

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2019-01

SUBJECT: PMC 16.08 Shoreline Master Program

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 01/30/19
- Passed by the City Council: 02/06/2019
- Signature of Mayor
- Signature of City Clerk
- Publication: 02/15/2019
- Effective: 02/20/2019
- Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- NK Herald: 02/07/19
- Code Publishing
- City Attorney
- Clerk's Department: Original
- City Council
- Finance:
- Posted to Library Drive and Website
- _____

Rhiannon Fernandez
City Clerk

02/07/19
Date

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON; AMENDING POULSBO MUNICIPAL CODE SECTIONS 16.08.040, 16.08.180, 16.08.240, 16.08.250, AND 16.08.260 TO MAKE CHANGES TO THE SHORELINE MASTER PROGRAM IN ORDER TO ACCOMMODATE EXISTING AND FUTURE LOW INTENSITY COMMERCIAL USES ON PARCELS IN THE SR-2 SHORELINE ENVIRONMENT DESIGNATION WITH AN UNDERLYING C-1 (COMMERCIAL) ZONING DESIGNATION AND TO ACCOMMODATE HIGHER DENSITY RESIDENTIAL DEVELOPMENT, WHERE IT CAN BE SITED OUTSIDE THE SHORELINE BUFFER (AS PROVIDED BY THE DEPARTMENT OF ECOLOGY); DELETE APPENDIX B FROM THE SHORELINE MASTER PROGRAM TO PROVIDE FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Growth Management Act requires that every city planning under the GMA periodically update its comprehensive plan; and

WHEREAS, on January 17, 2018 the Poulsbo City Council approved a Comprehensive Plan Amendment docket to be considered during the 2018 Comprehensive Plan Amendment cycle; and

WHEREAS, the City conducted environmental review of the proposed amendments under the State Environmental Policy Act and, using the optional DNS process, issued a Notice of Application with Optional DNS on January 26, 2018; and

WHEREAS, the Poulsbo Planning Commission held a public hearing on the proposed amendments on March 13, 2018 and, after considering all testimony received and all other available information, adopted findings and conclusions and recommended that the Poulsbo city council approve the five amendments as presented; and

WHEREAS, the Poulsbo City Council held a public hearing on the proposed amendments on April 11, 2018 and, after considering all public testimony received at the hearing and other

available information, determined to accept the recommendation of the Planning Commission and adopt the amendments as presented by ordinance; and

WHEREAS, one of the amendments, P-10-31-17-02, involves text amendments to Poulsbo Municipal Code (PMC) Chapter 16.08 (Shoreline Master Program) and must therefore be approved by the Department of Ecology (Ecology) prior to final adoption by the City Council; and

WHEREAS, the City Council determined to provide for the initial approval of P-10-31-17-02 by the passage of Resolution 2018-07 and to bring the application back for final adoption by ordinance upon approval by Ecology; and

WHEREAS, the City transmitted Resolution 2018-07 and the limited amendment to the Poulsbo Shoreline Master Program package to the Department of Ecology on May 4, 2018 and verified complete on June 19, 2018; and

WHEREAS, notice of state comment period was distributed to state task force members and interested parties identified by the City on June 29, 2018, in compliance with the requirements of WAC 173-26-120; and

WHEREAS, the state comment period began on July 2, 2018 and continued through August 2, 2018. No public hearing was held during the state comment period. No comments were received during the comment period; and

WHEREAS, on August 22, 2018 the City received an informal list of issues as identified by the Department of Ecology; and

WHEREAS, as requested by Ecology, City and Ecology staff met on September 10, 2018 and November 9, 2018 to discuss several changes to the original amendment; and

WHEREAS, the City submitted proposed changes on September 25, 2018 and November 13, 2018 to address outstanding issues; and

WHEREAS, the changes contained within Attachment A reflect the text amendment modifications provided by City staff as a result of discussion with Ecology; and

WHEREAS, the City received approval by Ecology of the limited amendment to the Poulsbo Shoreline Master Program on January 4, 2019 that limit the amendments to PMC Chapter 16.08 and no longer requires a comprehensive plan amendment; NOW THEREFORE,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. In support of the actions undertaken by this ordinance, the Poulsbo City Council adopts the findings and conclusions of the Poulsbo Planning Commission dated March 13, 2018, as well as the rationale contained in the Staff Report to the City Council dated April 3, 2018.

Section 2. Text Amendments to the Shoreline Master Program (PMC Chapter 16.08). The text of PMC Chapter 16.08 is hereby amended to make changes to the shoreline master program in order to accommodate existing and future low intensity commercial uses on parcels in the SR-2 shoreline environment designation with an underlying C-1 (commercial) zoning designation and to accommodate higher density residential development, where it can be sited outside the shoreline buffer. The text amendments made by this Section are set forth in Attachment A.

Section 3. Text Amendments to the Shoreline Master Program (Appendix B).

Appendix B is hereby deleted to provide for internal consistency. The text amendments made by this Section are set forth in Attachment A.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:



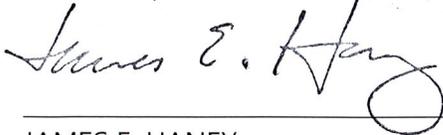
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK RHIANNON K. FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:



BY _____
JAMES E. HANEY

FILED WITH THE CITY CLERK: 01/30/19
PASSED BY THE CITY COUNCIL: 02/06/19
PUBLISHED: 02/15/19
EFFECTIVE DATE: 02/20/19
ORDINANCE NO. 2019-01

SUMMARY OF ORDINANCE NO. 2019-01

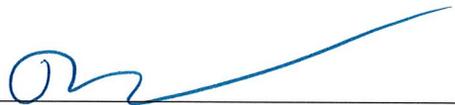
of the City of Poulsbo, Washington

On the 6th day of February, 2019, the City Council of the City of Poulsbo, passed Ordinance No. 2019-01. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING COMPREHENSIVE PLAN AMENDMENT P-10-31-17-02; AMENDING POULSBO MUNICIPAL CODE SECTIONS 16.08.040, 16.08.180, 16.08.240, 16.08.250, AND 16.08.260 TO MAKE CHANGES TO THE SHORELINE MASTER PROGRAM IN ORDER TO ACCOMMODATE EXISTING AND FUTURE LOW INTENSITY COMMERCIAL USES ON PARCELS IN THE SR-2 SHORELINE ENVIRONMENT DESIGNATION WITH AN UNDERLYING C-1 (COMMERCIAL) ZONING DESIGNATION AND TO ACCOMMODATE HIGHER DENSITY RESIDENTIAL DEVELOPMENT, WHERE IT CAN BE SITED OUTSIDE THE SHORELINE BUFFER; DELETE APPENDIX B FROM THE SHORELINE MASTER PROGRAM TO PROVIDE FOR INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 6th day of February, 2019.



CITY CLERK RHIANNON K. FERNANDEZ

ATTACHMENT A



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

January 4, 2019

The Honorable Becky Erickson
City of Poulsbo
200 Northeast Moe Street
Poulsbo, WA 98370

**Re: City of Poulsbo Shoreline Master Program Amendment –
Conditional Approval, Resolution 2018-07**

Dear Mayor Erickson:

I would like to take this opportunity to commend the City of Poulsbo (City) for its efforts in developing the proposed amendments to the Shoreline Master Program (SMP). It is obvious that a significant effort was invested by your staff. The amendments make changes to the City's SMP in order to accommodate existing and future low intensity commercial uses on parcels in the SR-2 shoreline environment designation with an underlying C-1 zoning designation and to accommodate higher density residential development, where it can be sited outside the shoreline buffer and consistent with the underlying zoning designation. We have completed our review of the proposal for consistency with the Shoreline Management Act and implementing guidelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) identified specific changes necessary to make the proposal approvable. These required changes are detailed in Attachment B. Ecology's findings and conclusions related to the City's proposed SMP amendment are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur after the City responds to Ecology communicating the City's decision on the required changes. Ecology's final approval will be in the form of a letter, and will be sent upon receipt of the City's written notification that the required changes are acceptable to the City, or after the City and Ecology have reached an agreement on alternative language that meets the statutory and Guidelines requirements.



The Honorable Becky Erickson
January 4, 2019
Page 2

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Thank you again for your efforts to continue to improve the City's SMP. We look forward to receiving your written response and concluding this SMP amendment in the near future. If you have any questions or would like to discuss Ecology's proposed changes, please contact our regional planner, Misty Blair, at misty.blair@ecy.wa.gov or (425) 649-4309.

Sincerely,



Maia D. Bellon
Director

Enclosures

By Certified Mail [9489 0090 0027 6019 1354 01]

cc: Karla Boughton, City of Poulsbo
Nikole Coleman, City of Poulsbo
Misty Blair, Ecology
Joe Burcar, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS –
AMENDMENT TO THE CITY POULSBO’S SHORELINE MASTER PROGRAM**

SMP Submittal accepted via email on May 4, 2018, Resolution No. 2018-07
Prepared by Misty Blair, on December 14, 2018

USE OF THIS DOCUMENT: Ecology’s *Findings and Conclusions* (Attachment A), including reference to *Attachment B* (Required Changes), provide the factual basis for Ecology’s decision on the City of Poulsbo’s (City) proposed amendment to their Shoreline Master Program (SMP).

BRIEF DESCRIPTION OF PROPOSED AMENDMENT:

The City of Poulsbo has submitted to Ecology for review an amendment to their Shoreline Master Program (SMP). The City Council approved Resolution No. 2018-07 on May 2, 2018, with the expressed purpose of alleviating inconsistencies between the zoning designation and shoreline environment designation (SED). The city’s amendment proposes several changes to their existing SMP. The changes include an amendment to the shoreline environment designation for a single property from Shoreline Residential 1 and 2 to High Intensity, and modifications to the residential density requirement within the SR-2 SED from four to five dwelling units per acre, as permitted in the underlying zone. The City proposes to amend the following SMP sections:

Section 16.08.240 Residential land uses.

Shoreline Environment Designation Map for property located at 19589 Front St. NE from Shoreline Residential -1 and -2 to High Intensity.

Regional staff recommends approval of the proposed amendment subject to required changes (Attachment B).

FINDINGS OF FACT

Need for amendment. The City’s SMP comprehensive update process pursuant to RCW 90.58.080 and 100 was completed in February 2013. According to the City, a private property owner submitted the proposed shoreline environment re-designation and text amendment as part of the City’s 2018 Annual Comprehensive Plan Amendment process. The City describes the proposed amendment to SED Map NE-6 as *fixing an inconsistency between the existing land use and zoning designation and the shoreline environment designation*. Similarly the proposed amendment to Poulsbo Municipal Code (PMC) 16.08.240.C.2 is described as alleviating an inconsistency between the zoning designation and SED.

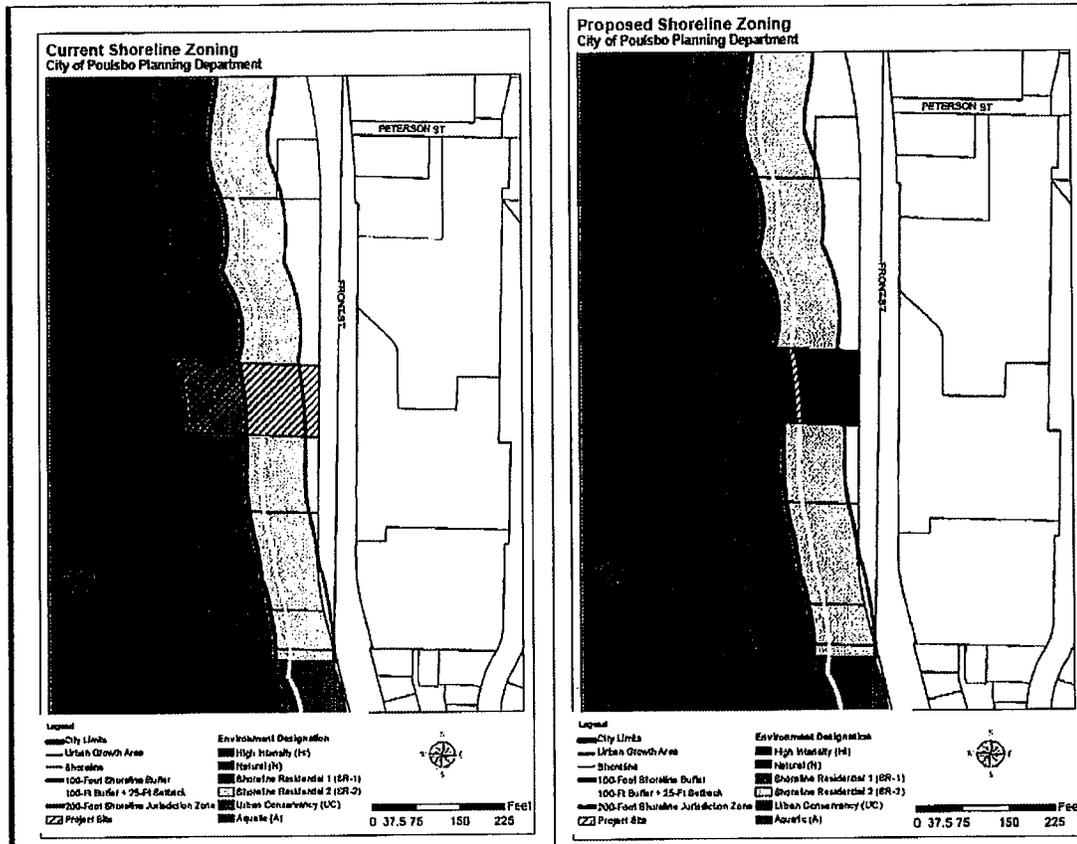
SMP PROVISIONS TO BE CHANGED BY THE AMENDMENT AS PROPOSED:

Section 16.08.240.C

2. In the SR-2 environment, residential density shall be ~~a minimum of four dwelling units per acre and a maximum of five dwelling units per acre~~ as permitted in the underlying zone.

The City proposes to remove the specific minimum and maximum density requirements currently applicable to the SR-2 environment and replace the standards with a reference to the underlying zoning code density requirements.

SED Map NE-6



The City proposes to change the SED for a single property located at 19589 Front St. NE from Shoreline Residential -1 and -2 to High Intensity.

AMENDMENT HISTORY AND REVIEW PROCESS:

LOCAL SMP AMENDMENT PROCESS

The City indicates the proposed SMP amendments originated from a local 2018 Annual Comprehensive Plan Amendment process. On January 17, 2018 the City Council included this proposed amendment within the docket for the 2018 Comprehensive Plan Amendments. A combined Notice of Application (NOA) with Optional SEPA DNS was issued on January 26, 2018. A comment period was held from January 26 to February 23, 2018. The City received no comments in response to the NOA with Optional DNS. The SEPA Determination of Non-Significance was issued on March 2, 2018. The formal adoption process began with Planning Commission in February 2018. Affidavits of publication provided by the City indicate notice of the hearing was published in the North Kitsap Herald, on February 23, 2018. The record shows that a public hearing regarding these amendments before the Planning Commission was held on March 13, 2018. The City received no formal oral or written comments during the hearing. On March 13, 2018, following the Public Hearing, the Planning Commission recommended approval of the proposed amendments.

The record indicates that the City Council held another Public Hearing and considered the proposed amendments on April 11, 2018. With passage of Resolution 2018-07, on May 2, 2018, the City approved these SMP amendments and authorized City staff to forward the proposed amendments to Ecology for approval.

DEPARTMENT OF ECOLOGY REVIEW PROCESS

The proposed SMP amendments were received by Ecology for state review on May 4, 2018 and verified as complete on June 19, 2018. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on June 29, 2018, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on July 2, 2018 and continued through August 2, 2018. No public hearing was held during the state comment period. No comments were received during the comment period.

Summary of Issues Identified by Ecology as Relevant to its Decision: On August 22, 2018 Ecology provided City staff with a list of issues identified by Ecology as relevant to its decision.

Based on review of the proposed SMP amendments for consistency with applicable SMP-Guideline requirements and consideration of supporting materials included in the City's submittal, the following issues remain relevant to Ecology's final decision on the City of Poulsbo's SMP amendment:

Issues related to the Shoreline Environment Designation Map NE-6 change for property located at 19589 Front St. NE from Shoreline Residential -1 and -2 to High Intensity:

- Ecology was concerned that the subject parcel would not be appropriately classified as High Intensity SED. Although the current use at 19589 Front Street NE may be commercial, the amendment record does not support classifying this use as a commercial use of a high intensity. This property appears comparable in intensity of use to those around it in this reach which have been consistently characterized as Shoreline Residential. The establishment of shoreline environment designations must adhere to the criteria in WAC 173-26-211(5)¹ and be reviewed for mutual consistency with comprehensive plan land use designations. According to WAC 173-26-211(5)(d)(iii), a "high intensity" environment designation should be assigned to shoreline areas inside the UGA, if they currently support high intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water oriented uses. The subject parcel does not appear to meet the designation criteria for "high intensity".
- Ecology was concerned that the proposed amendments could foster uncoordinated and piecemeal development. There are a total of four (4) parcels located in the SR-2 SED with non-conforming commercial uses. All of these properties are zoned C-1.
- The amendment adoption record did not contain any specific allowed uses analysis to support the assumption that the C-1 zone and SR shoreline designations preclude one another or create incompatibilities; therefore the record did not establish that the City's original amendment was necessary for consistency with WAC 173-26-211(3).
- The predominant uses in the area - both single family and multifamily uses - are prohibited in the HI environment designation. The proposed designation change would restrict any future use on this site to commercial uses within a shoreline environment dominated by single family residential development (a preferred use), that could result in incompatible uses which would be inconsistent with WAC 173-26-211(3)(b).

Based on the concerns listed above, Ecology worked with the City on a number of changes to the original amendment, which are included in Attachment B. The revisions to the original amendment are intended to provide increased flexibility for commercial uses on properties zoned commercial within the SR-2 SED without

¹ WAC 173-26-201(3)(f)

changing the shoreline environment designation. The City helped narrow the scope of potential commercial uses by interpreting retail sales, personal services, and professional offices as lower intensity commercial uses, consistent with current and foreseeable future commercial uses on these parcels. Additionally, based on the surrounding residential (single-family and multifamily) uses, the City believes that the above listed low intensity commercial uses are compatible with the surrounding development. Therefore the proposed required changes reflect these commercial uses as outright permitted on properties in the SR-2 SED with a C-1 underlying zoning designation, while all other uses permitted within the C-1 could be reviewed through a shoreline conditional use permit. Based on this strategy, Ecology identified a number of related amendments that are necessary to maintain internal consistency and to ensure compliance with SMP-Guideline requirements, as listed in Attachment B items 1-4.

Issues related to the text amendments to Poulsbo Municipal Code 16.08.240(C)(2):

- Ecology was concerned that the underlying zoning code density requirement applied in conjunction with minimum lot sizes and setback will effectively prohibit detached single-family residential in the SR-2. Single family residential uses are preferred shoreline uses. Non-water oriented commercial and multifamily residential uses are not preferred shoreline uses. It appears that this text amendment may preclude single family residential development by requiring a residential density that can only be achieved with multifamily residential development.
- The City proposed to remove the prescribed four dwelling unit per acre minimum and five dwelling unit per acre maximum residential density in the SR-2 SED and replace with a reference to the density allowed in the underlying zoning code.
- According to 18.70.040.B, the minimum density is calculated by multiplying the development site net acreage by the minimum number of dwelling units required. Net acreage is the gross acreage minus acreage for public rights of way, private easement roads, designated critical area and buffer protection and stormwater facilities. Similar to the land area calculation, the net density calculation does not exclude the shoreline buffer or setback from this calculation. Based on this understanding, Ecology was concerned that the City's interpretation could result in minimum density requirements that could not be achieved with single-family residential development or which could be used as justification for intrusion into the shoreline buffer, neither of which would be consistent with the SMA or SMP-Guidelines.
- Ecology was concerned that the proposed amendment would create internal inconsistencies in the City's SMP. According to PSMP 16.08.060, the City's SMP regulations include by reference the following authorities: Chapter 16.08 shoreline master program, Chapter 16.09 shoreline administration and procedures, sections of Chapter 16.20 critical areas (ordinance 2007-24), and Title 18 Zoning as contained in Appendix B. The City's is currently proposing modifications to 16.08.240.C without modifying other applicable SMP provisions that repeat this density requirement; thereby creating internal inconsistencies.

Based on these concerns, Ecology and the City identified changes to the original amendment, which included in Attachment B. The changes are intended to provide increased flexibility for higher density residential development on properties within the SR-2 SED, as long as the density can be achieved outside the shoreline buffer and consistent with the underlying zoning designation. After discussions with City staff, it was determined that the desire to increase the density potential could be achieved by allowing density maximums consistent with the zoning code without imposing the minimum density which had the potential to exclude single-family residential development. Based on this strategy, Ecology identified a number of instances where modification are necessary to the City's original amendment, to maintain internal consistency and to ensure compliance with SMP-Guideline requirements. These modifications are listed in Attachment B items 5-8.

On August 22, 2018 Ecology prepared and sent to the City an informal response outlining our concerns with the proposed amendments. The City responded by requesting a meeting. Ecology and the City met on September 10, 2018 and November 9, 2018. Additional modifications to the SMP were discussed and the City submitted

proposed changes on September 25th and November 13th to address the outstanding issues. Therefore, the required changes contained within Attachment B, are a reflection of the text amendment modifications provided by City staff as a result of our discussions. Draft versions of Attachment B were shared with City staff on November 28, 2018. On December 7, 2018, Ecology received concurrence from City staff on the identified changes, along with a request for Ecology to move forward in issuance of a Conditional Approval.

Based on discussions with City staff, Ecology believes the required changes contained within Attachment B will bring the proposed SMP into compliance with the SMA and applicable SMP-Guidelines while meeting the City's objectives of accommodating commercial uses on properties with an underlying commercial zoning designation and allowing flexibility for higher density residential development consistent with the underlying zoning code requirements (if it can be sited outside the shoreline buffer).

Therefore, Ecology finds that the proposed SMP amendments as approved by the City under Resolution 2018-07 are not consistent with the applicable SMP-Guideline requirements as specifically identified within Attachment B (Required Changes). However, Ecology also finds that the SMP amendments can be modified to be compliant with the SMP-Guidelines through the City's acceptance of "Required Changes."

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions).

Consistency with SMP Amendment Criteria: The proposed amendment has also been reviewed for compliance with WAC 173-26-201(1)(c) of the SMP Guidelines.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form a Determination of Non-Significance (DNS) for the amendments to the City of Poulsbo Comprehensive Plan and development regulations, a non-project action, issued on March 2, 2018. Ecology did not comment.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following documents prepared by the City in support of the SMP amendment:

- Updated SMP Amendment Strikethrough-Underline, revisions received from City Staff 9/25/2018 & 11/13/2018 with a final version received via email 12/7/2018.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted, Ecology concludes that the City's proposed SMP amendment, subject to and including Ecology's required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that the proposed SMP amendment, subject to required changes, retains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the amended master program (WAC 173-26-201(2)(c)(5) and WAC 173-26-186(8)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting public hearings, notice, consultation with parties of interest and solicitation of comments from tribes and government agencies.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a).

Ecology concludes that the proposed amendments, subject to and including Ecology's required changes (itemized in Attachment B), satisfy the criteria for approval of amendments found in WAC 173-26-201(1)(c).

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

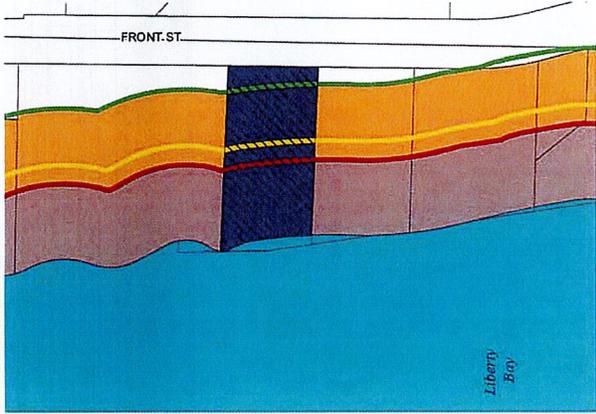
DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments to this SMP are consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules, once required changes set forth in Attachment B are accepted by the City. Ecology approval of the proposed amendments, with required changes, is effective 14 days from Ecology's final action approving the amendment. Ecology's final action will be a letter verifying of receipt of written notice that the City has agreed to the required changes or approval of proposed alternative language.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment.

Attachment B – Ecology Required Changes

The following changes are necessary to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III) or improve clarity:

ITEM	SMP Submittal PROVISION (Cite)	BILL FORMAT CHANGES PROPOSED BY THE CITY, as adopted in Resolution 2018-07	REQUIRED CHANGES – shown in BILL FORMAT (underline = additions; strikethrough = deletions) *strikethroughs and underlines represent changes required by Ecology.	RATIONALE
1	Shoreline environment designation map – Figure NE-6 (Shoreline Master Program Map)	Map Amendment proposing to change the shoreline environment designation at 19589 Front Street NE from a split Shoreline Residential (SR-1/SR-2) designation to High Intensity.	Withdraw proposed map amendment. 	<p>The City has proposed a change of shoreline environment designation (SED) for a single parcel from Shoreline Residential to High Intensity.</p> <p>The establishment of shoreline environment designations must adhere to the criteria in WAC 173-26-211(5) and be reviewed for mutual consistency with comprehensive plan land use designations. According to Poulsbo SMP 16.08.170.B, the high intensity (HI) shoreline environment provides for those areas of existing moderate commercial and mixed commercial/residential development. This environment allows for optimum use of shoreline areas that are presently developed with commercial uses, while seeking opportunities to protect habitat and ecological functions from further degradation. The identified HI areas include the downtown waterfront and an area near the head of Liberty Bay.</p> <p>Although the current use at 19589 Front Street NE may be commercial, the amendment record does not support classifying this use as a commercial use of a moderate intensity. This property appears comparable in intensity to those uses around it in this reach which have been consistently characterized as Shoreline Residential.</p> <p>We are concerned that the subject site does not meet the designation criteria for High Intensity. We feel that the City's Inventory and Characterization completed as part of the City's comprehensive SMP update accurately reflects the existing conditions along this entire shoreline reach and find it inappropriate to re-designate this property to High Intensity.</p>

<p>2</p>	<p>Section 16.08.180 Shoreline Use Table –</p>	<p>N/A – No changes were originally proposed.</p>	<table border="1"> <thead> <tr> <th>Shoreline Use:</th> <th>SR-1</th> <th>SR-2</th> </tr> </thead> <tbody> <tr> <td>Commercial use (not including marinas, ports and boating facilities)</td> <td></td> <td></td> </tr> <tr> <td>Commercial use: meets the requirements of Section 16.08.260</td> <td>X</td> <td>XI</td> </tr> <tr> <td>E. Mixed use (combination of commercial, residential and/or other types of uses)</td> <td></td> <td></td> </tr> <tr> <td>Mixed use: meets the requirements of Section 16.08.260</td> <td>X</td> <td>XI</td> </tr> </tbody> </table> <p>1. For residential uses, the SR-2 requirement must be met in addition to the SR-1 requirement. 2. For commercial uses, the SR-2 requirement must be met in addition to the SR-1 requirement.</p> <p>B. Commercial (not including marinas, ports and boating facilities) Commercial use: meets the requirements of Section 16.08.260 Add footnote 7 to SR-2 column</p> <p>7. For properties within the SR-2 environment and C-1/downtown zoning district see Section 16.08.260</p> <p>E. Mixed use (combination of commercial, residential and/or other types of uses)</p>	Shoreline Use:	SR-1	SR-2	Commercial use (not including marinas, ports and boating facilities)			Commercial use: meets the requirements of Section 16.08.260	X	XI	E. Mixed use (combination of commercial, residential and/or other types of uses)			Mixed use: meets the requirements of Section 16.08.260	X	XI	<p>The stated intent of this map amendment was to alleviate inconsistencies between the zoning designation and shoreline environment designation. Resolution No. 2018-17 further describes this amendment as fixing an error in the SMP which unintentionally created a non-conforming use.</p> <p>After discussion with Ecology, City staff agreed that the desired intent of allowing continued commercial uses and future commercial redevelopment on properties located within the SR-2 SED with an underlying C-1 zone could be achieved without changing the SED.</p> <p>Therefore, City staff has made a series of other SMP amendments to the use table, and development regulations in order to address this issue equitably for all properties currently zoned C-1 and located in the SR-2 SED. These changes are located in the following required changes numbered 2-4.</p> <p>This required change, the withdrawal of the proposed map amendment, is necessary for consistency with the shoreline environment designation criteria of WAC 173-26-211.</p> <p>This required change intended to address existing and potential future commercial uses on properties located within the SR-2 SED with an underlying C-1 zoning designation. Options for addressing this were discussed with City staff and the required changes represent a solution the City proposed as a result of discussions.</p> <p>The parcel identified in the city's proposed SMP amendment is not the only property in the SR-2 SED with an underlying C-1 zoning designation. There are a total of four (4) properties zoned C-1 with existing commercial uses that are impacted by the current commercial use prohibition in the SR-2 SED. These properties include:</p> <p>19679 Front Street NE 19717 Front Street NE 19589 Front Street NE 19491 Front Street NE</p>
Shoreline Use:	SR-1	SR-2																	
Commercial use (not including marinas, ports and boating facilities)																			
Commercial use: meets the requirements of Section 16.08.260	X	XI																	
E. Mixed use (combination of commercial, residential and/or other types of uses)																			
Mixed use: meets the requirements of Section 16.08.260	X	XI																	

3	<p>Section 16.08.250 Mixed land uses –</p>	<p>N/A – No changes were originally proposed.</p>	<p>Mixed use; meets the requirements of Section 16.08.250. Add footnote 8 to SR-2 column 8. For properties within the SR-2 environment and C-1/downtown zoning district see Section 16.08.250</p> <p><u>D. Within the shoreline residential 2 (SR-2) environment for properties within the C-1/Downtown zoning district:</u></p> <ol style="list-style-type: none"> 1. <u>Mixed use developments, as defined in 16.08.040, shall be permitted;</u> 2. <u>For properties with direct access to Liberty Bay, new development within the shoreline buffer may be allowed if permanently occupied and maintained as water-oriented uses.</u> <p>*Add new section (D) and renumber following sections.</p>	<p>Changes were necessary to address potential piecemeal and uncoordinated development that could have resulted from addressing this issue for only one of the effected properties.</p> <p>Changes necessary for internal consistency and to provide sufficient scope and detail for effective implementation consistent with WAC 173-26-191(2)(a)(ii)(A).</p> <p>The Poulsbo SMP provides the following definition</p> <p><i>“Mixed use” means the development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to: residential, commercial (office, retail), marina, public uses and/or recreation.</i></p> <p>Utilizing the above definition will allow a combination of residential, commercial (consistent with the allowances proposed in 18.08.250), water-dependent, and public access uses on these limited parcels which are located in the SR-2 SED and zoned C-1.</p> <p>After discussion with Ecology, the City proposed changes to allow mixed uses within existing structures and for redevelopment proposal on properties within the SR-2 SED with a C-1 zoning designation.</p>
4	<p>Section 16.08.260 Commercial land uses –</p>	<p>N/A – No changes were originally proposed.</p>	<p><u>D. Within the shoreline residential 2 (SR-2) environment for properties within the C-1/Downtown zoning district:</u></p> <ol style="list-style-type: none"> 1. <u>Commercial use, including professional office, personal service, and retail sales, as defined in Section 18.40.030, shall be permitted;</u> 2. <u>Other commercial uses may be allowed with the approval of a shoreline conditional use permit.</u> 	<p>Changes necessary for internal consistency and to provide sufficient scope and detail for effective implementation consistent with WAC 173-26-191(2)(a)(ii)(A).</p> <p>The Poulsbo Municipal Code (PMC) 18.40.030 provides the following definitions:</p> <p><i>“Office, professional” means a building to be used for purpose of providing professional, administrative or business-related services.</i></p>

			<p>3. <u>For properties with direct access to Liberty Bay, new development within the shoreline buffer may be allowed if permanently occupied and maintained as water-oriented uses.</u></p> <p>*Add new section (D) and renumber following sections.</p>	<p>"Personal service use" means an establishment that provides services involving the care of a person or person's apparel, such as salons, barber shops, banks and credit unions, laundry and dry cleaning services, shoe/apparel repair shops, and the like.</p> <p>"Retail sales" means commercial establishments primarily engaged in selling goods or merchandise to the general public for personal, business, or household consumption and rendering services incidental to the sale of such goods. Some characteristics of retail sales establishments are:</p> <p>A. The establishment is usually a place of business and is engaged in activity to attract the general public to buy.</p> <p>B. The establishment buys and receives as well as sells merchandise.</p> <p>C. It may process, repair, or manufacture some of the products, such as jewelry, baked goods, apparel, pottery, or consumer electronics, where such processing, repair, or manufacturing is incidental or subordinate to sale activities.</p> <p>D. Retail establishments sell to consumers for their own personal or household use.</p> <p>After discussion with Ecology, the City proposed changes to allow commercial uses within existing structures and for redevelopment proposal on properties within the SR-2 SED with a C-1 zoning designation.</p> <p>Proposed change will allow the four (4) existing properties with a C-1 zoning designation and a SR-2 SED to continue as conforming uses. These properties can be converted to other similar commercial uses or be redeveloped for retail sales, personal service, or professional office uses. If another more intensive commercial use is proposed the project would require a shoreline conditional use permit. The application of the conditional use permit approval criteria will ensure that the new commercial use remain compatible with the surrounding development.</p>
<p>5</p> <p>Section 16.08.240 Residential land uses – C. Residential Density.</p>	<p>2. In the SR-2 environment, residential density shall be a minimum of four dwelling units per acre and a maximum of five dwelling units per acre as established in the underlying zone. However, no minimum density is established and the realized density shall be dependent on critical areal(s) and shoreline buffer requirements.</p>	<p>2. In the SR-2 environment, residential density shall be a minimum of four dwelling units per acre and a maximum of five dwelling units per acre as established in the underlying zone. However, no minimum density is established and the realized density shall be dependent on critical areal(s) and shoreline buffer requirements.</p>	<p>2. The City has proposed to replace of specific minimum and maximum density requirements with the underlying zoning code densities established in Poulso Municipal Code (P/MC) Title 18.</p> <p>Ecology was initially concerned that the high minimum density (11- units per net acre) requirements of RH zone could not be achieved outside the shoreline buffer. Ecology also found that the proposed</p>	

<p>6</p>	<p>Section 16.08.240 Residential land uses – A.</p>	<p>N/A – No changes were originally proposed.</p>	<p>..... 4. In the HI environment, the maximum density of residential development as part of a mixed-use development per Section 16.08.250 is fourteen dwelling units per acre, or the limit of the residential percentage cap in the mixed-use development standards in Title 18, whichever is more restrictive. No minimum density is established. 7. Density shall comply with applicable comprehensive plan goals and policies, zoning restrictions, and shoreline area designation standards. It may not be possible to achieve the density range for a development site due to critical area(s) and shoreline buffer requirements, in combination with required dimensional standards (lot coverage, setbacks, height), and zoning requirements (parking, landscaping, etc.). </p>	<p>..... minimum density could preclude single family residential development by requiring a minimum density that could only be achieved with multifamily development based on required minimum lot sizes, zoning setbacks, and impervious surface limitations. Therefore, Ecology concluded that a change was required to the City's proposal, to remain consistent with RCW 90.58.020, which gives priority for single-family residences and their appurtenant structures. Pursuant to the SMA and SMP-Guidelines, multifamily and other non-water oriented uses should not be given priority or preference over single-family residential uses. After discussions with Ecology, City staff proposed the Bill format changes shown in the column to the left. 4. After discussion with Ecology, City staff proposed the Bill format changes shown in the column to the left. These are intended to remove residential cap reference that is no longer applicable. 7. This change is necessary for internal consistency and for implementation consistent with RCW 90.58.020. The City intends to allow increased residential density for parcels that can accommodate higher densities within the SR-2 SED (without encroaching into the SR-1 or shoreline buffer/building setbacks). </p>	<p>Changes needed for internal consistency.</p>
			<p>A. Single-family residences are the preferred shoreline residential use in the SR-1 and SR-2 environments per RCW 90.58.020, when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. However, a multifamily development with up to four units per building (development in a duplex, triplex, quadruplex or townhouse style) may be permitted within the SR-2 environment if consistent with the underlying zoning requirements and if no</p>		

7	Section 16.08.040 Definitions --	N/A -- No changes were originally proposed.	<p>variances or conditional use permits would be required to accommodate the proposed development.</p> <p>16.08.040 Definitions. The definitions in this section shall be used when administering the regulations in this chapter. The definition of any word or phrase not listed in this section which is in question when administering the regulations in this chapter shall be defined from one of the following sources in order of preference, with A. being the most preferable, and so on: A. <u>Shoreline Master Program</u> ***** ***** ***** *****</p> <p>14. "Density" means a measurement of ratio comparing the number of dwelling units with land area in relationship to a specified amount of land, expressed as the number of residential dwelling units per acre of land or the amount of land area expressed in the square feet of land assignable to each dwelling unit in a residential development.</p> <p>Density. Maximum. The "maximum density" shall be calculated by multiplying the development's subject site gross acreage by the maximum number of dwelling units allowed in the applicable zoning district. Maximum density is used to determine the maximum number of lots or units that may be achieved in a development.</p> <p>Density. Minimum. The "minimum density" shall be calculated by multiplying the development's subject site net acreage by the minimum number of dwelling units required in the applicable zoning district. ("Net acreage" is the development subject site's gross acreage minus acreage for</p>	<p>Changes necessary for internal consistency and to provide sufficient scope and detail for effective implementation consistent with WAC 173-26-191(2)(a)(ii)(A).</p> <p>Modifications to these definitions are necessary for implementation of other proposed amendments consistent with the SMA or Guideline definitions contained in RCW 90.58.030, WAC 173-26-020, and/or WAC 173-27-030.</p> <p>After discussion with Ecology, City staff proposed these modifications to the definitions section:</p> <ul style="list-style-type: none"> Slight re-organization of the definitions section to provide clarity, including new subheading Shoreline Master Program, the addition of a reference to definitions contained in the Poulsbo Municipal Code (PMC) and renumbering to accommodate new organization and definitions. Addition of a definition for Density, Maximum Density, and Minimum Density.
---	----------------------------------	--	--	--

ATTACHMENT B –DEPARTMENT OF ECOLOGY REQUIRED CHANGES – CITY OF POULSBORO SHORELINE MASTER PROGRAM- (RESOLUTION NO. 2018-07)

			<p><u>public rights-of-way, street tracts, private road easements, critical area and buffer protection, shoreline buffers, and storm management facilities, but not including parks and public or private recreation facilities dedicated or created as an integral part of the development.)</u></p> <p>**** **** **** **** ****</p> <p>B. A: Chapter 90.58 RCW;</p> <p>C. B: Chapter 173-26 WAC;</p> <p>D. <u>Poulsbo Municipal Code (PMC)</u></p> <p>E. C: Legal definitions from case law or a law dictionary;</p> <p>F. D: The common dictionary.</p>	
8	Appendix B	N/A – No changes were originally proposed.	Delete Appendix B	<p>Changes necessary for internal consistency.</p> <p>Appendix B is a 20-page document titled <i>City of Poulsbo Zoning Code standards referenced by SMP</i>. It consists of the following parts:</p> <ul style="list-style-type: none"> • Chapter 18.08 Definitions • 18.16.040 Lot requirement • 18.20.040 Lot and density requirements • 18.20.050 Special yard and distances between buildings with more than two attached units • 18.24.040 Lot requirements • 18.32.030 Development standards <p>Based on discussion with Ecology, City staff has proposed to remove Appendix B. The definitions from Chapter 18.08 are now proposed to be referenced directly in the SMP under 16.08.040.D. The various lot and density requirements were related to minimum and maximum densities, that the City has now proposed to eliminate in the SMP.</p>

SITE SPECIFIC AMENDMENT

TEXT AMENDMENT

16.08.040 Definitions.

The definitions in this section shall be used when administering the regulations in this chapter. The definition of any word or phrase not listed in this section which is in question when administering the regulations in this chapter shall be defined from one of the following sources in order of preference, with A. being the most preferable, and so on:

A. Shoreline Master Program

1. "Accessory use" or "accessory structure" means a use or structure that is subordinate to the principal use of the subject site or the principal building on the site, serving a purpose customarily associated with and incidental to the primary use or structure.
2. "Activity" or "activities" means any action within the shoreline jurisdiction that makes use of or impacts shoreline resources or functions.
3. "Aquaculture" means the cultivation of fish, shellfish and/or other aquatic animals or plants, including the incidental preparation of these products for human use. This definition does not include approved native habitat restoration or native species restoration activities on the tidelands or bedlands of Liberty Bay.
4. "Agriculture" means activities involved in the production of crops and livestock. The definition includes, but is not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities or crops, and normal operation, maintenance or repair of existing serviceable structures, facilities, or improved areas. Forest practices are not included in this definition.
5. "Aquatic" means those areas waterward of the ordinary high water mark.
6. "Boat repair and service, major" means nonroutine boatyard type activities for maintenance and repair, such as hull repair, refinishing and surface preparation, cleaning or scraping of ablative or soft-sloughing bottom paints, refinishing projects that exceed twenty-five percent (annually) of the deck and superstructure, and/or which have the potential to impact the shoreline environment, water and/or air quality.
7. "Boat repair and service, minor" means routine in-slip or dockside maintenance and repair, such as cleaning, internal engine work, replacement of running gear, rigging, or small refinishing projects that are limited to less than twenty-five percent (annually) of the deck and superstructures (not the hull, sides or bottom), and which do not impact the shoreline environment, water and/or air quality.
8. "Boating facility" means an establishment for public or private use with aquatic and/or upland development, that provides moorage, boat haulout, boat launches, docks, and/or boat repair and maintenance and related services to the general boating community, such as but not limited to marinas. For the purposes of this chapter, the definition does not include docks or other development associated with residential uses such as single-family or multifamily development.
9. "Buoy" means a floating object anchored to provide a mooring location away from shore, to provide navigational direction or other maritime information, to serve as a marker or separator between differing uses or ownership, or to transmit signals.
10. "Clearing" means the destruction or removal of vegetative cover and/or trees, including but not limited to root material removal and/or topsoil removal.
11. "Commercial use" means retail and service commercial establishments, and office uses.
12. "Critical saltwater habitat" means spawning and holding areas for forage fish, such as herring, smelt and sand lance; shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association, as designated in the city comprehensive plan's fish and wildlife habitat conservation areas map or subsequently adopted document; or as otherwise defined in WAC 173-26-221(2)(ii) or its successor.

13. "Critical areas" include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) geologically hazardous areas; and (e) frequently flooded areas.

14. "Density" means a measurement of ratio comparing the number of dwelling units with land area in relationship to a specified amount of land, expressed as the number of residential dwelling units per acre of land or the amount of land area expressed in the square feet of land assignable to each dwelling unit in a residential development.

Density, Maximum. The "maximum density" shall be calculated by multiplying the development's subject site gross acreage by the maximum number of dwelling units allowed in the applicable zoning district. Maximum density is used to determine the maximum number of lots or units that may be achieved in a development.

Density, Minimum. The "minimum density" shall be calculated by multiplying the development's subject site net acreage by the minimum number of dwelling units required in the applicable zoning district. ("Net acreage" is the development subject site's gross acreage minus acreage for public rights-of-way, street tracts, private road easements, critical area and buffer protection, shoreline buffers, and storm management facilities, but not including parks and public or private recreation facilities dedicated or created as an integral part of the development.)

15.14. "Destroy" or "destruction" means significant damage to more than fifty percent of a structure, or damage that renders a structure uninhabitable or unusable for its intended purpose, from a sudden, unforeseen event such as a fire or windstorm.

1615. "Developable" means a property that is currently undeveloped or with little development, but which may reasonably be expected to develop or to have additional development in future, given its size, location, site restrictions and zoning.

1716. "Development" means an action consisting of one or more of the following: (a) the construction or exterior alteration of structures; (b) dredging; (c) drilling; (d) dumping; (e) filling; (f) removal of any sand, gravel or minerals; (g) bulkheading; (h) driving of piling; (i) placing of obstructions; (j) any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to Chapter 90.58 RCW at any state of water level; or (k) creation of new lots.

1817. "Dock" means a structure that floats on the surface of the water, without piling supports, but which is attached to land or an over-water structure. Typically used for boat moorage, swimming, public access, and other activities that require access to deep water.

1918. "Dredging" means the removal of earth, sediment, sand and/or gravel from the bottom of a water body below the OHWM.

2019. "Dune" or "dunes" means mounds or hills of sand along a shoreline that have been formed by wind action. (There are no dunes within the city's shoreline jurisdiction.)

2120. "Ecological functions" are the work performed or role played by the physical, chemical and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

2221. "Fill" is the addition of earth, sediment, sand, gravel, earth-retaining structure or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

2322. "Float" means a structure designed to float on the water which provides opportunities for recreation or moorage similar to a dock or pier, but which is not built on pilings or attached to land or another structure except by an anchor or similar nonstructural connection.

2423. "Floating home" means a floating structure designed substantially as a permanently located residence by means of permanent utilities, anchoring design, and lack of adequate self-propulsion to operate as a vessel; or any similar floating structure not originally designed as a permanently located residence but which is being used for such a purpose.

2524. "Floodplain" is synonymous with the one-hundred-year floodplain and means the land susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon Federal Emergency Management Agency flood maps or other reasonable method that meets the objectives of the Shoreline Management Act.

2625. "Floodway" means the channel of a river and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the surface elevation more than a specified height. The limit of this area shall be based upon Federal Emergency Management Agency flood maps or other reasonable method that meets the objectives of the Shoreline Management Act.

2726. "Forest land" means all land that is capable of supporting a merchantable stand of timber and is not being actively used, maintained, developed or converted in a manner that is incompatible with timber production.

2827. "Forest practices" means any activity conducted on or directly pertaining to forest land, and the growing, processing or harvesting of timber. This definition does not include activities such as tree marking and surveying.

2928. "Geological report" means a geotechnical report with the exception of engineering recommendations, and shall be prepared either by a licensed geotechnical engineer or by a geologist.

3029. "Geotechnical report" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

3130. "Grading" is the movement or redistribution of the soil, sand, rock, gravel, sediment or other material on a site that alters the natural contour of the land.

3231. "Hard armoring" or "hard shoreline stabilization" means structural shoreline stabilization and reinforcement measures that are solid with hard surfaces, such as concrete, pilings, rock revetments, gabions, concrete groins, retaining walls, bulkheads and similar nonnatural approaches to shoreline stabilization.

3332. "Hazard tree" or "hazardous tree" means any tree that has been determined to be a present hazard to persons or property by the city arborist or another certified arborist, according to the tree hazard evaluation standards established by the International Society of Arboriculture.

3433. "Industrial use" means a land use that involves the production, processing, manufacturing, or fabrication of goods or materials. This definition does not include commercial retail, storage, installation or use of goods or materials manufactured elsewhere, such as boat repair or marine equipment storage.

3534. "In-stream structure" means a structure located partially or completely waterward of the ordinary high water mark of a stream other than the estuary of Dogfish Creek.

3635. "In-water structure" means a structure located partially or completely waterward of the ordinary high water mark of Liberty Bay or the estuary of Dogfish Creek, of which structure all or a portion is partially or completely submerged during the diurnal tidal rhythm.

3736. "Liveaboard" or "liveaboard vessel" means a vessel used as an over-water or in-water residence in Liberty Bay for a period exceeding two months in any one calendar year.

3837. "Lot coverage" means that percentage of the total lot area covered by structures, including all projections except eaves, driveways and concrete patios. Lot coverage does not include subsurface structures.

3938. "Marina" means a public or private boating facility providing boat moorage facilities to the general boating community, such as boat slips and docks. A marina may also include boating-related services such as fuel or boat repair, and other uses consistent with the provisions of this chapter.

4039. "Mean high water" means the average elevation of all high waters recorded at a particular point or station, based on data obtained from the most recent tidal epoch recorded by the NOAA Liberty Bay tidal station, or that of an official successor agency.

4140. "Mining" means the removal of naturally occurring materials from the earth for economic uses pursuant to Chapter 78.44 RCW and Chapter 332-18 WAC.

4244. "Mitigation sequencing" means that where mitigation is required, mitigation measures per WAC 173-26-201(2)(e), or as subsequently amended, shall be applied in the following sequence of steps listed in order of priority, with (a) being the top priority: (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impacts over time by preservation and maintenance operations; (e) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and (f) monitoring the impact and the compensation projects and taking appropriate corrective measures.

4342. "Mixed use" means the development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to: residential, commercial (office, retail), marina, public uses and/or recreation.

4443. "Moorage" or "moorage facility" means a marina, open water moorage and anchorage area, pier, dock, mooring buoy, slip, or any other similar fixed moorage site.

4544. "Nonconforming structure" means an in-water, over-water or upland structure which was lawfully constructed or placed prior to the effective date of the applicable shoreline master program, or amendments thereto, but which does not conform to present shoreline development regulations or standards of the program. An example of a nonconforming structure is a structure that does not meet shoreline development standards such as yard setbacks, parking requirements, lot coverage, density or height. A nonconforming structure may also contain a nonconforming use or uses.

4645. "Nonconforming use" means an in-water, over-water or upland use which was lawfully established prior to the effective date of the applicable shoreline master program, or amendments thereto, but which does not conform to present shoreline use regulations or standards of the program. Examples of a nonconforming use are: (a) a use located anywhere in the shoreline jurisdiction that is not permitted or conditionally permitted in the relevant shoreline environment; (b) a use located in a shoreline buffer that is permitted or conditionally permitted in the relevant shoreline environment, but that does not comply with the water-related, water-dependent or public access/recreation standard for uses within a buffer; or (c) a use in the aquatic environment that is not water-related, water-dependent, or public access/recreation. A nonconforming use may also be located within a nonconforming structure.

4746. "No net loss" means no net loss of shoreline ecological functions as defined in WAC 173-26-186(8) or its successor.

4847. "Ordinary high water mark" or "OHWM" is the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

4948. "Over-water structure" means a structure located partially or completely waterward of the ordinary high water mark of which no portion (excluding accessory support such as piers, pilings or floats) is submerged during the diurnal tidal rhythm.

5049. "Pier" means a structure supported by pilings that projects over, and is raised above, the water but is attached to land or to a structure, and that is typically used for boat moorage, swimming, fishing, public access, float plane moorage, or similar activities requiring access to deep water.

5150. "Public" means a structure, facility, use or service that is available to be used or occupied by the public.

5251. "Preferred uses" are those uses, in the following order of preference, which (a) recognize and protect the statewide interest over local interest; (b) preserve the natural character of the shoreline; (c) result in long-term over short-term benefit; (d) protect the resources and ecology of the shoreline; (e) increase public access to publicly owned areas of the shoreline; (f) increase recreational opportunities for the public in the shoreline; and (g) provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary; consistent with the provisions of RCW 90.58.020, or as subsequently amended.

5352. "Primary structure" or "principal structure" means the structure associated with the principal use of the property. In some circumstances, such as multibuilding commercial or multifamily residential development, there may be more than one primary structure on a property. This definition shall not include nonhabitable, accessory structures such as storage sheds, greenhouses, swimming pools, and parking lots.

5453. "Priority uses" include (a) protection and restoration of ecological functions to control pollution and prevent damage to the natural environment and public health; (b) water-dependent and associated water-related uses; (c) water-related and water-enjoyment uses; (d) single-family residential uses; (e) non-water-oriented uses in locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act, consistent with the provisions of WAC 173-26-201(2)(d), or as subsequently amended.

5554. "Priority species" means species requiring protective measures and/or management to ensure their persistence at genetically viable population levels. Priority species include state-listed or state-proposed endangered, threatened or sensitive species and candidate species.

5655. "Public access" means the ability of the general public to reach, touch and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline from adjacent locations.

5756. "Recreational development" or "recreational facilities" means private and public facilities designed and used to provide recreational opportunities to the public and/or to private communities, including facilities in public parks.

5857. "Rebuild" for the purposes of this chapter means the reconstruction of a structure that has been damaged by more than fifty percent, or destroyed, by a sudden, unforeseen event such as a fire or windstorm.

5958. "Redevelop" or "redevelopment" for the purposes of this chapter means the deliberate replacement of more than fifty percent of an existing structure, or demolition of the structure, with development of a new and/or remodeled structure or structures in its place.

6059. "Repair" for the purposes of this chapter includes routine or minor maintenance, and repair of minor damage to up to fifty percent, to an existing structure.

6160. "Residential development" or "residential land use" means one or more buildings or portions thereof which are used to provide a place of abode for human beings, including single-family detached homes, two- and three-family attached homes (duplex and triplex), multifamily residences, assisted living, row houses, townhomes, and similar housing, together with accessory uses and structures normally common to residential uses and permitted by city code. This definition does not include hotels, motels, bed and breakfast facilities, transient housing, boarding houses or camping facilities.

6261. "Restore" or "restoration" for the purposes of this chapter means major repairs to a structure beyond the scope of normal maintenance, or repairs to more than fifty percent of a structure where damage does not meet the level of "destruction."

6362. "Shorelands" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark. Also referenced as "uplands" for the purposes of this chapter.

6463. "Shoreline administrator," for the purposes of this chapter, shall mean the city planning director or his/her assignee.

6564. "Shoreline buffer" means an area immediately adjacent to the shoreline as measured from the OHWM, which is required to remain undeveloped and in its natural state to protect the shoreline environment and essential habitat elements for fish and/or wildlife, unless otherwise indicated in this chapter. Shoreline buffers and setbacks extend both above and below ground.

6665. "Shoreline buffer setback" means an area immediately adjacent to a shoreline buffer within which no buildings or other structures may be constructed, unless otherwise indicated in this chapter. The buffer setback protects the shoreline buffer during development activities, use, and routine maintenance occurring adjacent to the buffer.

6766. "Shoreline master program" or "SMP" means the city's combined comprehensive plan policies, development regulations, and permit process system that addresses development and uses, which is based on state

laws and rules but is tailored to the specific geographic, economic and environmental needs of the community. The local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system.

6867. "Shoreline stabilization" means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action, including both structural and nonstructural methods.

6968. "Shorelines" means all of the water areas of the state and their associated shorelands, together with the lands underlying them, except (a) shorelines of statewide significance.

7069. "Shorelines of statewide significance" are those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt water north to the Canadian line and lying seaward from the line of extreme low tide.

7170. "Sign" means any device, structure, fixture or placard using, containing or displaying graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, occupant, service or related information, including signs placed in windows or painted upon building facades.

7274. "Significant tree" for the purposes of this chapter shall mean a tree that is at least ten inches in diameter measured at four feet from the ground.

7372. "Soft shoreline armoring" or "soft shoreline stabilization" means nonstructural or nonrigid stabilization measures such as vegetation and beach enhancement, upland drainage control, and gravel placement.

7473. "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

7574. "Transportation facilities" means public or private roads and streets that are used by cars and similar motorized vehicles. This definition does not include private driveways.

7675. "Unpermitted structure" means a structure that was not lawfully constructed or placed according to the shoreline master program or other city regulations in effect at the time of its construction or placement.

7776. "Unpermitted use" means a use that was not lawfully established according to the shoreline master program or other city regulations in effect at the time of its establishment.

7877. Upland Area or Uplands. See "Shorelands."

7978. "Utilities, accessory" means on-site utilities that serve a primary use on the site, such as a water, sewer or gas line to a residence or business, and shall be considered part of the primary use.

8079. "Utilities, primary" means facilities which produce, store, collect, treat, carry, discharge, or transmit water, storm drainage, natural gas, sewage, electricity, phone or cable communications, or similar services.

8180. "Vessel" means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

8284. "Viewshed" for the purposes of this chapter means a view of the Liberty Bay shoreline and surrounding shorelands, as seen by the human eye along a continuous vantage from designated public rights-of-way and public parks in the shoreline jurisdiction.

8382. "View corridor" for the purposes of this chapter means a city-approved, designated open area on one or more properties that extends from a public right-of-way or public park within a designated viewshed to the shoreline, to provide public views of the shoreline. Private views of the shoreline from or across either public or private property are not protected.

8483. "Water-dependent use" means a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operation.

8584. "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides recreational use or aesthetic enjoyment of the shoreline for a large number of people with the water or shoreline for leisure and enjoyment as a general character of the use and which, through location, design and operation, assure the public's ability to interact with

the water or shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and most if not all of the water or shoreline oriented space in the facility must be devoted to the specific aspects of the use that foster shoreline or water interaction.

~~8685~~. "Water-oriented use" means a use that is water-dependent, water-related or water-enjoyment, or a combination of such uses.

~~8786~~. "Water-related use" means a use that is not intrinsically dependent on a shoreline location but whose economic viability is dependent upon a shoreline location because of a functional requirement for a shoreline location, such as the arrival or shipment of materials by water, or because the use provides a necessary service supportive of a water-dependent commercial activity.

~~8887~~. "Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands)

- B. A: Chapter 90.58 RCW;
- C. ~~B~~: Chapter 173-26 WAC;
- D. Poulsbo Municipal Code (PMC)
- E. ~~G~~: Legal definitions from case law or a law dictionary;
- F. ~~D~~: The common dictionary.

16.08.180 Shoreline Use Table.

- A. The shoreline use table below indicates appropriate shoreline uses in each of the city's environmental designations, subject to restrictions indicated in Sections 16.08.190 through 16.08.320, and is applicable to the following:
 - 1. New development, uses or activities. This does not include normal maintenance or repair.
 - 2. Redevelopment according to Section 16.08.040(58) of a conforming structure of the same size and within the same footprint as the existing structure. If redevelopment of a nonconforming structure is proposed, the nonconformance regulations in Article VI of this chapter shall apply.
 - 3. Expansion of an existing development, use or activity above that existing as of the effective date of this master program.
 - 4. A change of use between categories of uses as indicated in A. through J. in the shoreline use table.
- B. The following requirements apply to all proposed uses, activities and developments:
 - 1. Uses, activities or development not listed in this section or Section 16.08.190 shall be considered "unclassified" and shall be reviewed and processed as conditional uses.
 - 2. If there is any conflict between the shoreline use table and the written provisions of this chapter, or between this chapter and other city regulations, the more stringent requirement or regulation shall apply unless otherwise indicated in this chapter.
 - 3. Permitted or conditionally permitted uses or development are allowed only where the underlying zoning also allows such uses or development. For more specific requirements or restrictions pertaining to each use, refer to Title 18 (Zoning).
- C. Shoreline modifications are addressed in Article V, Shoreline Modifications.

Shoreline Use Table

The table is coded according to the following legend:

P = Permitted, when meeting requirements for that use and shoreline environment; may be subject to shoreline substantial development permit, minor shoreline development permit or shoreline exemption requirements. See Chapter 16.09 for substantial development permit and minor development permit requirements.

C or MC = Conditional use or minor conditional use, when approved by the city and the Department of Ecology. See Chapter 16.09 for conditional use and minor conditional use permit requirements.

V = Development may be allowed with a shoreline variance in order to permit reasonable use of the property, through a shoreline buffer and/or setback reduction or other reduction in dimensional standards, per WAC 173-27-170, in addition to any other required shoreline permit or exemption.

X = Prohibited; the use is not eligible for a variance or conditional use permit.

N/A = Not applicable in the specific environment, due to the intrinsic nature of the use. For example, a boat slip can only be located in an aquatic environment.

Refer to Section 16.08.190 for uses prohibited in all shoreline environments.

Refer to Chapter 16.09 for permit application and processing requirements.

For any use not addressed in this table or in Section 16.08.190: refer to subsection (B)(1) of this section.

	Environment Designations					
	SR-1	SR-2	HI	UC	N	A
Shoreline Uses						
A. Aquaculture	N/A	N/A	N/A	N/A	C ¹	N/A
B. Commercial (not including marinas, ports and boating facilities)						
Commercial use; meets the requirements of Section 16.08.260	X	X ²	P	C	X	C ²
Commercial use; does not meet the requirements of Section 16.08.260	X	X	X	X	X	X
Accessory commercial—water-related, water-enjoyment or non-water-oriented	MC	MC	P	C	X	X
C. Habitat restoration activities³	P	P	P	P	P	P
D. Marinas (public and private), and other boating facilities⁴						
In-water boat slips, boat moorage	N/A	N/A	N/A	N/A	N/A	P ⁵
Major boat repair and service	X	X	C	X	X	X
Minor boat repair, inspection and service	C	X	P	X	X	P
Liveaboard vessels	N/A	N/A	N/A	N/A	N/A	C ⁵
E. Mixed use (combination of commercial, residential and/or other types of uses)						
Mixed use; meets the requirements of Section 16.08.250	X	X ⁸	P	C	X	X
Mixed use; does not meet the requirements of Section 16.08.250	X	X	X	X	X	X
F. Park and recreational facilities, including but not limited to docks and boat launches	C	C	P	P	P	C
G. Parking lots and parking structures, more than four vehicles						
Parking lot associated with an approved multifamily residential development	P	P	N/A	P	N/A	N/A
Parking lot associated with an approved water-dependent or water-related use	C	C	MC	C	X	N/A
Parking garage, as part of an overall structure containing water-oriented development, or a combination of water-oriented and non-water-oriented development	X	X	C ⁶	X	X	N/A

	Environment Designations					
	SR-1	SR-2	HI	UC	N	A
H. Public services, transportation and utilities						
New or expanded public or private roads	C	C	C	C	C	N/A
Public or private primary utilities	C	C	C	C	C	C
Public or private transmission lines	C	C	C	C	C	C
I. Residential						
Single-family residential	V	P	X	X	X	X
Duplex and triplex residential	V	P	X	X	X	X
Multifamily residential, four or more units	V, MC	P	X	X	X	X
Detached structures (ADU, garage, shed, etc.) that are accessory to existing or approved residential development	V	MC	X	X	X	X
J. Scientific, historical, cultural, and educational research activities						
	MC	MC	MC	MC	MC	MC
¹ Applications for aquaculture will be considered on a case-by-case basis, as reviewed against Policy NE-8.23 in the city's comprehensive plan.						
² Permitted or conditionally permitted only adjacent to upland environments designated HI.						
³ If habitat restoration is associated with a shoreline permit for a development plan or mitigation for development/use impacts, the proposed habitat restoration shall be reviewed as part of the shoreline permit for the development/use. Also refer to Section 16.09.120.						
⁴ Also see Article V of this chapter, Shoreline Modifications, for specific requirements for structures within marinas and boating facilities, such as docks and boat launches, and for shoreline modification activities such as dredging.						
⁵ Permitted or conditionally permitted only (1) adjacent to upland environments designated HI, or (2) associated with an existing permitted or conditionally permitted development in the aquatic and adjacent upland environments, or (3) associated with a development plan to be approved through a shoreline permit and/or land use permit for the aquatic and adjacent upland environments.						
⁶ Development associated with the parking garage shall meet the requirements of WAC 173-26-241(3)(d)(i) and (ii) and Section 16.08.300.						
⁷ For properties within the SR-2 environment and C-1/downtown zoning district see Section 16.08.260						
⁸ For properties within the SR-2 environment and C-1/downtown zoning district see Section 16.08.250						

16.08.240 Residential land uses.

- A. Single-family residences are the preferred shoreline residential use in the SR-1 and SR-2 environments per RCW 90.58.020, when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. However, a multifamily development with up to four units per building (development in a duplex, triplex, quadruplex or townhouse style) may be permitted within the SR-2 environment if consistent with the underlying zoning requirements and if no variances or conditional use permits would be required to accommodate the proposed development.
- B. In the HI environment, new multifamily residential units may be permitted only as part of a mixed-use development that complies with the requirements of Section 16.08.250.
- C. Residential Density.
 1. In the SR-1 environment, no residential densities are established, as development of new or additional residential units in this environment is not permitted except through a shoreline variance.
 2. In the SR-2 environment, residential density shall be a minimum of four dwelling units per acre and a maximum of five dwelling units per acre as established in the underlying zone. However, no minimum density is established and the realized density shall be dependent on critical area(s) and shoreline buffer requirements, in combination with required dimensional standards (lot coverage, setbacks, height), and zoning requirements (parking, landscaping, etc.).
 3. In the N environment, residential use is not allowed, and therefore no minimum or maximum density is established.
 4. In the HI environment, the maximum density of residential development as part of a mixed-use development per Section 16.08.250 is fourteen dwelling units per acre., or the limit of the residential percentage cap in the mixed-use development standards in Title 18, whichever is more restrictive. No minimum density is established.

5. In the UC environment, development of new or additional residential units is not permitted except as part of a mixed use development in areas with commercial zoning. New or additional residential units shall not be constructed in city parks. No minimum or maximum density is established.
 6. In the A environment, residential use is prohibited except for liveaboard vessels meeting the requirements of Section 16.08.270(E). No minimum or maximum density is established.
 7. Density shall comply with applicable comprehensive plan goals and policies, zoning restrictions, and shoreline area designation standards. It may not be possible to achieve the density range for a development site due to critical area(s) and shoreline buffer requirements, in combination with required dimensional standards (lot coverage, setbacks, height), and zoning requirements (parking, landscaping, etc.).
- D. New residential buildings and structures waterward of the OHWM, including accessory structures, are prohibited.
- E. No new or expanded development associated with a residential use or a non-water-dependent component of a commercial or mixed-use development shall be permitted waterward of the OHWM, including but not limited to docks, piers, floats, boat houses, boat lifts, boat launch ramps and haulouts.
- F. Any new multifamily development of more than four total units on a property that is located directly on the shoreline shall be required to provide shoreline access which shall be available for public use, unless it can be demonstrated that access is infeasible due to topography (e.g., high or unstable bluffs) or other reasons of public safety, or where provision of access would result in impacts to a critical saltwater habitat area.

16.08.250 Mixed Land Uses.

A new mixed use development, or an expansion to an existing development that will contain mixed uses, may consist of any combination of residential, commercial, marina or recreational uses as allowed in the underlying zoning category and standards, with the following requirements:

- A. All new or expanded development within the aquatic environment or within the shoreline buffer and setback in any other environment must be permanently occupied and maintained by one or more water-dependent and/or water-related uses that are permitted or conditionally permitted in the aquatic environment, unless otherwise specified in subsections B through E of this section.
- B. Within the high intensity environment of the downtown planning segment, if the subject property has direct access to Liberty Bay, all new development within the shoreline buffer shall be permanently occupied and maintained as water-dependent and/or water-related uses. Outside of the shoreline buffer, an area or areas equivalent to at least twenty-five percent of the new or additional building square footage shall be permanently occupied and maintained as water-dependent and/or water-related uses. The area(s) may be located within a building and/or outdoors. Refer to Section 16.08.480 for specific requirements and exceptions for the redevelopment and expansion of nonconforming structures, or structures with nonconforming uses.
- C. Within the high intensity environment of the Front Street planning segment, if the subject property has direct access to Liberty Bay, all new development within the shoreline buffer shall be permanently occupied and maintained as water-oriented uses. Outside of the shoreline buffer, an area or areas equivalent to at least twenty-five percent of the new or additional building square footage shall be permanently occupied and maintained as water-oriented uses. The area(s) may be located within a building and/or outdoors. Refer to Section 16.08.480 for specific requirements and exceptions for the redevelopment and expansion of nonconforming structures, or structures with nonconforming uses.
- D. Within the shoreline residential 2 (SR-2) environment for properties within the C-1/Downtown zoning district:
 1. Mixed use developments, as defined in Section 16.08.040, shall be permitted:
 2. For properties with direct access to Liberty Bay, new development within the shoreline buffer may be allowed if permanently occupied and maintained as water-oriented uses.
- E. ~~D.~~ If the subject property in any environment is separated from Liberty Bay by another property or a public right-of-way, an area or areas equivalent to at least twenty-five percent of the new or additional square footage shall be permanently occupied and maintained as water-enjoyment and/or water-related uses. The area(s) may be located within a building and/or outdoors.

F. ~~E.~~ If the subject property has direct access to Liberty Bay, a new mixed use development, or an addition to an existing development that will increase the gross building floor area by more than twenty-five percent over that existing after the effective date of this master program, shall provide public access to the shoreline unless such access is demonstrated to be incompatible due to reasons of safety, security or environmental impact. If public access cannot be provided for one or more of these reasons, the applicant shall provide one or more alternative forms of shoreline-related public benefit as approved by the planning director, such as additional ecological restoration or visual access.

G. ~~F.~~ If a proposed mixed use development is required to provide a dedicated view corridor per Sections 16.08.210(E) and/or 16.08.360(C), or a public access path per subsection E of this section, the area within the view corridor or public access path may apply toward the required percentage of site or building occupancy indicated in subsections B through D of this section.

16.08.260 Commercial Land Uses.

This section does not apply to public and private marinas, port or boating facilities, including boat maintenance and service facilities, which are addressed in Section 16.08.270.

New or expanded commercial development shall meet the following requirements:

- A. All new or expanded development within the aquatic environment or the shoreline buffer and setback in any other environment must be permanently occupied and maintained by one or more water-dependent uses and/or water-related uses that are permitted or conditionally permitted in the relevant environment, unless otherwise specified in subsections B through F of this section.
- B. Within the high intensity environment of the downtown planning segment, if the subject property has direct access to Liberty Bay, all new development within the shoreline buffer shall be permanently occupied and maintained as water-dependent and/or water-related uses. Outside of the shoreline buffer, an area or areas equivalent to at least twenty-five percent of the new or additional building square footage shall be permanently occupied and maintained as water-related and/or water-dependent uses. The area(s) may be located within a building and/or outdoors. Refer to Section 16.08.480 for specific requirements and exceptions for the redevelopment and expansion of nonconforming structures, or structures with nonconforming uses.
- C. Within the high intensity environment of the Front Street planning segment, if the subject property has direct access to Liberty Bay, all new development within the shoreline buffer shall be permanently occupied and maintained as water-oriented uses. Outside of the shoreline buffer, an area or areas equivalent to at least twenty-five percent of the new or additional building square footage shall be permanently occupied and maintained as water-oriented uses. The area(s) may be located within a building and/or outdoors. Refer to Section 16.08.480 for specific requirements and exceptions for the redevelopment and expansion of nonconforming structures, or structures with nonconforming uses.
- D. Within the shoreline residential 2 (SR-2) environment for properties within the C-1/Downtown zoning district:
 - 1. Commercial use, including professional office, personal service, and retail sales, as defined in Section 18.40.030, shall be permitted;
 - 2. Other commercial uses permitted in the C-1 zoning district may be allowed with the approval of a shoreline conditional use permit.
 - 3. For properties with direct access to Liberty Bay, new development within the shoreline buffer may be allowed if permanently occupied and maintained as water-oriented uses.
- E. ~~D.~~ If the subject property in any environment is separated from Liberty Bay by another property or a public right-of-way, an area or areas equivalent to at least twenty-five percent of the new or additional building square footage shall be permanently occupied and maintained as water-enjoyment and/or water-related uses. The areas may be located within a building and/or outdoors.
- F. ~~E.~~ If the subject property has direct access to Liberty Bay, a new commercial development, or an addition to an existing development that will increase the gross building floor area by more than twenty-five percent over that existing after the effective date of this master program, shall provide public access to the shoreline unless such access is demonstrated to be incompatible due to reasons of safety, security or environmental impact. If public access cannot be provided for one or more of these reasons, the applicant shall provide one or more alternative

forms of shoreline-related public benefit as approved by the planning director, such as additional ecological restoration or visual access.

G. ~~F.~~ If a proposed commercial development is required to provide a dedicated view corridor per Sections 16.08.210(E) and/or 16.08.360(C), or a public access path per subsection E of this section, the area within the view corridor or public access path may be permitted to apply toward the required percentage of site or building occupancy indicated in subsections B through D of this section.

Appendix B

City of Poulsbo Critical Areas Ordinance—Zoning Code Regulations

The following sections of PMC 18, Zoning Ordinance, shall be implemented in shoreline critical areas and their buffers according to the requirements of PMC 16.08:

~~Chapter 18.08~~

~~18.08.010 Definitions.~~

~~Except where specifically defined in this chapter, all words used in this title shall carry their customary meaning, as defined and explained in any current edition of Webster's Unabridged Dictionary. Where doubt exists concerning the dictionary definition, the term will be defined by the procedures established in Section 18.04.040.~~

~~"Abutting," for the purposes of this title and the establishment of special development standards, shall mean adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered abutting unless the common property line between the two parcels measures eight feet or greater in a single direction.~~

~~"Access" or "access way" shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use, as required by this title.~~

~~"Accessory dwelling" shall mean separate living quarters contained within or detached from the primary residence; provided, no mobile home or recreational vehicle shall be an accessory dwelling unit.~~

~~"Accessory use or structure" shall mean one which is subordinate to the principal use of a building on the lot, serving a purpose customarily incidental to the use of the principal building.~~

~~"Adjacent" shall mean near, close; for example, an industrial district across a street or highway from a commercial district shall be considered as "adjacent."~~

~~"Adjoin" shall mean the same as "abutting."~~

~~"Adult entertainment facilities" shall mean the following:~~

~~1. "Adult arcade" means a commercial establishment containing individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still motion picture projectors, slide projectors, computers, or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, computer images, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.~~

~~2. "Adult cabaret" means any public or private club, nightclub, bar, restaurant, tavern, or other similar establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment. For purposes of this section, an establishment regularly features adult entertainment when such entertainment is offered on a recurring basis during the ordinary course of business.~~

~~3. "Adult entertainment" means (a) any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or (b) any exhibition, performance or dance intended to sexually stimulate any member of the public and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.~~

~~4. "Adult entertainment facility" means a commercial establishment defined herein as an adult arcade, adult cabaret, adult motel, adult motion picture theater, or adult retail store. For purposes of this chapter, a commercial establishment is one at which patrons, club members and/or guests provide consideration in any form for the~~

privilege of membership, entry, eating, drinking, or viewing adult entertainment at the establishment, irrespective of the establishment's status as a for-profit or nonprofit organization.

5. "Adult motel" (a) offers sleeping accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, computer images, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from the public right of way that advertises the availability of this type of sexually oriented materials; or (b) offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

6. "Adult motion picture theater" means an enclosed commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, computer images, or other similar visual media are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

7. "Adult retail store" means a commercial establishment such as a bookstore, video store, or novelty shop which as its principal business purpose offers for sale or rent, for any form of consideration, any one or more of the following: (a) books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, computer images, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or (b) instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities. For the purpose of this definition, the term "principal business purpose" shall mean the business purpose that constitutes fifty percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (i) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all nonsexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (ii) the total volume shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for nonsexually oriented materials.

8. "Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, computer images, or other visual representations, that are distinguished or characterized by a predominant emphasis on matters depicting, or describing, or simulating any specified sexual activities or any specified anatomical areas. The term "sexually oriented materials" includes any instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

9. "Specified anatomical area" includes any of the following: (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or (b) less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

10. "Specified sexual activities" includes any of the following: (a) the caressing, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or (b) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; or (c) masturbation, actual or simulated; or (d) excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

"Adult family home" means a home in which residential care is provided on a twenty-four hour basis by an adult family home provider acceptable by the Washington State Department of Social and Health Services. Further, the maximum number of adults to be accommodated in such a home shall conform to the requirements of the Washington State DSHS. (See Chapter 388-76 WAC, Adult Family Homes Minimum Licensing Requirements.)

"Agricultural uses" shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agriculture activities, and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feed lots.

~~"Alley" shall mean a public right of way not over thirty feet wide which generally affords a secondary means of access to abutting lots. Alleys are not intended for general use.~~

~~"Alteration, structural" shall mean any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.~~

~~"Animal hospital" shall mean a place where animals or pets are given medical or surgical treatment, and are cared for during the time of such treatment.~~

~~"Antenna" is a device for transmitting or receiving radio, television, or cellular telephone signals through federally regulated airwaves.~~

~~"Apartment" shall mean a dwelling unit in a multiple family building.~~

~~"Apartment house" shall mean the same as "dwelling, multiple family."~~

~~"Automobile repair" shall mean upholstering of; replacement of parts for; motor service; rebuilding or reconditioning of engines, motor vehicles, or trailers; and partial painting or paint shop.~~

~~"Automobile service station" shall mean a building or lot having pumps and storage tanks where fuels or oils for motor vehicles are dispensed, sold, or offered for sale at retail only, and where repair service is secondary.~~

~~"Automobile wrecking or wrecking yard" shall mean a place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, is stored, bought, sold, accumulated, exchanged, disassembled or handled.~~

~~"Bed and breakfast house" shall mean a transient lodging establishment used to provide overnight guest lodging for compensation in which not more than ten guest rooms are provided and which usually provides a morning meal as part of the room rate structure.~~

~~"Boarding house" shall mean a building where lodging and meals for four or more persons are provided for compensation.~~

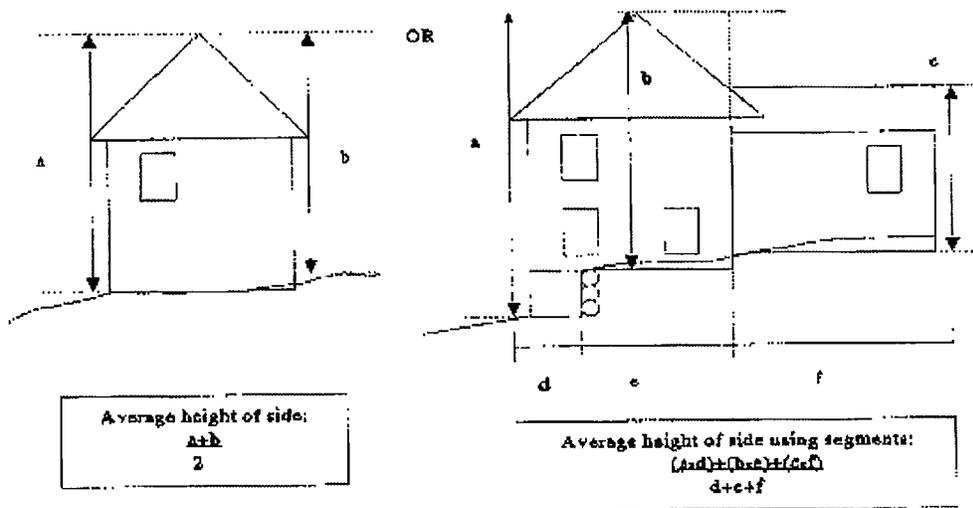
~~"Boat yard" shall mean a place where boats are constructed, dismantled, stored, serviced, or repaired, including maintenance work thereon.~~

~~"Breezeway" shall mean a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.~~

~~"Buffer" or "buffering" shall mean space, either landscaped or in a natural state intended to separate potentially conflicting uses and to reduce visual, noise, odors and other impacts.~~

~~"Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy.~~

~~"Building height" shall mean the vertical distance above finished grade at the exterior walls of the building to the highest point of the structure or segment, except as exempted in Section 18.84.030. A segment is when a break in the roofline, change in number of stories, or break in finished grade occurs. The overall building height shall be the average of all sides. The height of an individual side shall be calculated as depicted below:~~



"Building line" shall mean the perimeter of that portion of a building or structure nearest a property line but excluding open space, terraces, cornices, windows, and other ornamental features projecting from the walls of the building or structure.

"Bulk plant" shall mean an establishment where flammable liquids are received by tank vessel, pipelines, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle, or container.

"Carport" shall mean a roof designed to cover, but not completely enclose automobile parking spaces.

"Church" shall mean a permanently located building primarily used for religious worship.

"City council" or "council" shall mean the Poulosbo city council.

"Club" shall mean a place where an association of persons organized for some common purpose meet but excluding groups organized primarily for business purposes.

"Co-location" shall mean the use of a single support structure by more than one wireless service provider where appropriate on a specific site.

"Commission" or "planning commission" shall mean the Poulosbo planning commission.

"Comprehensive plan" shall mean the comprehensive plan of the city of Poulosbo.

"Conditional use" shall mean an activity specified by this title as a principal or an accessory use, permitted when authorized by the city council and subject to certain conditions.

"Congregate care facility" shall mean any building in and on which ten or more people live in individual housing units, generally contained within the same building or series of buildings, which provide for independent living while providing common living areas and limited services such as health care, meals and housekeeping.

"Contiguous" shall mean the same as "abutting."

"Contractor's storage yard" shall mean a place where heavy equipment, vehicles, construction equipment or any other material commonly used in the erection of any structure, is stored or accumulated. Sites that involve current construction of projects with active permits involving the materials on site shall not be considered a contractor's storage yard.

"Convalescent home" shall mean any building or premises in and on which two or more sick, injured, or infirm persons are housed, for a period in excess of twenty four consecutive hours, and furnished with meals and nursing care for hire.

~~"Court" shall mean an open, uncovered, and unoccupied space within an allotted property line, and free from automotive drives and parking, except for any necessary entrance or exit drive.~~

~~"Critical areas" include the following areas and ecosystems: (1) wetlands; (2) areas with a critical recharging effect on aquifers used for potable water; (3) fish and wildlife habitat conservation areas; (4) geologically hazardous areas; and (5) frequently flooded areas. These areas are regulated by Chapter 16.20, Critical Areas.~~

~~"Day care center, family" or "family day care center" shall mean a dwelling and premises in and on which not more than twelve unrelated children, not residing in the dwelling, are cared for during some portion of a twenty-four hour period. "Family day care centers" shall be considered an accessory use in any residential zone.~~

~~"Day care center, children" shall mean a facility which provides nonmedical care to thirteen or more children under eighteen years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four hour basis. "Day care center" means any child care facility other than a family day care home and includes infant centers, preschools, and extended day care facilities.~~

~~"Density, gross" shall mean a ratio comparing the number of dwelling units with land area, and is expressed as the number of residential dwelling units per acre of land in a residential development, including, but not limited to, one house on one lot. Density is expressed as "gross density," which includes all land included within a project.~~

~~"Density, net" shall mean a ratio comparing the number of dwelling units with land area, which has been decreased by removing the area of the following: right of way; stormwater detention and treatment facilities; designated open spaces and critical areas. Net density is expressed as a number of residential dwelling units per acre of adjusted land in a residential development.~~

~~"Department" shall mean the Poulsbo planning department.~~

~~"Development" shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.~~

~~"Director" shall mean the director of the Poulsbo planning department or a duly authorized designee.~~

~~"District" or "development district" shall mean the same as "zone" or "zoning district."~~

~~"Drive-in restaurants" shall mean those restaurants with facilities allowing take-out foods and beverages without leaving a vehicle. They generally also have the characteristics of high turnover restaurants. This definition includes those facilities with drive-through windows where food and beverage may be obtained from a window.~~

~~"Dwelling" shall mean any building or portion thereof, designed or used as the residence or sleeping place of one or more persons.~~

~~"Dwelling, multiple family" or "multifamily dwelling" shall mean a building or portion thereof designed or used as a residence by three or more families, and containing three or more dwelling units.~~

~~"Dwelling, single family" or "single family dwelling" shall mean a building designed or used for residence purposes by not more than one family, and containing one dwelling unit only.~~

~~1. "Attached" shall mean sharing common walls.~~

~~2. "Detached" shall mean physically separated.~~

~~"Dwelling, two family or duplex" shall mean a building designed or used for residence purposes by not more than two families, and containing two dwelling units.~~

~~"Dwelling unit" is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family; provided, a recreational vehicle or bus is not a dwelling unit.~~

~~"Employees" shall mean all persons, including proprietors, working on the premises during the largest shift at peak season.~~

~~"Endangered species" shall mean a species native to the state of Washington that is seriously threatened with extirpation throughout all or a significant portion of its range within the state. Endangered species are legally designated in WAC 232-12-014.~~

~~"Family" shall mean an individual, or two or more persons related by blood, marriage, or legal adoption, or other group of unrelated individuals not exceeding six in number customarily living together as a single housekeeping unit and using common cooking facilities. State licensed adult family homes and consensual living arrangements of disabled persons, in accordance with the Fair Housing Act, are exempt from this definition.~~

~~"Fence, sight obscuring" shall mean a fence or evergreen planting, or combination of fence and planting arranged in such a way as to obstruct vision.~~

~~"Floodplain" shall mean the floodway and the special flood hazard area.~~

~~"Floodway" shall mean 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 one foot.~~

~~"Forest practices" as defined in WAC 222-16-010(21), as amended, shall mean any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:~~

- ~~1. Road and trail construction;~~
- ~~2. Harvesting, final and intermediate;~~
- ~~3. Precommercial thinning;~~
- ~~4. Reforestation;~~
- ~~5. Fertilization;~~
- ~~6. Prevention and suppression of diseases and insects;~~
- ~~7. Salvage of trees; and~~
- ~~8. Brush control.~~

~~"Forest practices" shall not include preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.~~

~~"Frequently flooded areas" shall mean all lands, shore lands and waters which are identified as within the one hundred year floodplain (floodway) as designated by the Federal Management Agency in flood insurance rate and boundary maps.~~

~~"Frontage" shall mean that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the city.~~

~~"Garage, private" shall mean an accessory building or part of a main building intended primarily for the storage of motor vehicles owned or used by occupants of the main building.~~

~~"Geologist" shall mean a person who has at least a Bachelor of Science degree in geologic sciences or a related field from an accredited college or university and/or has a minimum of five years' experience under the direction of a professional geologist.~~

~~"Geotechnical engineer" shall mean a practicing geotechnical/civil engineer licensed as a professional civil engineer with the state of Washington, with professional training and experience in geotechnical engineering, including at least four years' professional experience in landslide evaluation.~~

~~"Grade" shall mean the average point of elevation of the finished surface of the ground within five feet of a building or structure.~~

~~"Grading (construction)" means any excavating, filling or removing of the surface layer or any combination thereof.~~

~~"Gross floor area" shall mean the sum of horizontal areas of floors of a building when measured from the exterior faces of exterior walls or, if appropriate, from the centerline of dividing walls.~~

~~"Guest house" shall mean an accessory building designed, constructed, and used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen facilities.~~

~~"Habitable floor" shall mean any floor usable for living purposes including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a "habitable floor."~~

~~"Hazardous substance(s)" means any liquid, solid, gas or sludge, including any materials, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and including waste oil and petroleum products (see RCW 70.105.010(15)).~~

~~"Hazardous substance processing or handling" means the use, storage, manufacture, or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed on-site unless in compliance with dangerous waste regulations, Chapter 173-303 WAC, and any pertinent local ordinances, such as sewer discharge standards.~~

~~"Heavy equipment" shall mean self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily used for commercial purposes such as tandem axle trucks, graders, backhoes, tractor trailers, cranes and lifts but excluding automobiles, recreational vehicles and boats and their trailers.~~

~~"Heavy equipment storage area" shall mean a place where two or more items of heavy equipment are stored.~~

~~"Height of building" shall mean the same as "building height."~~

~~"High turnover restaurants" shall mean retail establishments providing food or beverages for sale, and which are distinguished by one or more of the following: (1) food containers and utensils are disposable; (2) restaurants are self-service; (3) take-out foods and beverages are advertised as the principal business; or (4) drive-in facilities are available.~~

~~"Home occupation" shall mean a use conducted entirely within a dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and as regulated by provisions applying to special uses, Chapter 18.48.~~

~~"Homeowners' association" shall mean a nonprofit organization operating under recorded land agreements through which the following take place:~~

- ~~1. Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase;~~
- ~~2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, including maintaining a common property, such as streets, walkways, recreational facilities, or grounds policing; and~~
- ~~3. Construction and maintenance responsibilities for any undivided property are identified and assigned.~~

~~"Hospital" shall mean any institution, place, building, or agency which maintains and operates organized facilities for twenty or more persons for the diagnosis, care, and treatment of human illness, including convalescence and also including care during and after pregnancy; or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.~~

~~"Junkyard" shall mean a place where waste or scrap materials are stored, bought, sold, accumulated, exchanged, baled, packaged, disassembled or handled including, but not limited to, scrap metals, paper, rags, tires, and bottles, and such worn-out or discarded material.~~

~~"Kennel" shall mean either (1) any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs for hire, boarding or training dogs, or (2) any premises at which ten or more dogs which are five months or older are kept for any purpose, including animal shelters, but excluding veterinary clinics and animal hospitals where dogs are kept only for treatment by licensed veterinarians.~~

~~"Landscaping" shall mean the placement, preservation, and the replacement of not only trees, grass, shrubs, plants, flowers, and other vegetative materials but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas in accordance with an approved landscaping plan meeting adopted landscaping~~

plan, design, and installation standards. Artificial plants, shrubs, bushes, flowers, turf, carpeting and materials in movable containers shall not be considered "landscaping" for purposes of this title.

"Livestock" shall mean horses, bovine, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animal.

"Lot" shall mean a single parcel of land, legally severed from a larger parcel, which is described and delineated in a long or short plat or which is described in a real estate conveyance.

"Lot area" shall mean the computed area contained within the lot lines; said area to be exclusive of public or private street or alley rights-of-way.

"Lot, corner" or "corner lot" shall mean a lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than one hundred thirty degrees within the lot lines.

"Lot coverage" shall mean that percentage of the total lot area covered by structures, including all projections except eaves, driveways and concrete patios.

"Lot depth" shall mean the horizontal distance between the midpoint of the front lot line and opposite, usually, the rear lot line. In the case of a corner lot, the depth shall be the length of its longest front lot line.

"Lot, interior" or "interior lot" shall mean a lot or parcel of land other than a corner lot.

"Lot line" shall mean any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the director.

"Lot line, front" or "front lot line" shall mean that boundary of a lot which is along a street or approved private road or easement, or, for a flag lot, approximately parallel to a street or approved private road or easement.

"Lot line, rear" or "rear lot line" shall mean that boundary of a lot which is most distant from the front lot line; or that boundary which adjoins the ordinary high water line on waterfront property.

"Lot line, side" or "side lot line" shall mean any boundary of a lot which is not a front or rear lot line.

"Lot of record" shall mean a lot as shown on the records of the county assessor or county auditor at the time of the passage of the ordinance codified in this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect at the time the lot was created. Any lots created after the adoption of the ordinance codified in this title shall comply with the standards contained herein.

"Lot, through" or "through lot" shall mean an interior lot having frontage on two streets and/or highways.

"Lot width" shall mean the horizontal distance between the side lot lines measured at the midpoint of the lot or forty-five feet from the front yard line.

"Maintain" shall mean to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.

"Manufactured home" shall mean a dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line type production techniques or by other construction methods unique to an off-site manufacturing process.

"Marina" shall mean a facility which for compensation provides moorage or wet or dry storage for watercraft and may offer marine related sales and services.

"Mini storage warehouse" shall mean storage facilities located within a totally enclosed structure used for the storage of nonflammable or nonexplosive materials. This storage shall not be in connection with a commercial or industrial use. This storage may be in connection with residential uses.

"Mobile home" shall mean a factory assembled structure having more than three hundred twenty square feet of gross floor area, capable of being towed on public highways through the use of its own axles and wheels; provided, a mobile home shall not lose its character as a mobile home by the removal of its wheels and axles or its placement on a permanent foundation and; provided further, recreational vehicles are not mobile homes.

~~"Mobile and manufactured home park" shall mean a tract of land developed and operated as a unit with individual sites and facilities to accommodate two or more mobile or manufactured homes.~~

~~"Mobile home, single-wide" or "single-wide mobile home" shall mean a mobile home which is designed to be transported on a single chassis.~~

~~"Mobile or manufactured home subdivision" shall mean a division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership for mobile or manufactured homes.~~

~~"Native vegetation" shall mean vegetation indigenous to the Puget Sound coastal lowlands.~~

~~"Noneonforming lot" shall mean a lot which was lawfully created but which does not conform to the lot requirements of the district in which it is located as established by this title or other ordinances or amendments thereto.~~

~~"Noneonforming use or structure" shall mean a use of land or structure which was lawfully established or built and which has been lawfully continued but which does not conform to the regulations established by this title or amendments thereto.~~

~~"Nuisance" shall mean in addition to those definitions contained in Chapters 7.48 and 9.66 RCW, any violation of this title which shall constitute a nuisance, per se.~~

~~"Nursery" shall mean an establishment where trees, shrubs and other plant materials are grown, propagated and/or stored for purpose of sale.~~

~~"Nursing or rest home" shall mean any building where six or more persons are housed or lodged, and furnished with meals and nursing care for hire (see Chapters 388-88 and 388-98 WAC).~~

~~"Open space" shall mean land used for outdoor recreation, critical area or resource land protection, amenity, safety or buffer, including structures incidental to these open space uses, but excluding yards required by this title and land occupied by dwellings or impervious surfaces not related to the open space uses.~~

~~"Owner" shall mean the owner of record of real property or person purchasing a piece of property under contract. For the purposes of this title, in terms of violations, "owner" shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of violations of concomitant zoning agreements, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term "owner" also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.~~

~~"Parent lot" shall mean a tax lot of record which is proposed to be subdivided; but which the remainder of the original lot, after subdivision, is still of a size that can be further subdivided in the future based on its zone's minimum lot size.~~

~~"Park" shall mean public or private areas of land, with or without buildings, intended for outdoor active or passive recreational uses.~~

~~"Parking area, public" or "public parking area" shall mean an open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge, or as in accommodation for clients or customers.~~

~~"Parking space" shall mean an area permanently surfaced and marked for the use of parking a motor vehicle (see Chapter 18.52, Off Street Parking and Loading).~~

~~"Peripheral setback" shall mean the shortest horizontal distance between a building line and the exterior boundary of the parcel.~~

~~"Person" shall mean an individual owner (regardless of relationship or legal capacity), partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or other such affiliated ownership.~~

~~"Pier" shall mean a fixed structure built over tidelands or shore lands used as a landing for marine or recreational purposes.~~

~~"Planning commission" shall mean the Poulsbo planning commission.~~

~~"Planning director" shall mean the director of the Poulsbo planning department or a duly authorized designee.~~

~~"Premises" shall mean a tract or parcel of land with or without habitable buildings.~~

~~"Principal uses permitted outright" shall mean those uses allowed as a matter of right within certain land use districts without public hearing, zoning permit, conditional use permit, or variance; provided, that such use is in accordance with the requirements of the particular district and general conditions stated elsewhere in this title, and other applicable provisions of the city code.~~

~~"Prohibited use" shall mean any use which is not specifically enumerated or interpreted as allowable in that district.~~

~~"Public facilities" shall mean facilities which are owned, operated, and maintained by a public agency.~~

~~"Recreation space" shall mean an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.~~

~~"Recreational vehicle" shall mean a vehicle such as a motor home, travel trailer, truck and/or camper combination, or camp trailer, boats and boat trailers or all terrain vehicles which are designed for temporary human habitation for recreational or emergency purposes and which may be moved on public highways without any special permit for long, wide or heavy loads.~~

~~"Recreational vehicle park" shall mean a tract of land developed as a unit with individual sites to accommodate, on a transient basis, two or more recreational vehicles.~~

~~"Residential care facility" shall mean an establishment operated with twenty-four hour supervision for the purpose of serving eleven or more persons of any age who, by reason of their circumstance or conditions, require care; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving twenty-four hour locked incarceration with little or no freedom of movement. "Care" is defined as room and board and the provisions of a planned treatment program; "planned treatment" means a previously determined program of counseling, therapy or other rehabilitative social service.~~

~~"Residential care home" shall mean an establishment operated with twenty-four hour supervision for the purpose of serving not more than ten persons of any age who, by reason of their circumstances or conditions, require care while living as a single housekeeping unit in a dwelling unit; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving twenty-four hour locked incarceration with little or no freedom of movement. This definition and corresponding requirements under county code shall not apply to adult foster homes as defined in Chapter 70.128 RCW. "Care" is defined as room and board and the provision of a planned treatment program; "planned treatment" means a previously determined program of counseling, therapy or other rehabilitative social service.~~

~~"Rooming house" shall mean a building wherein furnished rooms without cooking facilities are rented for compensation to three or more nontransient persons, not included in the family unit of the owner or tenant of the premises.~~

~~"Senior housing" shall mean dwelling units specifically for occupancy by persons fifty-five years of age or older.~~

~~"Setback" shall mean the minimum allowable horizontal distance from a given point or line of reference, such as a street right of way, or approved private street or access easement, to the nearest vertical wall, such as the structure's foundation.~~

~~"Sign" shall mean a collection of letters, numbers or symbols which calls attention to a business, product, activity, person or service.~~

~~"Sign permit" shall mean a permit which authorizes the placement or alteration of a sign on a particular parcel of property or building.~~

~~"Site plan" shall mean a plan prepared to scale, showing accurately and with complete dimensions, all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.~~

~~"Street" shall mean all roads, streets, highways, freeways, easements, and public rights of way used for or designed for vehicular access or use including private roads serving or intended to serve five or more lots.~~

~~"Structural alteration" shall mean any change in the supporting components of a building or structure.~~

~~"Structure" shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.~~

~~"Temporary structure" shall mean a structure which does not have or is not required by the Uniform Building Code to have a permanent attachment to the ground. Like permanent structures, temporary structures are subject to building permits.~~

~~"Temporary use" shall mean a use which may occur on a lot on a seasonal basis or for a prescribed period of time which usually would not exceed one year's duration.~~

~~"Townhouse" shall mean a dwelling containing two or more dwelling units which share one or more common walls with other dwelling units, and with each dwelling unit individually occupying an individually owned parcel of land with no side yards between adjacent townhouses.~~

~~"Transit facilities" shall mean sites which provide for the transportation of groups of people, including park and ride lots and transit centers which serve as a connecting point between multiple modes of transportation. Transit facilities do not include storage yards or "bus barns."~~

~~"Use" shall mean the nature of occupancy, type of activity or character and form of improvements to which land is devoted.~~

~~"Veterinary clinic" shall mean the same as "animal hospital."~~

~~"Wireless communication facility" shall mean any unstaffed facility used for the transmission and/or reception of radio frequency (RF) signals through electromagnetic energy. This usually consists of an equipment shelter or cabinet, a support tower or structure used to achieve the necessary elevation, and the antenna array.~~

~~"Wrecking yard" shall mean the same as "junkyard."~~

~~"Yard" shall mean any open area on the lot with a building or a structure, which open space is unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.~~

~~"Yard, front" or "front yard" shall mean an open area extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.~~

~~"Yard, rear" or "rear yard" shall mean an open area extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.~~

~~"Yard, side" or "side yard" shall mean an open area extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.~~

~~"Zone" shall mean the same as "district," a section or sections of the city within which the standards governing the use of land, buildings, and premises are uniform, which is provided for in Chapter 18.12.~~

~~* * *~~

18.16.040 Lot requirements.

The following minimum lot requirements shall be met:

A. Lot area: seven thousand five hundred square feet. There shall be a maximum density of five dwelling units per gross acre. There shall be a minimum density of four dwelling units per net acre. The maximum lot size shall be ten thousand eight hundred ninety square feet. A parent lot may remain larger than ten thousand eight hundred ninety square feet; however, it must be able to be further subdivided in seven thousand five hundred square foot increments.

B. Lot width: sixty feet at the midpoint of the lot or forty five feet from the front yard line. Each lot shall have a minimum of twenty feet of frontage on a dedicated street or approved access way.

C. Lot depth: ninety feet.

D. Front yard: twenty feet from main building facade; twenty five feet from garage facade if front loaded (i.e., garage door facing street) and protrudes streetward from main building facade.

E. Side yard: five feet with a combined total of fifteen feet (unless abutting units are attached).

F. Rear yard: ten feet.

H. Public street corner side yard: ten feet

* * *

18.20.040 Lot and density requirements.

Table 18.20.040
—RM and RH Residential Zone Lot Requirements

Zoning Standard	Single Family Detached- (including any method of subdivision for single family detached)	Multifamily Developments (e.g., duplex, triplex, apartment, townhomes, detached cottage,* attached or detached condo)	Nonresidential
Minimum Lot Area	4,000 square feet	None	6,000 square feet
Minimum Lot Width	50'	20'	50'
FY Setback	15'	10'	20'
RY Setback	10'	10' 15' when abutting R zone	20'
SY Setback	5'	Detached: 10' Attached: None Ends of attached units: 10'	Minimum 5' for a total of 15'
SY Setback (on corner lots at intersection(s) of public streets/rights of way)	10' (or greater if necessary for sight distance as determined by the city engineer)	10' (or greater if necessary for sight distance as determined by the city engineer)	10' (or greater if necessary for sight distance as determined by the city engineer)
Increases in yard setbacks		For side, rear and peripheral yards, the setback shall be increased by 1/2' for each foot by which the building height exceeds 25'. (In no case, however, shall the building height exceed the standard of 35', unless allowed for in another section.)	

*Note: Detached cottage developments proposed through a subdivision also may utilize the no minimum lot area provision. To utilize the no minimum lot area provision in these zoning districts, "cottage development" shall mean detached single family units clustered around commonly owned courtyard/common landscaped areas.

All other single family detached units proposed through a subdivision must meet the four thousand square foot minimum lot size.

18.20.050 Special yards and distances between buildings with more than two attached units.

A. There shall be a minimum distance of ten feet between buildings or structures when a structure has two or more units and it exceeds twenty five feet in height. There shall be an additional minimum distance of one half foot for each foot buildings or structures exceed twenty five feet of height on the same parcel or in the same development.

B. For the purpose of calculating special yards, the determination of special yard distance shall be calculated based on the average height of the facing sides of the buildings or structures.

* * *

18.24.040 Lot requirements.

For lot requirements, see Table 18.24.040 below.

Table 18.24.040 Commercial Zone Lot Requirements

DISTRICT	C	DG
A. Minimum front yard setback in feet	15	none
B. Minimum side yard setback abutting a lot in an R district	20	none
C. Minimum side yard setback not abutting a lot in an R district	5	none
Minimum street corner side yard setback not abutting a lot in an R district	10	none
D. Minimum rear yard	5	none
E. Minimum rear yard if adjacent to a lot in an R district	10 feet plus one foot for each foot building height exceeds 25 feet	none

* * *

18.32.030 Development standards:

A. Lot Area. There is no minimum lot size in the P zone.

B. Setbacks. The minimum front yard setback is twenty feet. Other yard setbacks are ten feet.

E. Landscaping. All required yard setbacks shall be landscaped. Any storage areas visible shall be screened. Perimeter, interior and parking area landscaping locations and species types shall be identified in the park master plan or site plan application landscape plan.

F. Parking. The planning director shall determine the number of parking spaces required based upon the type and extent of the park/recreation facility.