



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

## **PLANNING COMMISSION MEETING AGENDA**

Tuesday, October 5, 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.*

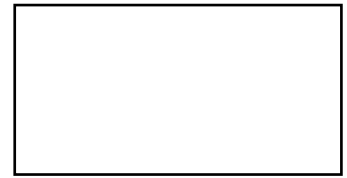
**Public Zoom Link (Planning Commissioners please use individual webinar links):**

<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 July 2021**
- 4. Business Items**
  - (a) Presentation: Draft Parks and Recreation Plan  
Tom Beckwith, Beckwith Consulting Group
  - (b) Introduction: Draft McCormick Village Subarea Plan
  - (c) Discussion: Update to POMC 20.170, Flood Management Code
- 5. Adjourn**



**Planning Commission Meeting Minutes**  
**July 6, 2021**  
**Zoom Teleconference**

**COMMISSIONERS:**

**Present:** Annette Stewart (Chair), Dave Bernstein, Joe Morrison, Trish Tierney, Mark Trenary

**Absent:** Stephanie Bailey, Phil King

**STAFF:**

Community Development Director Nick Bond, Long Range Planner Keri Sallee, Planning Intern Josie Rademacher

**1. CALL TO ORDER:** Chair Stewart called the meeting to order at 6:00 p.m., and Commissioner Tierney led the Pledge of Allegiance.

**2. PUBLIC COMMENTS:** There were no comments from the public regarding issues not on the agenda.

**3. APPROVAL OF MINUTES FROM MAY 4, 2021:** Commissioner Tierney made a motion to approve the minutes as presented. Commissioner Trenary seconded the motion. The motion passed unanimously.

**4. BUSINESS ITEMS:**

- a. DISCUSSION: 2021 COMPREHENSIVE PLAN AMENDMENTS.** Community Development Director Bond gave a summary overview of the City's 2021 Comprehensive Plan amendments package.

Pursuant to the requirements to Chapter 20.04 POMC, the City accepted applications for 2021 amendments through January 31, 2021. City staff prepared text amendments to the Comprehensive Plan's Introduction, Parks and Utilities Elements. A Parks and Recreation Plan, which is being prepared for the City by a consultant, will supplement the existing Parks Element in the Comprehensive Plan. Appendix B of the Comprehensive Plan was revised to reflect updates to the City's 6-Year Transportation Improvement Program (TIP), Capital Facilities Plan, Water System Plan, and Sanitary Sewer Plan, the addition of the 2020 City Hall Space Analysis and the Parks and Recreation Plan, and the updated 2017 Blackjack Creek protection and restoration plan.

One private-party map amendment was submitted, by He Development LLC, to request that a parcel located at 1932 SE Salmonberry Rd be redesignated/rezoned from Residential Low Density/R1 to Residential Medium Density/R3. The purpose of the request is to provide a driveway access to a proposed multifamily development on an adjoining Commercial Corridor-zoned parcel. Staff supports this request.

After completion of the draft Parks Plan, the Plan will be released to the public. The Planning Commission will have a separate, additional opportunity to review and comment on the Plan prior to the public hearing and recommendation on the entire 2021 Comprehensive Plan amendments package.

**5. ADJOURN:** Chair Stewart adjourned the meeting at 6:43 pm.

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Annette Stewart, Chair

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Nick Bond, Community Development Director

# City of Port Orchard Comprehensive Parks Plan Update



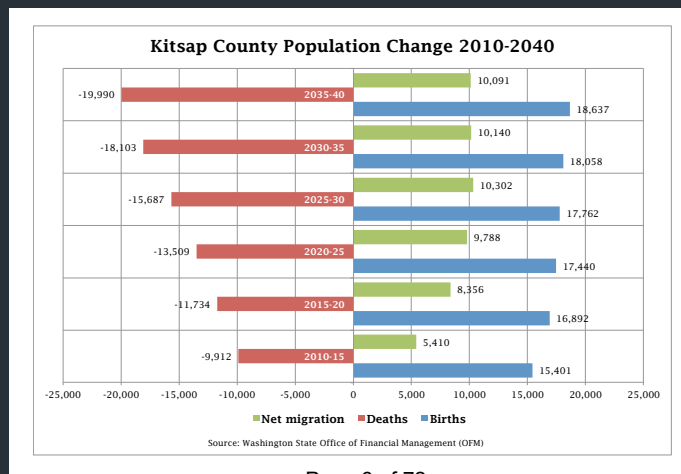
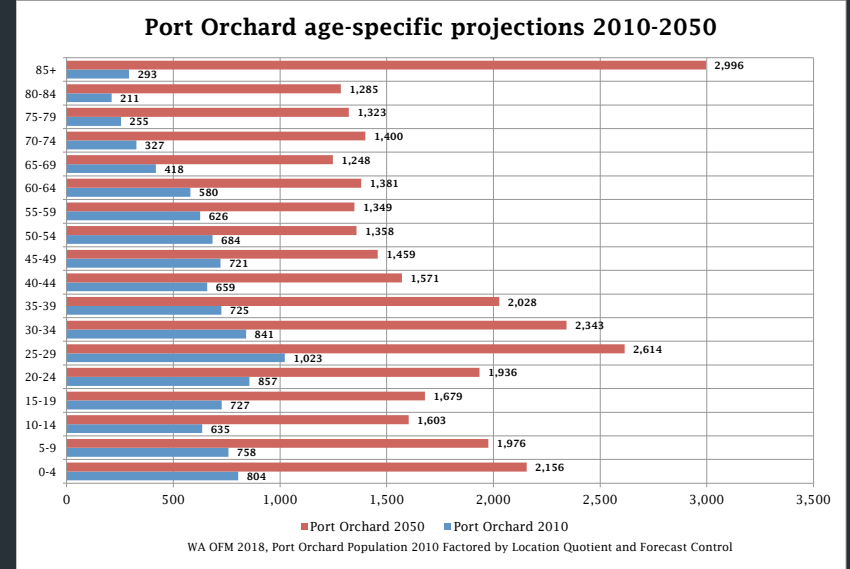
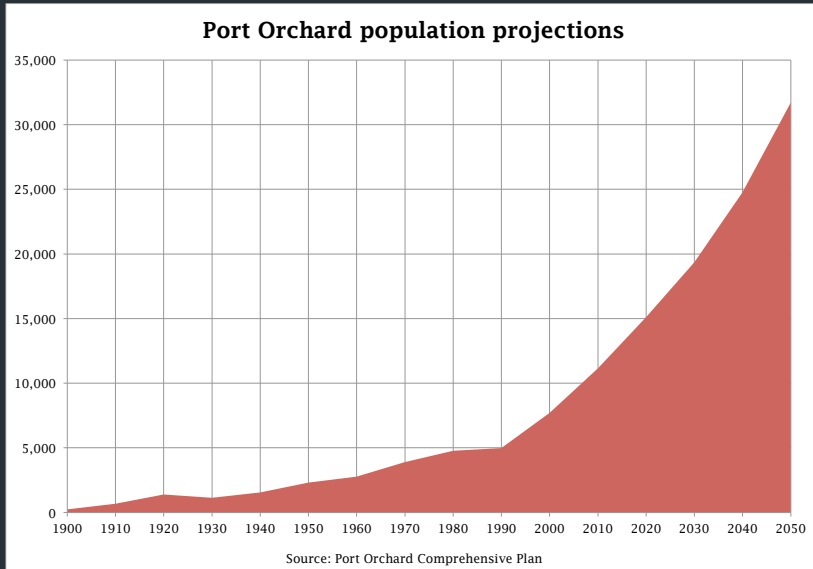
Planning Commission/City Council Meeting  
6:00 pm, 5 October



# The PROS planning process!

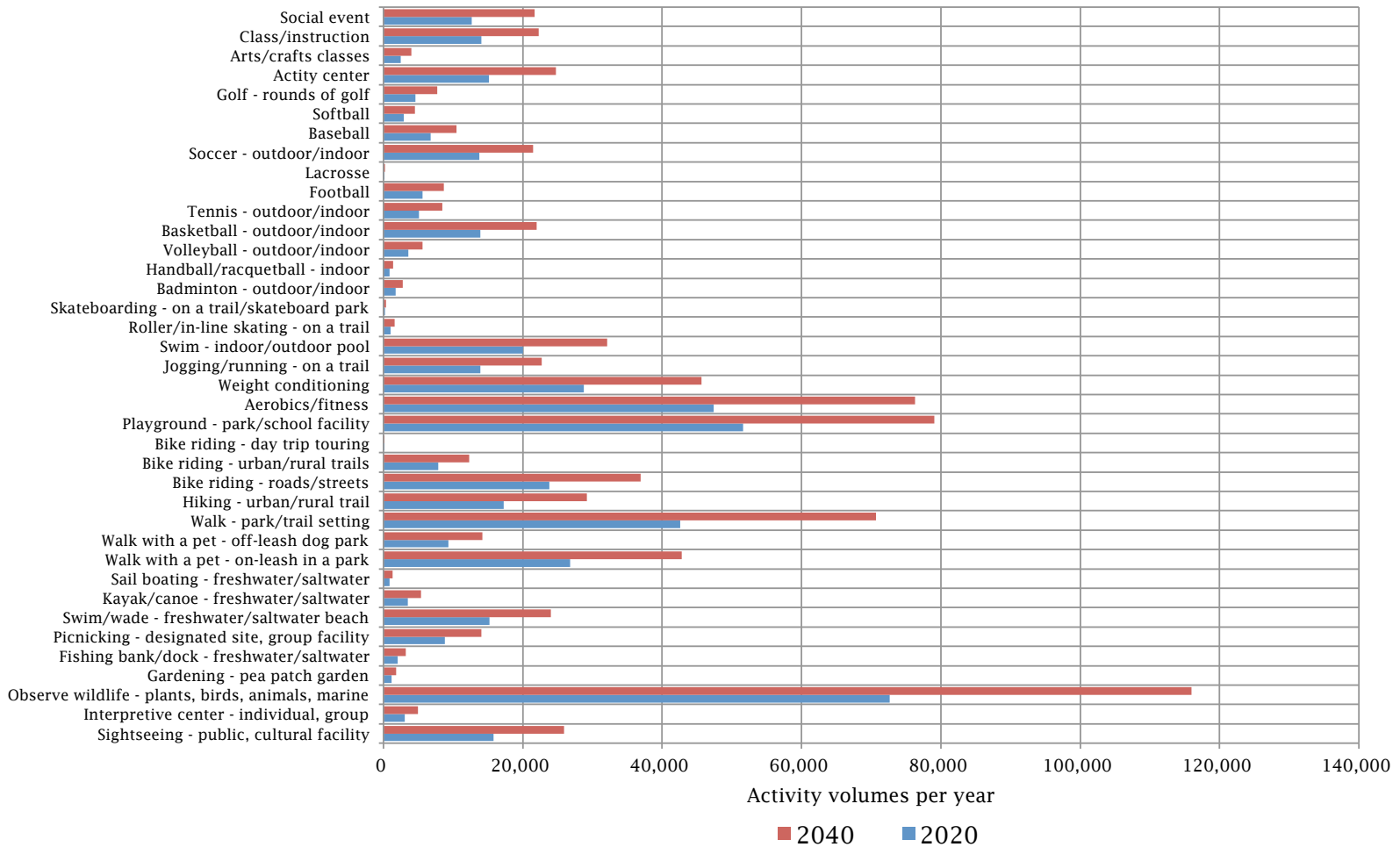
- 1 Initiate your process**
  - a Conduct retreat
- 2 Update your demographics and inventories**
  - a Update demographics, programs, facilities
  - b Assess repair and replacement (R&R) needs
  - c Conduct workshops/surveys
  - d Project demands/needs/facilities
  - e Assess financial conditions/prospects
  - f Review findings
- 3 Update your goals/strategies**
  - a Update strategies and goals
  - b Select strategies
- 4 Update your plan elements**
  - a Conduct planning/design charrettes
  - b Update plan elements
  - c Conduct open houses on plan options
  - d Review/select plan elements
- 5 Develop your implementation programs**
  - a Develop implementation measures/CFP
  - b Conduct open houses on implementation
  - c Survey your registered voter households
  - d Review/select implementation measures
- 6 Publish your Comprehensive Parks Plan**
  - a Edit/publish plan/fees/CFP/RCO documents
  - b Review/adopt w/Council

# Population growth implications!

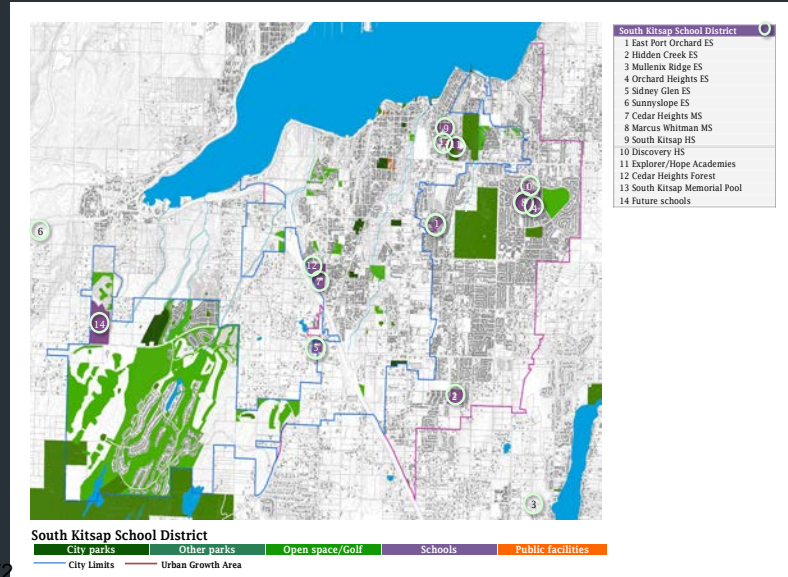
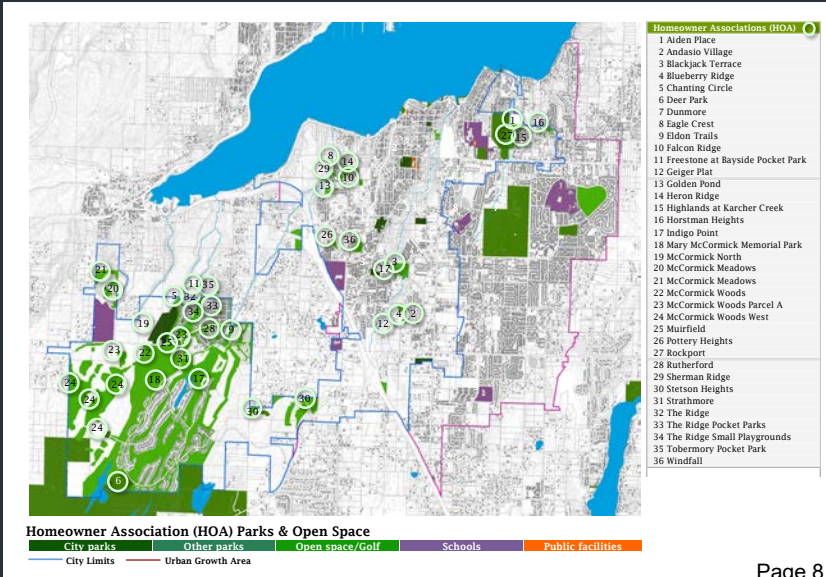
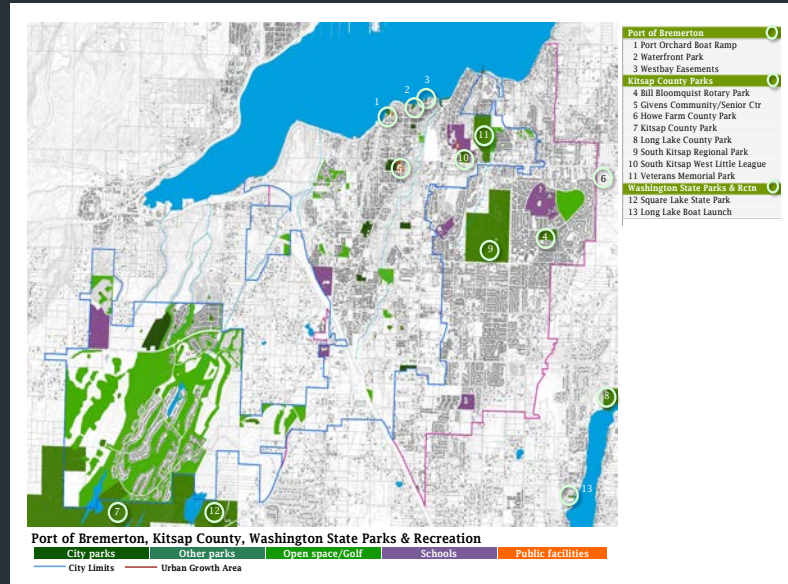
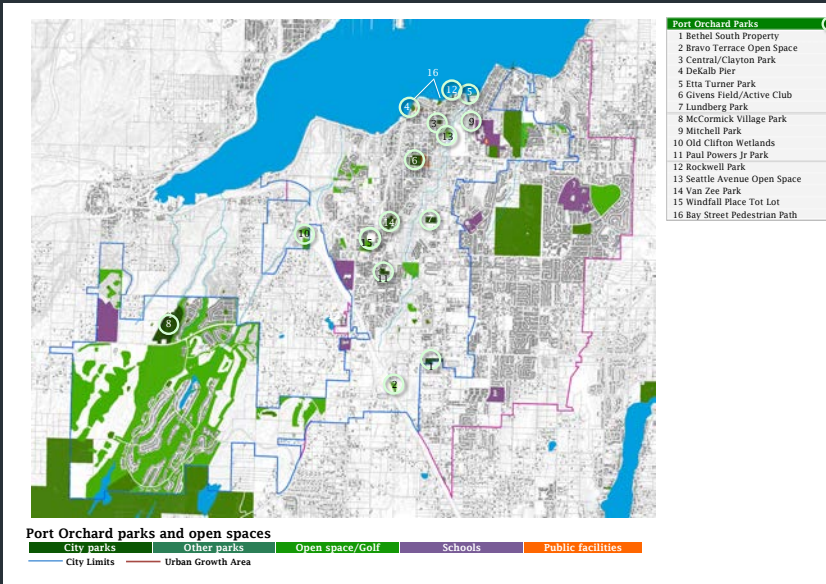


# Recreation activity projections

## Port Orchard activity volumes 2020-2040

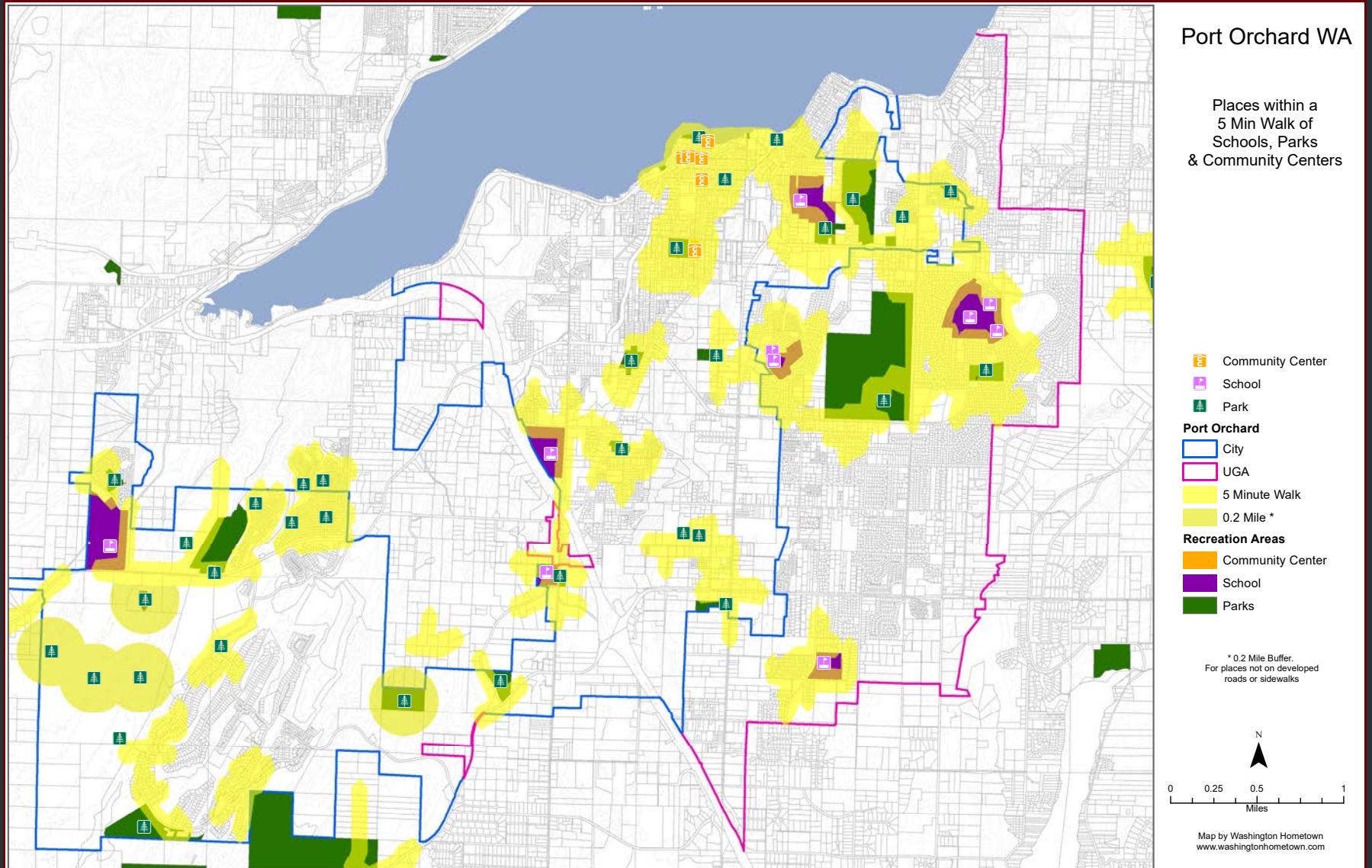


# Existing park assets



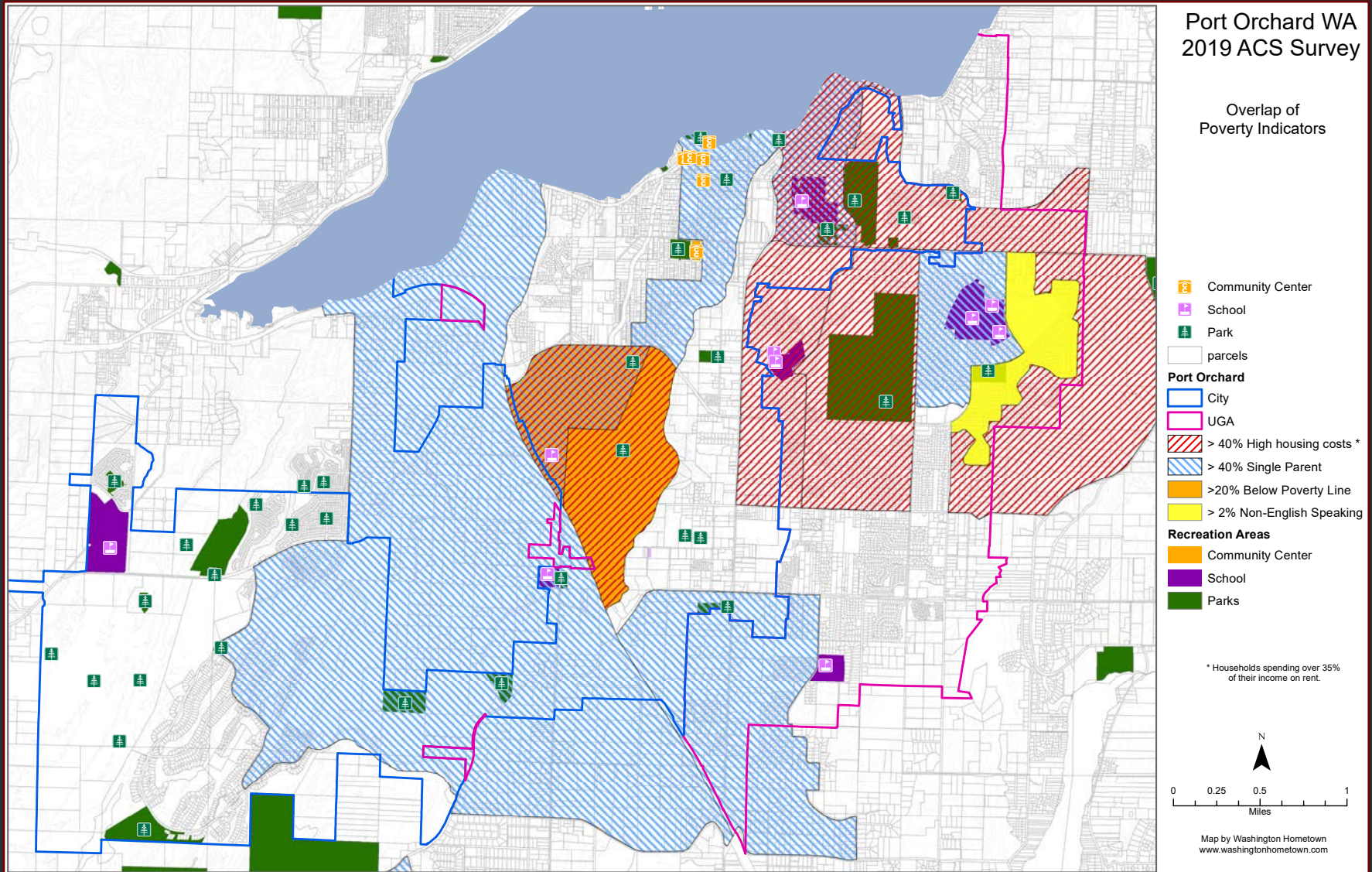


# Gaps in park development





# Social equity considerations



# Current park utilization

**How often do you utilize the following Port Orchard parks or improved open spaces (map included)?** Answers ranked in order of highest use.

Answered: 187 Skipped: 1

The survey priority results were numerically weighted for each option where lowest was 1, low 2, moderate 3, high 4, and highest 5 and then divided by the number of responses to determine an average or weighted score where 5.00 was the highest and 1.00 the lowest possible priority.

Port Orchard Parks	Weight
Waterfront Park	3.00
Bay Street Pedestrian Path	2.99
McCormick Village Park	2.13
DeKalb Pedestrian Pier	2.02
Port Orchard Boat Ramp	1.98
Rockwell Park	1.97
Etta Turner Park	1.95
Van Zee Park	1.77
Westbay Easements	1.70
Givens Field/Active Club	1.65
Seattle Avenue Property	1.50
Central/Clayton park	1.49
Mitchell Park	1.38
Paul Powers Junior Park	1.26
Sage Park	1.23

## Implications

- Except for McCormick Village Park, the most frequently used parks are located along Sinclair Inlet.

**How often do you utilize the following Kitsap County and Washington State Parks or improved open spaces (map included)?** Answers ranked in order of highest use.

Answered: 187 Skipped: 1

Kitsap County and Washington State Parks	Weight
South Kitsap Regional park	2.56
Banner Forest Heritage Park	2.01
Long Lake County Park	1.84
Howe Farm County Park	1.80
Veterans Memorial Park	1.75
Long Lake Boat Launch	1.70
Givens Community & Senior Center	1.61
Waterman Point Wetland Tidelands	1.46
Coulter Creek Heritage Park	1.43
Sinclair Inlet Wildlife Restoration Area	1.43
Village Greens Golf Course	1.42
South Kitsap Western Little League	1.41
Square Lake State Park	1.38
Bill Bloomquist Rotary Park	1.32
Wicks Lake Park	1.23
Barker Creek Corridor	1.18

## Implications

- Kitsap County and Washington State Parks are frequented but not as much as Port Orchard Parks even though some are located within city limits.

# Current recreation behavior

Activity by organization	Number
Library programs	113
Kitsap County Parks & Recreation	104
Specialized centers (aquatic, fitness, other)	102
Club organization (YMCA, Boys & Girls, Scouts, etc.)	100
Private instruction or classes	101
Sports groups or leagues	101
School programs or sports	100
Church groups	84

## Implications

- Recreation participants are using programs provided by a variety of organizations.

**If you did not participate in any Port Orchard Parks & Recreation programs in the last year, why not?** Answers ranked by response.

Answered: 137 Skipped: 51

Reason	Weight
Unaware of programs	1.17
Schedule conflicts	0.91
Cost of participating	0.76
Not interested in programs	0.73
Family challenges to attending	0.56
Transportation challenges	0.36

## Implications

- Other than not being aware of programs that are available, there are no specific reasons why residents are not using available programs.

**What level of satisfaction do you have with the existing park and trail levels of service (LOS)?** Answers ranked in order of priority.

Answered: 180 Skipped: 8

Levels of service	Weight
Park maintenance	3.46
Trails and open space maintenance	3.43
Graffiti response	3.27
Vandalism response	3.26
Playground maintenance	3.23
Picnic shelter maintenance	3.18
Safety and security measures	3.18
Athletic courts and field maintenance	3.09
Restroom maintenance	3.01

## Implications

- Survey respondents indicated high levels of satisfaction with existing maintenance, graffiti, vandalism, and safety and security measures.

# Future park priorities

What priority would you give to having the following types of ADA accessible **outdoor facilities** increased or added to Port Orchard? Answers ranked in order of priority.

Answered: 184 Skipped: 4

Outdoor facility priority	Weight
Playgrounds and play areas	3.77
Picnic facilities and shelters	3.70
Trails and open spaces	3.68
Shoreline and beach access	3.58
Community gardens	3.44
Spray and splash parks	3.28
Dog parks	3.21
Soccer, baseball, and softball fields	3.12
Basketball, tennis, and volleyball courts	3.01
Skate parks	2.61

## Implications

- Survey respondents indicated high to moderate priorities to increasing or adding the list of outdoor facilities to the park system.

What priority would you give to having the following types of ADA accessible **indoor facilities** increased or added to Port Orchard? Answers ranked in order of priority.

Answered: 184 Skipped: 4

Indoor facility priority	Weight
Youth activity center	3.76
Public library with reading and classrooms	3.74
Leisure swimming pool	3.54
Lap swimming pool	3.48
Fitness facility (weights, aerobics, other)	3.48
Indoor walking/running track	3.47
Indoor gymnasium (basketball, volleyball)	3.41
Childcare	3.33
Indoor playground	3.31
Classrooms (yoga, pilates, tai chi, karate, etc.)	3.27
Theatre and performing arts space (under 250 seats)	3.27
Computer/IT media classroom	3.20
Small-medium meeting rooms and rental space	3.08
Large event rooms and rental space	3.08
Spray/splash feature	3.07
Commercial kitchen (cooking classes and rental)	3.06
Nonprofit space (city sponsored option)	2.95
Climbing wall or structure	2.85
Rental/lease space (business revenue generating)	2.85
Nonprofit space (leased option)	2.79
Juice, tea, and coffee latte bar	2.63

## Implications

- Survey respondents indicated high to moderate priorities to increasing or adding the list of indoor facilities to the park system.

# Partnerships and volunteers

**What priority would you give to have some organization in Port Orchard to provide the following types of indoor programs?** Answer ranked by priority.

Answered: 183 Skipped: 5

Indoor recreation program priority	Weight
After-school programs	3.79
Education	3.70
Athletics (basketball, handball, volleyball, etc.)	3.68
Health, wellness, and nutrition	3.62
Dance, music, or drama	3.47
Fitness (yoga, pilate, aerobics, etc.)	3.46
Preschool childcare	3.44
Art or textile	3.41
Media	3.05

## Implications

- Survey respondents indicated high to moderate priorities to having the list of programs provided by some organization in Port Orchard.

**If it were possible, what priority would you give to have some organization in Port Orchard to provide the following types of volunteer opportunities?** Ranked in order of priority.

Answered: 181 Skipped: 7

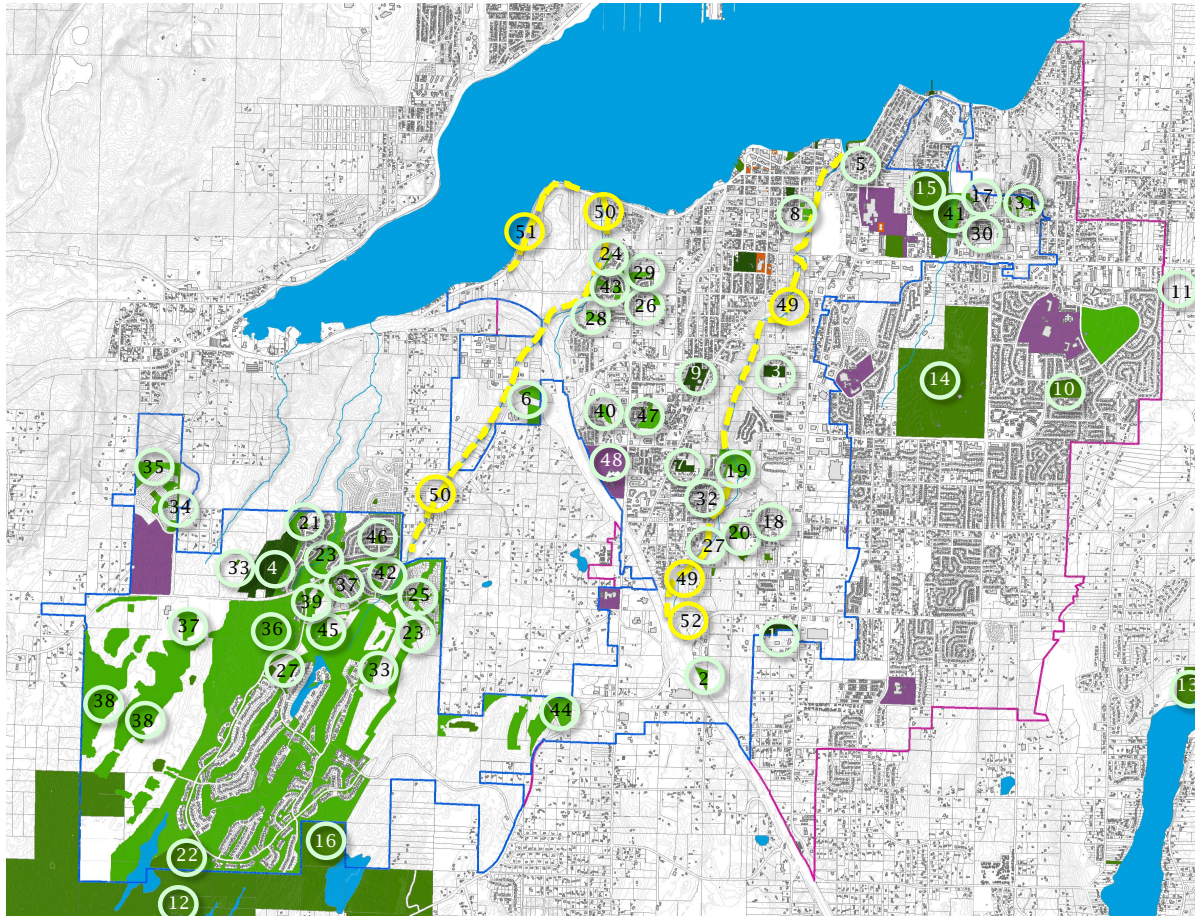
Volunteer interest priority	Weight
Volunteer program - recreation (youth, adult, senior)	3.68
Volunteer program - parks	3.63
Volunteer program - trails	3.54
Volunteer program - cultural services (special event)	3.25

## Implications

- Survey respondents indicated high to moderate priorities to participate in all volunteer program opportunities.



# Proposals – open space



## Port Orchard

- 1 Bethel South Property
- 2 Bravo Terrace Open Space
- 3 Lundberg Park
- 4 McCormick Village Park
- 5 Mitchell Park
- 6 Old Clifton Wetlands
- 7 Paul Powers Junior Park
- 8 Seattle Avenue Property
- 9 Van Zee Park

## Kitsap County

- 10 Bill Bloomquist Rotary Park
- 11 Howe Farm County Park
- 12 Kitsap County Park
- 13 Long Lake County Park
- 14 South Kitsap Regional Park
- 15 Veterans Memorial Park

## Washington State

- 16 Square Lake State Park

## Homeowner Associations (HOA)

- 17 Aiden Place
- 18 Andasio Village
- 19 Blackjack Terrace
- 20 Blueberry Ridge
- 21 Chanting Circle
- 22 Deer Park
- 23 Dunmore
- 24 Eagle Crest
- 25 Eldon Trails
- 26 Falcon Ridge
- 27 Geiger Plat
- 28 Golden Pond
- 29 Heron Ridge
- 30 Highlands at Karcher Creek
- 31 Horstman Heights
- 32 Indigo Point
- 33 McCormick North
- 34 McCormick Meadows
- 35 McCormick Meadows
- 36 McCormick Woods
- 37 McCormick Woods Parcel A
- 38 McCormick Woods West
- 39 Muirfield
- 40 Pottery Heights
- 41 Rockport
- 42 Rutherford
- 43 Sherman Ridge
- 44 Stetson Heights
- 45 Strathmore
- 46 The Ridge
- 47 Windfall

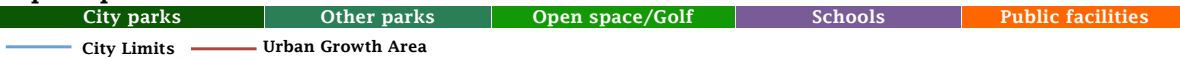
## South Kitsap School District

- 48 Cedar Heights Forest

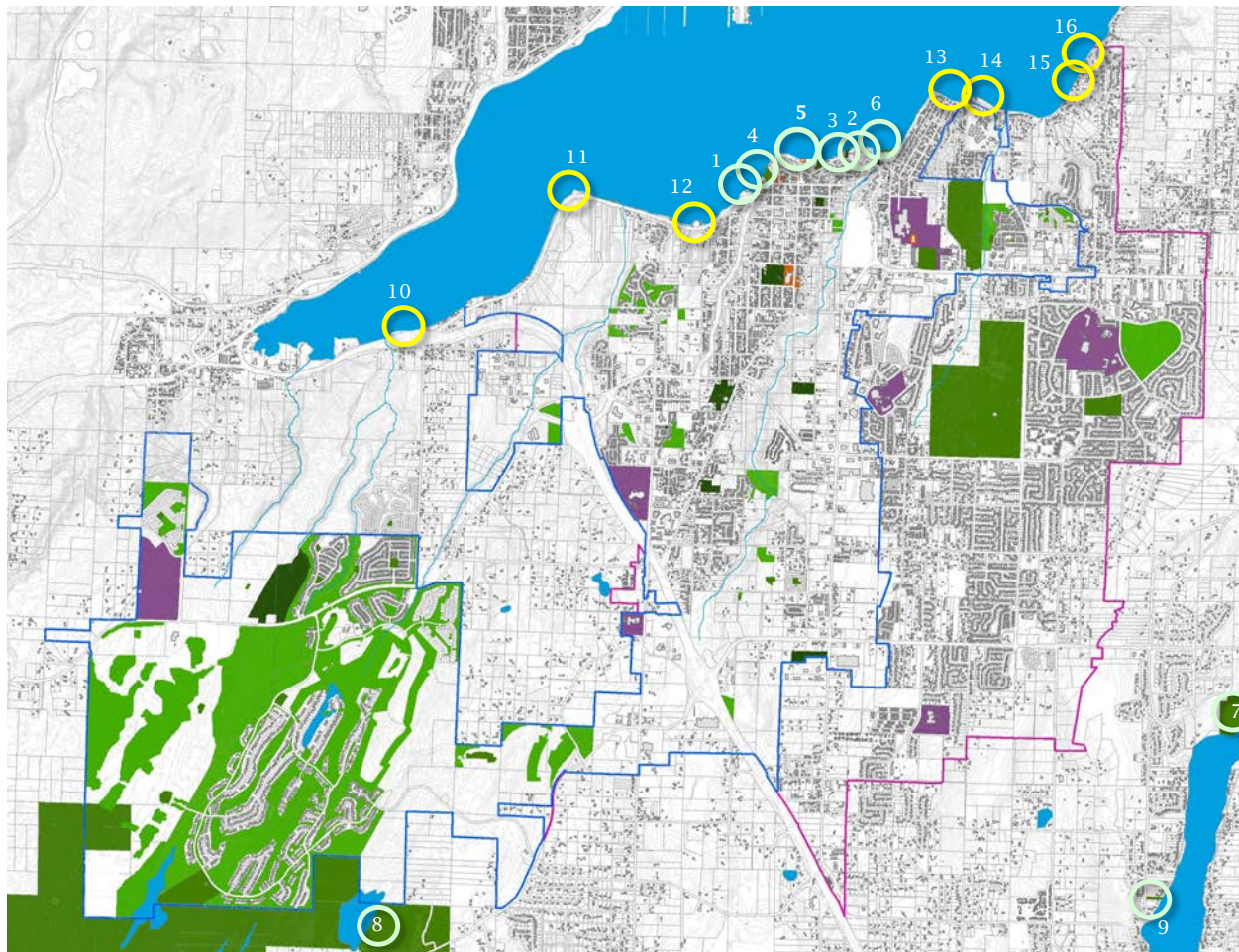
## Possible open space

- 49 Blackjack Creek
- 50 Bay Street Creek
- 51 Ross Point
- 52 Flower Meadows/Ruby Creek

## Open space conservancies

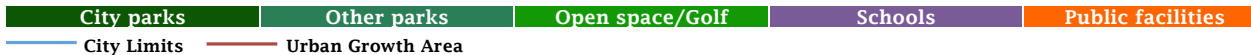


# Proposals – waterfront access



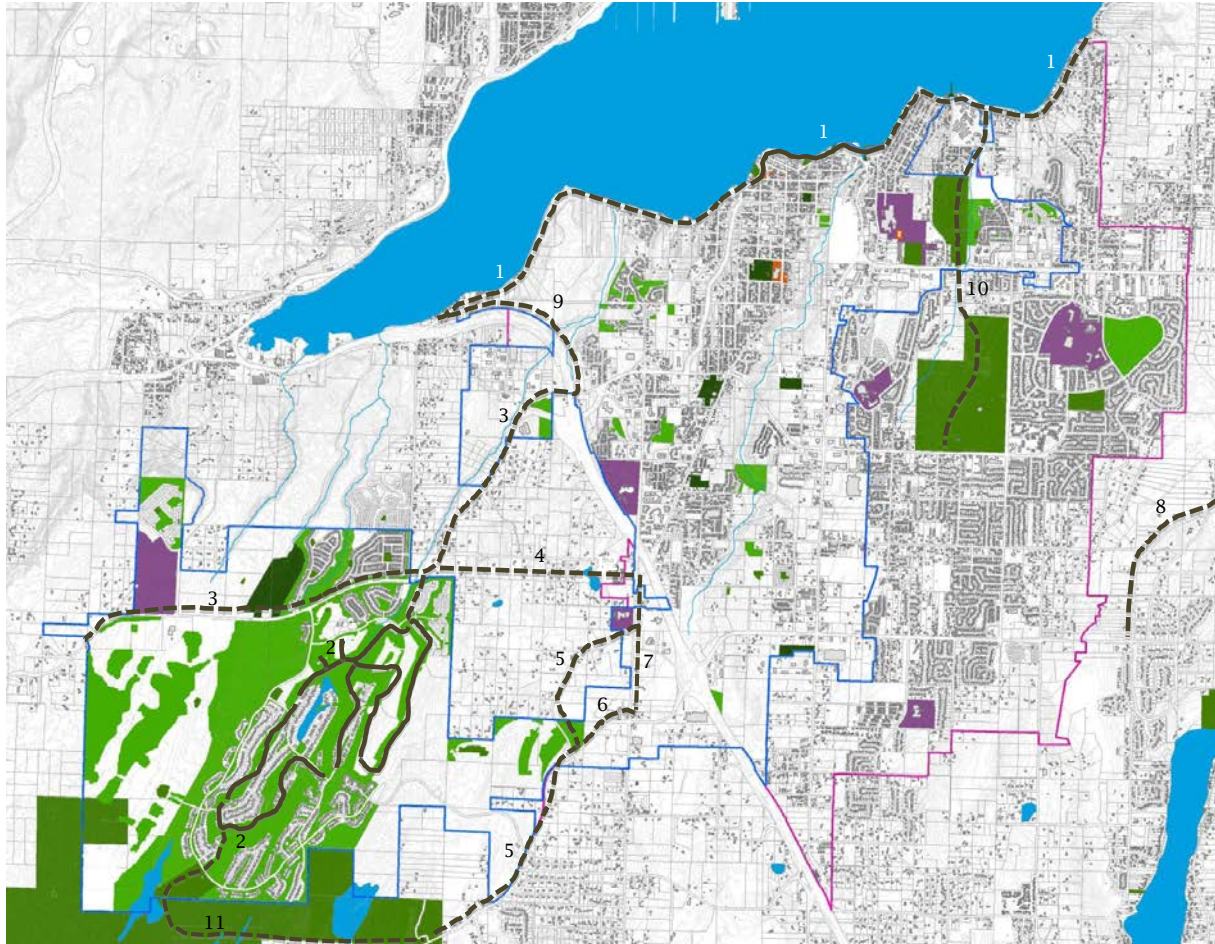
<b>Port Orchard</b>	
1 DeKalb Pier	
2 Etta Turner Park	
3 Rockwell Park	
<b>Port of Bremerton</b>	
4 Port Orchard Boat Ramp	
5 Waterfront Park	
6 Westbay Easements	
<b>Kitsap County Parks</b>	
7 Long Lake County Park	
<b>Washington State Parks &amp; Rctn</b>	
8 Square Lake State Park	
9 Long Lake Boat Launch	
<b>Possible waterfront access</b>	
10 SR-16/Bay Street	
11 Ross Point	
12 Short Avenue	
13 Mitchell Point	
14 Annapolis Ferry Terminal	
15 Beach Drive 1 @ Bancroft Road	
16 Beach Drive 2 east Bancroft Road	

## Waterfront access





# Proposals – off-road trails

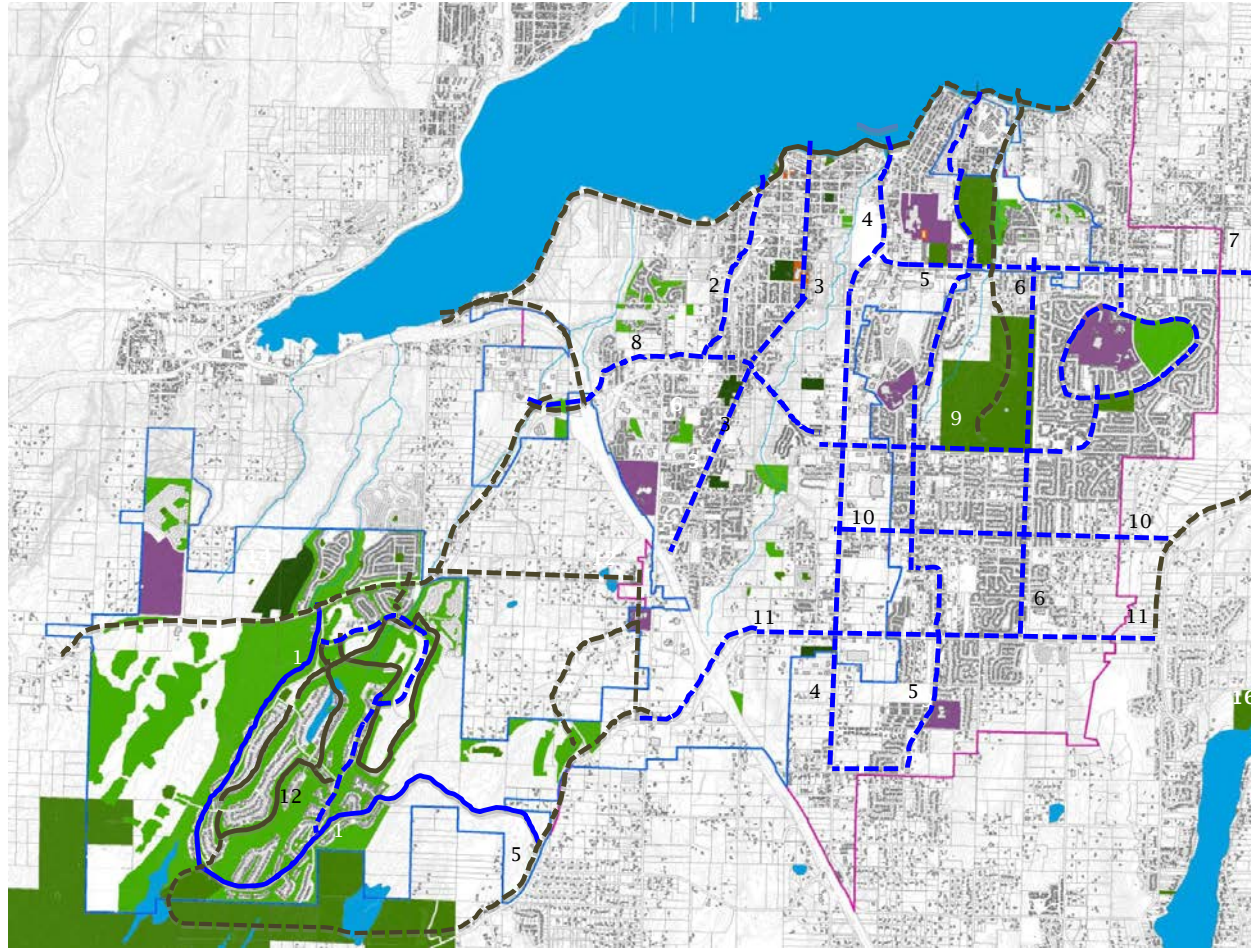


- Port Orchard Parks**
- 1 Bay Street Pedestrian Path
- Homeowners Association (HOA)**
- 2 McCormick Woods Trail
- Possible off-road trails**
- 1 Bay Street Path extensions
- 3 Old Clifton Road
- 4 Blueberry Lake Road
- 5 Glenwood Road
- 6 Sedgwick Road
- 7 Sidney Road
- 8 Long Lake Road
- 9 SR-16 Trail in ROW edge
- 10 Bay Street to South Kitsap Rg Pk
- 11 Square Lake/Deer Creek

## Off-road trails

- City parks**
- Other parks**
- Open space/Golf**
- Schools**
- Public facilities**
- City Limits**
- Urban Growth Area**
- Existing off-road**
- Proposed off-road trail**

# Proposals – on-road trails



## Homeowner Associations (HOA)

1 McCormick Woods Drive

## Possible on-road walkways

2 Port Orchard Boulevard

3 Sidney Avenue

4 Bethel Avenue

5 Retsil/Lincoln/Harris

6 Jackson Avenue

7 Mile Hill Drive

8 Tremont Street

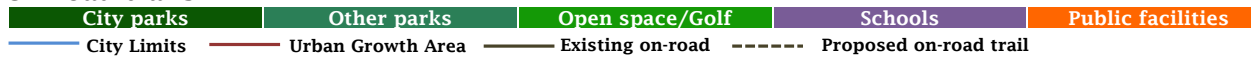
9 Lund Avenue

10 Salmonberry Road

11 Sedgwick Road

12 Hawkstone/St Andrews Drive

## On-road trails





# Proposals – skate dots/pump tracks



Skate dot in Seattle



Skate dot in Seattle



Dirt pump track in Bellingham

pb BRICE SHIRBACH



Paved pump track in Lake Chelan



# Proposals – courts and fields



Sport court – half-court basketball/pickleball/tennis



Sport court – multiple basketball/tennis



Rectangular field – soccer/2 baseball fields



Rectangular field – soccer/baseball/track

# Implementation – project list

22 September 2021

## 2021-2041 PROS Plan CFP

	Total dvpmnt cost	City funding required
<b>Cv = Conservation</b>		
Cv1 Blackjack Creek Corridor Conservation	\$250,000	\$0
Cv2 Ross Creek Corridor Conservation	\$250,000	\$0
Cv3 Ross Point Hillside Conservation	\$6,000,000	\$0
Cv4 Kitsap Street Creek Daylighting	\$1,250,000	\$750,000
Cv5 Johnson Creek Daylighting	\$2,200,000	\$2,200,000
<b>Subtotal</b>	<b>\$9,950,000</b>	<b>\$2,950,000</b>
<b>Wa = Waterfront Access</b>		
Wa1 Annapolis Foot Ferry Waterfront Access	\$36,928	\$0
Wa2 Beach Drive 1-Bancroft Road Waterfront Access	\$36,928	\$0
Wa3 Beach Drive 2-Bancroft Road Waterfront Access	\$36,928	\$0
Wa4 Mitchell Extension/Westbay Waterfront Access	\$250,000	\$250,000
Wa5 Mitchell Point Waterfront Access	\$161,928	\$161,928
Wa6 Ross Creek Waterfront Access	\$36,928	\$36,928
Wa7 Ross Point Waterfront Access	\$73,856	\$73,856
Wa8 SR-166/Bay Street Waterfront Access	\$73,856	\$73,856
Wa9 Waterfront Park Expansion	\$378,263	\$250,000
<b>Subtotal</b>	<b>\$1,085,615</b>	<b>\$846,568</b>
<b>Tr = Trails</b>		
Tr1 Bay Street Ped Path West	\$4,566,494	\$2,283,247
Tr2 Bay Street Pedestrian Path Ph 1 (see TIP 1.1)	\$2,220,000	\$1,110,000
Tr3 Bay Street Pedestrian Path Segments 6-11	\$3,295,892	\$1,647,946
Tr4 Bay Street to Kitsap Rgnl Park Trail	\$1,271,165	\$1,271,165
Tr5 Glenwood Road Trail	\$860,895	\$0
Tr6 Old Clifton Road Trail	\$1,143,376	\$1,143,376
Tr7 Port Orchard Blvd Trail	\$443,899	\$443,899
Tr8 Sedgwick Road Trail	\$127,789	\$0
Tr9 Sidney Road Trail	\$255,578	\$0
Tr10 SW Berry Lake Road Trail	\$383,367	\$383,367
<b>Subtotal</b>	<b>\$14,568,455</b>	<b>\$8,283,000</b>
<b>Pz = Plazas/Viewpoints</b>		
Pz1 KPF Community Center Plaza	\$750,000	\$750,000
Pz2 East Gateway Plaza	\$500,000	\$500,000
Pz3 Harrison Avenue Plaza	\$250,000	\$250,000
Pz4 Orchard Avenue Plaza	\$1,500,000	\$1,500,000
Pz5 Orchard Avenue/Prospect Street Hillclimb	\$500,000	\$500,000
Pz6 Port Street Plaza	\$1,500,000	\$1,500,000
Pz7 Sidney Avenue Plaza	\$250,000	\$250,000
<b>Subtotal</b>	<b>\$5,250,000</b>	<b>\$5,250,000</b>
<b>Pk = Parks new</b>		
Pk1 @ Aiken Road Park	\$850,220	\$850,220
Pk2 @ Blueberry/Ramsey/Geiger Rd Park	\$14,653,579	\$12,833,799
Pk3 @ Salmonberry Road Park	\$2,254,322	\$2,254,322
Pk4 Ruby Creek Regional Park	\$1,156,662	\$1,156,662
Pk5 Stormwater Park	\$1,141,350	\$1,141,350
Pk6 KPF Community Events Center	\$6,620,000	\$6,620,000
<b>Subtotal</b>	<b>\$26,676,133</b>	<b>\$24,856,353</b>
<b>Pk = Parks infill</b>		
Pk7 Central/Clayton Park	\$88,555	\$88,555
Pk8 Givens Field/Active Club	\$6,348,929	\$6,348,929
Pk9 McCormick Village Park	\$118,263	\$118,263
Pk10 Van Zee Park	\$2,624,090	\$2,239,409
<b>Subtotal</b>	<b>\$9,179,837</b>	<b>\$8,795,156</b>

### Pk = Parks infill County

Pk11 Bill Bloomquist Rotary Park	\$625,983	\$0
Pk12 South Kitsap Regional Park	\$300,897	\$0
Pk13 Veterans Memorial Park	\$605,983	\$0
<b>Subtotal</b>	<b>\$1,532,863</b>	<b>\$0</b>
<b>Sd = School improvements</b>		
Sd1 East Port Orchard ES	\$3,077,452	\$0
Sd2 Hidden Creek Es	\$1,538,726	\$0
Sd3 Mullenix Ridge ES	\$769,363	\$384,682
Sd4 Orchard Heights ES	\$1,538,726	\$0
Sd5 Sunnyslope ES	\$769,363	\$0
Sd6 Marcus Whitman MS	\$769,363	\$0
Sd7 New HSMS school site	\$24,170,816	\$0
<b>Subtotal</b>	<b>\$32,633,809</b>	<b>\$384,682</b>
<b>Total</b>	<b>\$100,876,712</b>	<b>\$51,365,758</b>

# Financing

23 July 2021

## Financial strategies 2021-2041

years

20

### Proposed expenditures - 2019 budget

				Alternative 1	Alternative 2	Alternative 3
Administration	\$0 /year		2.5%	\$0	\$0	\$0
Recreation programs	(\$300,000) /year		2.5%	(\$7,663,397)	(\$7,663,397)	(\$7,663,397)
Planning and projects	(\$109,770)		2.5%	(\$2,804,037)	(\$2,804,037)	(\$2,804,037)
Maintenance	(\$1,419,563) /year		2.5%	(\$36,262,251)	(\$36,262,251)	(\$36,262,251)
Repair & Replacement (% current facilities/year)	\$20,540,658		5.0%	(\$20,540,658)	(\$20,540,658)	(\$20,540,658)
PLOS land and facility additions				(\$30,451,380)	(\$30,451,380)	(\$30,451,380)
<b>TOTAL EXPENDITURES</b>				<b>(\$97,721,723)</b>	<b>(\$97,721,723)</b>	<b>(\$97,721,723)</b>

### Proposed revenues - 2021-2022 Budget

	Total taxes	PROS Plan	%	2.5% Inflate			
Capital facility program reven							
General Fund taxes	\$24,326,700	\$1,829,333	8%	1.0%	\$40,280,091	\$40,280,091	\$40,280,091
Paths & Trails	\$2,000	\$2,000	100%	2.5%	\$51,089	\$51,089	\$51,089
REET	\$1,400,000	\$700,000	50%	2.5%	\$1,788,126	\$1,788,126	\$1,788,126
Park Impact Fees	\$80,000	\$80,000	100%	2.5%	\$2,043,573	\$2,043,573	\$2,043,573
Grants - LIFT, RCO, DOC	\$50,000	\$50,000	100%	2.5%	\$1,277,233	\$1,277,233	\$1,277,233
<b>CFP totals</b>	<b>\$25,858,700</b>	<b>\$2,661,333</b>			<b>\$43,600,896</b>	<b>\$61,533,246</b>	<b>\$61,533,246</b>
<b>DIFFERENCE BETWEEN EXPENDITURES AND REVENUES</b>					<b>\$43,600,896</b>	<b>(\$36,188,477)</b>	<b>(\$36,188,477)</b>

### 20-year strategy options - combine annual revenues

#### Option 1 - Recreation cost recovery

	Expenditures	Rate	Revenue			
Recreation program cost/operations	\$300,000	0%	\$0			
Deficit	\$300,000	100%				
Recreation program/opns cost recovery rate			100%	25%	50%	75%
Amount recovered first annual			\$300,000	\$75,000	\$150,000	\$225,000
<b>Recreation program/opns cost recovered</b>		<b>2.5%</b>	<b>\$7,663,397</b>	<b>\$1,915,849</b>	<b>\$3,831,699</b>	<b>\$5,747,548</b>

#### Option 2 - Growth impact fee (GIF)

	person	per/du	per sf du			
Population in city limits/urban growth area	15,117		24,768	9,651	9,651	9,651
ELOS local/regional value/person	\$2,373	2.43	\$5,766	\$2,373	\$2,373	\$2,373
Percent of value assessed for fee			100%	25%	50%	75%
Fee assessed per person				\$593	\$1,187	\$1,780
<b>Growth Impact fee revenue - less current fee \$324/person</b>			<b>\$22,901,823</b>	<b>\$3,681,883</b>	<b>\$9,407,339</b>	<b>\$15,132,795</b>

#### Option 3 - Real Estate Excise Tax (REET) 2

Annual average real estate sales year 2019	\$1,120,000,000	2.5%	\$1,148,000,000	\$1,148,000,000	\$1,148,000,000	\$1,148,000,000
Assessed rate per \$1.00 sales			\$0.00125	\$0.00125	\$0.00125	\$0.00125
Annual allocation for PRO Plan projects			100%	50%	55%	60%
Annual allocation for PRO Plan projects			\$1,435,000	\$717,500	\$789,250	\$861,000
<b>REET revenue with annual growth less current allocation</b>		<b>2.5%</b>	<b>\$36,656,584</b>	<b>\$447,032</b>	<b>\$2,279,861</b>	<b>\$4,112,690</b>

#### Option 4 - Property Tax Levy (PTLevy)

Assessed valuation 2019	\$1,833,047,023	2.5%	\$1,878,873,199	\$1,878,873,199	\$1,878,873,199	\$1,878,873,199
Assessed average annual rate per \$1.00 (3)			\$0.00000	\$0.00080	\$0.00055	\$0.00030
<b>PTLevy totals</b>			<b>\$0</b>	<b>\$30,143,713</b>	<b>\$20,669,579</b>	<b>\$11,195,445</b>
<b>TOTAL CFP+GIF+REET+PTLevy</b>			<b>\$110,822,700</b>	<b>\$97,721,723</b>	<b>\$97,721,723</b>	<b>\$97,721,723</b>
<b>DIFFERENCE BETWEEN EXPENDITURES AND REVENUES</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Median house value ACS 2015-2019	\$100,000	\$0.00	\$4.01	\$2.75	\$1.49
	\$292,200	\$0.00	\$11.72	\$8.04	\$4.35





**CITY OF PORT ORCHARD**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**

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**PLANNING COMMISSION STAFF REPORT**

<b>Agenda Item No:</b>	4(b)	<b>Meeting Date:</b>	October 5, 2021
<b>Subject:</b>	McCormick Village Overlay District (MVOD) and Subarea Plan	<b>Prepared by:</b>	Nick Bond, Development Director

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Section 2.7.5.9 of the City of Port Orchard Comprehensive Plan’s Land Use Element recommends the City develop a subarea plan for a portion of the McCormick Woods master planned community known as the McCormick Woods Local Center. The intent of the local center, as established in 2.7.2, is to create mixed use areas where residents have convenient and efficient access to goods and services. These areas tend to be more compact than historic suburban development and reduce reliance on automobiles as the primary mechanism for transportation. The neighborhoods are typically dense with a mix of uses and create a safe, attractive pedestrian environment. The denser development allows the City to provide more efficient services to a greater number of residents with a decreased fiscal impact to the City.

The City of Port Orchard adopted a form-based code March 27, 2019 which began the implementation of creating a more urban and walkable community. However, the form-based code still allows the historic development patterns typical of a suburban city. The form-based code does not specifically require or prohibit the creation of compact mixed-use neighborhoods.

As described in Section 2.7.5.9 of the Land Use Element the City should develop a subarea plan to guide the implementation of a local center in McCormick Woods. The current development code currently does not mandate the type of development envisioned in the plan and in some instances may hinder the development of certain building types. To implement the subarea plan, the City proposes to create an overlay district with code provisions which address those issues that may otherwise prevent the form of development outlined in the Centers policies. The intent of the overlay district code provisions will 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, and any code amendments within the McCormick Village Overlay District (MVOD) should further the vision established in the Comprehensive Plan and, upon adoption, the subarea plan. The following summary provides the general framework in creation of MVOD development requirements.

**1) MVOD Boundary**

- a) Establish the boundary of the MVOD. Generally, that area bound by SW Old Clifton Road, McCormick Village Drive, SW Yarrow Street and Feigley Road W.

**2) Purpose**

- a) A general statement at beginning of ordinance to provide justification for regulations, and assist elected officials, staff, and courts interpret and apply regulations

### **3) Applicability**

- a) A concise statement following purpose establishing the applicability of the ordinance.

### **4) Land Use**

- a) Cross-reference to POMC 20.39 to establish permitted uses in zoning districts within the MVOD. The MVOD should not introduce uses that are not otherwise permitted in the zoning designation as the overlay district is not a zoning classification, rather it is an area to implement development standards that may not otherwise be required.

### **5) Building Types**

- a) Establish the building types permitted in underlying zoning designation as defined in POMC 20.32.
- b) Opportunity to create additional building types that may only be constructed in the MVOD. This may require some modification to POMC 20.32. The following subpoints provide examples of some housing types not currently addressed in POMC 20.32:
  - i) 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.
  - ii) 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).
- c) Additional design requirements for specific building types may be incorporated in the Building Type section. The additional design requirements should address minimum ground floor elevations, transparency, required building elements and minimum development standards related to off-street parking ratios, and the establishment of minimum and maximum setbacks.

### **6) Detached Accessory Dwelling Units**

- a) Introduce an exemption from POMC 20.68.100(5) which currently requires one of the units be owner occupied.

### **7) Development Standards**

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

### **8) Lot and Road Layout**

- a) Increase the connectivity index requirement established in POMC 20.100.020 from 1.4 to at least 1.7 to encourage roadway connectivity and provide alternative transportation routes to minimize automobile dependence.



- b) Reiterate the requirement that residential uses be provided vehicle access via alleys only.

**9) Road Standards**

- a) 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.
- b) Provide sidewalks on both sides of street along all primary streets.
- c) Provide informal efficient walking paths through the neighborhood which provide pedestrian connectivity between uses.

**10) Off-street Parking Standards**

- a) Significantly reduce off-street parking requirements based on building type.
- b) 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.

**11) Significant Tree Retention**

- a) Provide alternative method to ensure tree canopy coverage over a given period instead of relying on the retention of existing trees.

**12) Design Standards**

- a) 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 list above identifies the areas which should be addressed in the Port Orchard Municipal Code to implement the McCormick Village Overlay District. As these items are developed by staff, the recommendation for Code amendments should be brought to the Planning Commission for discussion and recommendation prior to providing a completed version to the City Council for consideration.



**City of Port Orchard, WA**

# McCormick Village Subarea Plan

**Draft: September 30, 2021**

## **Acknowledgements**

### **Mayor**

Robert Putaansuu

### **City Council Members**

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Cindy Lucarelli  
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(Graphics and renderings)

Andy McKay

## Chapter 1. Introduction.

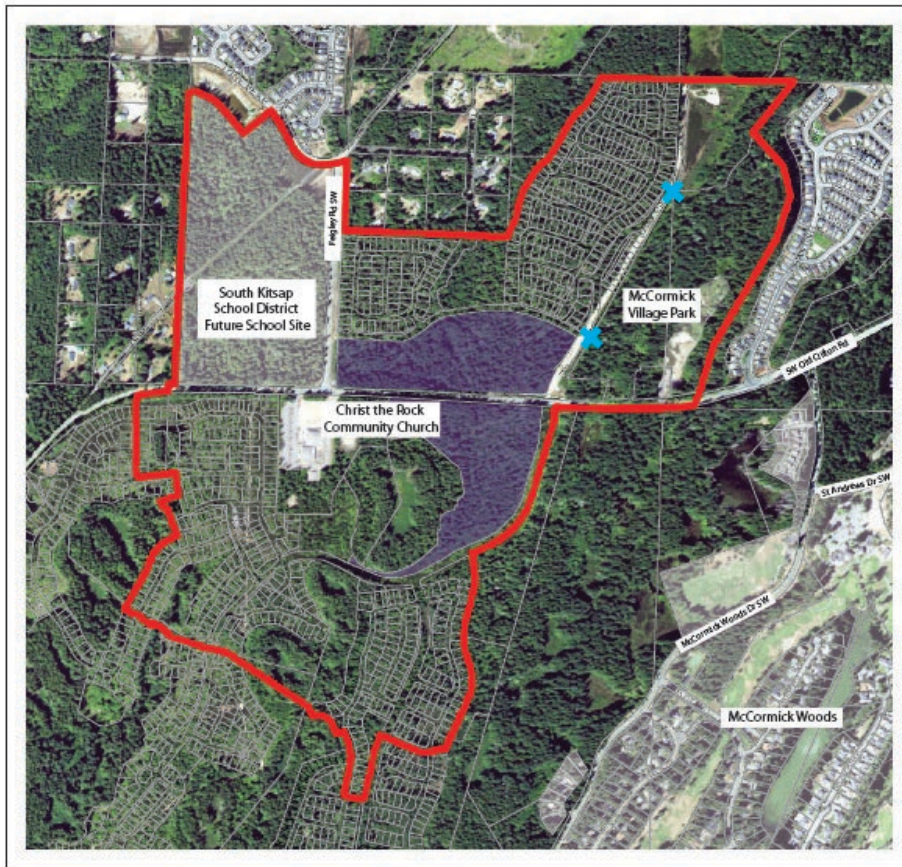
**1.1 Overview.** In 2016, the City of Port Orchard completed its periodic update to the Comprehensive Plan. The 2016 Comprehensive Plan included for the first time, a “centers” approach to planning (See section 2.7 of the Port Orchard Comprehensive Plan). The centers approach to planning is provided 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).

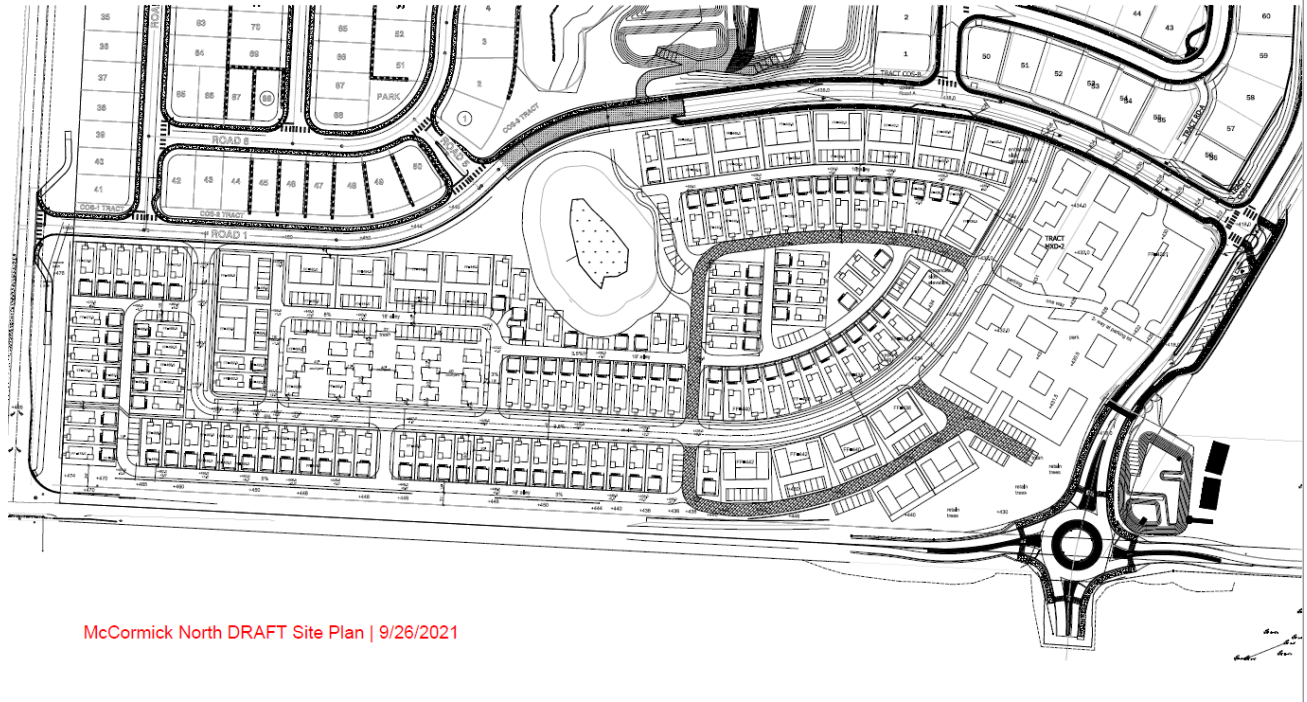




## McCormick Village Subarea



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.**



McCormick North DRAFT Site Plan | 9/26/2021



**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

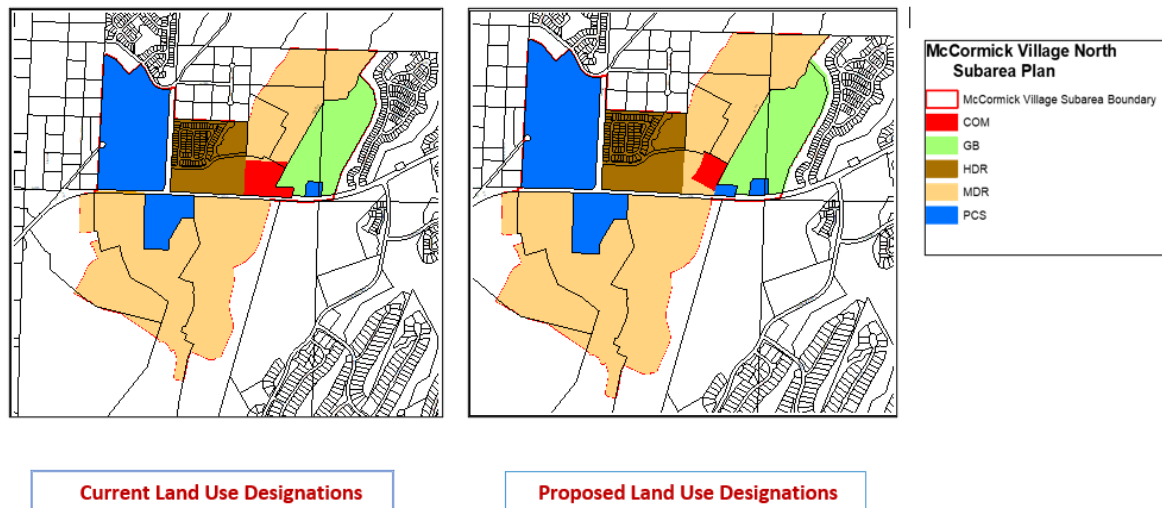
protected critical areas and are off limits to development.

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.

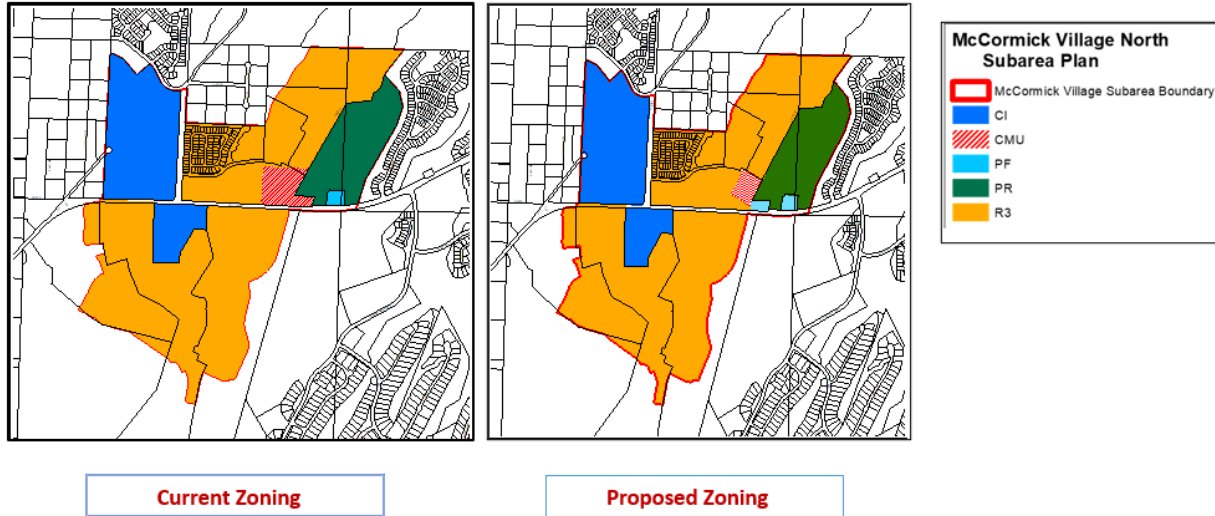
The Land Use Map in the Comprehensive Plan is being amended to refine the commercial area locations within the subarea to correspond to the development concept shown in figure 2. The existing and proposed land use map designations are shown in figure 5 below:

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.



<b>Planning Area</b>	<b>Jobs</b>	<b>Housing Units</b>
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
<b>Total</b>	<b>375</b>	<b>1271</b>
<b>Percent Job/Housing</b>	<b>23%</b>	<b>77%</b>

**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 21<sup>st</sup> 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.





**CITY OF PORT ORCHARD**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**

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**PLANNING COMMISSION STAFF REPORT**

<b>Agenda Item No:</b>	<u>4(c)</u>	<b>Meeting Date:</b>	<u>October 5, 2021</u>
<b>Subject:</b>	<u>Update to POMC 20.170 (Flood Damage Prevention)</u>	<b>Prepared by:</b>	<u>Nick Bond, Development Director</u>

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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.

The Planning Commission is asked to review and provide feedback on the draft code, which will be presented to the Commission in ordinance format at the November 5, 2021 meeting. At the November meeting, the Commission will be asked to hold a public hearing and provide a recommendation to City Council on the proposed code changes.

## 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 ~~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~~0 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)).~~