



City of Port Orchard Council Work Study Session

November 19, 2019

6:30 p.m.

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Bek Ashby (Mayor Pro-Tempore)
Chair: ED/Tourism/LT Committee
Staff: Development Director
Finance Committee
KRCC / PSRC TransPol / KRCC TransPol
KRCC PlanPol-alt / PRTPo

Shawn Cucciardi
Finance Committee
Land Use Committee
PSRC EDD-alt

Fred Chang
Utilities Committee
Sewer Advisory Committee (SAC)
Staff: Public Works Director

Jay Rosapepe
ED/Tourism/LT Committee
Utilities Committee
Sewer Advisory Committee (SAC)
KRCC-alt / KRCC TransPol-alt
Kitsap Transit-alt

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

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

Scott Diener
Chair: Land Use Committee
Staff: Development Director
ED/Tourism/LT Committee

Department Directors:
Nicholas Bond, AICP
Development Director

Mark Dorsey, P.E.
Director of Public Works/City Engineer

Tim Drury
Municipal Court Judge

Noah Crocker, M.B.A.
Finance Director

Matt Brown
Police Chief

Brandy Rinearson, MMC, CPRO
City Clerk

Contact us:

216 Prospect Street
Port Orchard, WA 98366
(360) 876-4407

1. Chimes and Lights Event and Marque (Crocker/Rinearson) **Page 3**
Estimated Time: 20 Minutes
2. Parks Plan Update – Scope of Work and Consultant Contract (Bond) **Page 5**
Estimated Time: 15 Minutes
3. SMP Public Participation Plan, Schedule and Work Plan (Bond) **Page 27**
Estimated Time: 10 Minutes
4. Title 20 Housekeeping Amendments (Bond) **Page 45**
Estimated Time: 20 Minutes
5. POMC 9.30 - Amending Deadline for Abatement Order Appeals (Bond)
Page 173
Estimated Time: 10 Minutes
6. McCormick Communities LLC – Amendment to 2007 Reimbursement Agreement for Utility System Improvements (Bond) **Page 181**
Estimated Time: 20 Minutes
7. Local Road Safety Plan-Street Safety Grant (Dorsey) **Page 183**
Estimated Time: 20 Minutes
8. Vacate City Right-of-Way: 2451 Sidney Avenue (Rinearson) **Page 201**
Estimated Time: 20 Minutes
9. Vacation of City Right-of-Way Process (Rinearson) **Page 211**
Estimated Time: 15 Minutes

This Page Intentionally Left Blank



City of Port Orchard

Work Study Session Executive Summary

Issue Title: Chimes and Lights Event and Marque

Meeting Date: November 14, 2019

Time Required: 20 Minutes

Attendees: N/A

Action Requested At This Meeting: Direction from council regarding light decorations on the City Infrastructure (Marque) as a one-time event for 2019 only

Issue: On November 12, 2019, a citizen inquired about the icicle lights and the fact that there were a few areas that were not functioning due to the receptacles that appeared to not have power. The Fire Marshall was contacted by an unknown citizen somewhere near this timeframe about some questionable electrical cords that were being used to light up the potted trees. The following bullet points are the findings due to the fire code from the Fire Marshal in relation to the icicle lights and the findings from the City electrician after investigation into the receptacles that are not functioning.

Background Issues:

Fire Code

- Icicle lights need to be plugged directly into a receptacle or a surge protector.
- All extension cords need to be outdoor rated and plugged directly into a receptacle or surge protector.
- Cords can be attached using zip ties; using staples is not allowed.
- All extension cords need to be single use only and not connected in series.
- All three-way splitters need to be removed.
- Surge protectors with multiple plugs can be used to supply more outlets.
- Extension cord can not be tightly wound in a coil or wound around posts.
- Holiday/Temporary lighting can only be in use for 90 days.

Building Code

- Receptacles that are supplied by a SO cord cannot be used.
- All receptacles that are not functioning need to be replaced with a GFI plug, as well as all the receptacles on that circuit.
- Holiday lighting needs to be protected by GFI receptacles. The marquee has none of these types of receptacles.

City Risks:

The City cannot knowingly allow these issues to go unaddressed. There is a fire risk due to the lighting and electrical issues as identified above. Additionally, the City cannot allow non-city individuals to post and impact public property and/or buildings. Hence, individuals putting up lights on City property poses a liability and risk in the event of an injury.

Corrective Actions needing to be Taken Immediately:

- City employee to remove all icicle lights and potted tree lights that present a fire hazard.

Alternatives to support the light decorations and tree contest:

- City employee to remove all icicle lights and potted tree lights that present a fire hazard.
- City employee replace all icicle lights and potted tree lights with **LED** which allows more strings to be connected resulting in more available receptacles.
 - Icicle manufacturers information needs to be submitted to the City for verification of installation requirements.
 - City staff to verify after the installation of the new LED lights that the manufacturers recommendations are not being exceeded by the amount that are linked together in series.
- City electrician can replace the non-functioning receptacles with GFI plugs for that circuit.
 - To be up to code, the City needs to upgrade all the current receptacles to GFI protected. Approximate **materials** cost to do this would be \$1,500-\$2,000 for 28 receptacles. (See attached for estimate to include wages/benefits)
- If desired, POBSA could purchase and donate eligible lights to be installed by the City.
- If council determines lighting on the marque falls within the intent of Chimes and Lights, it may be possible to use some of the current chimes and lights budget to purchase eligible lights (\$3,500-4,000).

Recommendation: N/A**Relationship to Comprehensive Plan:** N/A**Attachments:** To be Provided



City of Port Orchard

Work Study Session Executive Summary

Issue Title: Parks Plan Update – Scope of Work and Consultant Contract

Meeting Date: November 19, 2019

Time Required: 15 minutes

Attendees: Nick Bond, Community Development Director

Action Requested at this Meeting: Provide feedback to staff on proposed scope of work and consultant contract for the City's Parks Plan.

Issue: The City has selected a consultant, Beckwith Consulting Group, to update the City's Parks Plan. The Parks Plan provides a 20-year vision for parks, recreation, open space, and trails, as well as a 6-year action plan for implementing short- and medium-term steps to succeed in this vision. The Parks Plan is required to be updated every six years to qualify the City for federal and state grants through the State of Washington's Recreation and Conservation Office (RCO). The last update was in 2011 and the Plan is currently out of RCO compliance. Beckwith Consulting Group will also conduct public outreach to determine interest in recreation facilities and programs for the proposed South Kitsap Community Center on the downtown waterfront, and to determine whether there is public support for enactment of a parks fee levy or establishment of a parks and recreation taxing district to support those facilities and programs.

The City and consultant have prepared a personal services contract and scope of work which has been agreed upon by both parties, and approved by the City Attorney, for a total cost of \$44,084. The Parks Plan update and additional work items will be completed in spring 2020.

Alternatives: Recommend revisions to the proposed scope of work and consultant contract.

Recommendations: Staff recommends that City Council place the scope of work and consultant contract on the November 26 agenda, to be approved by resolution.

Attachments: Resolution, Consultant Contract and Scope of Work.

This Page Intentionally Left Blank

RESOLUTION NO. * -19**

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, AUTHORIZING
THE MAYOR TO EXECUTE CONTRACT NO. ***-19 WITH BECKWITH CONSULTING
GROUP, FOR AN UPDATE TO THE CITY'S COMPREHENSIVE PARKS PLAN AND
ADDITIONAL PARKS AND RECREATION PROFESSIONAL SERVICES, AND
DOCUMENTING PROFESSIONAL SERVICES PROCUREMENT PROCEDURES**

WHEREAS, on September 6, 2019, the City of Port Orchard Department of Community Development (DCD) published a Request for Proposals (RFP) – Personal Services for an update to the City's Comprehensive Parks Plan; and

WHEREAS, by the September 27, 2019 deadline, DCD received two (2) RFPs from qualified firms; and

WHEREAS, on October 14, 2019, a panel including representatives from DCD, the City Council, the City's Planning Commission, the City's Public Works Department, and the general community interviewed both qualified firms; and

WHEREAS, based on interview scoring, on October 15, 2019, DCD selected Beckwith Consulting Group for the project award and then met to discuss, clarify and develop a final project scope, budget and timeline; and

WHEREAS, on November 5, 2019, Beckwith Consulting Group provided DCD with a final project scope, budget and timeline; and

WHEREAS, the Port Orchard City Council, at the 2015 recommendation of the State Auditor's Office, wishes to document their consultant selection process as described above for this particular contract by Resolution; Now, Therefore,

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

THAT: The Port Orchard City Council approves Contract *** -19 with Beckwith Consulting Group for an update to the city's Comprehensive Parks Plan and additional parks and recreation professional services, and adopts the "Whereas" statements contained herein, as findings in support of the City's consultant selection procurement procedures.

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

Robert Putaansuu, Mayor

ATTEST:

City Clerk, Brandy Rinearson, MMC

CITY OF PORT ORCHARD PERSONAL SERVICES AGREEMENT

THIS Agreement is made effective as of the 26th day of November, 2019, by and between the City of Port Orchard, a municipal corporation, organized under the laws of the State of Washington, whose address is:

CITY OF PORT ORCHARD, WASHINGTON (hereinafter the "CITY")
216 Prospect Street
Port Orchard, Washington 98366

Contact: Mayor Robert Putaansuu Phone: 360.876.4407 Fax: 360.895.9029

and Beckwith Consulting Group, an individual/sole proprietor, doing business at:

P.O. Box 704
LaConner, WA 98257 (hereinafter the "CONSULTANT")

Contact: Thomas Beckwith Phone: 360 466 3536 Email:beckwith@beckwithconsult.com

for personal services in connection with the following Project:

[View Details](#) | [Edit](#) | [Delete](#)

1 Services by Consultant

A. The Consultant shall perform the services described in the Scope of Work attached to this Agreement as Exhibit "A." The services performed by the Consultant shall not exceed the Scope of Work without prior written authorization from the City.

B. The City may from time to time require changes or modifications in the Scope of Work. Such changes, including any decrease or increase in the amount of compensation, shall be agreed to by the parties and incorporated in written amendments to the Agreement.

2. Schedule of Work.

A. The Consultant shall perform the services described in the Scope of Work in accordance with the tasks identified within Exhibit "A" and the terms of this Agreement. If delays beyond the Consultant's reasonable control occur, the parties will negotiate in good faith to determine whether an extension is appropriate.

B. The Consultant is authorized to proceed with services upon receipt of a written Notice to Proceed.

3. Terms. This Agreement shall commence on November 27, 2019 (“Commencement Date”) and shall terminate May 31, 2020 unless extended or terminated in writing as provided herein.

4. Compensation.

- LUMP SUM. Compensation for these services shall be a Lump Sum of \$ _____.
- TIME AND MATERIALS NOT TO EXCEED. Compensation for these services shall not exceed \$ _____ without written authorization and will be based on the list of billing rates and reimbursable expenses attached hereto as Exhibit “____.”
- TIME AND MATERIALS. Compensation for these services shall be on a time and materials basis according to the list of billing rates and reimbursable expenses attached hereto as Exhibit “____.”
- OTHER. Consultant shall invoice the City at the end of each month. Each invoice shall indicate the percentage of each task that is being billed that month, and the total percentage of each task that has been billed to date. The cost billed per task, and total project cost of \$44,084.00, shall not exceed that shown on the Gantt chart on page 2 of the Scope of Work (Exhibit “A”), unless previously agreed in writing by the Consultant and the City.

5. Payment.

A. The Consultant shall maintain time and expense records and provide them to the City monthly after services have been performed, along with monthly invoices in a format acceptable to the City for work performed to the date of the invoice.

B. All invoices shall be paid by City warrant within thirty (30) days of receipt of a proper invoice. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

C. The Consultant shall keep cost records and accounts pertaining to this Agreement available for inspection by City representatives for three (3) years after final payment unless a longer period is required by a third-party agreement. Copies shall be made available on request.

D. On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors, including, but not limited to, the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant’s business, pursuant to Revised Code of Washington (RCW) 51.08.195, as required by law, to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties, which is subject to Title 51 RCW, Industrial Insurance.

E. If the services rendered do not meet the requirements of the Agreement, the Consultant will correct or modify the work to comply with the Agreement. The City may withhold payment for such work until the work meets the requirements of the Agreement.

6. Discrimination and Compliance with Laws

A. The Consultant agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color,

national origin, marital status, sex, age, disability, or other circumstance prohibited by federal, state, or local law or ordinance, except for a bona fide occupational qualification.

B. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state and municipal laws, rules and regulations that are now effective or become applicable within the term(s) of this Agreement to the Consultant's business, equipment and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

C. The Consultant shall obtain a City of Port Orchard business license prior to commencing work pursuant to a written Notice to Proceed.

D. Violation of this Paragraph 6 shall be a material breach of this Agreement and grounds for cancellation, termination, or suspension of the Agreement by the City, in whole or in part, and may result in ineligibility for further work for the City.

7. Relationship of Parties. The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including but not limited to compensation, insurance, and unemployment insurance, are available from the City to the employees, agents, representatives or sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

8. Suspension and Termination of Agreement

A. Termination without cause. This Agreement may be terminated by the City at any time for public convenience, for the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors.

B. Termination with cause. This Agreement may be terminated upon the default of the Consultant and the failure of the Consultant to cure such default within a reasonable time after receiving written notice of the default.

C. Rights Upon Termination.

1. With or Without Cause. Upon termination for any reason, all finished or unfinished documents, reports, or other material or work of the Consultant pursuant to this Agreement shall be submitted to the City, and the Consultant shall be entitled to just and equitable compensation for any satisfactory work completed prior to the date of termination, not to exceed the total compensation set forth herein. The Consultant shall not be entitled to any reallocation of cost, profit or overhead. The Consultant shall not in any event be entitled to

anticipated profit on work not performed because of such termination. The Consultant shall use its best efforts to minimize the compensation payable under this Agreement in the event of such termination. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise.

2. *Default.* If the Agreement is terminated for default, the Consultant shall not be entitled to receive any further payments under the Agreement until all work called for has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Consultant. The Consultant shall bear any extra expenses incurred by the City in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained, by the City by reason of such default.

D. Suspension. The City may suspend this Agreement, at its sole discretion. Any reimbursement for expenses incurred due to the suspension shall be limited to the Consultant's reasonable expenses, and shall be subject to verification. The Consultant shall resume performance of services under this Agreement without delay when the suspension period ends.

E. Notice of Termination or Suspension. If delivered to the Consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date as stated in the City's notice of termination, whichever is later. Notice of suspension shall be given to the Consultant in writing upon one week's advance notice to the Consultant. Such notice shall indicate the anticipated period of suspension. Notice may also be delivered to the Consultant at the address set forth in Section 15 herein.

9. Standard of Care. The Consultant represents and warrants that it has the requisite training, skill and experience necessary to provide the services under this Agreement and is appropriately accredited and licensed by all applicable agencies and governmental entities. Services provided by the Consultant under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing in similar circumstances.

10. Ownership of Work Product.

A. All data, materials, reports, memoranda, and other documents developed under this Agreement whether finished or not shall become the property of the City, shall be forwarded to the City at its request and may be used by the City as it sees fit. Upon termination of this Agreement pursuant to paragraph 8 above, all finished or unfinished documents, reports, or other material or work of the Consultant pursuant to this Agreement shall be submitted to City. Any reuse or modification of such documents, reports or other material or work of the Consultant for purposes other than those intended by the Consultant in its scope of services under this Agreement shall be at the City's risk.

B. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in the Consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise. The Consultant is permitted to disclose any such information only to the extent required by law, subpoena or other court order.

11. Work Performed at the Consultant's Risk. The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents and sub-consultants in the performance of the work hereunder, and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

12. Indemnification. The Consultant shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal costs and attorneys' fees, arising out of or resulting from the negligent acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries or damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence. The provisions of this section shall survive the expiration or termination of this Agreement.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER.

13. Insurance. The Consultant shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

A. Minimum Scope of Insurance

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 or a substitute form providing equivalent liability coverage and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named by endorsement as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

B. Minimum Amounts of Insurance

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Workers' Compensation Employer's Liability each accident \$1,000,000, Employer's Liability Disease each employee \$1,000,000, and Employer's Liability Disease – Policy Limit \$1,000,000.
4. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

C. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.
2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
3. The City will not waive its right to subrogation against the Consultant. The Consultant's insurance shall be endorsed acknowledging that the City will not waive their right to subrogation. The Consultant's insurance shall be endorsed to waive the right of subrogation against the City, or any self-insurance, or insurance pool coverage maintained by the City.
4. If any coverage is written on a "claims made" basis, then a minimum of a three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period provided to the City.

D. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage

The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

14. Assigning or Subcontracting. The Consultant shall not assign, transfer, subcontract or encumber any rights, duties, or interests accruing from this Agreement without the express prior written consent of the City, which consent may be withheld in the sole discretion of the City.

15. Notice. Any notices required to be given by the City to the Consultant or by the Consultant to the City shall be in writing and delivered to the parties at the following addresses:

Robert Putaansuu
Mayor
216 Prospect Street
Port Orchard, WA 98366

Phone: 360.876.4407
Fax: 360.895.9029

CONSULTANT
Thomas Beckwith
Beckwith Consulting Group
P.O. Box 704
LaConner, WA 98257

Phone: 360.466.3536

16. Resolution of Disputes and Governing Law.

A. Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the Mayor, who shall determine the term or provision's true intent or meaning. The Mayor shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

B. If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the Mayor's determination in a reasonable time, or if the Consultant does not agree with the Mayor's decision on a disputed matter, jurisdiction of any resulting litigation shall be filed in Kitsap County Superior Court, Kitsap County, Washington.

C. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In any suit or action instituted to enforce any right granted in this Agreement, the substantially prevailing party shall be entitled to recover its costs, disbursements, and reasonable attorneys' fees from the other party.

17. General Provisions.

A. Non-waiver of Breach. The failure of either party to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein contained in one or more instances, shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be in full force and effect.

B. Modification. No waiver, alteration, modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

C. Severability. The provisions of this Agreement are declared to be severable. If any provision of this Agreement is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

D. **Entire Agreement.** The written provisions of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, the Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and the Exhibits attached hereto, which may or may not have been dated prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

18. Title VI

The City of Port Orchard, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, must affirmatively insure that its contracts comply with these regulations.

Therefore, during the performance of this Agreement, the Consultant, for itself, its assignees, and successors in interest agrees as follows:

1. **Compliance with Regulations:** The Consultant will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this Agreement.
2. **Nondiscrimination:** The Consultant, with regard to the work performed by it during this Agreement, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Consultant will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix A, attached hereto and incorporated herein by this reference, including employment practices when this Agreement covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the Consultant for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Consultant of the Consultant's obligations under this Agreement and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The Consultant will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of the Consultant is in the exclusive possession of another who fails or refuses to furnish the information, the Consultant will so certify to the City or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of the Consultant's noncompliance with the Non-discrimination provisions of this Agreement, the City will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 1. withholding payments to the Consultant under the Agreement until the Consultant complies; and/or
 2. cancelling, terminating, or suspending the Agreement, in whole or in part.
6. **Incorporation of Provisions:** The Consultant will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Consultant will take action with respect to any subcontract or procurement as the City or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Consultant becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Consultant may request the City to enter into any litigation to protect the interests of the City. In addition, the Consultant may request the United States to enter into the litigation to protect the interests of the United States.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year set forth above.

CITY OF PORT ORCHARD,
WASHINGTON

By: _____
Robert Putaansuu, Mayor

ATTEST/AUTHENTICATE:

By: _____
Brandy Rinearson, MMC
City Clerk

APPROVED AS TO FORM:

By: _____
Sharon Cates, City Attorney

CONSULTANT

By: _____
Name: _____
Title: _____

APPENDIX A

During the performance of this Agreement, the Consultant, for itself, its assignees, and successors in interest agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U .S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 C.F.R. Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 C.F.R. Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U .S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC§ 471, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to -ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

EXHIBITS: Exhibit A, Scope of Work

City of Port Orchard and Beckwith Consulting Group

Personal Services Agreement Contract No. _____

U:\Staff Reports\2019\20191119\2.03 Beckwith Parks Plan Personal Services Contract.docx

Rev 7/18/2019

10 of 10

Scope of Work

City of Port Orchard

Comprehensive Parks Plan Update



Beckwith Consulting Group
5 November 2019

Our schedule and budget

5 November 2019

- (1) Includes workshops with Community Center proponents, participants
 - (2) Includes functional space requirements for Community Center use
 - (3) Includes charrette with Community Center proponents, participants
 - (4) Includes update of park impact fees and subdivision regulations

Includes Community Center pro forma analysis for 6-10 year startup

Our scope of work

Following is a brief description of our approach outlined in the gantt chart on the preceding page. The exact approach we will undertake for your Comprehensive Parks Plan update will depend on your preferences and experience to date - which we will resolve with you prior to proceeding.

1: Initiate your process

Task 1a: Conduct your retreat



We will conduct a workshop with Planning Commission, City Council, and others you deem appropriate to strategize about:

- Your vision and assessment of work completed since your 2011 Comprehensive Parks Plan and Parks Plan Element of your 2016 Comprehensive Plan,
- Who and how to involve your public, nonprofit, and for-profit providers, user groups, and public including the South Kitsap School District, Kitsap County, Port of Bremerton, McCormick Village, YMCA, Boys & Girls Club, and others.

Webpage/newsletter - we will post newsletters and other materials on your planning process, schedule, meeting locations, plan proposals, and other particulars on a continuous basis throughout your process.

2: Update your inventory of programs and facilities

Task 2a.1: Update your demographic trends

We will analyze your present and projected population and demographic trends using 2013-2017 American Community Survey (ACS), and Washington State Office of Financial Management (OFM) source data to determine your projected resident population and demographic characteristics by age group for a 6-20 year planning period.

Task 2a.2: Update your programs inventory

We will inventory recreation programs provided

by you and all other public, nonprofit, and for-profit program providers within your service area to determine user profiles as well as program volumes, fees, revenues, and costs.

Task 2a.3: Update your facilities inventory

We will inventory facilities owned, maintained, and scheduled by you and all other public, nonprofit, and for-profit agencies including the history, condition, development and use capabilities, and other relevant features of each property holding and facility that has been developed or could be made available for public use by you or others.

We will input your facility inventory into **NRPA's Park Metrics (formerly PRORAGIS)** databases to access and compare your programs, facilities, staffing, maintenance, finance, and other benchmarks with other similarly sized park agencies and communities.

Task 2b: Update your maintenance, repair, and replacement (R&R) requirements

We will estimate your life cycle maintenance requirements and the remaining life of your facilities including the repair and replacement (R&R) costs required when your asset's life has been expended.

Task 2c.1: Conduct your sponsor/user group workshops - with all public, nonprofit, and for-profit provider and user groups citywide and by



12 neighborhood centers that sponsor or provide programs or facilities of interest to you to determine user profiles, service areas, issues, and suggestions about joint venture development, programming, operating, or maintaining opportunities of interest.

This will include workshops with:

- Design and developer proponents of the Community Center including the Port of Bremerton, South Kitsap Public Facilities District (PFD), Kitsap County, and others you designate and
- Agencies or organizations potentially interested in renting space and/or providing

programs in the Center such as the Boys & Girls Club, YMCA, Chamber of Commerce, South Kitsap School District, and others you deem of interest.

Task 2c.3: Conduct your resident outreach survey - we will conduct an on-line survey of your residents mailing a postcard invitation using the **USPS Every Door Direct Mail (EDDM)** service to every mailing address in your zip code to determine their reason for using or not using your programs and facilities, level of satisfaction or dis-satisfaction, desires for future programs or facilities, and preferences concerning financing measures.

Note - recent advances in the use of call screening and blocking as well as household use of cell phones rather than landlines have rendered traditional telephone sampling techniques more expensive and less and less statistically reliable.

We have found the use of EDDM in promoting the completion of on-line (with mail-out/mail-back option for those that prefer) surveys to be more transparent and representative of public opinions and accurately predictive of voters in subsequent funding referendums.

Task 2c.4: Conduct your school student survey - we will conduct a survey of your school students to determine their recreation program

involvement, satisfaction, interests, and desires for future programs or facilities. We will also develop 'kids-at-risk'

assessments of the characteristics of students who are not involved in your or any other organization's outreach programs including their reasons for not participating.

Task 2d.1: Update your activity requirements projections

We will project your resident recreation activity participation rates and volumes using a combination of sources including:

- **Washington State RCO Statewide Comprehensive Outdoor Recreation Plan**

(SCORP) - for participation rates, frequency, and peak day schedule data for over 100 outdoor and indoor recreation activities by age, gender, race/ethnicity, and income based on RCO's 12-month diary-based SCORP surveys.

- **National Sporting Goods Association (NSGA)** - for participation rates and data from 2001-2017 for outdoor and indoor recreation activities by age and gender.

Using these age-specific participation source rates, we will project your recreation demand, establish your existing service or capture rates, project your unmet or latent demand interests, and define your recreation needs.

Task 2d.2: Update your facility requirements

We will project your facility requirements using facility carrying capacity models, **geographic information system (GIS) gap analysis, and RCO's LOS scoring matrix** to determine the impact of your geography and walking and biking connectivity has to:

- Establish your facility capacity
- Determine your existing level-of-service (ELOS)
- Propose your level-of-service (PLOS) standards
- Determine your distributional LOS or geographic walkability access - by sidewalk, trail, bike lane, and transit
- Project your land acquisition, facility design, construction, and other costs

This will include functional space requirements for the types of activities to be rented and/or programmed for public use in the Community Center as a result of the workshops in task 2c.1.

Task 2e: Update your financial conditions and prospects

We will analyze your financial prospects to accomplish your 6 and 50-year administration, recreation, maintenance, and development requirements for:

- Present and probable financial trends
- Supplemental funding allocations
- Program cost recovery measures
- Other funding approaches and prospects including your existing park impact fees

Task 2f: Review your assessments

We will review your demographics, program and facility inventories, R&R requirements, workshop and survey results, and financial

prospects during workshop review sessions with you, your staff, Planning Commission, and others you deem appropriate. Your workshop participants will clarify policy issues and define questions to be resolved in following tasks.

3: Update your goals and strategies

Task 3a: Update your goals and strategies

Based on the results of task 2f, we will define:

- Priorities
- Role/responsibility options
- Existing and proposed level-of-service (ELOS/PLOS) standards and geographic accessibilities
- Funding and cost recovery strategies.

Task 3b: Select your strategies

We will review your updated goal statements and strategy options during a workshop review session with you, your staff, Planning Commission, and others you deem appropriate. Your workshop participants will resolve final goal statements and select strategy approaches to be used in the development of your program and facility plan elements.

4: Update your plan elements

4a: Conduct your planning/design workshops

We will work with you to conduct public workshops to update 6-20 year planning and design solutions with your user group interests citywide and by neighborhood including:

- Open space and wildlife conservation interest groups,
- On and off-road trail user groups,
- Athletic leagues and user organizations,
- Aquatic, art, recreation, child, teen, senior, and special population program users,
- Performing arts, educational, environmental, and other potential users of your proposed Community Center.

We will conduct the workshops where your

participants jointly create (and we illustrate) as many ideas as possible for every type of plan element from recreation programs to open



spaces to trails to parks to athletic facilities to

indoor facilities. We will develop these workshop ideas without critical evaluations until your participants are satisfied that all possible ideas have been explored.

Task 4b: Update your plan elements

We will develop holistic 6-20-year comprehensive park plan elements for all your programs and facilities using the following progressive plan layering approach:

- **Your recreation programs** - identifying activity interests to be provided by you or other public, nonprofit, or private agencies.
- **Your environmental parks** - identifying unique environmental, wildlife habitat, open space, historical, and cultural landmarks to be conserved and accessed for public use **in addition to your Black Jack Creek Lease and Conservation Areas.**
- **Your on and off-road trails** - mapping and identifying your internal park trails as well as your potential on and off-road hike, bike, and dog trails, pathways, bikeways, sidewalks, and streetscapes by which to link your parks, schools, and commercial districts into a cohesive network **including connections to your Bay Street Pedestrian Path and Mosquito Fleet Trail proposals.**
- **Your outdoor recreation parks** - defining picnic facilities, playgrounds, athletic courts, and fields with which to fill the walkability gaps between your parks as well as your school facilities and any appropriate other public, nonprofit, or for-profit recreation facilities **including your Van Zee, Central, Givens, Paul Powell Junior, and Etta Turner Parks, Port Orchard Boat Ramp, and undeveloped Lundberg Park.**
- **Your indoor recreation** - defining your fitness centers, gymnasiums, class and meeting rooms, childcare, fine and performing arts, teen, senior, and special population facilities **including for your proposed Community Center and Kitsap County's Givens Community Center.**
- **Your supporting facilities** - for maintenance and administration staffing and office and yard facility requirements **at your Public Works Maintenance Yard.**
- **Your composite overlay plans** - into a unified and identifiable vision to be presented to and readily adopted by your Planning Commission and City Council.

Task 4c: Conduct your open houses

We will conduct open houses with your public, nonprofit, and for-profit sponsors, user groups citywide, your 12 neighborhood, centers, and during special event pop-up exhibits. We will post the proposals and open house survey questions on a newsletter on your website.



Task 4d: Review/select your preferred plan elements

We will review the charrette proposals, Comprehensive Parks Plan elements, and open house result with you, your staff, Planning Commission, and others you deem appropriate at workshop sessions. Your participants will review the comments and select your preferred plan elements to be programmed for implementation.

5: Update your implementation plan

Task 5a: Update your implementation program

Based on the results of task 4d, we will develop a detailed 1-6 and 7-20 year implementation program to achieve your proposals including:

- **Your recreation program development and cost recovery strategy** - should you decide to program recreation with your resources and/or transfer programs to other public, nonprofit, or for-profit agencies where desirable and feasible.
- **Your R&R cost containment** - defining your repair and replacement life cycle and end of useful life costs.
- **Your park impact fee update** - to include current replacement values and the percent of the value to be charged new home development based on the results of the resident voter survey in task 5c following. Also including correlation of the impact fee methodology and LOS standards with your subdivision regulation set-aside requirements.
- **Your prioritized 6/20-year Capital Facilities Program (CFP)** - correlating your proposed level-of-service (PLOS) estimated park or facility project acquisition, design, and development with possible funding sources or methods.
- **Your facility financial scenario(s)** - using

special property tax levies or levy lid lifts, general obligation bonds, or lease-to-own (LTO) agreements including 63:20 nonprofit developers, and/or joint ventures with other public, nonprofit, for-profit agencies, community organizations, or user groups. Also including a Metropolitan Park District (MPD) using a City Council as MPD Commission for city limits or UGA or a South Kitsap MPD based on the results of the resident voter survey in task 5c following.

- **Your financial pro forma for your portion of the proposed Community Center** - including estimated operational, management, and promotion costs compared with potential revenues to be generated over the initial 6-10 year startup period.

- **Your performance or benchmark measures** - on meeting recreation program services, park access gaps, open space connections, trail completions, park and facility projects, and other implementation actions with any necessary action adjustments to achieve progress.

We will resolve which package of cost containment, recovery, funding source, and/or organizational scenario provides the most stable financing strategies for your programs and facilities for the 1-6 and 7-20-year periods.

Task 5b: Conduct your open houses

We will conduct open houses, pop-up exhibits, and presentations to your public, nonprofit, for-profit sponsors, user groups citywide, your 12 neighborhood centers, and during special event pop-up exhibits on your implementation proposals. We will post the proposals and open house survey questions in a newsletter on your website.



Task 5c: Survey your resident voters

We will survey a random sample of your resident voters. The postcard will invite residents to complete a **MetroQuest** interactive survey in



appropriate languages of your Comprehensive Parks Plan's development proposals, visual preferences, scenarios, tradeoffs, priorities, projects, and budgeting to determine:

- **Their approvals and priorities** - for your recreation program, open space, trail, park, and facility proposals.
- **Their financing preferences and priorities**
- including methods and amounts of proposed property tax revenue allocations, property tax levy rate adjustments or levy lid lifts, general obligation bonds, user fees and charges, lease/purchase procurements, and joint ventures.

The results will provide you a valid method of determining public support for your Comprehensive Parks Plan proposals particularly aspects requiring public financing and joint ventures with other agencies.

Task 5d: Select your implementation measures

We will review your plan proposals, implementation particulars, open houses, and voter survey results during workshop review sessions with you, your staff, Planning Commission, and any others you deem appropriate. Your workshop participants will select capital facility projects, revenue sources, all implementation particulars, and performance measures.

6: Publish/adopt your plan documents

Task 6a: Edit/publish your Comprehensive Parks Plan documents

We will edit and publish:

- **Powerpoint presentations** - of your recreation program, environmental, trail, park, and facility proposals.
- **Comprehensive Parks Plan narrative document** - of your goal statements, recreation programs, facility plans, financial, and performance measures.
- **Technical appendices** - of your GMA Comprehensive Plan's Parks Element, SEPA Checklist, 6-year Capital Facilities Program (CFP), RCO Checklist, and your proposed Community Center programming and feasibility assessment.

Task 6b: Adopt your Comprehensive Parks Plan, CFP, and performance measures

We will help you discuss your Comprehensive Parks Plan and CFP with your Planning Commission and City Council to complete your GMA/RCO required hearings for adoption proceedings.

This Page Intentionally Left Blank



City of Port Orchard Work Study Session Executive Summary

Issue Title: Shoreline Master Program (SMP) Public Participation Plan, Schedule and Work Plan

Meeting Date: November 19, 2019

Time Required: 10 minutes

Attendees: Nick Bond, Community Development Director

Action Requested at this Meeting: Provide feedback to staff on proposed SMP Public Participation Plan, Schedule and Work Plan.

Issue: As required by RCW 90.58.080 and the Department of Ecology's August 14, 2019 interpretative policy guidance, the City must update its existing Shoreline Master Program (SMP) by June 30, 2021. The City has received a grant from the Department of Ecology to partially fund this update. The grant requirements include development of a public participation plan, a tentative schedule, and a work plan, to be adopted by resolution by the City Council. Staff have prepared these required items based on an initial assessment of the City's 2013 SMP against the City's Comprehensive Plan and development regulations, and have additionally created a gap analysis document to summarize those areas where the SMP requires updating and where expanded information will be included in the SMP.

The City has already begun the update process as a participant in the 2019 Kitsap County Climate Change Resiliency Study, which will provide a shoreline climate change/sea level rise analysis appendix for Port Orchard, and it is anticipated that the update will conclude with final Ecology approval in March 2021.

The Planning Commission reviewed the SMP Public Participation Plan, Schedule and Work Plan on November 5, 2019, and recommended that the City Council approve them by resolution.

Alternatives: Recommend revisions to the proposed SMP Public Participation Plan, Schedule and Work Plan.

Recommendations: Staff recommends that City Council provide feedback to staff on the proposed SMP Public Participation Plan, Schedule and Work Plan, and place the resolution on the November 16 agenda for approval.

Attachments: Resolution; SMP Public Participation Plan, Schedule and Work Plan; Gap Analysis

This Page Intentionally Left Blank

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

November 13, 2019

Shoreline Master Program Periodic Review

Public Participation Program and Work Plan

Table of Contents	i
Contact Information	ii
Introduction	1
Goals	1
Scope of Periodic Review	1
Anticipated Timeline	2
Opportunities for Public Participation	2
How to Get and Stay Involved	3
Outreach Methods and Tools	4
Potential Groups for Outreach	4
Work Plan	6

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, public hearing (if needed), 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, and the City's Facebook page.

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

11/15/2019

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.)

City of Port Orchard- SMP Update – Gap Analysis Matrix

SMP Provision	Reason For Update	Suggested Revision
Updated plan should address potential effects of long-term climate change and future sea level rise.	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.	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.
Table 7.1 Shoreline Use Categories – Revise for consistency with zoning code	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.	Staff will prepare proposed revisions to the SMP.
Remove heavy industry, mining, agriculture and aquaculture from shoreline uses.	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.	Staff will prepare proposed revisions to the SMP.
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.

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
Definition of development in Chapter 12 does not state that demolition or other removal of structures is excluded.	2017 Shoreline Rules amendment by Ecology.	Staff will make this change in the SMP. (The SMP definition of development will not be the same as that in Title 20.)
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.	Required by Ecology	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.

This Page Intentionally Left Blank



City of Port Orchard

Work Study Session Executive Summary

Issue Title: Title 20 Housekeeping Amendments

Meeting Date: November 19, 2019

Time Required: 20 minutes

Attendees: Nick Bond, Community Development Director

Action Requested at this Meeting: Provide feedback to staff on proposed Title 20 housekeeping amendments.

Issue: In March 2019, the City Council adopted a new Title 20 Zoning Code and Zoning Map. Since that time, staff has kept track of a number of minor errors, inconsistencies and omissions that were overlooked when the code was adopted, which staff wishes to address in one “cleanup” or “housekeeping” ordinance. In the explanatory document that accompanies the ordinance, each of the proposed changes are listed in a separate section in numerical order, in redline strikeout/underline format, with explanations for each change as a header.

The Planning Commission held a public hearing on the Title 20 housekeeping amendments on November 5, 2019, and recommended that City Council approve the amendments.

Alternatives: Recommend additional revisions to the proposed Title 20 housekeeping amendments; do not revise Title 20.

Recommendations: Staff recommends that Council provide feedback to staff on the proposed Title 20 housekeeping amendments, and place the ordinance on the November 26 agenda.

Attachments: Ordinance; Explanatory Document (including redline changes)

This Page Intentionally Left Blank

ORDINANCE NO. __ -19

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 November 5, 2019, the Planning Commission held a duly-noticed public hearing on the proposed adoption of minor revisions and corrections to Title 20, 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. 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 4. 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.

SECTION 5. Section 20.32.015 is revised to read as follows:

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	--	--	--	--	--	--	--	

Building Type	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF
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	--	--	--	--	--	--	--	--	--
Live-Work	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	--	--
Shopfront House	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	--	--
Single-Story Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	--	--	--	--	--
Mixed Use Shopfront	--	--	--	--	--	--	--	--	--	P	P	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.

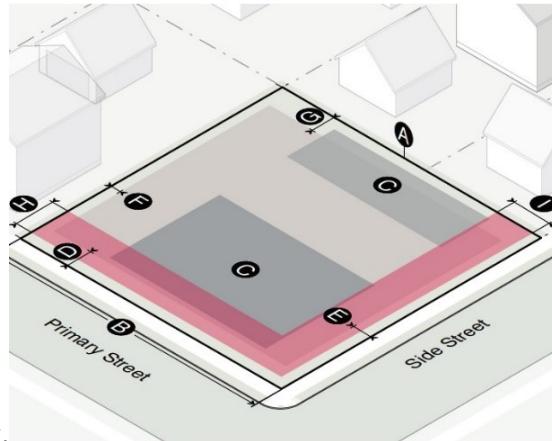
SECTION 6. Section 20.32.080 is revised to read as follows:

Section 20.32.080 Fourplex.



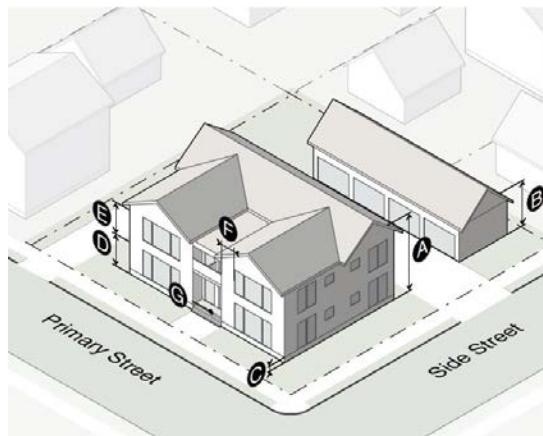
(1) Definition. A building type that accommodates three to four dwelling units vertically or horizontally integrated.

(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.



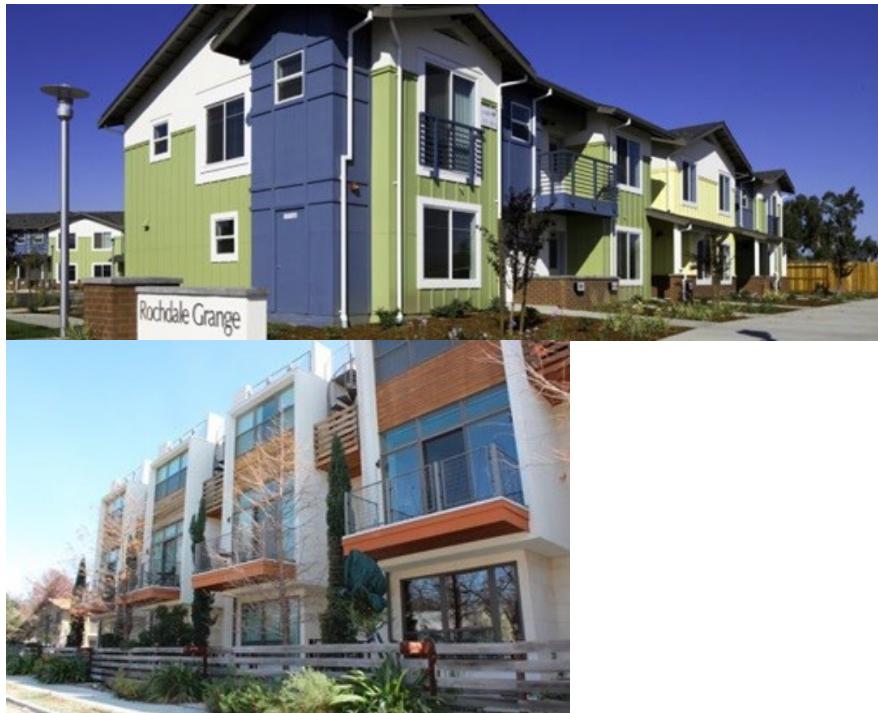
(6) Height and Form.

- (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 7. Section 20.32.090(1) is revised to read as follows:

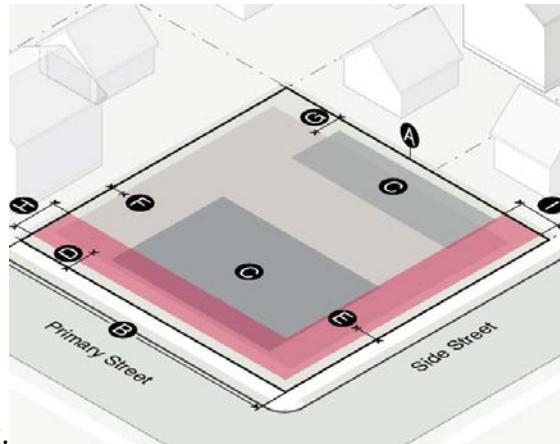
Section 20.32.090(1) Townhouse.





(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.

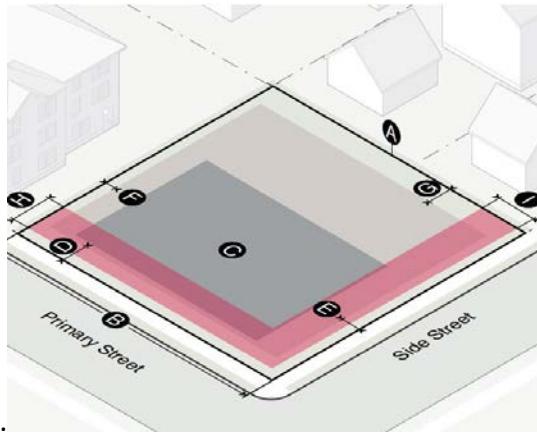
(ii) Garage Door Restrictions.

SECTION 8. 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 9. Section 20.34.010 is revised to read as follows:

Section 20.34.010 Residential 1 (R1).

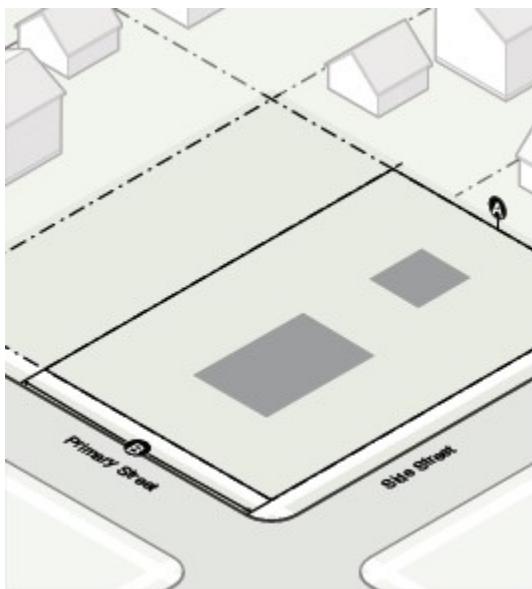
(1) Intent. The R1 district is intended to accommodate single-family detached houses with a minimum lot size of 5,000 to 6,000 square feet. (Cottage court developments may have individual lots as small as 1,200 square feet, as indicated below.) R1 may be applied in areas designated as residential low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

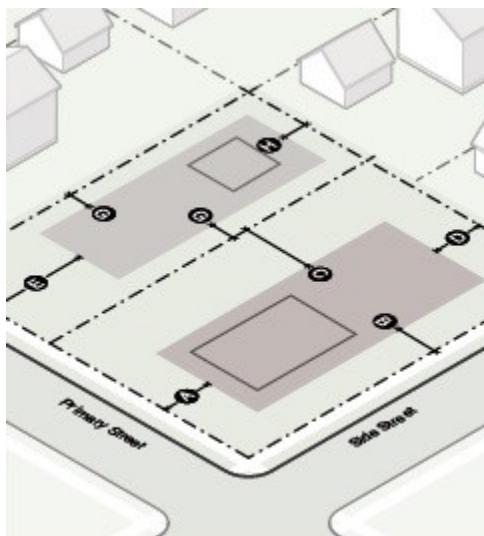


R1 Building Types
(3) Lot Dimensions.



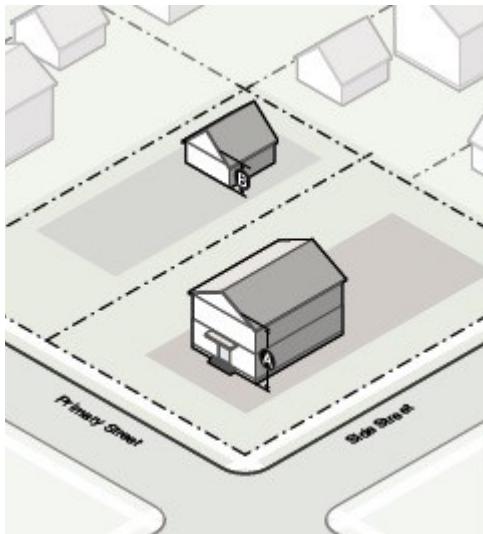
- (a) Minimum Lot Size.
(i) Lots that take vehicular access from primary street: 6,000 square feet.
(ii) Lots that do not take vehicular access from primary street (lots with vehicular access from alley): 5,000 square feet.

- (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 10. 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.

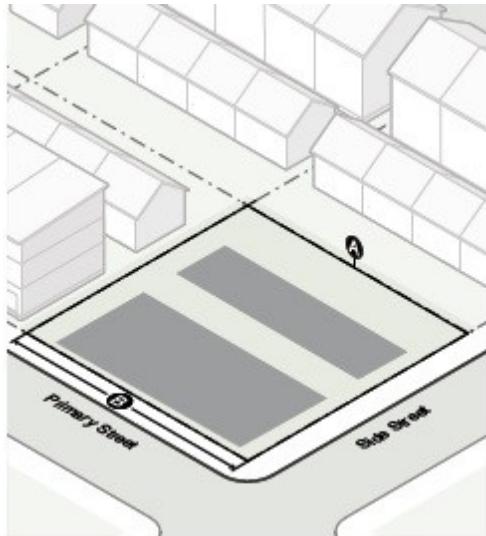
(2) Building Types Allowed. The allowed building types in the RMU zone as follows:

- (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.

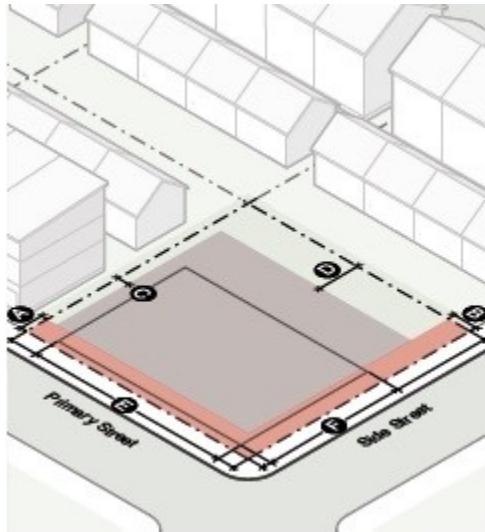
- (i) Townhouse: 1,000 square feet.
 - (ii) Live-work: 1,000 square feet.
 - (iii) Shopfront house: 6,000 square feet.
- (b) Minimum Lot Width.
- (i) Townhouse.

- (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 11. 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, storefront house, single-story storefront, mixed use storefront 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 storefront.
- (f) Mixed use storefront.
- (g) General building.
- (h) Accessory buildings (POMC 20.32.010 (16)).

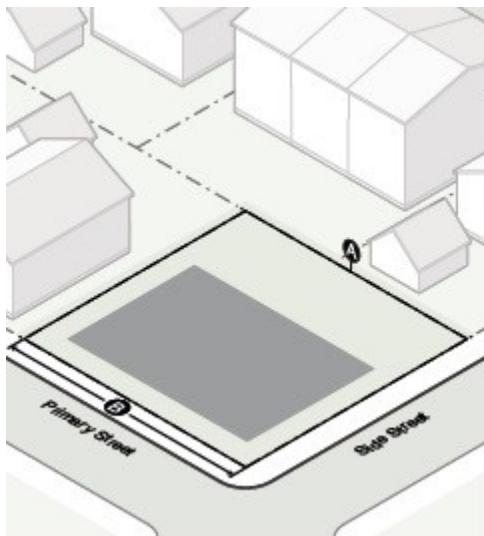


CMU Building Types

(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 storefront: 5,000 square feet.
 - (vi) Mixed use storefront: 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 storefront: 50 feet.
 - (vi) Mixed use storefront: 50 feet.
 - (vii) General building: 50 feet.

(4) Maximum hard surface coverage is 80 percent.



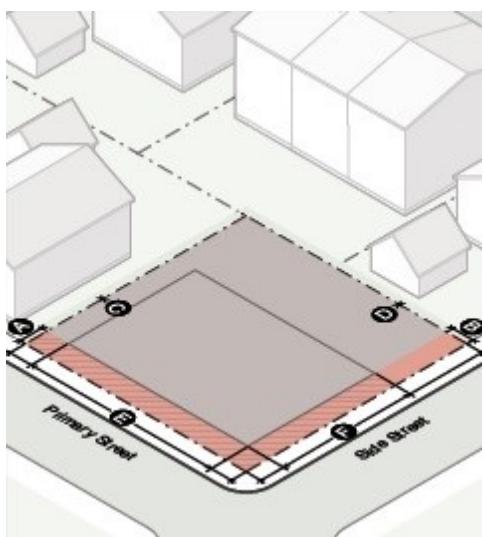
CMU Lot Dimensions

(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).

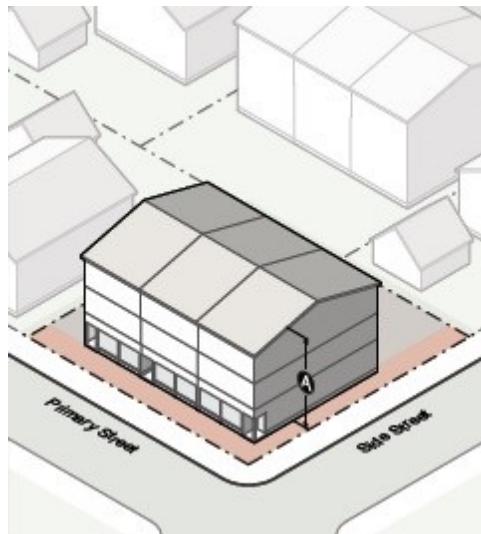


CMU Building Placement

(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 12. 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.

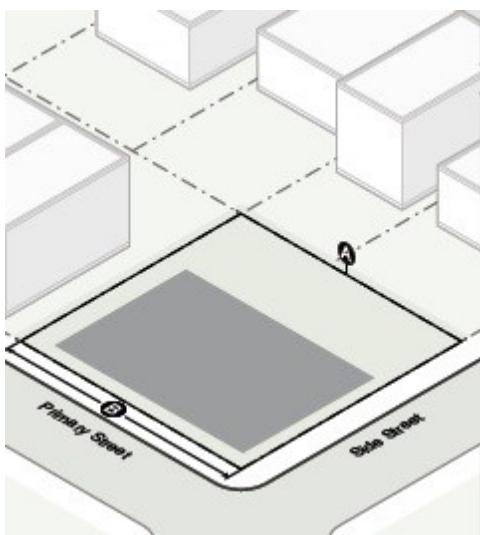
(2) Building Types Allowed. The allowed building types are as follows:

- (a) Live-work unit.
- (b) Single-story shopfront.
- (c) Mixed use storefront.
- (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.

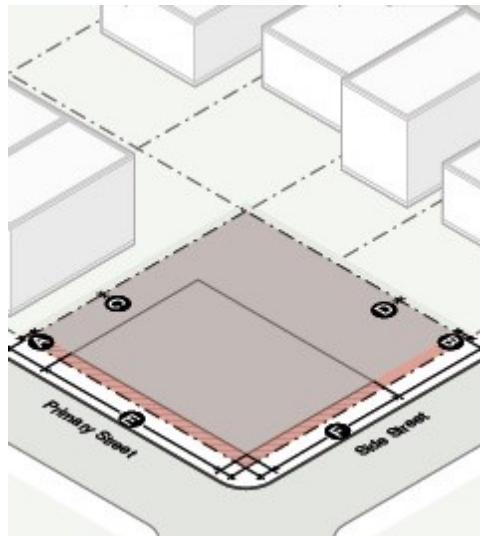
(c) Side interior: not applicable.

(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.

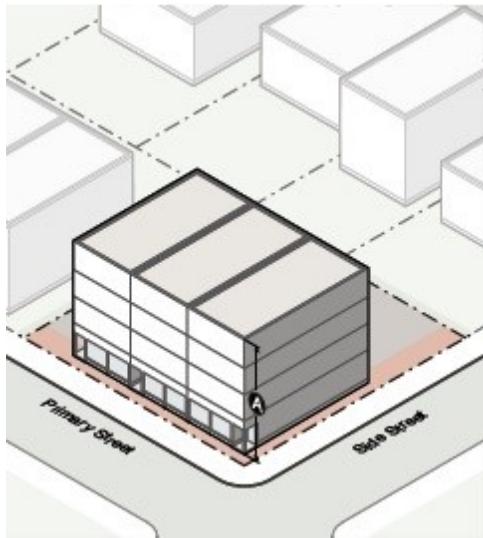
(b) Corner yard: not allowed.

(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 13. 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 storefront, mixed use storefront, 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:

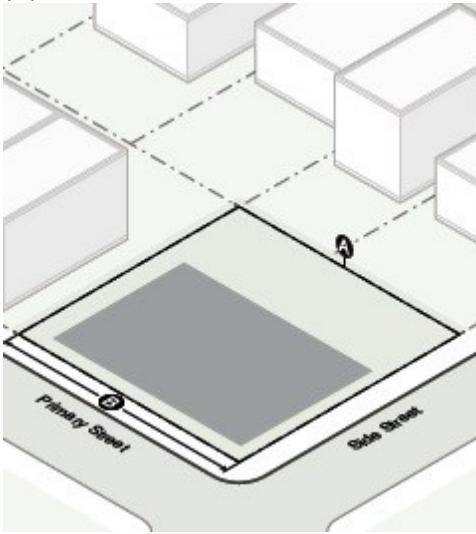
- (a) Townhouse.
- (b) Apartment.
- (c) Live-work unit.
- (d) Shopfront house.
- (e) Single-story storefront.
- (f) Mixed use storefront.
- (g) General building.
- (h) Accessory buildings (POMC 20.32.010 (16)).



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.

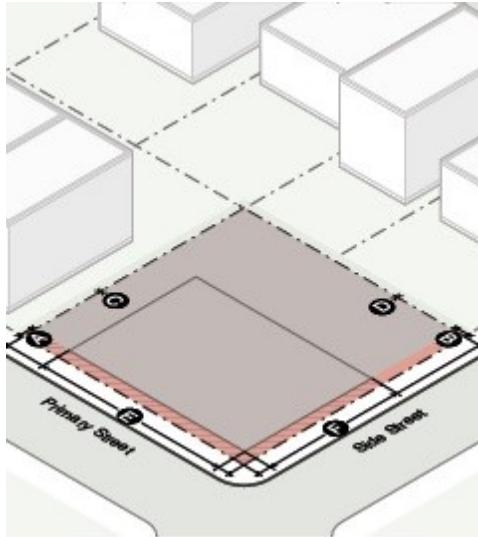
(5) Building Setbacks.

- (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).



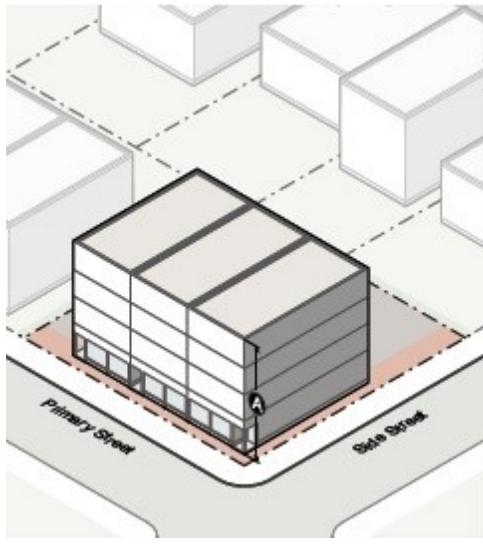
GMU Building Placement

(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 14. 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, storefront house, single-story storefront, mixed use storefront 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 storefront.
- (d) Mixed use storefront.
- (e) General building.
- (f) Accessory buildings (POMC 20.32.010 (16)).

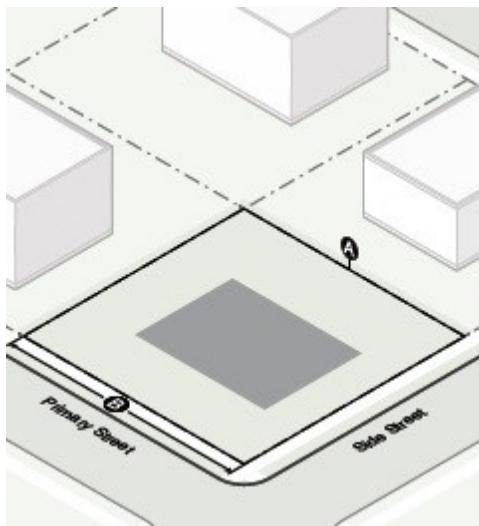


CC Building Types

(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 storefront: 5,000 square feet.
 - (iv) Mixed use storefront: 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 storefront: 50 feet.
 - (iv) Mixed use storefront: 50 feet.
 - (v) General building: 50 feet.

(4) Maximum hard surface coverage is 70 percent.



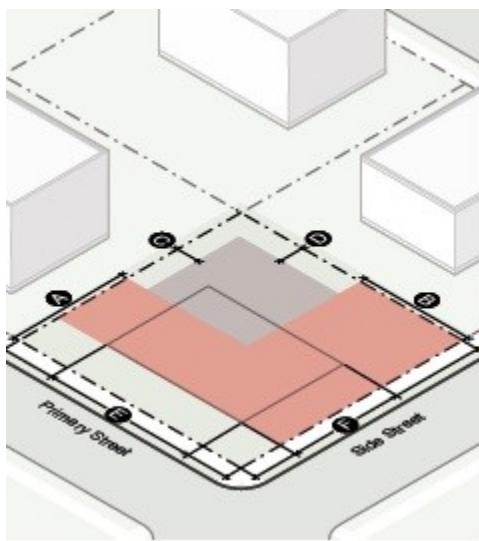
CC Lot Dimensions

(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).



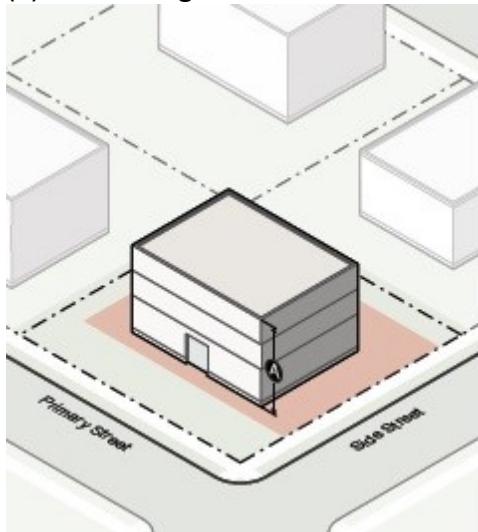
CC Building Placement

(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 15. 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 storefront.
- (b) General building.
- (c) Accessory buildings (POMC 20.32.010 (16)).



CH Building Types

(3) Lot Dimensions.

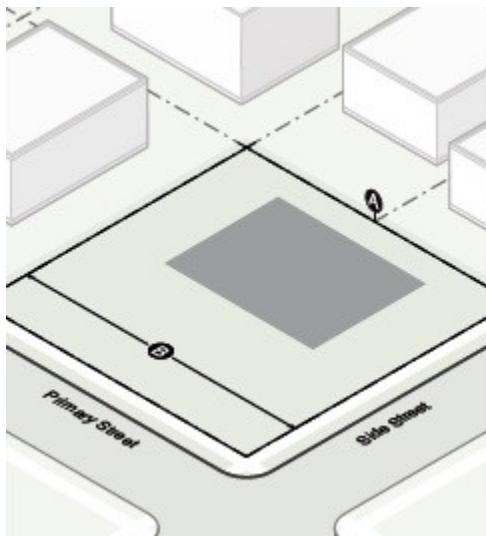
(a) Minimum Lot Size by Building Type.

- (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.

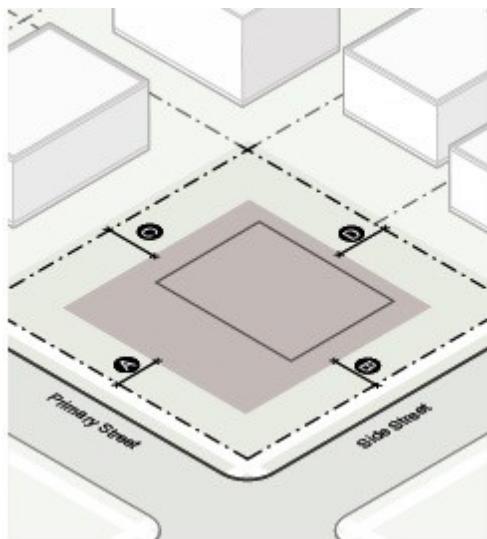
(4) Maximum hard surface coverage is 70 percent.



CH Lot Dimensions

(5) Building Setbacks.

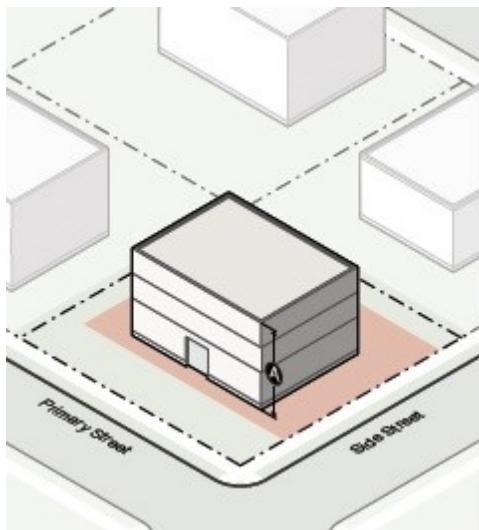
- (a) Primary street: 20 feet minimum (from planned ROW acquisition area).
- (b) Side street: 20 feet minimum/50 feet maximum.
- (c) Side interior: 20 feet minimum.
- (d) Rear: 20 feet minimum.



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 16. 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 storefront, mixed use storefront 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.

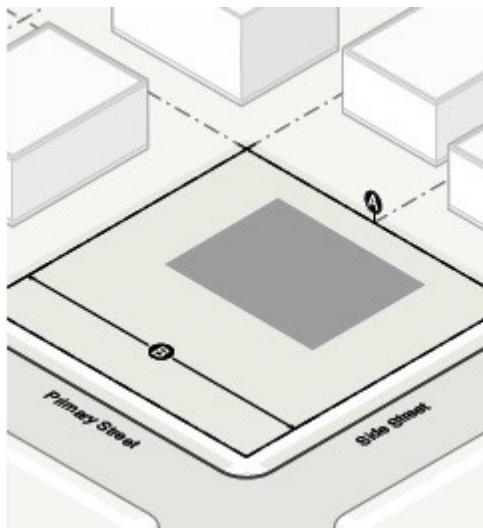
(2) Building Types Allowed. The allowed building types are as follows:

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



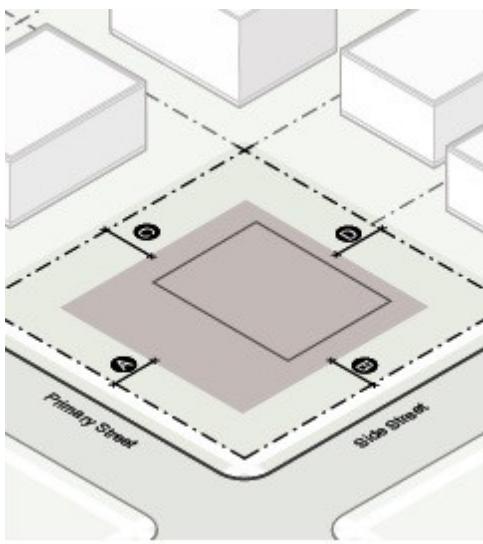
IF Building Types

- (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 storefront: 5,000 square feet.
 - (iv) Mixed use storefront:
 - (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 storefront: 50 feet.
 - (iv) Mixed use storefront: 50 feet.
 - (v) General building: 50 feet.
- (4) Maximum hard surface coverage is 70 percent.



IF Lot Dimensions

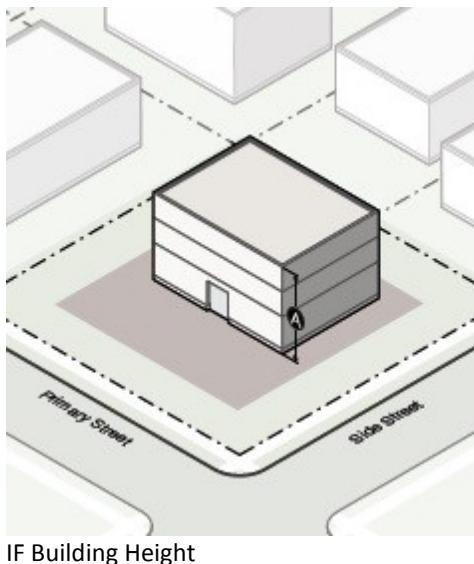
- (5) Building Setbacks.
- (a) Primary street: five feet minimum.
 - (b) Side street: five feet minimum.
 - (c) Side interior: 10 feet minimum.
 - (d) Rear: 10 feet minimum.



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.



SECTION 17. 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.

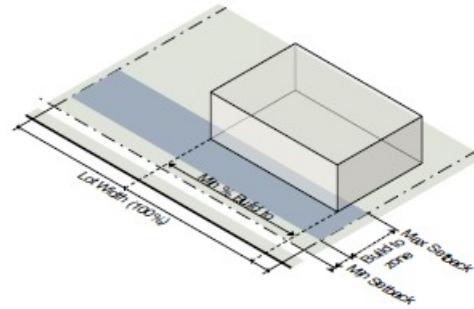
(b) The self-storage facility shall be at least two stories in height, as measured from ground level and not including any basement or below-grade area.

SECTION 18. Section 20.40.030 is revised to read as follows:

20.40.030 Build-to zone.

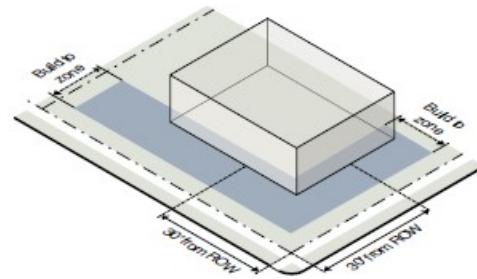
(1) **Build-to Zone.** The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

(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.

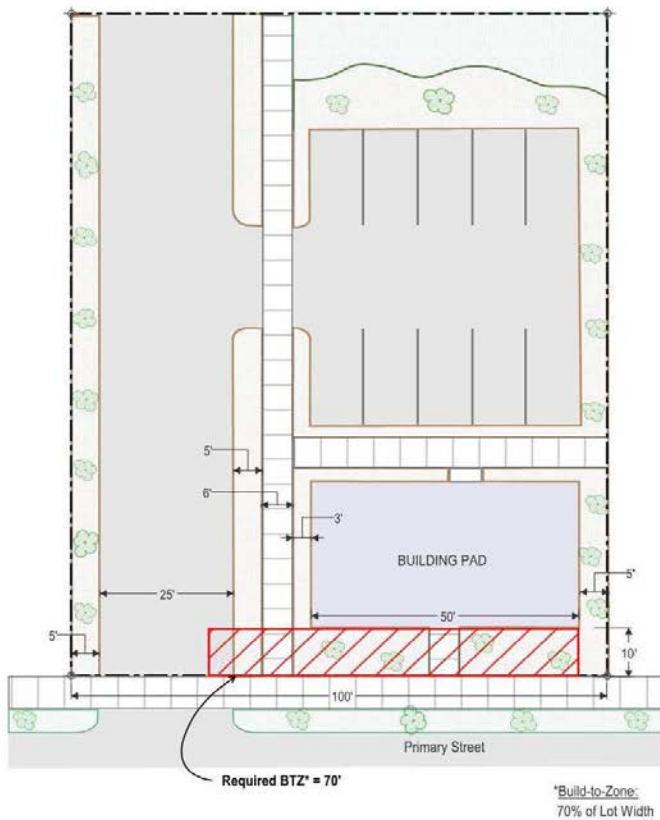
(3) **Build-to Zone on Corner Lots.** On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured



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 19. Chapter 20.62 is repealed in its entirety.

SECTION 20. 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 21. 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 22. 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 23. 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.

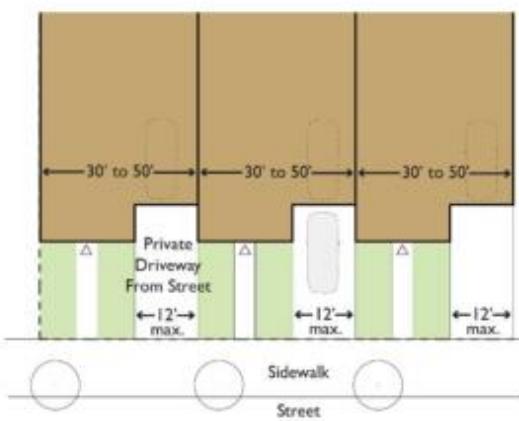
(2) Driveway Provisions.

- (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 curbless “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 24. 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

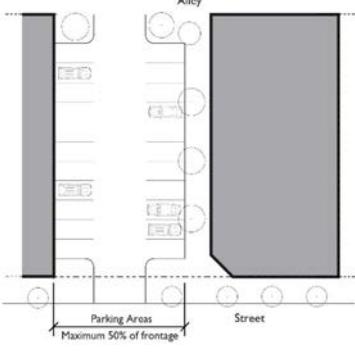
Element	Standards	Examples and Notes
	<p>20 percent minimum for residential uses. ↗ Windows must be provided on all habitable floors of the façade.</p>	 <p>Façade transparency example.</p>
Weather protection	Provide weather protection at least three feet deep over primary business and residential entries.	
Parking location Also see Chapter 20.124 POMC for related parking requirements	<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>	
Landscaping Also see Chapter 20.128 POMC for related landscaping standards	<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. ↳ 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. ↳ 20 percent minimum for residential buildings. ↳ Windows must be provided on all habitable floors of the façade.</p>	<p>standards.  Façade transparency example – nonresidential use.  Façade transparency example – residential use.</p>
--	--	--

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. 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>
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

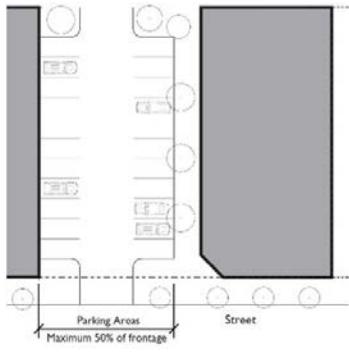
Element	Standards	Examples & Notes
	<p>40 percent minimum for buildings designed with nonresidential uses on the ground floor within 10 feet of sidewalk. ☐</p> <p>25 percent minimum for buildings designed with nonresidential uses on the ground floor within 20 feet of the sidewalk. ☐</p> <p>20 percent 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>
Parking location	<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 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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 26th 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
November 6, 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.

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.

“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.

20.24.050060 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.~~

20.24.090100 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.

| 20.24.100110 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	--	--	--	--	--	--	--	--	

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

* See restriction in POMC [20.32.090](#).

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

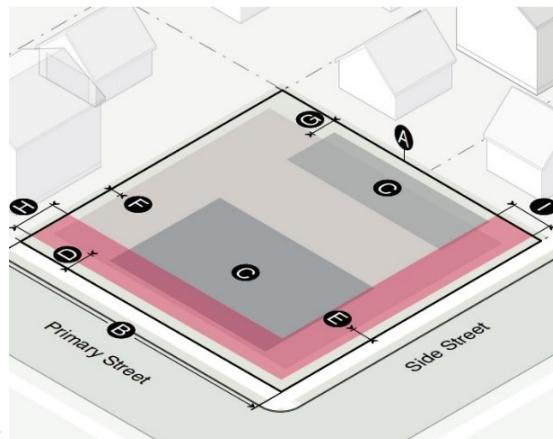
Section 20.32.080 Fourplex.





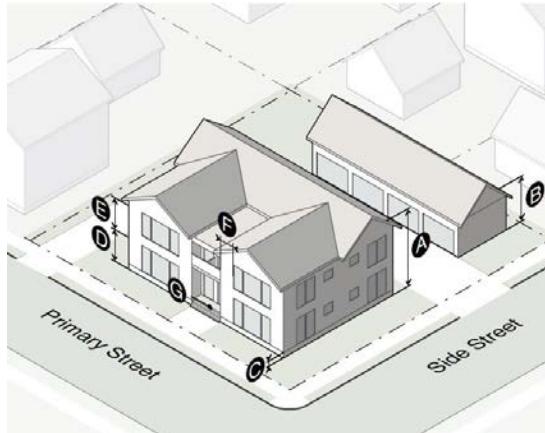
(1) Definition. A building type that accommodates three to four dwelling units vertically or horizontally integrated.

(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.

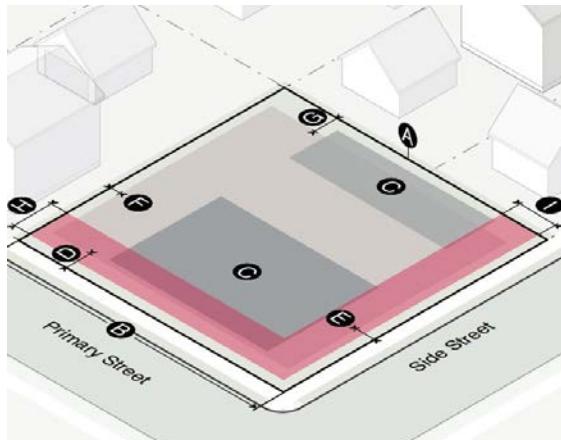
Corrected to indicate that townhomes are each on their own lot. (If there are only two homes on separate lots, they would be attached houses and not townhomes.) Also includes NMU in the list of zones where townhomes are allowed.

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.



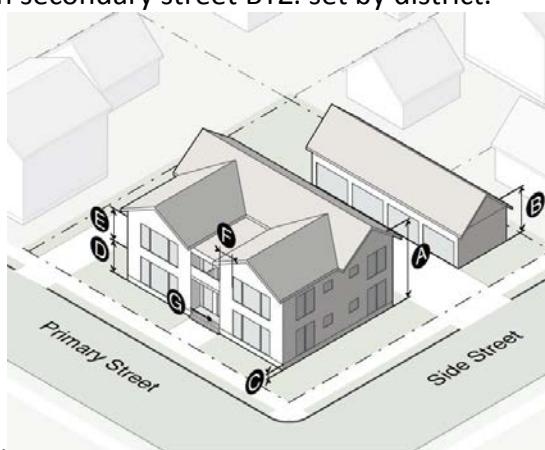
(3) Lot and Placement.

- (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~~~~no~~ maximum.

(5) Build-to Zone (BTZ).

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



(6) Height and Form.

- (a) Maximum principal building height: three stories/35 feet maximum.
- (b) Accessory structure: 24 feet maximum.
- (c) Minimum ground floor elevation: two feet minimum.
- (d) Unit width: 20 feet minimum.
- (e) Number of units permitted in a row: six maximum.
- (f) Transparency ground story: 20 percent minimum.

- (g) Transparency upper story: 20 percent minimum.
- (h) Blank wall area: 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.

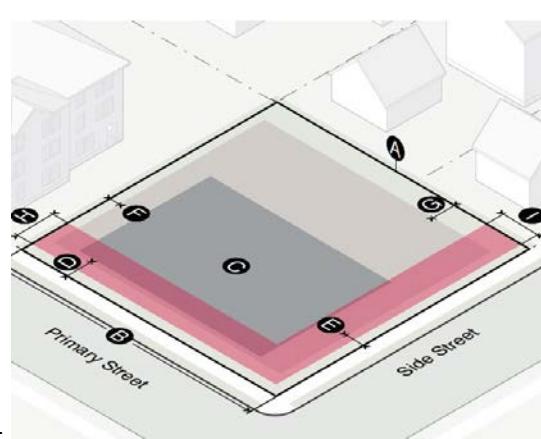
20.32.100 Apartment.





(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:

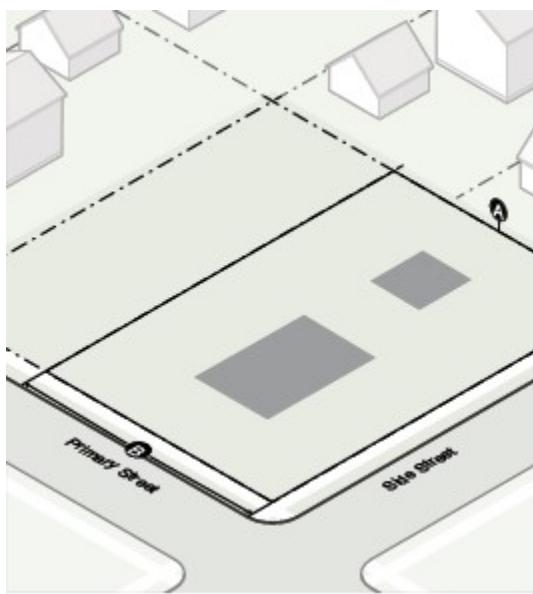
(a) Detached house (POMC 20.32.020).

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



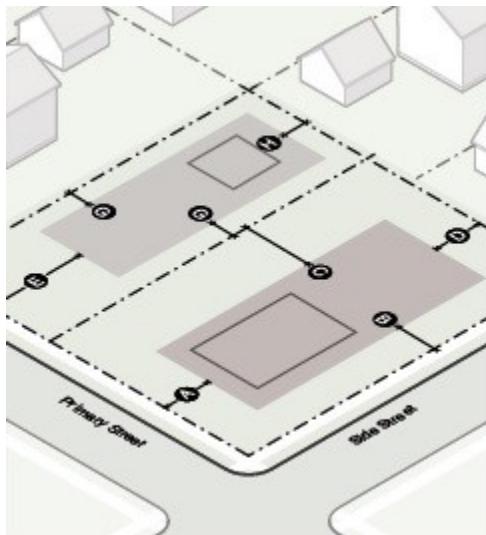
R1 Building Types

- (3) Lot Dimensions.



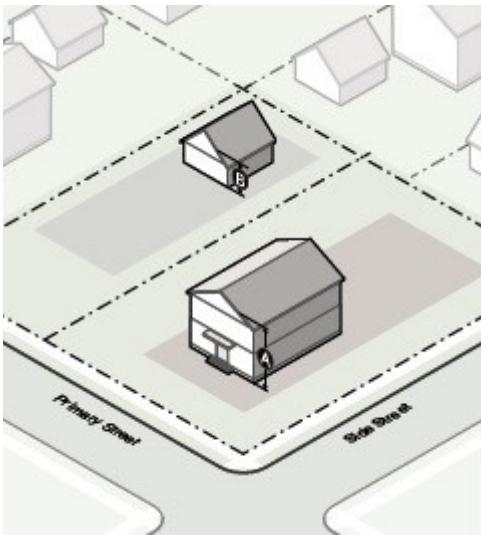
- (a) Minimum Lot Size.
 - (i) Lots that take vehicular access from primary street: 6,000 square feet.
 - (ii) Lots that do not take vehicular access from primary street (lots with vehicular access from alley): 5,000 square feet.
 - (iii) Cottage court: 1,200 square feet (see POMC 20.32.040).

- (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.

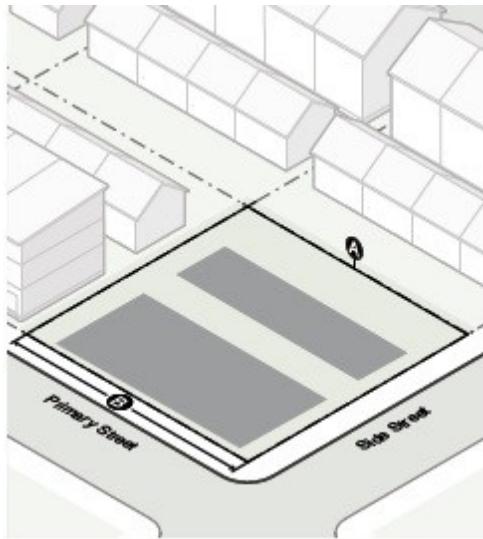
(2) Building Types Allowed. The allowed building types in the RMU zone as follows:

- (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.

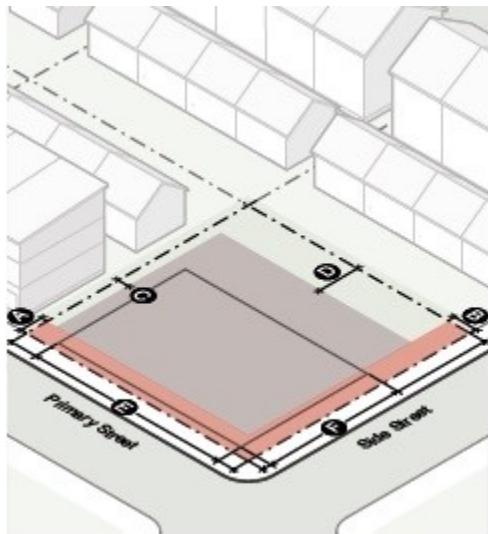
(b) Minimum Lot Width.

- (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).



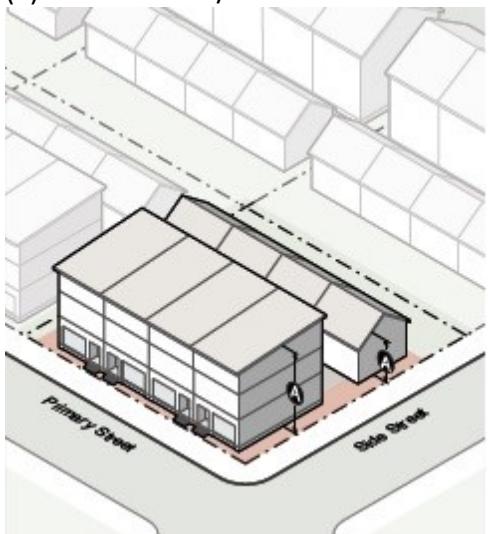
RMU Building Setback and Build-to Zone

(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, storefront house, single-story storefront, mixed use storefront 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 storefront.
- (f) Mixed use storefront.
- (g) General building.

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



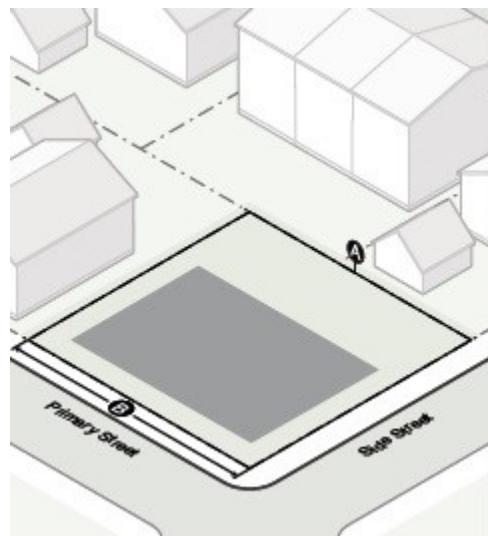
CMU Building Types

(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 storefront: 5,000 square feet.
 - (vi) Mixed use storefront: 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 storefront: 50 feet.
 - (vi) Mixed use storefront: 50 feet.
 - (vii) General building: 50 feet.

(4) Maximum hard surface coverage is 80 percent.

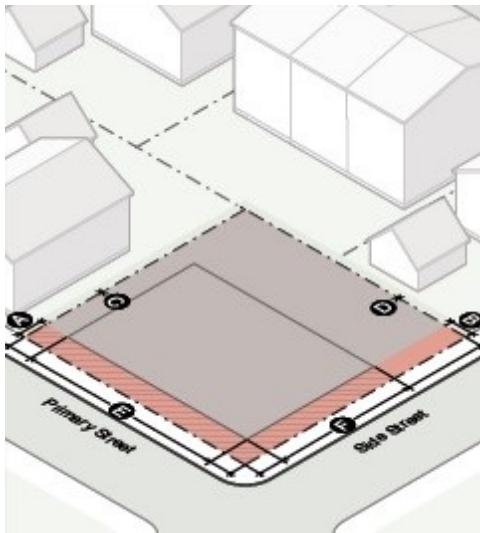


CMU Lot Dimensions

- (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).

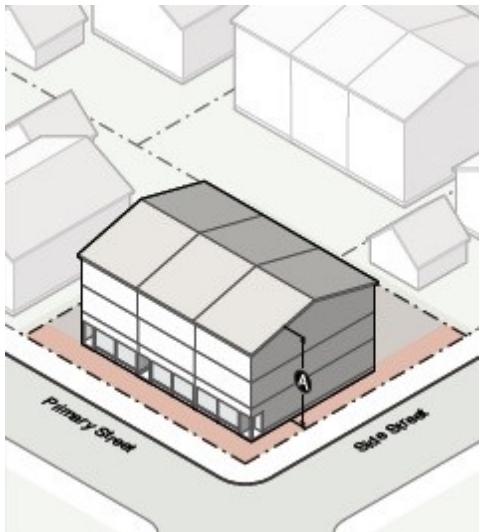


CMU Building Placement

(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 storefront and mixed use storefront. 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:

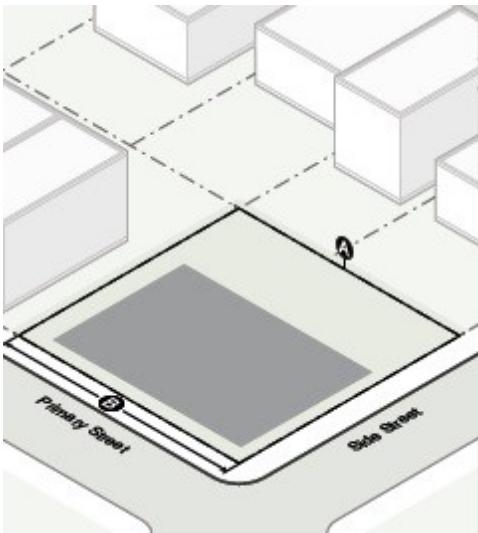
- (a) Live-work unit.
- (b) Single-story storefront.
- (c) Mixed use storefront.
- (d) Accessory buildings (POMC 20.32.010 (16)).**



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

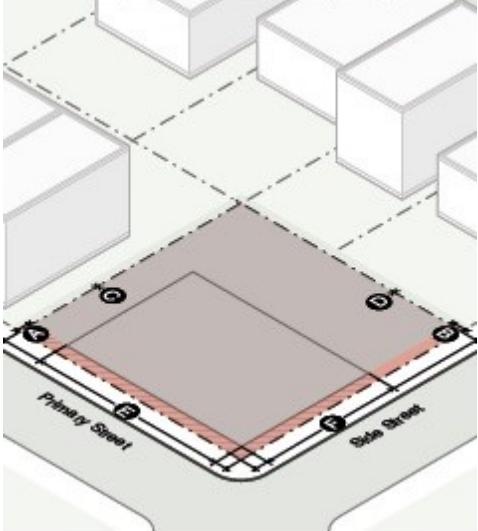
(4) Maximum hard surface coverage is 100 percent.

(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.

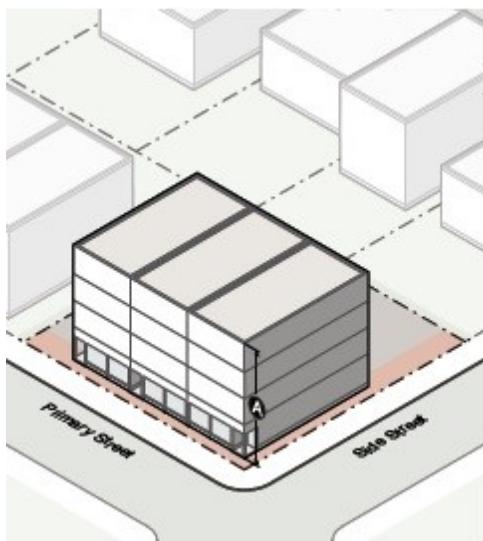
- (a) Building facade in primary street: 80 percent minimum (percent of lot width).
- (b) Building facade in side street: 40 percent minimum (percent of lot width).



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.

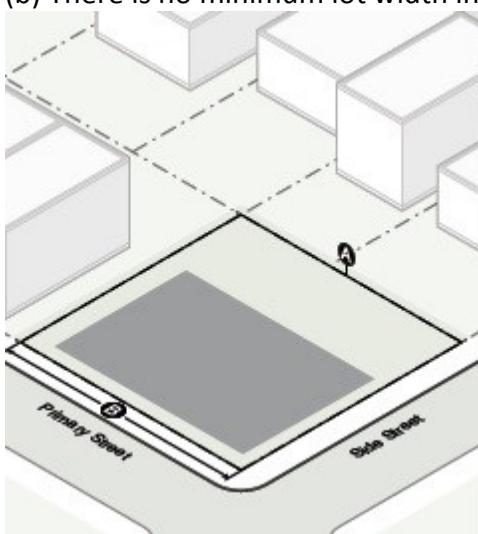
- (2) Building Types Allowed. The allowed building types are as follows:
- (a) Townhouse.
 - (b) Apartment.
 - (c) Live-work unit.
 - (d) Shopfront house.

- (e) Single-story storefront.
- (f) Mixed use storefront.
- (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

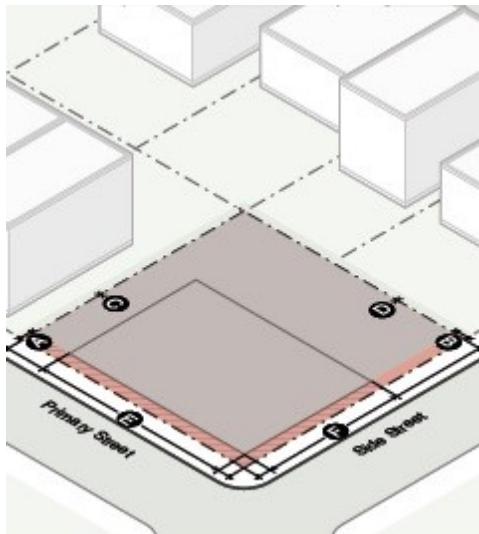
- (4) The maximum hard surface coverage is 90 percent.

- (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).



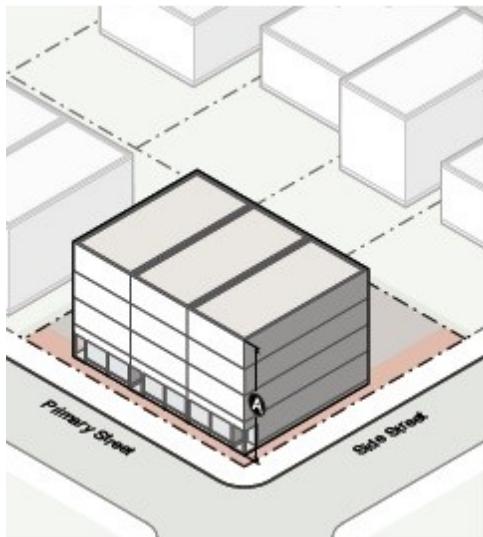
GMU Building Placement

(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, storefront house, single-story storefront, mixed use storefront 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 storefront.
- (d) Mixed use storefront.
- (e) General building.
- (f) [Accessory buildings \(POMC 20.32.010 \(16\)\)](#).

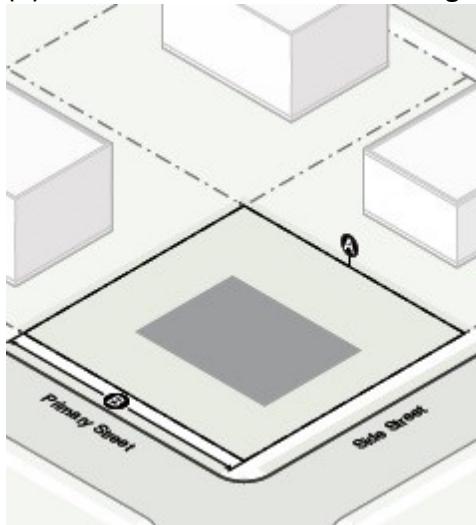


CC Building Types

(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 storefront: 5,000 square feet.
 - (iv) Mixed use storefront: 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 storefront: 50 feet.
 - (iv) Mixed use storefront: 50 feet.
 - (v) General building: 50 feet.

(4) Maximum hard surface coverage is 70 percent.



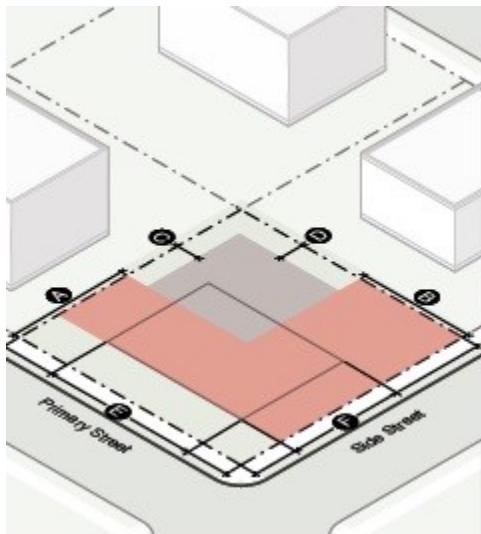
CC Lot Dimensions

(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).



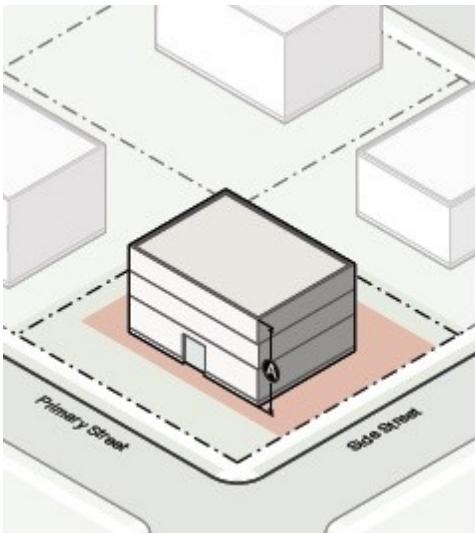
CC Building Placement

(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 storefront 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:

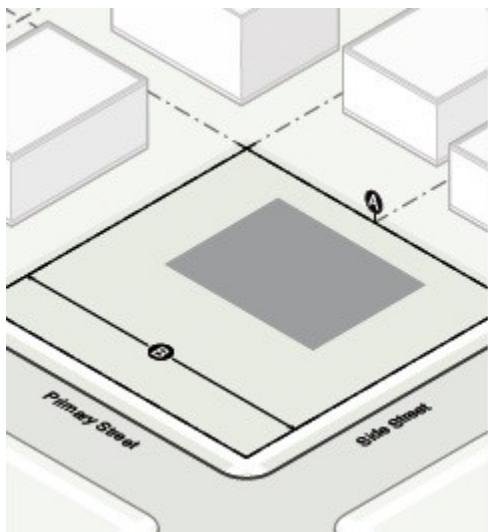
- (a) Single-story storefront.
- (b) General building.
- (c) [Accessory buildings \(POMC 20.32.010 \(16\)\).](#)



CH Building Types

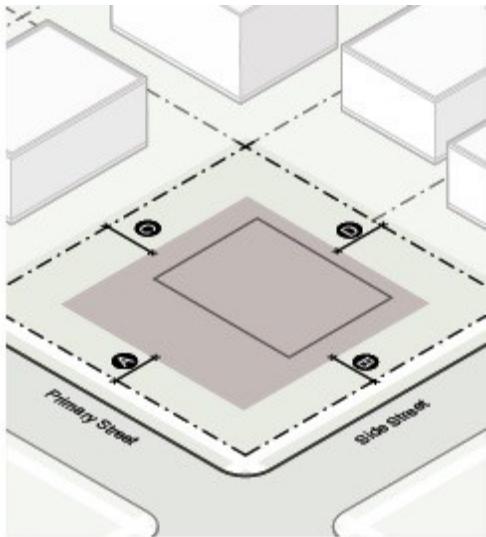
- (3) Lot Dimensions.
 - (a) Minimum Lot Size by Building Type.
 - (i) Single-story shopfront: 7,000 square feet.
 - (ii) General building: 7,000 square feet.
 - (b) Minimum Lot Width.
 - (i) Single-story shopfront: 70 feet.
 - (ii) General building: 70 feet.

- (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.



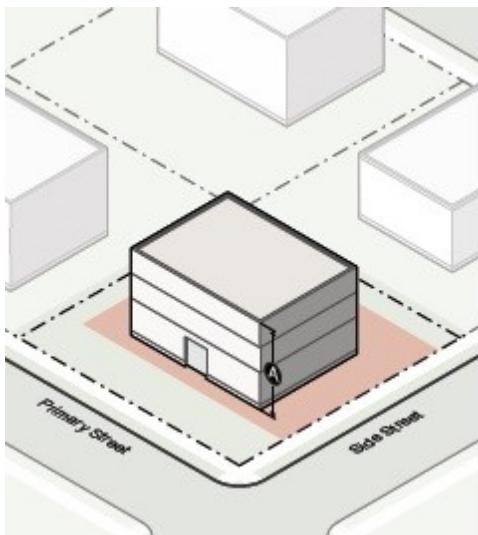
CH Building Placement

(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 storefront, mixed use storefront 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 storefront.
- (d) Mixed use building.
- (e) General building.

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

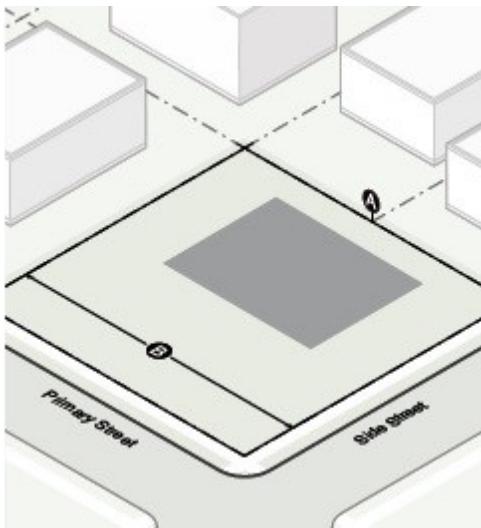


IF Building Types

(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 storefront: 5,000 square feet.
 - (iv) Mixed use storefront:
 - (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 storefront: 50 feet.
 - (iv) Mixed use storefront: 50 feet.
 - (v) General building: 50 feet.

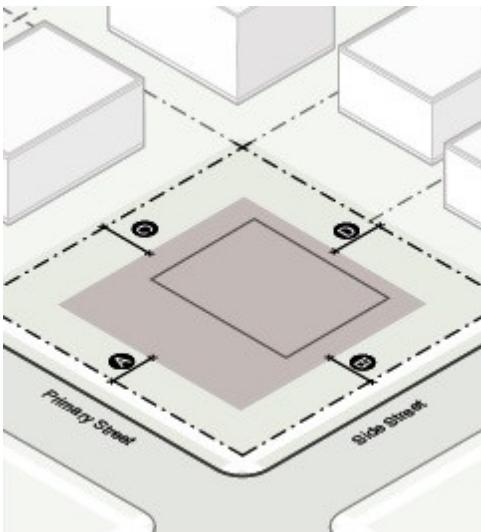
(4) Maximum hard surface coverage is 70 percent.



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.

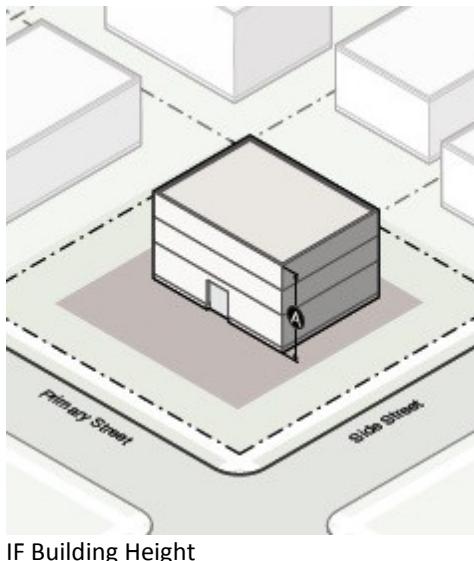


IF Building Placement

(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.

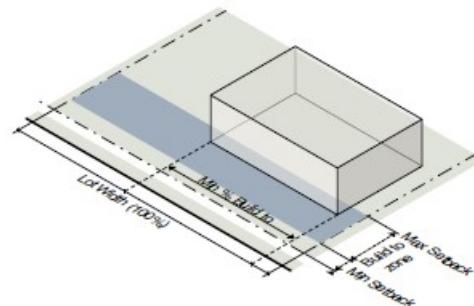
20.32.007 Exceptions.

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.

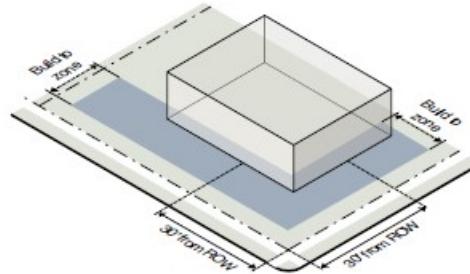
20.40.030 Build-to zone.

- (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 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

20.80.0760 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 D~~esign 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.

(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.

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.

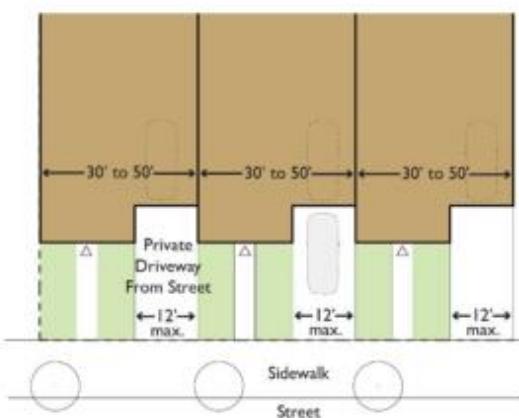
~~(d) Standards for Driveways for Front Loaded Townhouses.~~

~~(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 curbless "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. ☞ <u>2015</u> 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

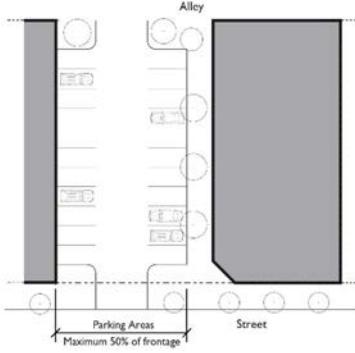
Element	Standards	Examples and Notes
Parking location Also see Chapter 20.124 POMC for related parking requirements	<p>Parking must be placed to the side, rear, below or above uses. For multi-building developments, surface and structured parking areas (ground floor) are limited to no more than 50 percent of the street frontage.</p> <p>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>	
Landscaping Also see Chapter 20.128 POMC for related landscaping standards	<p>The area between the street and building must be landscaped, private porch or patio space, and/or pedestrian-oriented space.</p> <p>For setbacks adjacent to buildings with windows, provide low level landscaping that maintains views between the building and the street.</p> <p>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>
Sidewalk width	<p>Six-foot minimum sidewalks are required.</p> <p>Wider sidewalks may be required where designated in other code sections or in the public works standards.</p>	

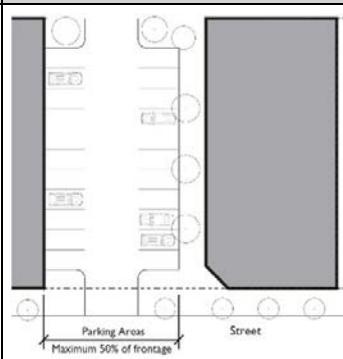
Table 20.127.170(2)
Varied Block Frontage Standards

Element	Standards	Examples & Notes
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 20.122 POMC. ☞</p> <p>Additional setbacks may be required where future right-of-way need and/or acquisitions have been identified in city plans.</p>	See POMC 20.127.230 for special design provisions associated with ground level residential uses adjacent to a sidewalk.
Façade transparency	<p>Any storefront buildings on these block frontages must meet the storefront block frontage transparency 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><u>2045</u> percent minimum for residential buildings. ☞</p> <p>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
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>	See POMC 20.127.230 for special design provisions associated with ground level residential uses adjacent to a sidewalk.
Façade transparency	<p>Any storefront buildings on these block frontages must meet the storefront block frontage transparency 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 within 20 feet of the sidewalk. ☞</p> <p><u>2045</u> percent minimum for residential buildings. ☞</p> <p>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
Parking location	<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 <u>feet</u>	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 <u>and up</u>	2 for the front unit, no limit for rear unit
Attached House	<u>40</u> ⁷⁴ feet or less	1 per dwelling unit
	> <u>40</u> <u>feet</u> ⁷⁴ <u>and up</u>	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 <i>(See POMC 20.127.340(2)(d))</i>	<30 feet	Not permitted
	≥30 feet <i>or more</i>	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 Work Study Session Executive Summary

Issue Title: POMC 9.30 – Amending Deadline for Abatement Order Appeals

Meeting Date: November 19, 2019

Time Required: 10 minutes

Attendees: Nick Bond, Community Development Director

Action Requested at this Meeting: Provide feedback to staff on proposed ordinance to amend POMC 9.30, to amend the deadline for abatement order appeals.

Issue: Port Orchard Municipal Code Chapter 9.30 (Nuisances) provides for appeals of abatement orders to be heard by the City Council, and requires appeals to be filed within five days of the date of the abatement order. The proposed amendment will allow ten days for the filing of appeals, consistent with other sections of the municipal code, and have appeals heard by the Abatement Hearing Officer.

Alternatives: Recommend further revisions to POMC 9.30; do not revise POMC 9.30.

Recommendations: Staff recommends that City Council approve the proposed amendment to POMC 9.30, and place the ordinance on the November 26 agenda for approval.

Attachments: Ordinance; Redline Changes

This Page Intentionally Left Blank

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,
AMENDING THE APPEAL PROVISIONS OF CHAPTER 9.30 OF THE PORT
ORCHARD MUNICIPAL CODE.**

WHEREAS, the City has created the position of Abatement Hearing Officer to hear appeals of various abatement orders; and

WHEREAS, the City desires appeals of nuisance abatements to be heard by the Abatement Hearing Officer; and

WHEREAS, the City desires to have consistent abatement appeal provisions throughout the municipal code; now, therefore,

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

SECTION 1. The Port Orchard Municipal Code, Section 9.30.050, is hereby amended to read as follows:

9.30.050 Enforcement – Notice.

Any enforcement officer appointed by the city council, having knowledge of any public nuisance, shall cause any owner or other responsible person to be notified of the existence of a public nuisance on any premises and shall direct the owner or other responsible person to abate the condition within 10 days after notice. The notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

TO

(name and address of person notified)

As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at _____ you are hereby notified that the undersigned pursuant to Ordinance _____ of the City of Port Orchard has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection _____ of City Ordinance _____:

You are hereby notified to abate said condition to the satisfaction of the undersigned within ten (10) days of the date of this notice. If you do not abate such condition within ten (10) days, the City may abate the condition at your expense. In addition, the City may begin issuing citations pursuant to subsection _____ of Ordinance No. _____.

Abatement is to be accomplished in the following manner:

You may appeal this Notice to Abate decision by filing a written notice of appeal with the City

Clerk for a hearing before the Abatement Hearing Officer of the City of Port Orchard within ten (10) days after the date of this notice.

Dated

Name of Officer

SECTION 2. The Port Orchard Municipal Code, Section 9.30.080, is hereby amended to read as follows:

9.30.080 Appeal.

Any person who has received a notice to abate a condition as determined by the code enforcement officer under POMC 9.30.050 may appeal said determination by filing written notice of appeal with the City Clerk for a hearing before the Abatement Hearing Officer. The notice of appeal must be received by the City Clerk within ten (10) days after the date of said notice to abate. The notice shall meet the notice of appeal requirements of Chapter 2.82. The notice shall be reviewed, the hearing held, and the decision issued in accordance with the provisions of Chapter 2.82, except that such hearings shall be open record.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

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

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

SPONSOR:

Bek Ashby, Councilmember

APPROVED AS TO FORM:

Sharon Cates, City Attorney

PUBLISHED:

EFFECTIVE DATE:

POMC 9.30 – Strikethrough/Underline Revisions

9.30.050 Enforcement – Notice.

Any enforcement officer appointed by the city council, having knowledge of any public nuisance, shall cause any owner or other responsible person to be notified of the existence of a public nuisance on any premises and shall direct the owner or other responsible person to abate the condition within 10 days after notice. The notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

TO

(name and address of person notified)

As owner, agent, leasee or other person occupying or having charge or control of the building, lot or premises at _____ you are hereby notified that the undersigned pursuant to Ordinance ____ of the City of Port Orchard has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection ____ of City Ordinance ____:

You are hereby notified to abate said condition to the satisfaction of the undersigned within ten (10) days of the date of this notice. If you do not abate such condition within ten (10) days, the City may abate the condition at your expense. In addition, the City may begin issuing citations pursuant to subsection ____ of Ordinance No. _____.

Abatement is to be accomplished in the following manner:

You may appeal this Notice to Abate decision by filing a written notice of appeal with the City Council Clerk for a hearing before the Abatement Hearing Officer of the City of Port Orchard within five-ten (10) days after the date of this notice.

Dated

Name of Officer

9.30.080 Appeal.

Any person who has received a notice to abate a condition as determined by the code enforcement officer under POMC 9.30.050 may appeal said determination by filing written notice of appeal with the City Clerk for a hearing before the Abatement Hearing Officer. The notice of appeal must be received by the City Clerk within five-ten (10) days after the date of

~~said notice to abate, with the city council. Said notice shall set forth the grounds upon which the appeal is based. The notice shall meet the notice of appeal requirements of Chapter 2.82. Upon receipt of notice of appeal the city council shall hold a hearing not more than 30 days after said appeal was filed. It shall be the duty of the code enforcement officer to present proof relating to the grounds for the issuance of the notice to abate. If the city council finds that a nuisance exists based on the criteria of this chapter the council shall order that such nuisance be abated pursuant to this chapter and shall set forth reasonable time limits for such abatement. If the council finds that a nuisance does not exist under this chapter, the council shall cancel the notice to abate. Upon the filing of a proper notice of appeal under this section, the time limits specified in POMC 9.30.050 and 9.30.060 shall be stayed during the pendency of the appeal. The notice shall be reviewed, the hearing held, and the decision issued in accordance with the provisions of Chapter 2.82, except that such hearings shall be open record.~~

This Page Intentionally Left Blank



City of Port Orchard Work Study Session Executive Summary

Issue Title: McCormick Communities, LLC - Amendment to 2007 Reimbursement Agreement for Utility System Improvements

Meeting Date: November 19, 2019

Time Required: 20 minutes

Attendees: Nick Bond, Community Development Director

Action Requested at this Meeting: Provide feedback to staff on proposed amendment to the 2007 Reimbursement Agreement.

Issue: On June 11, 2019, after learning that the City's water system was over-subscribed in the 580 and 660 Zones, the City Council enacted Ordinance No. 020-19, which imposed a six-month moratorium on the acceptance of applications for building permits in these zones, in order to provide the City adequate time to evaluate the water system needs to ensure adequate water and fire flow for these zones.

Since that time, the City has been working with McCormick Communities, the City of Bremerton, and South Kitsap Fire and Rescue on solutions to these problems. At this time, three agreements have been negotiated, (1) between Bremerton and McCormick Communities for improvements to the Bremerton Water System, (2) between Port Orchard and Bremerton concerning shared water facilities (approved 11/12/19), and (3) between Port Orchard and McCormick Communities (which is the subject of this staff report).

The Agreement attached to this report is the 1st amendment to the 2007 Reimbursement Agreement for Utility Extension. This amendment will result in the construction of a new reservoir serving the 580 zone as well as the transmission main needed to connect that reservoir to developments in the 580 zone. The proposed improvements will also allow for the separation of the Port Orchard and Bremerton Water Systems.

Alternatives: Recommend revisions to the proposed amendment to the 2007 Reimbursement Agreement.

Recommendations: Staff recommends that City Council provide feedback to staff on the proposed amendment to the 2007 Reimbursement Agreement, and place the resolution on the November 26 agenda for approval.

Attachments: To be provided at work study meeting.

This Page Intentionally Left Blank



City of Port Orchard Work Study Session Executive Summary

Issue Title: Local Road Safety Plan – Street Safety Grant

Meeting Date: November 19, 2019

Time Required: 20 Minutes

Attendees: None

Action Requested At This Meeting: Obtaining Council approval to utilize a portion of the Sidewalk Construction/Repair budget to create a Local Road Safety Plan. This work would be completed through contracting third party engineering services.

Issue: The Public Works Department is planning to pursue grant funding for street safety projects from multiple available programs: [WSDOT City Safety Program](#) (~\$25M available), Safe Route to School (~\$18M available), and Pedestrian/Bike Safety Grants (~\$19M available), however the applications either require or highly recommend the submittal of a Local Road Safety Plan. Due to the existing work load Public Works Staff are not able to dedicate enough time to create a Local Road Safety Plan before grant application deadlines.

Background: The Local Road Safety Plan is created by analyzing vehicular, pedestrian, and bicycle accidents on City roads and proposing needed systematic and spot roadway improvements. The roadway upgrades to be outlined in the plan can range from constructing accessible routes connecting important infrastructure (schools, hospitals, commercial core, etc) to upgrading/installing roadside illumination.

Historically, cities within Kitsap County have been successful in being awarded grant money from the WSDOT City Safety Program - with Bremerton, Poulsbo, and Bainbridge Island receiving a total of \$3.0M in grant funding this last round of projects. These projects included extending sidewalks for pedestrian connectivity, ADA improvements, lighting/street crossing improvements, etc. Attached is the overall 2018 City Safety Program Awarded Projects.

Regardless of the City's success in pursuing grant funding, the creation of a Local Road Safety Plan is critical in prioritizing roadway safety projects for the best utilization of the City's transportation funds.

Alternatives: Not approve the use of Sidewalk Construction/Repair budget for the creation of the Local Road Safety Plan and not pursue roadway safety grants.

Recommendation: Approve the use of funds within the Sidewalk Construction/Repair budget to create a Local Road Safety Plan and pursue roadway safety grants.

Relationship to Comprehensive Plan: N/A

Attachments: 2018 City Safety Program Awarded Projects, 2019-2021 Safe Routes to School Program Priority Projects, 2019-2021 Bike and Pedestrian Safety Program Priority Projects

Follow-up Notes & Outcomes:

WSDOT 2018 City Safety Program Awarded Projects

City	Project Title	Project Description	Funding Award
			TOTAL \$25,244,800
Aberdeen	West Aberdeen Stop Lines and AJ West Elementary School Crosswalk Upgrades	Install stop lines at residential intersections in a portion of West Aberdeen. Upgrade pavement markings and curb ramps at all intersections adjacent to AJ West Elementary School.	\$257,800
Auburn	Auburn Way S (SR 164) Curve Safety Improvements – Poplar Street SE (MP 2.97) Vicinity	Install LED street lights, a speed-activated curve ahead warning sign, high friction surface treatment, guardrail, and reconstruct curb radii and driveways.	\$262,700
Bainbridge Island	High School Road Signage and Safety	Install pedestrian-activated rectangular rapid-flashing beacons and a radar speed feedback sign, convert from front-in angle parking to back-in angle parking, and extend curb, gutter, and sidewalk.	\$224,500
Battle Ground	Captain Strong and Chief Umtuch School Zone Upgrades	Conduct an analysis of the Captain Strong Elementary and Chief Umtuch Middle schools to include pedestrian (students), vehicle (parents and staff), and school bus traffic. Install traffic control and traffic calming devices based on the analysis.	\$112,300
Battle Ground	Country Terrace Subdivision Safety Upgrades	Finalize a plan for traffic control and traffic calming devices for the Country Terrace Subdivision. Install traffic control and traffic calming devices based on the plan.	\$136,100
Bellevue	SE Eastgate Way Illumination from Richards Rd. to 139th Ave. SE	Install an illumination system.	\$542,000
Bremerton	Kitsap Way (SR 310) and Warren Ave. (SR 303) Traffic Signal and Multimodal Safety	Retime signals, increase the visibility of traffic signal heads, and improve conditions for pedestrians at traffic signals. Upgrade signing and pavement markings and control access at driveways. On Kitsap Way (SR 310), improve lighting and rechannelize the roadway including with bike lanes and green bike lane facilities.	\$2,514,800
Ellensburg	Main St. Corridor Intersection Enhancements	At traffic signals, change phasing, increase the visibility of signal heads, add leading pedestrian intervals, install pedestrian poles with accessible pedestrian pushbuttons, and update signal timing.	\$1,269,600
Everett	Casino Rd. and 5th Ave. W. Pedestrian Safety	At the traffic signal, install accessible pedestrian pushbuttons, flashing yellow left turn phasing that operates in red when a pedestrian presses the pushbutton, fiber, and cameras. Install lighting.	\$976,700
Everett	Citywide Safety Flashing Yellow Arrow Improvements	Install flashing yellow arrow permissive left turn traffic signal phasing that operates in red when a pedestrian presses a pushbutton. Install traffic monitoring cameras and switches.	\$660,400
Federal Way	47th Ave. SW/SW Dash Point Rd. (SR 509, MP 9.08) Compact Roundabout	Construct a compact roundabout.	\$815,000

WSDOT 2018 City Safety Program Awarded Projects

Federal Way	Horizontal Curve Warning Signs	Evaluate and upgrade curve warning signs to current standards throughout the city.	\$519,700
Fife	Citywide Safety Improvements	Collect vehicle speed data. Install radar speed feedback signs and intersection lighting. At traffic signals, change left turn phasing and increase the visibility of signal heads.	\$368,200
Fife	Frank Albert Rd. E and N Levee Rd. E Intersection Safety Improvements	Widen lanes and install street lighting and guardrail.	\$357,300
Kenmore	2018 Local Road Safety - Lighting	Add light emitting diode (LED) lighting in various locations citywide.	\$34,000
Kenmore	2018 Local Road Safety - Signing	Evaluate and upgrade signs. Add radar speed feedback signs and pedestrian actuated rectangular rapid flashing beacon systems.	\$346,000
Kirkland	Lake St. & Kirkland Ave. Pedestrian Improvements	Remove parking near the intersection, reconstruct the intersection corners with curb extensions, construct a raised intersection, and convert the traffic signal phasing to allow a pedestrian scramble phase.	\$500,000
Kirkland	NE 124th St. & 113th Ave. E Crosswalk Upgrade	Convert from permissive to protected left turns.	\$670,000
Marysville	City of Marysville Local Road Safety	On 64th St. NE (SR 528), change traffic signal phasing at 60 th Dr. NE and 67 th Ave. NE and install signs to warn drivers approaching the intersection of 67 th Ave. NE. At the intersection of 100th St. NE and 59th Dr. NE, install pedestrian-actuated rectangular rapid-flashing beacons and sidewalk, and upgrade ADA curb ramps. Install high friction surface treatment and warning signs for the horizontal curve in the 14000 block of Smokey Point Blvd.	\$559,600
Othello	Main St. Safety Project	Add pedestrian hybrid beacons (HAWK signals) at the intersections of 5th and 6th Avenues.	\$747,700
Poulsbo	Systemic Safety Improvements	Remove, upgrade, and install new pavement markings. Remove or consolidate mid-block crosswalks and upgrade to ADA accessible curb ramps. Install leading pedestrian intervals, center islands, and rectangular rapid flashing beacon systems with accessible push buttons.	\$255,000
Renton	Renton Elementary and Middle School Crossings	Upgrade crosswalk markings, upgrade to ADA accessible curb ramps, install a pedestrian refuge island and rectangular rapid flashing beacon systems with accessible push buttons, and widen sidewalks as well as install bulb outs.	\$555,000
Richland	Pedestrian Activated Rectangular Rapid Flashing Beacon Crossing on McMurray St. at Everest Ave.	Install pedestrian activated rectangular rapid flashing beacon systems, upgrade crosswalk markings and curb ramps, and add turn lanes.	\$40,100

WSDOT 2018 City Safety Program Awarded Projects

Richland	Roundabout at Van Giesen St. and Thayer Dr.	Construct a single lane roundabout.	\$795,900
Richland	Traffic Count Program	Collect turning movement count data to be used for future traffic safety analysis and projects.	\$35,100
Richland	Traffic Signal Systemic Safety Upgrades	Upgrade traffic signal equipment and phasing throughout the city.	\$573,100
Seattle	Vision Zero and Bicycle Pedestrian Safety Analysis Leading Pedestrian Interval Locations	Install leading pedestrian intervals at signalized intersections throughout the city.	\$1,287,000
Shoreline	Meridian Ave. N Safety Improvements	Rechannelize Meridian Ave. N from N 155 th St. to N 175 th St. from one lane in each direction with curb side parking to one lane and one bike lane in each direction, a two-way left turn lane, and curb side parking where appropriate. At the crosswalks on Meridian Ave. N at N 170 th St. and N 163 rd St., install a median refuge island, lighting, and pedestrian activated rectangular rapid flashing beacons systems, and update the curb ramps to be ADA accessible.	\$1,139,000
Shoreline	Midblock Crossing and Citywide Rectangular Rapid Flashing Beacons and Radar Speed Signs	On NW Richmond Beach Rd between 8 th Ave. NW and 3 rd Ave. NW, install a midblock crosswalk with enhanced visibility. Install pedestrian-activated rectangular rapid flashing beacon systems and radar speed signs citywide.	\$1,377,500
Spokane Valley	Citywide Reflective Sign Post Panels	Add retroreflective panels on sign posts citywide.	\$77,300
Spokane Valley	Citywide Reflective Signal Backplates	Add retroreflective sheeting to traffic signal backplates citywide.	\$178,500
Spokane Valley	N Barker Rd. Corridor – Spokane River to E. Euclid Ave.	Reconstruct and widen Barker Road between the Spokane River and E. Euclid Ave. from two lanes to two lanes with a center two-way left turn lane, curb, gutter, swales, and a shared use path.	\$231,000
Sumner	Sumner-Tapps Highway Guardrail Upgrade	Evaluate the clear zone, evaluate and upgrade existing guardrail and guardrail terminals, and add guardrail and guardrail terminals.	\$440,100
Tacoma	6th Ave. Pedestrian Crossing Safety Improvements	Upgrade existing traffic signal heads and signal phasing, install accessible pedestrian countdown signals and pushbuttons, and adjust traffic signal timing, communication, and coordination as needed. Install curb bulbs and pedestrian median islands and upgrade to pedestrian-actuated rectangular rapid flashing beacons.	\$2,613,100
Tacoma	McKinley Ave. Crosswalk Improvements at E. 36 th St. and E. 37 th St.	Improve the visibility of pedestrians in crosswalks.	\$153,000

WSDOT 2018 City Safety Program Awarded Projects

Tacoma	Pedestrian and Bicycle Counts and Facility Inventories	Conduct pedestrian and bicycle counts and inventory infrastructure/facilities to determine future safety needs.	\$210,600
Tacoma	Pedestrian Crosswalk Improvements at S 19th St. and Fawcett Ave. Intersection	Improve the visibility of pedestrians in crosswalks.	\$213,300
Tacoma	S 19th St. Signal and Crosswalk Improvements - S Yakima Ave. to Tacoma Ave. S	Improve traffic signal phasing and the visibility of pedestrian crosswalks.	\$433,800
Tacoma	S. Yakima Ave. Traffic Signal Operations and Visibility Improvements	Upgrade existing traffic signal heads and phasing, install accessible pedestrian countdown signals and pushbuttons, and improve traffic signal timing, communication, and coordination.	\$1,010,400
Vancouver	Fourth Plain Blvd. Road Diet - F Street to Fort Vancouver Way (excluding I-5 Interchange)	Convert a four lane road to a three lane road with bike lanes.	\$789,200
Walla Walla	Citywide Pedestrian Safety Treatments	At crosswalks, upgrade to ADA accessible curb ramps, install curb extensions and pedestrian activated rectangular rapid flashing beacons, and upgrade pavement markings, signing, and lighting.	\$466,000
Wenatchee	Ninth St. Corridor Analysis	Conduct a traffic and multimodal analysis for 9th Street from the Burlington Northern Sante Fe railroad tracks to N. Miller St.	\$27,000
Wenatchee	S. Miller St./Montana St. Pedestrian Crossing Improvements	Construct curb bulb-outs, pedestrian-actuated rectangular rapid flashing beacons, and lighting at the marked crosswalk on S. Miller St. at Montana St.	\$244,400
Wenatchee	South Wenatchee Safety Improvements	Install curb bulb-outs, pavement markings, and upsized stop signs along Spokane St. from Kittitas St. to Cascade St. Install pavement markings and upsized stop signs on Cascade St. at the intersections of Peachy St. and Lewis St.	\$225,000

Map 1 - Pedestrian and Bicycle Program Proposed Priority Project Locations 2019-21

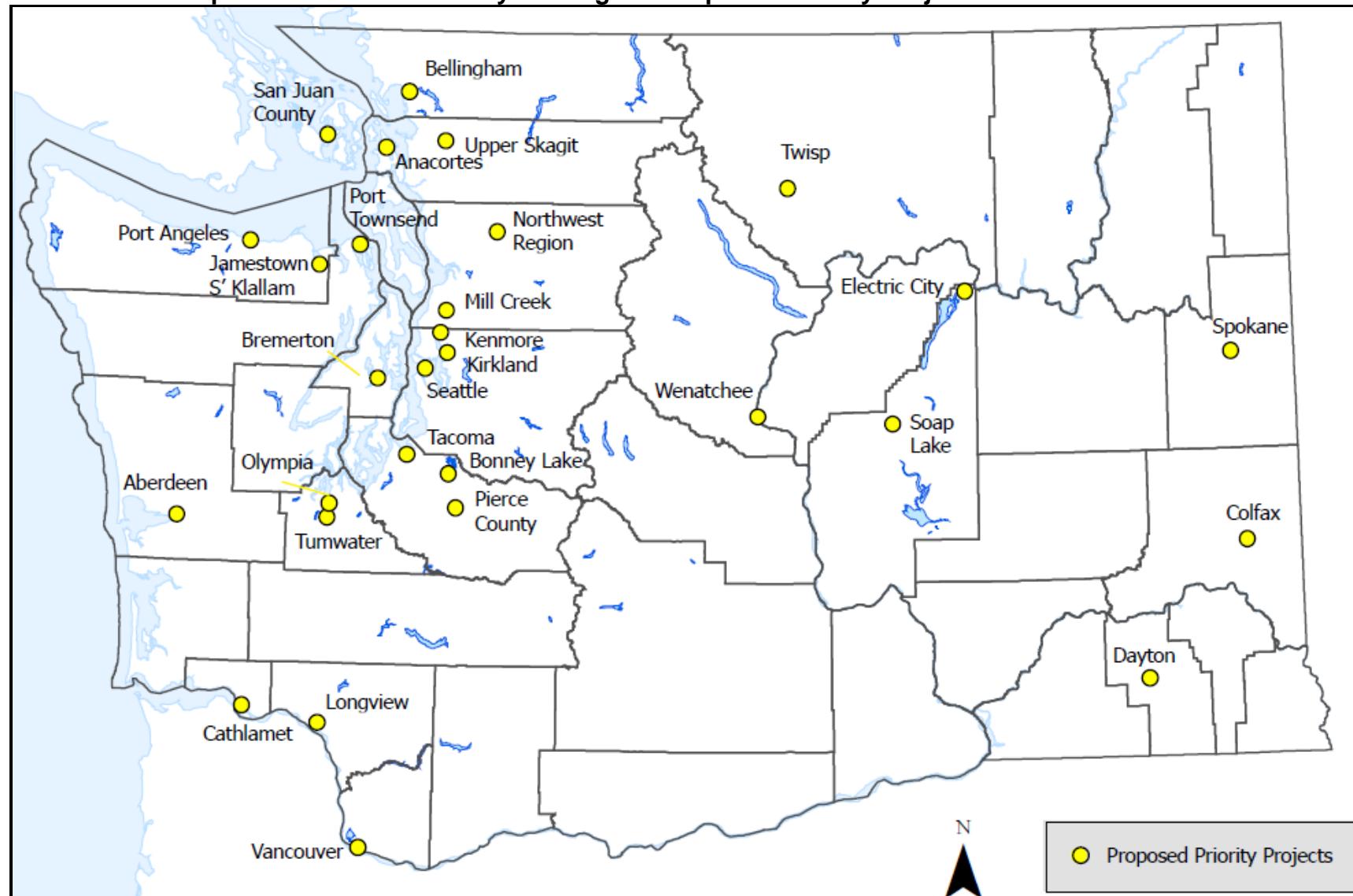


Table 1 - Pedestrian and Bicycle Program Proposed Priority List for 2019-21
(Unshaded projects fall within available funding expectations)

Agency	Leg Dist	Title of Project	Project Description	Design Only	Total Project Cost	Amount Requested	Cumulative Total
Wenatchee	12	First Street Bikeway Safety Improvements	Separated bike lanes, bike boxes, green bike lane, signage, two-stage turn boxes, through intersection bike lanes, traffic circle, shared lane markings, contraflow bike lane, signage, and video detection.		\$342,800	\$342,800	\$342,800
Colfax	9	Flashing Crosswalk Warning Signs	Pedestrian activated flashing beacons.		\$63,000	\$50,000	\$392,800
WSDOT NW	10,3 9,40	US Bicycle Route Wayfinding Signage	Wayfinding signage and pavement markings.		\$150,000	\$150,000	\$542,800
Tumwater	22	Capitol Blvd Corridor, Israel Rd to M St Design	Design-only project for a road reconfiguration, roundabouts, and bicycle facilities.	X	\$1,320,000	\$1,056,000	\$1,598,800
Mill Creek	44	132nd Street Mid-Block Crossing	Pedestrian hybrid beacon, pedestrian refuge island, lighting, marked crossings.		\$750,000	\$675,000	\$2,273,800
Seattle	34	35th Ave SW & SW Graham St Crossing Improvements	Installation of traffic signal with bicycle detection, curb extensions, marked crosswalks, diverters, wayfinding signs and markings.		\$823,000	\$544,000	\$2,817,800

Agency	Leg Dist	Title of Project	Project Description	Design Only	Total Project Cost	Amount Requested	Cumulative Total
Aberdeen	19	SR 105 Pedestrian and Bicycle Improvements	Road reconfiguration, buffered bike lanes, curb, gutter, sidewalk, curb ramps, crosswalks.		\$455,000	\$364,000	\$3,181,800
Port of Columbia	16	Dayton to Waitsburg Multi-Use Path	Design-only project for a shared use path.	X	\$350,000	\$330,000	\$3,511,800
Anacortes	40	Commercial Avenue Corridor Plan Phase I: 11th Street to 13th Street	Road reconfiguration, separated bike lanes, through intersection bike lane markings, two stage turn boxes, ADA sidewalk and curb ramps, curb extensions with truck aprons, access management, pedestrian scale lighting.		\$3,525,442	\$1,371,188	\$4,882,988
Kenmore	46	Juanita Drive NE Pedestrian and Bicycle Improvements Project	Sidewalk, planter strip, buffered bike lanes, in-line bus stops with separated bike lanes, storm water improvements, retaining walls, utility relocation, access management, roadway realignment, and lighting.		\$10,962,000	\$2,000,000	\$6,882,988
Upper Skagit Indian Tribe	39	The Nookwa-Chahbsh Lane Pedestrian & Parking Safety Improvement Project	Pedestrian path, curb ramps, marked crosswalks, raised crosswalk, and shared lane markings.		\$1,740,000	\$705,000	\$7,587,988
Bellingham	40	Samish-Maple-Ellis Multimodal Safety Improvements	Road reconfiguration, protected bike lanes, green pavement at conflict areas, pedestrian activated flashing beacon.		\$1,346,717	\$1,007,000	\$8,594,988

Agency	Leg Dist	Title of Project	Project Description	Design Only	Total Project Cost	Amount Requested	Cumulative Total
Olympia	22	Legion Way Improvements	Raised intersection, bike lanes, and shared lane markings.		\$994,600	\$795,680	\$9,390,668
San Juan County	40	San Juan County Bike Counters	Bicycle Counters.		\$62,800	\$47,100	\$9,437,768
Cathlamet	19	SR 4 Signing and Channelization Road Diet Project	Road reconfiguration, speed feedback signs, school speed zone signage, crosswalks, pedestrian refuge island, pedestrian activated flashing beacons, buffered bike lanes.		\$667,000	\$617,000	\$10,054,768
Bremerton	26	Naval Ave: 1st St-15th St Pedestrian and Bicycle Enhancements	Design-only project for a road reconfiguration.	X	\$652,000	\$619,400	\$10,674,168
Port Angeles	24	Lincoln Street Safety Improvements	Curb extensions, curb ramps, median refuge island, traffic signal, pedestrian activated flashing beacon, access management, restriping, buffered bike land, shared lane markings.		\$1,385,000	\$1,285,000	\$11,959,168
Longview	19	Pacific Way Trail Crossing Improvements	Crossing improvements with pedestrian activated flashing beacons, advance stop bars, signs, and striping.		\$300,000	\$270,000	\$12,229,168

Agency	Leg Dist	Title of Project	Project Description	Design Only	Total Project Cost	Amount Requested	Cumulative Total
Vancouver	49	Devine Road Bicycle and Pedestrian Safety Improvements	Sidewalk with curb and gutter, pedestrian activated flashing beacons, shared use path, bike lane, and traffic barrier.		\$874,215	\$489,000	\$12,718,168
Soap Lake	12	Daisy Street Pedestrian Crossing Improvements	Pedestrian activated flashing beacons.		\$63,400	\$63,400	\$12,781,568
Spokane	3	Ben Burr Trail Crossing Improvements	Pedestrian activated flashing beacons, pedestrian hybrid beacon, wayfinding signage, bus pads, and sidewalk.		\$1,147,944	\$1,033,150	\$13,814,718
Jamestown S'Klallam	24	ODT Old Olympic Highway to Blyn Road- Design Only	Design-only project for a shared use path.	X	\$123,861	\$105,282	\$13,920,000
Port Townsend	24	Discovery Road Two-Way Cycletrack	Two-way separated bike lanes, sidewalk, curb ramps, pedestrian activated flashing beacons, dashed green bike lane intersection markings.		\$1,802,603	\$1,442,082	\$15,362,082
Electric City	12	Electric City Shoreline Waterfront Trail Project	Shared use path, curb ramps, storm water improvements.		\$707,800	\$672,410	\$16,034,492

Agency	Leg Dist	Title of Project	Project Description	Design Only	Total Project Cost	Amount Requested	Cumulative Total
Tacoma	27	S 19th and Clay Huntington	Traffic signal, Accessible Pedestrian Signals (APS), curb ramps, sidewalk, signage, pavement markings, and pedestrian countdown signals.		\$721,403	\$613,193	\$16,647,685
Pierce County	29	Parkland Community Trail	Design-only project for a shared use path.	X	\$675,000	\$425,000	\$17,072,685
Bonney Lake	31	Fennel Creek Trail Segment 2B	Shared use path, bridge, and boardwalk.		\$2,559,650	\$1,079,825	\$18,152,510
Kirkland	45,48	Rose Hill Greenway Network Implementation & Enhancement – 128th Ave NE Greenway + NE 75th & 120nd Ave NE Raised Intersection	Install raised intersection, crosswalks, pedestrian activated flashing beacons, traffic diverter, wayfinding signage, signal improvements, reduced speed limits and traffic calming.		\$1,041,541	\$692,000	\$18,844,510
Twisp	12	North End SR20 Pedestrian / Bike Path	Sidewalk, bike lanes, signage.		\$1,340,484	\$1,340,484	\$20,184,994
Redmond	45	Redmond Central Connector Phase 3	Shared use path.		\$4,874,000	\$750,000	\$20,934,994

Map 2 - Safe Routes to School Program Proposed Priority Project Locations 2019-21

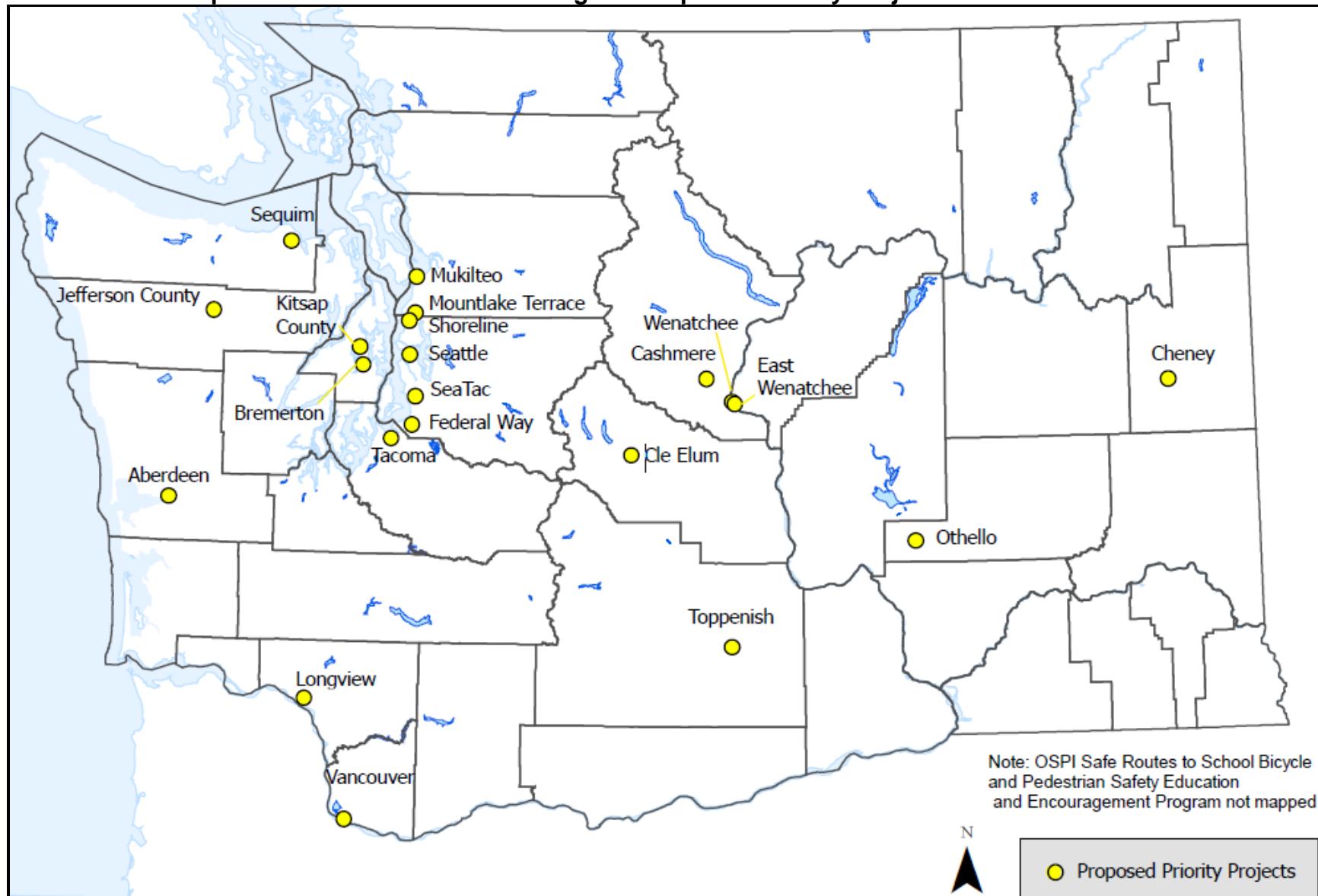


Table 3 - Safe Routes to School Program Proposed Priority List for 2019-21

(Unshaded projects fall within available funding expectations)

Agency	Leg Dist	Title of Project	Project Description	Total Project Cost	Amount Requested	Cumulative Total
OSPI	N/A	Safe Routes to School Bicycle and Pedestrian Safety Education and Encouragement Program	Bicyclist and pedestrian safety education	\$1,298,985	\$1,298,985	\$1,298,985
Longview	19	Washington Way / 28th Avenue Pedestrian Hybrid Beacon and illumination	High-intensity activated crosswalk beacon	\$200,000	\$180,000	\$1,478,985
Othello	9	Ash Street Safety Improvements	Install curb extensions, crosswalks, curb ramps	\$858,860	\$788,586	\$2,267,571
Seattle	46	NE 117th St Intersection Redesign and Sidewalk	Traffic signal, pedestrian countdown, audible pedestrian signal, signal backplates, retroreflective signal boarders, protective turn restrictions, curb ramps, crosswalk, median island, protected bicycle crossing, sidewalk, bicycle pavement markings	\$1,859,000	\$950,000	\$3,217,571
Federal Way	30	Lakota Middle School - SW Dash Point Road - Safe Routes to School	Sidewalk, planter strip, bike lane, illumination, extend school speed zone, traffic signal modifications, curb ramps, reduced posted speed limit	\$1,650,000	\$1,350,000	\$4,567,571
SeaTac	33	34th Avenue South Safe Routes to School Project	Sidewalk, planter strip, curb, gutter, curb ramps, crosswalk, bike lane, curb extensions, illumination, flashing stop sign, storm water drainage,	\$6,160,000	\$2,464,000	\$7,031,571
Wenatchee	12	Wenatchee S Miller Red Apple Okanogan	School speed zone, speed feedback signs, rectangular rapid flashing crosswalk beacon,	\$123,000	\$123,000	\$7,154,571

Agency	Leg Dist	Title of Project	Project Description	Total Project Cost	Amount Requested	Cumulative Total
Mukilteo	21	76th and SR525 Pedestrian Improvements	Sidewalk, planter strip, curb, gutter, curb ramps, high-intensity activated crosswalk beacon signal, rectangular rapid flashing beacons, crosswalk markings, retaining walls, pedestrian handrail	\$1,530,000	\$1,323,450	\$8,478,021
East Wenatchee	12	Sterling Intermediate Safe Routes to School	Sidewalks, bike lanes, buffer strips, mini roundabout, raised intersection, rectangular rapid flashing beacons, narrow travel lane widths, crosswalk markings, illumination and pedestrian signage	\$2,279,754	\$1,937,791	\$10,415,812
Aberdeen	19	Stevens Elementary Pedestrian Improvements	Road diet, sidewalk, curb, gutter, bike lane, curb extensions, planter strip, driveways, and curb ramps, storm water improvements and high visibility crosswalks	\$514,000	\$411,200	\$10,827,012
Vancouver	49	NW Neighborhood Connectivity Improvements	Sidewalk, planter strip, curb, gutter, curb ramps, shared use path, crosswalk markings, illumination, curb extensions, and rectangular rapid flashing beacon	\$1,646,600	\$500,000	\$11,327,012
Bremerton	23, 26, 35	Bremerton School Zone Safety Improvements - Safe Routes to Schools	Speed feedback signs, flashing beacons, and school speed zone signage	\$244,000	\$244,000	\$11,571,012
Tacoma	27	Mary Lyon Elementary School Safe Routes to School	Curb ramps, accessible pedestrian signals, signal head upgrades, crosswalk, safety education	\$348,440	\$296,174	\$11,867,186
Cashmere	12	2018 Safe Route to School Grant	Crosswalk marking, crosswalk flashing beacon signs, advanced crosswalk flashing beacon signs, curb ramps	\$190,268	\$180,268	\$12,047,454

Agency	Leg Dist	Title of Project	Project Description	Total Project Cost	Amount Requested	Cumulative Total
Mountlake Terrace	1 and 32	216th and 220th	Sidewalk, curb, gutter, curb ramps, curb extensions, rectangular rapid flashing crosswalk beacon, crosswalk markings, storm water drainage, speed feedback signs, safety education	\$654,083	\$468,194	\$12,515,648
Cheney	6	Cheney High and Betz Elementary Pedestrian and Bicycle Route Safety Project	Sidewalk, multi-use path, curb ramps, crosswalk markings, crosswalk flashing beacons, speed feedback signs, illumination, extend bike lane.	\$748,273	\$598,619	\$13,114,267
Sequim	24	N Sequim Avenue Sidewalk and Bike Lanes	Sidewalk, curb, gutter, curb ramps, planter stripe, bike lane, roundabout pedestrian/bicycle facilities, storm water drainage, illumination, crosswalk markings and signs, speed feedback signs	\$1,464,000	\$1,098,000	\$14,212,267
Wenatchee	12	Methow Street Improvements	Mini round about, bicycle lanes, delineate travel lanes and parking, sidewalk, curb and gutter	\$983,200	\$786,600	\$14,998,867
Toppenish	15	2020 Sidewalk Improvements	Sidewalk, curb, gutter, curb ramps, storm water drainage, crosswalk pavement markings and signs	\$538,300	\$528,300	\$15,527,167
Jefferson County	24	SR116 and Cedar Avenue Pedestrian Bike Improvements	Sidewalk, curb and gutter, multi-use path, bike lanes, crosswalk markings, crosswalk rectangular rapid flashing beacons, illumination and safety education	\$880,300	\$880,300	\$16,407,467
East Wenatchee	12	Kenroy Elementary Safe Routes to School	Sidewalk, buffer strip, raised intersection, narrow lane widths, illumination, flashing LED stop signs, crosswalk markings and pedestrian signage	\$2,351,382	\$1,998,675	\$18,406,142

Agency	Leg Dist	Title of Project	Project Description	Total Project Cost	Amount Requested	Cumulative Total
Cle Elum	13	SR 903 and Stafford Street Sidewalk Improvements	Intersection rebuild, sidewalk, curb, gutter, curb ramps, crosswalk pavement marking, crosswalk beacon, illumination and curb extension	\$375,000	\$356,250	\$18,762,392
Shoreline	32	Ridgecrest Elementary Pedestrian Crossing Improvements and School Speed Zone Flashers	School speed zone flashers, speed feedback signs, curb extensions, education	\$481,400	\$467,700	\$19,230,092
Kitsap County	23	Central Valley Road	Sidewalk, curb, gutter, bike lanes, illumination, stormwater drainage, curb ramps, crosswalk markings, and rectangular rapid flashing crosswalk beacons	\$3,649,835	\$2,044,637	\$21,274,729
Cathlamet	19	The Town of Cathlamet School Zone Establishment and Sidewalk System Improvements	Sidewalk, curb, gutter, curb ramps, school zone, and crosswalk signs, speed feedback sign, storm water drainage	\$823,534	\$790,987	\$22,065,716
Des Moines	33	North Hill Elementary Walkway Improvements	Sidewalk, curb, gutter, curb ramps, bike lane, storm water drainage, retaining walls, pedestrian railing, speed feedback signs and rectangular rapid flashing crosswalk beacon	\$3,382,000	\$1,810,000	\$23,875,716
Chelan County	12	Binder/Tigner Sidewalk	Sidewalk, curb, gutter, shoulder, retaining wall, curb ramps, crosswalks, crosswalk flashing beacon, advanced pedestrian crossing warning sign, illumination, storm water drainage, and bicycle and pedestrian safety education	\$1,124,414	\$824,414	\$24,700,130
Tacoma	27	Whitman Elementary School Safe Routes to School	Curb ramps, curb extensions, pedestrian crosswalk beacon, crosswalk, safety education	\$385,683	\$327,831	\$25,027,961

This Page Intentionally Left Blank



City of Port Orchard

Work Study Session Executive Summary

Issue Title: Vacate City Right-of-Way: 2451 Sidney Lane

Meeting Date: November 19, 2019

Time Required: 20 Minutes

Attendees: Brandy Rinearson, City Clerk

Action Requested At This Meeting: Discuss vacation of City right-of-way request that is adjacent to 2451 Sidney Lane.

Issue: Determine how much the City is willing to vacate. This will allow the petitioner to obtain a legal description of the vacated right-of-way (ROW) that is supportive of the council, rather than having it changed should the Council not agree with the amount being vacated.

Background: Staff was approached by Mr. Farnam to either purchase or vacate city right-of-way. The item went before the Land Use Committee on July 1, 2019. The committee wanted to hear from the Public Works director on his position, as he was not at that meeting. The item was moved to the August 26, 2019, committee meeting. At that meeting there were discussions of purchasing the right-of-way or vacating it. Since it is not a parcel, rather a ROW, the correct process is to vacate the area.

Relationship to Comp Plan: N/A

Recommendation: N/A

Attachments: Mr. Farnam request and property-area maps.

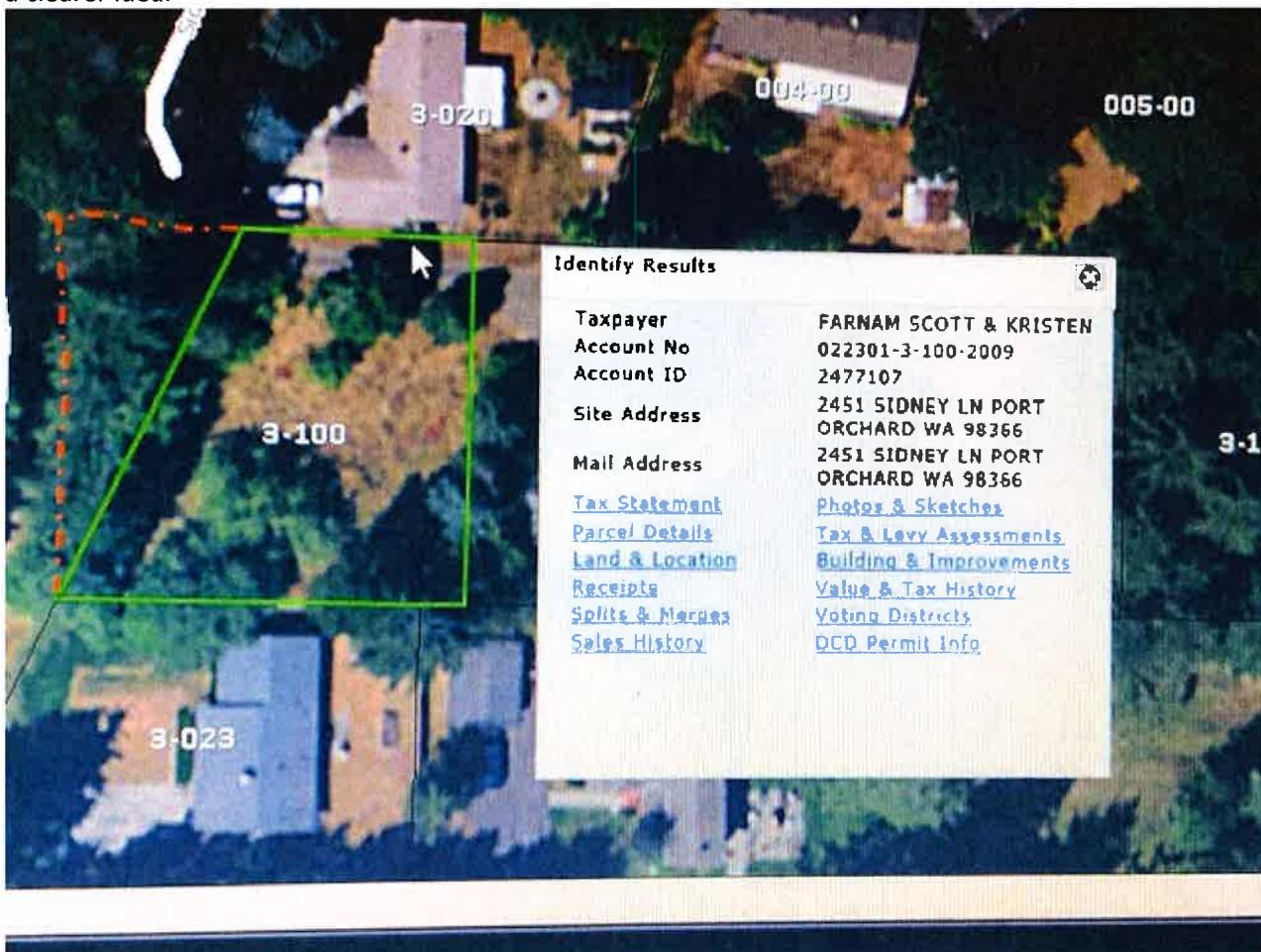
This Page Intentionally Left Blank

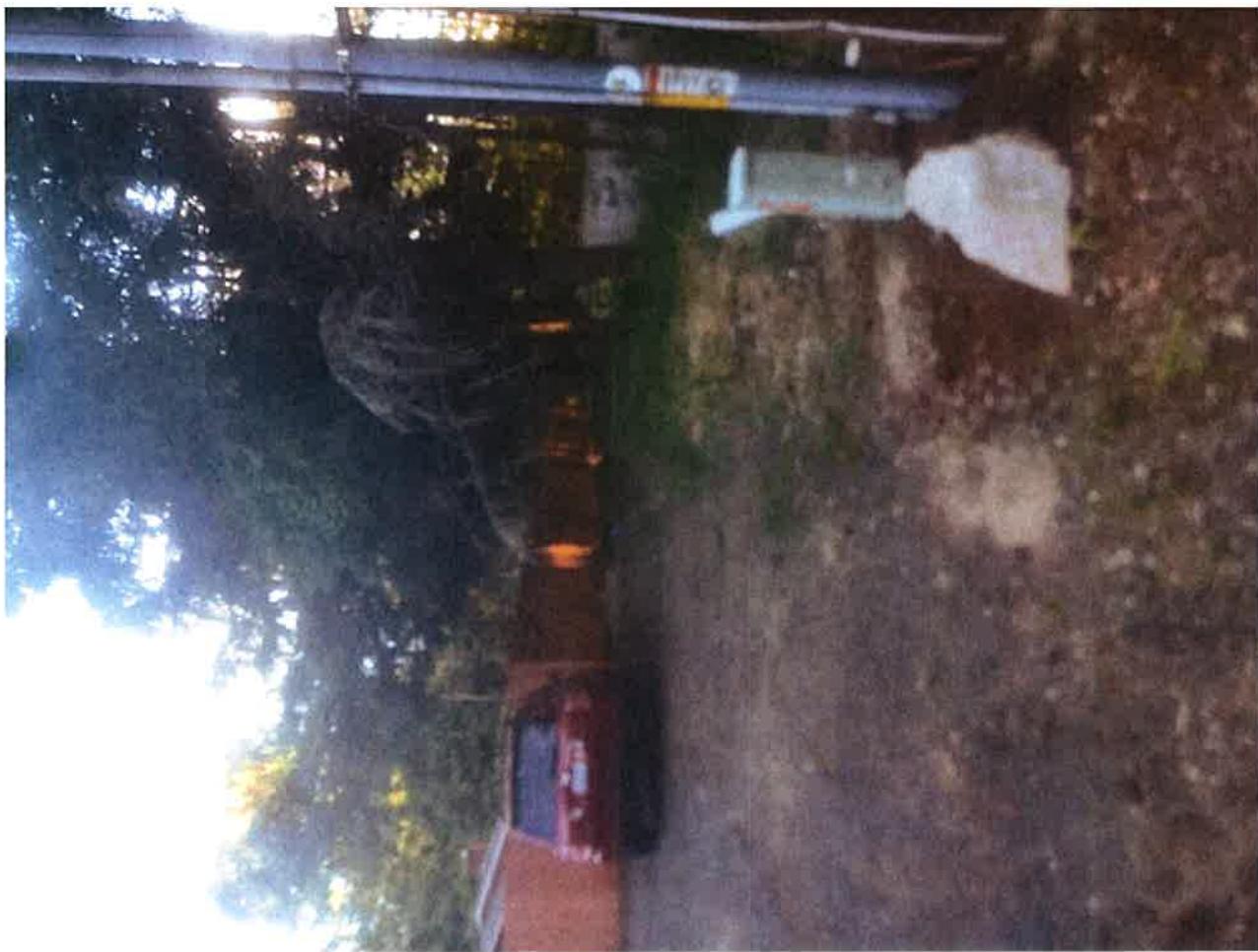
Brandy Rinearson

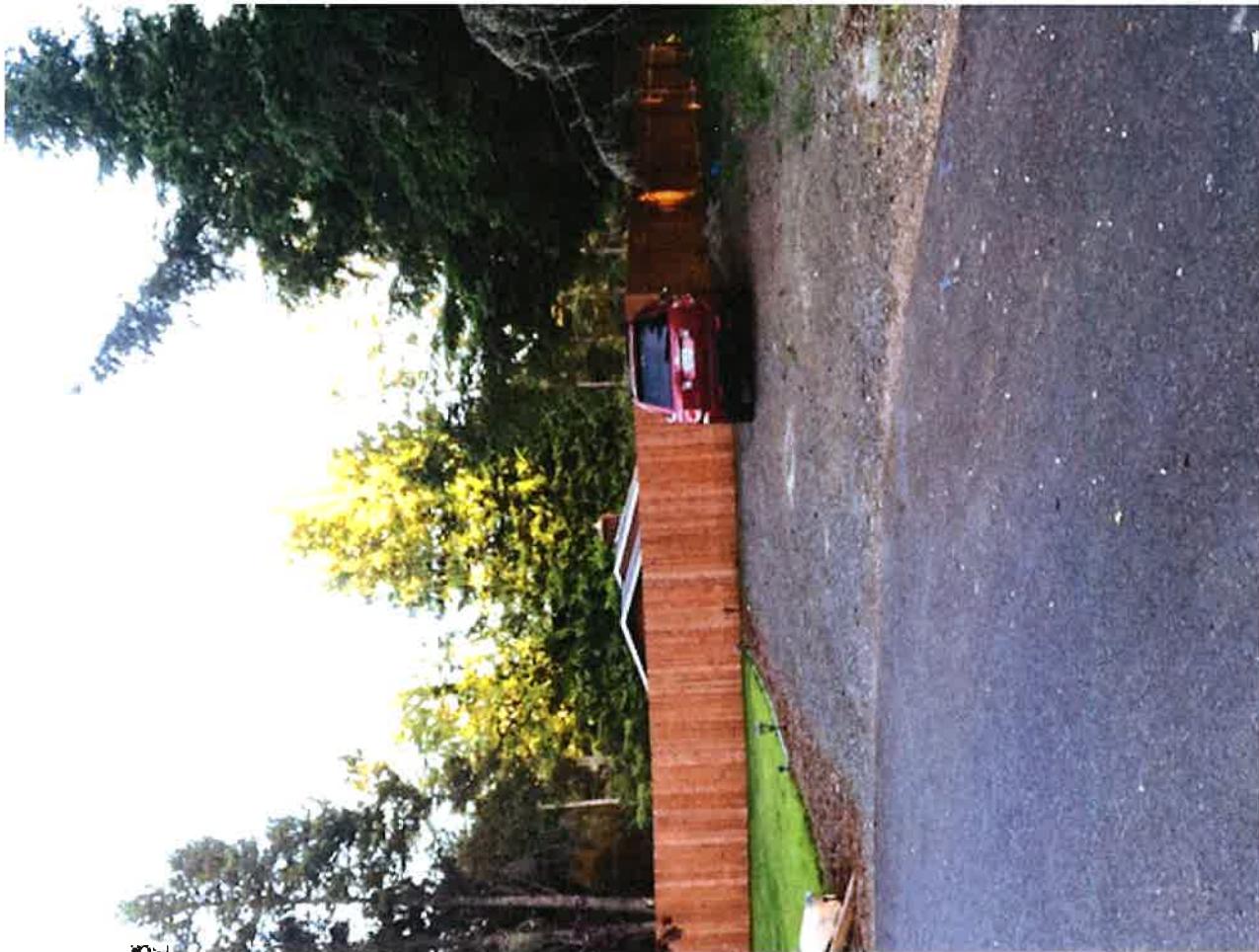
From: Scott Farnam <scottfarnam@icloud.com>
Sent: Thursday, June 06, 2019 8:24 PM
To: Brandy Rinearson
Subject: Re: Vacate options

Hi Brandy,

Sorry for the poor quality screen picture I took from my computer. Attached is the picture and dimensions. I can get both "neighboring" properties to sign the petition although the property doesn't technically border theirs. In terms of size, it's approximately 113 feet long (along the angled fence) by 53 wide (return to existing property line. As far as total sq. ft. I can not tell as it is a triangle. Or I have poor geometry! In addition, attached is a couple photos to give a clearer idea.







Regards,

Scott Farnam
206-898-5646

On Jun 6, 2019, at 1:01 PM, Brandy Rinearson <brinearson@cityofportorchard.us> wrote:

Hi Scott,

I did reach out to the public works department to see if they have any issues with the property being purchased. They have indicated that there is a 4" DI for the new houses on Sidney Lane that runs up that bank from Stetson Lane. There is also a storm that crosses Sidney Lane towards the bank behind that split rail fence. They have asked that you provide a map/sketch of what you are proposing on an assessors map. This will help them understand what and how much of the property you want to purchase. Can you provide to me a map showing the area you wish to purchase? If you can include your property lines and the proposed property lines (with the square footage, widths and lengths of the areas). Hope this make sense.

They also mentioned that you could accomplish this by a Street Use Permit; you just wouldn't own the property. I know that is your ultimate goal is to own it. If you want information on the Street Use Permit process I can have the staff person that handles those reach out to you.

Street Vacations require you to have the neighboring property owners sign a petition before you can submit for an application; and even so you would only own have of the vacated area. In looking at the map, it doesn't seem to fit a street vacation process. But once I receive the map we can relook at this option.

I look forward to your response.

Best Wishes,

Brandy Rinearson, MMC, CPRO

City Clerk/Assistant to the Mayor

City of Port Orchard

Direct (360) 876-7030

Fax (360) 895-9029

www.cityofportorchard.us



Please consider the environment before printing this e-mail

Please be aware that e-mails which pertain to City business may be considered public records and may be subject to public disclosure laws. If you think that you have received this e-mail message in error, please notify the sender via e-mail or telephone at 360.876.7030.

From: Scott Farnam <scottfarnam@icloud.com>

Sent: Thursday, June 06, 2019 11:30 AM

To: Brandy Rinearson <brinearson@cityofportorchard.us>

Subject: Re: Vacate options

Hi Brandy,

Any news on the vacate option?

Regrads,

Scott Farnam

[206-898-5646](tel:206-898-5646)

On May 29, 2019, at 2:02 PM, Scott Farnam <scottfarnam@icloud.com> wrote:

Hi Brandy,

I have been looking at options on my property to extend my fence line and and a little extra parking. The bordering property is owned by the city. I'd like to learn how to exercise the vacate option with the city on this small piece of property which I'm maintaining. Attached is an overview of my property and the Quick deed from the state of Washington. The area I'm looking to add is on the West end where my fence is at a diagonal. I'd like to square up the lot and "own" my already existing parking area shared by us both. Any help is greatly appreciated.

Thanks ,

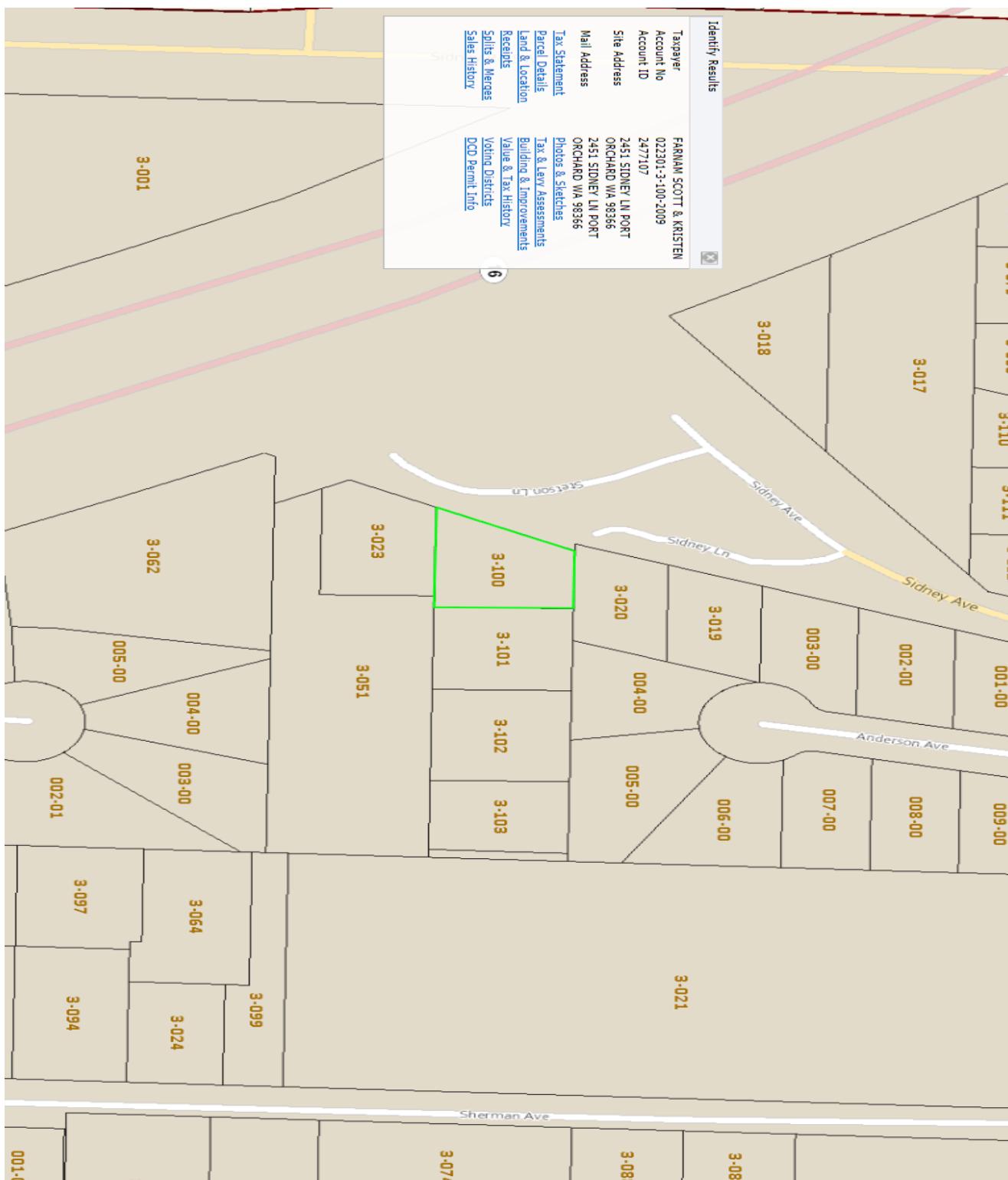
Scott Farnam

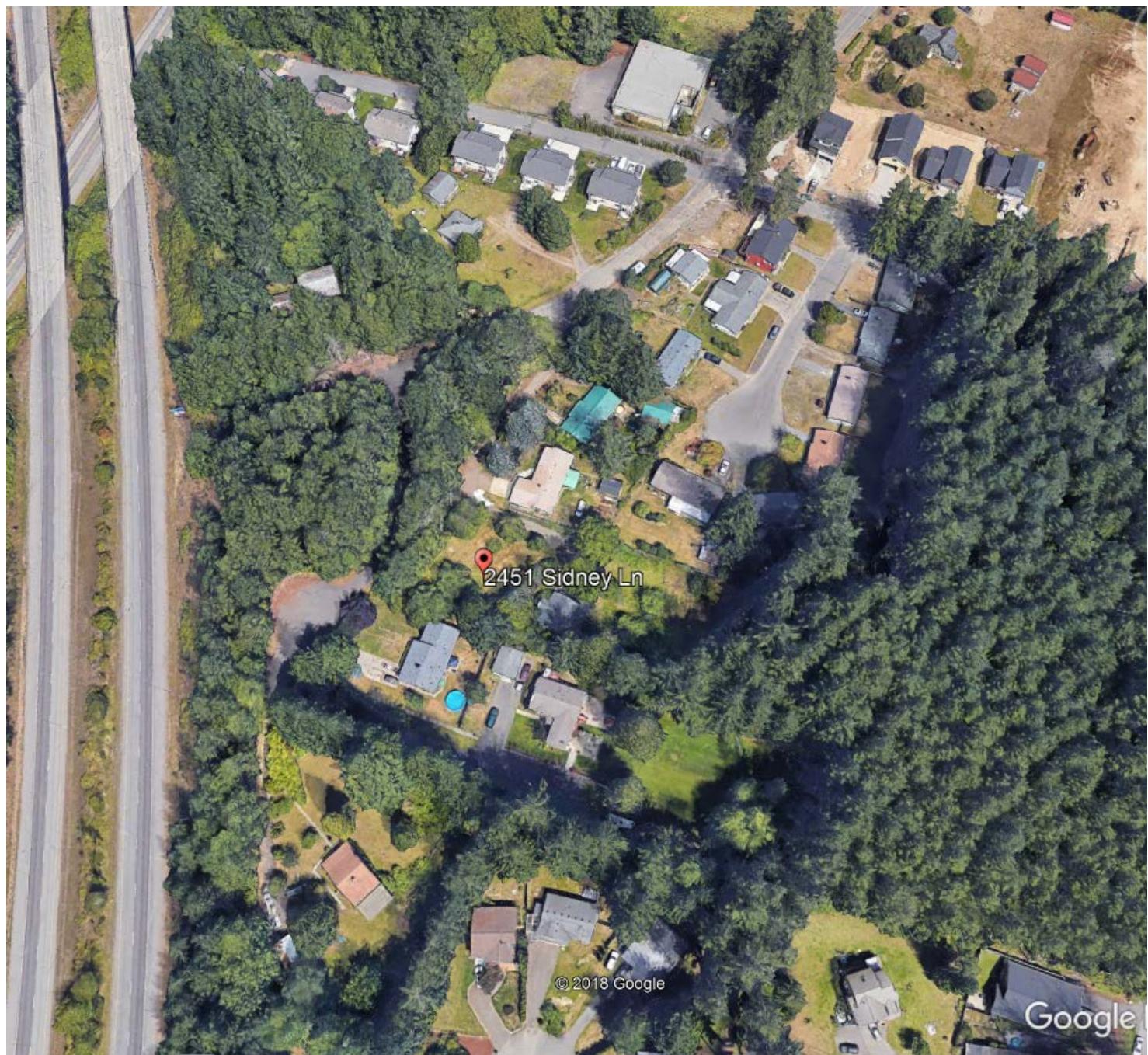
[206-898-5646](tel:206-898-5646)

<AFN 8606050077.pdf>

<image1.png>







This Page Intentionally Left Blank



City of Port Orchard

Work Study Session Executive Summary

Issue Title: Vacation of City Right-of-Way Process

Meeting Date: November 19, 2019

Time Required: 15 Minutes

Attendees: Brandy Rinearson, City Clerk and Sharon Cates, Legal Counsel

Action Requested At This Meeting: Discuss the process for the vacation of City right-of-way as set forth in the POMC 12.08 and RCW 35.79 and clarify the intent of the City Council regarding the policy of collecting payment for the vacated right of way. Specifically, determine whether the City will require payment from all abutting property owners before the portion of the right-of-way easement located on their property is vacated, or whether the City will require payment only from the primary petitioner for the assessed costs of the entire right-of-way easement vacation.

Issue: Is it the City Council's policy to require all adjacent property owners to pay the assessed costs when vacating unopened rights-of-way before their portion of the right-of-way is vacated, or is the primary petitioner liable for all costs related to the vacation?

Background: Past practice is for the primary petitioner to pay that portion of the assessed value of the vacated area required by Chapter 12.08 POMC, based on the type of right-of-way at issue, with the impact to the remaining abutting property owners being only the addition of property adjusted on their tax roll.

Recommendation: N/A

Attachments: RCW 35.79, POMC 12.08, and Resolution No. 1990

This Page Intentionally Left Blank

West's Revised Code of Washington Annotated
Title 35. Cities and Towns (Refs & Annos)
Chapter 35.79. Streets--Vacation (Refs & Annos)

West's RCWA 35.79.010

35.79.010. Petition by owners--Fixing time for hearing

Currentness

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.

Credits

[1965 c 7 § 35.79.010. Prior: 1957 c 156 § 2; 1901 c 84 § 1, part; RRS § 9297, part.]

Notes of Decisions (9)

West's RCWA 35.79.010, WA ST 35.79.010

Current with all legislation from the 2019 Regular Session of the Washington Legislature

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated
Title 35. Cities and Towns (Refs & Annos)
Chapter 35.79. Streets--Vacation (Refs & Annos)

West's RCWA 35.79.020

35.79.020. Notice of hearing--Objections prior to hearing

Currentness

Upon the passage of the resolution the city or town clerk shall give twenty days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city or town and a like notice in a conspicuous place on the street or alley sought to be vacated. The said notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the city or town council or similar legislative authority without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown: PROVIDED, That if fifty percent of the abutting property owners file written objection to the proposed vacation with the clerk, prior to the time of hearing, the city shall be prohibited from proceeding with the resolution.

Credits

[1965 c 7 § 35.79.020. Prior: 1957 c 156 § 3; 1901 c 84 § 1, part; RRS § 9297, part.]

Notes of Decisions (2)

West's RCWA 35.79.020, WA ST 35.79.020

Current with all legislation from the 2019 Regular Session of the Washington Legislature

West's Revised Code of Washington Annotated
Title 35. Cities and Towns (Refs & Annos)
Chapter 35.79. Streets--Vacation (Refs & Annos)

West's RCWA 35.79.030

35.79.030. Hearing--Ordinance of vacation

Effective: July 22, 2011
Currentness

The hearing on such petition may be held before the legislative authority, before a committee thereof, or before a hearing examiner, upon the date fixed by resolution or at the time the hearing may be adjourned to. If the hearing is before a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If the hearing is held before a committee it shall not be necessary to hold a hearing on the petition before the legislative authority. If the hearing is before a hearing examiner, the hearing examiner shall, following the hearing, report its recommendation on the petition to the legislative authority, which may adopt or reject the recommendation: PROVIDED, That the hearing examiner must include in its report to the legislative authority an explanation of the facts and reasoning underlying a recommendation to deny a petition. If a hearing is held before a hearing examiner, it shall not be necessary to hold a hearing on the petition before the legislative authority. If the legislative authority determines to grant the petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated. The ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services. A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located. One-half of the revenue received by the city or town as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city or town.

Credits

[2011 c 130 § 1, eff. July 22, 2011; 2002 c 55 § 1; 2001 c 202 § 1; 1987 c 228 § 1; 1985 c 254 § 1; 1969 c 28 § 4. Prior: 1967 ex.s c 129 § 1; 1967 c 123 § 1; 1965 c 7 § 35.79.030; prior: 1957 c 156 § 4; 1949 c 14 § 1; 1901 c 84 § 2; Rem. Supp. 1949 § 9298.]

Notes of Decisions (10)

West's RCWA 35.79.030, WA ST 35.79.030

Current with all legislation from the 2019 Regular Session of the Washington Legislature

West's Revised Code of Washington Annotated
Title 35. Cities and Towns (Refs & Annos)
Chapter 35.79. Streets--Vacation (Refs & Annos)

West's RCWA 35.79.035

35.79.035. Limitations on vacations of streets abutting bodies of water--Procedure

Currentness

(1) A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

(a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

(b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or

(c) The vacation is sought to enable a city or town to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

(2) Before adopting a resolution vacating a street or alley under subsection (1)(b) of this section, the city or town shall:

(a) Compile an inventory of all rights-of-way within the city or town that abut the same body of water that is abutted by the street or alley sought to be vacated;

(b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city or town for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

(c) Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and

(d) Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (b) of this subsection, and that the vacation is in the public interest.

(3) No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city or town only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

Credits

[1987 c 228 § 2.]

West's RCWA 35.79.035, WA ST 35.79.035

Current with all legislation from the 2019 Regular Session of the Washington Legislature

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated
Title 35. Cities and Towns (Refs & Annos)
Chapter 35.79. Streets--Vacation (Refs & Annos)

West's RCWA 35.79.040

35.79.040. Title to vacated street or alley

Currentness

If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each.

Credits

[1965 c 7 § 35.79.040. Prior: 1901 c 84 § 3; RRS § 9299.]

Notes of Decisions (10)

West's RCWA 35.79.040, WA ST 35.79.040

Current with all legislation from the 2019 Regular Session of the Washington Legislature

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

West's Revised Code of Washington Annotated
Title 35. Cities and Towns (Refs & Annos)
Chapter 35.79. Streets--Vacation (Refs & Annos)

West's RCWA 35.79.050

35.79.050. Vested rights not affected

Currentness

No vested rights shall be affected by the provisions of this chapter.

Credits

[1965 c 7 § 35.79.050. Prior: 1901 c 84 § 4; RRS § 9300.]

Notes of Decisions (5)

West's RCWA 35.79.050, WA ST 35.79.050

Current with all legislation from the 2019 Regular Session of the Washington Legislature

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

Chapter 12.08

VACATIONS*

Sections:

12.08.010 Petition for vacation.

12.08.015 Petition fees.

12.08.017 Appraisals.

12.08.020 Notice of hearing.

12.08.030 Objections, staff report, hearing.

12.08.040 Limitations on vacation of streets abutting bodies of water – Procedure.

12.08.050 Compensation, in-lieu transfers of property, title to vacated street or alley.

12.08.060 Nonuser statute vacations.

12.08.070 Recording.

* Prior legislation: Ords. 861, 886 and 1130.

12.08.010 Petition for vacation.

(1) Petitions by Abutting Owners. The owners of an interest in real estate abutting upon any street, alley, public place or portion thereof created by easement may petition the city council for a vacation of such area. The petition shall include a description of the property to be vacated, as prepared by a licensed surveyor. In addition, the petitioners shall provide evidence that the public has an easement upon such street or alley (and that the property is not owned in fee by the city). Property owners seeking a vacation to clear title under 1889-90 Laws of Washington, Chapter 19, Section 32 (non-user statute) shall follow the procedure set forth in POMC [12.08.060](#). The petition shall be filed with the city clerk.

(2) Council Resolution. The city council may propose a vacation of a street, alley, public place or portion thereof, without requiring that the abutting property owners make payment to the city for such vacation, where the city council has made a preliminary determination that the street, alley or public place is not needed for public travel now or in the foreseeable future.

(3) Notice of Proposed Vacation. If a petition is signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, or after the city council's own motion and resolution for a vacation, the city council shall adopt a resolution fixing a time when the petition will be heard and determined. The time set for hearing shall not be more than 60 days nor less than 20 days after the date of the passage of the resolution. (Ord. 028-15 § 1; Ord. 013-14 § 2).

12.08.015 Petition fees.

(1) Prehearing Fee. Every petition for the vacation of any street, alley or public place, or any portion thereof, shall be accompanied by a nonrefundable fee, as established by the city council in its fee resolution. This fee is for the purpose of defraying the administrative costs associated with the processing of the vacation petitions.

(2) Appraisal Fee. If the city council passes a resolution as described in POMC [12.08.010](#), setting the date for a public hearing for a petition initiated by the abutting owners, the petitioners shall deposit sufficient funds to cover the city's estimated cost of a full appraisal of the subject street, alley, public place or portion thereof to be vacated. In the event that the appraisal cost is less than the amount deposited, the vacation compensation paid by the petitioners to the city shall be reduced by the difference between the deposit and the actual cost, or, in the alternative, such difference shall be refunded. In the event the actual cost of the appraisal is more than the amount deposited, the vacation compensation payable to the city by the petitioners shall be increased by the difference between the deposit and the actual appraisal cost. (Ord. 028-15 § 2).

12.08.017 Appraisals.

(1) If the city council passes the resolution described in POMC [12.08.010](#) pursuant to a petition by the abutting property owners, the public works director is authorized to obtain appraisals from qualified, independent appraisers for the fair market value of such streets, alleys or public places. The director is also authorized to obtain appraisals from qualified, independent real estate appraisers for the fair market value of alternate right-of-way land proposed to be granted or dedicated to the city in lieu of a cash payment, as described in POMC [12.08.050](#). For appraisals of alternate right-of-way land, an additional appraisal deposit fee shall be paid for the appraisal of such property.

(2) After the appraisal has been performed, the public works director shall notify the petitioner of the amount of compensation required, based on the criteria in POMC [12.08.050](#), deducting therefrom any remaining appraisal fee deposit. The payment shall be delivered by the property owner(s) to the finance director for deposit. (Ord. 028-15 § 3).

12.08.020 Notice of hearing.

(1) Notice to Be Provided. Upon the passage of the resolution described in POMC [12.08.010](#), the city clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city, and a like notice in a conspicuous place on the street, alley or public place sought to be vacated. The city clerk shall also post notice of the petition on the city's website.

(2) Elements of Notice When Petition Initiated by Abutters. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed by the city council for the hearing on the petition. The notice will state that the council shall hold a public hearing on the proposed vacation in the manner required by this chapter. In addition, the notice posted on the alley or street identified in the petition shall indicate that the easement for public travel in such area is proposed to be vacated, and that anyone objecting to

the proposed vacation should attend the public hearing or submit written testimony to the city council indicating his or her objection prior to such hearing.

(3) Elements of Notice When Petition Initiated by City Council. When the proceeding is initiated by resolution of the city council without a petition having been signed by the abutting property owners, the city clerk shall provide by mail, written notice with the elements described in subsections (1) and (2) of this section, at least 15 days before the date fixed for the hearing, to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street, alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown. (Ord. 028-15 § 4; Ord. 013-14 § 2).

12.08.030 Objections, staff report, hearing.

(1) Objections – Council Prohibited from Proceeding. If 50 percent of the owners of property abutting the street, alley, public place or portion thereof subject to the vacation petition or council resolution for vacation file written objections to the proposed vacation with the city clerk, prior to the time of the public hearing, the city shall be prohibited from proceeding with the vacation.

(2) Staff Report. The staff shall prepare a report and recommendation on the proposed vacation, which shall include: (a) the history of private and public use of the area sought to be vacated, including the type of use (pedestrian, vehicular, etc.) and length of time such use has occurred; (b) a description of the manner in which the area sought to be vacated was acquired (whether by dedication, public expense, etc.); (c) a description of all utilities or other public services that currently utilize the area sought to be vacated, whether by easement or otherwise; (d) the staff's recommendation on the functionality of the area sought to be vacated for public purposes; (e) references to any planning document, such as the city's comprehensive plan, the transportation element of the comprehensive plan, the six-year road plan or the capital facilities element of the comprehensive plan that mention the area sought to be vacated for any purpose; (f) the staff's recommendation whether the area sought to be vacated will be needed in the future as part of the city's transportation system (pedestrian, bicycle or vehicular).

(3) Hearing. The city council shall hold a public hearing on the proposed vacation and consider the written recommendations of staff, abutters, the public and all testimony provided at the hearing. The city council shall determine whether the public interest is served by such vacation and either grant the vacation or deny it. Written findings and conclusions shall be adopted by the council to support its decision (which may incorporate the staff report).

(4) Ordinance. If the city council decides to grant a vacation petition, the ordinance granting such vacation shall provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, have

compensated the city for such vacation as provided in POMC [12.08.050](#).

(5) The ordinance may provide that the city (or other utility providers) shall retain an easement or the right to exercise and grant easements with respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

(6) Use of Proceeds. One-half of the revenue received by the city as compensation for the area vacated must be dedicated to the acquisition, improvement, development and related maintenance of public open space or transportation capital improvements in the city. (Ord. 028-15 § 5; Ord. 013-14 § 2).

12.08.040 Limitations on vacation of streets abutting bodies of water – Procedure.

(1) No street or alley may be vacated if any portion of the street or alley abuts a body of fresh or salt water unless:

- (a) The vacation is sought to enable the city to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;
- (b) The city, by resolution of the city council, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or
- (c) The vacation is sought to enable the city to implement a plan, adopted by resolution or ordinance, that provides comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

(2) Before adopting a resolution vacating a street or alley under subsection (1)(b) of this section, the city shall:

- (a) Compile an inventory of all rights-of-way within the city that abut the same body of water that is abutted by the street or alley sought to be vacated;
- (b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;
- (c) Hold a public hearing on the proposed vacation in the manner required by this chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his or her objection; and
- (d) Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under subsection (2)(b) of this section, and that the vacation is in the public interest.

(3) No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites. (Ord. 013-14 § 2).

12.08.050 Compensation, in-lieu transfers of property, title to vacated street or alley.

(1) Ordinances vacating any street, alley, public place or portion thereof shall not be adopted by the city council until the owners of the property abutting such area shall compensate the city in the amount required by this section.

(a) If the street, alley, public place or portion thereof has not been part of a dedicated public right-of-way for 25 years or more, or if the subject property to be vacated was not acquired at public expense, the owners of property abutting the street shall compensate the city in an amount that does not exceed one-half of the appraised value of the street.

(b) If the street, alley, public place or portion thereof has been part of a dedicated public right-of-way for 25 years or more, or if the subject property to be vacated was acquired at public expense, the city may require the owners of the property abutting the street to compensate the city in an amount that does not exceed the full appraised value of the area vacated.

(c) The full fair market value, as shown on the appraisal, shall be paid upon vacation of any streets, alleys or public places abutting upon bodies of water, as provided in POMC [12.08.040](#).

(2) In-Lieu Transfers of Property. Conveyances of other property acceptable to the city may be made in lieu of the payment required by this section, whether required to mitigate adverse impacts of the vacation or otherwise. When such a transfer is proposed for street purposes, the value of the property (as determined in subsections (1)(a) through (c) of this section) shall be credited to the required payment. When the value of the in-lieu parcel is less than the payment required by subsection (1)(a) through (c) of this section, the petitioners shall pay the difference to the city. When the value of the in-lieu parcel exceeds the payment required by subsections (1)(a) through (c) of this section, the city shall pay the difference to the petitioner. In addition, the petitioner shall be responsible for all costs associated with this transfer, in the same manner as a property purchase, including but not limited to, title insurance, attorney review of the title, hazardous materials/waste testing, etc.

(3) Title. If any street or alley is vacated by the city, the property within the limits so vacated shall belong to the abutting owners, one-half to each. No vested rights shall be affected by the provisions of this chapter. (Ord. 028-15 § 6; Ord. 013-14 § 2).

12.08.060 Nonuser statute vacations.

(1) Vacations of streets subject to 1889-90 Laws of Washington, Chapter 19, Section 32 (the non-user statute) shall be processed as set forth in this section.

(2) The property owner(s) abutting the street or alley area proposed to be vacated shall submit a petition to the city as set forth in POMC [12.08.010](#) and shall pay the administrative fee required by POMC [12.08.015](#) and any fees incurred by the city to research the issue to confirm that the area has vacated by lapse of time under the non-user statute.

(3) The city clerk shall provide notice of the petition and public hearing as required by POMC [12.08.010](#) and [12.08.020](#). No appraisal or compensation shall be required of the petitioners.

(4) The staff report shall document the facts supporting a conclusion that the area proposed in the street vacation petition has vacated by lapse of time under the non-user statute, and that the city has no legal interest in this street area.

(5) The city council shall hold a public hearing and if the council determines that the area proposed for vacation has been vacated by lapse of time under the non-user statute, it shall approve the vacation ordinance. The city clerk shall file the vacation ordinance for recording as required by POMC [12.08.070](#). (Ord. 028-15 § 8).

12.08.070 Recording.

Posting and mailing of the notices described in this chapter shall be the responsibility of the city clerk. As required by RCW [35A.47.020](#) and [35.79.030](#), a certified copy of the ordinance vacating the street, alley, public place or portion thereof shall be sent to office of the Kitsap County auditor, for recording, after the petitioners have paid all fees and the value of the property, as determined in POMC [12.08.050](#), to the city. In addition, a copy of the ordinance shall be provided to the county assessor, so that the property may be added to the county's tax rolls. (Ord. 050-17 § 1; Ord. 028-15 § 9).

RESOLUTION NO. 1990

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON SUPERSEDING RESOLUTION NO. 1670 AND ADOPTING A STREET/ALLEY VACATION POLICY AND FEES

WHEREAS, RCW 35.79 sets forth statutory provisions for street vacations, and

WHEREAS, the City Council is the guardian of all public property and has an obligation to review each request to vacate public right-of-way, and

WHEREAS, it is the desire of the City Council to establish policies setting consistent basic standards which will serve as a guide for property owners, city staff and elected officials, now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD DOES HEREBY RESOLVE:

THAT the following is hereby adopted as the City of Port Orchard

STREET/ALLEY VACATION POLICY

It is the policy of the City of Port Orchard to grant vacation of street/alley right-of-way when it is determined that such property is not needed presently or in the future for public access including vehicular, pedestrian and/or visual access.

SECTION 1. A Petition to Vacate shall be submitted to the City Clerk's Office. City staff shall review petition prior to acceptance to confirm all information, fees, and attachments are included.

SECTION 2. The accepted petition shall be transmitted to the Street/Alley Committee and the City Engineer for administrative review and recommendation. Each proposed vacation shall be considered on its own merit; however, the Review Standards contained herein (Section 4) shall be used as base review criteria.

SECTION 3. After administrative review, the Clerk's Office shall prepare a draft resolution for Council consideration setting date and time for a Public Hearing on the Petition to Vacate. Such Public Hearing shall not be more than sixty (60) days and not less than twenty (20) days after date of passage of such Resolution.

SECTION 4. REVIEW STANDARDS. The following are standards, which shall constitute the base for the review of each petition to vacate. The review process shall not be limited by these delineated standards. Other factors may be considered which are unique to a specific action.

(1) The right-of-way must be determined to have no foreseeable or possible public use.

(2) State law (R.C.W. 35.79) "No city or town shall be authorized to have authority to vacate such street, or alley, or any parts thereof if any portion thereof abuts on a body of salt or fresh water unless such vacation be sought to enable the city, town, port district, or state to acquire the property for port purposes, boat moorage, or launching sites, recreational, viewpoint, park, or educational purposes, or other public uses. This proviso shall not apply to industrial zoned property."

(3) The removal of public access does not adversely affect access to other property(s). No vacation will be allowed if such action land locks any existing parcel, lot of record, or tract.

(4) The vacation of the property does not adversely affect utilities such as water, sewer, storm, electric and others.

(5) The enlarging of property area does not create potential or actual land uses that are inconsistent with city growth plans and goals.

(6) The City receives the fullest monetary amount allowed by law.

(7) The petition should contain the approval of all the abutting property owners and proof of ownership must accompany the petition.

(8) There has been a public hearing as set forth by RCW 35.79, with adjacent property owners receiving notification.

SECTION 5. FEES: All actions to petition for vacation of public right-of-way shall be subject the following fees:

(1) Application Fee: The application fee to submit a Petition to Vacate Public Right-of-Way shall be \$100.00. This is a non-refundable fee and shall be paid by the petitioner. In the event the administrative cost to process a Petition to Vacate exceeds \$100.00, the petitioner will be assessed additional fees.

(2) Compensation for vacated property: The petition to vacate public right-of-way shall be accompanied by a certified check that provides for **full-appraised value of the land**. The value of the land will be based on the following square foot valuations: Residential: \$5.00; Commercial: \$10.00; and, Industrial: \$10.00. In lieu of a certified check based on the estimated values, the petitioner may submit a certified check based on an appraisal. The appraisal must be included with the petition. The City reserves the right to accept or reject the submitted appraisal. If the Petition is denied the certified check will be returned to the petitioner.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 23rd day of September 2002.



LESLIE J. WEATHERILL, MAYOR

ATTEST:



Patricia Parks, City Clerk

This Page Intentionally Left Blank