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**MEMORANDUM**

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**DATE:** September 14, 2022

**TO:** Port Angeles Planning Commission

**FROM:** Planning Division Staff

**RE:** Staff Response to Planning Commission Proposed Amendments to Title 17

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In an effort to assist the Planning Commission and move the amendment process forward, Planning Division staff has prepared a memorandum addressing the amendments to Title 17 of the Port Angeles Municipal Code (PAMC) initially brought forward by former Planning Commissioner Stephen Luxton. This response provides constructive feedback accompanied by historical context and the rationale behind staff's analysis of the Planning Commission's unanimously adopted motion to move forward with the proposed Title 17 amendments. Each suggested amendment is provided an individual response and staff recommendation, which staff can elaborate on at the September 14<sup>th</sup> Planning Commission meeting as necessary. The original document suggesting the amendments is included in the appendix.

**Changes to Chapter 17.08 – Definitions**

➤ Rearrangement of dwelling type definitions

Staff understands the desire of the Commission to allow users of the PAMC to efficiently find entries for commonly used terms, including different types of dwelling units. However, there is a benefit to having all definitions for the multiple types of dwelling units allowed in the City in one section for ease of reference and comparison. One possible solution would be to take a hybrid approach that retains the definitions of different types of residential dwellings in Section 17.08.025 PAMC, while adding corresponding definitions in the appropriate sections for each type of dwelling unit, so users can find the definition regardless of which place they look first. For example, the definition for *Dwelling, single-household* should remain in Section 17.08.025 PAMC, while a definition for "single-household dwelling" is added to Section 17.08.095 PAMC. Either the definitions should be identical, or one should reference the other in the manner commonly used in glossaries (e.g. See *Dwelling, single-household*) to ensure that users obtain the same information regardless of where they look for a definition in Chapter 17.08 PAMC.

➤ Take multi-family definition from Chapter 17.46 and add it to Chapter 17.08

The definition of "*Multi-family housing*" as used in Section 17.46.020 PAMC is derived from RCW 84.14.010 and is not meant to be applied to any other scenario in the City of Port Angeles other than those activities undertaken pursuant to Chapter 17.46 - PROPERTY TAX EXEMPTIONS FOR MULTI-FAMILY HOUSING. As such, staff believes it beneficial to update the definition found in Section 17.46.020 PAMC to reflect this status rather than updating the definition found in Chapter

17.08 PAMC. A sentence could be added to the definition in Section 17.46.020 PAMC stating something similar to “The definition of “multi-family housing” as included in this section is derived from Washington State law, is for use only in relation to property tax exemptions as regulated by Chapter 17.46 PAMC, and shall not be applied to other occurrences of “multi-family housing” or similar terms elsewhere in the PAMC.”

➤ Add “corner shop” definition

Staff supports this proposal. As part of the amendment process, research can be done to provide an updated definition based upon similar definitions from other municipalities within Washington State.

### Changes to Chapter 17.10 - R7, Residential, Low Density Zone

➤ Removal of pluralism for “single-household dwellings” and “duplexes”

Staff does not support this proposal. In municipal code language generally, “zones” are defined differently than “property”. Whereas a single property might currently allow only one duplex due to Comprehensive Plan land use standards, a zone is an overlay over multiple properties that provides standards for design and use. More than one duplex is allowed in the R7 zone. In fact, there are currently no minimum and maximum density standards for duplexes in the zone as a whole, which is one reason why the use of the term is plural in Section 17.10.020 PAMC. The zone’s density is meant to be controlled by the minimum and maximum lot sizes, dependent upon whether the lot has access to an alley. In other words, use of plural terms in a list of permitted uses for a zone does not imply that multiple structures of that type can be permitted on a single property in that zone.

Moreover, Section 1.04.020 PAMC makes it clear that use of the plural can connote the singular in the PAMC, and vice versa. Given this rule, current language of Section 17.10.020 PAMC does not imply that multiple duplexes can be permitted on one lot in the R7 zone, even though the zone allows “duplexes” as a use. The same can be said for single-household dwellings.

➤ Defining minimum lot size for certain permitted uses in Section 17.10.020 PAMC

With the potential for multi-family development in the R7 zone, staff does not see this change as being necessary. Table 17.10.050-1 PAMC already defines minimum lot area for all lots in the R7 zone, regardless of primary use. However, there is not currently a maximum net density specified. Staff suggests changing the density maximum to 1 dwelling unit per 1,750 square feet of lot area, allowing for 2 dwelling units on a 3,500 square foot lot and 4 dwelling units on a 7,000 square foot lot. No change should be made to the minimum lot area.

➤ Addition of two duplexes

Staff does not support this proposal, but does support its intent regarding density of development, which is to allow for four dwelling units on a single lot. Staff supports the allowance of multi-family housing in the R7 zone and the provision of maximum density standards that will control the total

number of units allowed per square foot of lot area.

➤ Addition of multi-family buildings containing up to four units on a 7,000 square foot lot

Staff supports this change and has also determined that this is already allowed for detached structures. Section 17.21.30 PAMC, which establishes development requirements for cottage housing development, currently defines each cottage as being counted as one-third of a dwelling unit. There are no minimum lot size standards applicable to cottage housing, as long as the housing complies with density standards of the zone. Cottage housing is also subject to design standards including those related to separation, height, size, open space, and roofed porches for those cottages facing open space.

Inclusion of multi-family housing of up to 4 units per 7,000 square feet would require basic design standards to ensure that the use is harmonious with the surrounding neighborhood. These standards could include height, open space, screening, setback, and location along certain street classifications. Amending the PAMC to allow multi-family housing in the R7 zone would also require a Comprehensive Plan Amendment.

RCW Chapter 84.14 – “New and Rehabilitated Multiple-Unit Dwellings in Urban Centers” was recently amended to define multiple-unit housing to include a building *or a group of buildings* having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Using this definition and a maximum density standard of one unit per 1,750 square feet would allow for a multi-family tax exemption to be utilized for the property, which would help incentivize this type of development.

➤ Addition of “corner shop” to conditional uses

Staff supports this proposal. Adding commercial uses into Euclidean based residential zones will ultimately improve quality of life for the residents of Port Angeles. This proposal is a small step in a larger effort staff is interested in initiating to amend the Comprehensive Plan Future Land Use Map and rezone certain areas that are currently zoned residential and abut minor and primary arterial streets to allow for more flexibility in use, including mixed use structures and a mix of uses on separate properties. This could include the redesignation of some streets to extend mixed use development corridors into primarily residential districts, thereby creating more commercial edges.

Staff suggests including this conditional use in all residential zones. The corner shop use will allow for limited commercial uses on local access streets that abut collector arterials, or at any intersection within an area zoned RMD or RHD. The use should be accompanied by design standards that ensure it exists harmoniously with the surrounding residential development.

**Changes to Chapter 17.11 - R9, Residential, Low Density Zone**

➤ Removal of pluralism for “single-household dwellings” and “duplexes”

See the above discussion of this proposed amendment in the R7 zone, which is also applicable to

the proposal in the R9 zone.

➤ Addition of “corner shop” to conditional uses

See the above discussion of this proposed amendment in the R7 zone, which is also applicable to the proposal in the R9 zone.

**Delete Chapter 17.23 – Commercial Arterial and its reference in Chapters 17.01 and 17.03**

Staff supports this proposal. This is a scrivener’s error. The chapter has been removed, and was not intended to appear in the PAMC, especially considering that standards applicable to the Commercial Arterial zone are also contained in Chapter 17.20. Chapter 17.01 does need to be reviewed and changed to address this as well. References remain in the PAMC for obsolete chapters that individually address commercial zones, which have all been included in Chapter 17.20 – Commercial Zones. The intent of the consolidated chapter addressing all commercial zones was to simplify the use of the PAMC for developers of commercial property.

**Delete Chapter 17.25 – Commercial Regional and its reference in Chapters 17.01 and 17.03**

Staff does not support this proposal. The Commercial Regional zoning designation has been assigned to areas within the Urban Growth Area (UGA) along the Highway 101 corridor that are not yet annexed into the City of Port Angeles. While these properties are not currently zoned Commercial Regional, that zone is their intended designation if the properties are ever annexed. The zone was intended to remain independently designated outside of the other commercial zones covered by Chapter 17.20 because of this unique situation. If any of the areas designated in the UGA are annexed at some point in the future, retention of this chapter will ensure the City already has standards in place to govern development on those properties.

**Delete Chapter 17.45 – Infill Overlay Zone**

Staff does not currently support this proposal. Staff intends to review and propose consolidation of the City’s various overlay zones into a single overlay zone process during Phase II of the Building Residential Capacity code changes. Until that occurs, the Infill Overlay Zone serves a unique and necessary purpose.

**Replace occurrences of “apartments” with “multi-family building” throughout Title 17**

Staff agrees with this recommendation and believes that eliminating or replacing the terms “apartment building” or “apartment” throughout Title 17 in favor of using the term “multi-family dwelling” as defined in Section 17.08.025 PAMC would be an improvement. This should increase flexibility, decrease redundancy in use of terms, and eliminate the potential for confusion of terms by staff and developers. “Apartment” is not defined in Chapter 17.08 PAMC, so it is unclear why it is currently distinguished from “multi-family dwelling” in certain sections throughout Title 17.

Appendix

Exhibit A: Original Suggestions Presented by Commissioner Stephen Luxton

## **Addition of commercial uses in residential zones**

Add below definition to Title 17 - Zoning: Definitions "C"

### **Corner Shops**

Corner shops are establishments such as cafes, restaurants, convenience stores, lounges, coffee shops, food, vegetable and fruit stands and pubs developed on corner lots where streets face on two sides. Corner shops are developed in residential zones to promote walkability, community economic development, sustainability and health. No corner shop shall have a gross floor area greater than 1000 sq ft. Corner shops shall not conduct business later than 9PM or before 7:30 AM.

Add below Conditional Use in R7, R9 and R11

### **Corner Shops**

## **Fixes and expansions of uses within the R7 zoning without density increases - additions in red**

### **17.10.020 Permitted uses.**

- A. Adult family home.
- B. Single-household **dwelling. Minimum lot size 5000 sq. f.**
- C. Small lot single-household dwelling. **Minimum lot size 3500 sq. f.**
- D. Exempted home occupations.
- E. Child care provider.
- F. Group living.
- G. **Duplex. Minimum lot size 3500 sq. f.**
- H. Cottage Housing
- I. **Two Duplexes. Minimum lot size 7000 sq.f.**
- J. **Multi-Family. Maximum of 4 units. Minimum lot size 7000 sq. f.**

## **Fixes for the R9 - additions in red - Correcting plural uses**

- A. **Adult family home.**
- B. **Single-household dwelling.**
- C. **Exempted home occupations.**
- D. **Child care provider.**
- E. **Group living.**
- F. **Duplex.**
- G. **Cottage housing.**

## **Fixes to Commercial Zones/Block Frontages**

When Building residential capacity was brought in, it overwrote three of the city's six commercial zones and repealed one. Now some of the commercial zones have their own chapter and others don't. 17.20 was supposed to be a consolidated chapter to cover all 5 commercial zones.

Delete chapter 12.23: Commercial Arterial

Delete chapter 17.25: Commercial Regional

Delete references in 17.01 and 1703

This zoning does not exist anywhere and is not even on the City zoning map legend. It's not included in the new 17.20 zoning chapter. CR should be removed as a zone and deleted from the code.

## **Infill Overlay Zone 17.45 - Pointless and unneeded**

Delete Infill overlay zone 17.45

Our residential zoning already allow density higher than what could be achieved by utilizing this overlay. Rendering it pointless.

## **Fixes to definitions 17.08**

Instead of having all the different types of residential buildings under definition “D” Dwellings, remove dwelling from in front of the building types and put them in the definitions page so they are consistent with how they appear in the permitted uses, conditional uses and accessory use tables throughout the rest of the code.

Take Multi-family definition from 17.46 and add it to 17.08 Definitions “M”

Multi-family is defined in 17.08 as three units or more and in 17.46 as four units or more.

Swap Multi-Family for Apartments everywhere in the entire code. Where an apartment house or apartment building appears, swap from multifamily building.