



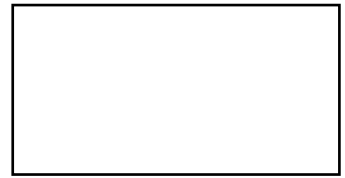
CITY OF PORT ORCHARD
Planning Commission
216 Prospect Street, Port Orchard, WA 98366
(360) 874-5533 planning@cityofportorchard.us

PLANNING COMMISSION MEETING AGENDA

February 4, 2020
720 Prospect Street (DCD Building)

- 1. Call to Order: 6:00 p.m.**
Pledge of allegiance
- 2. Election of Chair and Vice-Chair**
- 3. Approval of Minutes from November 5, 2019**
- 4. Business Items**
 - (a) Discussion/Recommendation (contd.): Tree Canopy/Significant Trees Code
 - (b) Initial Discussion: McCormick Communities Request for Revision to Certain Design Standards.
- 5. Adjourn**

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



Planning Commission Meeting Minutes
City Council Chambers, City Hall
November 5, 2019

COMMISSIONERS:

Present: Stephanie Bailey (Acting Chair), David Bernstein, Phil King, Suanne Martin Smith, Trish Tierney

Absent: Annette Stewart (Chair), Mark Trenary, Kathleen Wilson

STAFF PRESENT:

Long Range Planner Keri Sallee

1. CALL TO ORDER:

Acting Chair Bailey called the meeting to order at 6:08 p.m. and led the pledge of allegiance.

2. WELCOME – PLANNING COMMISSIONER PHIL KING. The Planning Commission welcomed new Commissioner Phil King, who replaced Marcus Lane in August. King has lived in Port Orchard for over 45 years and has raised his family here.

Long Range Planner Sallee encouraged King, and all Planning Commissioners, to let DCD staff know if there are any specific planning topics that they would like to receive training on in 2020. The City of Poulsbo will be hosting the Department of Commerce’s Short Course in Planning in February 2020.

3. AUDIENCE COMMENTS. A member of the public who did not give his name asked the Planning Commission about their role and responsibilities, and asked about decisions that had been made by City Council and other agencies, such as approval of the Kitsap Transit fast ferries.

4. APPROVAL OF MINUTES FROM SEPTEMBER 3, 2019. Since a quorum of Commissioners present at the September meeting was not present at this meeting, approval of the September minutes was tabled until the next meeting.

5. BUSINESS ITEMS:

A. Public Hearing/Discussion and Recommendation: Title 20 “Housekeeping” Amendments.

Sallee gave a recap of the 2019 Title 20 “housekeeping” amendment package, which had been previously discussed at the September meeting. The housekeeping amendments are a collection of all the minor errors, inconsistencies and omissions that were noted in the code throughout the year, and which are intended to be cleaned up in one ordinance. The amendments do not involve substantive changes to the code.

Acting Chair Bailey opened the public hearing. No comments were received. Bailey closed the public hearing.

Commissioner Tierney made a motion to recommend that the City Council approve the Title 20 housekeeping amendments as presented. Commissioner Bernstein seconded the motion. The motion passed unanimously.

B. Discussion: Potential Rezones. Sallee said that several property owners have recently approached the City informally about potential rezone requests. If the property owners apply for rezoning, these requests will come before the Planning Commission for review. DCD is therefore asking for initial feedback from the Planning Commissioners, so that staff can advise property owners of potential staff and Commission concerns prior to submitting their applications.

After discussion, the Commission agreed that the Lundberg rezone (single-family home on Harold Dr, from Commercial Mixed Use to Business Professional Mixed Use), which is intended to obtain a conforming status for the existing residence, would be reasonable and not out of character with the current or future development of the surrounding neighborhood. The Commission also agreed with staff's assessment that a potential rezone of certain properties along SE Meline Rd currently zoned Commercial Mixed Use to Neighborhood Mixed Use could be a beneficial compromise among the neighbors, who are divided between wanting to retain some commercial value and wanting to improve or expand single-family uses on this residential street with significant access and infrastructure constraints. However, the Commission felt that the proposed rezone of the JWJ Property between Olney Ave and Park Ave from Residential 2 to Residential 3 would create too much potential density on a highly constrained site that is located next to critical areas, with little existing access or urban infrastructure in the neighboring area, and surrounded by rural-type development.

C. Discussion (contd. from September): Tree Canopy/Significant Trees Code. The Commission continued its discussion of potential code language to address tree canopy and significant tree retention and replacement. Detailed comments on the draft code that had been provided by Bernstein prior to the meeting were also included in the deliberation. After considerable discussion, the Commission decided to table the topic until the next meeting.

D. Discussion and Recommendation: Shoreline Master Program Update – Public Participation Plan and Work Plan. Sallee said that as required by state law, 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. The Planning Commission is requested to review the plan and provide a recommendation to City Council.

Commissioner Martin Smith made a motion to recommend that the City Council approve the SMP public participation plan and work plan. Commissioner Bernstein seconded the motion. The motion passed unanimously.

ADJOURN: Acting Chair Bailey adjourned the meeting at 7:20 pm.

Annette Stewart, Chair

Nick Bond, Community Development Director



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

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PLANNING COMMISSION STAFF REPORT

Agenda Item No: 4(a)	Meeting Date: February 4, 2020
Subject: Significant Trees and Tree Canopy Code	Prepared by: Nick Bond, Development Director

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

- The existing significant tree code has been combined with the proposed tree canopy ordinance as much as practicable.
- A distinction has been made between significant tree retention requirements and tree canopy requirements. For example, on a residential lot of less than one-quarter acre (10,890 sq ft) which is not part of a subdivision that was subject to tree canopy requirements, normal single-family development does not require tree canopy protection. However, significant tree protection requirements still apply.
- Tree canopy requirements do not apply to commercial development projects. Significant tree protection requirements apply to all development.

Further discussion on the draft code was held at the November meeting, and comments from Commissioner Bernstein were also considered. The discussion was tabled to the next meeting.

Recommendation: The Planning Commission is requested to recommend that the City Council approve the significant trees and tree canopy requirements ordinance and development regulations.

Suggested Motion: “I move to recommend that the City Council approve the significant trees and tree canopy requirements ordinance and development regulations, as presented.”

Attachments: Revised Chapter 20.129 (Significant Trees and Tree Canopy Requirements) in clean and redline versions; Ordinance.

Chapter 20.129

SIGNIFICANT TREES AND TREE CANOPY REQUIREMENTS

Sections:

20.129.010 Purpose.

20.129.020 Applicability.

20.129.030 Definitions.

20.129.040 Removal and replacement of significant trees.

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

20.129.060 Tree canopy requirements for residential development.

20.129.070 Tree canopy reductions.

20.129.080 Tree canopy planting requirements and specifications.

20.129.090 Tree canopy protection measures.

20.129.010 Purpose.

It is the purpose of this chapter is to:

- (1) Provide incentives for preserving significant trees and to require the replacement of significant trees at specified ratios when they are removed.
- (2) Mitigate the environmental and aesthetic consequences of tree removal in land development, through replacement of significant trees to achieve a goal of no net loss of significant trees throughout the city, and by establishing tree canopy standards applicable to certain new development.
- (3) Provide measures to protect significant trees that may be impacted during construction activities.
- (4) Maintain and protect the public health, safety, and general welfare.
- (5) Preserve the aesthetic, ecological, and economic benefits of forests and tree-covered areas in Port Orchard including:
 - (a) Providing varied and rich habitats for wildlife;
 - (b) Absorbing carbon dioxide;
 - (c) Moderating the effects of winds and temperatures;
 - (d) Stabilizing and enriching the soil;
 - (e) Slowing runoff from precipitation and reducing soil erosion;
 - (f) Improving air quality;
 - (g) Improving water quality;
 - (h) Masking unwanted sound;
 - (i) Providing visual relief and screening;
 - (j) Providing recreational benefits;
 - (k) Enhancing the economic value of developments; and
 - (l) Providing a valuable asset to the community.

20.129.020 Applicability.

- (1) The significant tree requirements in this chapter apply to all significant trees in the city, with the exception of those exemptions listed in section (3) below.
- (2) The tree canopy requirements in this chapter apply to all residential development, with the exception of those exemptions listed in section (3) below.
- (3) Exemptions: The following situations, activities, and projects are exempt from the significant tree protection and tree canopy requirements of this section, unless the tree is located in a critical area as identified in POMC 20.162:
 - (a). Construction of public or private road network elements, including sidewalks, and public or private utilities including utility easements
 - (b) Public parks projects, including construction and maintenance of public parks and trails.
 - (c) Trees that interfere with overhead utility lines.
 - (d) Trees that are causing damage to building foundations.
 - (e) Normal pruning and maintenance of trees that does not damage the tree or reduce the viability of the tree's normally expected growth and lifespan.
 - (f) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an immediate threat to person or property as determined by a letter from a qualified arborist.
 - (g) On an individual lot less than 10,890 square feet in size which was not part of a subdivision or short plat subject to current or past city tree canopy regulations, the new construction or reconstruction of, or an addition to, one single-family detached house, one duplex, or residential accessory structures (including one detached accessory dwelling unit) is not subject to tree canopy requirements. Requirements for protection of significant trees still apply.
- (4) This chapter shall not be construed to authorize the removal of trees where tree removal is not otherwise permitted in the POMC.

20.129.030 Definitions.

- (1) "Net Site Area" means the subject site's total (gross) site area, minus areas designated as wetlands and wetland buffers, fish and wildlife habitat areas and/or buffers, slopes over thirty percent (30%), and stormwater pond facilities.
- (2) Significant Tree" means a tree with a DBH (diameter at breast height) of 18 inches or greater and which has not been identified by a licensed arborist as damaged, diseased, or a safety hazard due to potential root, trunk or primary limb failure, or new exposure to wind after having grown in a closed, forested situation.
- (3) "Root Protection Zone" means that area equal to one-foot radius from the center of the tree for every one inch of tree DBH. A modified root protection zone may be established by a certified arborist's individual tree evaluation.

20.129.040 Removal and replacement of significant trees.

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

- (2) Approval of the director is required for the removal of significant trees and shall be granted provided that all other applicable requirements and standards of the Port Orchard Municipal Code are met. The decision to authorize the removal of a significant tree shall be a Type 1 decision; however, an application that involves two or more procedures may be processed consistent with the procedures provided in POMC 20.22.020(2). Approval requires that the following condition and the replacement requirements of subsection (2) are met:
 - (a) All significant trees located within any required landscape buffer area or required landscape planting area shall be retained, except for those activities exempted in subsection 20.129.020(3) or as otherwise indicated in subsection (b) of this section..

 - (b) If a significant tree drip line or root protection zone extends beyond the required buffer, the significant tree may be removed if the proposed site grading would harm the health or stability of the tree as determined by an arborist. If an arborist identifies a significant tree to be retained as a hazard tree due to blow down risk, the significant tree may be removed.

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

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

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

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

- (c) Replacement deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball), and a

minimum height of six feet at the time of planting as measured from the top of the leader branch to the top of the root ball.

- (d) A replacement deciduous tree that has a minimum caliper of three inches (as measured 24 inches above the root ball) and a minimum height of eight feet at the time of planting as measured from the top of the leader branch to the top of the root ball may substitute for two (2) required replacement trees.
 - (e) Replacement evergreen trees shall be fully branched and a minimum of six feet in height, measured from the top of the leader branch to the top of the root ball, at the time of planting.
 - (f) Replacement trees shall primarily be those species native to the Pacific Northwest. In making a determination regarding the species of replacement trees, the director shall defer to the species selected by the property owner unless the director determines that the species selected is unlikely to survive for a period of at least ten years, represents a danger or nuisance, would threaten overhead or underground utilities
 - (g) The property owner shall maintain all replacement trees in a healthy condition. The property owner shall be obligated to replace any replacement tree that dies, becomes diseased, or is removed. Replacement trees shall not be removed except when they are moved to another location in accordance with this chapter.
 - (h) The director may authorize the planting of fewer and smaller replacement trees if the property owner can demonstrate the reduction is suitable for the site conditions, neighborhood character, and the purposes of this section, and that such replacement trees will be planted in sufficient quantities to meet the intent of this section. The director may require a certifying statement from a Washington state licensed landscape architect, Washington-Certified Professional Horticulturalist (CPH), or certified arborist.
- (3) If the site does not allow for planting of replacement trees, the trees may be planted (1) on an alternative site within the city, or (2) on public property (such as in a city park) subject to the approval of the public works director. If the trees are not planted on public property, guarantees shall be provided (such as a conservation easement) to ensure that the replacement trees will not be removed prior to reaching 18 inches DBH (at which time they will be considered significant trees).
- (4) The director shall not authorize the planting of shrubs or bushes in lieu of required replacement trees.
- (5) For projects containing 5 or fewer significant trees, the required replacement trees planted shall be in addition to other required trees installed to satisfy street tree and landscaping buffer, parking lot, and other landscape area requirements. For projects on non-forested sites containing more than 5 significant trees, up to seventy-five percent (75%) of the required replacement trees to be planted may be satisfied by planting trees within required or proposed landscaping areas including but not limited to landscape buffers and parking lot islands as specified in POMC 20.128. For projects on forested sites containing more than 5 significant trees, up to one hundred percent (100%) of the required replacement trees to be planted may be satisfied by planting trees within required or proposed landscaping areas including but not limited to landscape buffers and parking lot islands as specified in POMC 20.128. For the purposes of this section, a site is considered forested if it contains more than 20 significant trees per acre.

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

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

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

20.129.060 Tree canopy requirements for residential development.

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

Table 20.129.060.a Tree Canopy Coverage Requirements

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

(2) Calculating Existing and Future Canopy. Site tree canopy shall include all evergreen and deciduous trees six (6) feet in height or greater, excluding invasive species, within the net site area. The calculation of existing and new tree canopy shall be submitted in writing by a qualified landscape designer or licensed land surveyor in accordance with Table 20.129.060.b.

Table 20.129.060.b Options for Calculating Tree Canopy Coverage

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

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

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

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

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

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

20.129.080 Tree canopy planting requirements and specifications.

(1) Trees planted to meet the tree canopy requirements in Table 20.129.060.a shall meet the following criteria:

- (a) Sites must be planted or replanted with a minimum of fifty percent (50%) evergreen species, except:
 - (i) The evergreen portion of the required planting mix may be reduced to thirty seven and one half percent (37.5%) when the deciduous mix contains exclusively indigenous species to the Puget Sound region, not including alder; and

- (ii) Sites obtaining tree canopy requirements solely through street trees, and sites listed under category (d) in the table, are exempt from the requirement to include evergreen species in the planting mix;
- (b) Sites requiring planting or replanting of tree canopy must plant no more than thirty percent (30%) of trees from the same species and no more than sixty percent (60%) of trees from the same taxonomic family; and
- (c) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements.

20.129.090 Tree canopy protection measures.

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

- (a) Tree protective fencing shall be installed along the outer edge of the drip line surrounding the trees retained in order to protect the trees during any land disturbance activities, and fencing shall not be moved to facilitate grading or other construction activity within the protected area;
- (b) Tree protective fencing shall be a minimum height of three feet, visible and of durable construction (orange polyethylene laminar fencing is acceptable); and
- (c) Signs must be posted on the fence reading "Tree Protection Area."
- (d) If tree canopy to be retained is damaged or removed during clearing or construction, that tree canopy shall be restored so that the required percentage of tree canopy is provided according to the requirements of this chapter.

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

Chapter 20.129

SIGNIFICANT TREES AND TREE CANOPY REQUIREMENTS

Sections:

20.129.010 Purpose.

20.129.020 Applicability.

20.129.030 Definitions.

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

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- (5) Preserve the aesthetic, ecological, and economic benefits of forests and tree-covered areas in Port Orchard including:
 - (a) Providing varied and rich habitats for wildlife;
 - (b) Absorbing carbon dioxide;
 - (c) Moderating the effects of winds and temperatures;
 - (d) Stabilizing and enriching the soil;
 - (e) Slowing runoff from precipitation and reducing soil erosion;
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 - (h) Masking unwanted sound;
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 - (j) Providing recreational benefits;
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(l) Providing a valuable asset to the community.

20.129.020 Applicability.

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

20.129.030 Definitions.

- (1) "Net Site Area" means the subject site's total (gross) site area, minus areas designated as wetlands and wetland buffers, fish and wildlife habitat areas and/or buffers, slopes over thirty percent (30%), and stormwater pond facilities.
- (2) Significant Ttree"s are means at these trees with a DBH (diameter at breast height) of 18 inches or greater and which ~~has are~~ not been identified by a licensed arborist as damaged, diseased, or a safety hazard due to potential root, trunk or primary limb failure, or new exposure to wind after having grown in a closed, forested situation.

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

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

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

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

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

(b) If a significant tree drip line or root protection zone extends beyond the required buffer, the significant tree may be removed if the proposed site grading would harm the health or stability of the tree as determined by an arborist. If an arborist identifies a significant tree to be retained as a hazard tree due to blow down risk, the significant tree may be removed.

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

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

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

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

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

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

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

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

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

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

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

20.129.060 Tree canopy requirements for residential development.

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

Table 20.129.060.a Tree Canopy Coverage Requirements

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

(2) Calculating Existing and Future Canopy. Site tree canopy shall include all evergreen and deciduous trees six (6) feet in height or greater, excluding invasive species, within the net site area. The calculation of existing and new tree canopy shall be submitted in writing by a qualified landscape designer or licensed land surveyor in accordance with Table 20.129.060.b.

Table 20.129.060.b Options for Calculating Tree Canopy Coverage

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

<u>areas and divide by net site area to obtain canopy coverage percentage</u>	<u>edges as the forest boundary</u> • <u>Divide total canopy measurement by the net site area to obtain canopy coverage percentage</u>	<u>quantity to be planted to obtain total species canopy area</u> • <u>Total the sum of species canopy area for all proposed species and divide by gross site area to obtain 20-year canopy coverage percentage</u>
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(3) Existing or new tree canopy may include street trees and may be satisfied through required landscaping as provided in POMC 20.128.

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

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

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

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

20.129.080 Tree canopy planting requirements and specifications.

(1) Trees planted to meet the tree canopy requirements in Table 20.129.060.a shall meet the following criteria:

(a) Sites must be planted or replanted with a minimum of fifty percent (50%) evergreen species, except:

(i) The evergreen portion of the required planting mix may be reduced to thirty seven and one half percent (37.5%) when the deciduous mix contains exclusively indigenous species to the Puget Sound region, not including alder; and

(ii) Sites obtaining tree canopy requirements solely through street trees, and sites listed under category (d) in the table, are exempt from the requirement to include evergreen species in the planting mix;

(b) Sites requiring planting or replanting of tree canopy must plant no more than thirty percent (30%) of trees from the same species and no more than sixty percent (60%) of trees from the same taxonomic family; and

(c) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements.

20.129.090 Tree canopy protection measures.

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

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

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

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

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

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

ORDINANCE NO. XX-19

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

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

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

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

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

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

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

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

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

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

Section 2. POMC Section Amended - 20.12.010. The following definitions are added to Section 20.12.010 of the Port Orchard Municipal Code:

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

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

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

Section 4. POMC New Chapter Adopted – 20.129. The new Chapter 20.129 (Significant Trees and Tree Canopy Requirements) of the Port Orchard Municipal Code is hereby adopted in its entirety, as attached to this ordinance (Exhibit 1).

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid by a court, board, or tribunal of competent jurisdiction, for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Corrections. Upon the approval of the City Attorney, the City Clerk is authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 7. Effective Date; Publication. This ordinance shall take effect and be in full force and effect five days after publication, as provided by law. An approved summary of this ordinance consisting of the title shall be published in the official newspaper of the City.

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

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM ONLY:

SPONSORED BY:

Sharon Cates, City Attorney

Scott Diener, Council Member

EXHIBIT 1: Chapter 20.129 Significant Trees and Tree Canopy Requirements



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

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

PLANNING COMMISSION STAFF REPORT

Agenda Item No:	4(b)	Meeting Date:	February 4, 2020
Subject:	McCormick Communities – Request for Revision of Certain Design Standards	Prepared by:	Nick Bond, Development Director

Issue: McCormick Communities/Quadrant Homes has requested that the City consider revising certain design standards in Title 20 POMC to better align with Quadrant’s standard housing designs. These requests, and staff comments, are provided below:

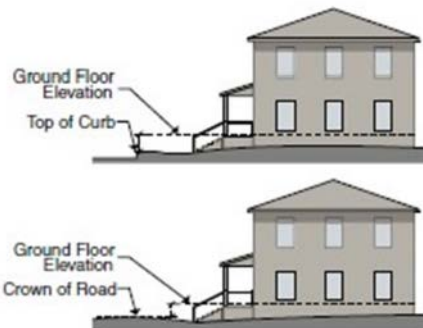
Recommendation: The Planning Commission is requested to provide feedback to staff, which will be further discussed with McCormick/Quadrant, and brought back for continued discussion/recommendation to Council at the next Planning Commission meeting.

Attachment: Director’s Interpretation on Porch Widths POMC 20.122.060(2)

A. Ground Floor Elevation of Detached Single-Family House

- Chapter 20.32.020 Detached housing
 - (6) Height and form
 - (c) Minimum ground floor elevation: two feet minimum

Pursuant to Section 20.40.050(3), ground floor elevation is the height of the ground floor relative to the height of the sidewalk. It is measured from top of the abutting curb, or from the crown of the road where no curb exists, to the top of the finished ground floor. The minimum ground floor elevation applies to the first 20 feet of the lot measured from the right-of-way line.



McCormick/Quadrant: This code requirement is not feasible for lots that are set below the adjacent sidewalk, or that slope down from the adjacent sidewalk. They have requested that the code be modified so that it applies only to any portion of the house structure located within 15 feet of the right-of-way.

Staff recommendation: *The variable topography found in Port Orchard may make meeting this standard difficult and costly where lots slope downhill and away from the adjacent street and sidewalk. Staff recommends that this code section be revised as follows:*

Chapter 20.32.020 Detached housing

(6) Height and form

(c) Minimum ground floor elevation: two feet minimum, except for houses on lots located below the right-of-way or which slope significantly down from the adjacent right-of-way, any portion of the house structure within 15 feet of the right-of-way of the primary or side street.

B. Primary Entrance for Detached Single-Family House

Chapter 20.32.020 Detached housing

(6) Height and form

(d) Pedestrian access

(i) Entrance facing primary street: required

McCormick/Quadrant: This code requirement effectively eliminates efficient, side-entry homes on narrower lots by forcing the front door to be located on the building façade that faces the “primary street”. The determination of the “primary street” for a corner lot is left to the director per Chapter 20.40.020(4)(b). Side-entry homes should be allowed if the pedestrian walkway to the door parallels the garage and connects to the sidewalk along the primary street.





Staff recommendation: Staff agrees that a code revision to allow side-entry homes on corner lots (i.e., lots with more than one street frontage) is appropriate, if the side entry will face a street. However, staff has concerns about possible loss of privacy, noise and light, potential overemphasis on the garage portion of the façade, and loss of visual orientation of the entry to the street. Staff seeks input from the Planning Commission on possible

changes that would allow side-entry homes on interior lots, or on a corner lot if the door will face an interior side yard. The Planning Commission is requested to provide feedback on this issue.

C. Required Front Porch on Detached Single-Family Houses

Chapter 20.139.025 Building design.

This section shall apply to detached houses, cottages within a cottage court, all duplex types, attached houses, and townhouses as defined in Chapter 20.32 POMC.

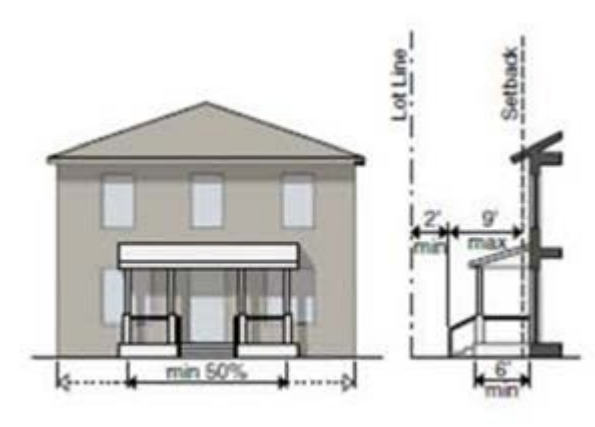
- (1) Porches. All detached houses, cottages within a cottage court, attached houses, and all duplex types shall have a porch meeting the standards of POMC 20.122.060.

Chapter 20.122.060 Porch.

A raised structure attached to a building, forming a covered entrance to a doorway.

- (1) A front porch must be at least six feet deep (not including the steps).
- (2) A front porch must be contiguous, with a width not less than 50 percent of the building facade from which it projects.
- (3) A front porch must be roofed and may be screened, but cannot be fully enclosed.
- (4) A front porch may extend up to nine feet, including the steps, into a required front setback; provided, that such extension is at least three feet from the vertical plane of any lot line.

A front porch may not encroach into the public right-of-way.

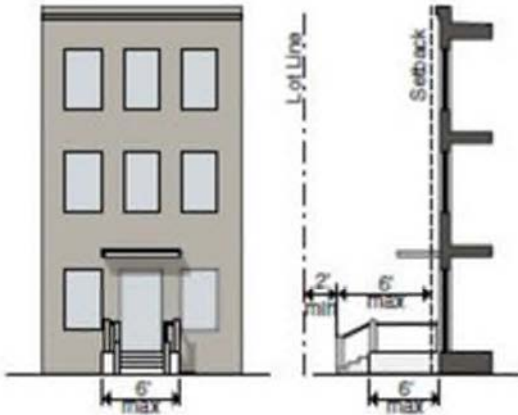


Chapter 20.122.070 Stoop.

A small raised platform that serves as an entrance to a building.

- (1) A stoop must be no more than six feet deep (not including the steps) and six feet wide.
- (2) A stoop may be covered but cannot be fully enclosed.
- (3) A stoop may extend up to six feet, including the steps, into a required setback; provided, that such extension is at least two feet from the vertical plane of any lot line.

(4) A stoop may not encroach into the public right-of-way.



McCormick/Quadrant: There are a couple of issues that have been raised with regard to porches.

1. Minimum Port Width. Currently, POMC 20.122.060 (2) requires that “a front porch must be contiguous, with a width not less than 50 percent of the building facade from which it projects.” This requirement becomes problematic when the garage on a house is wider than 50% of the house width as it is not possible to build a porch that extends across a garage door. McCormick seeks changes that would exclude the width of the garage when calculating the facade width.
2. Minimum Porch Depth. McCormick has inquired about the required front porch depth. The image in section 22.122.060 shows a minimum porch depth of 6 feet. However, the developer wonders whether the porch must be 6 feet deep for the entire width of the porch, or whether only a portion of the porch must meet this depth. The house in the image below illustrates a porch that is partially deeper than 6 feet and partially less than 6 feet deep.



3. Stoops instead of Porches. POMC 20.122 allows stoops and establishes standards for stoops. However, POMC 20.139.025 requires a porch for all detached houses, duplexes, attached houses, townhomes, and cottages in a cottage court. The developer wants us to clarify whether stoops would be allowed in lieu of a porch.

Staff recommendation:

1. *Minimum Porch Width.* In November 2019, the Community Development Director issued a code interpretation for Section 20.122.060(2) (attached), clarifying that the 50% porch width requirement applies only to the habitable ground floor portion of a detached house. Staff believes this interpretation, which will be codified by November 2020, can satisfy the first portion of McCormick/Quadrant's request. With regard to stoops, staff would consider recommending the following revisions to the code:
2. *Minimum Porch Depth.* Staff seeks input from the Planning Commission on whether (a) porches must be 6 feet deep for the entire porch width, or, (b) whether only a portion of a Porch should be required to be a minimum of 6 feet deep. The photo above shows how a porch could have a variable depth as envisioned under (b).
3. *Stoops.* Chapter 20.139.025 Building design. Staff seeks input on whether stoops should be allowed in lieu of a porch as required in 20.139.025. One alternative would be to allow stoops in lieu of porches for certain building types (such as townhomes) but not for others (detached houses, duplexes, etc.)

D. Driveway Standards for Front-Loaded Townhomes

Chapter 20.127.340 Vehicular circulation and parking.

(2)

(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.



McCormick/Quadrant: This driveway code only allows for single car driveways for front-loaded townhomes - no two car garages, only tandems. This needs to be revised to allow for two-car garages on wider units, as shown below:



Staff recommendation: The requirement for single-car driveways for front-loaded townhomes was designed to prevent a garage and driveway-dominant, pedestrian-unfriendly frontage as shown on the example photo. If a developer wishes to include two-car garages or a wider driveway width, alley loading will be required. Staff does not support this request.

E. Cottage Court Units

20.32.040 Cottage court

(8) Height and Form

(a) Maximum principal building height: One and one-half stories/24 feet max.

McCormick/Quadrant: Would the City allow a “carriage unit” over garages serving the cottage court units? See example below.



Staff recommendation: Staff would support a revision to allow a carriage unit (not multiple units) over a garage structure, most likely with a maximum unit square footage and possibly a height limit to avoid creating a “non-cottage” or a mixed-use overall building appearance. The Planning Commission’s feedback on this issue is requested.



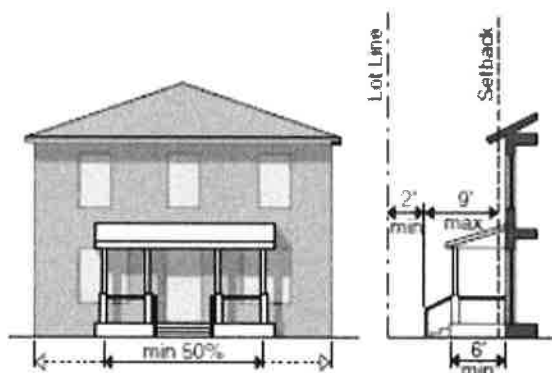
DIRECTOR'S INTERPRETATION
NO. LU19 – INTERPRETATION- 01
“MINIMUM FRONT PORCH WIDTH POMC 20.122.060 (2)”
ISSUED PURSUANT TO POMC 20.02.015 (2) (A) AND POMC 20.10

Pursuant to Subsection 20.10 of the Port Orchard Municipal Code (POMC), “The Director is authorized to interpret the meaning, application, or intent of the regulations of Title 20 POMC by reviewing the applicable goals and policies of the comprehensive plan, POMC, and applicable state and local planning policies and regulations.” The official interpretation issued by the director in this Director’s Interpretation is issued pursuant to the foregoing authority.

Administrative Interpretation Request:

Port Orchard Municipal Code Section 20.122.060 includes standards for front porch design including subsection 2 which establishes a minimum front porch width. Subsection 2 states:

(2) A front porch must be contiguous, with a width not less than 50 percent of the building facade from which it projects.



It is unclear whether the requirement that a porch be a minimum of 50% of the width of a detached house applies to the habitable portion of a detached house or whether it also applies to the width including a garage. The illustration provided in this code section is an example of a detached house with no attached garage shown. There is no illustration of a house with a garage shown. This interpretation is requested in order to provide clarification on how to apply minimum porch width requirements.

Analysis:

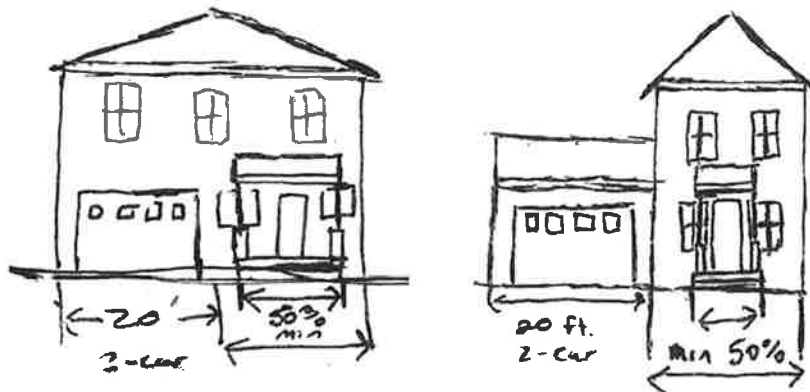
The need for an interpretation in this instance is best demonstrated through an example. Consider detached house development scenarios on a lot that measures 40 feet in width. The required side interior setbacks for a detached house in the R1, R2, R3, R6, RMU, and BPMU zones is 5-feet (these are all the zones that allow detached houses). Pursuant to 20.139, a two-car side-by-side front load garage is allowed on a lot measuring 40-feet in width. A 2-car side-by-side garage is typically 20 feet in width.

After subtracting 10 feet for interior side setbacks, and 20 feet for the 2-car garage width, that leaves 10 feet of area in which a front porch can be located. If the width of the garage is included in the building façade, then it is not possible to allow a front porch because it will not meet the minimum width of 15 feet (50% of the width of a 30-foot house). POMC 20.139.015 clearly allows 2 side-by side enclosed parking stalls with access from a primary street while POMC 20.139.025 and 20.122.060 require an unachievable front porch dimension.

Findings: Based upon the above analysis, the following findings are made in support of this Director's Interpretation:

- 1) The graphic in POMC 20.32.020 (C) like the graphic in 20.122.060, shows a house with no attached garage.
- 2) POMC 20.139.015 allows 2 side-by side enclosed parking stalls with access from a primary street on a lot 40-74 feet in width.
- 3) It is not possible to construct a detached house with a 2-car side-by side garage on a 40-foot lot as allowed in 20.139.015 and meet the requirements of a front porch in 20.139.025 (1) in any zone that allows detached houses.
- 4) In POMC 20.12, "Building facade" means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves for the entire width of the building elevation.
- 5) The code requirement in 20.122.060 (2) appears to have been intended for detached houses served by an alley and not detached houses with an attached front load 2-car garage.

Official Interpretation: For the purpose of administering POMC 20.122.060 (2), the building façade shall not include those portions of the house containing attached side-by-side garages. The 50% porch width shall be measured to include the habitable ground floor portion of the detached house only. The image below illustrates the requirement.



Nicholas Bond, AICP
Community Development Director

11/18/17

Date of Decision