



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

PLANNING COMMISSION MEETING AGENDA

Tuesday, November 2, 2021
6:00 pm

This meeting will be held remotely via telephone and Zoom webinar pursuant to the Governor's "Stay Home, Stay Healthy Proclamation" No. 20-25, as amended.

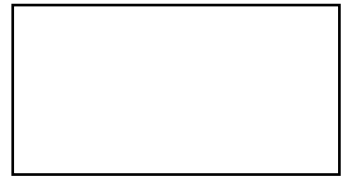
Public Zoom Link (Planning Commissioners please use individual webinar links):

<https://us02web.zoom.us/j/87444276232>

Dial-in (phone audio) only: +1 253 215 8782

Webinar ID: 874 4427 6232

- 1. Call to Order: 6:00 p.m.**
Pledge of allegiance
- 2. Audience Comments – Topics not on Tonight's Agenda**
Please limit comments to **3 minutes**.
- 3. Approval of Minutes from October 18, 2021**
- 4. Business Items**
 - (a) Public Hearing: McCormick Urban Village Subarea Plan
 - (b) Public Hearing: Updates to POMC Chapter 20.170, Flood Damage Prevention Code
 - (c) Discussion and Recommendation: Updates to POMC Chapter 20.170, Flood Damage Prevention Code
 - (d) Public Hearing: 2021 POMC Title 20 Housekeeping Amendments
 - (e) Discussion and Recommendation: 2021 POMC Title 20 Housekeeping Amendments
- 5. Adjourn**



Planning Commission Meeting Minutes
Special Meeting: October 18, 2021
Zoom Teleconference

COMMISSIONERS:

Present: Annette Stewart (Chair), Stephanie Bailey, Phil King, Joe Morrison.

Absent: Dave Bernstein, Mark Trenary, Trish Tierney.

STAFF:

Community Development Director Nick Bond, Long Range Planner Keri Sallee, Associate Planner Jim Fisk, Assistant Planner Josie Rademacher.

CITY CONSULTANTS (FOR ITEM 2a):

Tom Beckwith, Beckwith Consulting Group

GUESTS (FOR ITEM 2b):

Greg Krabbe, McCormick Communities

Eric Campbell, McCormick Communities

1. CALL TO ORDER: Chair Stewart called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

2. BUSINESS ITEMS:

A. PRESENTATION: DRAFT PARKS AND RECREATION PLAN. Community Development Director Bond introduced the City’s consultant for the Parks and Recreation Plan: Tom Beckwith of Beckwith Consulting Group. Beckwith provided an overview for the public about the planning process that had been used to create the draft Parks and Recreation Plan through 6 main tasks: Updating demographics and inventories; Updating goals and strategies; Updating plan elements; Developing an implementation process; and publishing the Comprehensive Parks Plan. The update to demographics and inventories included an evaluation of population growth with age specific projections for 2050, correlating accurate recreation activity projections based on that data. Beckwith discussed how to improve gaps in park development by determining recreation resources available within a 5-minute walk and/or within 0.2 miles of residential areas in the City and outlining social equity data to be considered when improving these gaps in development. The process for determining current park, and organization utilization included a survey completed by 188 residents in early 2020. The survey provided insight to residents’ priorities for future parks in the City. Beckwith shared how the data collected from the survey can be completed in the City with a variety of proposals including waterfront access, trails, and open space. Beckwith determined the process for implementation for the projects including total development costs and funding required by the City. Additionally, he demonstrated ways in which the City could receive

money for these projects through a 20-year strategy of combining annual revenues in addition to current capital facility programs. Goals and policies have been created specifically for the Parks and Recreation Plan that are consistent with and implement the larger overall framework of the City's Comprehensive Plan. The public was invited to submit questions and comments to the City and consultant on the Parks and Recreation plan.

Wayne Wright in attendance with his wife, Kelly Wright, said that they live in McCormick Woods stated concerns about the connection of public and private trails in Port Orchard and the cost analysis associated with it. He further expressed concern that residents of the McCormick Woods HOA are upset with people from the public frequenting the private HOA parks without paying for them. Beckwith said that the only connection from the public to the private is through McCormick Woods and is what he understood to be publicly accessible. Wright further expressed concern for traffic in their neighborhood from people accessing the trails. Additionally, expressing that communication about improvements to the area with the HOA would be appreciated. Bond said that the intent of this connection is to connect residents of the McCormick communities to other areas of the city by bike or on foot. In addition, Bond said that one of the City's intentions in the Parks Plan is to have a more equitable distribution of facilities to alleviate the use of McCormick community's facilities, as it is one of the only areas to access this type of recreation currently. This would happen through the completion of proposed trails projects in other parts of the city. Wright expressed concern about traveling by bike or on foot along Old Clifton Rd. Bond said the Old Clifton corridor is already in the City's transportation plan as a grade separated pathway. It would be constructed not alongside the roadway, separated by a vegetative strip and at a different elevation than the roadway. Bond further stated that creating this facility is to ensure bicyclists don't have to use the travel lanes of Old Clifton Rd to commute. Bond said that the intent is to sync the parks plan to the transportation plan as it is already written. Wright expressed interest in knowing how these improvements are going to be laid out for the growing population in McCormick communities in the future.

- b. PRESENTATION: DRAFT MCCORMICK VILLAGE SUBAREA PLAN.** Community Development Director Bond introduced the McCormick Village Subarea draft plan. The city-initiated plan is in partnership with the property owner, McCormick Communities. In compliance with PSRC's Vision 2050 plan and KRCC's Countywide Planning Policies, the City is required to plan for centers that include certain projections and opportunities for housing and jobs. The proposed McCormick Village is an designated center in the City's comprehensive plan. The proposed neighborhood village was planned by Kitsap County before annexation. McCormick communities approached the City with concept plans in 2020. The City then began subarea planning in 2021. A survey was conducted to receive feedback on elements of the proposed project in May 2021. The results of the survey created the foundation for the overarching goals of the plan. Bond discussed the vision for the neighborhood core by sharing visuals that McCormick communities had gathered as inspiration for the project, including elements from other communities in the Puget Sound region, a proposed site plan, zoning changes, and additional housing types. Bond shared the implementation process for this plan that includes a new overlay district for McCormick Village, including changes to allowed building types, setbacks, design elements, and parking. The public was invited to submit questions and comments to the City on the McCormick Village Subarea Plan.

Wayne Wright in attendance with his wife, Kelly Wright, said that they live in McCormick Woods and expressed concern about the new housing types and traffic calculations associated with the new housing types. Bond said that assumptions for development are included in the City's transportation plan and further discussed improvements to Old Clifton Rd, including roundabouts to ease traffic in the area. Wright pointed out the reduction in commercial zoning in the new proposed zoning for the subarea and expressed interest in having those areas accessible in the community and inquired about why the area was reduced. Bond said that the reduction includes the need for a stormwater pond associated with the roundabouts and roadway improvements necessary on Old Clifton Rd. Bond said that the original zoning area was created following property lines before a boundary line adjustment was made resulting in a new commercial area, matching the new property lines. Additionally, Bond said that area was reduced to reflect buildable lands suitable for commercial development, based on the topography of the area as well as protecting natural areas as much as possible.

Kelly Wright expressed support on behalf of McCormick residents for expanding the golf cart zone and using golf carts as a form of transportation to access the proposed village. Bond said the City has discussed proposals for a parking lot for golf carts across from the village on the other side of Old Clifton Rd and expanding the golf cart zone to McCormick West. Additionally, Kelly Wright expressed great concern about the need for a new school in Port Orchard, especially on the west side of the city near the McCormick communities. Bond said that the City supports the expansion of schools, and with more voters in the city, he feels confident that a bond will be passed to help with the construction of a new school. Bond said that the City will do everything it can through policies and planning to help with the construction of a new school.

The next speaker, who identified herself only as Cari, expressed concern about the new development potentially lacking a tree border from Old Clifton Rd. and wanted more information about where the proposed bike lanes on Old Clifton Rd would go. Bond said there is intent to preserve the existing trees on Old Clifton Rd to the extent of a 40-60 ft. buffer. Additionally, Bond said that the City is establishing a tree canopy requirement for this new development requiring that trees are replaced to ensure long term tree canopy in the area. Bond said that the bike lanes for Old Clifton Rd will be designed by an engineer that the City is hiring soon and will extend from the roundabouts east to Anderson Hill as a graded 10-12 ft pathway. Cari asked if any improvements were planned off the exit from SR16 to access Old Clifton Rd. Bond said that there are not, but a way to access Old Clifton is by taking a right on to Tremont and using the roundabout to turn around. Bond further explained that the interchange is outside of city limits and is a WSDOT intersection with little room for further improvements based on the environment of the area.

Courtney Brooks expressed concern about an area off Feigley Rd near Gorst and being unable to safely take turns. Bond said that the area is a part of the unincorporated county and is not a part of the City's transportation plan, and has directed people who have expressed the same concern to the County's transportation department.

Tiffany Mitchell, in attendance with her husband Mitch Mitchell, said they live in the Eldon Trails area and wanted more information about habitat conservation for the project. Bond said that since

the project is within the city limits, it is required to follow the Growth Management Act (GMA), developing urban areas at a higher density and protecting critical areas, in contrast to rural areas with lower density and higher conservation of natural areas. Bond said that the project will do its best to preserve the current forested conditions in pockets and as a barrier along Old Clifton and Feigley Rd. Additionally, Bond stated that the development will take a two-prong approach, not only preserving existing trees where possible but requiring a landscape plan for the development that achieves a 25-30% tree canopy restoration within a certain period of time.

c. DISCUSSION: UPDATE TO POMC 20.170, FLOOD DAMAGE PREVENTION CODE.

Community Development Director Bond introduced the updates to the flood damage prevention code. The current code was last updated 5 years ago, and new FEMA maps have been created since, requiring an update to the code. The updated code was created with technical assistance from experts from the state at the Department of Ecology (DOE), and the City has been asked by the state to adopt the new code with updated information to bring it into compliance with federal and state regulations.

ADJOURN: Chair Stewart adjourned the meeting at 7:26 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: 11/2/2021
Subject: McCormick Urban Village	Prepared by: Nick Bond, Development
Subarea Plan	Director

Issue: At the October Planning Commission meeting, the Commission was introduced to the draft McCormick Woods Urban Village Subarea Plan. The City’s Comprehensive Plan Land Use Element directs the City to develop a subarea plan for the portion of the McCormick Woods master planned community known as the McCormick Woods Local Center (of which the Urban Village is a part). The intent of the local center, and the Subarea Plan, is to create a mixed-use area with residential and commercial uses, where residents have convenient and efficient access to goods and services with less reliance on automobile transportation.

To implement the Subarea Plan, the City proposes to create an overlay district with code provisions which promote the development of a compact urban neighborhood with a variety of housing types in a mix of buildings while accommodating a range of land uses within the McCormick Woods Urban Village. Several of the proposed provisions in the McCormick Village Overlay District are specific to this district:

- Building Types:

- Paseo Home: A series of small, typically detached, single story single-family residential buildings oriented around a shared courtyard perpendicular to the primary street. The units to the rear of the Lot, oriented perpendicular to the primary street, may be larger and attached. The rear building may accommodate residential uses, off-street parking and shared facilities space normally associated with detached houses such as laundry facilities or storage space.
- Forecourt Apartment: A courtyard apartment is a building type that accommodates at least six (6) multifamily dwellings in the primary building plus up to two (2) optional accessory dwellings above an associated detached garage structure served by an alley. Courtyard Forecourt apartments shall feature a central open forecourt as described in POMC 20.122.040 along the primary street meeting the minimum requirements of pedestrian-oriented space as described in POMC 20.127.350(4).

- Detached ADUs: An exemption is proposed from POMC 20.68.100(5), which currently requires that either the primary unit or the ADU be owner-occupied.

- Development Standards:

- All residential properties shall be provided vehicular access via an alley.
- Introduce minimum and maximum Lot areas based on individual building types.
- Introduce minimum and maximum Lot widths for specific building types.

- Create minimum and maximum setbacks to encourage structure siting relatively near the street frontage. Reduced setbacks engage pedestrians with surroundings and allows residents to have eyes on the street. Transforms the right-of-way into a social space.
- Height limitations for certain building types create a more pedestrian-oriented scale. In some instances, additional height may be necessary for certain building types to encourage denser development while reducing the required infrastructure to serve the same number of residents.
- Road Standards
 - Provide deviation criteria from the adopted Public Works Engineering Standards and Specifications street sections to allow roadway design which focuses on the pedestrian realm. The deviation process will provide the Public Works Department the ability either to approve or deny an alternative section which is not based solely on engineering judgement but allows quality of life impacts to be a consideration.
 - Provide sidewalks on both sides of street along all primary streets.
 - Provide informal efficient walking paths through the neighborhood which provide pedestrian connectivity between uses.
- Off-street Parking Standards
 - Significantly reduce off-street parking requirements based on building type.
 - Off-street parking will be capped at two off-street stall per residential unit regardless of the form of the residential building. Typically, buildings will need to provide at least one stall off-street.
- Significant Tree Retention
 - Provide alternative method to ensure tree canopy coverage over a given period instead of relying on the retention of existing trees.
- Design Standards
 - The MVOD may utilize additional design standards which are not otherwise required by POMC 20.127. For ease of use by staff and the public these design requirements may be included in the Building Type standard.

The Planning Commission is requested to open a public hearing on the draft Subarea Plan and development regulations for the corresponding McCormick Village Overlay District, take public testimony, and continue the hearing until the December 7, 2021, Planning Commission meeting. At the December 7 meeting, the public will have an additional opportunity to review the plan and overlay district regulations and provide testimony. The Planning Commission will be asked to provide a recommendation to the City Council on the Subarea Plan and overlay district regulations after the conclusion of the public hearing at the December 7 meeting.

Prior to the December meeting, the attached graphic illustration showing the urban village subarea will be added to the Plan. Road sections will also be included in the Plan, and several minor additions/corrections will be made. These final changes will be reviewed at the continued public hearing at the December 7 meeting.

Attachments: Draft McCormick Village Urban Subarea Plan; Draft McCormick Village Overlay District Regulations; Graphic Illustration of McCormick Urban Village



City of Port Orchard, WA

McCormick Village Subarea Plan

Draft: September 30, 2021

Acknowledgements

Mayor

Robert Putaansuu

City Council Members

Bek Ashby
John Clauson
Fred Chang
Cindy Lucarelli
Scott Diener
Jay Rosapepe
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Josie Rademacher, Assistant Planner

Consultant – Dahlin Design Group

(Graphics and renderings)

Andy McKay

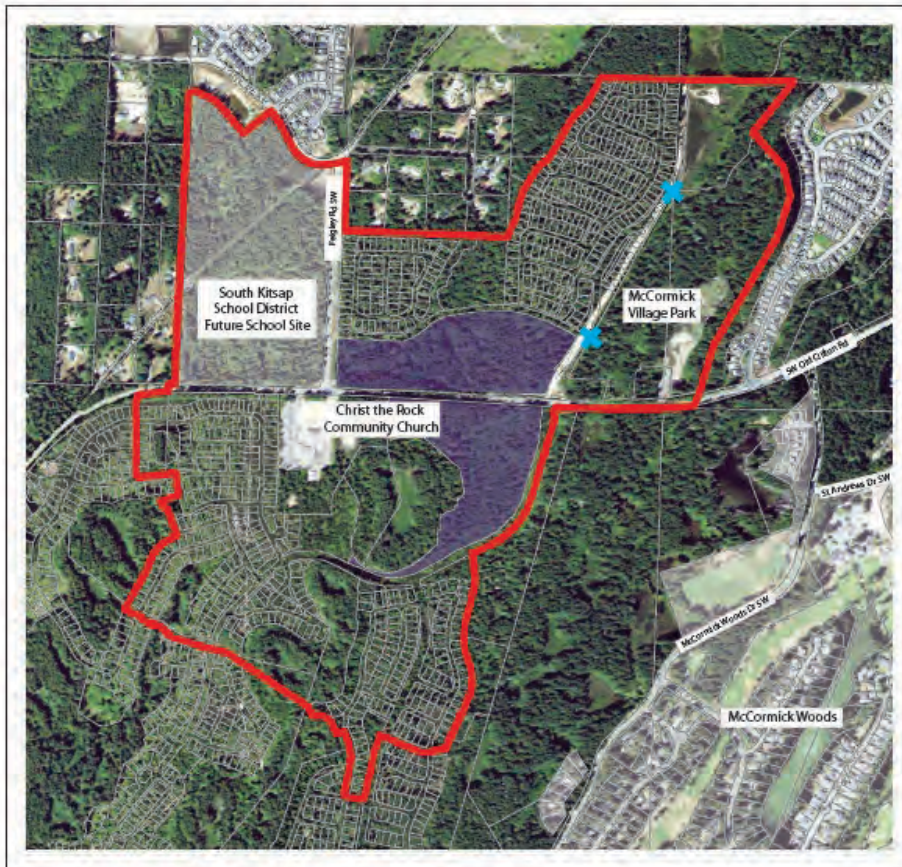
Chapter 1. Introduction.

1.1 Overview. In 2016, the City of Port Orchard completed its periodic update to the Comprehensive Plan. The 2016 Comprehensive Plan included for the first time, a “centers” approach to planning (See section 2.7 of the Port Orchard Comprehensive Plan). The centers approach to planning is provided in Vision 2050, the regional plan completed by the Puget Sound Regional Council (PSRC), and in the Countywide Planning Policies adopted by all jurisdictions in Kitsap County. In 2016, Port Orchard identified center locations, but did not have the resources to complete subarea plans for each center at that time, and instead identified goals for subarea planning to be completed in the future. This subarea plan is the result of that goal and aims to create a cohesive plan for the subarea plan boundary as depicted in Figure 1.

The greater McCormick area of Port Orchard was based on a master plan that dates to the early 1980s. A series of approvals and plans have been adopted and implemented since that time and numerous project phases have been constructed. In 2003 and prior to annexation into the City of Port Orchard, Kitsap County approved a subarea plan for the McCormick area (ULID6 Subarea Plan) that included a McCormick Village commercial core. In 2009, the City of Port Orchard annexed this area into the City and became responsible for implementing previous plans and approvals, but was not bound by the ULID6 Subarea Plan. The City provided commercial zoning consistent with the County’s 2003 plan but did not prepare any sort of coordinated master plan at that time. In 2015, the land and development approvals in the McCormick area were sold to new owners and those owners resumed development activity after several years of inactivity related to the great recession. The resumed development activity initially focused on single family residential areas. As of the end of 2020, more than 1,000 lots had been created and developed in the master plan area. Up to this point, the commercial village portion of the project has not been realized. This plan is intended to facilitate the permitting and build-out of the McCormick Village Neighborhood Core, including the commercial village as shown on Figure 2. The plan recognizes and refers to other previous but not yet constructed subdivisions (McCormick Woods, McCormick West, McCormick North); however, due to previous agreements and the vesting associated with those agreements, the plan is not intended to influence new development in those areas. Some previously entitled single family lots are shown in Figure 2.

The creation of this plan was a joint effort between McCormick Communities, LLC (the Developer) and the City of Port Orchard. McCormick Communities hired a consultant to develop conceptual plans for the subarea. After several iterations of this concept plan, the City agreed to consider the creation and adoption of a subarea plan to guide future development in the subarea. Early concepts fell short of the mark in terms of meeting the intent of existing City codes and policies. The preferred alternative met the intent of the City’s plans and policies and was sufficiently innovative to warrant consideration as an amendment to the City’s Comprehensive Plan.

Figure 1: The McCormick Village Subarea. The area outlined in red is the boundary of the subarea plan and the McCormick Village Center. The area shown in purple is the McCormick Village Neighborhood Core. Previously entitled but not yet recorded single family lots are shown in areas of McCormick Trails (McCormick West) and in McCormick Village (McCormick North).



McCormick Village Subarea



Figure 2. The Neighborhood Core Concept Plan. The preferred concept includes a neighborhood commercial core as was sought by the City's elected officials consistent with the original concept plans. Neighborhood connectivity and walkability were priorities for the concept as was providing a variety of housing types, especially missing middle housing types, consistent with the City's Comprehensive Plan. ***Note that the black and white drawing is the current layout, but it has not been colored in yet. The color drawing is older but conveys the concept better in terms of landscaping and hardscape. This graphic will be updated soon.**



1.2 Local Center. This plan is intended to show how the center will comply with the PSRC requirements for a local center. The center includes some existing development and entitlements in addition to the smaller neighborhood core which is unentitled. The neighborhood core (boundary shown on Figure 1 in purple) is a smaller portion of the center and is what is being “planned,” meaning that aside from a few existing development agreements, this area must go through a land use (subdivision) entitlement process. The areas outside of the subarea but within the center are within walking distance (approximately .25-.75 miles) of the commercial core and support the viability of the commercial core. These areas are not being “planned” at this time as the areas are not intended to change because of previously approved entitlements.

1.3 Public Outreach. In May 2021, the City of Port Orchard collaborated with the Developer to conduct public outreach. Initial outreach consisted of an online (Zoom) meeting with the Developer and the McCormick Woods HOA that was attended by more than 50 neighborhood residents. A similar meeting was held with the Planning

Commission on June 1, 2021. At the same time, the City conducted a survey of residents in the McCormick Woods communities that had very high levels of participation. In the community survey, the area residents provided very clear direction (see Appendix B). This feedback has been synthesized into a list of goals for the subarea plan as follows:

1. Provide opportunities to shop, dine, meet, and gather.
2. Support the development of an assortment of businesses with an emphasis on restaurants and bars, coffee shops, retail, and grocery uses.
3. Ensure that the commercial village is small scale, containing approximately 10-20 storefronts and 20,000+/- square feet of commercial space.
4. Connect the commercial village to surrounding neighborhoods with trails, sidewalks, and bike lanes.
5. Ensure that the commercial village is designed and landscaped to fit into its natural surroundings.
6. Utilize green building techniques and materials in the commercial village.
7. Provide small plazas, outdoor gathering spaces, and opportunities for outdoor dining in the commercial village.
8. Ensure that the urban village is pedestrian oriented with streetscape amenities such as pedestrian scale lighting, benches, landscaping, and street trees, and ensure that sidewalk and trail connections are provided to adjacent existing and future neighborhoods.
9. Protect streams and wetlands and their buffers.
10. Preserve existing trees where possible and ensure the establishment of long-term tree canopy throughout the subarea.
11. Provide pocket parks to supplement the amenities provided at McCormick Village Park.
12. Design the commercial village to complement the future western entrance to McCormick Village Park as envisioned in the McCormick Village Park Master Plan.
13. Ensure that Old Clifton Road is improved as a multi-modal corridor, providing connections to McCormick Woods, the Ridge, McCormick Meadows, and McCormick West, accommodating non-motorized users, and improving safety and accessibility.
14. Work with Kitsap Transit to provide transit service to this area.
15. Ensure that adequate parking is provided to serve the commercial core.
16. Continue to support and partner with the South Kitsap School District to develop the schools at the site to the northwest of Feigley Road and Old Clifton Road.

Chapter 2. Vision and Preferred Alternative.

2.1 Vision. The McCormick Village subarea is a thriving and attractive walkable neighborhood providing an assortment of goods and services, a variety of housing types, and convenient access to employment via Kitsap

Transit and its proximity to SR-16 and SR-160. Residents within the subarea and surrounding neighborhoods can reach a new commercial district containing shops, restaurants, and other businesses, as well the future school sites to the northwest of the intersection of Old Clifton Road and Feigley Road, using a robust network of sidewalks, trails, and bike lanes that connect throughout the subarea and to adjacent neighborhoods.

The McCormick Village Subarea commercial core consists of walkable shopfronts along a new woonerf street, which is a street designed for low vehicle speeds where vehicles and pedestrians share the travel way). The commercial core is located adjacent to a new western entrance to McCormick Village Park which serves as an anchor to the commercial district. Natural environmental features are protected, and parks and recreation amenities are provided in and around the subarea. The landscaping installed within the subarea is extensive and has been designed to be an extension of the surrounding forests and to make extensive use of native trees and plants. This landscape is complemented by a mix of classic and modern Northwest architecture, defined by an extensive use of natural materials and finishes.

Figure 3. An example of a proposed woonerf street.



The residential portion of the subarea is compact and walkable. Primary residential access streets have sidewalks separated by landscape strips while secondary local access streets are shared residential woonerfs. Vehicle access to housing units is via alleys to the maximum extent possible, to ensure continuous uninterrupted on-street parking and attractive facades dominated by windows and front porches.

2.2 Preferred Alternative. The preferred alternative (see Figure 2) visually depicts development that is consistent with the vision described in Section 2.1.

Figure 4. The following graphic is a rendering of the east portions of the neighborhood core viewed from the north. The commercial areas is located on the left side of the rendering.



2.3 Center Designation. Local Center.

The McCormick Village Center is currently designated as a local center as described in the PSRC Regional Centers Framework. As a designated local center, the McCormick Village Center is an active crossroads in Port Orchard that is a gathering place, community hub, and focal point for services. It is likely that this local center will grow to become a countywide center under the Framework. However, the center currently does not have the requirements of an existing activity unit density of 10 units per acre and a minimum mix of uses including at least 20% housing and 20% employment. As planned, the subarea:

1. Will include an estimated include 1,646 activity units (jobs plus housing units) at roughly 5 activity units per acre; and
2. Will provide a mix of residential and employment uses. The center is planned to consist of 77% residential and 23% commercial at full buildout; and
3. Has capacity for additional growth. The center has capacity for an estimated 3,200 additional persons and 361 additional permanent jobs at full buildout; and
4. The center is supported by multimodal transportation (including pedestrian, bicycle, transit (planned), and automobile).

Chapter 3. Land Use

3.1 Introduction. The McCormick Village subarea measures 378 acres in land area. This area includes the 40-acre McCormick Village Park, the 57-acre future South Kitsap School District school site, and a 5-acre church property. The remaining 276 areas are public right of way (ROW), and land controlled by McCormick Communities which has previously been approved for development or is intended for development. Additionally, there are several areas of wetlands and the headwaters of Anderson Creek, all of which are

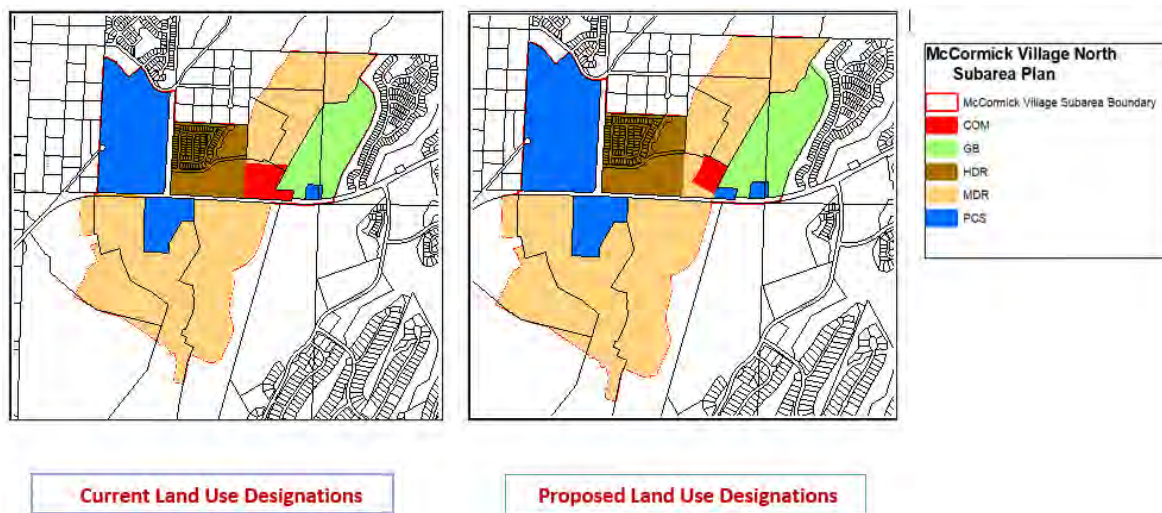
protected critical areas and are off limits to development.

To facilitate development of the Neighborhood Core as shown in Figure 2, amendments to the City's land use map and development regulations are required. These amendments include:

1. Amending the land use map in the Comprehensive Plan.
2. Amending the official City zoning map.
3. Creating an overlay district to allow for deviations from the City's development regulations and public works road standards.

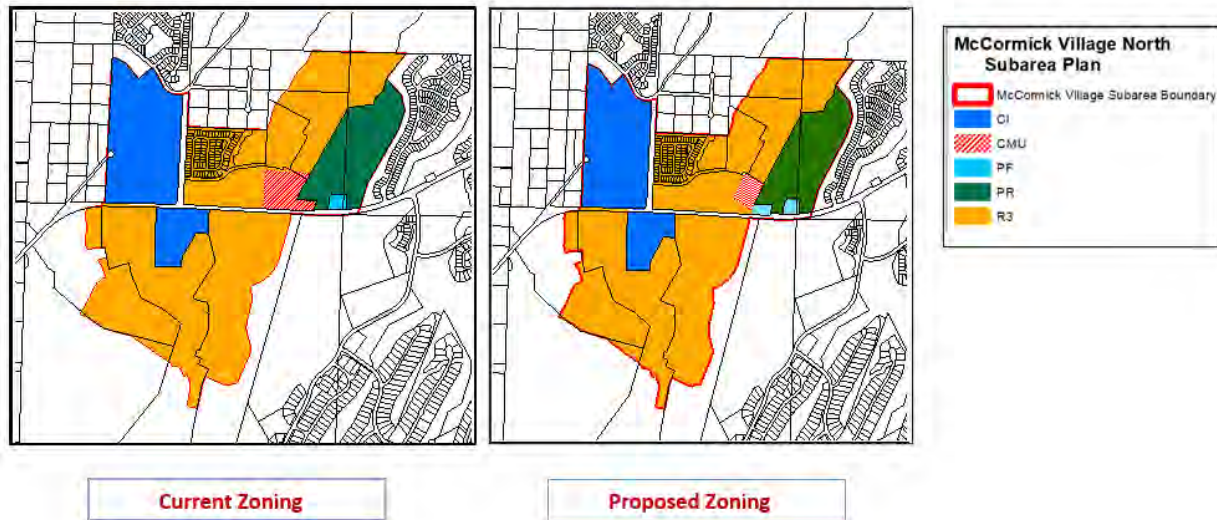
The Land Use Map in the Comprehensive Plan is being amended to refine the commercial area locations within the subarea to correspond to the development concept shown in figure 2. The existing and proposed land use map designations are shown in figure 5 below:

Figure 5. Land use designations before and after subarea plan adoption.



The Zoning Map as adopted in POMC 20.31 is being amended to refine the commercial area locations within the subarea to correspond to the development concept shown in figure 2. The existing and proposed zoning designations are shown in figure 6 below:

Figure 6. Zoning before and after subarea plan adoption.



A McCormick Village Overlay District is proposed as shown in Appendix A. This overlay district seeks to allow several deviations to the City’s current standards and include the following:

1. Road Standards.
2. ADU Owner Occupancy Standards.
3. Building Types.
4. Significant Tree/Tree Canopy Standard.
5. Land Uses.
6. Development Standards.
7. Lot and road layout.
8. Off-street parking.
9. Design Standards.
10. Minimum ground floor elevation.

3.2 Population and Employment.

As of the end of 2020, the McCormick Urban Village Center contained a regional park and a church, no homes, and only a few jobs. Development of the first housing units in the subarea began in 2021 and is accelerating rapidly. McCormick Communities desires to begin development of the Neighborhood Core in 2022.

Based on existing entitlements and the plans shown in Figure 2, when developed the subarea is expected to contain 1,271 housing units and 375 jobs. Planned jobs and housing are shown in Table 1 below. The actual amount of development may vary from the estimate below.

Planning Area	Jobs	Housing Units
McCormick Village Commercial Core	67	0
McCormick Village Core	0	388
McCormick Village SF Areas (north of SW Yarrow Street)	0	322
McCormick Trails SF Areas	0	361
McCormick Trails MF	3	200
Future School Site	275	0
Fire Station	10	0
Church	20	0
Total	375	1271
Percent Job/Housing	23%	77%

3.3 Land Use Goals for the Urban Village Subarea (these goals are in addition to existing goals found in other sections of the Comprehensive Plan):

Goal MVLU-1: Implement the McCormick Urban Village Subarea Concept Plan as shown in Figure 2.

Policy MVLU-1: Allow uses, building types, and site design consistent with Figure 2 in the McCormick Urban Village Subarea Overlay District.

Goal MVLU-2: Encourage the development of a McCormick Urban Village Central Business District along a new woonerf street accessed via Campus Parkway.

Policy MVLU-2: Provide storefront uses on the ground floor in the form of a “Main Street” along a woonerf street as shown in Figures 2 and 3. Regulations for the McCormick Urban Village Overlay District shall ensure that buildings line the new woonerf street without landscape setbacks and with pedestrian entrances oriented towards the street.

Figure 7: Block Frontage Map for McCormick Urban Village. **Minor revisions to this graphic possible.**



Policy MVLU-3: Require a build-to-zone along the storefront area shown in Figure 7 in accordance with the CMU zoning designations, as shown on the Zoning Map (Figure 5) but provide exceptions for public plazas significant street corners.

Goal MVLU-4: Ensure that development in the McCormick Urban Village is attractive and provides variety and visual interest.

Policy MVLU-4: Designate high visibility street corners, as defined in the City’s design guidelines (POMC 20.127.250) in strategic locations along the new woonerf street and establish requirements in these locations to accentuate building or plaza design with special design features.

Policy MVLU-5: Require façade articulation when any proposed building exceeds 120 feet in length.

Policy MVLU-6: Ensure that there is at least 60% facade transparency on the ground floor of single-story shopfront and mixed-use shopfront buildings with a façade facing a woonerf street.

Chapter 4. Housing.

4.1 Introduction. Home construction within the subarea plan boundary commenced in 2021 for areas previously entitled. As indicated in the Land Use chapter, the subarea is planned to include 1,271 housing units at full buildout. According to the Washington State Office of Financial Management, multifamily projects containing 5 or more units in Port Orchard contain on average 2.09 persons per household, whereas detached houses contain 2.68 persons per household. Based on these persons per household estimates, the center should house about 3,200 residents at full buildout.

4.2 Goals and Policies. (Additional goals and policies beyond those already in the Comprehensive Plan)

Goal MVH-1: Provide for a mix of housing types, including but not limited to detached houses, backyard cottages, duplexes, attached houses, cottage courts, four-plexes, townhomes, and apartments.

Policy MVH-1: Ensure that the development regulations allow the development of the building types described in Goal H-1, pursuant to the Zoning Map in Figure XX.

Goal MVH-2: Provide owner-occupied and/or rental housing serving a mix of income levels.

Policy MVH-2: Offer 12-year multifamily tax exemptions throughout the subarea in support of affordable housing.

Chapter 5 Economic Development.

5.1 Introduction. The McCormick Urban Village subarea is currently mostly undeveloped. Employment opportunities within the subarea will include the existing City Park, the McCormick Woods HOA, the existing church, a future fire station, the future school sites, home businesses, and temporary construction jobs related to the buildout of the subarea. The employment assumption for new commercial square footage in the center is 1 job per 300 square feet, as the expected uses would be retail, restaurant, and bars, which have a higher number of jobs per square foot of space compared other commercial uses. Approximately 20,000 square feet of commercial space is planned within the neighborhood core. It is expected that future schools and a new fire station located in the center would employ approximately 285 people. The total expected employment for the center at buildout is 375 jobs, excluding home businesses.

The McCormick Village Plan envisions the establishment of a new central business district adjacent to Campus Parkway along a new woonerf street. This new central business district is intended to take the form of a “Main Street” with shopfronts on the ground floor abutting this new woonerf, featuring wide sidewalks and a shared street. Parking is to be provided on-street along the woonerf, with supplemental parking behind or below these shopfronts, or as on-street parking in the planned neighborhood. It is critical to the success of a new business district to ensure that there are enough dwellings within walking distance to support these businesses. This will lower parking demands and increase activity in the area. Ultimately, this commercial district will be supported by a full center buildout of 1,271 housing units containing approximately 3,200 residents. Other residential areas just beyond the center boundary, along with nonmotorized improvements, transit, on- and off-street parking, gathering spaces, McCormick Village Park, and an active streetscape will all contribute to a vibrant business district.

5.2 Goals and Policies.

Goal MVED-1: Provide zoning for ground floor shopfront development and retail, service, restaurant, and other compatible uses along a new woonerf street.

Policy MVED-1. Require ground floor shopfront development along a new woonerf street running perpendicular to Campus Parkway, through either single-story shopfront or mixed-use shopfront building types.

Policy MVED-2. Allow residential uses above shopfront development where shopfront development is required.

Policy MVED-3. Allow urban plazas in areas where shopfront development is required.

Goal MVED-2: Ensure that uses which are not compatible with building a walkable neighborhood center are

prohibited.

Policy MVED-4. Prohibit drive through businesses, gas stations, storage facilities, or other commercial uses that are unlikely to contribute to a walkable neighborhood center.

Chapter 6 Parks.

6.1 Introduction. It is critical to consider the availability of parks and recreational amenities when planning countywide centers. Parks provide a gathering place for neighborhood residents, and recreational facilities contribute to public health and provide connections within the neighborhood. In 2016, the City completed construction on phase 2 of the McCormick Village Park, a regional park adjacent to the neighborhood core. This park will continue to function as a center piece for the neighborhood and will be complemented by the new neighborhood core.

The preferred alternative includes multiple pocket parks to be constructed within the subarea. These pocket parks and plazas are consistent with existing city code requirements for usable open space associated with multifamily development. [insert parks map]

Goal MVP-1: Encourage the development of new pocket parks throughout the neighborhood.

Policy MVP-1: Allow public pocket parks to satisfy the requirements of POMC 20.127.350 for all development in the subarea.

Goal MVP-2: Encourage the development of public plazas and other gathering spaces in the commercial neighborhood core.

Policy MVP-2: Designate significant street corners on the block frontage standard maps as shown in Figure XX, to encourage the development of public gathering spaces in the central business district.

Goal MVP-3: Provide public and private sidewalks, pathways, and bike lanes within the center.

Policy MVP-3: Provide bicycle lanes on Old Clifton Road through the center.

Policy MVP-4: Ensure that sidewalks are constructed along all public and private roads within the center.

Chapter 7 Utilities.

7.1 Introduction. The McCormick Woods subarea and center is served by City of Port Orchard water, City of Bremerton water, City of Port Orchard sanitary sewer and stormwater, Puget Sound Energy (electric and gas), Xfinity, Wave, Century Link, and KPUD (cable, phone, and/or internet). In terms of the utility services provided by the City of Port Orchard, some upgrades to the City of Port Orchard and City of Bremerton water systems are needed in support of subarea development. Developers should coordinate with the City of Bremerton for water system requirements. In the City of Port Orchard, additional water storage (the 660 reservoir) and wells 11 and 12 are needed to support the buildout of the subarea and center.

[insert water system boundary map and location of projects]

Goal MVU-1: Ensure that adequate fire flow is available to support development in the McCormick Urban Village subarea.

Policy MVU-1: Provide employment and population assumptions for the subarea to the City of Bremerton for inclusion in the next Bremerton water system plan update.

Goal MVU-2: Ensure that adequate stormwater facilities exist to serve the public streets and sidewalks in the McCormick Village Center.

Policy MVU-2: Build low impact development (LID) stormwater facilities within the center where practical, to manage stormwater created by new public and private streets.



Figure 8: Low Impact Development Stormwater Management Techniques Incorporated into Street Design. This sort of design is encouraged in the McCormick Village Subarea.

Goal MVU-3: Ensure that telecommunication facilities are adequate to support 21st century users.

Policy MVU-3: Ensure that KPUD has access to trenches as roads and utilities are installed.

Policy MVU-4: Provide for integration of 5G wireless facilities in the streetscape in the subarea.

Chapter 8 Transportation.

8.1 Introduction. The McCormick Village Subarea is established along the Old Clifton Road corridor between

Campus Parkway and Feigley Road. The Old Clifton corridor provides an important link between SR-16 and SR-3 and allows some motorists to bypass congestion in Gorst. At the present time, Kitsap Transit does not provide bus service in the area, but with future development this could change. Kitsap Transit plans for future transit service once an area has grown enough to justify deployment of that service.

Old Clifton Road is identified as a Collector A street according to the City's street classifications. Pursuant to the City's Public Works and Engineering Standards, Old Clifton Road is planned to be improved as a complete street through the center, although pedestrian connectivity could be rerouted to parallel road networks through some sections, including through the subarea.

To achieve countywide center requirements, several road sections specific to the subarea have been created to improve walkability. These sections applicable in the center provide widened sidewalks, bicycle lanes, and low impact development landscape treatments. The woonerf section in the "Main Street" core of the center is designed to slow traffic, facilitating a safe walking and shopping environment as well as on-street parking. Finally, nearly all residential development in the subarea is served by alleys to ensure an attractive streetscape that encourages walking. The subarea road section drawings are shown in Figures XX, XX, and XX.

Figure 9: Main Collector
[insert figure]

Figure 10: Secondary Collector
[insert figure]

Figure 11: Village Lane
[insert figure]

Figure 12: Woonerf
[insert figure]

Figure 13: Alley
[insert figure]

Figure 14: Location of Road Sections
[Insert Figure]

The development of the McCormick properties are subject to a development agreement for transportation, approved on February 9, 2021. This agreement has provided concurrency approval and limits the extent of any offsite transportation improvements that might be required. However, since some portions of the subarea remains unentitled, the contents of this plan related to onsite transportation improvements would apply to future development.

Goal MVT-1: Develop local access roads in the subarea in accordance with Figures XX, XX, and XX above. Serve the central neighborhood core with a woonerf street. Provide vehicular parking for most residential units via alleys.

Policy MVT-1: Provide pedestrian crossings at regular intervals on local access streets through the subarea.

Policy MVT-2: Provide on street parking on most local access streets within the subarea.

Policy MVT-3: Design roads in the subarea to encourage reduced vehicle speed and increased pedestrian safety.

Policy MVT-4: Integrate urban low impact development stormwater management features in roadway designs, including landscaped infiltration galleries between on-street parking lanes and sidewalks. Ensure that infiltration galleries allow ample opportunities for access between parking areas and sidewalks. (See Figure XX.)

Goal MVT-2: Provide connectivity between the subarea and McCormick West, McCormick Woods, McCormick North, McCormick Village Park, the future school sites on Feigley, and other destinations within the western portions of Port Orchard.

Policy MVT-5: The City should develop a corridor plan for Old Clifton Road from Anderson Hill Road to the western City limits (west of Feigley).

Goal MVT-3: Provide for flexibility in parking quantity standards.

Policy MVT-6: Include alternative parking ratios in the overlay district as it applies to the commercial core to recognize the peak parking demands of all uses and the ability for on-street parking to be shared between residential and non-residential uses.

Policy MVT-7: Expand the McCormick Woods Golf Cart zone in areas south of Old Clifton Road.

Goal MVT-4: Encourage the development of storefronts along a new woonerf street as shown in Figure XX.

Policy MVT-8: Designate a new woonerf street as “storefront block frontage” in the city’s design standards (POMC 20.127) and require a build-to-zone along this frontage.

Policy MVT-9: Remove block frontage standards in other areas of the subarea.

Goal MVT-5: Support the establishment of transit service in the subarea and center.

Policy MVT-10: Require the installation of transit pads during permitting and construction in consultation with Kitsap Transit.

Goal MVT-6: Support bicycle infrastructure and provide bicycle amenities in the subarea.

Policy MVT-11: Provide bike lanes or grade separated pathways running east/west and north/south through the subarea.

Policy MVT-12: Ensure that bicycle parking is provided in the subarea consistent with POMC 20.124.

Goal MVT-7: Provide pedestrian infrastructure throughout the subarea.

Policy MVT-13: Ensure that existing and proposed streets in the subarea are constructed with sidewalks on both sides of the street except for woonerfs and alleys and include landscape strips to provide pedestrian vehicle separation.

Policy MVT-14: Provide pedestrian connectivity throughout the subarea.

Goal MVT-8: Provide safe multimodal access to the future school site on Feigley Road.

Policy MVT-20: Ensure that sidewalks are provided between the subarea and the future school site on Feigley. Consider adding pedestrian crossings at SW Yarrow Street and Feigley Road when the school develops.

Goal MVT-9: Ensure that new electrical service is installed underground within the subarea.

Policy MVT-21: Undergrounding of powerline distribution and service should be required through the subarea.

Appendix A:

McCormick Village Survey Results (375 total responses)

1. On a scale of 1-5, how important are the following to you concerning commercial development in the McCormick Urban Village Center?

- a) The McCormick Urban Village provides opportunities to shop, dine, meet, and gather.
373 Responses; 59.5% (5) Very Important.

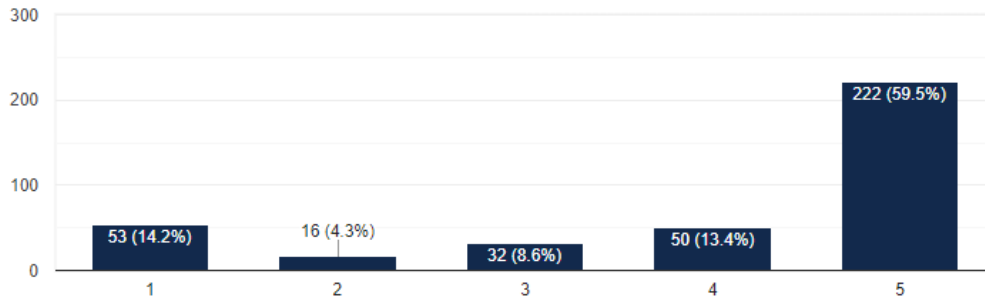
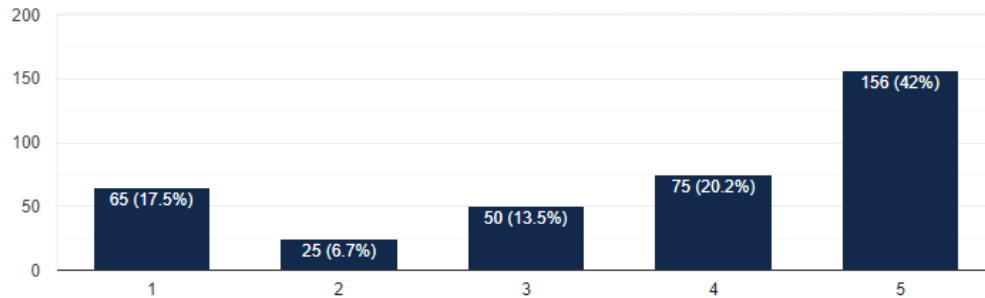


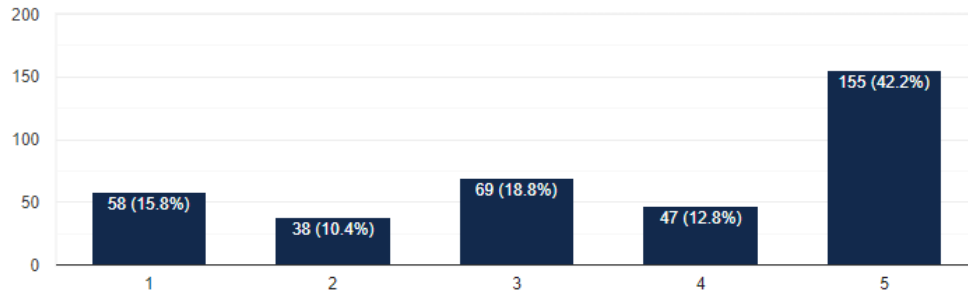
Figure 1: Graph showing results from 1(a).

- b) The McCormick Urban Village contains an assortment of businesses.
371 responses; 42% (5) Very Important.



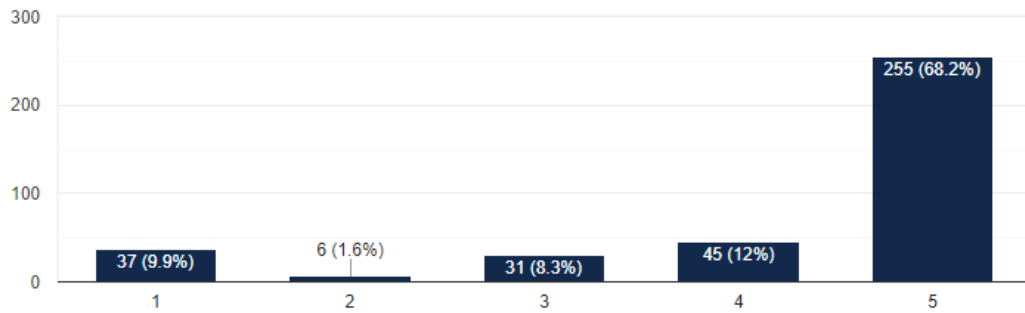
- c) The commercial portion of the McCormick Urban Village is small scale. (Small scale: an area that contains 10-20 commercial storefronts and approximately 20,000 square feet total. For reference, a typical grocery store is approximately 40,000 sq. ft. and typical supercenter is 100,000 sq. ft or more.)

367 Responses; 42.2% (5) Very Important.



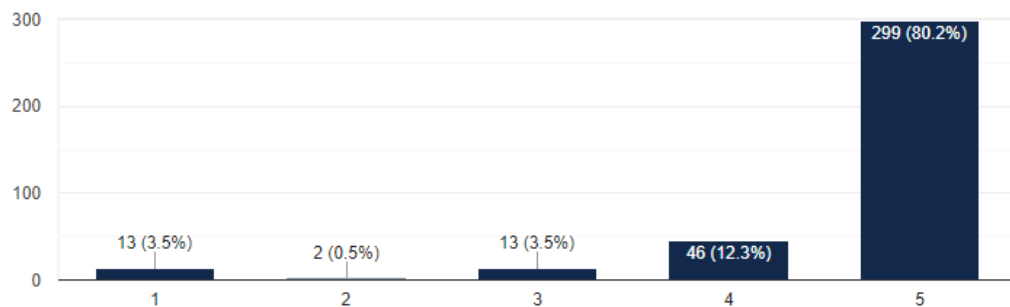
- d) The McCormick Urban Village is connected to the surrounding and existing residential areas by trails, sidewalks, and bike lanes.

374 Responses; 68.2% (5) Very Important.

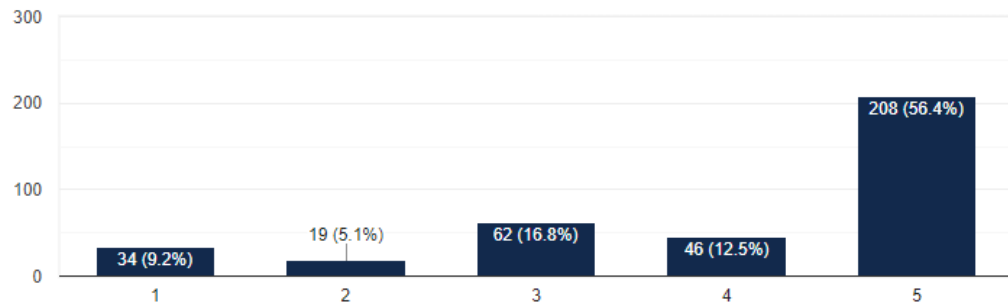


- e) The McCormick Urban Village fits into its natural surroundings.

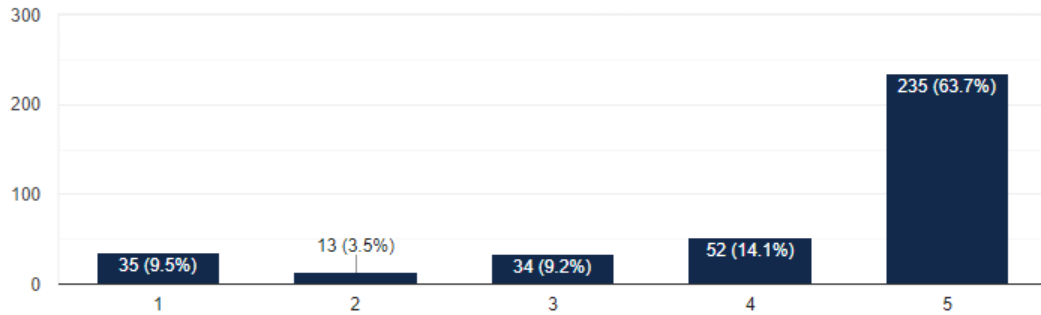
373 Responses; 80.2% (5) Very Important.



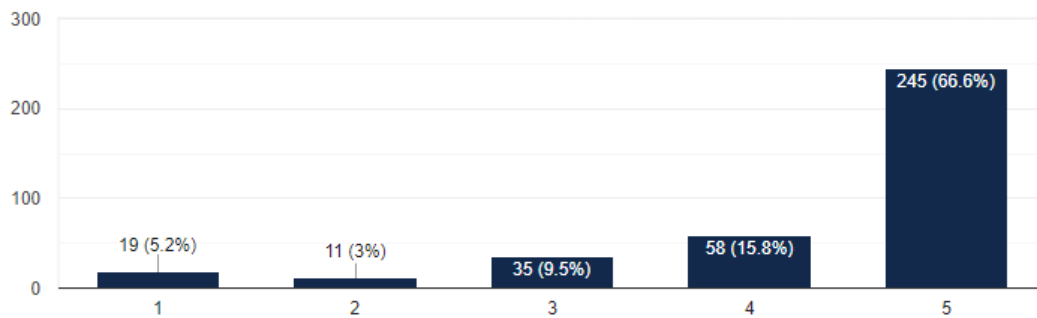
- f) The McCormick Urban Village utilizes green building techniques and materials.
369 Responses; 56.4% (5) Very Important.



- g) The McCormick Urban Village includes small plazas, outdoor gathering spaces, and opportunities for outdoor dining.
369 Responses; 63.7% (5) Very Important.

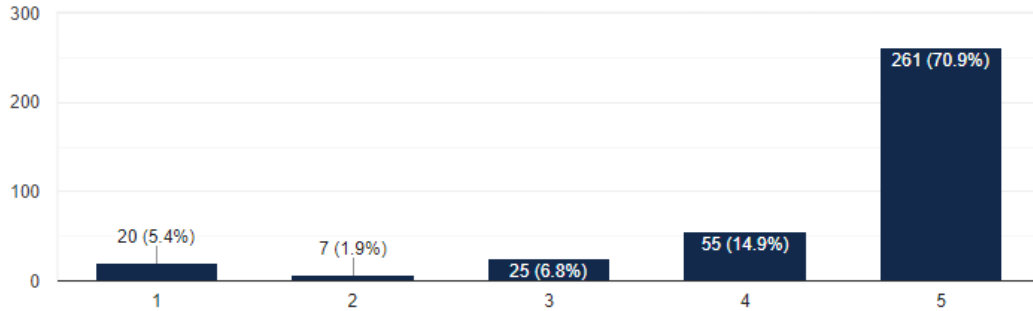


- h) The McCormick Urban Village is pedestrian oriented.
368 Responses; 66.6% (5) Very Important.



- i) The McCormick Urban Village is built with streetscape amenities as pedestrian scale lighting, benches, landscaping, and street trees.

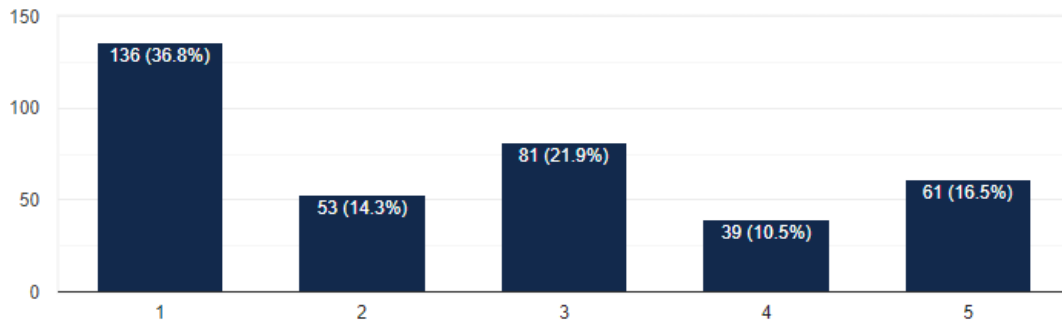
368 Responses; 70.9% (5) Very Important.



2. On a scale of 1-5, with 5 being the most important, how important are the following to you concerning future residential development in the McCormick Urban Village?

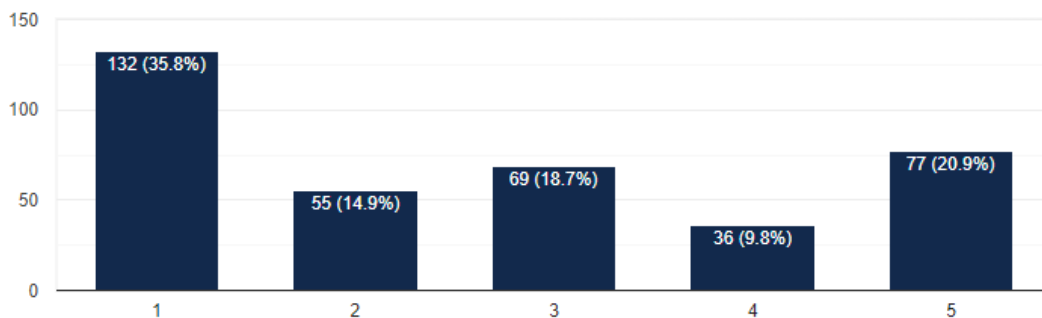
- a) There is a wide variety of housing options in the McCormick Urban Village, such as apartments, single-family homes, townhomes, etc.

370 Responses; 36.8% (1) Not Important.

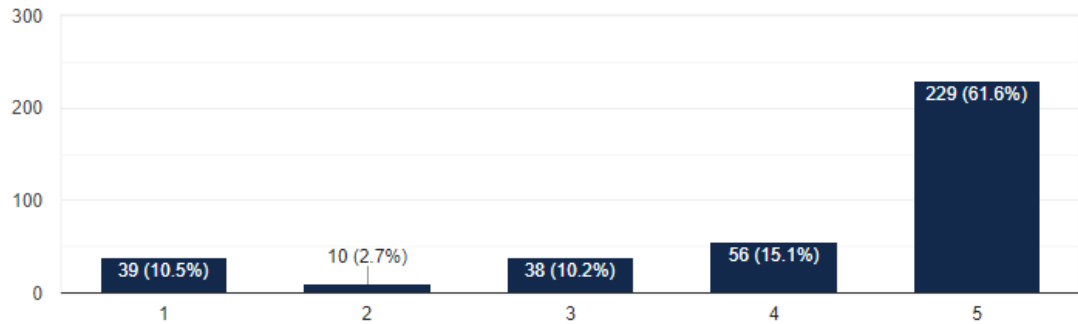


- b) There is housing in the McCormick Urban Village Center that is available to a wide variety of income levels.

369 Responses; 35.8% (1) Not Important.

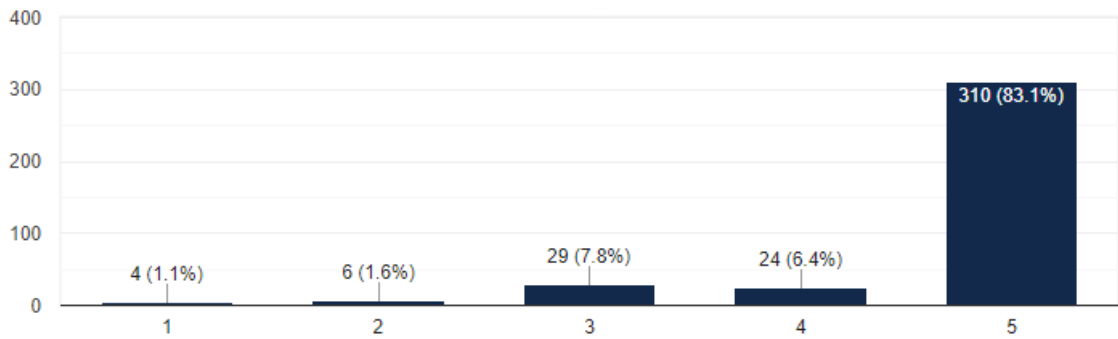


- c) The McCormick Urban Village Center provides sidewalks and/or trail connections within the center and connecting to existing neighborhoods and recreational opportunities.
372 Responses; 61.6% (5) Very Important.

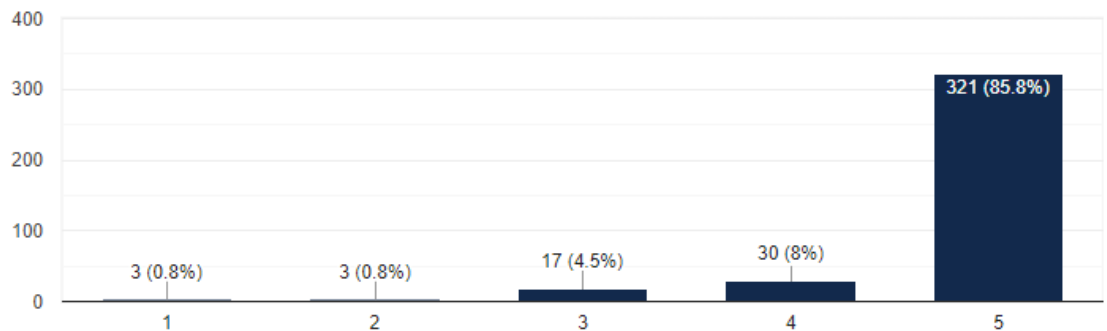


3. On a scale of 1-5, how important are the following to you concerning public space, natural areas, and parks in the McCormick Village Neighborhood?

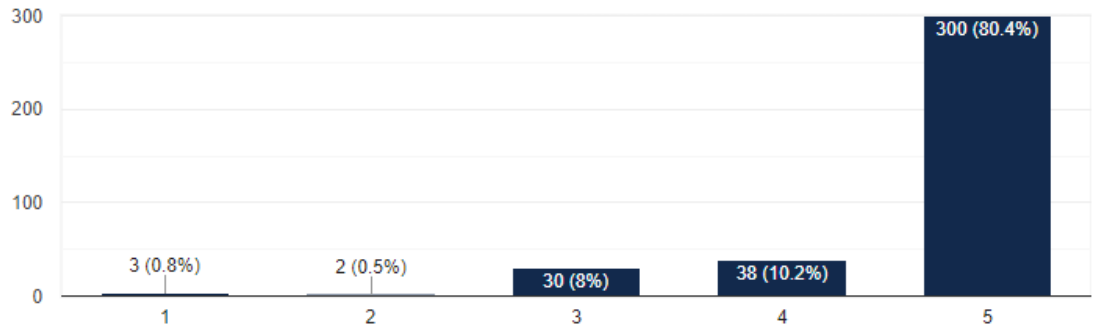
- a) Wetlands and streams and their buffers are protected.
373 Responses; 83.1% (5) Very Important.



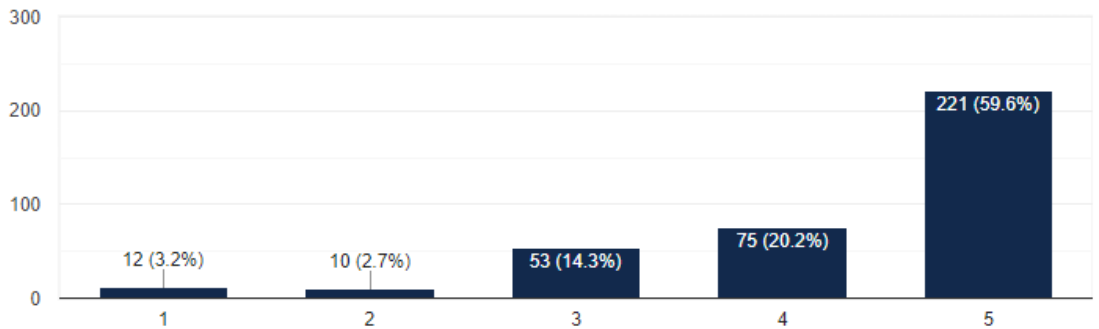
- b) The neighborhood preserves existing trees where possible.
375 Responses; 85.8% (5) Very Important.



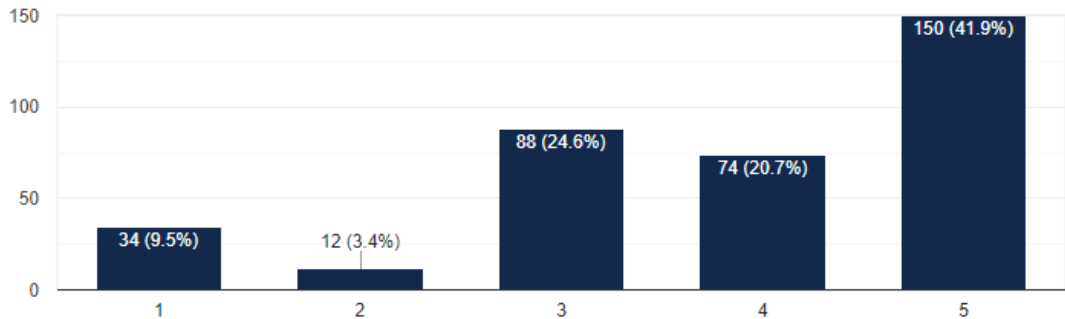
- c) The neighborhood plans to ensure long term tree canopy creation.
373 Responses; 80.4% (5) Very Important.



- d) Small scale pocket parks are provided to supplement the amenities and recreational opportunities provided in McCormick Village Park.
371 Responses; 59.6% (5) Very Important.

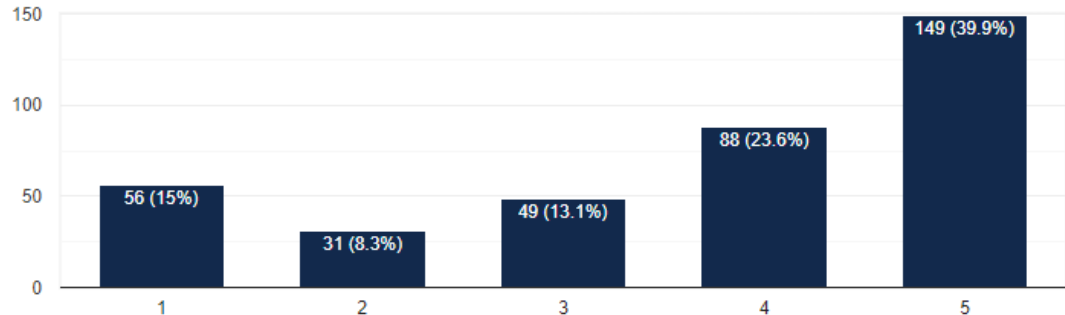


- e) Additional access and amenities are provided for McCormick Village Park. As described in the 2010 McCormick Village Park long-range plan, these amenities included the creation of western entrances to the park from Campus Parkway.
358 Responses; 41.9% (5) Very Important.



4. If a new business district is established, with ground-floor shopfronts, street parking, and pedestrian connections, how likely would you be to walk or bike to local shopping opportunities?

373 Responses; 39.9% (5) Very Important.



5. Which of the following commercial uses should be allowed in the McCormick Urban Village Center?

359 Responses; Top results in order: Restaurants, Coffee Shops, and Bars (78.6%), Small Scale Grocery Store (45.7%), and Retail Establishments (28.4%).

6. What concerns do you have about the development of a McCormick Urban Village Center?

288 Responses; Responses consistently addressed the following:

- Transportation:
 - Traffic. Current condition and physical infrastructure of Old Clifton Rd concerns not being suitable for the existing development; Looking for improvements to the infrastructure of the road (i.e. visibility, bike lanes, road expansion, sidewalks, etc.)
 - Availability of parking.
 - Better access to Kitsap transit in the area.
- Need for conservation of trees and wildlife and natural habitat protection. Fear of displacement of wild animals and loss of natural lands.
- Lack of schooling to the area and school overcrowding. Requests for schools in the area.
- Design aesthetics of the new proposed area and quality of new development. Requests for community focused development.
- Concerns of the size of the proposed development.
- Concerns about different housing types and varied incomes.

7. What other community amenities or ideas should be incorporated into a plan for the McCormick Village Neighborhood's future development?

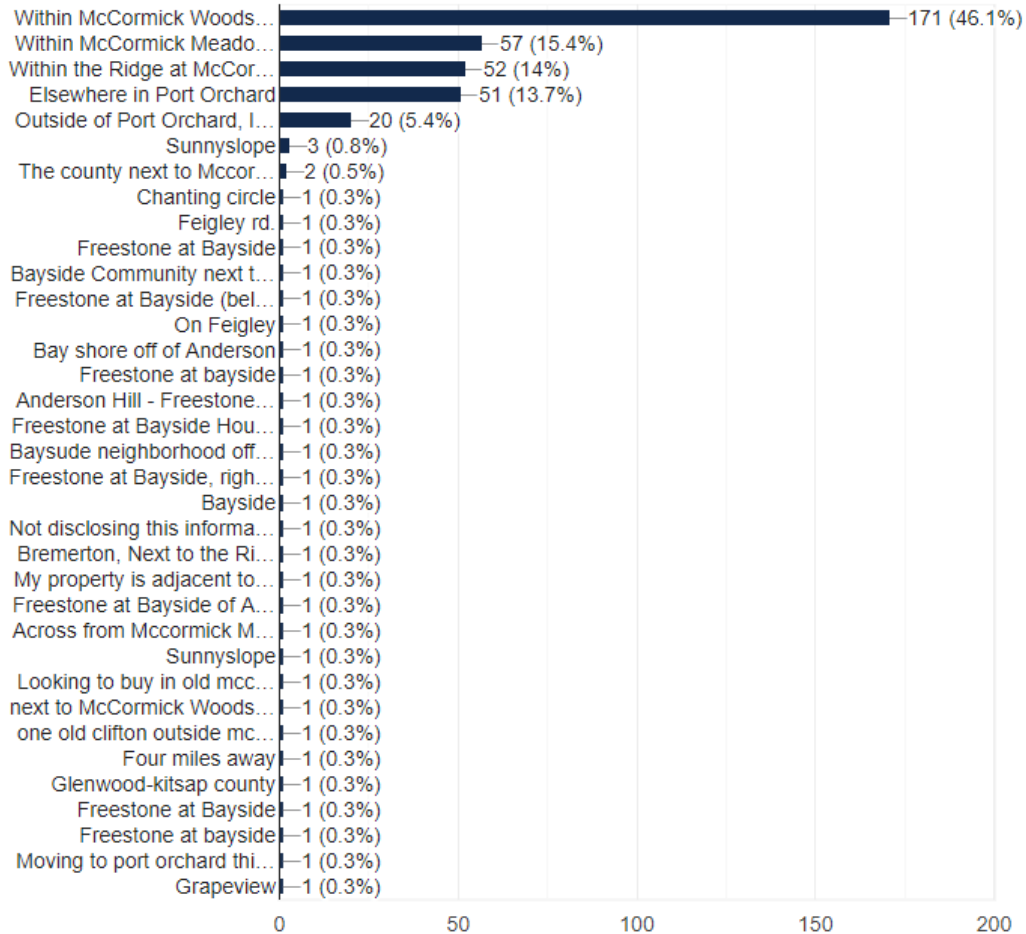
212 Responses; Responses summarized are as followed:

- Recreation center, community center, event center, activity space for families and kids (i.e. pool, entertainment space, rock climbing, etc.)
- Small scale community market, or specialized grocery store.

- Coffee shops, and restaurants.
- Schools.
- Protected and obvious bike lanes.
- Protection of natural spaces.

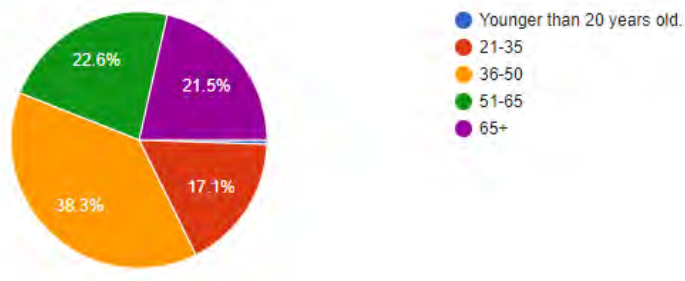
8. Where do you live?

371 Responses.



9. What is your age?

368 Responses.



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20.38.200 McCormick Village Overlay District (MVOD) boundary.

A McCormick Village Overlay District (MVOD) is hereby established within the neighborhood core of the McCormick Village subarea as illustrated in Figure 20.38.200.

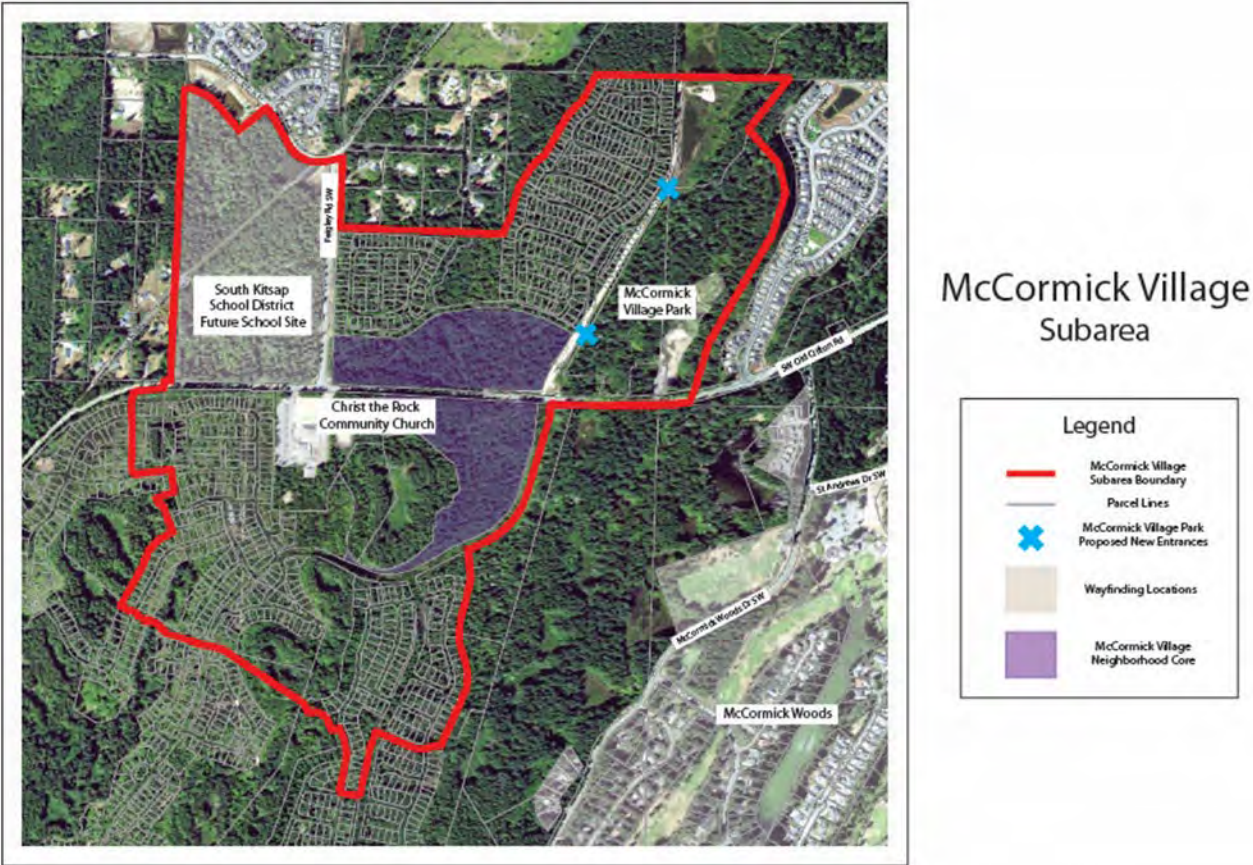


Figure 20.38.200: The MVOD Boundary

20.38.205 Purpose.

The purpose of the McCormick Village Overlay District (MVOD) is to implement the McCormick Urban Village Subarea Plan and enable compact, walkable urban development within the subarea’s neighborhood core.

20.38.210 Applicability.

The standards of the MVOD shall apply to lands within the MVOD neighborhood core boundary as shown in POMC Figure 20.38.200.

20.38.215 Conflicts.

Where a conflict exists between this chapter and other chapters, this chapter shall control.

20.38.220 MVOD Land Use

Use. Properties within the MVOD are subject to the land use regulations described in POMC 20.39 consistent with the property’s zoning designation on the adopted City of Port Orchard Zoning Map.

20.38.225 MVOD Building Types.

- 1) No new building may be erected within the MVOD except in conformance with this section.
- 2) Building Types. Building types only as listed below, and as described in POMC 20.38.230, shall be permitted within the MVOD. Additional standards for specific building types within the MVOD as described in POMC 20.38.230 are required. Structures shall comply with the development standards described in the particular building type description and dimensional standards regardless of zoning designation unless otherwise noted.
- 3) MVOD Building Type Zoning Matrix Key.
 - (a) Permitted Building Type (P). Indicates a building type is permitted in the zoning designation.
 - (b) Building Type Not Permitted (--). Indicates a building type is not permitted in the zoning designation.

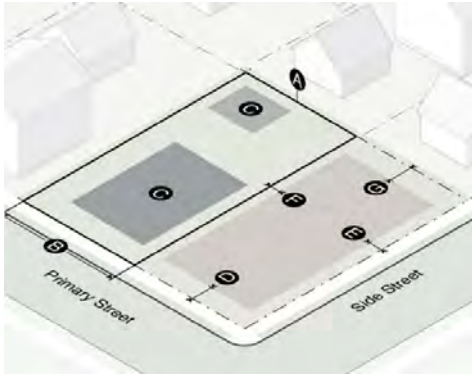
Building Types	Zoning Designation		
	Residential 3	Neighborhood Mixed Use	Commercial Mixed Use
Detached House	P	P	--
Backyard Cottage	P	P	--
Carriage House	P	P	P
Paseo House	P	P	--
Duplex: Side-by Side	P	P	--
Attached House	P	P	--
Townhouse	P	P	P
Apartment	P	P	P
Forecourt Apartment	P	P	P
Live-Work	--	P	P
Single-Story Shopfront	--	--	P
Mixed-use Shopfront	--	--	P
Accessory Building	P	P	P

20.38.230 MVOD Building Type Standards.

(1) **Detached House:** A detached house is a building type that accommodates one principal/primary dwelling unit on an individual lot with yards on all sides. Detached houses shall meet the following standards.

(a) **Lot and Placement:**

Lot and Placement



Height and Form



Lot		
Area (sq. ft.)	2,500. min / 5,000 max.	A
Width (ft.)	25 min / 50 max	B
Detached Houses per lot	1 max	

Height		
Principal Building	35 ft. 25 ft. within 20 ft of alley	A
Accessory Structure	15 feet. Other than carriage house or backyard cottage	B
Ground floor elevation	18 in. min	C

Coverage		
Lot coverage	Set by district	C

Pedestrian Access		
Entrance facing primary street	Required	

Building and Structure Setbacks		
Primary street	5 feet min / 15 ft. max	D
Side street	5 ft. min	E
Side interior	3 ft. min	F
Rear	5 ft. min	G

Building Elements. At least one of the following is required:		
Balcony	See POMC 20.38.240(b)	
Porch	See POMC 20.38.240(e)	
Stoop	See POMC 20.35.240(f)	

Build-to-Zone (BTZ)		
Building façade in primary street	Does not apply	
Building façade in side street	Does not apply	

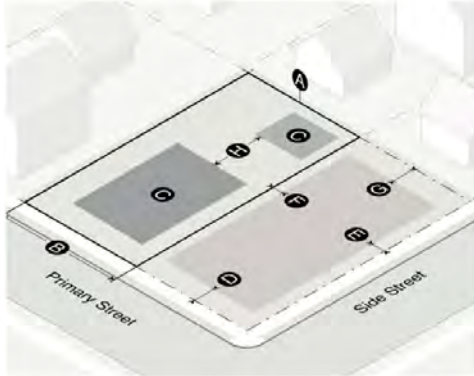
Parking Location		
Front/corner yard	Prohibited	
Vehicular access	Via alley only	

(2) **Backyard Cottage:** A small self-contained accessory dwelling located on the same lot as a detached house or townhouse but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping. Backyard cottages may accommodate off-street ground floor parking.

(a): A backyard cottage is permitted in conjunction with a detached house. See the standards for detached houses and accessory structures (including backyard cottages) in 20.38.230(1) above.

(b) Lot and Placement:

Lot and Placement



Height and Form



Lot		
Area	Set by principal building type	A
Width	Set by principal building type	B
Accessory Dwelling units per Lot		1 Max

Coverage	
Lot coverage	Set by district

Building and Structure Setbacks		
Primary street	Behind the front wall of the principal building.	D
Side street	5 ft. min	E
Side interior	0 ft. min	F
Rear	5 ft. min., 0 feet from alley	G
Building Separation	10 ft.	H

Build-to-Zone (BTZ)		
Building façade in primary street		Does not apply
Building façade in side street		Does not apply

Height		
Backyard Cottage	25 feet max	A

Pedestrian Access	
Entrance facing primary street	See POMC 20.38.270

Building Elements Allowed	
Balcony	See POMC 20.38.240(b)
Porch	See POMC 20.38.240(e)
Stoop	See POMC 20.35.240(f)

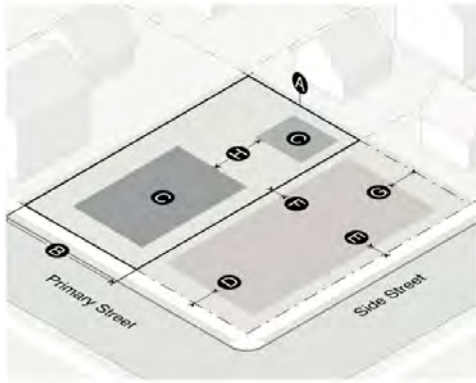
Parking Location	
Front/corner yard	Prohibited
Additional on-site parking	See POMC 20.68
Vehicular access	Via alley only

(3) **Carriage House:** An accessory structure self-contained accessory dwelling located on the same site as a paseo house, townhouse, apartment, or forecourt apartment, but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping. Carriage House dwelling units are located above enclosed ground-level off-street parking facilities, or common facilities including, but not limited to, laundry, recreation space or other uses commonly associated with residential development for the associated on-site dwellings.

(a): A carriage house is permitted in conjunction with a paseo house, townhouse, apartment, or forecourt apartment.

(b) Lot and Placement:

Lot and Placement



Height and Form



Lot		
Area	Set by principal building type	A
Width	Set by principal building type	B
Accessory Dwelling units per Lot	1 min / 2max	

Height		
Carriage House	35 feet max	A

Coverage	
Lot coverage	Set by district C

Pedestrian Access	
Entrance facing primary street	See POMC 20.68

Building and Structure Setbacks		
Primary street	Behind the rear wall of the principal building.	D
Side street	5 ft. min	E
Side interior	0 ft. min	F
Rear	5 ft. min., 0 feet from alley	G
Building Separation	10 ft.	H

Building Elements Allowed	
Balcony	See POMC 20.38.240(b)
Porch	See POMC 20.38.240(e)
Stoop	See POMC 20.35.240(f)

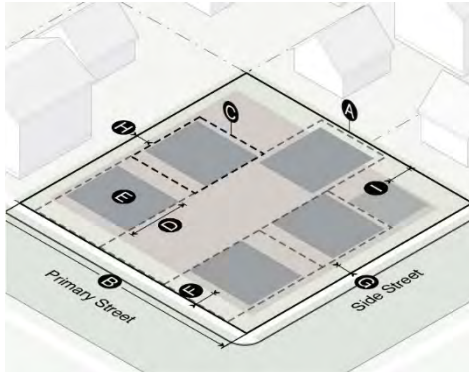
Build-to-Zone (BTZ)	
Building façade in primary street	Does not apply
Building façade in side street	Does not apply

Parking Location	
Front/corner yard	Prohibited
Additional on-site parking	See POMC 20.38.270
Vehicular access	Via alley only

(4) **Paseo House:** A series of small, typically detached, single story single-family residential buildings oriented around a small, shared courtyard perpendicular to the primary street. The units to the rear of the Lot, oriented perpendicular to the primary street, may be larger and attached. The rear building may accommodate residential uses, off-street parking and shared facilities space normally associated with detached houses such as laundry facilities or storage space. plus up to two (2) optional dwellings above an associated detached garage structure served by an alley. The units may be on individual lots or clustered on a single site.

(a) Lot and Placement:

Lot and Placement



Height and Form



Site		
Area (sq. ft.)	16,000min	A
Width/depth (ft)	110 min	B
Dwelling units per site	5 min /10 max.	

Height		
Principal Building	30 ft. max	A
Building wall plate height	Does not apply	B
Accessory Structure	30 ft.	C
Ground floor elevation	18 in. min.	D

Lot		
Area	1,200 sq. ft. min	C
Width	20 ft. min	D
Coverage		
Lot coverage	Set by district	
Principal building footprint (sq ft)	600 min /1,200 max	E
Building and Structure Setbacks		
Primary street	5 ft min	F
Side street	5 ft. min	G
Side interior	5 ft. min	H
Rear / Alley	5 ft. / 0 ft.	I
Minimum separation of Paseo units (ft)	10 min	
Build-to-Zone (BTZ)		
Building façade in primary street	Does not apply	
Building façade in side street	Does not apply	

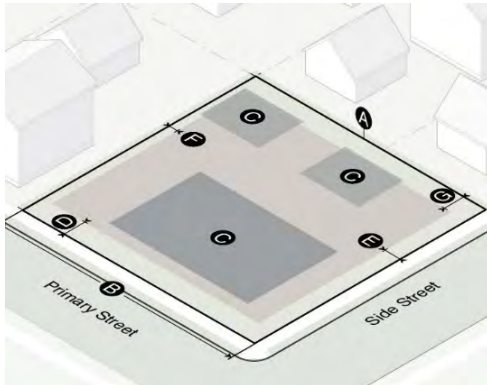
Courtyard		
Area	1,000 sq. ft. min	E
Width	15 ft. min	F
Additional Courtyard area per dwelling unit beyond 5 units	500 sq. ft	
Courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events		
Pedestrian Access		
Entrance facing Courtyard	Required for units abutting courtyard	G
Building Elements. At least one of the following is required:		
Balcony	See POMC 20.38.240(b)	
Porch	See POMC 20.38.240(e)	
Stoop	See POMC 20.35.240(f)	

Parking Location		
Front/corner yard	Prohibited	
Vehicular Access	Via alley only	

(5) **Duplex, Side by side.** A building type that accommodates two dwelling units on an individual lot separated vertically side by side that share a common wall.

(a) Lot and Placement:

Lot and Placement



Height and Form



Lot		
Area (sq. ft.)	5,000 min / 6,500 max	A
Width (ft.)	40 ft. min	B
Dwelling units per site	2 min / 2 max	

Height		
Principal Building	35 ft.	A
Accessory Structure	25 ft.	B
Ground floor elevation	18 in. min	C

Coverage		
Lot coverage	Set by district	C

Pedestrian Access		
Entrance facing primary street	Required	D

Building and Structure Setbacks		
Primary street	5 ft. min / 15 ft. max	D
Side street	5 ft. min	E
Side interior	5 ft. min	F
Rear / Alley	5 ft. min / 0 ft.	G

Building Elements. At least one of the following is required:		
Balcony	See POMC 20.38.240(b)	
Porch	See POMC 20.38.240(e)	
Stoop	See POMC 20.35.240(f)	

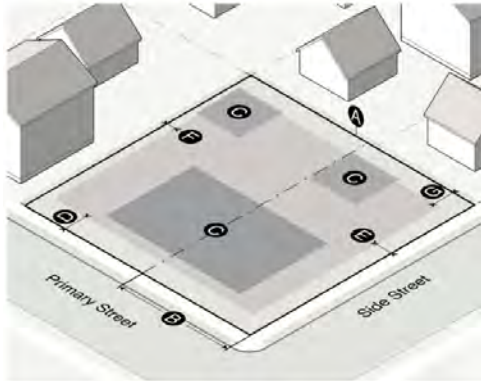
Build-to-Zone (BTZ)		
Building façade in primary street	Does not apply	
Building façade in side street	Does not apply	

Parking Location		
Front/corner yard	Prohibited	
Vehicular Access	Via alley only	

(6) **Attached House:** A building type that accommodates two attached dwelling units located on two separate lots that share a common wall along a lot line. An attached house may require a subdivision or short subdivision.

(a) Lot and Placement:

Lot and Placement



Height and Form



Lot		
Area	2,500 min / 3,250 max	A
Width	20 min / 35 ft. max	B
Dwelling units per site	1 min / 1 max. 1 ADU	

Height		
Principal Building	35 ft.	A
Accessory Structure	25 ft.	B
Ground floor elevation	18 in. min	C

Coverage		
Lot coverage	Set by district	C

Pedestrian Access		
Entrance facing primary street	Required	D

Building and Structure Setbacks		
Primary street	5 ft. min / 15 ft. max	D
Side street	5 ft. min	E
Side interior	5 ft	F
Rear / alley	5 ft. min / 0 ft.	G

Building Elements. At least one of the following is required:		
Balcony	See POMC 20.38.240(b)	
Porch	See POMC 20.38.240(e)	
Stoop	See POMC 20.35.240(f)	

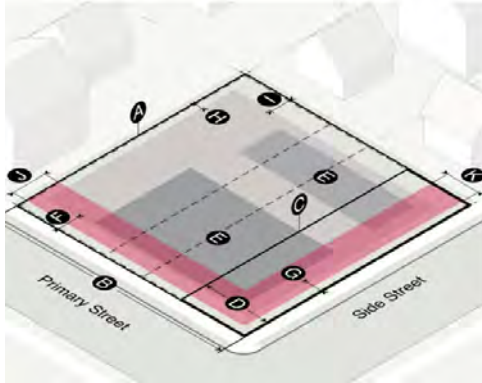
Build-to-Zone (BTZ)		
Building façade in primary street	Does not apply	
Building façade in side street	Does not apply	

Parking Location		
Front/corner yard	Prohibited	
Vehicular Access	Via alley only	

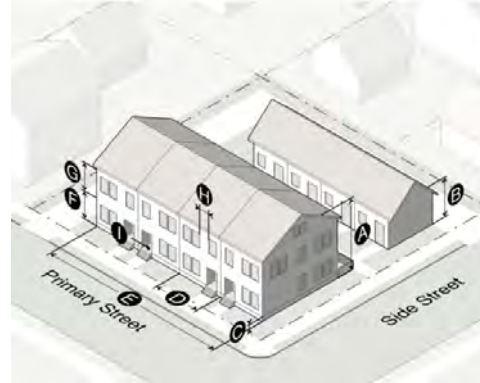
(7) **Townhouse.** A building type that accommodates three or more dwelling units where each unit is separated vertically by a common side wall and located on its own lot. Units cannot be vertically mixed. A subdivision or short subdivision may be required to construct townhome units.

(a) Lot and Placement:

Lot and Placement



Height and Form



Site		
Site area (sf)	Not applicable.	A
Site width (ft)	Not Applicable.	B
Dwelling units per site	3 min, not to exceed 6.	

Lot		
Area (sq. ft.)	N/A	C
Width (ft)	16 min / 40 max	D
Dwelling units per Lot	1 min / 1 max	

Coverage		
Lot coverage	Set by district	E

Building and Structure Setbacks		
Primary street (ft)	5 min	F
Side street (ft)	5 min	G
Side interior (ft)	0 between townhomes, 3 feet from adjacent townhouse sites.	H
Rear / Alley (ft)	5 ft. / 0 ft. min	I

Build-to Zone (BTZ)		
Building façade in primary street	Set by district	J
Building façade in side street	Set by district	K

Height		
Principal Building (Stories)	3	A
Accessory structure (ft)	24	B
Ground floor elevation (in)	18 min	C

Building Dimensions		
Unit width (ft)	20 min	D
Number of units permitted in a row	6 max	E

Transparency		
Ground story	20% min	F
Upper story	20% min	G
Blank wall width	15 ft. max	H

Pedestrian Access		
Entrance facing primary street (each ground floor unit)	Required	

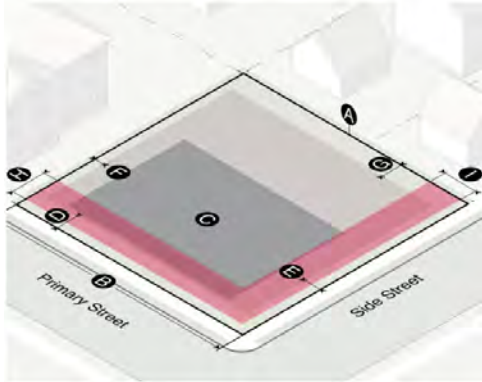
Building Elements. One of the following is required:		
Awning/Canopy	See POMC 20.38.240(a)	
Balcony	See POMC 20.38.240(b)	
Porch	See POMC 20.38.240(e)	
Stoop	See POMC 20.35.240(f)	

Parking Location		
Front/corner yard	Prohibited	
Vehicular Access	Via alley only	

(8) **Apartment.** A building type on its own lot that accommodates five or more dwelling units vertically and/or horizontally integrated.

(a) Lot and Placement:

Lot and Placement



Height and Form



Lot		
Area (sf.)	N/A	A
Width (ft)	N/A	B
Dwelling units per site	5 min / no max	

Coverage		
Lot coverage	Set by district	C

Building and Structure Setbacks		
Primary street (ft)	3 min / 15 max	D
Side street (ft)	5 min	E
Side interior (ft)	5 min	F
Rear / Alley (ft)	5 / 0 min	G

Build-to-Zone (BTZ)**		
Building façade in primary street	70% min	H
Building façade in side street	30% min	I

**Does not apply to McCormick Village Drive or Old Clifton

Height		
All buildings and structures (ft)	40 max. 25 max within 20' of alley	A
Ground floor elevation (ft)	0 min	B

Building Dimensions		
Length	120 ft max	C

Transparency*		
Ground Story	25%	D
Upper Story	25%	E
Blank wall width (ft)	15 max	F

*Applies to each street and/or plaza-facing façade.

Pedestrian Access		
Entrance facing primary street	Required	G
Entrance spacing along primary street	100 ft. max	H

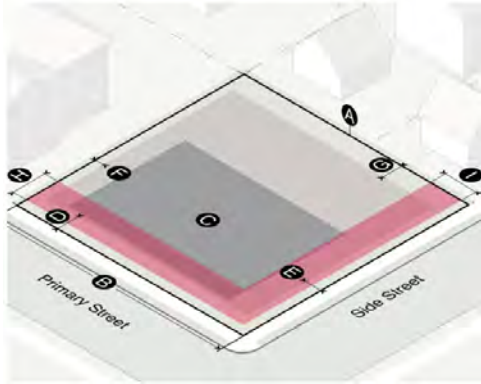
Building Elements. At least one of the following is required:	
Awning/canopy	See POMC 20.38.240(a)
Balcony	See POMC 20.38.240(b)
Forecourt	See POMC 20.38.240(c)
Porch	See POMC 20.38.240(e)
Stoop	See POMC 20.35.240(f)

Parking Location	
Front/corner yard	Prohibited
Vehicular access	Via alley only

(9) **Forecourt Apartment.** A building type, on its own lot, that accommodates at least five (5) multifamily dwellings in the primary building plus up to two (2) optional dwellings above an associated detached garage structure served by an alley. Forecourt apartments shall feature a forecourt as described in POMC 20.38.240(c) along the primary street.

(a) Lot and Placement:

Lot and Placement



Height and Form
Graphic to be prepared

Lot		
Area (sq. ft.)	N/A	A
Width (ft)	N/A	B
Dwelling units per Lot	5 min /10 max.	

Coverage		
Lot coverage	Set by district	C

Building and Structure Setbacks		
Primary street (ft)	3 min	D
Side street (ft)	5 min	E
Side interior (ft)	5 min	F
Rear / Alley (ft)	5 / 0 min	G
Separation between structures (ft)	10 min	

Build-to-Zone		
Building façade in primary street	70% min	H
Building façade in side street	30% min	I

Height		
All buildings and structures (ft)	40 max. 25 max within 20' of alley	A
Ground floor elevation (ft)	0 min	B

Building Dimensions		
Length (ft)	100 max	C

Transparency*		
Ground Story	25%	D
Upper Story	25%	E
Blank wall width (ft)	15	F

*Applies to each street and/or plaza-facing façade.

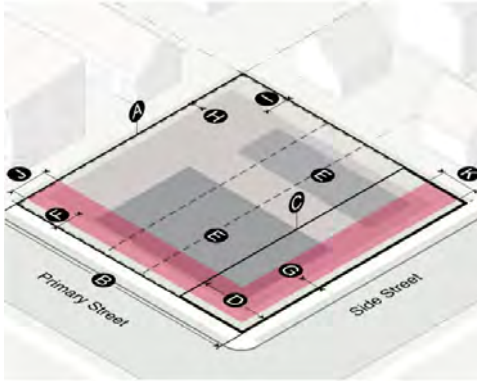
Pedestrian Access		
Entrance facing forecourt	Required	G

Parking Location		
Front/corner yard	Prohibited	
Vehicular access	Via alley only	

(10) **Live-Work.** A building type that allows for residential and nonresidential uses in the same physical space. Units may be vertically or horizontally mixed.

(a) Lot and Placement:

Lot and Placement



Height and Form



Site		
Site area (sq. ft.)	3,000 min	A
Site width (ft)	40 min	B
Live/Work units per lot	3 min / no max	

Lot		
Area (sq. ft.)	N/A	C
Width (ft)	N/A	D

Coverage		
Lot coverage	Set by district	E

Building and Structure Setbacks		
Primary street (ft)	0 min / 10 max	F
Side street (ft)	10 min	G
Side interior (ft)	5 min	H
Rear / Alley (ft)	5 / 0 min	I

Build-to Zone (BTZ)		
Building façade in primary street	Set by district	J
Building façade in side street	Set by district	K

Height		
All buildings and structures	40 max. 25 max within 20' of alley	A
Ground story height (ft)	12 min	B
Ground floor elevation (ft)	0 min	C

Building Dimensions		
Unit width (ft)	15 min	D
Maximum building width (ft)	120 max	E

Transparency*		
Ground story	25%	F
Upper story	25%	G
Blank wall width (ft)	15 max	H

*Applies to each street and/or plaza-facing façade.

Pedestrian Access		
Entrance facing primary street (each ground floor unit)	Required	

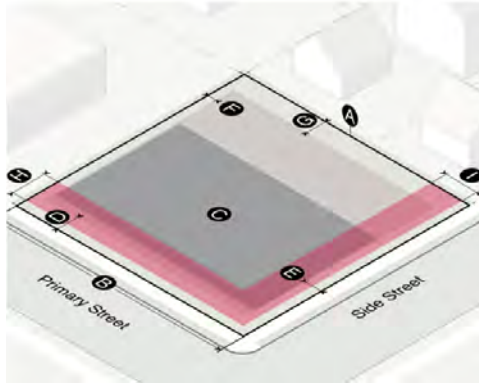
Building Elements; At least one of the following is required:		
Awning/Canopy	See POMC 20.38.240(a)	
Balcony	See POMC 20.38.240(b)	
Porch	See POMC 20.38.240(e)	
Stoop	See POMC 20.35.240(f)	

Parking Location		
Front/corner yard	Prohibited	
Vehicular access	Via alley only	

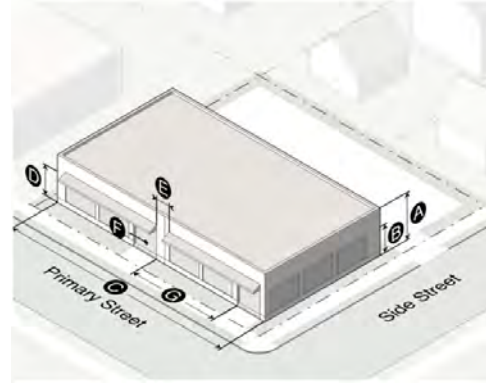
(11) **Single-story Shopfront.** A single-story building type that typically accommodates retail or commercial uses.

(a) Lot and Placement:

Lot and Placement



Height and Form



Lot		
Area (sq. ft.)	N/A	A
Width (ft.)	N/A	B

Coverage		
Lot coverage	Set by district	C

Building and Structure Setbacks		
Primary street (ft.)	0 min	D
Side street (ft.)	0 min	E
Side interior (ft.)	0 min	F
Rear (ft.)	0 min	G

Build-to-Zone (BTZ)		
Building façade in primary street	70%	H
Building façade in side street	30%	I

Height		
All buildings and structures (ft)	24 max	A
Ground story height (ft)	12 min	B

Building Dimensions		
Length (ft)	150 max	C

Transparency*		
Ground story	60%	D
Blank wall width (ft)	15 max	E

*Applies to each street and/or plaza-facing façade.

Pedestrian Access		
Entrance facing primary street	Required	F
Entrance facing secondary street when present	Required	
Entrance spacing (primary street) (ft)	50 max	G
Building footprint 20,000 + sq. ft. (ft)	75 max	

Building Elements; At least one of the following is required:	
Awning/Canopy	See POMC 20.38.240(a)
Forecourt	See POMC 20.38.240(c)
Gallery	See POMC 20.35.240(d)

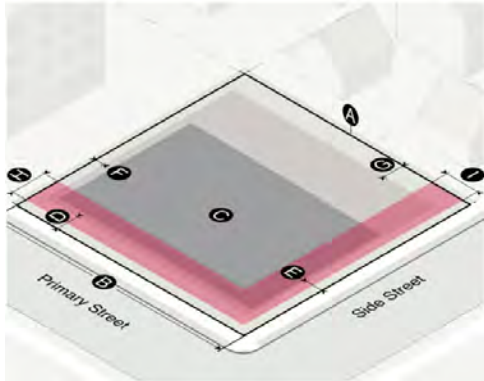
Parking Location		
Front yard	Prohibited	

(12) Mixed-Use Shopfront

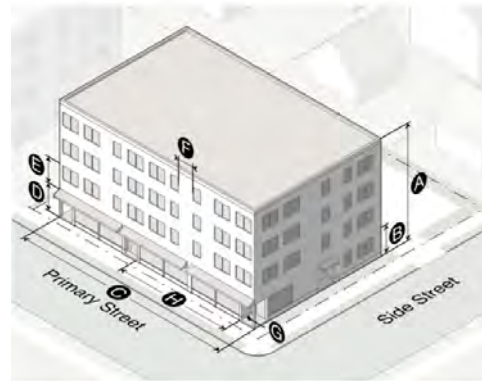
(1) Definition. A building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses.

(a) Lot and Placement:

Lot and Placement



Height and Form



Lot		
Area (sq. ft.)	N/A	A
Width (ft.)	N/A	B

Height		
All buildings and structures (ft)	40 max	A
Ground story height (ft)	12 min	B

Coverage		
Lot coverage	Set by district	C

Building Dimensions		
Length (ft)	120 max	C

Building and Structure Setbacks		
Primary street (ft)	0 min	D
Side street (ft)	0 min	E
Side interior(ft)	0 min	F
Rear	0 min	G

Transparency*		
Ground story	60% min	D
Upper story	25% min	E
Blank wall width (ft)	15 max	F

*Applies to each street and/or plaza-facing façade.

Build-to-Zone (BTZ)*		
Building façade in primary street	70% min	H
Building façade in side street	30% min	I

Pedestrian Access		
Entrance facing primary street	Required	G
Entrance spacing along primary street (ft)	50 max	H

Building Elements; At least one of the following is required:	
Awning/Canopy	See POMC 20.38.240(a)
Forecourt	See POMC 20.38.240(c)
Gallery	See POMC 20.35.240(d)

Parking Location	
Front/corner yard	Prohibited

20.38.235 Detached Accessory Dwelling Units

Accessory Dwelling Units within the MVOD shall comply with the requirements of POMC 20.68 except POMC 20.68.100(5).

20.38.240 MVOD Building Elements

(1) The following standards are intended to supplement POMC 20.38.230 and ensure that certain building elements, when added to a street-facing facade, are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to. The proposed building shall incorporate at least one of the allowed building elements provided in the specific building type development standards in POMC 20.38.230.

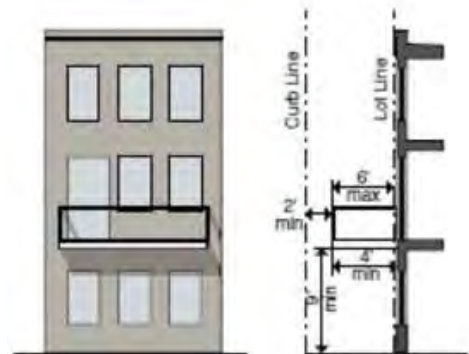
(a) Awning and canopy. A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

- (i) An awning/canopy must be a minimum of nine feet clear height above the sidewalk and must have a minimum depth of six feet.
- (ii) An awning/canopy may extend into a primary or side street setback.
- (iii) An awning/canopy may encroach up to six feet into the public right-of-way but must be at least two feet inside the curb line or edge of pavement, whichever is greater.



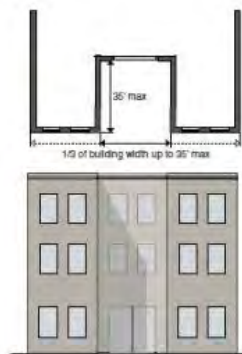
(b) Balcony. A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.

- (i) A balcony must be at least four feet deep.
- (ii) A balcony must have a clear height above the sidewalk of at least nine feet.
- (iii) A balcony may be covered and screened but cannot be fully enclosed.
- (iv) A balcony may extend into a primary or side street setback.
- (v) A balcony may encroach up to six feet into the public right-of-way but must be at least two feet inside the curb line or edge of pavement, whichever is greater.



(c) Forecourt. An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area.

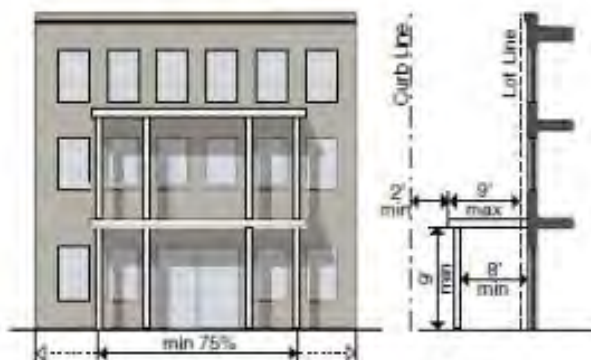
- (i) A forecourt must be no more than one-half of the width of the building face, and in no case more than 45 feet in width.
- (ii) The depth of the forecourt may exceed the general width. A forecourt may be no more than 45 feet in depth.
- (iii) A maximum of one forecourt is permitted per lot.
- (iv) A forecourt meeting the above requirements is considered part of the building for the purpose of measuring the build-to zone.
- (v) A forecourt shall be improved to meet the minimum requirements of pedestrian-oriented space as described in POMC 20.127.350(4).



1To be modified

(d) Gallery. A covered passage extending along the outside wall of a building supported by arches or columns that is open on three sides.

- (i) A gallery must have a clear depth from the support columns to the building's facade of at least eight feet and a clear height above the sidewalk of at least nine feet.
- (ii) A gallery must be contiguous and extend over at least 75 percent of the width of the building facade from which it projects.
- (iii) A gallery may extend into a primary or side street setback.
- (iv) A gallery may encroach up to nine feet into the public right-of-way but must be at least two feet inside the curb line or edge of pavement, whichever is greater.



(e) Porch. A raised structure attached to a building, forming a covered entrance to a doorway.

- (i) A front porch must be at least six feet deep (not including the steps). A portion of the porch, not to exceed 25% of the porch's width, may be less than six feet deep; provided, that the front door is recessed by at least six feet.
- (ii) A front porch must be contiguous, with a width not less than 50 percent of



the building facade from which it projects.

(iii) A front porch must be roofed and may be screened, but cannot be fully enclosed.

(iv) 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.

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

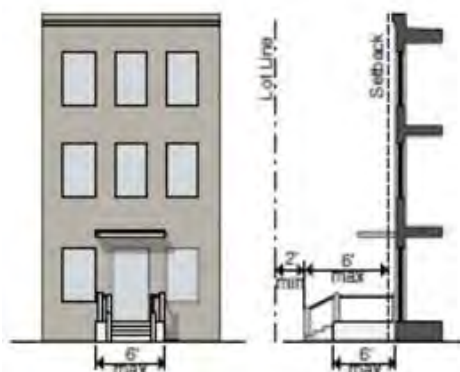
(f) Stoop. A small raised platform that serves as an entrance to a building.

(i) A stoop must be no more than six feet deep (not including the steps) and six feet wide.

(ii) A stoop may be covered but cannot be fully enclosed.

(iii) 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.

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



20.38.250 Lot and Road Layout.

- 1) Resultant Lot and Road layouts shall meet the minimum standards described in POMC 20.100 except that the minimum roadway network connectivity index described in POMC 20.100.020 shall be 1.7 or greater.
- 2) All residential uses shall be provided vehicular access via an alley. Residential driveways shall not be permitted via primary streets.
- 3) Sight triangle at intersections shall be preserved subject to review and approval by the City Engineer or designee prior to the issuance of a building permit.

20.38.260 Road Standards.

(1) Compact, walkable urban environments require a different road standard than what is typical of historic automobile-oriented development and which may differ than the adopted Public Works Engineering Standards and Specifications (PWESS). The City Engineer may approve deviations to the PWESS provided the applicant adequately demonstrates that the alternative design satisfies the following criteria:

- a) The deviation results in a safe design for all road users;
- b) The deviation provides the same or greater level of functionality;
- c) The deviation does not create an adverse impact to the environment; and,
- d) The deviation results in a design which provides at least the same level of maintainability.

20.38.270 Off-street Parking Standards.

- 1) Off-street parking requirements within the MVOD shall meet the minimum standards described in POMC 20.124, except that for residential uses POMC 20.124.140 shall not apply.
 - a) Vehicle parking minimum quantities for residential uses within the MVOD shall be provided in accordance with Table 20.38.270 below.

Table 20.38.270

Land Use	Unit of Measure	Minimum Parking Requirement
Single-family detached (including manufactured homes, mobile homes)	Per dwelling	1 available space within 1000 ft of site
Backyard Cottage	Per dwelling	N/A
Carriage House	Per dwelling	1 available space within 1000 ft of site
Two-family	Per dwelling	1 available space within 1000 ft of site
Single-family attached houses (2 units)	Per dwelling	1 available space within 1000 ft of site
Multifamily:		
Studio – Three plus bedroom	Per dwelling	1 on-site space
Multifamily Accessory Dwelling Unit	Per dwelling	1 available space within 1000 ft of site
Boarding house	Per bedroom	0.5
Congregate living facilities	Per bedroom	
Lodging house		
Group home (up to 8 residents), except as follows:	Per bedroom	0.5
Adult family home	Per adult family home	2
All group living (9 or more residents)	Per bed	0.5
All social service	Per bed/per 300 sq ft office	0.5 per bed and 1 per 300 sq ft office

20.38.280 Tree Canopy Standards

- 1) Development within the MVOD shall not be subject to the Significant Tree Standards described in POMC 20.129. Development within the MVOD shall be subject to the standards described herein.
- (2) Tree canopy requirements shall apply to new development within the MVOD. The following activities are exempt from the tree canopy requirements of this section:
 - (a) 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;
 - (b) Construction or maintenance of public or private road network elements, and public or private utilities including utility easements not related to development.
 - (c) Construction or maintenance of public parks and trails, and
 - (d) Pruning and maintenance of trees.

(3) All significant trees within any perimeter landscaping requirement, critical area protection areas and required buffers shall be retained, except for trees exempted by subsection (2) of this section.

(4) Development shall meet a minimum 25% tree canopy coverage except as provided in subsections (6) and (9) of this section. On sites that do not meet this requirement through existing tree canopy or where an applicant removes the existing tree canopy, new plantings shall be planted pursuant to sections (6) through (8) and subsection (7) of this section. For sites requiring new plantings to attain the required tree canopy percentage, tree canopy coverage requirements shall be calculated according to projected growth at 20 years maturity consistent with Table 1.

(a) Tree canopy shall include all evergreen and deciduous trees six feet in height or greater, excluding invasive species or noxious weeds, within the gross site area.

(b) Existing or planted tree canopy may include street trees and may be located within perimeter landscaping, site landscaping, critical area protection areas and required buffers, and open space tracts or easements.

(4) Site tree canopy shall be measured according to Table 20.38.280. Calculation of existing and new tree canopy shall be submitted in writing by a qualified landscape designer or a licensed land surveyor.

Table 20.38.280 Measuring Tree Canopy

Existing Canopy		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 gross site area to obtain canopy coverage percentage 	<ul style="list-style-type: none"> • Obtain aerial imagery of site • Measure site boundaries • Measure canopies of individual trees or stand area using leading edges as the forest boundary • Divide total canopy measurement by the gross 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

Existing Canopy New Canopy

Option 1 Tree Survey Option 2 Aerial Estimation 20-Year Canopy Calculation

- Measure average canopy radius (r) for each tree to be retained

- Calculate existing canopy area using the formula: $\text{Canopy Area (CA)} = \pi r^2$
- Total the sum of tree canopy areas and divide by gross site area to obtain canopy coverage percentage
 - Obtain aerial imagery of site
- Measure site boundaries
- Measure canopies of individual trees or stand area using leading edges as the forest boundary
- Divide total canopy measurement by the gross site area to obtain canopy coverage percentage for each proposed species:
 - Calculate radius (r) of canopy at 20 years maturity
 - Calculate canopy coverage using the formula: $\text{CA} = \pi r^2$
 - 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

(6) To assist in the preservation and retention of significant trees and existing tree canopy outside of critical area protection areas and required buffers and perimeter landscaping, the applicant may utilize the following credits:

(a) Individual significant trees retained on site shall be counted at 125 percent of their actual canopy area.

(b) For clusters or stands of five or more trees, each tree shall be counted at 150 percent of its actual canopy area.

(c) For clusters or stands of five or more significant trees, each tree shall be counted at 200 percent 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 150 percent of their actual canopy area.

(7) In addition to the requirements of sections (6) through (8), trees planted to meet tree canopy requirements shall meet the following criteria:

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

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

(ii) Sites obtaining tree canopy requirements solely through street trees are exempt from the requirement to include evergreen species in the planting mix;

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

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

(d) When preparing the landscaping plan, applicants are encouraged to meet the tree canopy requirement by conserving existing tree canopy including significant trees and other vegetation located on the site and place new plantings in protected areas (such as street trees, perimeter landscaping, open spaces and critical area protection areas and required buffers) at healthy spacing densities before placing trees within individual lots or yards; and

(e) Replacement trees shall be located in such a manner to minimize damage to trees or structures on the project site and on properties adjoining the project site.

(8) The following tree protection measures shall be taken during clearing or construction:

(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."

(9) An applicant may reduce the tree canopy requirements by no more than five percent through a landscape modification when all of the following criteria 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;

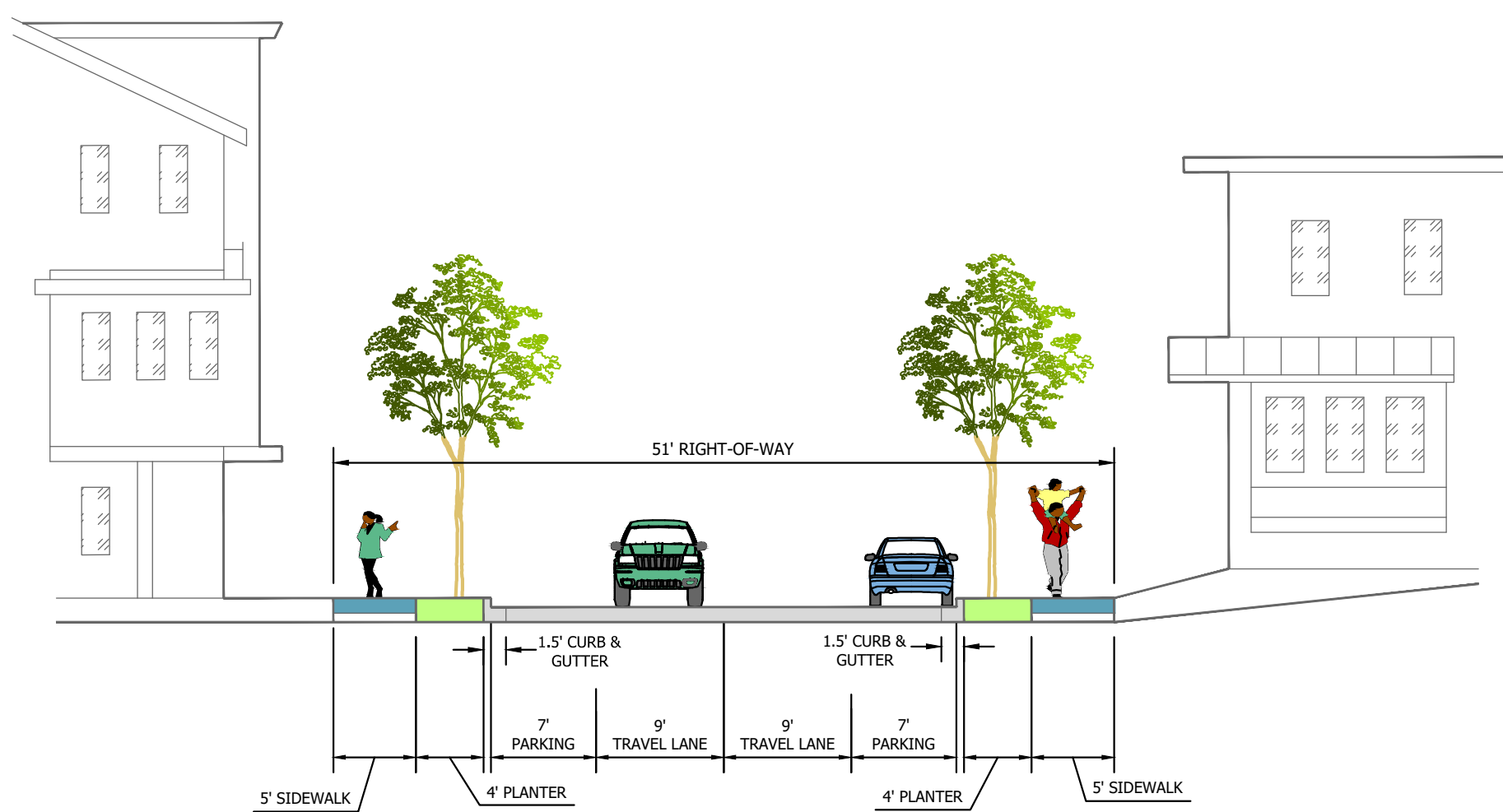
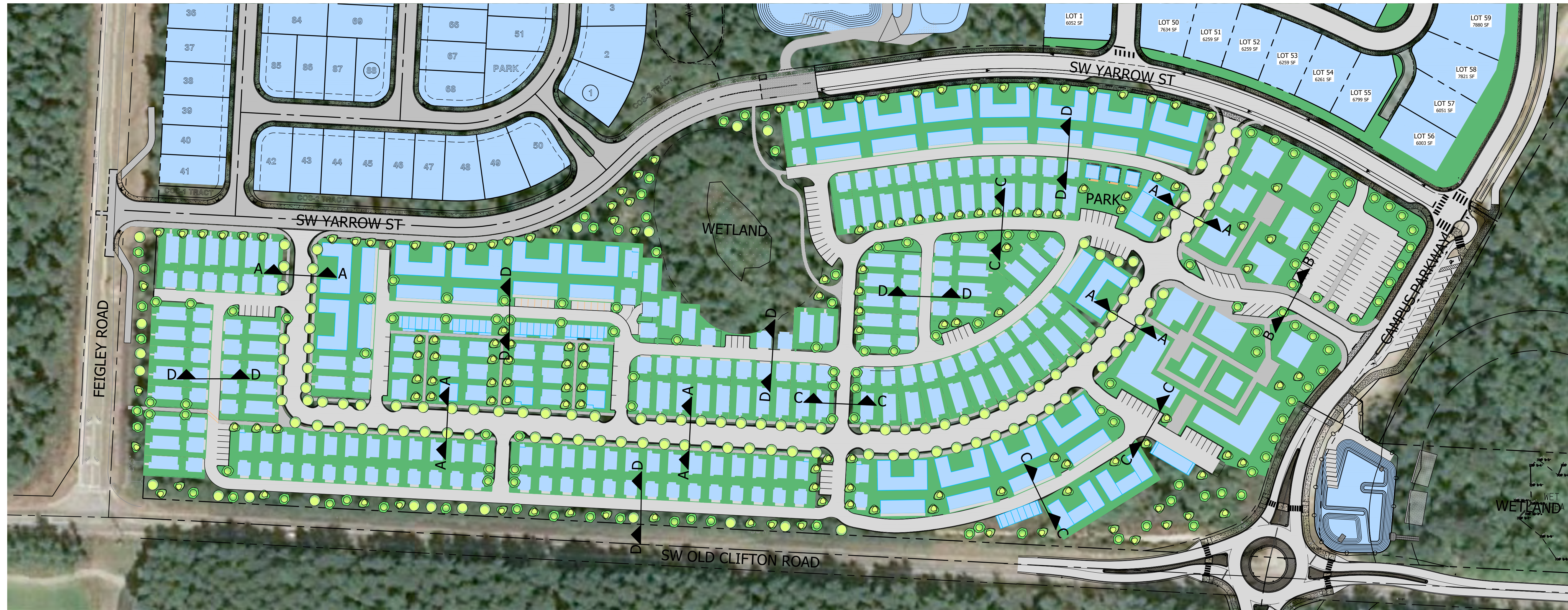
(b) The applicant proposes to plant additional understory vegetation or ground cover area, excluding lawn cover, invasive species or noxious weeds, to fulfill the remaining canopy requirement not met by retention or replanting of tree canopy; and

(c) When critical areas protection area buffers exist on site and those buffers are not highly functioning, the applicant proposes to enhance the buffers by removing invasive species and noxious weeds and/or planting vegetation indigenous to the Pacific Northwest, spaced for maximum survivability.

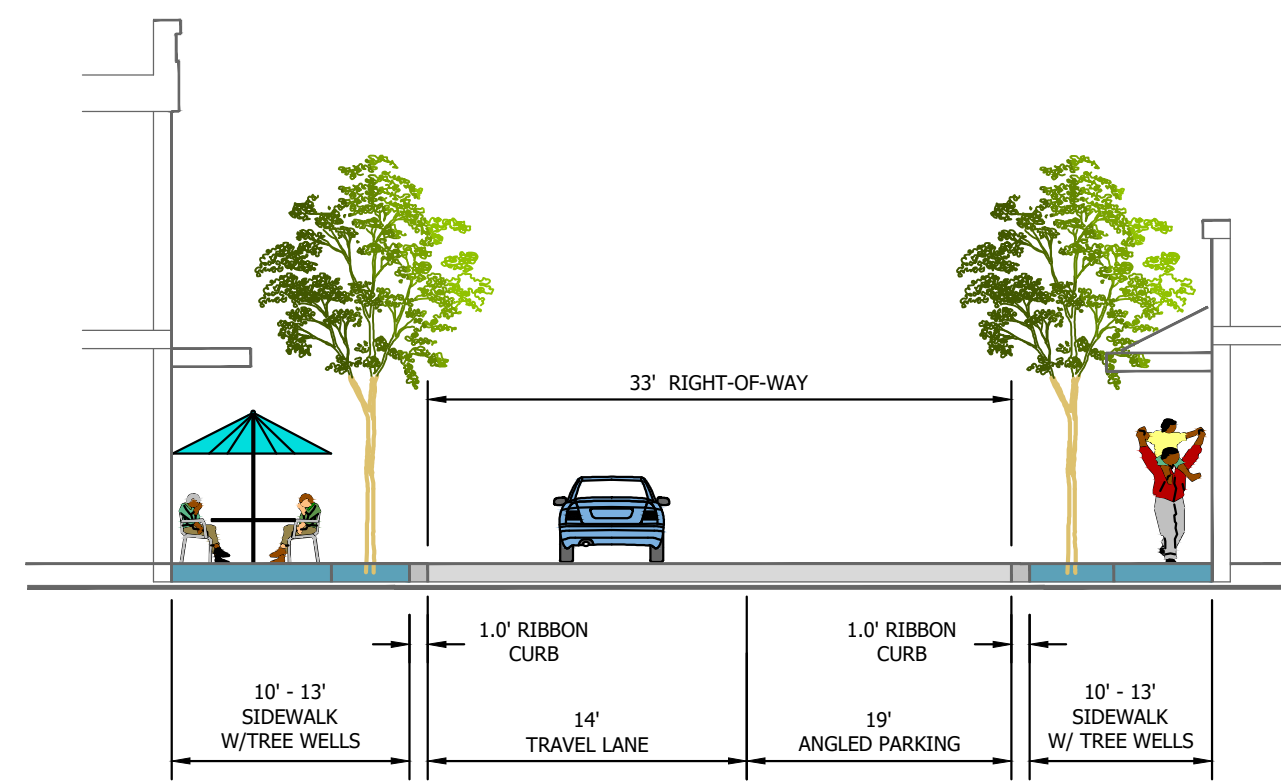
(10) Retained significant trees, trees planted as replacements for significant trees, and trees planted to meet requirements in subsection (3) of this section may not be removed except when determined in writing by a certified arborist to constitute a hazard.

(11) 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 trees for each one damaged or removed significant tree.

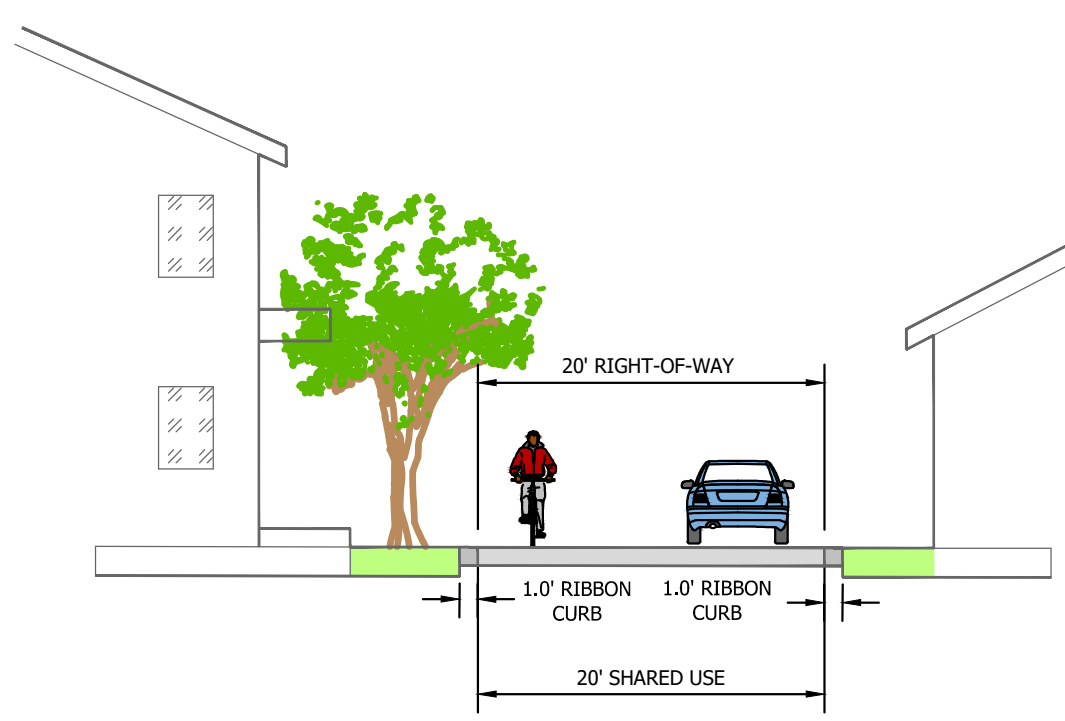
McCORMICK NORTH VILLAGE



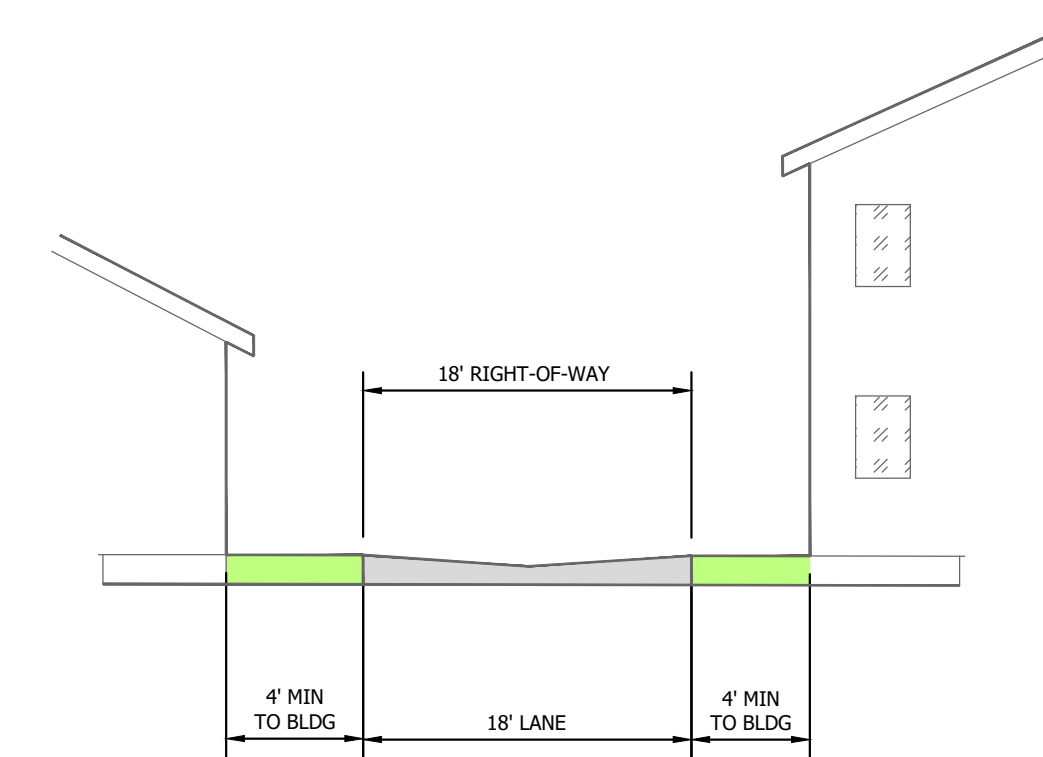
A MAIN COLLECTOR
NOT TO SCALE



B VILLAGE LANE (ONE-WAY)
NOT TO SCALE



C WOONERF (ONE-WAY)
NOT TO SCALE



D ALLEY (NO PARKING)
NOT TO SCALE

BY	DATE	DESCRIPTION	REVISION

CONTOUR
ENGINEERING • L.L.C.
CIVIL ENGINEERS ~ SURVEYORS ~ LAND PLANNERS
3309 56th Street NW, Suite 106 Gig Harbor, WA 98335
Phone: 253-857-5454 ~ Fax: 253-509-0044 ~ info@contourpllc.com

SHEET TITLE: PRELIMINARY LAYOUT & STREET SECTIONS
McCORMICK NORTH VILLAGE
CLIENT: McCORMICK COMMUNITIES LLC
805 KIRKLAND AVE, SUITE 200
KIRKLAND, WA 98033
CONTACT: GREG KRABBE
PHONE: 425-750-8400

DESIGNER: ENGINEER J. HAUG
DRAWN: S. BRIDGEFORD
S 5 T 23N R 1 E WM
DATE: 2021.10.27
REVISED:
PROJECT: 21-114
DWG NAME: 21-114-A
SHEET REV.
PRELIM SP



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

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

PLANNING COMMISSION STAFF REPORT

Agenda Item No:	<u>4(c) and 4(d)</u>	Meeting Date:	<u>November 2, 2021</u>
Subject:	<u>Update to POMC 20.170 (Flood Damage Prevention)</u>	Prepared by:	<u>Nick Bond, Development Director</u>

Issue: The City’s flood damage prevention code (POMC Chapter 20.170) has not been updated in several years, and it is inconsistent with certain state and federal requirements and references, as well having some inconsistencies with with more recently-updated sections of POMC Title 20. DCD staff and the City Attorney have worked with the Department of Ecology’s floodplain code advisor to revise this section of code to resolve these issues, and to strengthen its requirements for floodplain management and prevention of flood damage to property and structures.

The Planning Commission is requested to hold a public hearing, review the proposed revisions to POMC 20.170, and make a recommendation of approval to the City Council.

Recommendation: Approve the proposed revisions to POMC 20.170, the Flood Damage Prevention Code.

Suggested Motion: “I move to recommend that the City Council approve the proposed revisions to POMC 20.170, the Flood Damage Prevention Code.”

Attachments: Ordinance; Clean Version of Updates to 20.170; Redline Version of Updates to 20.170

ORDINANCE NO. __ -21

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ADOPTING REVISIONS TO CHAPTER 20.170 (FLOOD DAMAGE PREVENTION) 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), including Chapter 20.170 (Flood Damage Prevention); and

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

WHEREAS, on May 19, 2021, the state Department of Ecology provided the City with recommended revisions to Chapter 20.170, to bring it into compliance with current state and federal regulations and City codes; and

WHEREAS, on October 14, 2021, the City submitted to the Department of Commerce a 60-day request for review of the proposed revisions to Chapter 20.170, pursuant to RCW 36.70A.106(3)(b); and

WHEREAS, on October 21, 2021, the City's SEPA official issued a determination of non-significance for the proposed revisions to Chapter 20.170, and there have been no appeals; and

WHEREAS, on ***, 2021, the City Council's Land Use committee reviewed the proposed revisions to Chapter 20.170, and directed staff to bring an ordinance to the full Council for review; and

WHEREAS, on ***, 2021, the Planning Commission held a duly-noticed public hearing on the proposed adoption of revisions to Chapter 20.170, and ****public testimony****, and the Planning Commission recommended approval of the proposed adoption; 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, 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. Chapter 20.170 POMC is revised to read as follows:

Chapter 20.170

FLOOD DAMAGE PREVENTION

Sections:

Article I. General Provisions

- 20.170.010 Statutory authorization.
- 20.170.020 Findings of fact.
- 20.170.030 Statement of purpose.
- 20.170.040 Methods of reducing flood losses.
- 20.170.045 FIRM zones AE and A1-30 with base flood elevations but no floodways.
- 20.170.050 Lands to which this chapter applies.
- 20.170.060 Basis for establishing the areas of special flood hazard.
- 20.170.070 Penalties for noncompliance.
- 20.170.080 Abrogation and greater restrictions.
- 20.170.090 Interpretation.
- 20.170.100 Warning and disclaimer of liability.

Article II. Definitions

- 20.170.110 Definitions.

Article III. Administration

- 20.170.120 Development permit required.
- 20.170.130 Application for development permit.
- 20.170.140 Designation of the Floodplain administrator.
- 20.170.150 Duties and responsibilities of the director.
- 20.170.160 Permit review.
- 20.170.170 Use of other base flood data.

- 20.170.180 Information to be obtained and maintained.
- 20.170.190 Alteration of watercourses.
- 20.170.200 Interpretation of FIRM boundaries.

Article IV. Flood Damage Prevention Variances and Appeals

- 20.170.210 Flood damage prevention variances
- 20.170.220 Conditions for flood damage prevention variances.

Article V. Provisions for Flood Hazard Reduction

- 20.170.230 General standards.
- 20.170.240 Anchoring.
- 20.170.250 Construction materials and methods.
- 20.170.260 Utilities.
- 20.170.270 Subdivision proposals.
- 20.170.280 Review of building permits.
- 20.170.290 Specific standards.
- 20.170.300 Residential construction.
- 20.170.310 Nonresidential construction.
- 20.170.320 Critical facility.
- 20.170.330 Manufactured homes.
- 20.170.335 Recreational vehicles.
- 20.170.340 Floodways.
- 20.170.350 Wetlands management.
- 20.170.360 Coastal high hazard areas.

Article I. General Provisions

20.170.010 Statutory authorization.

The Legislature of the state of Washington has in RCW Title 35 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city does ordain as follows in this chapter.

20.170.020 Findings of fact.

(1) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

20.170.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

20.170.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

20.170.045 FIRM zones AE and A1-30 with base flood elevations but no floodways.

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

20.170.050 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

20.170.060 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Kitsap County, Washington and Incorporated Areas," dated February 3, 2017, and any revisions thereto, with accompanying flood insurance maps, is adopted by reference and declared to be a part of this chapter.

The best available information for flood hazard area identification as outlined in POMC 20.170.170 shall be the basis for new regulation until a new FIRM is issued that incorporates data utilized under POMC 20.170.170. The flood insurance study is on file at the city clerk's office: 216 Prospect Street, Port Orchard, WA 98366.

20.170.065 Compliance

All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.

20.170.070 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 180 days, or both, for each violation, and in addition shall pay all

costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

20.170.080 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or repair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

20.170.090 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

20.170.100 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

20.170.105 Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Article II. Definitions

20.170.110 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

- (1) "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.
- (2) "Appeal" means a request for a review of the Director's interpretation of any provision of this chapter or a request for a variance.
- (3) "Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.
- (4) "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
- (5) "ASCE 24" means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.
- (6) "Base flood" means the flood having a one percent chance of being equated or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
- (7) "Base Flood Elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.
- (8) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.
- (9) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation structure.
- (10) "Coastal flood risk area" means the area of flood hazard subject to inundation from the coastal waters of Sinclair Inlet. Coastal BFEs are calculated along transects extending from offshore to the limit of coastal flooding onshore.
- (11) "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police,

fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

(12) "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials located within the area of special flood hazard.

(13) "Director" means, for the purposes of this chapter, the city's community development director as provided in POMC 2.08.060.

(14) "Elevated building" means, for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

(15) "Elevation certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

(16) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

(17) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing lots on which manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads).

(18) "Flood or Flooding" means

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud

on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition. (19) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

(20) "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(21) "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

(22) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

(23) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

(24) "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

(25) "Habitat Assessment" means a written document that describes a project, identifies and analyzes the project's impacts to habitat for species discussed in the "Endangered Species Act –

Section 7 Consultation Final Biological Opinion and Magnuson-Stevens Fishery Conservation and Management act Essential Fish Habitat Consultation for the Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region,” and provides an Effects Determination.

(26) “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(27) “Historic structure” means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior; or
 - b) Directly by the Secretary of the Interior in states without approved programs.

(28) “Increased cost of compliance” means a flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of “substantial damage” or as a result of “cumulative substantial damage.”

(29) “Lowest floor” means the lowest floor of the lowest enclosed areas (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found in POMC 20.170.330(2).

(30) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term

“manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers and other similar vehicles.

(31) “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(32) “Mean Sea Level” means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

(33) “New construction” means structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. (34)

“Recreational Vehicle” means a vehicle:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(35) “Riverine flood risk area” means the area of flood hazard subject to inundation from riverine sources. Riverine BFEs are determined using cross sections. Between cross sections, BFEs are interpolated using flood profiles as described in the Flood Insurance Study.

(36) “Start of construction” includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of

accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(37) "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(38) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(39) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
 - 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (40) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(41) "Water-dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Article III. Administration

20.170.120 Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in POMC 20.170.060. The permit shall be for all structures including manufactured homes, as set forth in POMC 20.170.110, Definitions, and for all development including fill and other activities, also as set forth in POMC 20.170.110.

20.170.130 Application for development permit.

Application for a development permit shall be made on forms furnished by the Director and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in POMC 20.170.340;
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- (5) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and
- (6) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

20.170.140 Designation of the Floodplain Administrator.

The Director is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Director may delegate authority to implement these provisions.

20.170.150 Duties and responsibilities of the Director.

Duties of the Director or designee shall include but not be limited to those in POMC 20.170.160 through 20.170.230.

20.170.160 Permit review.

The Director shall:

- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

- (3) Review all development permits to determine that the site is reasonably safe from flooding.
- (4) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions of POMC 20.170.400 are met.
- (5) Notify FEMA when annexations occur in the Special Flood Hazard Area.

20.170.170 Use of other base flood data.

When base flood elevation data has not been provided in accordance with POMC 20.170.060, Basis for establishing the areas of special flood hazard, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer POMC 20.170.290 through 20.170.360, Specific standards, and 20.170.400, Floodways.

20.170.180 Information to be obtained and maintained.

The Director shall:

- (1) Where base flood elevation data is provided through the flood insurance study or required as in POMC 20.170.170, obtain, and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in POMC 20.170.170:
 - (a) Obtain and maintain a record of the actual elevation (in relation to mean sea level); and
 - (b) Maintain the floodproofing certifications required in POMC 20.170.130(3).
- (3) Certification required by POMC 20.170.400 (floodway encroachments).
- (4) Records of all variance actions, including justification for their issuance.
- (5) Improvement and damage calculations. (6) Maintain for public inspection all records pertaining to the provisions of this chapter.

20.170.190 Alteration of watercourses.

The Director shall:

- (1) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within that altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

20.170.200 Interpretation of FIRM boundaries.

The Director shall make interpretations where needed as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article IV of this chapter.

20.170.210 Review of building permits.

Where elevation data is not available either through the flood insurance study or from another authoritative source (POMC 20.170.170), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in high insurance rates.

20.170.220 Changes to Special Flood Hazard Area

If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.

20.170.230 Habitat Assessment – When Required

A development permit application shall include a habitat assessment unless the project is, in its entirety, one of the following activities:

- 1) Normal maintenance, repairs, or remodeling of structures, such as re-roofing and replacing siding, provided such work is not a substantial improvement or a repair of substantial damage. To comply, such work must be less than 50% of the value of the structure(s).
- 2) Expansion or reconstruction of an existing structure that is no greater than 10% beyond its existing footprint. If the structure is in the floodway, there shall be no change in the structure's dimensions perpendicular to flow. All other federal and state requirements and restrictions relating to floodway development still apply.
- 3) Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill, or impervious surfaces.

- 4) Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include structures, fill, impervious surfaces, or removal of more than 5% of the native vegetation on that portion of the property in the floodplain.
- 5) Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices (BMPs) to prevent stormwater runoff and soil erosion are used.
- 6) Projects that have already received concurrence under another permit or other consultation with the Services, either through Section 7, Section 4d, or Section 10 of the Endangered Species Act (ESA) that addresses the entirety of the project in the floodplain (such as an Army Corps 404 permit or non-conversion Forest Practice activities including any interrelated and interdependent activities.).
- 7) Repair of an existing, functional bulkhead in the same location and footprint with the same materials when the Ordinary High Water Mark (OHWM) is still outside of the face of the bulkhead (i.e. if the work qualifies for a Corps exemption from Section 404 coverage).

Article IV. Flood Damage Prevention Variances and Appeals

20.170.235. Variances and Appeals – Type III Procedures. Permits issued by the Director under this Chapter are appealable under POMC 20.170.240. Applications for variances from the provisions in this Chapter shall utilize the process and the criteria in POMC 20.170.250 in lieu of the requirements of POMC 20.28. Both appeals and variances hereunder shall be processed per the Type III procedures contained in POMC 20.22.050. The Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

20.170.240 Appeal of Permits Under this Chapter.

(1) The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director in the enforcement or administration of this chapter.

(2) In reviewing and considering such appeal, the hearing examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;

- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(3) Upon consideration of the factors of subsection (2) of this section and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of the permit as it deems necessary to further the purposes of this chapter.

(4) A party of record that is aggrieved by the decision of the hearing examiner may appeal such decision to the superior court, as provided in Chapter 36.70C RCW.

20.170.250 Flood Damage Prevention Variances; Conditions for Approval.

(1) Applications to modify the requirements of this chapter shall require a variance permit.

(2) General. Variances shall only be issued upon a demonstration that the application meets all of the following criteria:

(a) The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property;

(b) The variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and

(c) The applicant has demonstrated good and sufficient cause;

(d) Failure to grant the variance would result in exceptional hardship to the applicant;

(e) The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property;

(f) Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances. In making this determination, the hearing examiner shall consider the items contained in POMC 20.170.240(2)(a) through (2)(k);

(g) The variance granted is the minimum necessary, considering the flood hazard, to afford relief; and

(g) The variance is not inconsistent with the Comprehensive Plan.

(3) Variance from elevation standard limited. The only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in POMC 20.170.240(2)(a) through (2)(k) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

(4) Historic Places. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

(5) Variances within designated floodway. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(6) Interpretation. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(7) Non-residential variances limited. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (3) of this section, and otherwise complies with POMC 20.170.240 and 20.170.250.

(8) Any variance granted shall contain a written notice alerting the applicant that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(9) A party of record that is aggrieved by the decision of the hearing examiner on a variance application may appeal such decision to the superior court, as provided in Chapter 36.70C RCW.

Article V. Provisions for Flood Hazard Reduction

20.170.260 General standards.

In all areas of special flood hazards, the standards in POMC 20.170.270 through 20.170.310 are required.

20.170.270 Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

20.170.280 Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

20.170.290 Storage of Materials and Equipment

(1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

(2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

20.170.300 Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(4) Water wells shall be located on high ground that is not in a floodway.

20.170.310 Development and Subdivision proposals.

All development, including subdivision proposals, shall:

(1) Be consistent with the need to minimize flood damage;

(2) Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) Have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

20.170.320 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in POMC 20.170.060, Basis for establishing the areas of special flood hazard, or POMC 20.170.170, Use of other base flood data, the provisions in POMC 20.170.330 through 20.170.360 are required.

20.170.330 Residential construction.

(1) In riverine flood risk areas zoned AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

(2) In coastal flood risk areas zoned AE where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least two feet above the BFE.

(3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

(4) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:

- a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- b) The bottom of all openings shall be no higher than one foot above grade.
- c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

20.170.340 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the following requirements:

- (1) Meet the standards in POMC 20.170.330, or

(2) In riverine flood risk areas, if the requirements of POMC 20.170.330 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

- a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official as set forth in POMC 20.170.180(3);
- d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in POMC 20.170.330;

(3) In coastal flood risk areas, if the requirements of POMC 20.170.330 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

- a) Be dry flood proofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in POMC 20.170.180(3);
- d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in POMC 20.170.330;

(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level

(e.g., a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)

20.170.350 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above.

Floodproofing and sealing measures must be taken to insure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible.

20.170.360 Manufactured homes.

All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE subject to riverine flooding shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of POMC 20.170.270(2).

All manufactured homes to be placed or substantially improved within the coastal flood risk area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is two feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of POMC 20.170.270(2).

20.170.370 Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- (1) Be on the site for fewer than 100 consecutive days;
- (2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick-disconnect utilities and security devices, and have no permanently attached additions; or
- (3) Meet the requirements of POMC 20.170.360 and the elevation and anchoring requirements for manufactured homes.

20.170.380 Enclosed Area Below the Lowest Floor

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

20.170.390 Small Accessory Structures (Detached Garages & Small Storage Structures)

(1) In A, AE, A1-30, AH, and AO flood zones, small accessory structures (less than or equal to the size of a one story, two car garage) used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

- a) Use of the small accessory structure must be limited to parking of vehicles or limited storage;
- b) The portions of the small accessory structure located below the BFE must be built using flood resistant materials;
- c) The small accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
- d) Any machinery or equipment servicing the small accessory structure must be elevated or flood proofed to or above the BFE;
- e) If located in a floodway, then the small accessory structure must comply with floodway encroachment provisions in POMC 20.170.400;
- f) The small accessory structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section POMC 20.170.330(4).
- g) The structure shall have low damage potential, and
- h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.
- i) The structure shall not be used for human habitation.

(2) Detached garages, storage structures, and other small accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in POMC 20.170.330.

(3) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

20.170.400 Floodways.

Located within areas of special flood hazard established in POMC 20.170.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity

of floodwaters which carry debris, potential projectiles and erosion potential, the provisions in this section apply.

(1) No rise standard. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor areas; and

(b) Repairs, reconstruction, or improvements to a structure the cost of which does not exceed 50 percent of the market value of the structure either:

(i) Before the repair, reconstruction or improvement is started; or

(ii) If the structure has been damaged and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent. (3) Substantially Damaged Residences in Floodway

(a) For all substantially damaged residential structures located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a

favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

(b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

(i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

(ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.

(iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

(iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

(v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.

(vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.

(vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

(4) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

20.170.410 General Requirements for Other Development

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any City of Port Orchard amendments, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway;

- (3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials;
- (5) Meet the flood opening requirements of POMC 20.170.330(4) and
- (6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

20.170.420 Wetlands management.

To the maximum extent possible avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetlands to alleviate flooding impacts. The following process should be implemented:

- (1) Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplain.
- (2) Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.
- (3) Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention.

SECTION 3. 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 4. 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 5. Effective Date. This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after the date of publication. A summary of this ordinance in the form of the ordinance title may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this **th day of ** 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Charlotte A. Archer, City Attorney

Scott Diener, Councilmember

PUBLISHED:

EFFECTIVE DATE:

Chapter 20.170 - REDLINE REVISIONS

FLOOD DAMAGE PREVENTION

Sections:

Article I. General Provisions

- 20.170.010 Statutory authorization.
- 20.170.020 Findings of fact.
- 20.170.030 Statement of purpose.
- 20.170.040 Methods of reducing flood losses.
- 20.170.045 FIRM zones AE and A1-30 with base flood elevations but no floodways.
- 20.170.050 Lands to which this chapter applies.
- 20.170.060 Basis for establishing the areas of special flood hazard.
- 20.170.070 Penalties for noncompliance.
- 20.170.080 Abrogation and greater restrictions.
- 20.170.090 Interpretation.
- 20.170.100 Warning and disclaimer of liability.

Article II. Definitions

- 20.170.110 Definitions.

Article III. Administration

- 20.170.120 Development permit required.
- 20.170.130 Application for development permit.
- 20.170.140 Designation of the ~~city building official~~ Floodplain administrator.
- 20.170.150 Duties and responsibilities of the ~~city building official~~ director.
- 20.170.160 Permit review.
- 20.170.170 Use of other base flood data.
- 20.170.180 Information to be obtained and maintained.
- 20.170.190 Alteration of watercourses.
- 20.170.200 Interpretation of FIRM boundaries.

Article IV. Flood Damage Prevention Variances and Appeals

- 20.170.210 Flood damage prevention variances ~~Appeal board~~.
- 20.170.220 Conditions for flood damage prevention variances.

Article V. Provisions for Flood Hazard Reduction

- 20.170.230 General standards.
- 20.170.240 Anchoring.
- 20.170.250 Construction materials and methods.
- 20.170.260 Utilities.

20.170.270	Subdivision proposals.
20.170.280	Review of building permits.
20.170.290	Specific standards.
20.170.300	Residential construction.
20.170.310	Nonresidential construction.
20.170.320	Critical facility.
20.170.330	Manufactured homes.
20.170.335	Recreational vehicles.
20.170.340	Floodways.
20.170.350	Wetlands management.
20.170.360	Coastal high hazard areas.

Article I. General Provisions

20.170.010 Statutory authorization.

The Legislature of the state of Washington has in RCW Title 35 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city does ordain as follows in this chapter.

20.170.020 Findings of fact.

(1) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

20.170.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;

- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

20.170.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

20.170.045 FIRM zones AE and A1-30 with base flood elevations but no floodways.

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

20.170.050 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

20.170.060 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Kitsap County, Washington and Incorporated Areas," dated ~~November 4, 2010~~ February 3, 2017, and any revisions thereto, with accompanying flood insurance maps, is adopted by reference and declared to be a part of this chapter.

The best available information for flood hazard area identification as outlined in POMC 20.170.170 shall be the basis for new regulation until a new FIRM is issued that incorporates data utilized under POMC 20.170.170. The flood insurance study is on file at the city clerk's office: 216 Prospect Street, Port Orchard, WA 98366.

20.170.065 Compliance

All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.

20.170.070 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 180 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

20.170.080 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or repair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

20.170.090 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

20.170.100 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

20.170.105 Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Article II. Definitions

20.170.110 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

(1) “Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

(2) “Appeal” means a request for a review of the ~~city building official~~ Director’s interpretation of any provision of this chapter or a request for a variance.

~~(32) “Area of shallow flooding” means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area. “Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.~~

(43) “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”. Designation on maps always includes the letters A or V.

(5#) “ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

(64) “Base flood” means the flood having a one percent chance of being equated or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

(7#) “Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

~~(85)~~ “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

~~(96)~~ “Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation structure.

(10) “Coastal flood risk area” means the area of flood hazard subject to inundation from the coastal waters of Sinclair Inlet. Coastal BFEs are calculated along transects extending from offshore to the limit of coastal flooding onshore.

~~_(7) “Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-30, VE or V.~~

~~(118)~~ “Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

~~(129)~~ “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials located within the area of special flood hazard.

(13) “Director” means, for the purposes of this chapter, the city’s community development director as provided in POMC 2.08.060.

~~(140)~~ “Elevated building” means, for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

~~(154)~~ “Elevation certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

~~(162)~~ “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

~~(173)~~ “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing lots on which

manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads).

(184) "Flood or Flooding" means

1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

a) The overflow of inland or tidal waters.

b) The unusual and rapid accumulation or runoff of surface waters from any source.

c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

_____ (a) The overflow of inland or tidal waters; and/or

_____ (b) The unusual and rapid accumulation of runoff of surface waters from any source.

(19) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

(2015) "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(16) "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

(21) "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

(2217) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway.” ~~one foot.~~

(23) “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

(24) “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

(25) “Habitat Assessment” means a written document that describes a project, identifies and analyzes the project’s impacts to habitat for species discussed in the “Endangered Species Act – Section 7 Consultation Final Biological Opinion and Magnuson-Stevens Fishery Conservation and Management act Essential Fish Habitat Consultation for the Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region,” and provides an Effects Determination.

(26) “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(27) “Historic structure” means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior;
or
 - b) Directly by the Secretary of the Interior in states without approved programs.

(~~2818~~) "Increased cost of compliance" means a flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of "cumulative substantial damage."

(~~2919~~) "Lowest floor" means the lowest floor of the lowest enclosed areas (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found in POMC 20.170.~~300330~~(2).

(30) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

(~~3124~~) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(32) "Mean Sea Level" means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

(~~3322~~) "New construction" means structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. of the ordinance codified in this chapter.

(34) "Recreational Vehicle" means a vehicle:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(35) "Riverine flood risk area" means the area of flood hazard subject to inundation from riverine sources. Riverine BFEs are determined using cross sections. Between cross sections, BFEs are interpolated using flood profiles as described in the Flood Insurance Study.

(36) "Start of construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(37) "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(38) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(39) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." "Substantial improvement" means any repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred.

~~For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~The term does not, however, include either:~~

~~(a) Any project for improvement of a structure to correct precited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~

~~(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

(40) “Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(41) “Water-dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

~~(29) “Recreational vehicle” means a vehicle:~~

~~(a) Built on a single chassis;~~

~~(b) Four hundred square feet or less when measured at the largest horizontal projection;~~

~~(c) Designed to be self-propelled or permanently towable by a light duty truck; and~~

~~(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. (Ord. 019-17 § 18 (Exh. 1)).~~

Article III. Administration

20.170.120 Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in POMC 20.170.060. The permit shall be for all structures including manufactured homes, as set forth in POMC 20.170.110, Definitions, and for all development including fill and other activities, also as set forth in POMC 20.170.110.

20.170.130 Application for development permit.

Application for a development permit shall be made on forms furnished by the ~~city building official~~ Director and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;

(2) Elevation in relation to mean sea level to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in POMC 20.170.~~310~~340; and

(4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

(5) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

(6) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

20.170.140 Designation of the ~~city building official~~Floodplain Administrator.

The ~~city building official~~Director is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Director may delegate authority to implement these provisions.

20.170.150 Duties and responsibilities of the ~~city building official~~Director.

Duties of the ~~city building official~~Director or designee shall include but not be limited to those in POMC 20.170.160 through 20.170.~~230~~200.

20.170.160 Permit review.

The ~~city building official~~Director shall:

(1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine that the site is reasonably safe from flooding.

~~(3)~~ Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions of POMC 20.170.~~340~~ are met.

(5) Notify FEMA when annexations occur in the Special Flood Hazard Area.

20.170.170 Use of other base flood data.

When base flood elevation data has not been provided in accordance with POMC 20.170.060, Basis for establishing the areas of special flood hazard, the ~~city building official~~Director shall

obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer POMC 20.170.290 through 20.170.330360, Specific standards, and 20.170.3400, Floodways.

20.170.180 Information to be obtained and maintained.

The ~~city building official~~Director shall:

(1) (1) Where base flood elevation data is provided through the flood insurance study or required as in POMC 20.170.170, obtain, and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(22) For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in POMC 20.170.170 structures:

(a) Obtain and maintain a record of ~~Verify and record~~ the actual elevation (in relation to mean sea level); and

(b) Maintain the floodproofing certifications required in POMC 20.170.130(3).

(3) Certification required by POMC 20.170.3400 (floodway encroachments).

(4) Records of all variance actions, including justification for their issuance.

(5) Improvement and damage calculations.

(36) Maintain for public inspection all records pertaining to the provisions of this chapter.

20.170.190 Alteration of watercourses.

The ~~Director~~city building official shall:

(1) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within that altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

20.170.200 Interpretation of FIRM boundaries.

The ~~city building official~~Director shall make interpretations where needed as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article IV of this chapter.

20.170.210 Review of building permits.

Where elevation data is not available either through the flood insurance study or from another authoritative source (POMC 20.170.170), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in high insurance rates.

20.170.220 Changes to Special Flood Hazard Area

If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.

20.170.230 Habitat Assessment – When Required

A development permit application shall include a habitat assessment unless the project is, in its entirety, one of the following activities:

- 1) Normal maintenance, repairs, or remodeling of structures, such as re-roofing and replacing siding, provided such work is not a substantial improvement or a repair of substantial damage. To comply, such work must be less than 50% of the value of the structure(s).
- 2) Expansion or reconstruction of an existing structure that is no greater than 10% beyond its existing footprint. If the structure is in the floodway, there shall be no change in the structure's dimensions perpendicular to flow. All other federal and state requirements and restrictions relating to floodway development still apply.
- 3) Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill, or impervious surfaces.
- 4) Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include structures, fill, impervious surfaces, or removal of more than 5% of the native vegetation on that portion of the property in the floodplain.
- 5) Repair to onsite septic systems, provided ground disturbance is the minimal necessary and best management practices (BMPs) to prevent stormwater runoff and soil erosion are used.
- 6) Projects that have already received concurrence under another permit or other consultation with the Services, either through Section 7, Section 4d, or Section 10 of the Endangered Species Act (ESA) that addresses the entirety of the project in the floodplain (such as an Army Corps 404 permit or non-conversion Forest Practice activities including any interrelated and interdependent activities.).

7) Repair of an existing, functional bulkhead in the same location and footprint with the same materials when the Ordinary High Water Mark (OHWM) is still outside of the face of the bulkhead (i.e. if the work qualifies for a Corps exemption from Section 404 coverage).

Article IV. Flood Damage Prevention Variances and Appeals

20.170.235. Variances and Appeals – Type III Procedures. Permits issued by the Director under this Chapter are appealable under POMC 20.170.240. Applications for variances from the provisions in this Chapter shall utilize the process and the criteria in POMC 20.170.250 in lieu of the requirements of POMC 20.28. Both appeals and variances hereunder shall be processed per the Type III procedures contained in POMC 20.22.050. The Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

20.170.2410 Appeal of Permits Under this Chapter. Appeal board.

(1) The ~~hearing examiner~~appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ~~city building official~~Director in the enforcement or administration of this chapter.

~~(2) The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city building official in the enforcement or administration of this chapter.~~

~~(3) Those aggrieved by the decision of the hearing examiner appeal board, or any taxpayer, may appeal such decision to the superior court, as provided in RCW Title 35.~~

(24) In ~~passing reviewing and considering upon~~ such ~~appeal applications~~, the ~~hearing examiner~~appeal board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;

- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

~~(35)~~ Upon consideration of the factors of subsection ~~(24)~~ of this section and the purposes of this chapter, the ~~hearing examiner~~~~appeal board~~ may attach such conditions to the granting of ~~variances~~~~the permit~~ as it deems necessary to further the purposes of this chapter.

~~(6) The city building official~~~~Director~~ shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. ~~(4) A party of record that is aggrieved by the decision of the hearing examiner may appeal such decision to the superior court, as provided in Chapter 36.70C RCW.~~

20.170.2520 Flood Damage Prevention Variances; Conditions for ~~variances~~Approval.

~~(1) Applications to modify the requirements of this chapter shall require a variance permit.~~

~~(2) General. Variances shall only be issued upon a demonstration that the application meets all of the following criteria:~~

~~(a) Generally, The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property;~~

~~(b) The variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and~~

~~(c) The applicant has demonstrated good and sufficient cause;~~

~~(d) Failure to grant the variance would result in exceptional hardship to the applicant;~~

~~(e) The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property;~~

~~(f) Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of~~

the public or conflict with existing local laws or ordinances. In making this determination, the hearing examiner shall consider the items contained in POMC 20.170.240(2)(a) through (2)(k);

(g) The variance granted is the minimum necessary, considering the flood hazard, to afford relief; and

(g) The variance is not inconsistent with the Comprehensive Plan.

(3) Variance from elevation standard limited. The only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in POMC 20.170.2410(42)(a) through (42)(k) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

(24) Historic Places. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

(35) Variances within designated floodway. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(46) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in POMC 20.170.2410(4), or conflict with existing local laws or ordinances.

(6) Interpretation. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(7) Non-residential variances limited. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (13) of this section, and otherwise complies with POMC 20.170.240 and 20.170.250.

(88) Any ~~applicant to whom a~~ variance ~~is~~ granted shall ~~contain be given~~ written notice alerting the applicant that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(9) A party of record that is aggrieved by the decision of the hearing examiner on a variance application may appeal such decision to the superior court, as provided in Chapter 36.70C RCW.

Article V. Provisions for Flood Hazard Reduction

20.170.2630 General standards.

In all areas of special flood hazards, the standards in POMC 20.170.2740 through 20.170.310280 are required.

20.170.2740 Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

20.170.2850 Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

20.170.290 Storage of Materials and Equipment

(1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

(2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

20.170.300260 Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (4) Water wells shall be located on high ground that is not in a floodway.

20.170.310270 Development and Subdivision proposals.

~~(1) All development, including~~ subdivision proposals, shall:

- ~~(1) be~~ Be consistent with the need to minimize flood damage;
- ~~(2) All subdivision proposals shall have~~ Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- ~~(3) All subdivision proposals shall h~~ave adequate drainage provided to reduce exposure to flood damage; and
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

~~**20.170.280 Review of building permits.**~~

~~Where elevation data is not available either through the flood insurance study or from another authoritative source (POMC 20.170.170), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in high insurance rates.~~

20.170.320290 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in POMC 20.170.060, Basis for establishing the areas of special flood hazard, or POMC 20.170.170, Use of other base flood data, the provisions in POMC 20.170.3300 through 20.170.3630 are required.

20.170.3300 Residential construction.

(1) In riverine flood risk areas zoned AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or

more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

(2) In coastal flood risk areas zoned AE where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least two feet above the BFE.

(3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

(4) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:

a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

b) The bottom of all openings shall be no higher than one foot above grade.

c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

~~(1) New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.~~

~~(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

~~(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~(b) The bottom of all openings shall be no higher than one foot above grade.~~

~~(c) Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. (Ord. 019-17 § 18 (Exh. 1)).~~

20.170.3410 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet the following requirements:

(1) Meet the standards in POMC 20.170.3030, or

(2) In riverine flood risk areas, if the requirements of POMC 20.170.3300 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

a) Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official as set forth in POMC 20.170.180(3);

d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in POMC 20.170.3030;

(3) In coastal flood risk areas, if the requirements of POMC 20.170.3030 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

a) Be dry flood proofed so that below two feet or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in POMC 20.170.180(3);

d) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in POMC 20.170.3030;

(Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.)

~~New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one-foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

~~(1) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~

~~(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~

~~(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in POMC 20.170.180(2);~~

~~(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in POMC 20.170.300(2);~~

~~(5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to one foot above the base flood level will be rated at the base flood level). (Ord. 019-17 § 18 (Exh. 1)).~~

20.170.3520 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above.

Floodproofing and sealing measures must be taken to insure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible.

20.170.3630 Manufactured homes.

All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE subject to riverine flooding shall be elevated on a permanent foundation such that the lowest

floor of the manufactured home is one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of POMC 20.170.~~240~~270(2).

All manufactured homes to be placed or substantially improved within the coastal flood risk area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is two feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of POMC 20.170.~~240~~270(2).

20.170.~~370~~35 Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- (1) Be on the site for fewer than 100 consecutive days;
- (2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick-disconnect utilities and security devices, and have no permanently attached additions; or
- (3) Meet the requirements of POMC 20.170.~~330~~360 and the elevation and anchoring requirements for manufactured homes.

20.170.380 Enclosed Area Below the Lowest Floor

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

20.170.390 Small Accessory Structures (Detached Garages & Small Storage Structures)

(1) In A, AE, A1-30, AH, and AO flood zones, small accessory structures (less than or equal to the size of a one story, two car garage) used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

- a) Use of the small accessory structure must be limited to parking of vehicles or limited storage;
- b) The portions of the small accessory structure located below the BFE must be built using flood resistant materials;
- c) The small accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
- d) Any machinery or equipment servicing the small accessory structure must be elevated or flood proofed to or above the BFE;
- e) If located in a floodway, then the small accessory structure must comply with floodway encroachment provisions in POMC 20.170.~~340~~400;

f) The small accessory structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section POMC 20.170.3030(4).

g) The structure shall have low damage potential, and

h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use.

i) The structure shall not be used for human habitation.

(2) Detached garages, storage structures, and other small accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in POMC 20.170.3030.

(3) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

20.170.400340 Floodways.

Located within areas of special flood hazard established in POMC 20.170.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the provisions in this section apply.

(1) No rise standard. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor areas; and

(b) Repairs, reconstruction, or improvements to a structure the cost of which does not exceed 50 percent of the market value of the structure either:

(i) Before the repair, reconstruction or improvement is started; or

(ii) If the structure has been damaged and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent. ~~Work done on structures to comply with existing health, sanitary or safety codes or to structures identified as historic places shall not be included in the 50 percent.~~

(3) Substantially Damaged Residences in Floodway

(a) For all substantially damaged residential structures located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

(b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

(i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

(ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.

(iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

(iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.

(v) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.

(vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.

(vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

~~(34)~~ If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

20.170.410 General Requirements for Other Development

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any City of Port Orchard amendments, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway;

(3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials;

(5) Meet the flood opening requirements of POMC 20.170.3390(4) and

(6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

20.170.420350 Wetlands management.

To the maximum extent possible avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetlands to alleviate flooding impacts. The following process should be implemented:

(1) Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplain.

(2) Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.

(3) Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention.

20.170.360 Coastal high hazard areas.

~~Located within areas of special flood hazard established in POMC 20.170.060 are coastal high hazard areas, designated as zones V1-30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:~~

~~(1) All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that:~~

~~(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and~~

~~(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).~~

~~A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a) and (b) of this section.~~

~~(2) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The city shall maintain a record of all such information.~~

~~(3) All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide.~~

~~(4) Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:~~

~~(a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and~~

~~(b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination~~

~~shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).~~

~~If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.~~

~~(5) Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.~~

~~(6) Prohibit manmade alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.~~

~~(7) All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:~~

~~(a) Outside of a manufactured home park or subdivision;~~

~~(b) In a new manufactured home park or subdivision;~~

~~(c) In an expansion to an existing manufactured home park or subdivision; or~~

~~(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall meet the standards of subsections (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of POMC-20.170.330.~~

~~(8) Recreational vehicles placed on sites within zones V1-30, V, and VE on the community's FIRM either:~~

~~(a) Be on the site for fewer than 180 consecutive days; or~~

~~(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or~~

~~(c) Meet the requirements of POMC 20.170.120, Development permit required, and subsections (1) through (6) of this section. (Ord. 019-17 § 18 (Exh. 1)).~~



CITY OF PORT ORCHARD
DEPARTMENT OF COMMUNITY DEVELOPMENT

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PLANNING COMMISSION STAFF REPORT

Agenda Item No: 4(c) and 4(d)	Meeting Date: 11/2/2021
Subject: POMC Title 20 "Housekeeping" Amendments	Prepared by: Nick Bond, Development Director

Issue: DCD staff continually tracks errors, inconsistencies, outdated references, and omissions in Title 20 POMC (Unified Land Use and Development Code), and gathers these into one corrections ordinance each year – generally known as the annual Title 20 “housekeeping ordinance”. These proposed corrections to Title 20 for 2021 have been prepared for the Planning Commission’s review.

The ordinance is provided in clean format, and an explanatory document is provided that lists each correction in numerical order, in redline strikeout/underline format, with explanations at the head of each change.

The Planning Commission is requested to hold a public hearing, review the proposed corrections, and make a recommendation of approval to the City Council.

Recommendation: Approve the 2021 Title 20 housekeeping ordinance.

Suggested Motion: “I move to recommend that the City Council approve the 2021 Title 20 housekeeping ordinance.”

Attachments: Ordinance; Corrections by Code Section Explanatory Document

ORDINANCE NO. __ -21

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, since the adoption of ordinance 019-17, on an annual basis the City has docketed, considered and adopted amendments to Title 20, to correct minor errors and internal conflicts and to clarify development regulations, 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 October 8, 2021, 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 October 14, 2021, 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 **, 2021, the City Council's Land Use committee reviewed the proposed minor revisions and corrections to Title 20, and directed staff to bring an ordinance to the full Council for review; and

WHEREAS, on **, 2021, the Planning Commission held a duly-noticed public hearing on the proposed adoption of minor revisions and corrections to Title 20, and **public testimony was received**, and the Planning Commission recommended approval of the proposed adoption; 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, 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. Table 20.22.020 is revised to read as follows:

Table 20.22.020 – Permit Review Type Classifications

Type I	Type II	Type III	Type IV	Type V
Director Decision	Director Decision	HE Decision	City Council Decision	City Council Decision
Judicial Appeal	HE Appeal	Judicial Appeal	Judicial Appeal	GMHB Appeal
Building Permit ¹ (Subtitle X of this title)	Short Plat, Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapters 20.86 and 20.96 POMC)	Preliminary Plat, Preliminary Plat Major Modifications, Alteration of Final, Vacation of Final (Chapters 20.88 and 20.96 POMC)	Final Plat (Chapter 20.90 POMC)	Development Agreement (Chapter 20.26 POMC)
Binding Site Plan, Final (Chapter 20.94 POMC)			Site-Specific Rezone without Comprehensive Plan Amendment (Chapter 20.42 POMC)	Comprehensive Plan Amendment – Land Use Map Amendment, Text Amendment (Chapter 20.04 POMC)
Preliminary Plat – Minor Modifications (Chapter 20.88 POMC)	Temporary Use Permit (Chapter 20.58 POMC)	Variance (Chapter 20.28 POMC)		Legislative Zoning Map Amendment (Chapter 20.06 POMC)
Minor Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC 20.150.100)	Binding Site Plan – Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapter 20.94 POMC)	Conditional Use Permit (Chapter 20.50 POMC)		POMC Title 20 Code Amendment (Chapter 20.06 POMC)
Boundary Line Adjustment (Chapter 20.84 POMC)	Stormwater Drainage Permit (Chapter 20.150 POMC)	Shoreline Substantial Development Permit, Conditional Use Permit, and Nonadministrative Variance (Chapter 20.164 POMC)		Annexations ²
Code Interpretation (Chapter 20.10 POMC)	Sign Permit (if SEPA required) (Chapter 20.132 POMC)	Planned Residential Developments		

Table 20.22.020 – Permit Review Type Classifications

Type I	Type II	Type III	Type IV	Type V
Director Decision	Director Decision	HE Decision	City Council Decision	City Council Decision
Judicial Appeal	HE Appeal	Judicial Appeal	Judicial Appeal	GMHB Appeal
Legal Nonconforming Permit (Chapter 20.54 POMC) Short Plat, Final (Chapter 20.86 POMC) Sign Permit (if SEPA not required) (Chapter 20.132 POMC) Master Sign Plan	Shoreline Substantial Development Permit, Administrative (Chapter 20.164 POMC) Sign Variance (Chapter 20.132 POMC)	Final Plat – Alteration or Vacation (Chapter 20.96 POMC) View Protection Overlay District (VPOD) Variance (POMC 20.38.860) Flood Damage Prevention Variance (POMC 20.170) Flood Damage Prevention Appeal (POMC 20.170)		
Shoreline Permit Exemption (Chapter 20.164 POMC) Temporary Use Permit, Extension (Chapter 20.58 POMC)	Major Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC 20.150.100) Variance – Administrative (Chapter 20.28 POMC)			

Untyped review and decision actions: preapplication meeting (Chapter 20.24 POMC), design review board review and recommendation (POMC 20.127.030), tax exemption for multifamily development (Chapter 3.48 POMC), capacity reservation certificate (Chapter 20.180 POMC), public works design variation, right-of-way permit (Chapter 12.04 POMC), street use permit (Chapter 12.24 POMC), water/sewer connection permit (Chapter 13.04 POMC).

¹ If a building permit application does not require SEPA review, no public notice is required. If a building permit application requires SEPA review, public notice shall be provided consistent with the requirements for Type II applications pursuant to Chapter 20.25 POMC.

² A development agreement that is consolidated with a Type I, II, III, or IV project permit application may be appealed pursuant to Chapter 36.70C RCW.

SECTION 3. 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	--	--	--	--	--	--	--	--
Backyard Cottage	P	P	P	--	--	P	P	--	P	--	--	--	P	--	--	--	--	--	--	--	--
Cottage Court	P	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	--	--	--	--	--
Shopfront House	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	--	--	--
Single-Story Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--	--	--	--	--
Mixed Use Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	--
General Building	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	P	P	P	P
Manufactured or Mobile Home Park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

* See restriction in POMC 20.32.090.

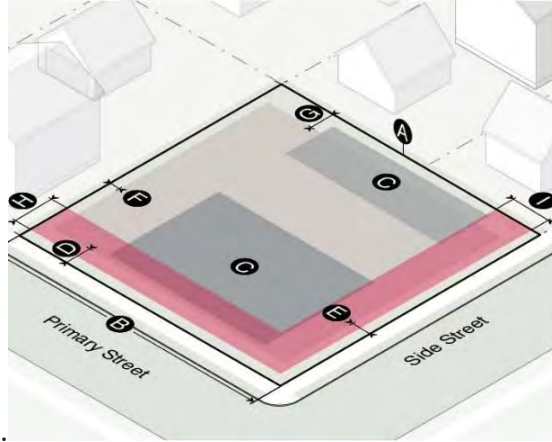
SECTION 4. Section 20.32.080 is revised to read as follows:

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: 60 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 5. Section 20.32.100 is revised to read as follows:

20.32.100 Apartment.

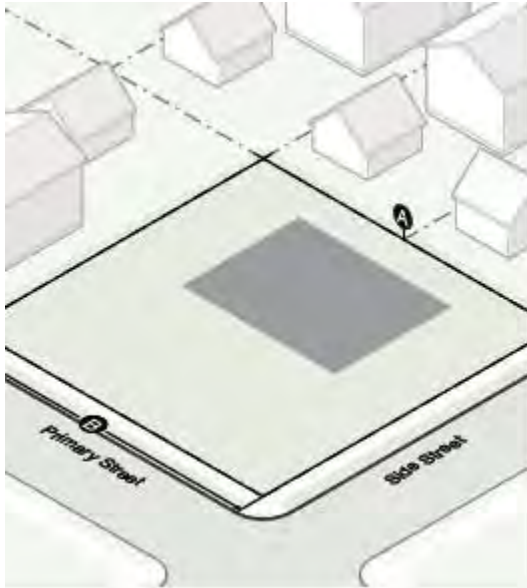
- (1) Definition. A building type that accommodates five or more dwelling units vertically and/or horizontally integrated.

SECTION 6. Section 20.37.030 is revised to read as follows:

20.37.030 Public Facilities.

- (1) Intent. The public facilities district is intended to provide for public facility uses that serve the city and which may not readily assimilate into other zoning districts. The public facilities district may be applied in any area of the city regardless of comprehensive plan designation. The public facilities district intends to accommodate buildings of a public nature such as police, fire or EMS stations and government offices.
- (2) Building Types Allowed. Building types are not applicable in the public facilities district.
- (3) Lot Dimensions.
 - (a) Minimum lot size: 7,000 square feet.
 - (b) Minimum lot width: 70 feet.

(4) Maximum hard surface coverage is 95 percent.



Public Facilities Lot Dimensions

(5) Building Setbacks (from Ground Level up to 40 Feet).

(a) Primary street: 10 feet minimum (may be reduced on designated storefront and varied streets, see Chapter 20.127 POMC).

(b) Side street: 10 feet minimum (may be reduced on designated storefront and varied streets, see Chapter 20.127 POMC).

(c) Side Interior.

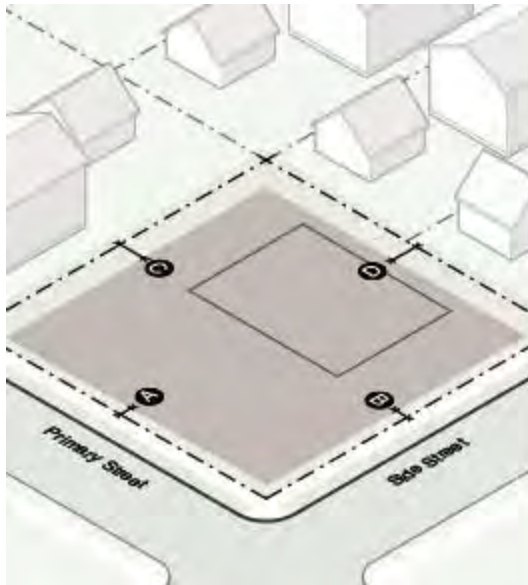
(i) Side interior abutting nonresidential: five feet minimum.

(ii) Side interior abutting residential: 20 feet minimum.

(d) Rear.

(i) Abutting nonresidential: five feet minimum.

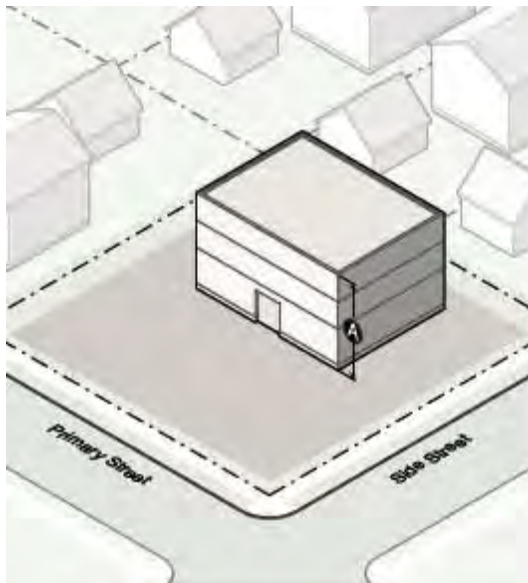
(ii) Rear abutting residential: 20 feet minimum.



Public Facilities Building Placement

(6) Building Height.

(a) All buildings and structures: five stories/85 feet maximum (it is recognized that public buildings may have higher per story heights than other building types hence the 85-foot height limit).



Public Facilities Building Height

SECTION 7. Table 20.39.040 is revised to read as follows:

20.39.040 Use table.

(Gray shading separates categories into residential, commercial and industrial, and civic/parks)

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	
Residential Uses																							
All household living, as listed below:																							
Single-family detached (including new manufactured homes)	P	P	P	--	--	P	P		P	--	--	--	P	--	--	--	--	--	--	--	--	--	20.39.100
Designated manufactured home, manufactured or mobile home (except for new designated manufactured homes)	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.100
New designated manufactured home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	20.39.100
Two-family	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	20.39.100
Single-family attached (2 units)	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	20.39.100
Single-family attached (3 or 4 units)	--	P	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	--	20.39.100
Single-family attached (5 or 6 units)	--	--	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	--	20.39.100
Multifamily (3 or 4 units)	--	--	P	P	P	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	--	20.39.100
Multifamily (5 or more units)	--	--	P	P	P	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	--	20.39.100
Manufactured or mobile home park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.100
Boarding house	--	--	--	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	--	
Congregate living facilities	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	--	
Lodging house	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	--	

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
Group home (up to 8 residents), except as follows:	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.100
Adult family home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.100
All group living (9 or more residents)	--	--	--	C	C	--	--	P	C	P	C	--	P	P	--	--	--	--	--	--	--	20.39.110
Social services facilities	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	20.39.120
Secured high risk social services facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	20.39.122
Public Uses																						
All civic uses, as listed below:																						
Community college, university, trade or technical school (8,000 square feet or less)	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	20.39.240
Community college, university, trade or technical school (more than 8,000 square feet)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	--	C	20.39.240
Club or lodge	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	20.39.240
Public use	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.240
Museum, library	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	P	20.39.240
Place of worship	C	C	C	C	C	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	20.39.240
School (K-12)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	20.39.240
Jail or detention center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	20.39.240
Transit park and ride lot	--	--	C	C	C	--	--	C	C	P	C	C	--	P	P	P	P	P	P	--	P	20.39.220
Transfer station	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	20.39.230
Transit bus base	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	P	20.39.210
All open space and park uses, as listed below:																						
Cemetery	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	20.39.250
Golf course	C	C	C	--	--	C	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	20.39.250
Park, recreation field	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	--	P	P	20.39.250

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	
All utilities, as listed below:																							
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.260
Major utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P		20.39.260
Wireless telecommunication facilities, as listed below:																							
Amateur radio operator tower	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--		20.39.270
Small cell wireless telecommunication facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.270
Wireless telecommunication tower (excludes small cell facilities)	C	C	C	C	C	C	--	C	C	C	C	C	C	C	C	C	C	C	C	--	C		20.39.270
Commercial Uses																							
All day care, as listed below:																							
Family day care (6 children or fewer)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--		20.39.305
Group day care (mini day care) (7 to 12)	C	C	C	--	--	C	C	C	P	P	--	P	P	P	--	--	--	--	--	--	--		20.39.305
Day care center (13 or more)	--	--	--	--	--	--	--	C	C	C	--	P	C	P	P	--	--	--	--	--	--		20.39.305
All indoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	P	C	P	--	P	P	--	--	--	--	C	--		
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	C		20.39.315
Special event facility	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	--	C	C	C		20.39.315
Commercial entertainment, except as follows:	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	--		
Adult entertainment	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--		20.39.320
All outdoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	C	C	P	--	P	P	--	--	--	--	C	C		
Campground, travel trailer park, RV park (does not include mobile home park)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C		20.39.340
Horse stable, riding academy, equestrian center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C		20.39.340
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C		20.39.340
Marina (upland areas)	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	C	C	C	C	C	C		20.39.385

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	
All overnight lodging, as listed below:																							
Level 1: Vacation rentals or similar short-term house/room rentals	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	20.39.345
Level 2: Bed and breakfast (up to 7 rooms)	C	C	C	--	--	C	C	--	P	--	--	--	P	--	--	--	--	--	--	--	--	--	20.39.345
Level 3: Motel	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--	20.39.345
Level 4: Hotel	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--	--	--	--	--	--	20.39.345
All medical, except as listed below:	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	--	--	--	--	P		
Hospital	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	C	20.39.325	
All office, except as listed below:	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	P	--	--	--	--	--		
Bail bonds	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	--	--	--	--	--	--	--	20.39.335
Surface parking: commercial parking, commuter lease parking or park and ride, remote parking	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	--	P	--	C	20.39.350	
Commercial parking garage – standalone	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	P	--	--	--	--	C	20.39.350	
Electric vehicle charging stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
All personal service, except as listed below:	--	--	--	--	--	--	--	C	C	P	C	P	P	P	P	C	--	--	--	--	--		
Funeral home	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	--	--	--	--	--	--	20.39.355	
Crematorium	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	20.39.355	
Animal shelter or adoption center	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	--	C	20.39.200	
Indoor animal care	--	--	--	--	--	--	--	--	C	P	--	P	--	P	P	P	--	--	--	--	--	20.39.360	
Outdoor animal care	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	20.39.365	
Business services	--	--	--	--	--	--	--	C	P	P	P	P	P	P	P	P	--	--	C	--	--	20.39.380	
Conference center	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	C	--	C	20.39.310	
All restaurants except as listed below:	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--		

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
Food truck	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	20.39.370
All retail sales, as listed below:																						
Retail establishment (up to 5,000 gross floor area)	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	20.39.375
Retail establishment (5,001 - 15,000 gross floor area)	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	P	--	--	--	--	--	20.39.375
Retail establishment (15,001 - 50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	--	20.39.375
Retail establishment (over 50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	--	--	20.39.375
Fireworks sales in accordance with Chapter 5.60 POMC	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	
Recreational marijuana sales	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	--	--	--	--	20.64; 20.39.375
Convenience store with fuel pumps	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	--	20.39.375
Convenience store without fuel pumps	--	--	--	--	--	--	--	--	C	C	C	--	--	P	P	P	--	--	--	--	--	20.39.375
Fuel station, including fuel pumps and fuel sales, without convenience store	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	--	--	--	--	
Automobile service station	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	--	--	--	--	20.39.300
All vehicle and tool/construction equipment sales and rental, as listed below:																						
Light vehicle and light tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.375
Heavy vehicle and heavy tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.375
All vehicle service and repair, as listed below:																						
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	20.39.440

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
Vehicle service and repair, minor	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	20.39.440
Vehicle service and repair, major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.440
Vehicle service and repair, commercial vehicle	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.440
Industrial Uses																						
All heavy industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	20.39.400
All light manufacturing, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	
Commercial laundry, dry cleaning or carpet cleaning facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.410
Brewery, distillery under 5,000 square feet	--	--	--	--	--	--	--	--	--	--	P	P	--	--	P	--	--	--	--	--	--	
Brewery, distillery 5,001 – 15,000 square feet	--	--	--	--	--	--	--	--	--	--	C	C	--	C	P	P	--	--	--	--	--	
Brewery, distillery over 15,000 square feet	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
Craft shop	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	--	20.39.410
Food and beverage processing, boutique (area used for processing less than 3,000 square feet)	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	--	20.39.410
Food and beverage processing, industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.410
Recreational marijuana production and processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	20.64; 20.39.410
All research and development	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	20.39.420
Resource extraction – mining, dredging, raw mineral processing, except:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	20.39.430
Timber harvesting in the absence of concurrent development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Sand and gravel mining	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	

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
Stockpiling of sand, gravel or other aggregate materials	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--		C	P	--	--	P	20.39.430
Sheet metal, welding, machine shop, tool and equipment manufacturing, vehicle painting facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	--	--	P	20.39.410
All warehouse, storage and distribution, as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	
Enclosed storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	20.39.450
Self-service storage, mini-warehouse	--	--	--	--	--	--	--	--	--	C	--	--	--	C	C	C	--	--	--	--	--	20.39.460
Storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P	P	--	--	P	20.39.470
All waste-related service, including wastewater treatment facilities, decant facilities and recycling centers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	20.39.480
Agricultural Uses																						
All agriculture, as listed below:																						
Agricultural processing, excluding marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	20.39.500
Community garden	P	P	P	P	P	P	--	P	P	P	--	--	--	--	--	--	--	--	--	P	P	20.39.500
Nursery	--	--	--	--	--	--	P	--	--	--	--	--	--	P	P	P	P	--	--	--	--	20.39.500
Winery	--	--	--	--	--	--	C	--	--	C	C	C	--	P	P	P	P	--	--	--	--	20.39.500
Accessory Uses																						
Accessory uses not otherwise listed below, as determined by the administrator:																						
Accessory dwelling units, as listed below:																						
Accessory apartment (attached dwelling)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600 , 20.68

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
Backyard cottage dwelling	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600
Drive-through facility	--	--	--	--	--	--	--	--	--	C	--	--	--	P	P	P	P	--	--	--	--	20.39.610
Home occupation	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.615
Home business	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.620
Livestock keeping	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.625
Outdoor display	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	20.39.630
Outdoor storage as listed below:																						
Low-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	20.39.635
High-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.635
Self-storage as accessory use to apartment building	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.640
Vehicle service and repair, accessory to a residential use	P	P	--	--	--	P	P	--	--	--	--	--	--	P	P	--	--	--	--	--	--	20.39.645
Park as accessory use to residential development	P	P	P	P	P	P	--	P	P	P	P	P	P	--	--	--	--	--	--	--	--	
Medical marijuana cooperative	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	20.64; 20.39.100

Key: P = Permitted Use C = Conditional Use -- = Use Not Permitted

SECTION 8. Section 20.42.050 is repealed in its entirety.

SECTION 9. Section 20.80.040 is revised to read as follows:

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 nine 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 nine lots from filing a short plat within a five-year period to create up to a total of nine lots within the boundary of the original short plat. Any land being divided into ten 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.

SECTION 10. Section 20.88.070 is revised to read as follows:

20.88.070 Preliminary plat – Effect of approval.

(1) Approval of the preliminary subdivision by the city shall constitute direction to the applicant to develop construction plans and specifications for the required public facilities, in strict conformance with the approved preliminary subdivision, the street and utility standards adopted by the city, the city's design and construction standards, and any special conditions imposed on the approval.

(2) Permission shall not be granted for installation of required public facilities until all construction plans and specifications have been approved in writing by the city engineer, pursuant to Chapter 20.98 POMC.

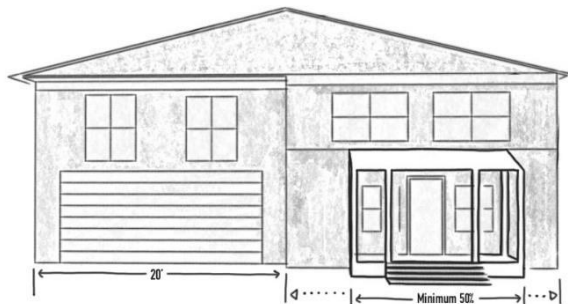
SECTION 11. Section 20.122.060 is revised to read as follows:

20.122.060 Porch.

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



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



The 50 percent porch width shall be measured to include the habitable ground floor portion of the detached house only.



The 50 percent porch width shall be measured to include the habitable ground floor portion of the detached house only.

- (1) A front porch must be at least six feet deep (not including the steps). A portion of the porch may be less than six feet deep; provided, that the front door is recessed by at least six feet.
- (2) A front porch must be contiguous, with a width not less than 50 percent of the building facade from which it projects. For the purposes of this section, the front building facade shall not include that portion of the house containing an attached side-by-side garage.
- (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.
- (5) A front porch may not encroach into the public right-of-way.

SECTION 12. Section 20.124.120 is revised to read as follows:

20.124.120 Internal road circulation standards.

Internal access roads to off-street parking areas shall conform with or exceed the surfacing and design requirements of the most recent adopted edition of the Port Orchard Public Works engineering standards and specifications

SECTION 13. Section 20.128.050(2)(b)(i) is revised to read as follows:

20.128.050(2)(b)(i) Tree Standards and Guidelines.

(1) Native Plant Species. New landscaping materials shall include species native to the region or hardy, waterwise, and noninvasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials must be those identified as hardy in Zone 8b as described in United States

Department of Agriculture's Plant Hardiness Zone Map. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

(2) Tree Standards and Guidelines.

(a) Tree heights may be called for within this chapter or elsewhere within this title:

(i) Large Tree. Capable of growing 35 feet high or greater under normal growing conditions.

(ii) Medium Tree. Capable of growing over 15 feet high and less than 35 feet high under normal growing conditions.

(iii) Small Tree. Capable of growing up to 15 feet high under normal growing conditions.

(b) Unless otherwise noted herein, required trees shall meet the following standards at the time of planting:

(i) Required deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one and one-half inches (as measured six 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.

(ii) Required evergreen trees shall be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.

(iii) Required trees of any species within parking areas shall be a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball) and a minimum height of 10 feet at the time of planting.

(3) Shrub Standard. Shrubs, except for ornamental grasses, shall be a minimum of one-gallon size at the time of planting.

(4) Ground Cover Standards and Guidelines.

(a) Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three years as follows, or as per recommendations by Washington State licensed landscape architect, Washington-certified professional horticulturalist (CPH), or other qualified individual. Ground cover plants other than turf forming grasses must be planted in triangular spacing at the following rates:

(i) Four-inch pots at 18 inches on center.

(ii) One gallon or greater sized containers at 24 inches on center.

(iii) Alternative plant spacing may be appropriate depending on the specific plants.

When applicable, plant spacing information must be included with permit application submittals from published sources, such as the Sunset Western Garden Book, from Internet sources, or from cut sheets provided by a nursery. Such sources must be identified for verification purposes.

(b) Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception).

(c) Ground cover areas shall contain at least two inches of composted organic material at finished grade.

(5) Tree and Plant Diversity.

(a) If there are more than eight required trees, no more than 40 percent of them may be of one species.

(b) If there are more than 24 required trees, no more than 20 percent of them may be of one species.

(c) If there are more than 24 required shrubs, no more than 75 percent of them may be of one species.

(6) Soil Augmentation and Mulching.

(a) Existing soils shall be augmented with a two-inch layer of fully composted organic material tilled a minimum of six inches deep prior to initial planting.

(b) Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock may also be used as a mulch.

(7) Landscape Installation Standards.

(a) All required landscaping shall be in-ground, except when in raised planters. Plant materials shall be installed to current nursery industry standards.

(b) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures shall be removed as soon as the plant can support itself.

(c) Existing trees and plant materials to be retained shall be protected during construction. Protection measures may include silt fencing, chain link fencing, or other sturdy fencing placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles, and equipment shall not be allowed within the dripline of trees to be retained.

(d) Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities.

(e) Trees and major shrubs at mature size should avoid interference with windows, decks, pedestrian walkways or other travelled ways, or lighting.

SECTION 14. Section 20.139.020 is revised to read as follows:

(1) The following provisions apply to detached houses, side-by-side duplexes, and back-to-back duplexes:

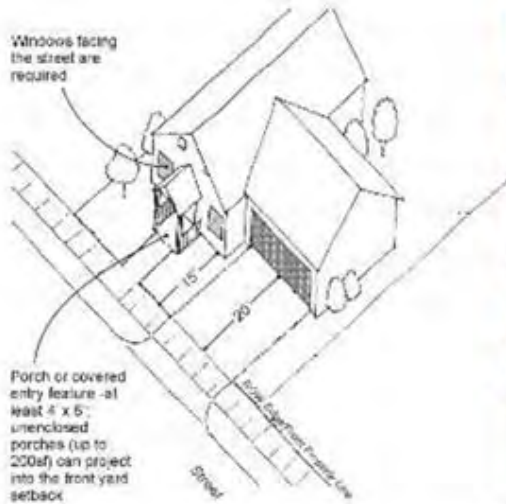
(a) Where lots front on a public street, and where vehicular access is from the street, garages or carports shall be set back at least five feet behind the ground floor front wall of the occupied portion of a house or front edge of an unenclosed porch.

Exceptions:

(i) Garages may project up to six feet closer to the street than the ground floor front wall of the occupied portion of a structure or front edge of an unenclosed porch, provided it is set back at least 18 feet from the property line or sidewalk edge (when sidewalks are present) and incorporates at least two of the design/detail features below. Garages placed flush with the ground floor front wall (or between zero and five feet behind the front wall) of the occupied portion of the house shall incorporate at least one of the design/detail features below:

- (A) A decorative trellis or arbor over the entire garage face, above and surrounding the garage door.
- (B) A balcony that extends out over the garage and includes columns.
- (C) Two separate doors for two-car garages instead of one large door.

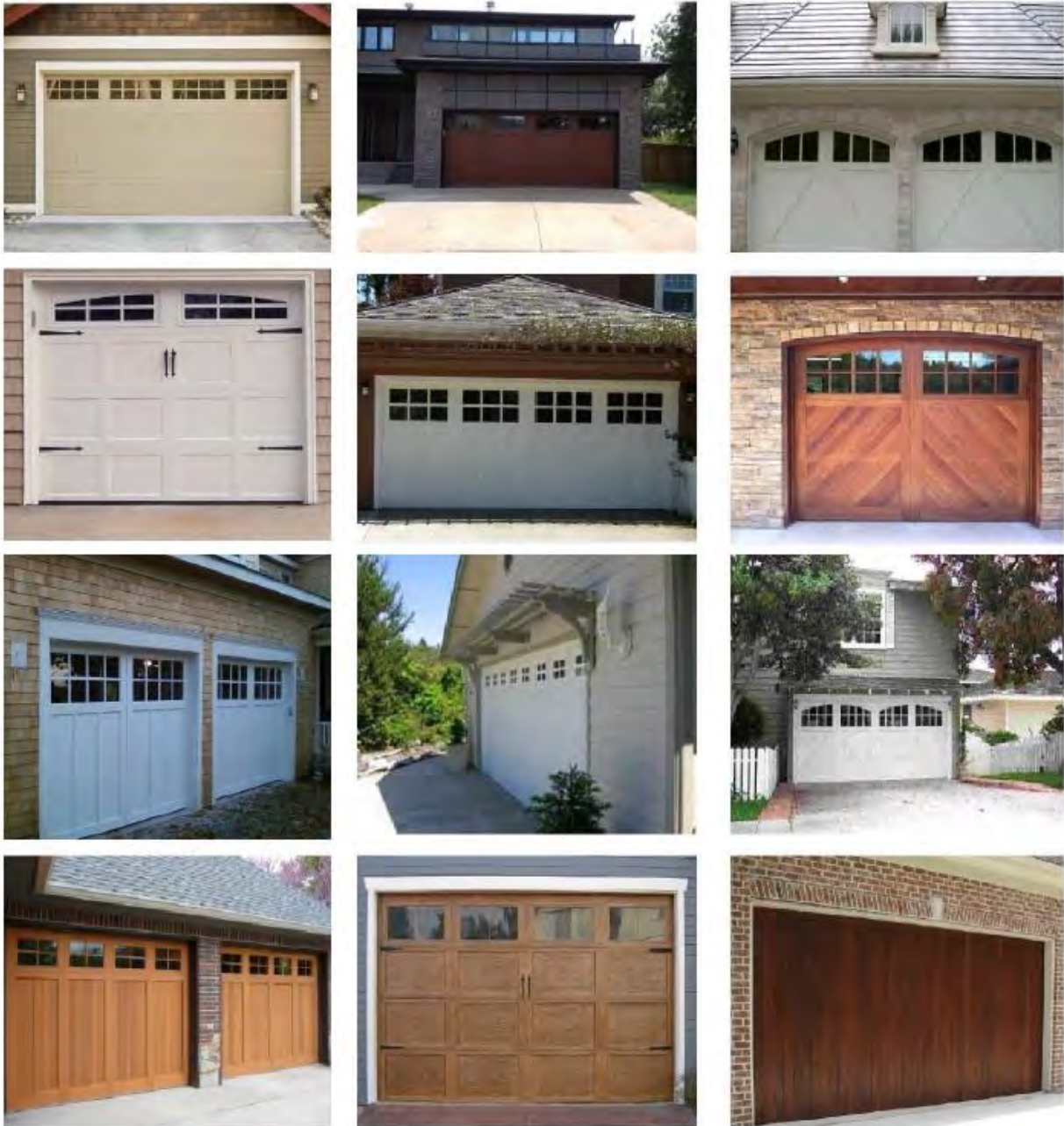
- (D) Decorative windows on the garage door.
- (E) Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail. Traditional visible hinges and handles (functional or decorative), and other construction methods creating depth and texture on a garage door surface are acceptable forms of decorative details.



Examples of decorative details are shown in Figure 2.

- (F) A garage door color (other than white) that matches or complements the color of the house.
- (G) Other design techniques that effectively deemphasize the garage, as determined by the director.
- (ii) Garages may be placed closer to the street than the front wall of the house or front edge of an unenclosed porch, provided the garage door faces an interior lot line and features (a) window(s) facing the street, so that it appears to be habitable.
- (iii) Where lots abut an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. This requirement shall not apply to unopened alleys.

Figure 1. Garage placement/frontage standards and design



SECTION 15. 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 16. 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 17. Effective Date. This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after the date of publication. A summary of this ordinance in the form of the ordinance title may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this **th day of ** 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Charlotte A. Archer, City Attorney

Scott Diener, Councilmember

PUBLISHED:

EFFECTIVE DATE:

4rt5TITLE 20 POMC
PROPOSED “HOUSEKEEPING” CORRECTIONS – 2021
 SHOWN AS **RED STRIKEOUT/UNDERLINE**, PER SECTION EXCERPT
 Explanations for changes are listed in *italic blue* before each change

1. Adds Flood Damage Prevention Variance and Appeal to the permit types in Table 20.22.020 – Permit Review Type Classifications.

Table 20.22.020 – Permit Review Type Classifications

Type I	Type II	Type III	Type IV	Type V
Director Decision	Director Decision	HE Decision	City Council Decision	City Council Decision
Judicial Appeal	HE Appeal	Judicial Appeal	Judicial Appeal	GMHB Appeal
Building Permit ¹ (Subtitle X of this title)	Short Plat, Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapters 20.86 and 20.96 POMC)	Preliminary Plat, Preliminary Plat Major Modifications, Alteration of Final, Vacation of Final (Chapters 20.88 and 20.96 POMC)	Final Plat (Chapter 20.90 POMC)	Development Agreement (Chapter 20.26 POMC)
Binding Site Plan, Final (Chapter 20.94 POMC)	Temporary Use Permit (Chapter 20.58 POMC)	Variance (Chapter 20.28 POMC)	Site-Specific Rezone without Comprehensive Plan Amendment (Chapter 20.42 POMC)	Comprehensive Plan Amendment – Land Use Map
Preliminary Plat – Minor Modifications (Chapter 20.88 POMC)	Binding Site Plan – Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapter 20.94 POMC)	Conditional Use Permit (Chapter 20.50 POMC)		Amendment, Text Amendment (Chapter 20.04 POMC)
Minor Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC 20.150.100)	Stormwater Drainage Permit (Chapter 20.150 POMC)	Shoreline Substantial Development Permit, Conditional Use Permit, and Nonadministrative Variance (Chapter 20.164 POMC)		Legislative Zoning Map Amendment (Chapter 20.06 POMC)

Table 20.22.020 – Permit Review Type Classifications

Type I Director Decision Judicial Appeal	Type II Director Decision HE Appeal	Type III HE Decision Judicial Appeal	Type IV City Council Decision Judicial Appeal	Type V City Council Decision GMHB Appeal
Boundary Line Adjustment (Chapter 20.84 POMC) Code Interpretation (Chapter 20.10 POMC) Legal Nonconforming Permit (Chapter 20.54 POMC) Short Plat, Final (Chapter 20.86 POMC) Sign Permit (if SEPA not required) (Chapter 20.132 POMC) Master Sign Plan	Sign Permit (if SEPA required) (Chapter 20.132 POMC) Shoreline Substantial Development Permit, Administrative (Chapter 20.164 POMC) Sign Variance (Chapter 20.132 POMC)	Planned Residential Developments Final Plat – Alteration or Vacation (Chapter 20.96 POMC) View Protection Overlay District (VPOD) Variance (POMC 20.38.860) Flood Damage Prevention Variance (POMC 20.170) Flood Damage Prevention Appeal (POMC 20.170)		POMC Title 20 Code Amendment (Chapter 20.06 POMC) Annexations ²
Shoreline Permit Exemption (Chapter 20.164 POMC)	Major Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC 20.150.100)			

Table 20.22.020 – Permit Review Type Classifications

Type I	Type II	Type III	Type IV	Type V
Director Decision	Director Decision	HE Decision	City Council Decision	City Council Decision
Judicial Appeal	HE Appeal	Judicial Appeal	Judicial Appeal	GMHB Appeal
Temporary Use Permit, Extension (Chapter 20.58 POMC)	Variance – Administrative (Chapter 20.28 POMC)			

Untyped review and decision actions: preapplication meeting (Chapter 20.24 POMC), design review board review and recommendation (POMC 20.127.030), tax exemption for multifamily development (Chapter 3.48 POMC), capacity reservation certificate (Chapter 20.180 POMC), public works design variation, right-of-way permit (Chapter 12.04 POMC), street use permit (Chapter 12.24 POMC), water/sewer connection permit (Chapter 13.04 POMC).

¹ If a building permit application does not require SEPA review, no public notice is required. If a building permit application requires SEPA review, public notice shall be provided consistent with the requirements for Type II applications pursuant to Chapter 20.25 POMC.

² A development agreement that is consolidated with a Type I, II, III, or IV project permit application may be appealed pursuant to Chapter 36.70C RCW.

2. In the building type zoning matrix in POMC 20.32.015, the Cottage Court building type is added to the list of permitted building types in the Residential Mixed Use (RMU) zoning district, for consistency with POMC 20.32.040(2) (Cottage Court standards).

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--	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	--	--	--	--	--	--
Single-Story Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--	--	--	--	--
Mixed Use Shopfront	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	--
General Building	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	P	P	P	P	P	P
Manufactured or Mobile Home Park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

* See restriction in POMC 20.32.090.

3. Revises POMC 20.32.080 (Fourplex) to require a minimum lot width of 60 feet for a fourplex residential building, for consistency with POMC 20.34 (Residential Districts), which requires a minimum lot width of 60 feet for a fourplex in those zones that allow them.

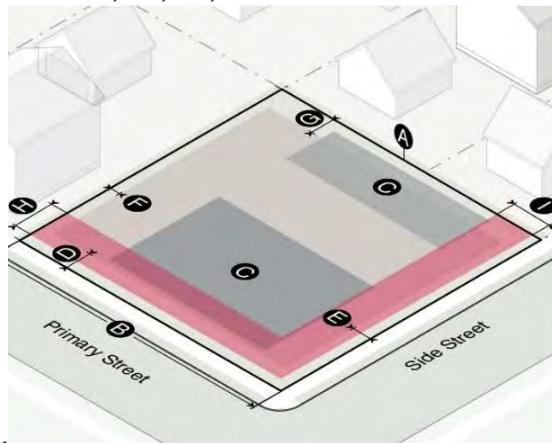
20.32.080 Fourplex.





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

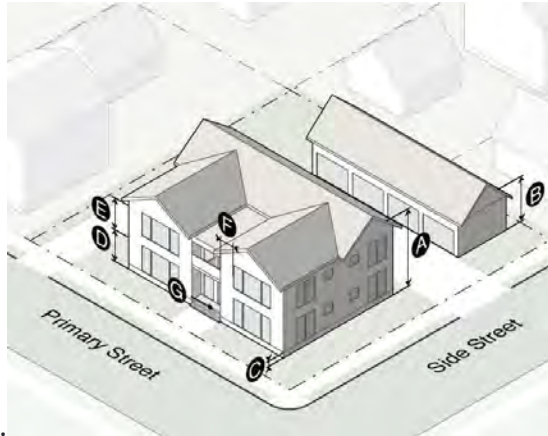
(2) Districts where allowed: R3, R4, R5, NMU.



(3) Lot and Placement.

- (a) Minimum lot area: 7,000 square feet.
- (b) Minimum lot width: ~~60~~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.

4. Incorporates Director’s Interpretation LU21-01 into POMC Title 20, in accordance with the requirements of POMC 20.10.040(5)(b) (Director’s Decision – Time Limitation).

20.32.100 Apartment.

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

5. Removes reference in the Public Facilities (PF) zone definition to “primary buildings” (buildings are not broken down into primary and accessory in the PF zone). Corrects outdated reference to “mixed designation” street with current reference of “varied” street. Corrects labels under illustrative drawings to correctly reflect the PF zone.

20.37.030 Public Facilities.

(1) Intent. The public facilities district is intended to provide for public facility uses that serve the city and which may not readily assimilate into other zoning districts. The public facilities district may be applied in any area of the city regardless of comprehensive plan designation. The public facilities district intends to accommodate buildings of a public nature such as police, fire or EMS stations and government offices.

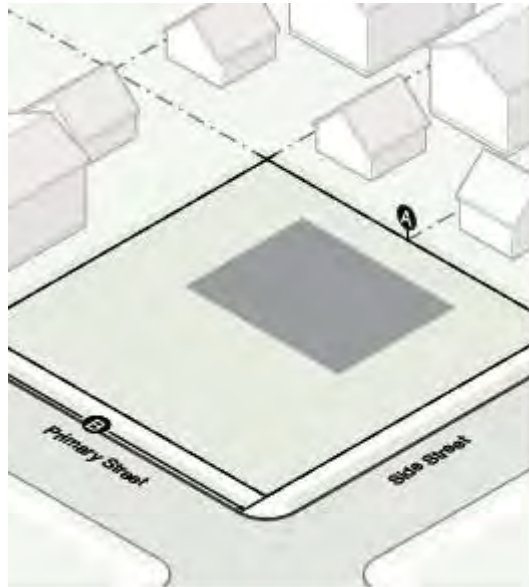
(2) Building Types Allowed. Building types are not applicable in the public facilities district.

(3) Lot Dimensions.

(a) Minimum lot size: 7,000 square feet.

(b) Minimum lot width: 70 feet.

(4) Maximum hard surface coverage is 95 percent.



Public Facilities~~Civic and Institutional~~ Lot Dimensions

(5) ~~Principal~~ Building Setbacks (from Ground Level up to 40 Feet).

(a) Primary street: 10 feet minimum (may be reduced on designated storefront and ~~varied~~~~mixed designation~~ streets, see Chapter 20.127 POMC).

(b) Side street: 10 feet minimum (may be reduced on designated storefront and ~~varied~~~~mixed designation~~ streets, see Chapter 20.127 POMC).

(c) Side Interior.

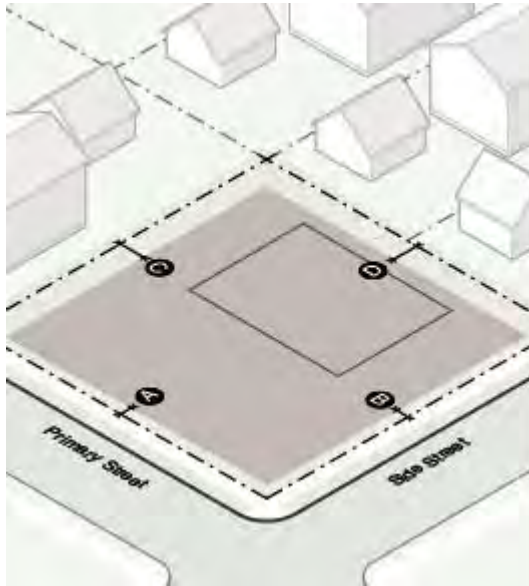
(i) Side interior abutting nonresidential: five feet minimum.

(ii) Side interior abutting residential: 20 feet minimum.

(d) Rear.

(i) Abutting nonresidential: five feet minimum.

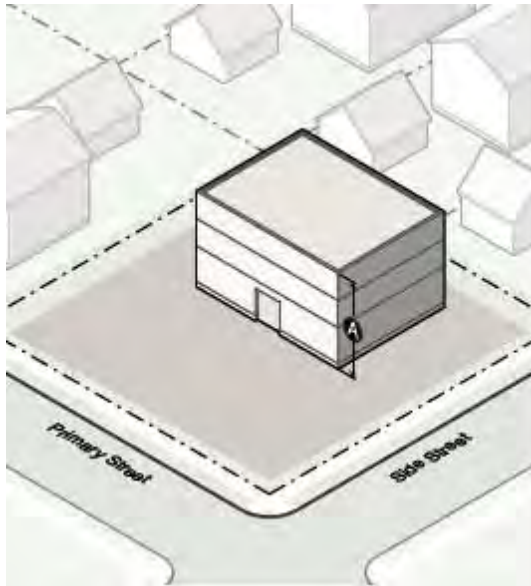
(ii) Rear abutting residential: 20 feet minimum.



Public Facilities~~Civic and Institutional~~ Building Placement

(6) Building Height.

(a) All buildings and structures: five stories/85 feet maximum (it is recognized that public buildings may have higher per story heights than other building types hence the 85-foot height limit).



Public Facilities~~Civic and Institutional~~ Building Height

6. The Use Table in Chapter 20.39.040 has been updated with corrected “Definition/Standards” links in the far-right column, reflecting previous code changes. “Animal Shelter or Adoption Center” has been relocated to its correct place. “Food Bank” had been added to clarify that it is a permitted use.

20.39.040 Use table.

(Gray shading separates categories into residential, commercial and industrial, and civic/parks)

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	
Residential Uses																							
All household living, as listed below:																							
Single-family detached (including new manufactured homes)	P	P	P	--	--	P	P		P	--	--	--	P	--	--	--	--	--	--	--	--	--	20.39.100 -615

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
Designated manufactured home, manufactured or mobile home (except for new designated manufactured homes)	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	<u>20.39.1600</u> -615
New designated manufactured home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	<u>20.39.100</u>
Two-family	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	<u>20.39.1600</u> -615
Single-family attached (2 units)	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	<u>20.39.1600</u> -615
Single-family attached (3 or 4 units)	--	P	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	<u>20.39.1600</u> -615
Single-family attached (5 or 6 units)	--	--	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	<u>20.39.1600</u> -615
Multifamily (3 or 4 units)	--	--	P	P	P	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	<u>20.39.1600</u> -615
Multifamily (5 or more units)	--	--	P	P	P	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	<u>20.39.1600</u> -615
Manufactured or mobile home park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	<u>20.39.1600</u> -615
Boarding house	--	--	--	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Congregate living facilities	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Lodging house	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Group home (up to 8 residents), except as follows:	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	<u>20.39.1600</u> -615
Adult family home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	<u>20.39.100</u>
All group living (9 or more residents)	--	--	--	C	C	--	--	P	C	P	C	--	P	P	--	--	--	--	--	--	--	<u>20.39.1610</u>
Social services facilities	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	<u>20.39.120615</u>
Secured high risk social services facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	<u>20.39.122</u>
Public Uses																						
All civic uses, as listed below:																						
Community college, university, trade or technical school (8,000 square feet or less)	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	<u>20.39.240</u>
Community college, university, trade or technical school (more than 8,000 square feet)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	--	C	<u>20.39.240</u>
Club or lodge	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	<u>20.39.240</u>

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	
Public use	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.240
Museum, library	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	--	P	20.39.240
Place of worship	C	C	C	C	C	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	--	20.39.240
School (K-12)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	20.39.240
Jail or detention center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	--	20.39.240
Transit park and ride lot	--	--	C	C	C	--	--	C	C	P	C	C	--	P	P	P	P	P	P	--	P	--	-20.39.220
Transfer station	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	P	20.39.230
Transit bus base	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	P	20.39.210
All open space and park uses, as listed below:																							
Cemetery	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	20.39.250410
Golf course	C	C	C	--	--	C	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	--	20.39.250410
Park, recreation field	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	--	P	P	--	20.39.250410
Animal shelter or adoption center	--	--	--	--	--	--	--	--	--	--	--	--	--	€	€	€	€	€	€	€	--	€	20.39.200
All utilities, as listed below:																							
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.260415
Major utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	--	20.39.260415
Wireless telecommunication facilities, as listed below:																							
Amateur radio operator tower	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.270
Small cell wireless telecommunication facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.270
Wireless telecommunication tower (excludes small cell facilities)	C	C	C	C	C	C	--	C	C	C	C	C	C	C	C	C	C	C	C	--	C	--	20.39.270
Commercial Uses																							
All day care, as listed below:																							
Family day care (6 children or fewer)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	20.39.3505

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
Group day care (mini day care) (7 to 12)	C	C	C	--	--	C	C	C	P	P	--	P	P	P	--	--	--	--	--	--	--	20.39.3505
Day care center (13 or more)	--	--	--	--	--	--	--	C	C	C	--	P	C	P	P	--	--	--	--	--	--	20.39.3505
All indoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	P	C	P	--	P	P	--	--	--	--	C	--	
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	C	20.39.315510
Special event facility	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	--	C	C	C	20.39.315510
Commercial entertainment, except as follows:	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	--	
Adult entertainment	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	20.39.320515
All outdoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	C	C	P	--	P	P	--	--	--	--	C	C	
Campground, travel trailer park, RV park (does not include mobile home park)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	20.39.340530
Horse stable, riding academy, equestrian center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	20.39.340530
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	20.39.340530
Marina (upland areas)	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	C	C	C	C	C	C	20.39.385575
All overnight lodging, as listed below:																						
Level 1: Vacation rentals or similar short-term house/room rentals	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	20.39.345535
Level 2: Bed and breakfast (up to 7 rooms)	C	C	C	--	--	C	C	--	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.345535
Level 3: Motel	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	20.39.345535
Level 4: Hotel	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	--	--	--	--	--	--	20.39.345535
All medical, except as listed below:	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	--	--	--	--	P	
Hospital	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	C	20.39.325520
All office, except as listed below:	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	P	--	--	--	--	--	
Bail bonds	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	--	--	--	--	--	--	20.39.335525
Surface parking: commercial parking, commuter lease parking or park and ride, remote parking	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	--	P	--	--	C	20.39.350
Commercial parking garage – standalone	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	P	--	--	--	--	C	20.39.350

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	
Electric vehicle charging stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.12
All personal service, except as listed below:	--	--	--	--	--	--	--	C	C	P	C	P	P	P	P	C	--	--	--	--	--	--	
Funeral home	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	--	--	--	--	--	--	--	20.39.355545
Crematorium	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	20.39.355545
<u>Animal shelter or adoption center</u>	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	--	--	C	20.39.200
Indoor animal care	--	--	--	--	--	--	--	--	C	P	--	P	--	P	P	P	--	--	--	--	--	--	20.39.360550
Outdoor animal care	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	--	20.39.365555
Business services	--	--	--	--	--	--	--	C	P	P	P	P	P	P	P	P	--	--	C	--	--	--	20.39.380570
Conference center	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	C	--	C	--	20.39.310
<u>Food bank</u>	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	
All restaurants except as listed below:	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	
Food truck	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	20.39.370562
All retail sales, as listed below:																							
Retail establishment (up to 5,000 gross floor area)	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	20.39.375565
Retail establishment (5,001 – 15,000 gross floor area)	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	P	--	--	--	--	--	--	20.39.375565
Retail establishment (15,001 – 50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	--	--	20.39.375565
Retail establishment (over 50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	--	--	--	20.39.375565
Fireworks sales in accordance with Chapter 5.60 POMC	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	
Recreational marijuana sales	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	--	--	--	--	--	20.64; 20.39.375
Convenience store with fuel pumps	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	--	--	20.39.375565
Convenience store without fuel pumps	--	--	--	--	--	--	--	--	C	C	C	--	--	P	P	P	--	--	--	--	--	--	20.39.375565
Fuel station, including fuel pumps and fuel sales, without convenience store	--	--	--	--	--	--	--	--	--		--	--	--	--	C	--	P	--	--	--	--	--	

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
Automobile service station	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	--	--	--	--	20.39.300
All vehicle and tool/construction equipment sales and rental, as listed below:																						
Light vehicle and light tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.375565
Heavy vehicle and heavy tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.375565
All vehicle service and repair, as listed below:																						
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.440625
Vehicle service and repair, minor	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.440640
Vehicle service and repair, major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.440645
Vehicle service and repair, commercial vehicle	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.440650
Industrial Uses																						
All heavy industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	20.39.400605
All light manufacturing, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	
Commercial laundry, dry cleaning or carpet cleaning facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	20.39.4610
Brewery, distillery under 5,000 square feet	--	--	--	--	--	--	--	--	--	--	P	P	--	--	P	--	--	--	--	--	--	
Brewery, distillery 5,001 – 15,000 square feet	--	--	--	--	--	--	--	--	--	--	C	C	--	C	P	P	--	--	--	--	--	
Brewery, distillery over 15,000 square feet	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	
Craft shop	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	--	20.39.4610
Food and beverage processing, boutique (area used for processing less than 3,000 square feet)	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	--	20.39.4610
Food and beverage processing, industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.4610
Recreational marijuana production <u>and processing</u>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	20.64; 20.39.410
All research and development	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	20.39.420615

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
Resource extraction – mining, dredging, raw mineral processing, except:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	20.39.430620
Timber harvesting in the absence of concurrent development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Sand and gravel mining	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Stockpiling of sand, gravel or other aggregate materials	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	--	--	P	20.39.430620
Sheet metal, welding, machine shop, tool and equipment manufacturing, vehicle painting facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	--	--	P	20.39.4610
All warehouse, storage and distribution, as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	
Enclosed storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	20.39.450655
Self-service storage, mini-warehouse	--	--	--	--	--	--	--	--	--	C	--	--	--	C	C	C	--	--	--	--	--	20.39.460655
Storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	P	P	--	--	P	20.39.470
All waste-related service, including wastewater treatment facilities, decant facilities and recycling centers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	20.39.480660
Recreational marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	20.64
Agricultural Uses																						
All agriculture, as listed below:																						
Agricultural processing, excluding marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	20.39.500
Community garden	P	P	P	P	P	P	--	P	P	P	--	--	--	--	--	--	--	--	--	P	P	20.39.500
Nursery	--	--	--	--	--	--	P	--	--	--	--	--	--	P	P	P	P	--	--	--	--	20.39.500
Winery	--	--	--	--	--	--	C	--	--	C	C	C	--	P	P	P	P	--	--	--	--	20.39.500
Accessory Uses																						
Accessory uses not otherwise listed below, as determined by the administrator:																						

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	
Accessory dwelling units, as listed below:																							
Accessory apartment (attached dwelling)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	<u>20.39.600</u> , 20.68
Backyard cottage dwelling	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	<u>20.39.600</u>
Drive-through facility	--	--	--	--	--	--	--	--	--	C	--	--	--	P	P	P	P	--	--	--	--	--	<u>20.39.610</u>
Home occupation	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	<u>20.39.615</u>
Home business	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	<u>20.39.620</u>
Livestock keeping	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	<u>20.39.625</u>
Outdoor display	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	--	<u>20.39.630</u>
Outdoor storage as listed below:																							
Low-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	<u>20.39.635</u>
High-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	<u>20.39.635</u>
Self-storage as accessory use to apartment building	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	<u>20.39.640</u>
Vehicle service and repair, accessory to a residential use	P	P	--	--	--	P	P	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--	<u>20.39.645</u>
Park as accessory use to residential development	P	P	P	P	P	P	--	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	
Medical marijuana cooperative	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	20.64; <u>20.39.100</u>

Key: P = Permitted Use C = Conditional Use -- = Use Not Permitted

7. On the advice of the City Attorney, POMC 20.42.050 is repealed. Site-specific rezones should not require a property owner to submit a development permit application within a certain time period, or otherwise specify an end date for the approval.

~~20.42.050 Expiration.~~

~~(1) A site-specific rezone approval with or without a development agreement shall expire three years from the effective date of the approval, unless:~~

~~(a) If, prior to the end of the three-year period, an application determined to be complete is filed for a building permit and/or site development activity permit that is subsequently issued; or~~

~~(b) Another time for expiration is specified in the final decision of the city council or development agreement.~~

~~(2) Upon expiration of a site-specific rezone, the city council shall promptly pass an ordinance to amend the official land use map so that the zoning designation in effect immediately prior to the site-specific rezone approval is reinstated for the subject property, except as otherwise expressly provided in the original ordinance adopting the site-specific rezone.~~

8. In 2019, the City amended the subdivision requirements in POMC 20.80 to allow nine-lot short plats (previously, short plats were limited to four lots). POMC 20.80.040(5) (Subdivisions – General Provisions – Applicability) has been updated to reflect this change.

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 ~~ninefour~~ 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 ~~ninefour~~ lots from filing a short plat within a five-year period to create up to a total of ~~ninefour~~ lots within the boundary of the original short plat. Any land being divided into ~~tenfive~~ 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.

9. Correction to the title of POMC 20.88.070 removes reference to preliminary plat expiration, as this section does not address expiration.

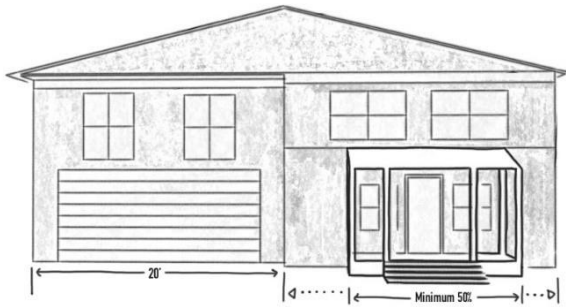
20.88.070 Preliminary plat – Effect of approval – ~~Expiration.~~

- (1) Approval of the preliminary subdivision by the city shall constitute direction to the applicant to develop construction plans and specifications for the required public facilities, in strict conformance with the approved preliminary subdivision, the street and utility standards adopted by the city, the city’s design and construction standards, and any special conditions imposed on the approval.
 - (2) Permission shall not be granted for installation of required public facilities until all construction plans and specifications have been approved in writing by the city engineer, pursuant to Chapter 20.98 POMC.
-

10. In POMC 20.122.060, the graphic illustration for a porch conflicts with the text in 20.122.060(4), regarding the required setback for a porch from a lot line. The illustration has been corrected to show that a minimum setback of three feet is required.



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



The 50 percent porch width shall be measured to include the habitable ground floor portion of the detached house only.



The 50 percent porch width shall be measured to include the habitable ground floor portion of the detached house only.

- (1) A front porch must be at least six feet deep (not including the steps). A portion of the porch may be less than six feet deep; provided, that the front door is recessed by at least six feet.
- (2) A front porch must be contiguous, with a width not less than 50 percent of the building facade from which it projects. For the purposes of this section, the front building facade shall not include that portion of the house containing an attached side-by-side garage.
- (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.

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

11. The terminology used in POMC 20.124.120 to refer to the City’s road design standards has been revised to reflect the current terminology of the Public Works Department.

20.124.120 Internal road circulation standards.

Internal access roads to off-street parking areas shall conform with or exceed the surfacing and design requirements of the most recent adopted edition of the Port Orchard Public Works engineering standards and specifications~~Design Standards Manual~~.

12. Revises the standard in POMC 20.128.050(2)(b)(i) for required deciduous trees at the time of planting to be consistent with the American Nursery Stock Standard Z-60.1.

20.128.050(2)(b)(i) Tree Standards and Guidelines.

(1) Native Plant Species. New landscaping materials shall include species native to the region or hardy, waterwise, and noninvasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials must be those identified as hardy in Zone 8b as described in United States

Department of Agriculture’s Plant Hardiness Zone Map. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

(2) Tree Standards and Guidelines.

(a) Tree heights may be called for within this chapter or elsewhere within this title:

- (i) Large Tree. Capable of growing 35 feet high or greater under normal growing conditions.
- (ii) Medium Tree. Capable of growing over 15 feet high and less than 35 feet high under normal growing conditions.
- (iii) Small Tree. Capable of growing up to 15 feet high under normal growing conditions.

(b) Unless otherwise noted herein, required trees shall meet the following standards at the time of planting:

- (i) Required deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one and one-half inches (as measured ~~six~~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.
- (ii) Required evergreen trees shall be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.
- (iii) Required trees of any species within parking areas shall be a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball) and a minimum height of 10 feet at the time of planting.

(3) Shrub Standard. Shrubs, except for ornamental grasses, shall be a minimum of one-gallon size at the time of planting.

(4) Ground Cover Standards and Guidelines.

(a) Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three years as follows, or as per recommendations by Washington State licensed landscape architect, Washington-certified professional horticulturalist (CPH), or other qualified individual. Ground cover plants other than turf forming grasses must be planted in triangular spacing at the following rates:

- (i) Four-inch pots at 18 inches on center.
- (ii) One gallon or greater sized containers at 24 inches on center.
- (iii) Alternative plant spacing may be appropriate depending on the specific plants. When applicable, plant spacing information must be included with permit application submittals from published sources, such as the Sunset Western Garden Book, from Internet sources, or from cut sheets provided by a nursery. Such sources must be identified for verification purposes.

(b) Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception).

(c) Ground cover areas shall contain at least two inches of composted organic material at finished grade.

(5) Tree and Plant Diversity.

- (a) If there are more than eight required trees, no more than 40 percent of them may be of one species.
- (b) If there are more than 24 required trees, no more than 20 percent of them may be of one species.
- (c) If there are more than 24 required shrubs, no more than 75 percent of them may be of one species.

(6) Soil Augmentation and Mulching.

- (a) Existing soils shall be augmented with a two-inch layer of fully composted organic material tilled a minimum of six inches deep prior to initial planting.
- (b) Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock may also be used as a mulch.

(7) Landscape Installation Standards.

- (a) All required landscaping shall be in-ground, except when in raised planters. Plant materials shall be installed to current nursery industry standards.
- (b) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures shall be removed as soon as the plant can support itself.

- (c) Existing trees and plant materials to be retained shall be protected during construction. Protection measures may include silt fencing, chain link fencing, or other sturdy fencing placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles, and equipment shall not be allowed within the dripline of trees to be retained.

- (d) Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities.

- (e) Trees and major shrubs at mature size should avoid interference with windows, decks, pedestrian walkways or other travelled ways, or lighting.

13. Previous code changes to the City's residential design standards (POMC 20.39) removed the requirement for garages to occupy no more than 50% of the ground level façade. A note in a graphic illustration in POMC 20.139.020 with this requirement was not removed, and has been corrected.

(1) The following provisions apply to detached houses, side-by-side duplexes, and back-to-back duplexes:

(a) Where lots front on a public street, and where vehicular access is from the street, garages or carports shall be set back at least five feet behind the ground floor front wall of the occupied portion of a house or front edge of an unenclosed porch.

Exceptions:

(i) Garages may project up to six feet closer to the street than the ground floor front wall of the occupied portion of a structure or front edge of an unenclosed porch, provided it is set back at least 18 feet from the property line or sidewalk edge (when sidewalks are present) and incorporates at least two of the design/detail features below. Garages placed flush with the ground floor front wall (or between zero and five feet behind the front wall) of the occupied portion of the house shall incorporate at least one of the design/detail features below:

(A) A decorative trellis or arbor over the entire garage face, above and surrounding the garage door.

(B) A balcony that extends out over the garage and includes columns.

(C) Two separate doors for two-car garages instead of one large door.

(D) Decorative windows on the garage door.

(E) Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.

Traditional visible hinges and handles (functional or decorative), and other construction methods creating depth and texture on a garage door surface are acceptable forms of decorative details. Examples of decorative details are shown in Figure 2.

(F) A garage door color (other than white) that matches or complements the color of the house.

(G) Other design techniques that effectively deemphasize the garage, as determined by the director.

(ii) Garages may be placed closer to the street than the front wall of the house or front edge of an unenclosed porch, provided the garage door faces an interior lot line and features (a) window(s) facing the street, so that it appears to be habitable.

(iii) Where lots abut an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. This requirement shall not apply to unopened alleys.

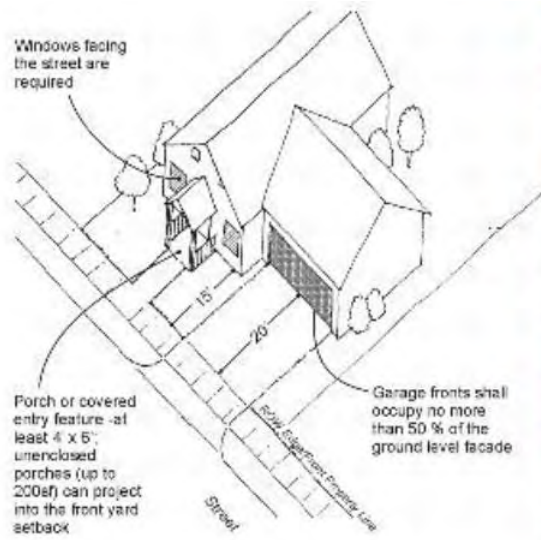


Figure 1. Garage placement/frontage standards and design

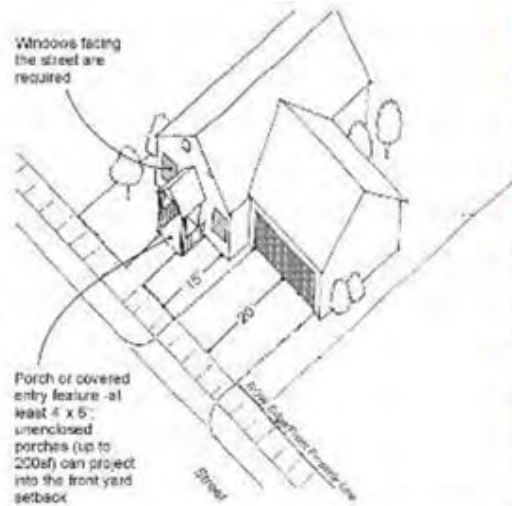




Figure 2. Garage design/detail examples.
