

**ORDINANCE NO. \*\*\*-21**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING CHAPTER 20.12 (DEFINITIONS) AND CHAPTER 20.39 (USE PROVISIONS) OF THE PORT ORCHARD MUNICIPAL CODE REGARDING CONGREGATE LIVING FACILITIES; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on March 12, 2019, the City Council adopted Title 20 (Unified Land Use and Development Code) of the Port Orchard Municipal Code (POMC), Ord. 011-19, containing the City of Port Orchard's land use, zoning and permitting regulations; and

**WHEREAS**, the City Council desires to amend POMC Chapter 20.12 (Definitions) and POMC Chapter 20.39 (Use Provisions) in order to allow the Congregate Living Facilities residential use to be allowed as a conditional use in the Residential 2 (R2) zone, in addition to the other zones in which it is currently permitted; and

**WHEREAS**, the City Council's Land Use committee reviewed the proposed amendments to POMC Chapter 20.12 and Chapter 20.39 on July 1, 2021; and

**WHEREAS**, this Ordinance was submitted to the Department of Commerce for 60-day expedited review on July 21, 2021; and

**WHEREAS**, on July 29, 2021, the City's SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with POMC 20.160.190 and WAC 197-11-510, and there have been no appeals; and

**WHEREAS**, on August 24, 2021, the City issued a Notice of Public Hearing for the proposed amendments to POMC Chapter 20.12 and Chapter 20.39, which was published and provided to the public in accordance with POMC 20.25.050; and

**WHEREAS**, the Planning Commission conducted a public hearing on the substance of this Ordinance on September 7, 2021 and received public comments, and recommended adoption by the City Council; and

**WHEREAS**, the City Council, after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is

consistent with the City’s Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City and further advance the public health, safety and welfare; **NOW, THEREFORE,**

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

**SECTION 1. Recitals.** The recitals set forth in this ordinance are hereby incorporated as if fully set forth herein.

**SECTION 2. POMC 20.12 Definitions – New Definition Added.** The following new definition is added to Port Orchard Municipal Code Section 20.12.010:

“Congregate Living Facilities” means a building or part thereof that contains sleeping units where nontransient residents share bathroom or kitchen facilities, or both. “Nontransient” with respect to congregare living facility use means occupancy of a sleeping unit for not less than 30 days at a time. Congregate living facilities shall be located in a countywide center as designated in the City’s Comprehensive Plan, shall be located within a 1/4 mile radius of a transit route, shall have 24-hour resident management with responsibility for the operations and maintenance of the facility, and shall not provide medical care or social welfare services onsite.

**SECTION 3. POMC 20.39 Use Provisions – Amended.** The Congregate Living Facilities residential use in POMC 20.39.040 (Use Table) is hereby amended to read as follows:

Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition /Standards	
Congregate living facilities	--	C	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	--	

**SECTION 4. Conflict.** In the event of a conflict between this Ordinance, and any Ordinance or regulation of the City, the provisions of this Ordinance shall control, except that the provisions of the City’s critical areas code, shoreline master program or any International Building Code shall supersede.

**SECTION 5. 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 6. Severability.** If any section, subsection, paragraph, sentence, clause, or

phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**SECTION 7. 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 28<sup>th</sup> day of September, 2021.**

\_\_\_\_\_  
Robert Putaansuu, Mayor

ATTEST:

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Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

\_\_\_\_\_  
Charlotte A. Archer, City Attorney

\_\_\_\_\_  
Scott Diener, Council Member

PUBLISHED:

EFFECTIVE DATE: