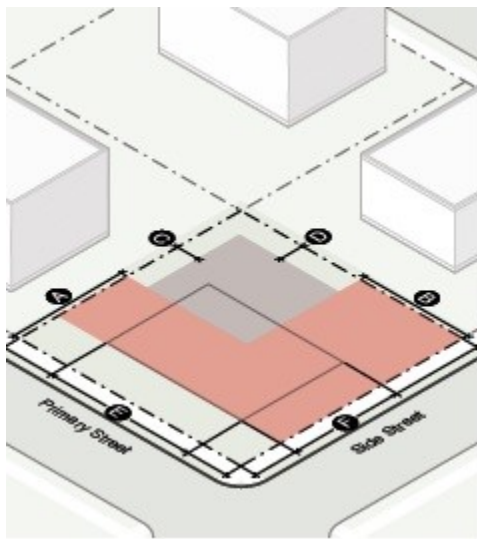
CC Lot Dimensions

(5) 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).



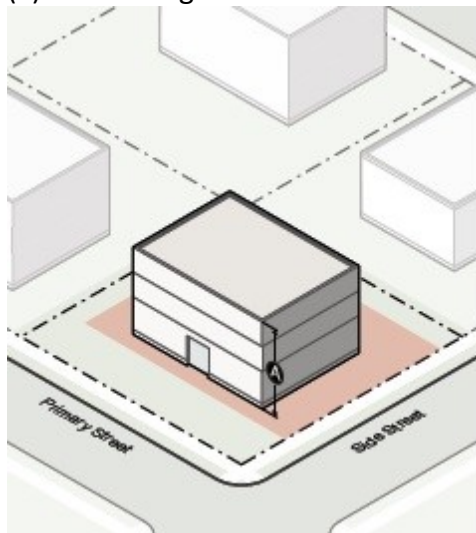
CC Building Placement

(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

SECTION 17. Section 20.35.070 is revised to read as follows:

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.

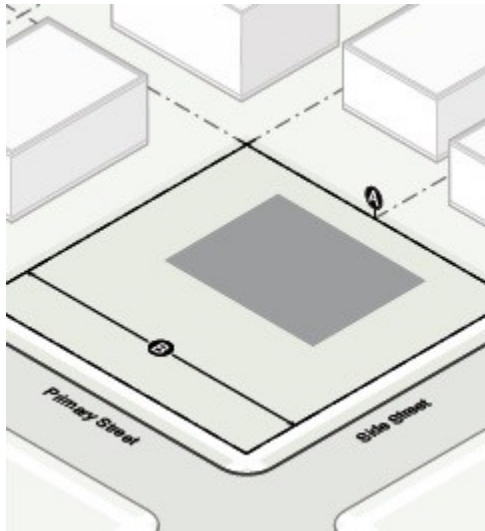
(ii) General building: 7,000 square feet.

(b) Minimum Lot Width.

(i) Single-story shopfront: 70 feet.

(ii) General building: 70 feet.

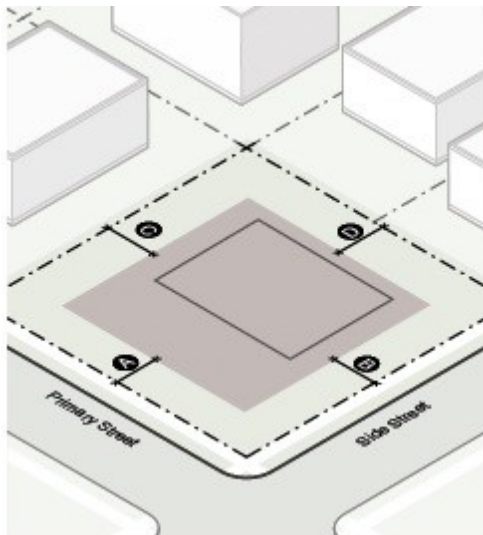
(4) Maximum hard surface coverage is 70 percent.



CH Lot Dimensions

(5) Building Setbacks.

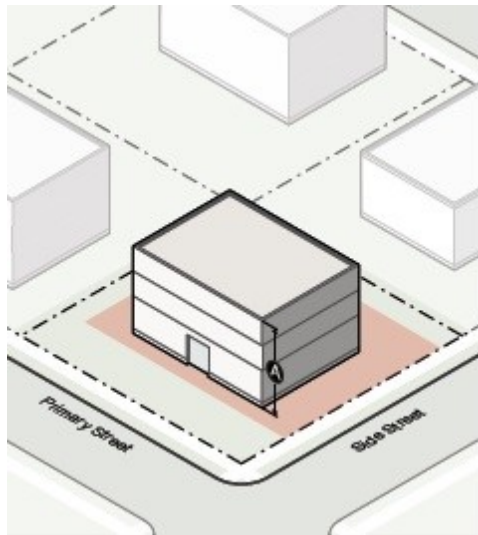
- (a) Primary street: 20 feet minimum (from planned ROW acquisition area).
- (b) Side street: 20 feet minimum/50 feet maximum.
- (c) Side interior: 20 feet minimum.
- (d) Rear: 20 feet minimum.



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

SECTION 18. Section 20.35.080 is revised to read as follows:

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.

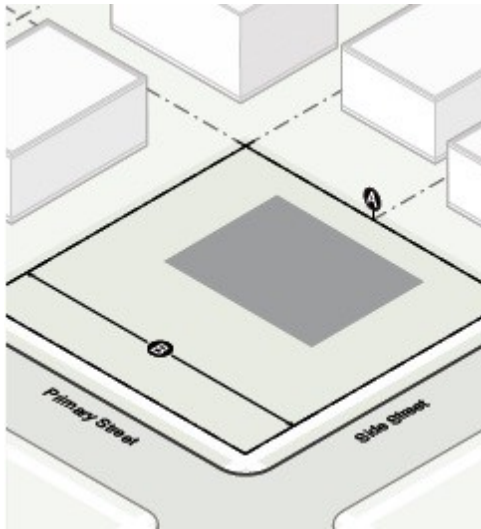
(a) Minimum Lot Size by Building Type.

- (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.

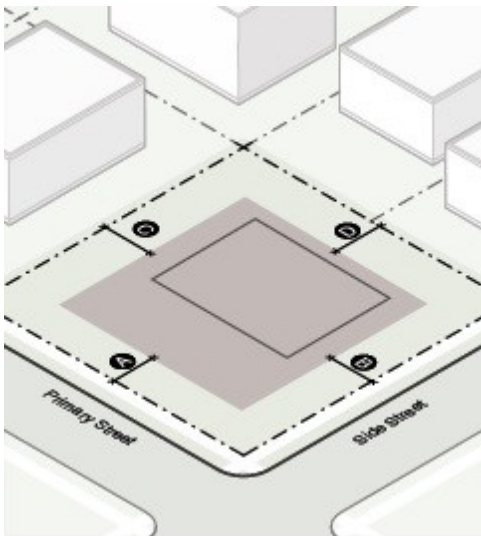
(4) Maximum hard surface coverage is 70 percent.



IF Lot Dimensions

(5) Building Setbacks.

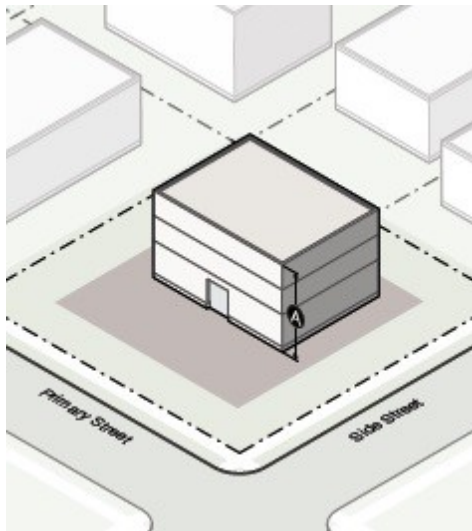
- (a) Primary street: five feet minimum.
- (b) Side street: five feet minimum.
- (c) Side interior: 10 feet minimum.
- (d) Rear: 10 feet minimum.



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

SECTION 19. Section 20.39.460 is revised to read as follows:

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, 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.

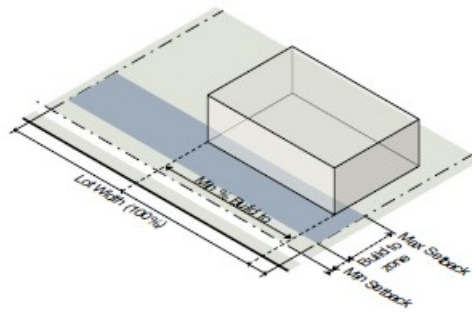
(b) The self-storage facility shall be at least two stories in height, as measured from ground level and not including any basement or below-grade area.

SECTION 20. Section 20.40.030 is revised to read as follows:

20.40.030 Build-to zone.

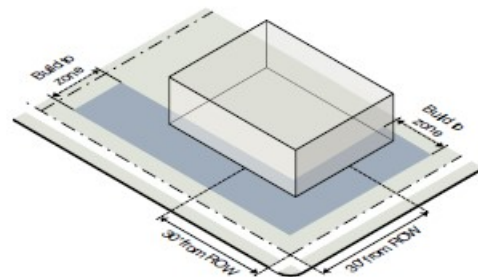
(1) Build-to Zone. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

(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.

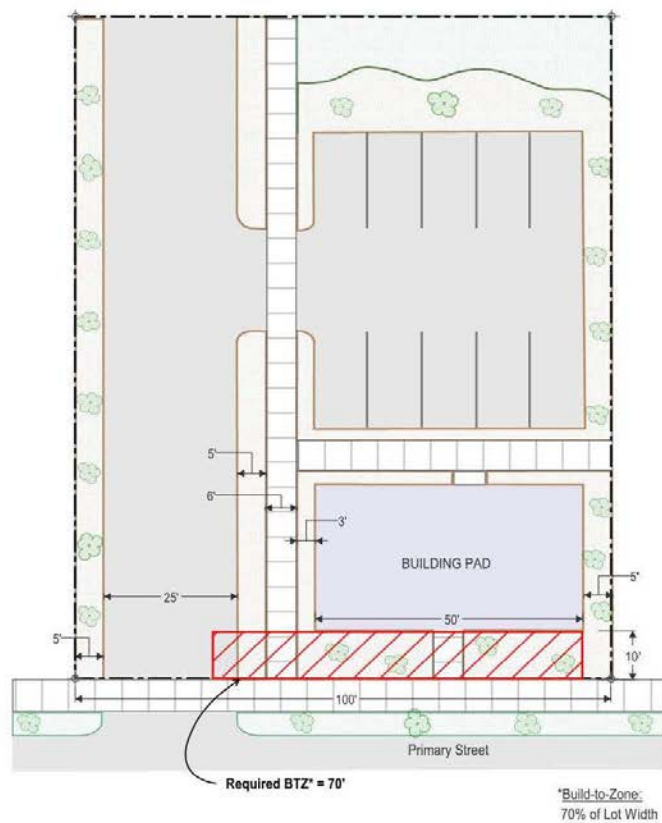
(3) Build-to Zone on Corner Lots. On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured



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) The director may reduce the build-to-zone percentage requirements where any combination of landscape buffer requirements, minimum driveway width requirements, critical area requirements, or other regulatory limitations result in unachievable build-to-zone requirements. An example of a situation that would warrant a build-to-zone percentage reduction is shown below:



SECTION 21. Chapter 20.62 is repealed in its entirety.

SECTION 22. Chapter 20.80 is revised to read as follows:

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.
- 20.80.070 Consent to access.
- 20.80.080 Limitation of liability.
- 20.80.090 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 contain 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 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 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

20.80.070 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.

20.80.080 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.

20.80.090 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.

SECTION 23. Section 20.84.050 is revised to read as follows:

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, 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.

SECTION 24. Section 20.127.020 is revised to read as follows:

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. Design standards for detached houses, backyard cottages, cottage courts (cottages), side-by-side duplexes, back-to-back duplexes, attached houses, and townhomes 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.

(d) 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.

SECTION 25. Section 20.127.340 is revised to read as follows:

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.

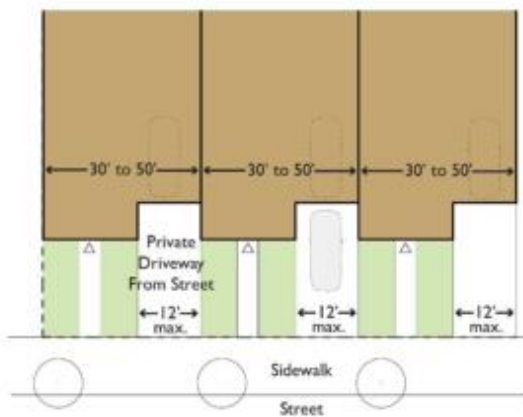
(a) Driveways must comply with the public works standards. Where there is a conflict between the driveway provisions in this chapter and those in the public works standards, the driveway provisions in this chapter apply, except that the public works director may override this requirement and apply the 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.



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.



(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 curbsless “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).

SECTION 26. Table 20.127.160(2) is revised to read as follows:

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.	
Façade transparency	25 percent minimum for buildings design with ground level nonresidential uses. ↻	Also see POMC 20.127.140 for additional clarification on transparency standards.

Table 20.127.160(2)

Landscaped Block Frontage Standards



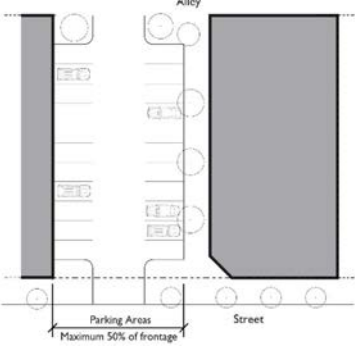

Element	Standards	Examples and Notes
	<p>20 percent minimum for residential uses. ☞ Windows must be provided on all habitable floors of the façade.</p>	 <p>Façade transparency example.</p>
<p>Weather protection</p>	<p>Provide weather protection at least three feet deep over primary business and residential entries.</p>	
<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. 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>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</p>	 <p>Example of low level landscaping that screens</p>

Table 20.127.160(2)
Landscaped Block Frontage Standards

Element	Standards	Examples and Notes
	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.	foundation walls, provides visual interest, and maintains views from dwelling units to the street.
Sidewalk width	Six-foot minimum sidewalks are required. Wider sidewalks may be required where designated in other code sections or in the public works standards.	

Table 20.127.170(2)
Varied Block Frontage Standards

Element	Standards	Examples & Notes
Building placement	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.	See POMC 20.127.230 for special design provisions associated with ground level residential uses adjacent to a sidewalk.
Façade transparency	Any storefront buildings on these block frontages must meet the storefront block frontage transparency	Also see POMC 20.127.140 for additional clarification on transparency



	<p>standards above. ↻</p> <p>40 percent minimum for buildings designed with nonresidential uses on the ground floor within 10 feet of sidewalk. ↻</p> <p>25 percent minimum for buildings designed with nonresidential uses on the ground floor. ↻</p> <p>20 percent minimum for residential buildings. ↻</p> <p>Windows must be provided on all habitable floors of the façade.</p>	 <p>standards. Façade transparency example – nonresidential use.</p>  <p>Façade transparency example – residential use.</p>
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Table 20.127.180(2)
Marine Block Frontage Standards

Element	Standards	Examples & Notes
Building placement	<p>Buildings may be placed up to the sidewalk edge provided they meet storefront standards set forth above.</p> <p>10-foot minimum front setback for other buildings, except where greater setbacks are specified in the district per Chapter 20.122POMC. ↻</p> <p>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>
Façade transparency	<p>Any storefront buildings on these block frontages must meet the storefront block frontage transparency standards above. ↻</p>	<p>Also see POMC 20.127.140 for additional clarification on transparency standards.</p>

Table 20.127.180(2)

Marine Block Frontage Standards



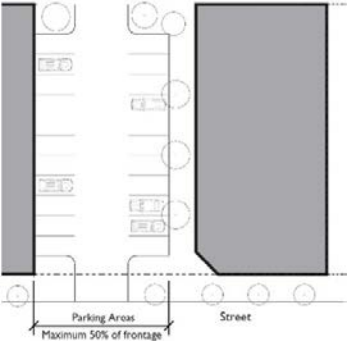
Element	Standards	Examples & Notes
	<p>40 percent minimum for buildings designed with nonresidential uses on the ground floor within 10 feet of sidewalk. ☞</p> <p>25 percent minimum for buildings designed with nonresidential uses on the ground floor within 20 feet of the sidewalk. ☞</p> <p>20 percent minimum for residential buildings. ☞</p> <p>Windows must be provided on all habitable floors of the façade.</p>	 <p>Façade transparency example – nonresidential use.</p>  <p>Façade transparency example – residential use.</p>
<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</p>	

Table 20.127.180(2)

Marine Block Frontage Standards

Element	Standards	Examples & Notes
	meets the landscaping requirements of Chapter 20.128 POMC. New parking structures must feature landscaped setbacks at least 10 feet in width.	

SECTION 27. Section 20.128.030 is revised to read as follows:

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).

(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.

SECTION 28. Section 20.139.010 is revised to read as follows:

20.139.010 Applicability.

- (1) The standards in this chapter shall apply to detached houses, backyard cottages, cottage courts (cottages), 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.

SECTION 29. Section 20.139.015 is revised to read as follows:

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	<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
	>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	2 for the front unit, no limit for rear unit

Building Type	Lot Width	Maximum number of side-by-side enclosed standard parking stalls when vehicle access is from primary street
Attached House	40 feet or less	1 per dwelling unit
	>40 feet	2 per unit
Townhouse	<30 feet	Not permitted
	≥30 feet or more	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.

SECTION 30. New Section 20.139.022 is added as follows:

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.

SECTION 31. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 32. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical 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 33. Effective Date. This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after the date of publication. A summary of this ordinance in the form of the ordinance title may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this **th day of ** 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Sharon Cates, City Attorney

Scott Diener, Councilmember

PUBLISHED:

EFFECTIVE DATE:

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
October 4, 2019

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.~~0500~~60 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.

Corrects table to indicate that apartments are not allowed in the NMU zone, but townhouses are allowed in the NMU zone.

20.32.015 Building type zoning matrix.

(1) Building Type Zoning Matrix Key.

a) Permitted Building Type (P). Indicates a building type is permitted in the zone.

(b) Building Type Not Permitted (--). Indicates a building type is not permitted in the zone.

Building Type	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF
Detached House	P	P	P	--	--	P	P	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Backyard Cottage	P	P	P	--	--	P	P	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Cottage Court	P	P	P	--	--	P	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--
Duplex: Side-by-Side	--	P	P	--	--	--	--	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Duplex: Back-to-Back	--	P	P	--	--	--	--	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Attached House	--	P	P	--	--	--	--	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Fourplex	--	--	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--
Townhouse	--	P*	P	P	P	--	--	P	P	P	--	P	P	--	--	--	--	--	--	--	--
Apartment	--	--	P	P	P	--	--	--	P	P	--	P	--	--	--	--	--	--	--	--	--
Live-Work	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--
Shopfront House	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	--	--	--
Single-Story Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--	--	--	--	--
Mixed Use Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	--
General Building	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	P	P	P	P
Manufactured or Mobile Home Park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

* See restriction in POMC 20.32.090.

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

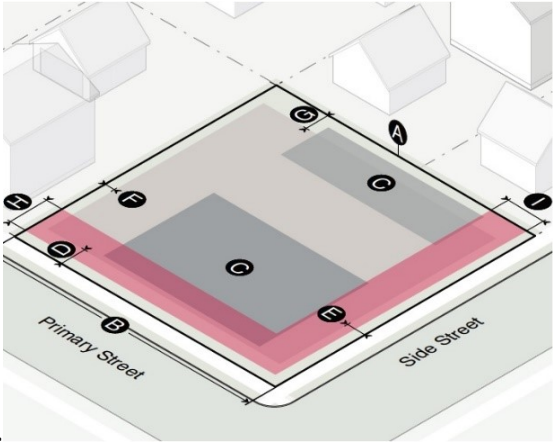
Section 20.32.080 Fourplex.





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

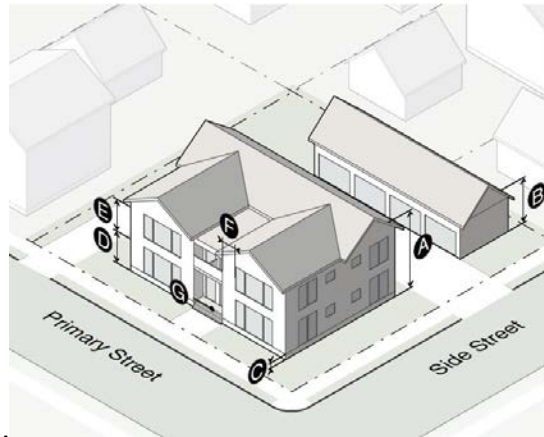
(2) Districts where allowed: R3, R4, R5, NMU.



(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.

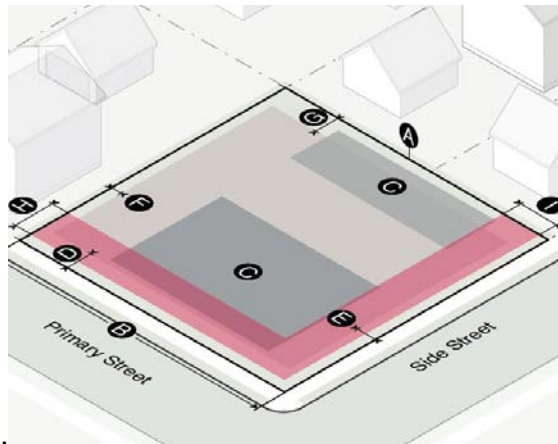
Corrected to indicate that townhomes are each on their own lot. (If there are only two homes on separate lots, they would be attached houses and not townhomes.) Also includes NMU in the list of zones where townhomes are allowed.

Section 20.32.090(1) Townhouse.



(1) Definition. A building type that accommodates ~~three~~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, NMU, CMU, GMU, BPMU.



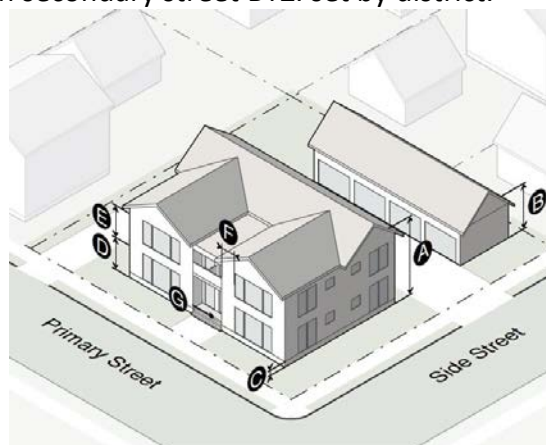
(3) Lot and Placement.

- (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.

Corrected to indicate that apartments are not allowed in the NMU zone.

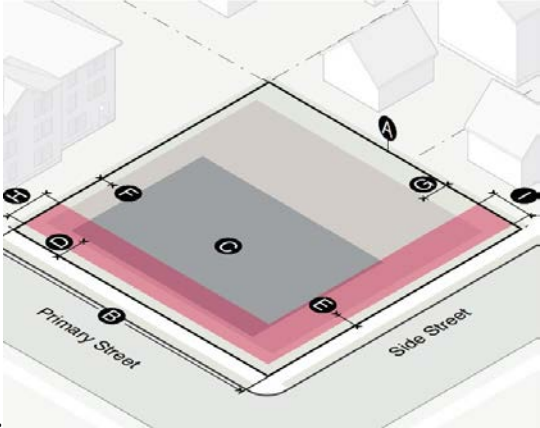
20.32.100 Apartment.





(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: 35 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.

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.

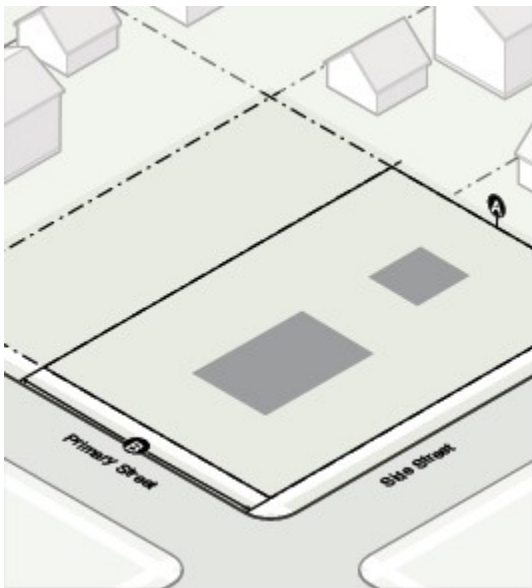
(2) Building Types Allowed. The allowed building types in the R1 zone are as follows:

- (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).

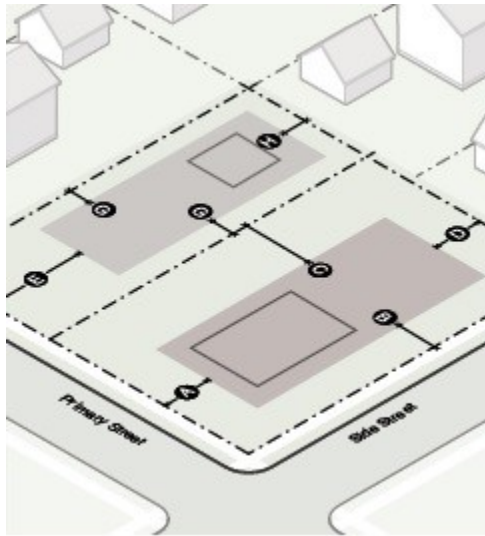


R1 Building Types
 (3) Lot Dimensions.



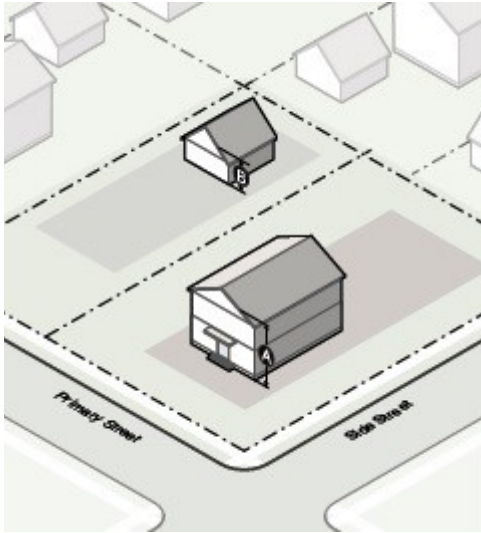
- (a) Minimum Lot Size.
 - (i) Lots that take vehicular access from primary street: 6,000 square feet.
 - (ii) Lots that do not take vehicular access from primary street (lots with vehicular access from alley): 5,000 square feet.
 - (iii) Cottage court: 1,200 square feet (see POMC 20.32.040).

- (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.

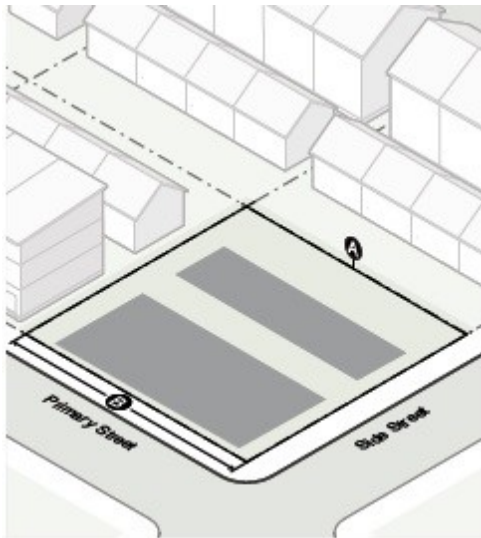
(2) Building Types Allowed. The allowed building types in the RMU zone as follows:

- (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.

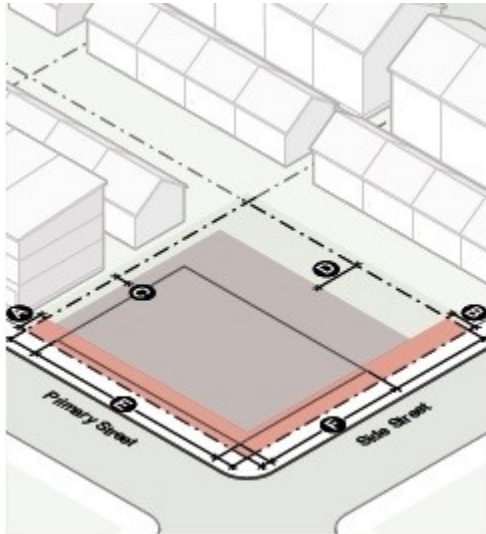
(5) Building Setbacks.

(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)).



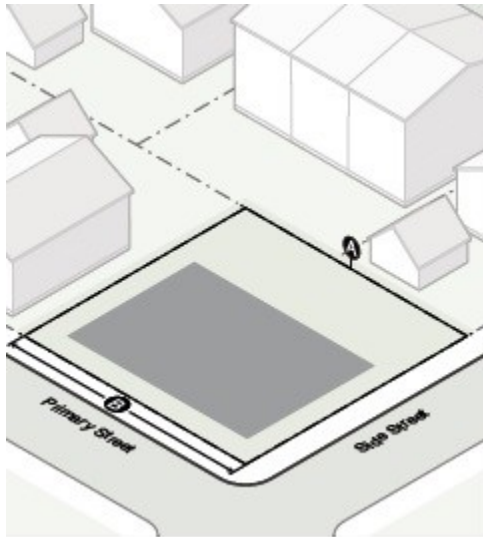
CMU Building Types

(3) Lot Dimensions.

- (a) Minimum Lot Size by Building Type.

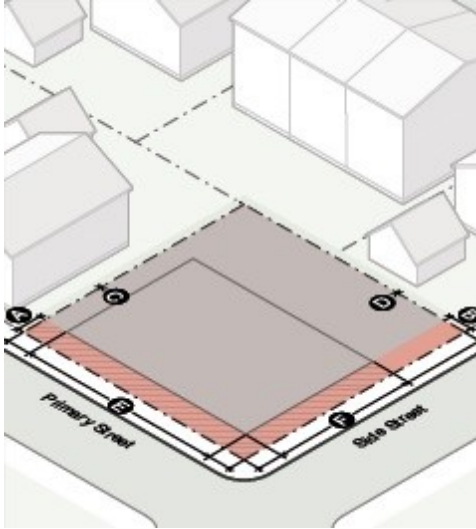
- (i) Townhouse: 800 square feet.
- (ii) Apartment: 5,000 square feet.
- (iii) Live-work unit: 1,000 square feet.
- (iv) Shopfront house: 5,000 square feet.
- (v) Single-story shopfront: 5,000 square feet.
- (vi) Mixed use shopfront: 5,000 square feet.
- (vii) General building: 5,000 square feet.
- (b) 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).

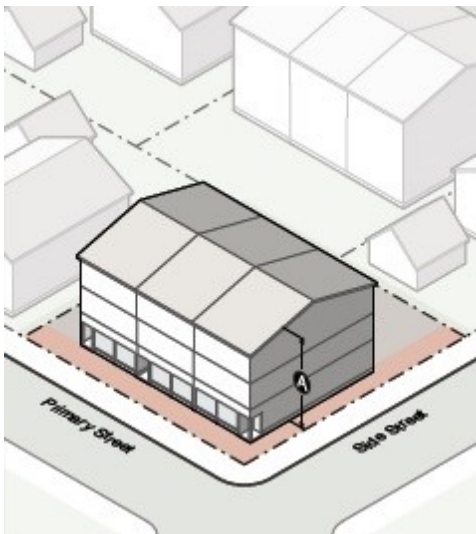


CMU Building Placement

(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:

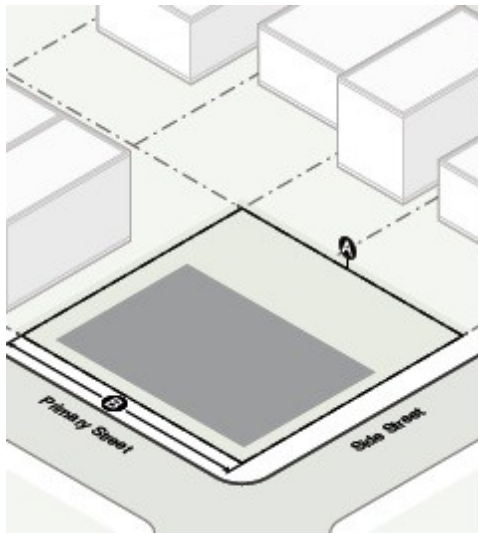
- (a) Live-work unit.
- (b) Single-story shopfront.
- (c) Mixed use shopfront.
- [\(d\) Accessory buildings \(POMC 20.32.010 \(16\)\).](#)



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.

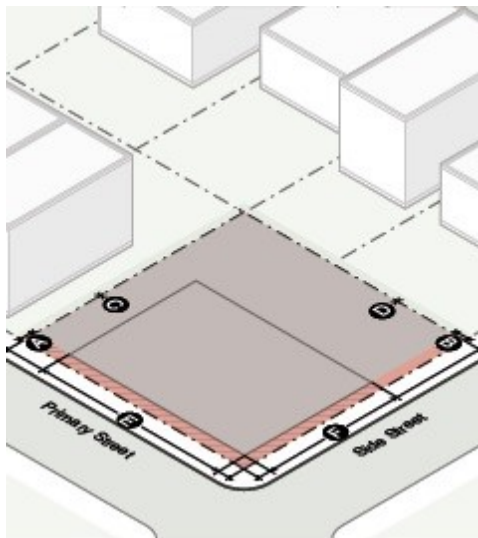
(c) Side interior: not applicable.

(d) Rear: not applicable.

(6) Build-to Zone.

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

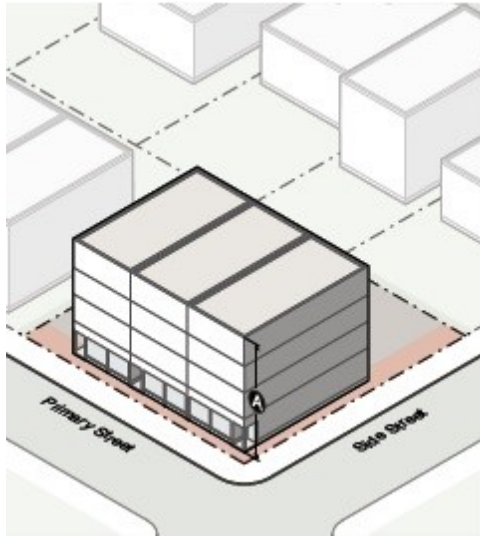
(b) Building facade in side street: 40 percent minimum (percent of lot width).



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.

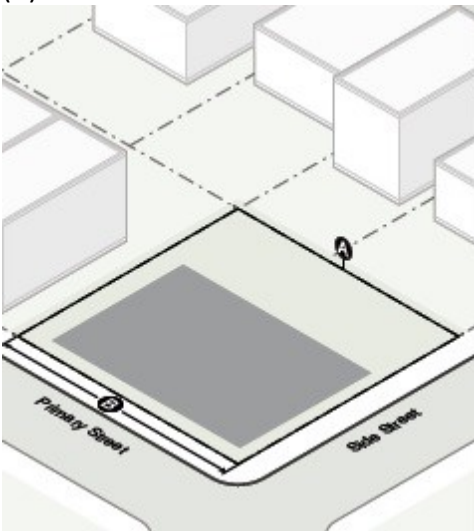
- (2) Building Types Allowed. The allowed building types are as follows:
- (a) Townhouse.
 - (b) Apartment.
 - (c) Live-work unit.
 - (d) Shopfront house.

- (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.



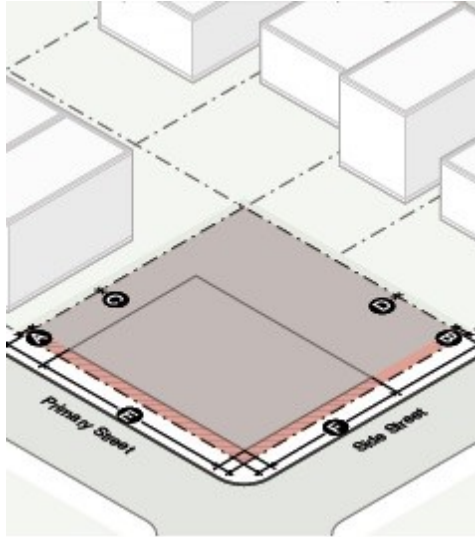
GMU Lot Dimensions

- (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).



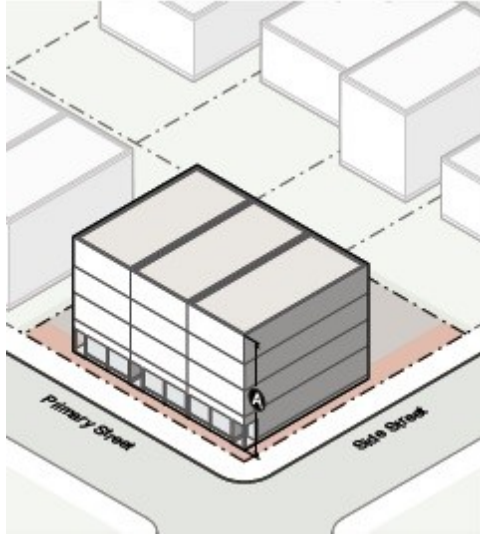
GMU Building Placement

(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.

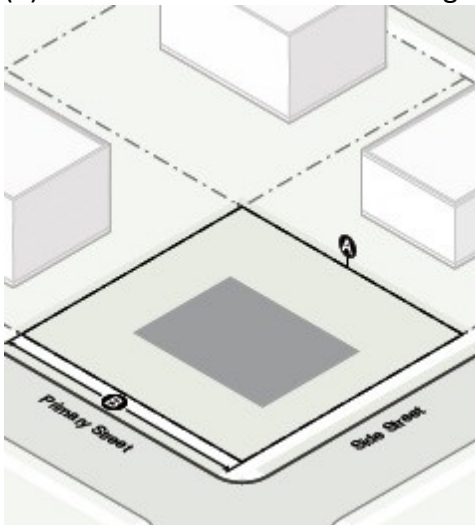
(a) Minimum Lot Size by Building Type.

- (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.



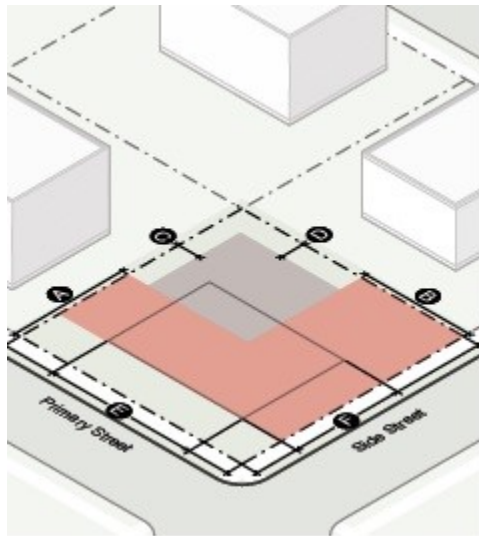
CC Lot Dimensions

(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).



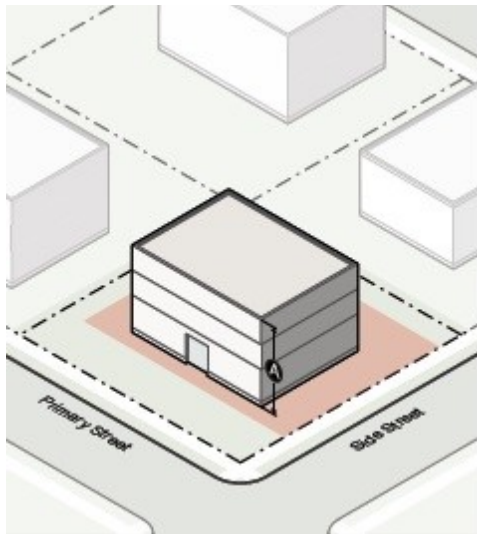
CC Building Placement

(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.

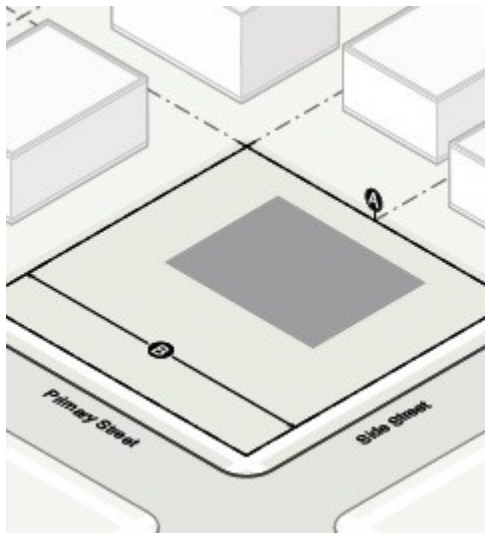
(ii) General building: 7,000 square feet.

(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

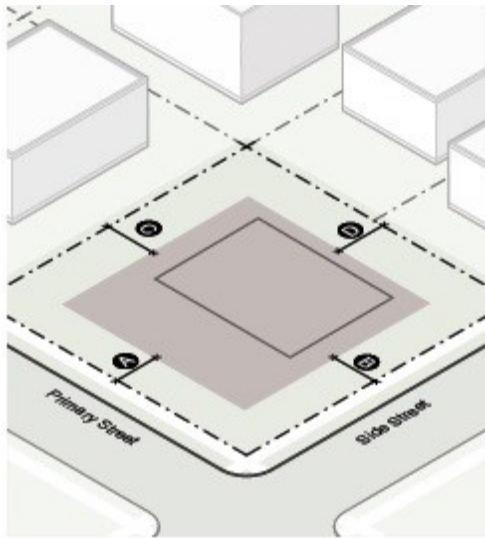
(5) ~~Principal~~ Building Setbacks.

(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.

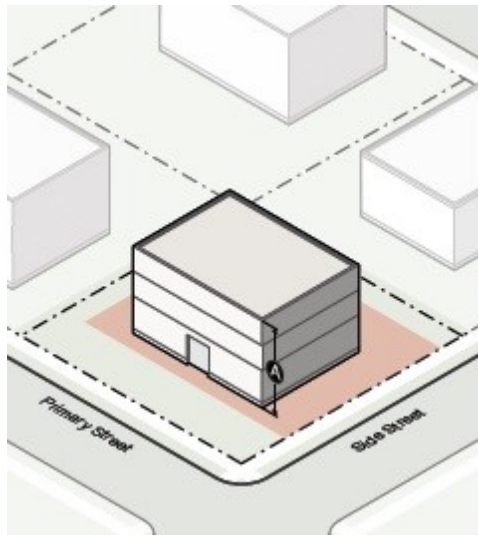
(d) Rear: 20 feet minimum.



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.

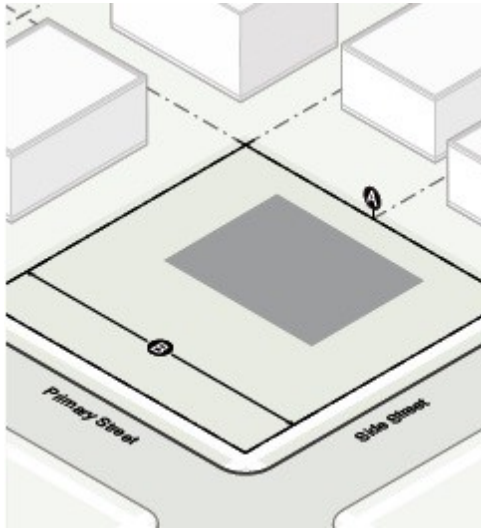
(a) Minimum Lot Size by Building Type.

- (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.

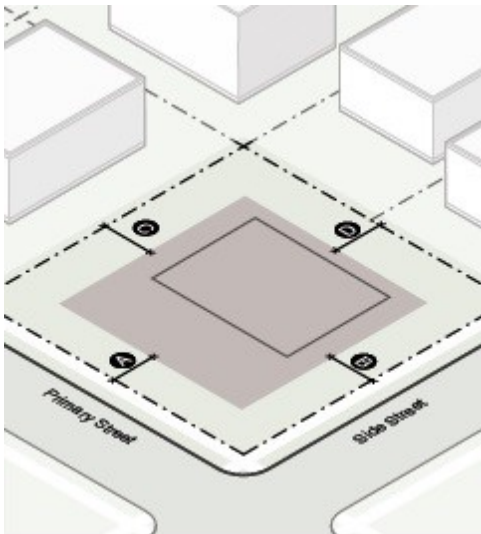
(4) Maximum hard surface coverage is 70 percent.



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.

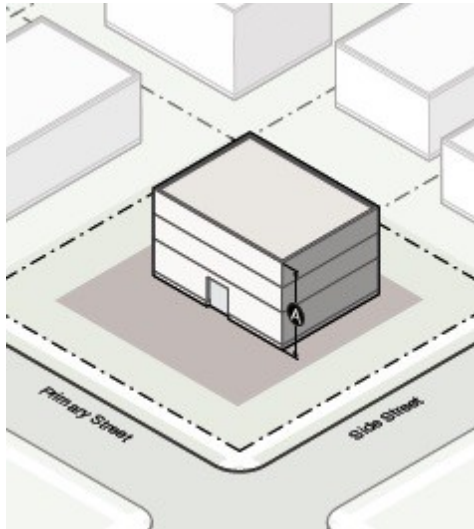


IF Building Placement

(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 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.

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

20.32.007 Exceptions.

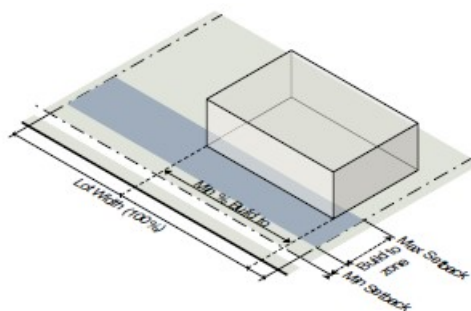
Mechanical equipment buildings associated with public utilities, such as well houses or sewer lift stations, shall be exempt from the standards in this chapter. ~~This chapter shall not apply in the light industrial or heavy industrial zones (Chapter 20.36 POMC).~~

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.

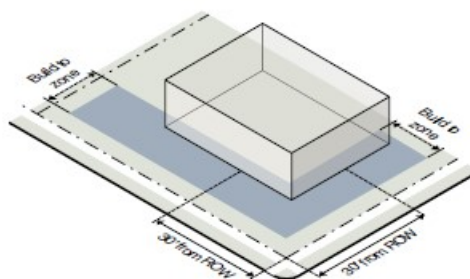
(1) Build-to Zone. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

(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) The director may reduce the build-to-zone percentage requirements where any combination of landscape buffer requirements, minimum driveway width requirements, critical area requirements, or other regulatory limitations result in unachievable build-to-zone requirements. An example of a situation that would warrant a build-to-zone percentage reduction is shown below:

(insert illustration)

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 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 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.

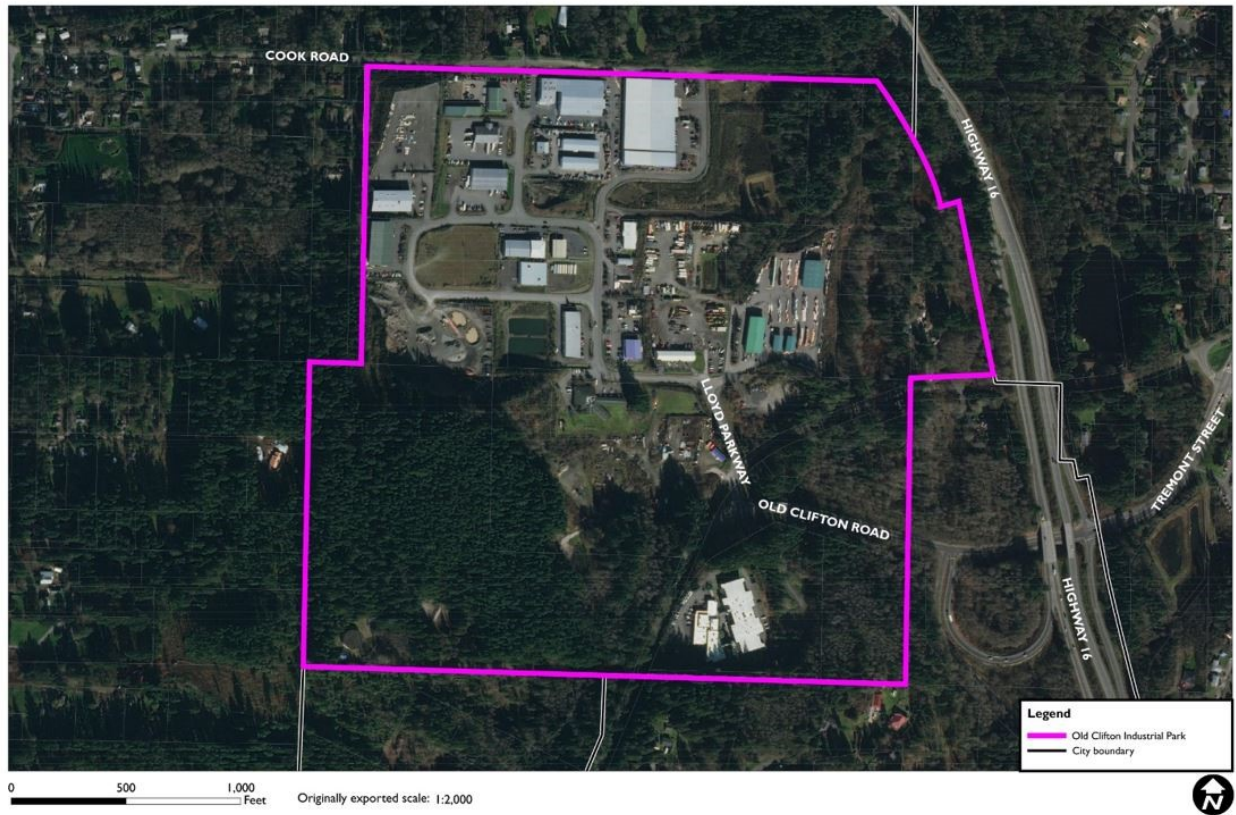
20.127.020 Applicability and compliance.

(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 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.

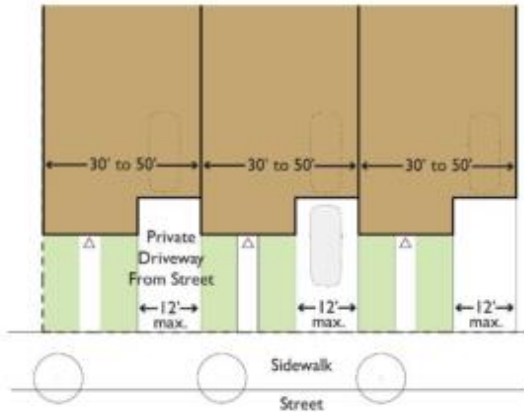
~~(d) Standards for Driveways for Front-Loaded Townhouses.~~

~~(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.



(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 conflict 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.	
Façade transparency	25 percent minimum for buildings design with ground level nonresidential uses. ↻ 2045 percent minimum for residential uses. ↻ Windows must be provided on all habitable floors of the façade.	Also see POMC 20.127.140 for additional clarification on transparency standards.  Façade 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

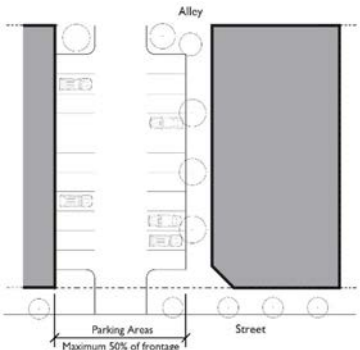
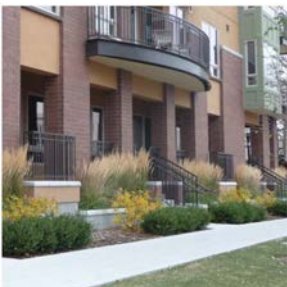
Element	Standards	Examples and Notes
<p>Parking location Also see Chapter 20.124 POMC for related parking requirements</p>	<p>Parking must be placed to the side, rear, below or above uses. For multi-building developments, surface and structured parking areas (ground floor) are limited to no more than 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 in front of the building.</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>Façade 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 façade.</p>	<p>Also see POMC 20.127.140 for additional clarification on transparency standards.</p>  <p>Façade transparency example – nonresidential use.</p>  <p>Façade transparency example – residential use.</p>

Table 20.127.180(2)
Marine Block Frontage Standards



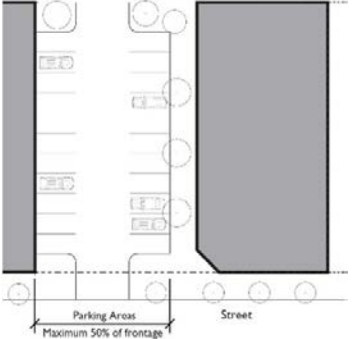
Element	Standards	Examples & Notes
<p>Building placement</p>	<p>Buildings may be placed up to the sidewalk edge provided they meet storefront standards set forth above. 10-foot minimum front setback for other buildings, except where greater setbacks are specified in the district per Chapter 20.122POMC. ↻ 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>Façade 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 façade.</p>	<p>Also see POMC 20.127.140 for additional clarification on transparency standards.</p>  <p>Façade transparency example – nonresidential use.</p>  <p>Façade 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.

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. Revises 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

Building Type	Lot Width	Maximum number of side-by-side enclosed standard parking stalls when vehicle access is from primary street
	>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
	>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

Building Type	Lot Width	Maximum number of side-by-side enclosed standard parking stalls when vehicle access is from primary street
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: 5(c)

Meeting Date: November 5, 2019

Subject: Potential Rezones

Prepared by: Nick Bond, Development Director

Issue: Several property owners have recently approached the City about potential rezones requests. If the property owners apply for rezoning, these requests will come before the Planning Commission for review. At this time, the information presented below is for discussion only, so that Commissioners can give initial feedback and ask questions of staff.

<u>Property</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Size</u>
Lundberg	CMU	BPMU	1.05 ac
Meline	CMU	NMU	25.95 ac (9 parcels)
JWJ	R2	R3	4.51 ac

Lundberg Property – This single-family home located at 2843 Harold Dr SE is nonconforming to the Commercial Mixed Use (CMU) zone. The current owner wishes to sell it for continued use as a single-family residence, but the prospective buyer has not been able to secure financing since it cannot be rebuilt if it is destroyed or damaged at more than 50% of its replacement value. Staff supports a rezone to Business Professional Mixed Use (BPMU), which allows single-family residences, but retains the underlying Commercial comprehensive plan designation to encourage future commercial use of the property as the surrounding area redevelops.

Meline Property – Several of the property owners along SE Meline Rd have recently expressed frustration with the CMU zoning along their street, since their single-family houses are nonconforming and they cannot expand or redevelop their homes, or subdivide to build additional single-family homes. However, other owners along Meline are opposed to residential zoning, since they believe Meline has future value as a commercial area between SR 16 and SW Sedgwick Rd. However, this area currently is not served by public water or sewer services, and the dead-end road is substandard and not suitable for additional residential or commercial development without significant improvements. As a potential compromise, these neighbors are working on a joint rezone application for Neighborhood Mixed Use (NMU) zoning,

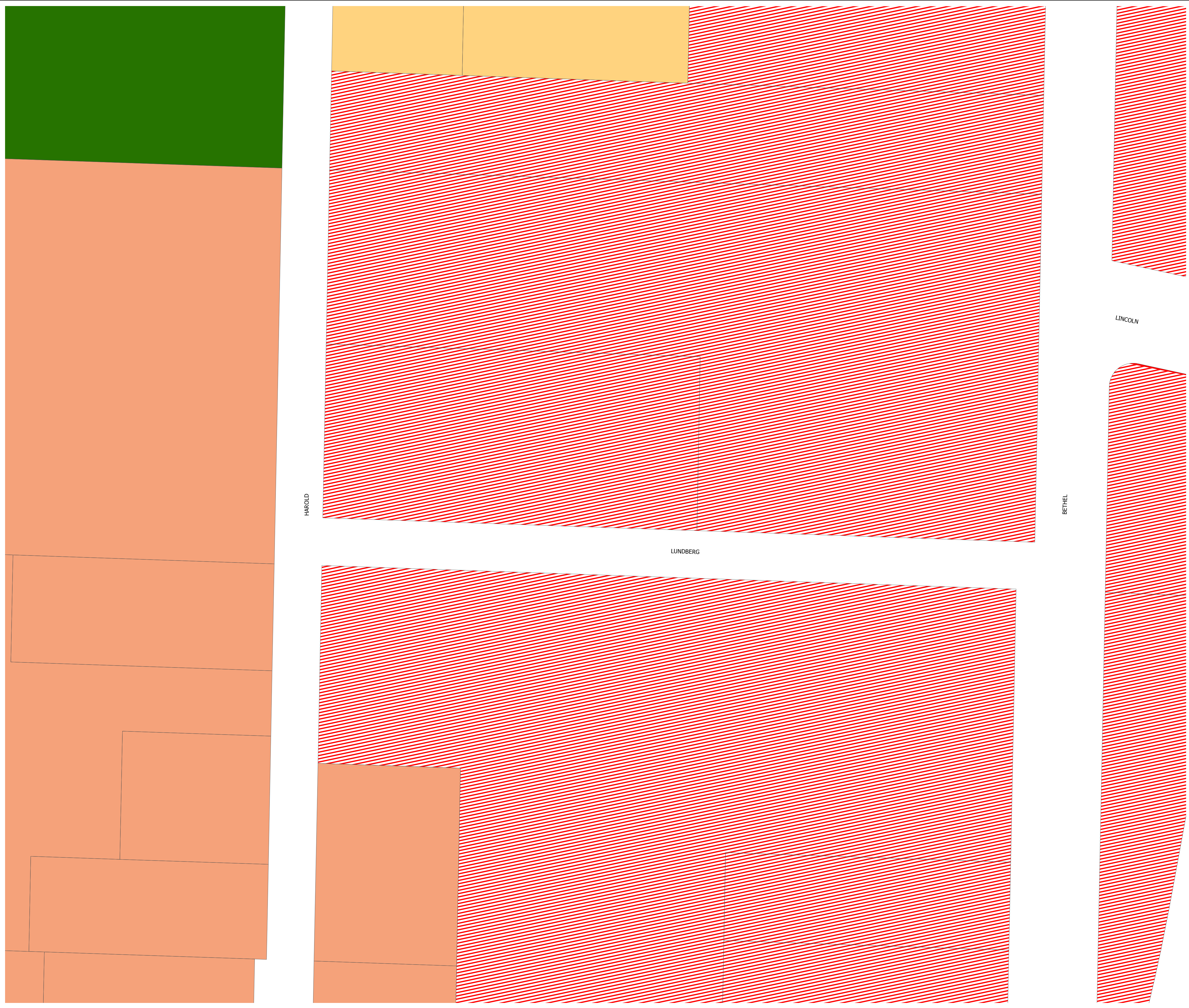
which could preserve the local street/neighborhood feel and make the single-family homes conforming, while allowing limited commercial uses.



















JWJ Property – Prior to the adoption of the current Zoning Code and zoning designations in March 2019, this property was zoned R-12 (Medium-high density single-family attached and multifamily), which generally corresponds to the current R3 zone. However, this property received R2 zoning on the 2019 Zoning Map. This significantly limits the property’s development potential due to its challenging topography and the R2 zone’s prohibition on apartment buildings. To maximize flexibility and developability, the property owner has requested consideration of R3 zoning.

Attachments: Maps of Lundberg, Meline and JWJ Properties



CITY OF PORT ORCHARD 2019 ZONING MAP



-  Business Professional Mixed Use (BPMU)
-  Civic and Institutional (CI)
-  Commercial Corridor (CC)
-  Commercial Heavy (CH)
-  Commercial Mixed Use (CMU)
-  Downtown Mixed Use (DMU)
-  Gateway Mixed Use (GMU)
-  Greenbelt (GB)
-  Light Industrial (LI)
-  Neighborhood Mixed Use (NMU)
-  Parks and Recreation (PR)
-  Public Facilities (PF)
-  Residential 1 (R1)
-  Residential 2 (R2)
-  Residential 3 (R3)
-  Residential 4 (R4)
-  Residential 6 (R6)
- Urban Growth Area**
-  Port Orchard UGA



City of Port Orchard Department of Community Development
 216 Prospect Street, Port Orchard, WA 98366
 Phone: (360) 874-5533 Fax: (360) 876-4980
 www.cityofportorchard.us

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City of Port Orchard Official Zoning Map as adopted by Ordinance 031-19 on August 13, 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sharon Cates, City Attorney

Sponsored by:

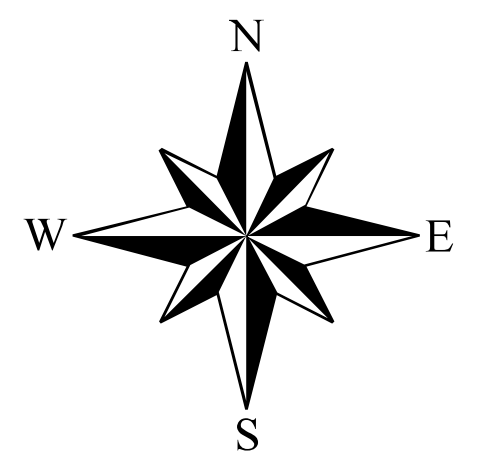
Scott Diener, Councilmember

The official signed Zoning Map may be viewed at the City Clerk's office.

PUBLISHED: August 23, 2019

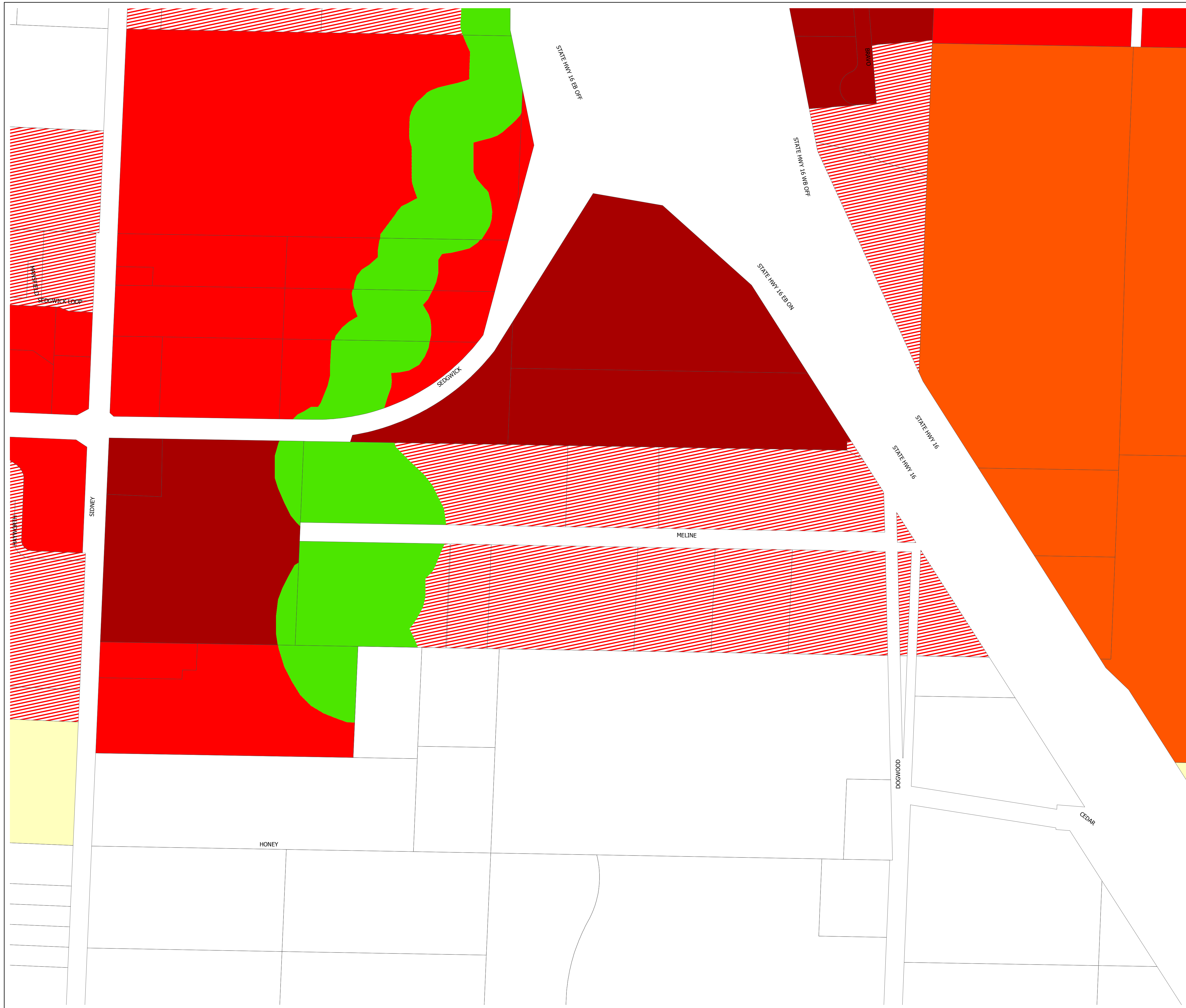
EFFECTIVE DATE: August 29, 2019



















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CITY OF PORT ORCHARD 2019 ZONING MAP



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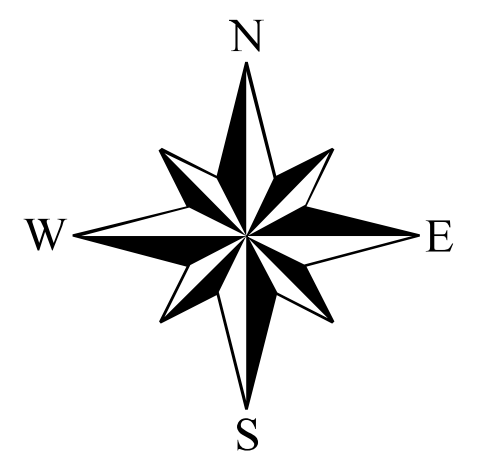
APPROVED AS TO FORM:
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Scott Diener, Councilmember

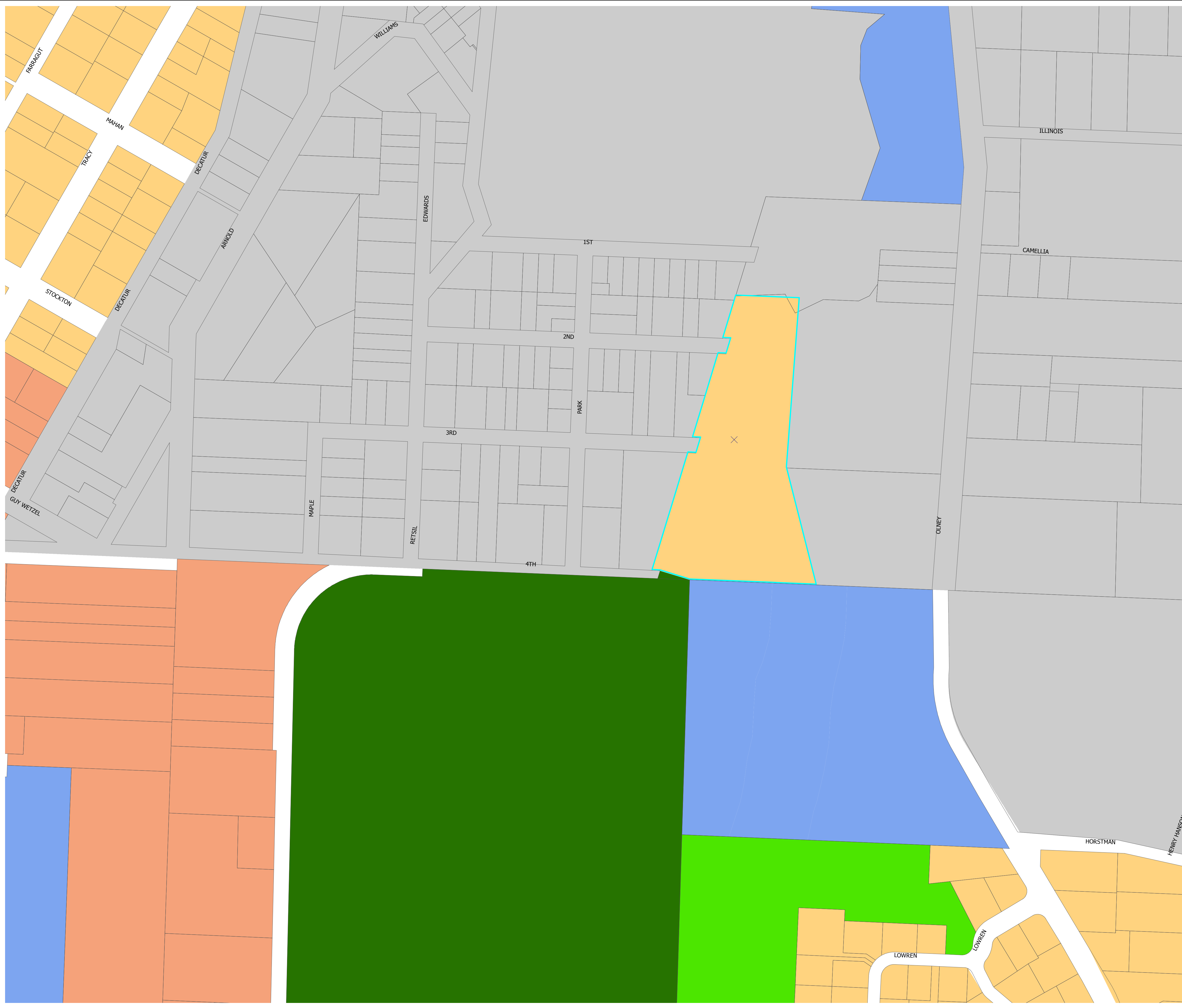
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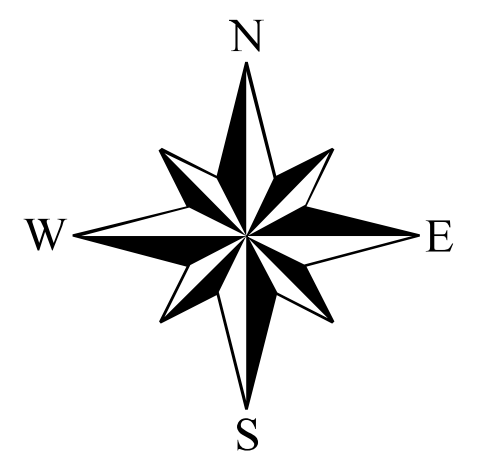
APPROVED AS TO FORM:
 Sharon Cates, City Attorney

Sponsored by:

Scott Diener, Councilmember

PUBLISHED: August 23, 2019
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Date Saved: 8/20/2019 11:45:19 AM



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 (Significant Trees and 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 Section Amended - 20.12.010. The following definitions are added to Section 20.12.010 of the Port Orchard Municipal Code:

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

“Root protection zone” means that area equal to one-foot radius from the center of a tree for every one inch of tree DBH (diameter at breast height). A modified root protection zone may be established by a certified arborist’s individual tree evaluation.

Section 3. POMC Chapter Repealed - 20.129. Chapter 20.129 (Significant Trees) of the Port Orchard Municipal Code is hereby repealed in its entirety.

Section 43. POMC New Chapter Adopted – 20.129. The new Chapter 20.129 (Significant Trees and Tree Canopy Requirements) of the Port Orchard Municipal Code is hereby adopted in its entirety, as attached to this ordinance (Exhibit 1).

Section 54. 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 65. 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 76. 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

EXHIBIT 1: Chapter 20.129 Significant Trees and Tree Canopy Requirements



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:	<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

Chapter 20.129

SIGNIFICANT TREES AND TREE CANOPY REQUIREMENTS

Sections:

20.129.010 Purpose.

20.129.020 Applicability.

20.129.030 Definitions.

20.129.040 Removal and replacement of ~~all~~ significant trees.

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

20.129.060 Tree canopy requirements for residential development.

20.129.070 Tree canopy reductions.

20.129.080 Tree canopy planting requirements and specifications.

20.129.090 Tree canopy protection measures.

20.129.010 Purpose.

It is the purpose of this chapter is to:

- (1) Provide incentives for preserving significant trees and to require the replacement of significant trees at specified ratios when they are removed.
- (2) Mitigate the environmental and aesthetic consequences of tree removal in land development, through ~~tree~~-replacement of significant trees to achieve a goal of no net loss of significant trees throughout the city, and 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.
- (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 Applicability.

- (1) ~~The significant tree requirements in this chapter is section~~ applies to all significant trees in the city, with the exception of those exemptions listed in section (3) below.
- (2) The tree canopy requirements in this chapter apply to all residential development, with the exception of those exemptions listed in section (3) below.
- ~~(2) No significant tree may be removed unless the requirements of this chapter are met.~~
- (3) Exemptions: The following situations, activities, and projects are exempt from the significant tree protection and tree canopy requirements of this section, unless the tree is located in a critical area as identified in POMC 20.162:
 - (a) Utility developments. Construction of public or private road network elements, including sidewalks, and public or private utilities including utility easements
 - ~~(b) Roadway or street (including sidewalks) construction.~~
 - (b) Public pParks projects, including construction and maintenance of public parks and trails.
 - ~~(c) Trees that interfere with overhead utility lines.~~
 - ~~(d) Trees that are causing damage to building foundations.~~
 - (e) Normal pruning and maintenance of trees that does not damage the tree or reduce the viability of the tree's normally expected growth and lifespan.
 - (f) 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.
 - (g) On an individual lot less than 10,890 square feet in size which was not part of a subdivision or short plat subject to current or past city tree canopy regulations, the new construction or reconstruction of, or an addition to, one single-family detached house, one duplex, or residential accessory structures (including one detached accessory dwelling unit) is not subject to tree canopy requirements. Requirements for protection of significant trees still apply.
- ~~(4) This chapter shall not be construed to authorize the removal of trees where tree removal is not otherwise permitted in the POMC.~~

20.129.030 Definitions.

- (1) "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/or buffers, slopes over thirty percent (30%), and stormwater pond facilities.
- (2) Significant Ttree"s are means atthose trees with a DBH (diameter at breast height) of 18 inches or greater and which ~~has are~~ not been identified by a licensed arborist as damaged, diseased, or a safety hazard due to potential root, trunk or primary limb failure, or new exposure to wind after having grown in a closed, forested situation.

~~(32)~~ The “Root Protection Zone” means that area equal to one-foot radius from the center of the tree for every one inch of tree DBH. A modified root protection zone may be established by a certified arborist’s individual tree evaluation.

20.129.040 Removal and replacement of ~~all~~ significant trees.

(1) No significant tree may be removed on any property or as part of any development unless the requirements of this chapter are met.

(2) Approval of the director is required for the removal of significant trees and shall be granted provided that all other applicable requirements and standards of the Port Orchard Municipal Code are met. The decision to authorize the removal of a significant tree shall be a Type 1 decision; however, an application that involves two or more procedures may be processed consistent with the procedures provided in POMC 20.22.020(2). Approval requires that the following condition and the replacement requirements of subsection (2) are met:

(a) All significant trees located within any required landscape buffer area or required landscape planting area shall be retained, except for those activities exempted in subsection 20.129.020(3) or as otherwise indicated in subsection (b) of this section. ~~to the extent practical and feasible.~~

(b) If a significant tree drip line or root protection zone extends 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 risk, the significant tree may be removed.

~~(c)~~ This provision shall not be construed as to prohibit mass grading provided that significant trees are replaced in accordance with this chapter.

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

(a) Trees must be replaced at the rates described in Table 20.129.040 and at no less than a 1:1 ratio for any proposed development. If the number of replacement trees required in accordance with Table 20.129.040 results in a fraction, the number shall be rounded up to the nearest whole number.

Table 20.129.040.Replacement tree quantity.	
Significant Tree Diameter	Number of Replacement Trees Required
18-22 inches diameter	.5
22-28 inches diameter	1
28-36 inches diameter	2
Greater than 36 inches diameter	3

(b) To incentivize significant tree retention, every significant tree that is retained shall reduce the required number of replacement trees by three (3) trees.

- (c) Replacement deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball), and a minimum height of six feet at the time of planting as measured from the top of the leader branch to the top of the root ball.
 - (d) A replacement deciduous tree that has a minimum caliper of three inches (as measured 24 inches above the root ball) and a minimum height of eight feet at the time of planting as measured from the top of the leader branch to the top of the root ball may substitute for two (2) required replacement trees.
 - (e) Replacement evergreen trees shall be fully branched and a minimum of six feet in height, measured from the top of the leader branch to the top of the root ball, at the time of planting.
 - (f) Replacement trees shall primarily be those species native to the Pacific Northwest. In making a determination regarding the species of replacement trees, the director shall defer to the species selected by the property owner unless the director determines that the species selected is unlikely to survive for a period of at least ten years, represents a danger or nuisance, would threaten overhead or underground utilities
 - (g) The property owner shall maintain all replacement trees in a healthy condition. The property owner shall be obligated to replace any replacement tree that dies, becomes diseased, or is removed. Replacement trees shall not be removed except when they are moved to another location in accordance with this chapter.
 - (h) The director may authorize the planting of fewer and smaller replacement trees if the property owner can demonstrate the reduction is suitable for the site conditions, neighborhood character, and the purposes of this section, and that such replacement trees will be planted in sufficient quantities to meet the intent of this section. The director may require a certifying statement from a Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or certified arborist.
- (3) If the site does not allow for planting of replacement trees, the trees may be planted (1) on an alternative site within the city, or (2) on public property (such as in a city park) subject to the approval of the public works director. If the trees are not planted on public property, guarantees shall be provided (such as a conservation easement) to ensure that the replacement trees will not be removed prior to reaching 18 inches DBH (at which time they will be considered significant trees).
- (4) The director shall not authorize the planting of shrubs or bushes in lieu of required replacement trees.
- (5) For projects containing 5 or fewer significant trees, the required replacement trees planted shall be in addition to other required trees installed to satisfy street tree and landscaping buffer, parking lot, and other landscape area requirements. For projects on non-forested sites containing more than 5 significant trees, up to seventy-five percent (75%) of the required replacement trees to be planted may be satisfied by planting trees within required or proposed landscaping areas including but not limited to landscape buffers and parking lot islands as specified in POMC 20.128. For projects on forested sites containing more than 5 significant trees, up to one hundred percent (100%) of the required replacement trees to be planted may be satisfied by planting trees within required or proposed landscaping areas including but not limited to landscape buffers and parking lot islands as

specified in POMC 20.128. For the purposes of this section, a site is considered forested if it contains more than 20 significant trees per acre.

- (6) Guidelines for significant tree replacement. The following guidelines and requirements shall apply to significant tree replacement:
 - (a) When individual trees or tree stands are protected, replacement trees should be planted to re-establish or enhance tree clusters where they previously existed.
 - (b) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements.
 - (c) Replacement trees shall be planted in areas that connect or are adjacent to native growth protection areas or other open space, where appropriate.
 - (d) Replacement trees shall be integrated into the required landscape plans, if any, for a development.
 - (e) Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees' maturation and maintenance requirements.

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

- (1) Significant tree retention plan. The applicant or property owner shall submit a tree retention plan prepared by a certified arborist, horticulturalist, landscape architect, forester or other qualified professional concurrent with the underlying development permit application (such as a land disturbing activity, short subdivision, binding site plan, conditional use, building, or preliminary subdivision permit application), whichever is reviewed and approved first. The tree retention plan shall consist of:
 - (a) A tree survey that identifies the location, size, and species of individual significant trees or the perimeter of stands of trees on a site;
 - (b) Identification of the significant trees that are proposed to be retained; and
 - (c) The location and design of root protection during construction and development activities.
- (2) Exemption: Significant tree retention plans shall not be required for the construction of a detached house or backyard cottage, but these projects shall comply with all other sections of this chapter.
- (3) Protection of significant trees. To provide protection for significant trees that are to remain during and after development activity the following standards apply:
 - (a) Prior to construction, grading, or other land development, each root protection zone is identified with a temporary chain-link or orange mesh fence with a minimum height of five feet.
 - (b) No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the root protection zone.
 - (c) Alternative protection methods may be used if determined by the director to provide equal or greater significant tree protection.

(4) 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.

20.129.060 Tree canopy requirements for residential development.

(1) New residential subdivisions, short plats, single family attached developments, and multifamily residential projects containing three (3) or more dwellings shall meet the minimum tree canopy coverage requirements set forth in Tables 20.129.060.a and .b, except as provided in subsections (3) and (4) below.

Table 20.129.060.a Tree Canopy Coverage Requirements

<u>Type of Development</u>	<u>Required Tree Canopy Coverage of Development Net Site Area.</u>
<u>(a) Detached Housing Residential Subdivisions, 10 or more lots.</u>	<u>30%</u>
<u>(b) Detached Housing Residential Subdivisions and Short Plats, 5-9 lots.</u>	<u>25%</u>
<u>(c) Detached Housing Residential Subdivisions and Short Plats, 4 or fewer lots.</u>	<u>20%</u>
<u>(d) One single-family house or one duplex on lot equal to or larger than 10,890 sq ft, not involving a subdivision or short plat</u>	<u>15%</u>
<u>(e) Cottage Courts</u>	<u>30%</u>
<u>(f) Duplexes, Triplexes, Attached Housing, Townhomes, 10 or more dwellings</u>	<u>20%</u>
<u>(g) Duplexes, Triplexes, Attached Housing, Townhomes, fewer than 10 dwellings</u>	<u>15%</u>
<u>(h) Apartment buildings</u>	<u>15%</u>

(2) 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, within the net site area. 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.b.

Table 20.129.060.b Options for Calculating Tree Canopy Coverage

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

<u>areas and divide by net site area to obtain canopy coverage percentage</u>	<u>edges as the forest boundary</u> • <u>Divide total canopy measurement by the net site area to obtain canopy coverage percentage</u>	<u>quantity to be planted to obtain total species canopy area</u> • <u>Total the sum of species canopy area for all proposed species and divide by gross site area to obtain 20-year canopy coverage percentage</u>
-------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(3) Existing or new tree canopy may include street trees and may be satisfied through required landscaping as provided in POMC 20.128.

(4) 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) For subdivisions and short plats, 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 Tree canopy reductions. An applicant may, through a 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.a of 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.a not met by retention or replanting of tree canopy.

20.129.080 Tree canopy planting requirements and specifications.

(1) Trees planted to meet the tree canopy requirements in Table 20.129.060.a 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, and sites listed under category (d) in the table, 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.

20.129.090 Tree canopy protection measures.

(1)The following tree protection measures shall be taken during clearing or construction where existing tree canopy is being retained:

(a) 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;

(b) Tree protective fencing shall be a minimum height of three feet, visible and of durable construction (orange polyethylene laminar fencing is acceptable); and

(c) Signs must be posted on the fence reading "Tree Protection Area."

(d) If tree canopy to be retained ~~protected~~ is damaged or removed during clearing or construction ~~development is damaged~~, that tree canopy shall be restored so that the required percentage of tree canopy is provided according to the requirements of this chapter.---

(2) On existing lots or developed sites, if trees required to meet tree canopy percentage requirements are removed, replacement trees meeting the requirements of section 20.129.080 shall be planted and maintained.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING THE PUBLIC PARTICIPATION PLAN AND WORK PROGRAM FOR CONDUCTING THE LEGISLATURE'S MANDATED 2019 SHORELINE MASTER PROGRAM PERIODIC REVIEW UPDATE.

WHEREAS, RCW 90.58.080(4) of the State Shoreline Management Act (SMA) requires that the City of Port Orchard take legislative action to review and if necessary, amend its Shoreline Master Program according to the schedule provided therein, as modified by the interpretive policy statement issued by the Department of Ecology on August 14, 2019; and

WHEREAS, to assist SMA-planning jurisdictions the Department of Ecology, which administers the SMA, provides compliance checklists for agencies to review against their local Shoreline Master Programs (SMP); and

WHEREAS, City staff used the Ecology checklists to review the City's SMP for compliance with applicable provisions of the SMA; and

WHEREAS, City staff have also conducted an initial review of the City's SMP for consistency with the City's current Comprehensive Plan and development regulations, and have prepared initial considerations of changed circumstances, new information and improved data relevant to the City's SMP; and

WHEREAS, local governments are required to establish a program that identifies procedures and schedules for the public to participate in the periodic SMP update process; and

WHEREAS, on November 5, 2019, the City of Port Orchard Planning Commission reviewed the SMP Public Participation Plan, Tentative Schedule and Work Plan, and recommended approval of such plan to the City Council; and

WHEREAS, on November 19, 2019, the City Council reviewed the SMP Public Participation Plan, Tentative Schedule and Work Plan at its work-study session; now, therefore;

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. SMP Public Participation Plan, Tentative Schedule and Work Plan Adoption.
The City Council hereby adopts the 2019 Shoreline Master Program Public Participation Plan, Tentative Schedule and Work Plan attached as Exhibit 1, for the 2019 Shoreline Master Program periodic review.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage this 26th day of November 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

EXHIBIT 1: SMP Public Participation Plan, Tentative Schedule and Work Plan

City of Port Orchard

Shoreline Master Program Periodic Review

**Public Participation Program
and Work Plan**

DRAFT

October 28, 2019

Shoreline Master Program Periodic Review
Public Participation Program
and Work Plan

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Contact Information for SMP Periodic Review

To sign up for the SMP email notification list or to submit an email comment:

planning@cityofportorchard.us

To submit a comment by regular mail:

City of Port Orchard
Department of Community Affairs
214 Prospect St
Port Orchard, WA 98366

To view documents in person:

City of Port Orchard
Department of Community Affairs
720 Prospect St
Port Orchard, WA 98366

To ask a question by phone:

Keri Sallee, Long Range Planner
(360) 874-5533

Introduction

The City of Port Orchard (City) is conducting the periodic review of its Shoreline Master Program (SMP). The Shoreline Management Act ([SMA](#)) requires each city and county to review, and, if necessary, revise their SMP at least once every eight years. The City's periodic review is due to be completed on or before June 30, 2020.

The City is using the optional joint state/local review process in partnership with the Department of Ecology (see [WAC 173-26-104](#)). This joint review process means that the state and city public comment period, which includes at least one public hearing, will run concurrently. The review process also includes initial review and final approval by the Department of Ecology. The SMA requires that local governments provide a full opportunity for involvement in both the development and implementation of their SMPs. In other words, the periodic review requires a public participation program that provides for early and continuous involvement of interested parties throughout the review process. This Public Participation Program outlines the scope and timing of the amendment process and describes opportunities for public participation at each step along the way to state approval.

Goals

Overall goals of this Public Participation Program are to:

- Provide objective information to assist the public in understanding issues and solutions related to the SMP itself and the periodic review process.
- Provide opportunities to the public to contribute ideas and provide feedback through all steps of the periodic review process.
- Make the periodic review process accessible and engaging to interested participants by using a variety of media, plain language, and easy-to-understand materials.

Scope of Periodic Review

The required minimum scope of review as established by the SMA is:

- (A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
- (B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under the state Growth Management Act ([Chapter 36.70A RCW](#)), if applicable, and other local requirements.

The periodic review process provides the method for bringing shoreline master programs into compliance with the requirements of the SMA that have been added or changed since the last review and for responding to changes in guidelines adopted by the state, together with a review for consistency with amended comprehensive plans and regulations. The periodic review also provides an opportunity to incorporate amendments to reflect changed circumstances, new information, or improved data.

The City's periodic review will meet minimum requirements with a focus on amendments to (a) improve implementation effectiveness and (b) better reflect new information and improved data related to specific topics such as climate change adaptation and aquaculture. The scope of the periodic review is outlined in the proposed work plan included in this document.

Anticipated Timeline

The City anticipates the periodic review will follow the general timeline below. Each phase, as discussed above, will have a distinct review period. Specific meeting and public hearing dates will be made available in accordance with state and local requirements and best practices.

- **November 2019 – January 2020.** Cascadia Consulting Group/Kitsap County, preparation of Climate Change Resiliency Study for overall Kitsap County with appendices for Cities of Bremerton and Port Orchard. (Phase I climate change/sea level rise analysis)
- **January 2020 – March 2020.** Cascadia Consulting Group, preparation of planning and policy recommendations for downtown/Blackjack Creek estuary, in response to anticipated sea level rise to 2050. (Phase II climate change/sea level rise analysis)
- **April 2020.** Staff prepares draft updated SMP incorporating Cascadia recommendations.
- **May – June 2020.** Planning Commission review.
- **July 2020.** 30-day public comment period with public hearing.
- **August 2020 - October 2020.** Ecology submittal and review.
- **November - December 2020.** City Council review and adoption.
- **January-February 2021.** Ecology final review and approval.
- **March 2021.** Periodic review complete.

Opportunities for Public Participation

The City is committed to providing multiple opportunities for the public to engage in the SMP periodic review process. Most meetings will be hosted by the Planning Commission or the City Council. In-person public participation opportunities include:

Planning Commission Meetings

The Commission will discuss and consider potential changes to the SMP at regularly scheduled meetings and will hold at least one public hearing. The public hearing will be a joint public hearing with the Department of Ecology during the required 30-day public comment period. The Commissioners will consider public input to prepare draft revisions to the SMP, as appropriate. After completing their review, the Planning Commission's recommended draft amendments will be submitted to the Department of Ecology for the state's initial determination of consistency with the SMA.

Planning Commission meetings are held on the first Tuesday the month at 6:00 pm at City Hall in the Council Chambers. Special meetings may be held at an earlier time or on a different day, as needed, and public notice will be provided in advance of any special meeting. Public comment is accepted at all Planning Commission meetings. Meeting materials are provided in the agenda packet, which is generally published on the City's website on the Friday prior to the meeting: <https://www.cityofportorchard.us/planning-commission-meeting-packets/>

Joint Local/State Public Comment Period and Public Hearing

As indicated above, the periodic review process requires a 30-day public comment period during which at least one public hearing must be held. Pursuant to the joint review process, the City will hold at least one joint public hearing with the Department of Ecology. The public hearing will be held at a Planning Commission meeting and be advertised, including via the City's website and in the local newspaper prior to the hearing. The public comment period provides opportunity for written comment and in-person testimony at the public hearing.

City Council Meetings

Subsequent to the 30-day comment period and Ecology review, City staff will present the Department of Ecology's initial determination to the City Council. The City Council will then discuss and consider amendments to the SMP at a regularly scheduled City Council meeting, and may choose to hold a public hearing. [Note: Only one public hearing is required.] At the end of its review process, the City Council must take legislative action declaring the review process complete. It is anticipated that the City Council will adopt an ordinance approving the amendments proposed during the periodic review and authorizing staff to forward the periodic review to the Department of Ecology for state approval.

Regular City Council meetings are held on the second and fourth Tuesdays of each month, beginning at 6:30 pm at City Hall in the Council Chambers. Public comment is accepted at all regular City Council meetings. Meeting materials are published in the agenda packet, which is published on the City's website on the Friday prior to the meeting: <https://www.cityofportorchard.us/city-council-agendas/>

How to Get and Stay Involved

As well as coordinating with other local jurisdictions, tribes, and state and federal agencies, the City will use several modes of communication to continuously inform the public and encourage participation in the SMP update, including:

- **Sign up for the City's email notification list:** Members of the public can sign up to receive email notifications about public meetings and other aspects of the SMP amendment process.
- **Public comments:** Members of the public can provide in-person comments by testifying to the Planning Commission and City Council, or by providing written comments submitted to the City by letter or email. All comments will be documented, retained, and available for public review.
- **Website:** The City will maintain this SMP update page on its website with updates, important dates, background materials, and draft documents.
- **Social Media Outreach:** The City will provide notifications about public meetings and hearings and other aspects of the SMP amendment process on the City's Facebook page and the Port Orchard community Facebook page.
- **Public notification.** The City will publish notifications about public meetings and hearings in the Port Orchard *Independent* and on the City's webpage.

Outreach Methods and Tools

The overall objective of this Public Participation Program is to describe how the City will engage the public during the course of the periodic review process. This Public Participation Program may continue

to be reviewed and refined throughout the review process, if needed. The City will utilize a variety of modes of communication to engage the public. Public outreach will consist of in-person outreach efforts, traditional media and advertising, and outreach efforts utilizing technology and social media. Public meetings will be noticed as far in advance as possible.

In-Person Outreach Methods

- In-person presentations at group meetings, such as the Port Orchard Bay Street Association, Chamber of Commerce, etc.

Traditional Media and Advertising

- Press releases to local papers, blogs and newsletters. Utilize community organization email lists, newsletters, and social media
- U.S. postal mailout to shoreline property owners
- Public notice in the *Port Orchard Independent*
- Emails to City email interest group lists

Technology and Social media

- City website – Background information, existing SMP, useful weblinks to planning resources, and materials prepared for public meetings will be available to the public on the City’s SMP [project page](#) and as hard copies at the Department of Community Development.
- Updates related to the SMP periodic review process will be posted on the City’s Facebook page and on the Port Orchard community Facebook page.

Potential Groups for Outreach

City staff will initiate contact and communicate about the SMP periodic review process with the following potential groups. Staff anticipates developing an email list to maintain communication with these groups. The email list will be expanded to include other interested parties as the City is notified of their desire to be informed of and to participate in the SMP update process.

Federal and State Agencies

Department of Defense (Naval Base Kitsap)
Washington State Department of Commerce
Washington State Department of Transportation
Washington State Department of Fish and Wildlife
Washington State Department of Natural Resources

Local Governments/Agencies

City of Bainbridge Island
City of Bremerton
City of Poulsbo
Housing Kitsap
Kitsap County
Kitsap Public Health District
Kitsap Regional Coordinating Council
Kitsap Transit
Port of Bremerton
South Kitsap Fire & Rescue
South Kitsap School District
West Sound Utility District

Tribes

Suquamish Tribe

Business/Community Groups

Kitsap Alliance of Property Owners
Kitsap Building Association
Kitsap County Association of Realtors
Port Orchard Chamber of Commerce
Port Orchard Bay Street Association

Work Plan

The work plan includes those items that have been identified by staff in a Gap Analysis as most in need of review and revision, as summarized below. For more specific analysis, discussion and revision information, refer to the [Gap Analysis](#) document.

General

- Remove references to previous versions of the SMP, obsolete POMC references, permit review requirements that are no longer valid, etc. Update plans included by reference to their most current version (e.g., Blackjack Creek Plan).
- Update shoreline maps as needed for consistency with current UGA boundaries and zoning.
- Revise shoreline use categories and tables for consistency with Zoning Code to remove uses not currently allowed in shoreline area zones (heavy industry, mining, agriculture, etc).
- Regulatory measures for small cell communication facilities in the shoreline zone, consistent with FCC rules.
- Update shoreline enforcement regulations to be consistent with 2019 POMC civil and criminal enforcement regulations.

Ecology Required

- Address all items in Ecology's Periodic Review Checklist (9/20/2017) that were not included in the City's 2018 minor SMP amendment, 2016 Critical Areas Ordinance or Comprehensive Plan update, or other codes and regulations.

Future Sea Level Rise/Downtown Development

- The City's shoreline is highly altered from its pre-development state, and most of the downtown development within the City's shoreline zone is built on areas of low-lying fill. The City will hire a consultant to review existing climate change data and future sea level rise projections, and apply this information to the downtown Port Orchard shoreline, with the objective of determining what policy and planning measures may need to be incorporated in the SMP to address future development and redevelopment potential, protection of existing development and infrastructure, protection of natural resources and mitigation options, over a planning period equivalent to or exceeding the City's comprehensive plan horizon (20 years).

**City of Port Orchard
Shoreline Master Program (SMP) Update
Gap Analysis Matrix**

10/31/2019

SMP Provision	Reason For Update	Suggested Revision
General update to 2020 - Remove references to past versions of the SMP, obsolete POMC chapters, permit review requirements that are no longer valid, etc. Update plans included by reference to their most current version (Blackjack Creek plan, etc). Incorporate all current SMA, WAC, RCW and GMA requirements.	Bring the SMP up to date with current code and permit processing requirements, and reference most recent associated planning documents.	Staff will make the relevant changes in the SMP.
Appendix B Relevant CAO provisions	Obsolete; refers to Title 18 critical areas ordinance	Refer to current (Title 20) CAO provisions in body of SMP
Appendix C Shoreline Restoration Plan	Obsolete; needs updating	Add any projects that PW has on the CIP; remove any that are no longer to be funded or that have been completed
Appendix D adopting ordinance	Adopting ordinance is not required to be an appendix	Remove Appendix D
Update all maps as needed, in appendices and elsewhere	Maps show incorrect UGA boundaries and may show environment designation boundaries that are inconsistent with underlying 2019 zoning.	Update maps to show correct boundaries, and correct environment designation boundaries for consistency with underlying zoning. (If any environment is changed to a greater intensity, the City will need to justify this change with Ecology and provide scientific basis/prove no net loss, etc.)

SMP Provision	Reason For Update	Suggested Revision
<p>Updated plan should address potential effects of long-term climate change and future sea level rise.</p>	<p>Future sea level rise could have significant impact on downtown properties, particularly those on fill located on the water side of Bay Street, and on the City’s downtown stormwater system and inlet outfalls. It could also determine where future development and redevelopment in the downtown should be limited and/or where shoreline protection will be needed. Shoreline parks and trails and other public amenities are also likely to be affected. The City also needs to know where infrastructure needs will be most urgent so that it can budget accordingly.</p>	<p>The City should hire a consultant to perform a scientific analysis of the downtown Port Orchard shoreline and provide data, maps and recommendations for policies/regulations to protect downtown property and businesses and City infrastructure and investment from sea level rise. Areas where impacts are most likely to occur should be identified, and recommended corrective or mitigating actions should be provided. The consultant’s analysis should reference current state-level climate change and sea level rise data and the most recent FEMA mapping. Consistency with the SMP/SMA must be demonstrated.</p>
<p>Table 7.1 Shoreline Use Categories – Revise for consistency with zoning code</p>	<p>Uses not allowed in relevant zones in the shoreline should be removed for consistency. Some uses may also need additional restrictions for compatibility with adjacent zoning and projected uses. Also see recommended removal of uses (heavy industry, mining, agriculture, etc) below.</p>	<p>Staff will prepare proposed revisions to the SMP.</p>
<p>Remove heavy industry, mining, agriculture and aquaculture from shoreline uses.</p>	<p>These uses are not compatible with underlying zoning, are not consistent with the future downtown development vision for PO, and (aquaculture) may have adverse impacts on water quality, public access and navigation.</p>	<p>Staff will prepare proposed revisions to the SMP.</p>
<p>Table 7.2 Shoreline Development Standards Matrix – Revise for consistency with zoning code</p>	<p>Standards that conflict with the zoning code should be reviewed to determine whether any changes are needed in the SMP.</p>	<p>Staff will review and prepare proposed revisions (if needed) to the SMP.</p>

SMP Provision	Reason For Update	Suggested Revision
Table 7.2 Shoreline Development Standards Matrix – Revise for consistency with zoning code	Standards that conflict with the zoning code should be reviewed to determine whether any changes are needed in the SMP.	Staff will review and prepare proposed revisions (if needed) to the SMP.
Review 7.16 Utilities for consistency with federal small cell requirements; add cell tower and small cell regulations	The City is required to comply with the new FCC rule for small cell permitting, including location and design requirements. The SMP should address this issue in a manner consistent with the zoning regulations (not yet adopted). The City may want to add additional regulatory measures in the small cell code to limit height, visibility, etc in the shoreline zone.	Staff will work with the City Attorney, the City’s small cell legal consultants and industry experts to ensure that the SMP includes (or references) appropriate and adequate small cell regulation in the shoreline zone. The permit type should also be added to the SMP/Zoning Code.
Shoreline exemptions in the WAC are all listed individually in SMP section 8.4	This section takes up a great deal of space, and will inevitably become outdated as Ecology adds/revises shoreline exemptions in the WAC.	Similar to other sections of the SMP, the exemptions section should refer the reader to Ecology’s current shoreline exemptions in WAC 123-27-040
8.8 Table of Permits and Procedures	Redundant to Title 20 Permit Types chapter (Subtitle II). Permit type and review information in the SMP is inconsistent in several areas.	Remove Table 8.8 and refer to Title 20 Permit Types and Subtitle II (and to permit requirements in the SMA if needed).
8.7 and 8.8, CUP and Variance Procedures	Inconsistent with POMC 20.22 and with RCW 90.58.140.	Refer to 20.22 for initial permit processing; cross-reference. CUPs and variances must be approved by Ecology. Provide criteria and review steps for admin and non-admin variances.
Chapter 10, Shoreline Enforcement	The City’s land use and development enforcement regulations were updated in 2017 (POMC Chapter 20.82). Chapter 10 of the SMP is probably redundant and probably conflicts with the 20.82 enforcement regs.	Staff recommends that, with guidance from the City Attorney, this section should be removed except for a reference to POMC 20.82. 20.82 may also need to be updated to reference SMA enforcement policies that may be applicable in addition to City code requirements.

SMP Provision	Reason For Update	Suggested Revision
<p>Definition of development in Chapter 12 does not state that demolition or other removal of structures is excluded.</p>	<p>2017 Shoreline Rules amendment by Ecology.</p>	<p>Staff will make this change in the SMP. (The SMP definition of development will not be the same as that in Title 20.)</p>
<p>Address all 2019-2020 Ecology checklist items in the updated SMP, which reflect updates to state law since last major SMP update plus some miscellaneous items.</p>	<p>Required by Ecology</p>	<p>Some of the checklist items address changes from 2014-2017 that were included in the City’s 2018 minor amendment; staff will make all other changes in the current SMP update.</p>