

**Chapter 20.120**  
**Development Standards—General Provisions**

**20.120.010 Development Standards—Purpose; applicability.**

(1) Purpose. The purpose of this chapter is to promote the public health, safety, and welfare through regulations which control the development of land uses within the city, in accordance with the goals and policies of the comprehensive plan.

(2) Applicability. This chapter contains regulations and standards governing site development of property city-wide.

**20.120.020 Development Standards—Conformity required.**

No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this chapter.

(1) Creation of or changes to lot lines shall conform with the use provisions, dimensional, and other standards and procedures of this chapter and subdivision regulations under Subtitle V of this title.

(2) All land uses and development authorized by this title shall comply with all other regulations and/or requirements of this title and any other local, state or federal agency that has jurisdiction over land uses and development. Where a difference exists between this title and other regulations, the more restrictive requirements shall apply.

**20.120.030 Development Standards—Minimum requirements.**

In interpretation and application, the requirements set forth in this chapter shall be considered the minimum requirements necessary to accomplish the purposes of this chapter.

**20.120.040 Development Standards—Interpretation, generally.**

(1) Regulations, conditions, or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

(2) A land use shall be interpreted as including structures within or on which the use is conducted.

(3) Chapter and section headings, captions, illustrations, and references to other sections, chapters, or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section. In case of any ambiguity, difference of meaning, or implication between text and any heading, caption, or illustrations, the text shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

(4) The word “shall” is mandatory and the word “may” is discretionary.

(5) Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural or vice versa.

**Chapter 20.122**  
**COMMON DEVELOPMENT STANDARDS**

**Sections:**

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<b>20.122.020</b>	<b>Common Development Standards—Interpretation of table.</b>
<b>20.122.025</b>	<b>Common Development Standards—Densities and dimensions.</b>
<b>20.122.030</b>	<b>Common Development Standards—Measurement methods.</b>
<b>20.122.040</b>	<b>Common Development Standards—Calculations—Net useable site area.</b>
<b>20.122.050</b>	<b>Common Development Standards—Calculations—Allowable dwelling units.</b>
<b>20.122.060</b>	<b>Common Development Standards—Density credits.</b>
<b>20.122.070</b>	<b>Common Development Standards—Lot area—Reduction prohibited.</b>
<b>20.122.080</b>	<b>Common Development Standards—Setbacks—Modifications.</b>
<b>20.122.090</b>	<b>Common Development Standards—Setbacks—Regional utility corridors.</b>
<b>20.122.100</b>	<b>Common Development Standards—Setbacks—Alleys.</b>
<b>20.122.110</b>	<b>Common Development Standards—Setbacks—Adjoining half-street rights-of-way.</b>
<b>20.122.120</b>	<b>Common Development Standards—Setbacks—Projections allowed.</b>
<b>20.122.130</b>	<b>Common Development Standards—Heights—Exceptions to limits.</b>

**20.122.010 Common Development Standards—Purpose.**

The purpose of this chapter is to establish basic dimensional standards for development in relation to residential density, as well as specific rules for general application. These standards and rules are established to provide flexibility in project design, provide solar access, and maintain privacy between adjacent uses.

**20.122.020 Common Development Standards—Interpretation of table.**

(1) The table in POMC 20.122.025 contains general density and dimension standards for the various zones within the City, as well as limitations specific to a particular zone(s). Additional rules, exceptions, and methodologies relating to density and dimension are set forth in this chapter.

(2) The densities and dimensions table in POMC 20.122.025 is arranged in a matrix format. Development standards are listed down the left side of the table, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable to a specific use or zone. A blank box indicates that the standard does not apply in that situation. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard. See Table 20.122.025, Densities and Dimensions.

20.122.025 Common Development Standards—Densities and dimensions.

Table 20.122.025 – Densities and Dimensions

ZONES

1STANDARDS	Greenbelt including Conservation and Open Space	Residential – 4.5 Units/Net Useable Acre	Residential I – 8.0 Units/Net Useable Acre	Residential – 8.0 Units/Net Useable Acre MWD	Residential – 12.0 Units/Net Useable Acre	Residential – 20.0 Units/Net Useable Acre	Commercial Retail and Office	Business Professional I and II	Mixed Use District	Employment Industrial and Office	Community Facilities
	Gb	R4.5	R8	R8-MWD	R12	R20	Co	BP I and II	Mxd	Eo	Cf
<b>Density (dwelling units/gross useable acres)</b>											
Maximum density (22)	0.5	4.5	8.0	8.0	12.0	20.0		12.0	30.0 (22)		
Minimum lot size (13)(14)		6,000	5,445	4,000	3,630	2,178		3,630			
<b>Minimum setback in feet</b>											
Street right-of-way (1)(11)	30	15	15	10 (23)	15	15	10	10	10	30 (12)	15
Side yard	5	5	5	5 (24)	5	5		5			
Rear yard (9)	10	10	10	10 (25)	10	10		5			
Corner lot rear yard	5	5	5	10 (25)	5	5		5			
From adjacent residential zoning (2)							5	5	5	20	20
From adjacent nonresidential zoning (2)(3)							5	5	5	5	5
<b>Maximum site coverage in percent of net useable acres</b>											
Maximum impervious surface (4)	15%	45%	75%	75%	85%	85%	85%	95%	95%	85%	95%
Landscaped area – Softscape (5)	85%	55%	25%	25%	15%	15%	15%	5%	5%	15%	5%
Landscaped area – Hardscape (6)							15%	5%	5%	15%	5%
<b>Maximum building height in feet</b>											
Standard maximum allowed	33	33	33	33	33	33	33	33	33	33	33
Within view protection district (8)(15)	15	15	15		15	15	27	27	27	27	27
Downtown overlay district – North side of Bay Street (16)(18)(21)	27	27	27		27	27	27	27	27	27	27
Downtown overlay district – South side of Bay Street (17)(18)(21)	39	39	39		39	39	39	39	39	39	39

<b>Downtown overlay district gateways – Bethel Avenue (19)(21)</b>	39	39	39		39	39	39	39	39	39	39
<b>Downtown overlay district gateways – North side of Bay Street (16)(18)(21)</b>	27	27	27		27	27	27	27	27	27	27
<b>Downtown overlay district gateways – South side of Bay Street (17)(18)(21)</b>	39	39	39		39	39	39	39	39	39	39
<b>Downtown overlay district (20)(21)</b>	27	27	27		27	27	27	27	27	27	27

1. Measured from the existing edge of a street right-of-way. Applies to front yards, corner lots, and through lots.
2. From side or rear site or property boundary line. May be zero feet minimum within the mixed use district in the downtown area as allowed by the International Building Code (IBC).
3. May be zero lot line if structures meet IBC fire code and emergency access.
4. Useable acreage covered by buildings, roads, parking lots, and other built improvements. Mixed use developments within the downtown district may achieve 95 percent site coverage. Mixed use outside of downtown shall be no more than 85 percent site coverage.
5. Softscape may include perimeter buffers, parking lot plantings, and other landscape with soil or other natural surfaces.
6. Hardscape may include patios, plazas, entryways, and other paved or hard surfaced pedestrian/landscaped areas in lieu of softscape. Unless hardscape surfaces are constructed with permeable materials pursuant to POMC 20.150, the hardscape surface area shall be included in calculating the maximum impervious surface percentage.
8. View protection districts are established separately by city council resolution. Additional height may be allowed as a conditional use. Refer to POMC 20.122.030 and view protection overlay district standards, POMC 20.38.
9. Except as defined in POMC 20.122.100.
10. All lot sizes are measured in square feet unless a planned residential development has been approved pursuant to this Title.
11. If required parking is served by an alley, residential street setbacks may be reduced to 10 feet. Ten-foot front yard setback also applies to residential flag lots measured from the property line closest to the main entrance to the residence.

12. For every 10 feet of building height over 33 feet, an additional 10 feet of street setback shall be provided.

13. Plats recorded prior to 1910 as identified in the appendix are exempt from the minimum required lot size. Instead, minimum lot size shall be 5,000 square feet or any single lot of record in separate ownership on August 28, 1972.

14. See small lot development standards.

15. For purposes of the view protection overlay district, building height shall be measured to the mid-line of the roof from the elevation of the uphill property line.

16. Maximum building height may be increased from 27 feet up to a maximum of 39 feet through conditional use permit approval pursuant to Chapter 20.50 POMC.

17. Maximum building height may be increased from 39 feet up to a maximum of 55 feet through conditional use permit approval pursuant to Chapter 20.50 POMC.

18. For the purposes of those lots abutting Bay Street within the downtown overlay district, building height shall be measured from the existing Bay Street elevation.

19. Maximum building height may be increased from 39 feet up to a maximum of 55 feet through conditional use permit approval pursuant to Chapter 20.50 POMC. Building height shall be measured from the existing elevation of Bethel Avenue at the parcel's frontage pursuant to POMC 20.122.030.

20. Maximum building height may be increased from 27 feet up to a maximum of 39 feet through conditional use permit approval pursuant to Chapter 20.50 POMC. Building height shall be measured from the uphill elevation of either the existing or finished grade, whichever is lower, at the foundation or slab. Average uphill elevation shall be used if not level pursuant to POMC 20.122.030.

21. Building height shall be measured to the highest point of the structure or any appurtenance of the structure.

22. The maximum density allowed in the mixed use zone within the central downtown overlay district shall be 48 units per acre.

23. Minimum setback from front yard ROW: 10 ft to house wall; 20 ft to garage door; 5 ft to porch.

24. Minimum setback for side yard: 5 ft to lot line; 10 ft to ROW (corner lot).

25. Minimum setback for rear yard: 10 ft to house wall; 5 ft to unenclosed patio at ground level.

**20.122.030 Common Development Standards—Measurement methods.**

The following provisions shall be used to determine compliance with this chapter:

(1) Street setbacks shall be measured from the existing edge of public rights-of-way, improved or unimproved.

(2) Lot area shall be the total horizontal land area contained within the boundaries of a lot.

(3) Impervious surface calculations shall not include areas of turf, softscape landscaping, natural vegetation, or surface water retention/detention facilities.

**20.122.035 Common Development Standards—Calculations—Minimum and maximum density.**

(1) The minimum density shall be calculated by multiplying the development's subject site net useable site area, as calculated pursuant to POMC 20.122.040, by the minimum number of dwelling units required in the applicable zoning district.

(2) The maximum density shall be calculated by multiplying the development's subject site net useable site area, as calculated pursuant to POMC 20.122.040, by the maximum number of dwelling units allowed in the applicable zoning district.

(3) The units associated with assisted living, congregate care, nursing home, residential care facilities and the like, that rely on shared cooking/dining facilities, will not be counted for purposes of the minimum/maximum density calculation. Independent dwelling units (i.e., containing a bed, bathroom, and a kitchen with a sink, stove, and refrigerator) in such group living residential uses, however, shall be counted as individual dwelling units in the density calculation. The density for non-independent dwelling units shall not be transferred to another portion of the development.

**20.122.040 Common Development Standards—Calculations—Net useable site area.**

The net useable site area is the development subject site's total (gross) site area minus areas for public rights-of-way, private road easements, designated critical areas and buffer protection, and stormwater management facilities; but not including parks and public or private recreation facilities dedicated or created as an integral part of the development.

**20.122.050 Common Development Standards—Calculations—Allowable dwelling units.**

Permitted number of dwelling units shall be determined as follows:

(1) The maximum allowed number of dwelling units shall be computed by multiplying the net useable site area by the applicable residential density.

(2) When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

(a) Fractions of 0.50 or above shall be rounded up; and

(b) Fractions below 0.50 shall be rounded down.

**20.122.060 Common Development Standards—Density credits.**

Critical areas and their buffers may be used in the calculation of allowed residential density whenever

two or more residential lots or two or more multifamily dwelling units are created subject to the following limitations:

(1) Full density credit shall be allowed for erosion and seismic hazard areas. Flood hazard areas outside of streams, wetlands, or associated buffers shall be counted for full density credit.

(2) No density credit shall be allowed for streams, lakes, ponds, and other bodies of water.

(3) Partial to full density credit shall be allowed for steep slopes, landslide hazard areas, wetlands, and required buffers for any critical area according to the following table:

<b>Percent of Site in Buffers and/or Critical Areas (percent)</b>	<b>Density Credit (percent)</b>
1 – 10	100
11 – 20	90
21 – 30	80
31 – 40	70
41 – 50	60
51 – 60	50
61 – 70	40
71 – 80	30
81 – 90	20
91 – 99	10

(4) Allowed density on sites containing critical areas shall be calculated as follows:

(a) Determine the percentage of site area in critical areas and buffers by dividing the total area in required critical areas and buffers by the total site area.

(b) Multiply the density credit percentage set forth in subsection (1) of this section by the site area in critical areas and buffers to determine the effective critical area.

(c) Add the effective critical area to the site area not in critical areas or buffers. The resulting acres shall be considered the effective site area for purposes of determining the allowable dwelling units pursuant to the zoning regulations.

(d) By way of example, the density credit provisions apply as follows for a 10-acre site under the R8 zone:

(i) The square feet in the site is 435,600 of which ponds include 45,000 square feet, steep slopes include 82,000 square feet, and required wetland buffers include 60,000 square feet.



(ii) Divide the total amount of critical areas and buffers (187,000 square feet) by the total site (435,600 square feet) equal to 42.9 percent.

(iii) Apply the density credit from the chart (equal to a 60 percent density credit where the amount of site in a critical area is between 41 and 50 percent).

(iv) Multiply the steep slopes and required buffers only (142,000 square feet since no credit is received for ponds) by the density credit of 60 percent equal to 85,200 square feet.

(v) Add the unconstrained site area (248,600 square feet) plus the critical area density credit (85,200 square feet) to create the effective site area for density calculations (333,800 square feet).

(vi) Divide the total effective site area by 43,560 square feet to determine acreage (333,800 square feet/43,560 square feet/acre equals 7.6 acres) and multiply by the density allowed in the R8 zone (7.6 acres multiplied by eight dwelling units/acre) equals 60.8 which is rounded up to 61 dwelling units maximum (note that the maximum density may be reduced by other provisions of this code).

(5) The density transfer can be utilized only within the development proposal site. The applicant may cluster and configure the site's development to accommodate the transfer of density but cannot change the type of uses or housing products allowed within the zone proper.

**20.122.070 Common Development Standards—Lot area—Reduction prohibited.**

Any portion of a lot that was required to calculate and ensure compliance with the standards and regulations of this chapter shall not be subsequently subdivided or segregated from such lot.

**20.122.080 Common Development Standards—Setbacks—Modifications.**

The following setback modifications are permitted:

(1) When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property lines.

(2) When a lot is located between lots with structures having nonconforming street setbacks, the required street setback for such middle lot may be the average of the two nonconforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback.

**20.122.090 Common Development Standards—Setbacks—Regional utility corridors.**

(1) In subdivisions and short subdivisions, areas used as regional utility corridors as identified in this code shall be contained in separate tracts.

(2) In other types of land development permits, easements shall be used to delineate such corridors.

(3) All buildings shall maintain a minimum distance of five (5) feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor and/or as required by the Department of Health.

**20.122.100 Common Development Standards—Setbacks—Alleys.**

- (1) Structures may be built no closer than fifteen (15) feet from the center line of an abutting alley.
- (2) Vehicle access points from garages, carports, or fenced parking areas shall be set back a minimum of ten (10) feet from the alley property line to provide a driving surface.

**20.122.110 Common Development Standards—Setbacks—Adjoining half-street rights-of-way.**

In addition to providing the standard street setback, a lot adjoining a half-street right-of-way or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the future planned right-of-way.

**20.122.120 Common Development Standards—Setbacks—Projections allowed.**

Projections complying with the adopted International Building Code may extend into the required setbacks as follows:

- (1) On ground and upper floor uses in all districts and on upper floor uses only in the mixed use district (Mxd) in the downtown area – fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback, provided such projections are:

- (a) Limited to two per facade;
- (b) Not wider than seven feet; and
- (c) Not more than 24 inches into an interior setback or 24 inches into a street setback.

- (2) Uncovered porches and decks which exceed 18 inches above the finished grade may project:

- (a) Twenty-four inches into interior setbacks; and
- (b) Six feet into the street setback except where the allowable setback is zero feet as in the mixed use district within the downtown area.

- (3) Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the property line.

- (4) Roof eaves, including any part of a roof structure whether unsupported or supported by diagonal bracing to the building, must be more than seven feet above finished grade and may not project more than:

- (a) Twenty-four inches into an interior setback including within a zero lot line development; or
- (b) Twenty-four inches into a street setback except where the allowable setback is zero feet as in the mixed use district within the downtown area.

- (5) Fences with a height of six feet or less may project into any setback; provided, that the sight distance requirements are maintained along street corridors.

**20.122.130 Common Development Standards—Heights—Exceptions to limits.**

The following structures may be erected above the height limits:

- (1) Roof structures housing or screening the following: elevators, fire access stairways, tanks, ventilating fans, fire or parapet walls, skylights, or similar equipment required for building operation and maintenance; and
- (2) Flagpoles, chimneys, smokestacks, church steeples, clock towers, communication transmission structures, utility line towers and poles, and similar structures.

**Chapter 20.124**  
**DEVELOPMENT STANDARDS—PARKING AND CIRCULATION**

**Sections:**

<b>20.124.010</b>	<b>Development Standards—Parking—Purpose.</b>
<b>20.124.020</b>	<b>Development Standards—Parking—Authority and application.</b>
<b>20.124.030</b>	<b>Development Standards—Parking—Off-street parking requirements.</b>
<b>20.124.040</b>	<b>Development Standards—Parking—Shared parking requirements.</b>
<b>20.124.050</b>	<b>Development Standards—Parking—Exceptions for community residential facilities (CRF).</b>
<b>20.124.060</b>	<b>Development Standards—Parking—Handicapped parking requirements.</b>
<b>20.124.070</b>	<b>Development Standards—Parking—Stacking spaces for drive-through facilities.</b>
<b>20.124.080</b>	<b>Development Standards—Parking—Transit and rideshare provisions.</b>
<b>20.124.090</b>	<b>Development Standards—Parking—Pedestrian circulation and access.</b>
<b>20.124.100</b>	<b>Development Standards—Parking—Off-street parking design standards.</b>
<b>20.124.120</b>	<b>Development Standards—Parking—Compact car allowance requirements.</b>
<b>20.124.130</b>	<b>Development Standards—Parking—Internal circulation road standards.</b>
<b>20.124.150</b>	<b>Development Standards—Parking—DOD parking standards.</b>
<b>20.124.200</b>	<b>Development Standards—Parking—TRMT parking and circulation standards.</b>
<b>20.124.210</b>	<b>Development Standards—Parking—TRMT parking reduction bonus.</b>
<b>20.124.220</b>	<b>Development Standards—Parking—TRMT shared parking/consolidated parking bonus conditions.</b>
<b>20.124.230</b>	<b>Development Standards—Parking—TRMT additional parking standards.</b>
<b>20.124.240</b>	<b>Development Standards—Parking—TRMT parking circulation.</b>
<b>20.124.250</b>	<b>Development Standards—Parking—Minimum parking standards.</b>
<b>20.124.260</b>	<b>Development Standards—Parking—Minimum parking stall dimensions.</b>

**20.124.010 Development Standards—Parking—Purpose.**

(1) Purpose. The purpose of this chapter is to set standards that provide adequate parking for all uses allowed in this section; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare, and bicycles; and to increase pedestrian mobility in urban areas by:

(a) Setting minimum off-street parking standards for different land uses that assure safe, convenient, and adequately sized parking facilities within activity centers.

(b) Providing incentives to rideshare through preferred parking arrangements.

(c) Providing for parking and storage of bicycles.

(d) Providing safe direct pedestrian access from public rights-of-way to structures and between developments.

(e) Requiring uses which attract large numbers of employees or customers to utilize transit and provide transit stops.

**20.124.020 Development Standards—Parking—Authority and application.**

(1) Before an occupancy permit may be granted for any new or enlarged building or to a change to a different use in any existing building that involves additional parking, the use shall be required to meet the provisions of this chapter.

(2) Parking studies by individuals with expertise in traffic and parking analysis may be required by the planning director. If this chapter does not specify a parking requirement for a land use, the planning director shall establish the minimum requirement based on a study of anticipated parking demand. In the study, the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied.

(3) If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the planning director for compliance with this chapter, and if approved, the contracts shall be recorded with the Kitsap County auditor as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the planning director or planning commission.

(4) Development along both sides of Bay Street from the crosswalk at Harrison Avenue to Orchard Avenue is exempt from the parking requirements of this chapter.

(5) In lieu of on-site parking, bed and breakfast facilities may obtain an on-street parking permit to satisfy the facility's minimum parking requirements as follows:

(a) Applicant for any on-street parking permit complies with the provisions of Chapter 10.14 POMC.

(b) No more than three on-street parking permits are issued per facility.

(c) For each on-street parking permit requested, applicant establishes to the satisfaction of the city planning director that on-site parking is not feasible.

(d) Applicant satisfies all other requirements for bed and breakfast facilities as required by city code or ordinance.

**20.124.030 Development Standards—Parking—Off-street parking spaces requirement.**

(1) Off-street parking areas shall contain at a minimum the number of parking spaces set forth in Table 20.124.250. Off-street parking ratios expressed as number of spaces per square feet means the gross square footage of floor area. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

(2) An applicant may request a modification of the minimum required number of parking spaces by substantiating that parking demand can be met with a reduced parking requirement. In such cases, the planning director may approve a reduction of up to 50 percent of the minimum required number of spaces.

(3) When the city has received a shell-and-core building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell-and-core permit. When the range of possible uses result in different parking requirements, the planning director will establish the amount of parking based on a likely range of uses.

(4) Bicycle parking may be required in accordance with the following provisions:

(a) Off-street parking areas shall contain at least one bicycle parking space except as follows:

(i) The director may reduce or eliminate bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location or is not safely accessible.

(ii) The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

(A) Park and playfield;

(B) Marina;

(C) Library, museum, or arboretum;

(D) Elementary or secondary school;

(E) Sports club; or

(F) Retail business, when located along a developed bicycle trail or designated bicycle route.

(b) Bicycle facilities for patrons shall be located on site and shall be designed to allow either a bicycle frame or wheels to be locked.

(c) All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lighted for nighttime use.

**20.124.040 Development Standards—Parking—Shared parking requirements.**

The amount of required off-street parking may be reduced by an amount determined by the director when shared parking facilities for two or more uses are proposed, provided:

(1) The total parking area exceeds 5,000 square feet.

(2) The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian paths.

(3) No building or use involved is more than 1,000 feet from the most remote shared facility.

(4) The amount of the reduction shall not exceed 10 percent for each use, unless:

(a) The normal hours of operation for each use are separated by at least one hour; or

(b) A parking demand study is prepared by a qualified individual and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and that uses will be served by adequate parking if shared parking reductions are authorized.

(5) The total number of parking spaces in the common parking facility is not less than the minimum required spaces for either use.

(6) A covenant or other contract for shared parking between the cooperating property owners shall be approved by the planning director. This covenant or contract must be recorded with the Kitsap County auditor as a deed restriction on both properties and cannot be modified or revoked without the consent of the planning director.

(7) If any requirements for shared parking are violated, the affected property owners shall provide a remedy satisfactory to the planning director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.

**20.124.050 Development Standards—Parking—Exceptions for community residential facilities (CRF).**

(1) The requirement for off-street parking space per bedroom may be reduced to no less than 50 percent of the requirement per bedroom, as determined by the planning director based on one or more of the following considerations:

(a) Availability of private, convenient transportation services to meet the needs of the CRF residents.

(b) Accessibility to and frequency of public transportation.

(c) Pedestrian access to health, medical, and shopping facilities.

(2) If a CRF facility is no longer used for such purposes, additional off-street parking spaces shall be required in compliance with this chapter prior to the issuance of a new certificate of occupancy.

**20.124.060 Development Standards—Parking—Handicapped parking requirements.**

Off-street parking and access for physically handicapped persons shall be provided in accordance with the current Revised Code of Washington standards.

**20.124.070 Development Standards—Parking—Stacking spaces for drive-through facilities.**

(1) A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicle from extending onto the public right-of-way or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces, except as defined in POMC 20.124.030.

(2) Uses providing drive-up or drive-through services shall provide vehicle stacking spaces in the following serial or combined sequence per lane of drive-up window; such required spaces shall include the drive-up window space itself:

(a) For each service window of a drive-through restaurant, a minimum of five stacking spaces shall be provided.

(b) For all other uses, each drive-up window requires a minimum of three stacking spaces.

**20.124.080 Development Standards—Parking—Transit and rideshare provisions.**

To support the use of ridesharing as an alternative mode of transportation that will aid the city in its efforts to reduce air pollution, traffic congestion, and fossil fuel consumption, the following shall apply:

(1) All land uses with 25 employees working at any given work site during a single work shift listed under the government/business services and manufacturing tables shall be required to reserve parking spaces for registered rideshare vehicle parking as follows:

(a) There shall be a minimum of one open parking space reserved for an employee rideshare vehicle, and all registered rideshare vehicles shall have a reserved parking space.

(b) A vehicle parked in a rideshare vehicle only parking space must be registered in Kitsap Transit's countywide public rideshare vehicle registration program, qualify as a rideshare vehicle as defined by Kitsap Transit, and display a valid car/vanpool pass.

(c) Each rideshare vehicle parking space shall be clearly labeled with a Kitsap Transit carpool or vanpool parking sign.

(d) Except for disabled parking spaces, rideshare vehicle parking spaces shall be located closer to the primary employee entrance than any other employee parking spaces.

(2) When one or more scheduled transit routes provide service within 660 feet of the employment site and there is designated pedestrian access, the planning director may reduce the number of required off-street parking spaces.

(3) All uses which are located on an existing transit route and are required under the computation for required off-street parking to provide more than 200 parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses that reduce required parking pursuant to subsection (2) of this section may provide transit shelters if transit routes adjoin the site.



**20.124.090 Development Standards—Parking—Pedestrian circulation and access.**

The following general pedestrian design standards shall apply to all developments throughout the city in addition to those outlined elsewhere within the special design districts:

(1) All uses, except single-family detached buildings, shall provide pedestrian access onto the site. Pedestrian access shall be located as follows:

(a) Access points at property edges and to adjacent lots shall be coordinated with the existing development to provide circulation patterns between development sites. Pedestrian access to adjacent lots shall not be required if the topography is greater than three percent between the lots.

(b) Residential developments shall provide links between cul-de-sacs or groups of buildings to allow pedestrian access from within the development and from adjacent developments to activity centers, parks, common tracts, open spaces, schools or other public facilities, transit stops, and public streets.

(2) Pedestrian walkways shall minimize the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances as follows:

(a) All developments which contain more than one building shall provide walkways between the principal entrances of the buildings.

(b) Pedestrian walkways across parking areas shall be located as either one of the following:

(i) Walkways running parallel to the parking rows shall be provided at a minimum of every two parking lot aisles.

(ii) Walkways running perpendicular to the parking rows shall be no further apart than 25 parking spaces.

(3) Pedestrian access and walkways shall meet the following minimum design standards:

(a) Access and walkways shall be physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic. Lighting may be required.

(b) Access and walkways shall be a minimum of 60 inches of unobstructed width and meet the surfacing standards of the Port Orchard road standards for walkways or sidewalks.

(c) Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by grade change, texture or other equivalent means.

(d) A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles.

(e) Wherever walkways are provided, raised crosswalks or speed bumps may be located at all points where a walkway crosses the lane of vehicle travel.

**20.124.100 Development Standards—Parking—Off-street parking design standards.**

(1) The most distant parking space shall not be located more than 500 feet away from the nearest building entrance it is required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

(a) For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.

(b) For all uses permitted within downtown mixed use district (Mxd), the parking spaces may be located on consolidated off-site parking lots distributed at accessible locations about the downtown district.

(2) Minimum parking space and aisle dimensions shall be determined by the planning director. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design.

(3) Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe. The parking space depth may be reduced when vehicles overhang a walkway under the following conditions:

(a) Wheelstops or curbs are installed.

(b) The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

(4) The amount of space depth reduction is limited to a maximum of 18 inches.

(5) Ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with Port Orchard street standards.

(6) Lighting of off-street parking areas shall be provided for safety of traffic and pedestrian circulation on the site, as specified in the International Building Code. Lighting shall be designed to minimize direct illumination of abutting properties and adjacent streets. The planning director shall have the authority to waive the requirement to provide lighting.

(7) Tandem or end-to-end parking is allowed in single-family detached residential developments. Driveways crossing required setback areas may be used for parking when serving single-family detached dwellings but shall not be considered for purposes of calculating required parking. Attached single-

family and multifamily developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

(8) All required vehicle parking must be on a paved surface.

**20.124.120 Development Standards—Parking—Compact car allowance requirements.**

Subject to planning director review and approval, up to 40 percent of the total number of spaces to be provided in any development may be sized to accommodate compact cars. Aisle widths shall conform to the standards set for standard size cars.

**20.124.130 Development Standards—Parking—Internal circulation road standards.**

Internal access roads to off-street parking areas shall conform with or exceed the surfacing and design requirements for private roads set in the Port Orchard road standards.

**20.124.150 Development Standards—Parking—DOD parking standards.**

Except as otherwise provided in this section, development within the central DOD shall provide parking in accordance with the off-street parking requirements set forth in this chapter. If the formula for determining the number of parking spaces results in a fraction, the number of parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

(1) For multifamily residential uses, the off-street parking standard shall be a minimum of 1.5 parking spaces for each dwelling unit, regardless of the number of bedrooms.

(2) For nonresidential uses, the off-street parking standard shall be a minimum of one parking space per 300 gross square feet of floor area, except as otherwise provided in Table 20.124.250, as now or hereafter amended.

(3) No new street level parking lot or parking garage that fronts directly on Bay Street shall be allowed between Bank Street and Seattle Avenue.

(4) In the event that a building is located on a waterfront lot, parking shall be located to the side of the building and not between the building and the water.

(5) Exemptions. The following uses within the central DOD shall be exempt from the parking standards set forth in these regulations and the land use and development regulatory code.

(a) Existing uses along both sides of Bay Street from the crosswalk at Bank Street to Seattle Avenue shall be exempt from the parking requirements set forth in these regulations and the land use and development regulatory code.

(b) New ground floor uses shall be exempt from the parking requirements set forth in these regulations.

(c) New development above the ground floor shall be exempt from the parking requirements set forth in these regulations only if (i) the floor area of the new or remodeled building is equal to or less than the floor area of the building that is present when these regulations become effective, and (ii) the use(s) remains the same.

(6) In Lieu Payment.

(a) In lieu of furnishing the parking spaces required in subsections (1) and (2) of this section, the requirements thereof may be satisfied by paying the city treasurer, prior to the issuance of a building permit, a sum of money for each parking space required. The amount of the fee to be paid in lieu shall be set by the city council in its sole discretion and shall incorporate current values for the purchase of land, construction, and ongoing maintenance of off-street parking spaces, or on a rental fee for each required space.

(b) Sums so paid shall be deposited by the city treasurer in a special fund to be designated "city of Port Orchard off-street parking cumulative fund." The city council may from time to time direct that other moneys be transferred into the fund to be used for the purposes of the fund. The fund shall be used exclusively for acquiring, planning, designing, developing, financing, and maintaining off-street parking facilities by purchase or lease for use by the central DOD area, all consistent with the transportation improvement plan adopted or thereafter amended by the city council.

(7) Screening of Parking. The street-facing, ground level facades of parking lots or garages shall be designed to obstruct the view of parked cars from public rights-of-way. Where commercial or residential space is not available to accomplish this, features such as planters, decorative grilles, or works of art shall be used.

**20.124.200 Development Standards—Parking—TRMT (Tremont Street corridor overlay district) parking and circulation standards.**

Required parking will be as determined by the underlying zoning designation and must be contained on site except where shared parking/consolidation is sought as described in POMC 20.124.210.

**20.124.210 Development Standards—Parking—TRMT parking reduction bonus.**

(1) A shared parking/consolidated parking bonus may be achieved by any development which incorporates either a shared parking or a consolidated parking agreement with an adjacent property. The bonus may allow an overall reduction of required parking spaces by up to 20 percent. Where reciprocal parking and/or access is proposed, agreements between the property owners together with the proposed design must be provided with the site plan at application.

(2) A pedestrian amenities parking bonus may be achieved by the incorporation of a significant pedestrian amenity in the form of plazas, courtyards, seating areas, fountains, and water features. The bonus will vary with the amount and size of the amenities provided. The maximum incentive for the reduction shall be one required parking space for each 100 square feet of plaza area or courtyard provided, or through some combination of pedestrian amenities. For the purpose of qualifying for the pedestrian amenities parking bonus, a plaza or courtyard must be designed as an integral part of the development; have a minimum dimension of at least 20 feet; be open to the sky except for shade

trellises, arcades; and must incorporate seating areas, shade trees and trellises, and enhanced paving materials. The incorporation of fountains or other water features is highly encouraged.

**20.124.220 Development Standards—Parking—TRMT shared parking/consolidated parking bonus conditions.**

A shared parking/consolidated parking bonus for two or more uses may be achieved when the following conditions are met, as determined by the planning director:

- (1) The total parking area exceeds 5,000 square feet.
- (2) The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian paths.
- (3) No building or use involved is more than 1,000 feet from the most remote shared facility.
- (4) The amount of the reduction shall not exceed 10 percent for each use, unless:
  - (a) The normal hours of operation for each use are separated by at least one hour; or
  - (b) A parking demand study is prepared by a traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and that uses will be served by adequate parking if shared parking reductions are authorized.
- (5) The total number of parking spaces in the common parking facility is not less than the minimum required spaces for either use.
- (6) A covenant or other contract for shared parking between the cooperating property owners shall be approved by the planning director. This covenant or contract must be recorded with the Kitsap County auditor as a deed restriction on both properties and cannot be modified or revoked without the consent of the planning director.
- (7) If any requirements for shared parking are violated, the affected property owners shall provide a remedy satisfactory to the planning director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.

**20.124.230 Development Standards—Parking—TRMT additional parking standards.**

- (1) Parking areas shall be separated from buildings by either a raised concrete walkway or a landscaped strip with a six-inch curb. Vehicles should not be allowed to directly abut the building.
- (2) All parking spaces shall be clearly and permanently marked. Compact parking shall be grouped and clearly identified.
- (3) Parking lot design shall provide for connection to adjacent parcels where uses are compatible and said connection is practical.

(4) Parking lots shall be located to the rear and sides of buildings whenever feasible. Parking areas directly adjacent to Tremont Street are discouraged.

(5) Parking facilities shall be located and designed in such a manner that vehicles exiting a site will do so in a forward manner.

(6) Parking facilities shall be designed so that a car within a facility will not have to enter a street to move from one location to another within the same parking lot.

(7) Large parking areas shall be divided into a series of connected smaller lots or separated with landscaping and/or offsetting portions of the lot.

(8) Projects are encouraged to incorporate reciprocal access easements/agreements to improve internal vehicular movements. Where parking areas are connected, interior circulation shall be designed to allow for a similar direction of travel and parking bays, in all areas to reduce conflict points of connection.

(9) Individual projects and parking areas with on-site driveways shall be linked and shall be clearly identified as internal vehicle connectors.

(10) Access roads and/or driveways for commercial/office developments shall be located a minimum of 200 feet apart unless an alternate distance is recommended by the planning director.

(11) Access drives and/or driveways shall be located a minimum of 10 feet from property lines.

(12) Parking lot lighting standards shall be a maximum of 18 feet and shall be shielded to the parking and building areas, avoiding light-bleed into adjacent residential uses.

**20.124.240 Development Standards—Parking—TRMT parking circulation.**

(1) Design parking areas so that pedestrians can walk parallel to moving cars. Design parking lots so that the majority of drive aisles are perpendicular to the majority of buildings or major tenant.

(2) Consolidation of parking entrances and exits with adjoining developments is encouraged to preserve the functionality of Tremont Street as a major arterial.

(3) The parking area shall link the building to the street sidewalk system as an extension of the pedestrian environment. This is accomplished through the use of enhanced walkways incorporating different pavement materials, trellis structures, arcades, and landscape treatments.

(4) Driveway entry throats should be at least 25 feet wide, and preferably 30 to 35 feet wide, so that no interference between exiting and entering vehicles occurs, or as recommended by the city engineer.

(5) Bicycle parking racks shall be provided for bicycles near each public entrance to each building.

**20.124.250 Development Standards—Parking—Minimum parking standards.**

**Table 20.124.250**

**Minimum Parking Standards**

	Unit of Measurement	Minimum Off-Street Parking Requirement	Supplemental Parking Requirement
Agriculture			Determined during application
Forestry			Determined during application
Fish and wildlife management			Determined during application
Mineral			Determined during application
Resource accessory uses			Determined during application
<b>Recreational/Cultural Land Uses</b>			
Park and recreation			Determined during application
Amusement/entertainment:			
7832 Theater	3 fixed seats	1.0	
7833 Theater, drive-in			Determined during application
792 Plays, theatrical production	3 fixed seats	1.0	Determined during application
793 Bowling alley	Lane	6.0	
Sports club	300 sq. ft.	1.0	
Golf facility	Hole	3.0	+ 1/300 sf clubhouse facilities
7999 Golf driving range	Tee	1.0	
Shooting range – guns and firearms	Target	1.0	Determined during application
Archery range	Target	1.0	+ 1/300 sf indoor facilities
Amusement arcades	300 sq. ft.	1.0	
Cultural:			
823 Library	300 sq. ft.	1.0	
841 Museum	300 sq. ft.	1.0	
842 Arboretum			Determined during application
Conference center	3 fixed seats	1.0	+ 1/50 sf assembly are without fixed seats
<b>Residential Land Uses</b>			
Dwelling units:			
Single-family detached	Dwelling unit	2.0	
Single-family attached	Dwelling unit	2.0	
Multifamily:			
Studio units	Dwelling unit	1.3	

1 bedroom units	Dwelling unit	1.5	
2 bedroom units	Dwelling unit	1.8	
3 bedroom units or larger	Dwelling unit	2.0	
Mobile home park	Dwelling unit	2.0	
Houseboats	Dwelling unit	2.0	
Group residences:			
Senior citizen assisted	Dwelling unit	0.5	
*Community residential facility – CRF	Bedroom	0.5	
*CRF – prisoner release	Bedroom	0.5	
*Dormitory	Bedroom	0.5	
Accessory uses:			
Dwelling unit	Dwelling unit		Determined during application
Home (cottage) industry			Determined during application
Home occupation			Determined during application
Home profession			Determined during application
Temporary lodging:			
7011 Hotel/motel	Bedroom	1.0	
Bed and breakfast	Bedroom	1.0	In addition to any residential dwelling parking requirements as applicable
7041 Organization hotel/lodging houses	Bedroom	1.0	
General Services Land Uses			
Personal services:			
72 General personal services	300 sq. ft. office	1.0	
Stand-alone buildings			Determined during application
7216 Dry cleaning plants			Determined during application
7218 Industrial launderers			Determined during application
7261 Funeral home/crematory			Determined during application
Cemetery, columbarium or mausoleum			Determined during application
Daycare	Facility		Determined during application
Veterinary clinic	300 sq. ft.	1.0	Includes office, lab and exam area
753 Automotive repair	Service bay	2.0	+ 3/facility
754 Automotive service	Service bay	2.0	+ 3/facility



762-3 Miscellaneous repair – electrical/electronic			Determined during application
764-9 Miscellaneous repair – furniture/welding			Determined during application
83 Social services	300 sq. ft.	1.0	
Stable			Determined during application
Kennel or cattery			Determined during application
866 Churches, synagogue, temple	3 fixed seats	1.0	+ 1/50 sf assembly without fixed seats
Health services:			
801-04 Office/patient clinic	250 sq. ft.	1.0	
805 Nursing and personal care facilities	4 beds	1.0	
806 Hospital	Bed		Determined during application
807 Medical/dental lab	300 sq. ft.	1.0	
808-09 Miscellaneous health	300 sq. ft.	1.0	
Education services:			
Elementary or middle/junior high school	Classroom	1.0	+ 1/50 students
Secondary or high school	Classroom	1.0	+ 1/7 students
Vocational school	Classroom	1.0	+ 1/5 students
Specialized instructional school	Classroom	1.0	+ 1/2 students
School district support offices	300 sq. ft. office	1.0	+ 1/1,000 sf of storage/repair area
Government/Business Services Land Uses			
Government services:			
Public agency office	300 sq. ft. office	1.0	
Public agency yard	300 sq. ft. office	1.0	+ 1/1,000 sf of storage/repair area
Public agency archives	50 sq. ft. review area	1.0	+ 1/1,000 sf of storage/repair area
921 Court	50 sf seating area	1.0	+ 3/courtroom
9221 Police facility			Determined during application
9224 Fire facility			Determined during application
Subregional utility			Determined during application
Minor communications facility	300 sq. ft. office	1.0	

All business services unless specified	300 sq. ft. office	1.0	
15-17 Construction and trade	300 sq. ft. office	1.0	+ 1/1,000 sf of storage area
Warehousing and wholesale trade	300 sq. ft. office	1.0	+ 1/1,000 sf of storage area
Self-service storage	3,500 sf storage	1.0	+ 2/resident manager's unit
7312 Outdoor advertising service	300 sq. ft. office	1.0	+ 1/1,000 sf of storage area
735 Miscellaneous equipment rental	300 sq. ft. office	1.0	+ 1/1,000 sf of indoor repair areas
751 Automotive rental and leasing	300 sq. ft. office	1.0	+ 1/1,000 sf of indoor repair areas
Heavy equipment and truck repair	300 sq. ft. office	1.0	+ 1/1,000 sf of indoor repair areas
Helipad			Determined during application
<b>Retail Land Uses</b>			
All retail uses unless specified	300 sq. ft.	1.0	
5271 Mobile home dealers	300 sf indoor sales	1.0	
Forest products sales	300 ft. indoor sales	1.0	
54 Food stores less than 15,000 sf	300 sq. ft.	1.0	+ 3/facility
Agricultural crop sales	300 sf indoor sales	1.0	
Motor vehicle and boat dealers	300 sf indoor sales	1.0	
554 Gasoline service station without grocery	Service bay	2.0	+ 3/facility
554 Gasoline service station with grocery	300 sf store	1.0	+ 3/facility + 2/service bay
58 Eating and drinking places – sit down	100 sf dining/lounge area	1.0	
58 Eating – take out with drive-through windows	100 sf dining/lounge area	1.0	+ stacking requirement
58 Eating and drinking places – banquet	100 sf dining/lounge area	1.0	+ 1/5 fixed seats of banquet rooms
598 Fuel dealers			Determined during application
Auction houses			Determined during application
<b>Petroleum:</b>			
2911 Petroleum refining			
<b>Manufacturing Land Uses</b>			

All manufacturing uses unless specified	1,000 sq. ft.	0.9	
2082-8 Winery/brewery	1,000 sq. ft.	0.9	+ 1/50 sq. ft. of tasting area
Regional Land Uses			
All regional uses unless specified			Determined during application

**20.124.260 Development Standards—Parking—Minimum parking stall dimensions.**

**Table 20.124.260**

**Minimum Parking Stall Dimensions**

Minimum Parking Stall Dimensions	Stall Width	Stall Depth
Compact stall	8.0	16.0
Standard stall (required for single-family and duplex parking)	9.0	20.0

**Minimum Loading Requirements**

	Unit of Measurement	Minimum Loading Spaces
Nonresidential Buildings with Retail, Wholesale, Manufacturing, Storage Uses (1)		
10,000 – 16,000	square feet	1.0
16,001 – 40,000	square feet	2.0
40,001 – 64,000	square feet	3.0
64,001 – 96,000	square feet	4.0
96,001 – 128,000	square feet	5.0
128,001 – 160,000	square feet	6.0
160,001 – 196,000	square feet	7.0
Each additional 36,000	square feet	2.0
Retail, Hotel, Office, Restaurant, Hospital, Auditorium, Convention Hall, Exhibition Hall, Sports Arena/Stadium or Similar		

40,000 – 60,000	square feet	1.0
60,001 – 160,000	square feet	2.0
160,001 – 264,000	square feet	3.0
264,001 – 388,000	square feet	4.0
388,001 – 520,000	square feet	5.0
520,001 – 652,000	square feet	6.0
652,001 – 784,000	square feet	7.0
784,001 – 920,000	square feet	8.0
Each additional 140,000	square feet	1.0
(1) Excluding self-service storage facilities.		

**20.124.270 Development Standards—Parking—Off-street parking design standards.**

(1) The most distant parking space shall not be located more than 500 feet away from the nearest building entrance it is required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

(a) For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.

(b) For all uses permitted within downtown mixed use district (Mxd), the parking spaces may be located on consolidated off-site parking lots distributed at accessible locations about the downtown district.

(2) Minimum parking space and aisle dimensions shall be determined by the planning director. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design.

(3) Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe. The parking space depth may be reduced when vehicles overhang a walkway under the following conditions:

(a) Wheelstops or curbs are installed.

(b) The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

(4) The amount of space depth reduction is limited to a maximum of 18 inches.

(5) Ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with Port Orchard street standards.

(6) Lighting of off-street parking areas shall be provided for safety of traffic and pedestrian circulation on the site, as specified in the International Building Code. Lighting shall be designed to minimize direct illumination of abutting properties and adjacent streets. The planning director shall have the authority to waive the requirement to provide lighting.

(7) Tandem or end-to-end parking is allowed in single-family detached residential developments. Driveways crossing required setback areas may be used for parking when serving single-family detached dwellings but shall not be considered for purposes of calculating required parking. Attached single-family and multifamily developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

(8) All required vehicle parking must be on a paved surface.

(9) LID best management practices (BMPs) shall be used for all parking lot design and construction, unless site and soil conditions make LID infeasible as determined by the City. LID BMPs for parking lot design and construction include, but are not limited to:

(a) Pervious surfacing;

(b) Integrating stormwater management facilities, such as bioretention swales, with required parking lot landscaping; and

(c) Using native species in the landscape design.

(d) LID BMPs shall be designed and constructed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition).

**Chapter 20.128**  
**DEVELOPMENT STANDARDS—LANDSCAPING**

**Sections:**

- 20.128.010 Development Standards—Landscaping—Purpose.**
- 20.128.020 Development Standards—Landscaping—Applicability.**
- 20.128.030 Development Standards—Landscaping—Exempt areas.**
- 20.128.032 Development Standards—Landscaping—Landscape materials.**
- 20.128.035 Development Standards—Landscaping—Integration with LID stormwater management facilities.**
- 20.128.040 Development Standards—Landscaping—General landscape requirements.**
- 20.128.050 Development Standards—Landscaping—Alternative landscape options.**
- 20.128.060 Development Standards—Landscaping—Irrigation.**
- 20.128.070 Development Standards—Landscaping—Landscape installation – Timing.**
- 20.128.080 Development Standards—Landscaping—Urban streetscape/pedestrian boardwalk corridors.**
- 20.128.090 Development Standards—Landscaping—Roadway corridors and street frontages.**
- 20.128.100 Development Standards—Landscaping—Buffers and urban buffers.**
- 20.128.110 Development Standards—Landscaping—Walkway and trail corridors.**
- 20.128.120 Development Standards—Landscaping—Greenways.**
- 20.128.130 Development Standards—Landscaping— Street trees.**
- 20.128.140 Development Standards—Landscaping— Buildings and yards.**
- 20.128.150 Development Standards—Landscaping—Screening.**
- 20.128.160 Development Standards—Landscaping—Parking lots.**
- 20.128.180 Development Standards—Landscaping— Significant tree retention.**
- 20.128.190 Development Standards—Landscaping—Significant tree retention plan.**
- 20.128.200 Development Standards—Landscaping—Incentives for retaining significant trees.**
- 20.128.210 Development Standards—Landscaping—Protecting significant trees.**
- 20.128.220 Development Standards—Landscaping—Replacement of significant trees.**
- 20.128.230 Development Standards—Landscaping—Tremont Street corridor overlay district landscape standards (TRMT).**
- 20.128.231 Development Standards—Landscaping—TRMT landscape standards – Generally.**
- 20.128.232 Development Standards—Landscaping—TRMT landscape as buffering.**
- 20.128.234 Development Standards—Landscaping—TRMT landscape area ratio.**
- 20.128.236 Development Standards—Landscaping—TRMT landscape irrigation.**
- 20.128.237 Development Standards—Landscaping—TRMT landscape maintenance.**
- 20.128.238 Development Standards—Landscaping—TRMT landscape sizes.**
- 20.128.239 Development Standards—Landscaping—TRMT landscape spacing.**
- 20.128.240 Development Standards—Landscaping—Downtown overlay district landscape standards (DOD).**
- 20.128.290 Development Standards—Landscaping—Maintenance.**
- 20.128.295 Development Standards—Landscaping—Bonds and security.**
- 20.128.296 Development Standards—Landscaping—Landscape design requirements.**
- 20.128.297 Development Standards—Landscaping—Suggested landscape materials.**

**20.128.010 Development Standards—Landscaping—Purpose.**

(1) The purpose of this chapter is to preserve the aesthetic character of the community, improve the aesthetic quality of the built environment, promote retention and protection of existing native vegetation, reduce the impacts of development on storm drainage systems and natural habitats, and increase privacy for residential zones.

(2) These goals are established through standards that:

(a) Provide visual relief from large expanses of parking areas and reduce perceived building scale;

(b) Provide physical separation between residential and nonresidential areas;

(c) Provide visual screens and barriers as a transition between differing land uses;

(d) Retain existing vegetation and significant trees by incorporating them into the site design;

(e) Promote the use of native and drought-tolerant plant materials; and

(f) Provide areas of permeable surface to allow for infiltration of surface water into groundwater resources, reduce the quantity of stormwater discharge, and improve the quality of stormwater discharge.

**20.128.020 Development Standards—Landscaping—Applicability.**

(1) All development shall be subject to the landscaping provisions and requirements of this chapter; provided, that specific landscaping and tree retention provisions for uses established through a subdivision, short subdivisions, binding site plan, or conditional use permit application shall be determined during the application review process.

(2) Landscaping standards referenced in POMC 20.128.230 through 20.128.239 shall be applicable within the Tremont Street corridor overlay district (TRMT).

(3) Landscaping standards referenced in POMC 20.128.240 shall be applicable within the Downtown overlay district (DOD).

**20.128.030 Development Standards—Landscaping—Exempt areas.**

Development along both sides of Bay Street from the crosswalk at Harrison Avenue to Orchard Avenue is exempt from the landscaping requirements of this chapter.

**20.128.032 Development Standards—Landscaping—Landscape materials.**

Recommended species/variations of suitable landscape plants are shown in Table 20.128.297, Suggested Landscape Materials. An applicant may select from the suggested list or propose other alternative planting materials based on the objectives for the landscape zones outlined in this chapter.

All proposed landscape plantings within these zones shall be reviewed and approved by the Director or his or her designee.

**20.128.035 Development Standards—Landscaping—Integration with LID stormwater management facilities.**

The required landscape design requirements in this chapter may be integrated with LID stormwater management facilities and BMPs unless site and soil conditions make LID infeasible, subject to the approval of the Director and Public Works Department. LID facilities shall not compromise the purpose or intent of required landscaping and landscaping shall not result in the disruption of the LID facilities' functions. LID facilities shall be designed and constructed in accordance and the LID Technical Guidance Manual for Puget Sound (current edition).

**20.128.040 Development Standards—Landscaping—General landscape requirements.**

Landscape designs shall conform to the following provisions:

- (1) New landscaping materials shall include native or ornamental species that have adapted to the climatic conditions of the coastal region of the Pacific Northwest. Required minimums are indicated in Table 20.128.296, Landscape Design Requirements.
- (2) New landscape materials shall include drought-tolerant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
- (3) Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
- (4) Trees shall have a caliper of the dimensions shown in Table 20.128.296, Landscape Design Requirements, measured four feet above ground level at the time of planting. The caliper may be averaged, but no individual tree shall have a caliper of less than 75 percent of the requirement.
- (5) When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows.
- (6) Shrubs shall be at least one gallon in size and of the minimum inches in height at the time of planting shown in Table 20.128.296, Landscape Design Requirements.
- (7) Ground covers shall be planted and spaced to result in total coverage of the required landscape area within the number of years indicated in Table 20.128.296, by using four-inch pots at 18 inches on center, or one gallon or greater sized containers at 30 inches on center.
- (8) Grass may be used as a ground cover only in urban buffer parking lots or filtered areas; provided, that the grass area constitutes no more than 30 percent of such landscape areas.
- (9) Grass and ground cover areas shall contain at least two inches of composted organic material at finish grade. Existing soils shall be augmented with a two-inch layer of fully composted organic material rototilled a minimum of six inches in depth.



(10) Berms should not exceed a slope of two horizontal feet to one vertical foot (2:1), unless there are extenuating circumstances.

(11) Landscape areas shall be covered with two to three inches of mulch. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that is fully composted.

(12) Required street landscaping may be placed within Port Orchard street rights-of-way subject to the Port Orchard road design standards set forth in this Title and with the permission of the city engineer.

**20.128.050 Development Standards—Landscaping—Alternative landscape options.**

The following alternative landscape options may be permitted only if they accomplish equal or better levels of screening and are subject to the review and approval of the planning director:

(1) Total required landscape and tree retention area will not exceed 15 percent of site area.

(2) The width of the perimeter buffer landscape strip may be reduced up to 25 percent along any portion where berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design, or the landscape materials are incorporated elsewhere on-site.

(3) Perimeter landscaping may be reduced up to 25 percent when a development retains an additional 10 percent of the existing significant trees or 10 significant trees per acre on-site (above the requirements for tree retention defined within this chapter), whichever is greater.

(4) The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction.

(5) Within the mixed use district (Mxd) areas subject to a requirement for an urban streetscape/pedestrian boardwalk design, roadway corridor buffering is waived provided the applicant complies with the requirements for street trees, pedestrian pavings, furnishings, and other amenities.

(6) When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site.

(7) Creative designs using groupings of trees may be utilized.

**20.128.060 Development Standards—Landscaping—Irrigation.**

(1) Except for areas of undisturbed existing vegetation or low areas with existing high soil moisture conditions, landscape areas shall have temporary irrigation systems. Such systems may be removed after 24 months or two growing seasons, whichever occurs first; provided, that the plantings are established.

(2) Areas of undisturbed existing vegetation, or areas where existing site conditions assure adequate soil moisture for growth within the required landscape area, shall have temporary irrigation systems only as

required to sustain new plantings and shall be determined on a case-by-case basis by the planning director.

(3) Areas of undisturbed existing vegetation, low areas with existing high soil moisture conditions, or landscape areas consisting of drought-tolerant vegetation may not require permanent irrigation systems. Permanent irrigation systems may be permitted within all other required landscape areas, provided such systems shall be designed with:

(a) Moisture or precipitation sensors;

(b) Automatic timers set for operation during periods of minimum evaporation and that assure adequate moisture levels;

(c) Head-to-head spacing, if sprinkler heads are proposed;

(d) Backflow prevention devices; and

(e) Separate irrigation zones for turf and planting beds, and other nondrought-tolerant species.

**20.128.070 Development Standards—Landscaping—Landscape installation – Timing.**

Landscaping shall be installed no later than five months after issuance of a temporary certificate of occupancy for the project or project phase. The time limit for compliance may be extended to allow landscape installation during the next appropriate planting season.

**20.128.080 Development Standards—Landscaping—Urban streetscape/pedestrian boardwalk corridors.**

(1) Urban streetscape and pedestrian boardwalk corridors are the public right-of-way spaces to be improved for pedestrian walking, shopping, eating, and similar activities in front of retail stores and mixed use structures. The urban streetscape/pedestrian boardwalk corridors shall be as defined in the design overlay districts in this code.

(2) Urban streetscape/pedestrian boardwalk areas shall be landscaped to provide and maintain a design theme that may emphasize a selection of street trees, lighting standards, directional signage, furnishings, pavings, landscape materials, or other major components to be specified within the design overlay districts.

**20.128.090 Development Standards—Landscaping—Roadway corridors and street frontages.**

Roadway corridors and street frontages shall be landscaped based on the different pedestrian and/or vehicle emphasis to be provided in accordance with the following categories of design and functional treatment. These zones and corridors shall be planted with street trees suitable for a mixed motor vehicle, bicycle, and pedestrian environment.

(1) Commercial Street Corridors. These corridors are the public rights-of-way and the setbacks required within and around roadways and parking lots in the commercial (Co), mixed use (Mxd), employment

(Eo), and community facilities (Cf) zones. The setback from the street right-of-way shall be landscaped to provide “see-through vegetation” that functions as a partial visual separator to soften the appearance of parking areas and building elevations.

(2) Residential Street Corridors. These corridors are the public rights-of-way and the setbacks required within and around collector and arterial roadways and parking lots in all residential zones (R4.5 through R20). These zones shall be landscaped to provide a “filtered screen vegetation” that functions as a visual separator between the street, parking areas, and residential activities.

(3) Parkway Road Corridors. These corridors are the public rights-of-way and the setbacks required along major roadway entries into the community as defined on comprehensive plan maps. These parkway road corridors shall be landscaped to provide a “filtered to view blocking vegetation” using natural materials that provide continuity with adjacent greenway landscapes.

(4) Sight Distance. All physical obstructions, except utility poles and traffic control signs, shall be maintained in a manner that provides for adequate sight distances at street intersections as described below:

(a) A sight distance triangle area as described in subsection (4)(b) of this section shall not contain fencing, berms, vegetation, on-site vehicle parking areas, signs and other physical obstructions between 36 inches and eight feet above the existing street grade.

(b) The sight distance triangle at:

(i) A street intersection shall be determined by measuring 15 feet along both the right-of-way property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle; or

(ii) A site access point shall be determined by measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and

(iii) Any intersection where the posted speed limit exceeds 25 miles per hour, the site distance triangle shall be determined by the table below or the city engineer.

Posted Speed Limit	Design Speed	Minimum Distance for Sight from Center of Intersection
25	30	200 feet
30	35	250 feet
35	40	325 feet
40	45	400 feet
45	50	475 feet

50	55	550 feet
55	60	650 feet

The city engineer may require further restrictions.

(c) If a property owner receives written notice from the city that there is a violation of the above requirements and does not comply to the written notice within the specified time, then such property owner shall be guilty of a civil penalty. In addition to this, the city engineer or his/her designee may prune the trees or take other appropriate action, charge the owner for the cost of the work, record the charges as a lien against the property and collect this amount in a civil action against the property owner. The city shall be entitled to recover its costs and attorney’s fees in such action.

**20.128.100 Development Standards—Landscaping—Buffers and urban buffers.**

(1) Perimeter landscaping along interior lot lines and between zones shall be as provided within Table 20.128.296, Landscape Design Requirements. Perimeter landscaping may be modified where appropriate by the planning director to account for aboveground subregional utility developments and distribution or transmission corridors or other utilities and infrastructure.

(2) Urban buffers shall be landscaped based on the extent to which the activity is to be screened from adjacent uses in accordance with the categories identified below. However, common standards applied to all buffer areas include:

(a) Within the landscape buffer areas about the property, particularly along secondary access roads and around parking lots that do not abut the public pedestrian walkway or trail corridors, site plantings should be grouped to simulate natural stands and should not be planted symmetrically or of even spacing.

(b) Landscape designs should reflect natural planting materials and settings that are representative of the local and regional landscape.

(c) Where practical and feasible, buffer areas should retain existing larger trees and vegetation to maintain continuity with adjacent greenways and natural areas.

(d) Within higher density residential developments, buffers or open spaces may be grouped into common open space areas that define building placements, provide visual accents, preserve landscape or landform features, or house common activity areas.

(3) Urban Buffers with Filtered Screening. Urban buffers to be filter screened are the perimeter landscape areas provided between nonresidential land uses within the commercial (Co), mixed use (Mxd), employment (Eo), and community facilities (Cf) zones. These buffers shall function as a visual separator between uses within these zones. The plant materials and design may mix evergreen and deciduous trees and shrubs to create a filtered screen effect.

(4) Urban Buffers with Full Screening. Urban buffers to be fully screened are the perimeter landscape areas provided between residential and nonresidential zones. These buffers shall function as a visual

barrier to obscure views of incompatible activities and improvements. The plant materials and design may include a mix of primarily evergreen trees and shrubs to form an effective full screen effect.

**20.128.110 Development Standards—Landscaping—Walkway and trail corridors.**

Landscaping along the public walkway or trail corridor may utilize the street trees and plant materials palette selected for the public walkway or trail corridor. Improvements within the adjoining private spaces, such as outdoor eating areas, plazas, and the like, should incorporate or continue the same plantings in order to enhance the definition of the corridor.

**20.128.120 Development Standards—Landscaping—Greenways.**

Greenways shall be maintained, enhanced, and replanted, where appropriate, based on the type of habitat to be conserved in accordance with the following categories:

(1) Greenways of Upland Habitat.

(a) Upland greenways are the sensitive environmental areas located on steep, eroding, or geologically hazardous slopes as defined within this code and within the comprehensive plan.

(b) The landscape within this zone shall be maintained or enhanced with native materials that provide habitat and cover for upland wildlife species.

(2) Greenways of Wetland and Stream Habitat.

(a) Wetland greenways are the sensitive environmental areas located on impermeable or slowly draining soils, wetlands and other freshwater bodies, and the required buffer areas adjacent to wetlands and streams as defined within this code and within the comprehensive plan.

(b) The landscape within this zone shall be maintained or enhanced with native materials that provide habitat and cover for wetland wildlife species.

(3) Shorelines.

(a) Shorelines are the sensitive environmental areas and buffer zones located along the fresh and saltwater shores and banks as defined within this code and within the comprehensive plan.

(b) The landscape within this zone shall be maintained or enhanced with native materials that provide habitat for marine and estuarine wildlife species.

**20.128.130 Development Standards—Landscaping—Street trees.**

(1) Street trees shall be planted along roadways and street frontages as indicated within the accompanying Table 20.128.296 on landscape design requirements. Tree spacing shall consider the mature height and spread of the tree species.

(2) Street tree species, where not designated in accordance with a design overlay district's requirements, may be selected from the suggested landscape materials list, Table 20.128.297, and shall be subject to the review and approval of the planning director.

(3) The trees may be located within the street right-of-way subject to the review and approval of the city engineer and accounting for any possible future street widening or improvements.

(4) Street trees within the public right-of-way shall be maintained according to the standards established by the planning director.

(5) Street trees may be spaced at irregular intervals where necessary to accommodate sight distance requirements for driveways, intersections, street lights, and signage.

**20.128.140 Development Standards—Landscaping—Buildings and yards.**

(1) The landscape design should highlight and focus views of the building frontages and entries, particularly retail window displays, pedestrian areas, and amenities. The design should create a special or individual character of the private portions of each property and building.

(2) Vines may be planted on buildings, fences, walls and other blank surfaces, particularly structures faced with brick and masonry or that are enhanced with trellis overhangs.

(3) Moveable planters with seasonal plantings should be placed at building entries, particularly within alcoves and inner courtyards.

(4) All plantings, particularly ornamentals, should be provided irrigation or other watering methods to ensure plant survival.

**20.128.150 Development Standards—Landscaping—Screening.**

Landscape, fence or other improvements should be erected to visually screen refuse, storage, loading docks, and other areas that are not to be accessible or viewed from public walkways, corridors, and roadways. Latches and other devices should be used to secure refuse and storage areas from animals and children.

**20.128.160 Development Standards—Landscaping—Parking lots.**

(1) Landscaping within parking lots that are shared or used in common by residential developments, and within all nonresidential parking areas and lots, shall be as provided within the accompanying Table 20.128.296, Landscape Design Requirements.

(2) The maximum distance between any parking stall and required parking area landscaping shall be no more than every 13 stalls.

(3) Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang.

(4) Urban parking areas shall be landscaped to provide shade and visual relief while maintaining clear sight lines within parking and access areas. Shrubs will not exceed a height of three feet around parking lot entries, access aisles, and other vehicle maneuvering areas in order not to visually block views among vehicles and pedestrians.

(5) The plant materials and landscape design may mix evergreen and deciduous trees to create a continuous canopy.

(6) Plantings may be contained in planting islands or strips having an area of at least 75 square feet with a narrow dimension of not less than four feet that is unobstructed by vehicle overhang.

(7) Shade trees and ground covers should be installed in parking medians and/or landscape set-asides in parking areas and lots to soften the visual impact, reduce glare, and provide visual interest.

#### **20.128.180 Development Standards—Landscaping—Significant tree retention.**

Significant trees should be retained in all zones as follows:

(1) Removal of any significant tree with a DBH (diameter at breast height) of 36 inches or greater shall require city council approval upon the following standards:

(a) The proposed use cannot reasonably accommodate the retention of the significant tree.

(b) The significant tree shall be replaced in accordance with POMC 20.128.220.

(c) All significant trees located within any required buffer area or required landscape planting area should be retained to the extent practical and feasible.

(d) Tree retention adjacent to critical areas is desirable.

(e) Utility developments including roadways may be exempt from the significant tree retention requirements of this chapter.

(f) If significant trees were previously located in a closed, forested situation, an adequate buffer of smaller trees shall be retained or replaced on the fringe of such significant trees.

(g) A grouping of three or more existing healthy trees with canopies that touch or overlap may be substituted for each required significant tree, provided each tree has a diameter of at least three inches when measured four feet above grade.

(2) Except as provided in subsection (3) of this section, significant trees to be retained shall not include significant trees that are identified by a licensed arborist as damaged or diseased or a safety hazard due to potential root, trunk or primary limb failure, or exposure of mature trees which have grown in a closed, forested situation.

(3) At the discretion of the planning director, damaged or diseased or standing dead trees may be retained and counted toward the significant tree requirement if demonstrated that such a tree will provide important wildlife habitat and is not classified as a danger tree.

**20.128.190 Development Standards—Landscaping—Significant tree retention plan.**

The applicant shall submit a tree retention plan concurrent with a grading permit, building permit or preliminary subdivision application, whichever is reviewed and approved first. The tree retention plan shall consist of:

(1) Tree survey that identifies the location, size, and species of individual significant trees or the perimeter of stands of trees on a site. For forested sites, the tree survey may use a standard timber cruising method to reflect general locations, numbers, and groupings of significant trees. For detailed site plans and grading applications, the tree survey may be conducted by a method that locates individual significant trees near edges of tree protection areas.

(2) The tree retention plan identifying the significant trees that are proposed to be retained should show the locations of tree protection fence that protects the critical root zones of the trees.

**20.128.200 Development Standards—Landscaping—Incentives for retaining significant trees.**

Each significant tree that is located outside of the area for perimeter buffer landscaping and is retained may be credited in a ratio up to two trees for complying with the retention requirements of this chapter.

**20.128.210 Development Standards—Landscaping—Protecting significant trees.**

To provide the best protection for significant trees:

(1) No clearing shall be allowed on a site until approval of tree retention and landscape plans.

(2) The root protection zone is equal to one foot radius for every one inch of tree DBH unless individual tree evaluation by a certified arborist recommends modification to the guidelines. It shall be identified prior to construction with a temporary five-foot-high chain-link or orange mesh fence.

(3) No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the root protection zone.

(4) Alternative protection methods may be used if determined by the planning director to provide equal or greater tree protection.

**20.128.220 Development Standards—Landscaping—Replacement of significant trees.**

When the required number of significant trees cannot be retained, significant trees that are removed shall be replaced with:

(1) New trees measuring 2.5-inch caliper and six feet in height, at a replacement rate of three trees for each significant tree removed.



(2) If the site does not allow for planting all replacement trees, trees can be planted on another site approved by the planning director.

**20.128.230 Development Standards—Landscaping—Tremont Street corridor overlay district landscape standards (TRMT).**

The general landscape standards set forth in this chapter shall apply unless a more restrictive provision is set forth in the TRMT specific landscape standards set forth in POMC 20.128.231 through 20.128.239.

**20.128.231 Development Standards—Landscaping—TRMT landscape standards – Generally.**

The following guidelines are to be addressed in all landscape plans in the Tremont overlay:

(1) Significant trees shall be preserved where possible (some may be moved and transplanted). Removal of any significant tree requires pre-approval from the planning director.

(2) Emphasize use of varieties which require low maintenance and drought-tolerant species in public and commercial areas and in large landscape areas.

(3) A minimum of 25 percent of the site shall be landscaped. Required landscaping within parking areas may not be counted as contributing to this requirement. However, landscaping for and within setback areas may be counted toward meeting the 25 percent requirement. A minimum five-foot landscaped area shall be installed around all parking lots.

**20.128.232 Development Standards—Landscaping—TRMT landscape as buffering.**

Buffering between noncompatible land uses is considered critical in maintaining the existing character of Tremont Street. The following standards are to be used in designing a landscape buffer:

(1) Landscape buffers, in conjunction with decorative fencing, is the preferred method to screen adjacent land uses.

(2) Evergreen trees having minimum size of 15 gallons shall be planted and staked at least 20 feet on center, depending upon the species, or clustered in equal amounts to screen parking or architecture.

(3) A six-foot-high wall may be placed on or just inside the property line. A ten-foot landscape strip area will be provided on the inside of the wall. The wall should be lowered to three feet within the front setback area.

**20.128.234 Development Standards—Landscaping—TRMT landscape area ratio.**

A minimum of one 15-gallon size tree (25 feet or higher at maturity) for every 625 square feet of landscaping, and one shrub or vine for every 50 square feet of landscaping are required; at least 25 percent of shrubs shall be of a flowering variety.

**20.128.236 Development Standards—Landscaping—TRMT landscape irrigation.**

Automatic sprinkler or drip irrigation systems for all commercial or multifamily projects shall be provided.

**20.128.237 Development Standards—Landscaping—TRMT landscape maintenance.**

All plantings shall be kept healthy and growing with all planting areas free of weeds and debris. Each project will have a bond recorded insuring planting materials will be well maintained; such bond shall remain in place for one year after project completion.

**20.128.238 Development Standards—Landscaping—TRMT landscape sizes.**

(1) Trees shall be a minimum of one gallon size and be at least eight feet at time of planting. Shrubs shall be a minimum of one gallon size at time of planting. All deciduous trees shall be double staked and properly fertilized upon planting. Give consideration for rapidly growing trees.

(2) The ground cover shall be healthy, densely foliated, and consist of one-gallon container plants. Herbaceous and flat ground covers shall be planted no more than 12 inches on center. Woody shrub ground cover shall be planted no more than four feet on center (e.g., evergreens, junipers).

**20.128.239 Development Standards—Landscaping—TRMT landscape spacing.**

Spacing of trees and shrubs shall be appropriate for each individual species and growing characteristics. Plant materials shall conform to the following spacing standards:

(1) A minimum of 25 feet from the property corner at a street intersection to the center of the first tree or large shrubs. Shrubs less than three feet in height are allowed within this clear sight triangle.

(2) A minimum of 15 feet between center of trees or large shrubs and fire hydrants.

(3) A minimum of 10 feet between center of trees or large shrubs and edge of driveway.

**20.128.240 Development Standards—Landscaping—Downtown overlay district landscape standards (DOD).**

The general landscape standards set forth in this chapter shall apply to all development in the DOD unless a more restrictive provision is set forth in this section, and then this section shall control.

(1) New development and existing uses along both sides of Bay Street between Bank Street and Seattle Avenue shall be exempt from the landscaping requirements of the land use and development regulatory code and these regulations.

(2) New development that is adjacent to the water shall provide landscaping on the waterside facade as well as on the street frontage.

(3) New development on waterfront lots that abut the north side of Bay Street between Bank Street and Seattle Avenue shall provide landscaping on the waterside facade only.

(4) For buildings which include residential uses on the upper floors, up to 25 percent of the landscaping requirements may be fulfilled by providing rooftop gardens and upper floor terraces and decks. Rooftop gardens, terraces, and decks shall not count against the 75 percent gross floor area limitation described in POMC 16.20.219.

**20.128.290 Development Standards—Landscaping—Maintenance.**

(1) All landscape materials and significant trees, in all zones and/or overlay districts, except within critical areas or buffers, shall be maintained in a healthy growing condition.

(2) With the exception of dead, diseased or damaged trees specifically retained to provide wildlife habitat; other dead, diseased, damaged or stolen plantings shall be replaced on a one-for-one basis within five months or during the next planting season if the loss does not occur in a planting season.

(3) Landscape areas shall be kept free of trash.

**20.128.295 Development Standards—Landscaping—Bonds and security.**

Performance bonds or other appropriate security (including letters of credit and set aside letters) equal to 125 percent of the estimated value of the plants and installation costs shall be required for a period of two years after the planting or transplanting of vegetation to insure proper installation, establishment, and maintenance.

**20.128.296 Development Standards—Landscaping—Landscape design requirements.**

See Table 20.128.297 for alternatives.

Table 20.128.296  
Landscape Design Requirements

	Urban Streetscapes/ Pedestrian Boardwalks	Roadway Corridors – Commercial Development	Roadway Corridors – Residential Development	Roadway Corridors – Parkways	Urban Buffers – Urban Parking Lots	Urban Buffers – Filtered Screening	Urban Buffers – Full Screening	Greenways – Uplands	Greenways – Wetlands	Shorelines
Planting materials										
Large deciduous trees		X			X			X	X	X
Medium deciduous trees	X	X	X		X			X	X	X
Small deciduous trees	X		X			X		X	X	X
Conifers/broadleaf trees			X	X	X	X	X	X	X	X
Deciduous shrubs	X	X	X		X	X		X	X	X
Evergreen shrubs	X	X	X	X	X	X	X	X	X	X
Ground covers	X	X	X	X	X	X	X	X	X	X
Planting mix – Approximate										
Percent in deciduous trees	100%	100%	50%	30%	70%	50%	30%	30%	70%	70%
Percent in evergreen trees	0%	0%	50%	70%	30%	50%	70%	70%	30%	30%
Plant spacing – Feet on center										

Trees	25	40	40	30	30	30	15	30	30	40
Shrubs					5	5	4	4	4	4
Plant scale at time of planting										
Trees – minimum height in feet	10	10	8	8	10	8	8	8	8	8
Trees – minimum caliper in inches	3.0	3.0	2.5	2.5	3.0	2.5	2.5	2.5	2.5	2.5
Shrubs – minimum height in inches	18	18	18	18	18	18	18	18	18	18
Ground cover – years to full coverage	2	2	3	3	2	3	3	3	3	3
Buffer – Depth in feet (subordinate to building setbacks)										
Street frontage		10	10	20				25	25	25
Interior lot line					5	5	10	25	25	25
Parking lot – sf landscape area/stall										
Residential shared parking					20					
Commercial/employment zone lots:										
0 – 30 stalls					20					
30+ stalls					25					
Parking lot – Stalls/tree spacing										
Residential shared parking					8					
Commercial/employment zone lots					4					

Species suggestions – Percent of mix											
Native ground cover and shrubs	75%	75%	75%	75%	75%	75%	75%	75%	100%	100%	100%
Native trees	50%	50%	50%	50%	50%	50%	50%	50%	100%	100%	100%
Drought-tolerant	60%	60%	60%	60%	60%	60%	60%	60%	100%	100%	100%

**20.128.297 Development Standards—Landscaping—Suggested landscape materials.**

Table 20.128.297  
Suggested Landscape Materials

		Urban Streetscapes/ Pedestrian Boardwalks	Roadway Corridors/ Street Frontage	Parking Lot Trees	Urban Buffer Areas	Greenways – Uplands	Greenways – Wetlands/ Streams	Shorelines	Native Materials	Drought-Tolerant
Large deciduous trees										
Acer macrophyllum	Bigleaf Maple					X	X		X	
Acer rubrum species	Red Maple variety	X	X	X	X			X		
Acer saccharum	Sugar Maple			X	X					
Acer truncatum X platanoide	Pacific Sunset Maple	X	X							

Acer platanoides species	Norway Maple variety	X	X	X	X			X		
Alnus rebra	Red Alder					X	X		X	X
Carpinus betulus 'Fastigiata'	Columnar European Hornbeam	X	X							
Fagus sylvatica	European Beech				X			X		X
Fraxinus latifolia	Oregon Ash					X	X		X	
Fraxinus oxycarpa 'Raywood'	Raywood Ash	X	X							
Gingko bilboa 'Sentry'	Columnar Maidenhair				X					X
Liquidambar styraciflua	American Sweetgum	X	X	X	X			X		X
Liriodendron tulipifera	Tulip tree				X					
Magnolia grandiflora 'St. Mary'	Evergreen Magnolia	X	X							
Platanus x acerifolia	London Plane				X					
Quercus species	Oak variety	X	X	X	X					X
Quercus robur 'Fastigiata'	Upright English Oak			X	X			X		X

Quercus rubra	Northern Red Oak	X	X	X	X					X
Salix species	Willow variety						X	X	X	
Tillia americana 'Redmond'	Redmond Linden	X	X							
Tillia cordata	Littleleaf Linden	X	X	X	X			X		
Tillia cordata 'Greenspire'	Greenspire Linden	X	X							
Medium deciduous trees										
Acer campestre	Hedge Maple			X						X
Betula species	Birch variety				X					
Carpinus betulus	European Hornbeam	X	X	X	X			X		X
Cercidiphyllum japonicum	Katsura Tree				X					
Cornus nuttallii	Pacific Dogwood					X			X	X
Crataegus laevigata	English Hawthorn	X	X							
Crateagus lavalleyi	Lavalle Hawthorn	X	X							
Fraxinus pennsylvanica	Marshall's Seedless Ash	X	X	X	X					X
Populus tremuloides	Quaking Aspen						X		X	
Prunus species	Flowering Cherry variety	X	X	X	X			X		



Prunus sargentii	Sargent Flowering Cherry	X	X							
Prunus sargentii 'Columnaris'	Columnar Sargent Flowering Cherry	X	X							
Prunus serrulata 'Kwanzan'	Kwanzan Flowering Cherry	X	X							
Pyrus calleryana species	Flowering Pear variety	X	X	X	X					X
Zelkova serrata 'Village Green'	Sawleaf Zelkova	X	X	X	X					
Small deciduous trees										
Acer circinatum	Vine Maple				X	X	X		X	
Acer davidii	David Maple				X					
Acer ginnala	Amur Maple			X	X			X		
Acer palmatum	Japanese Maple				X					
Amelanchier species	Serviceberry variety				X	X	X		X	
Carpinus species	Hornbeam variety	X	X	X	X			X		X
Cornus florida	Flowering Dogwood				X					
Cornus kousa	Kousa Dogwood			X	X					

Corylus cornuta californica	Western Hazelnut				X	X			X	X
Crataegus species	Hawthorn variety				X	X		X	X	X
Magnolia species	Magnolia variety	X	X	X	X			X		
Malus species	Flowering Crabapple				X					
Prunus species	Flowering Cherry/Plum	X	X		X			X		X
Styrax japonica	Japanese Snowball				X					
Conifers/broadleaf evergreen trees										
Abies grandis	Grand Fir				X	X			X	
Abrutus unedo	Strawberry Tree				X			X		X
Cedrus deodara	Deodar Cedar				X			X		X
Chamaecyparis lawsoniana	Port Orford Cedar				X	X		X	X	X
Chamaecyparis nootkatensis	Alaska Cedar				X	X		X	X	X
Colodectrus decurrens	Incense Cedar				X					
Photinia serrulata	Chinses Photinia				X			X		X
Picea sitchensis	Sitka Spruce				X		X	X	X	
Pinus contorta	Shore Pine			X	X	X		X	X	X

Pinus contorta latifolia	Lodgepole Pine				X			X		X
Pinus densiflora	Japanese Red Pine				X					X
Pinus monticola	Western White Pine				X	X			X	X
Pinus nigra	Austrian Black Pine			X	X			X		X
Pinus ponderosa	Ponderosa Pine				X					X
Pinus sylvestris	Scotch Pine			X	X			X		X
Pinus thunbergii	Japanese Black Pine				X			X		X
Pseudotsuga menziesii	Douglas Fir				X	X		X	X	X
Sequoidendron sempervirens	Coastal Sequoia				X			X		
Taxus brevifolia	Western Yew				X		X	X	X	
Thuja plicata	Western Red Cedar				X		X		X	
Tsuga heterophylla	Western Hemlock				X		X		X	X
Tsuga mertensiana	Mountain Hemlock				X					
Umbellularia californica	California Bay Laurel			X	X			X		X
Deciduous shrubs										

Amelanchier alnifolia	Western Serviceberry				X	X	X	X	X	
Berberis species	Barberry variety				X					X
Callicarpa japonica	Japanese Beautyberry				X					
Cornus stolonifera	Red-Osier Dogwood				X	X	X	X	X	
Enkianthus campanulatus	Red-Veined Enkianthus				X					
Elaegnus species	Elaegnus variety				X			X	X	X
Euonymus alata 'Compacta'	Winged Euonymus				X			X		
Hamamelis mollis	Chinese Witch Hazel				X					
Holodiscus discolor	Ocean Spray					X	X	X	X	X
Hydrangea lacecap varieties	Lacecap Hydrangea				X					
Potentilla fruticosa	Potentilla				X			X		X
Physocarpus capitatus	Pacific Ninebark						X		X	
Rhamnus purshiana	Cascara Sagrada					X	X		X	
Rhus typhina	Staghorn Sumac				X	X			X	X

Ribes sanguineum	Red-Flowering Currant					X	X		X	
Rosa nutkana	Nootka Rose					X	X	X	X	
Rosa rugosa	Rugosa Rose				X			X		X
Rubus parviflorus	Thimbelberry				X	X	X		X	
Rubus spectabilis	Salmonberry				X	X	X	X	X	
Salix species	Willow variety						X	X	X	
Sambucus racemosa	Red Elderberry					X	X	X	X	
Spiraea species	Spiraea variety						X	X	X	X
Symphoricarpos albus	Snowberry					X			X	X
Syringa vulgaris cultivars	Lilacs				X			X		
Vaccinium parvifolium	Red Huckelberry						X		X	
Viburnum x burkwoodii	Burkwood Viburnum				X			X		
Evergreen shrubs										
Arbutus unedo compacta	Compact Strawberry Tree				X			X		X
Cornus alba 'Sibirica'	Siberian Dogwood				X					
Cotoneaster species	Cotoneaster variety				X			X		X

Ilex crenata	Japanese Holly				X					
Kalmia latifolia	Mountain Laurel				X					
Ligustrum japonicum	Japanese Privet				X					
Myrica californica	Pacific Wax Myrtle				X	X	X	X	X	X
Osmarea x burkwoodii	Burkwood Osmarea				X					X
Osmanthus delavayi	Delavay Osmanthus				X			X		X
Photinia frazeri	Japanese Photinia				X			X		X
Pieris floribunda	Mountain Pieris				X			X		
Pieris japonica	Japanese Pieris				X			X		
Prunus lusitanica	Portugese Laurel				X					X
Pinus Mugo	Mugho Pine				X			X		X
Rhododendron species	Rhododendron and Azaleas				X	X		X	X	
Vaccinium ovatum	Evergreen Huckleberry				X	X	X	X	X	
Ground covers										
Arctostaphylos uva-ursi	Kinnikinnick				X	X		X	X	X

Berberis nervosa	Cascade Mahonia				X	X			X	X
Calluna vulgaris	Scotch Heather				X			X		
Caenothus gloriosus	Point Reyes Ceanothus				X			X		X
Cotoneaster microphyllus	Rockspray Cotoneaster				X			X		X
Erica carnea	Winter Heath				X			X		
Erica x darleyensis	Mediterranean Heather				X					
Euonymus fortunei	Winter Creeper Euonymus				X			X		
Gaultheria shallon	Salal				X	X	X	X	X	X
Hypericum calycinum	St. Johnswort				X			X		
Ilex crenata varieties and cultivars	Japanese Holly				X					
Mahonia species	Mahonia variety				X			X		
Pachysandra terminalis	Japanese Spurge				X					X
Sarcococca hookerana	Sarcococca				X					
Vinca minor	Periwinkle				X			X		X

Note: Medium street trees are recommended for planted medians only without tree grates. Source: Hough, Beck & Baird as modified by Galen Wright, Washington Forestry Consultants, Inc.



**Chapter 20.140  
LAND DISTURBING ACTIVITY**

**Sections:**

<b>20.140.010</b>	<b>Land disturbing activity—Purpose and objectives.</b>
<b>20.140.020</b>	<b>Land disturbing activity—Definitions.</b>
<b>20.140.030</b>	<b>Land disturbing activity—Applicability; additional regulations.</b>
<b>20.140.040</b>	<b>Land disturbing activity—Decision type.</b>
<b>20.140.050</b>	<b>Land disturbing activity—Administration.</b>
<b>20.140.060</b>	<b>Land disturbing activity—Permit—Form; exemptions.</b>
<b>20.140.070</b>	<b>Land disturbing activity—Permit—Stormwater drainage permit required; exemptions.</b>
<b>20.140.080</b>	<b>Land disturbing activity—Permit—Submittal requirements.</b>
<b>20.140.090</b>	<b>Land disturbing activity—Permit—Issuance; expiration.</b>
<b>20.140.100</b>	<b>Land disturbing activity—Permit—Final approval.</b>
<b>20.140.110</b>	<b>Land disturbing activity—Standards—Generally.</b>
<b>20.140.120</b>	<b>Land disturbing activity—Standards—Timing of work.</b>
<b>20.140.130</b>	<b>Land disturbing activity—Standards—Drainage.</b>
<b>20.140.140</b>	<b>Land disturbing activity—Standards—Grading.</b>
<b>20.140.150</b>	<b>Land disturbing activity—Standards—Erosion control.</b>
<b>20.140.160</b>	<b>Land disturbing activity—Standards—Hazards.</b>
<b>20.140.170</b>	<b>Land disturbing activity—Maintenance.</b>
<b>20.140.180</b>	<b>Land disturbing activity—Enforcement, violations, and penalties.</b>

**20.140.010 Land disturbing activity—Purpose and objectives.**

(1) This chapter is intended to regulate clearing, grading, and earthwork construction, including cuts and fills, within the City of Port Orchard, to protect public health, safety, welfare, and aesthetics by:

- (a) Preventing damage to property and harm to persons caused by excavations and fills;
- (b) Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
- (c) Protecting water quality from the adverse impacts associated with erosion and sedimentation;
- (d) Minimizing the height, steepness, and number of graded slopes;
- (e) Minimizing the amount of grading after a property is developed and prepared for building construction;
- (f) Minimizing the height and number of rock and retaining walls;

- (g) Protecting critical areas and associated buffers from adverse clearing and grading activities;
- (h) Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
- (i) Establishing minimum access requirements to and around buildings for safety, security, maintenance, and general use and enjoyment of property;
- (j) Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and
- (k) Providing enforcement and penalties for the violation of this chapter.

**20.140.020 Land disturbing activity—Definitions.**

Unless otherwise specifically defined in this chapter, the definitions provided in Chapter 20.150 POMC, Stormwater Drainage, and Chapter 20.06 POMC, Definitions, shall apply to this chapter. If there is conflict between a term as defined in this chapter, Chapter 20.150 POMC, and / or Chapter 20.06 POMC, the definition in this chapter shall first control, then the definition in Chapter 20.150 POMC, then the definition in Chapter 20.06 POMC.

**20.140.030 Land disturbing activity—Applicability; additional regulations.**

- (1) The provisions of this chapter shall apply to all land disturbing activity, as defined in this chapter, in the City of Port Orchard.
- (2) The requirements of this chapter are in addition to other city codes, standards, and regulations. Where conflicts exist between the provisions of this chapter and other codes and standards, the most restrictive shall apply.
- (3) The applicant shall comply with this chapter and the City of Port Orchard Design and Construction Standards, as adopted in Chapter 13 POMC; Appendix J of the International Building Code, as adopted in Chapter 20.200 POMC; Chapter 20.150 POMC, Stormwater Drainage; and all equivalent standards approved by the Director.
- (4) Requirements administered by other state and local agencies may also apply to clearing and grading activity. The responsibility for determining the existence and application of other agency requirements rests solely with the applicant.

**20.140.040 Land disturbing activity Decision type.**

A land disturbing activity permit is a Type II action and shall be reviewed and considered in accordance with the procedures for such actions as set forth in Subtitle II of POMC Title 20 and this chapter.

**20.140.050 Land disturbing activity—Administration.**

(1) The Director shall have the authority to develop and implement procedures to administer and enforce this chapter.

(2) A land disturbing activity permit may be issued as a component of a building permit, or other permit, rather than as a separate permit. The Director may require that single-family building permits and land disturbing activity permits be combined.

(3) As a condition of any permit issued for activity covered by this chapter, the property owner shall be required to consent to entry upon the land by the Director or his/her designee at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this chapter. If the land is occupied, the Director shall first present proper credentials and request entry. If the land is unoccupied, a reasonable effort shall be made to locate the owner or other persons at the site who are in apparent charge or control of the land and demand entry. If no person is located, the Director may enter said property and shall, with due diligence, make attempts to notify the owner, occupant, or other person having charge within a reasonable amount of time of the entry.

**20.140.060 Land disturbing activity—Permit—Form; exemptions.**

(1) **Permit required.** A land disturbing activity permit is required to be submitted for all land disturbing activity and must be obtained prior to the commencement of any land disturbing activity unless the activity is exempted in this section. A land disturbing activity permit shall be required regardless of any other permits issued by any other department or governmental agency who may be interested in certain aspects of the proposed work.

(2) **Permit form.** Applications shall be on forms prescribed by the Director and shall include such information as deemed necessary by the Director to establish compliance with this chapter.

(3) **Permit exemptions.** If a person or entity determines that a proposed land disturbing activity is exempt from obtaining a land disturbing activity permit under this chapter, the person or entity may consult with the department to confirm the determination or to ensure compliance with other applicable requirements of this code. A consultation may be requested in the form of a pre-application meeting.

(4) **Permit fee.** Application fees shall be collected pursuant to the city's current fee schedule to compensate the department for the investigation, permit administration, plan review, and ongoing monitoring/inspection of all clearing and grading permit applications. Additional review fees required under this code may be applicable to individual land disturbing activity permit applications, including, but not limited to, shoreline management, SEPA, and critical areas review fees.

(5) **Increased fee for work without a permit.** Whenever any work for which a land disturbing activity permit is required by this chapter has been commenced without first obtaining a valid permit, the city may double the application fee. This fee increase may be imposed in addition to any other enforcement procedures pursuant to this chapter.

(6) Any rockery or other retaining structure greater than four (4) feet in height shall be permitted under a separate building permit.

**20.140.070 Land disturbing activity—Permit—Stormwater drainage permit required; exemptions.**

**(1) Stormwater drainage permit required.** Except as specifically exempt herein, the issuance of a stormwater drainage permit pursuant to Chapter 20.150 POMC shall be required for all activities requiring a land disturbing activity permit under this chapter.

**(2) Exemptions.** The following land disturbing activities do not require the issuance of a stormwater drainage permit; provided, that an exemption from issuance of a stormwater drainage permit under this section does not constitute an exemption from the other requirements of this chapter or Chapter 20.150 POMC:

- (a)** Excavation for utilities, or for wells or tunnels, under a separate permit.
- (b)** An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt the placement of any fill material removed from such an excavation and shall not exempt any excavation beyond the limits of the basement or footing excavations nor exempt excavations having an unsupported height greater than five (5) feet after the completion of such a structure.
- (c)** Agricultural crop management outside of critical drainage areas limited to the preparation of soil by turning, discing, or other means endorsed by the Kitsap conservation district.
- (d)** Excavation for cemetery graves.
- (e)** Landscape installation where fill is confined to less than one (1) foot of topsoil and land disturbing activities are limited to less than one (1) acre.
- (f)** The disposal of solid waste, wood waste, problem waste, and demolition waste authorized pursuant to Chapter 70.95 RCW, and regulations presently enacted or as may be amended or as specifically approved by the Bremerton-Kitsap County health district.
- (g)** Mining, quarrying, excavating, processing, and/or stockpiling of rock, sand, gravel, aggregate, or clay where established and provided by law and a permit for said activity has been issued by the state of Washington or the federal government, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous land.
- (h)** Exploratory excavations under the direction of a qualified civil engineer.
- (i)** Grading activities already approved by separate permit granted by any governing authority.
- (j)** Emergency sandbagging, diking, ditching, filling, or similar work during or after periods of extreme weather conditions when done to protect life or property.
- (k)** Maintenance activities within public rights-of-way performed by city personnel.

**20.140.080 Land disturbing activity—Permit—Submittal requirements.**

- (1) General requirements.** Each application for a land disturbing activity permit shall be accompanied by plans and specifications and other supporting data, as applicable. The plans and specifications shall be prepared and signed by a civil engineer registered to practice in the State of Washington. Plans and specifications for single-family residential construction shall not require preparation by a licensed engineer unless deemed necessary by the City Engineer.
- (2) Soils Report.** A soils report shall be prepared by a licensed soils or geotechnical engineer and shall cover all portions of the project within the engineer's expertise, including site history; geologic structures; surface conditions; subsurface conditions; recommendations for foundation support, site preparation, structural fill, slope stability, and mitigation; design parameters for retaining structures and structure backfill, surface and subsurface drainage, dewatering, excavation conditions, and hazards; seismic conditions, erosion, and sedimentation hazards and controls; use of on-site materials for structural fill and backfill; and pavement design. The soils or geotechnical engineer shall be retained as the engineer-of-record for the duration of the project.
- (3) Grading Plan.** Land disturbing activities that include grading and which meet the definition of a major development shall be required to have an approved engineered grading plan.
- (4) Abbreviated Grading Plan.** Land disturbing activities that include grading and which meet the definition of a minor development will require an approved abbreviated grading plan in lieu of an engineered grading plan. An abbreviated grading plan is a grading plan that does not require the seal of a professional civil engineer.
- (5) Erosion and Sedimentation Control.** The grading plan shall include a temporary erosion and sedimentation control plan. The plan shall clearly indicate the construction sequence for establishment of all erosion and sedimentation control work, both temporary and permanent. The plan shall conform to all requirements and standards for erosion and sedimentation control set forth in this chapter.
- (6) Critical Areas.** If the land disturbing activity is proposed to take place in or adjacent to a critical area as regulated in Chapter 20.162 POMC, additional information as required by that title shall be submitted with the application.

**20.140.090 Land disturbing activity—Permit—Issuance; expiration.**

- (1) Issuance.**

  - (a) After an application has been filed and reviewed, the Director shall determine that the land disturbing activity complies with the other provisions of this chapter, chapter 15.32 POMC, and all other applicable provisions of this code or request that the application be corrected or amended to comply with the same.
  - (b) No land disturbing activity permit shall be issued until approved by any and all federal, state, and local agencies having jurisdiction, by laws or regulations, pertaining to the proposed work.
  - (c) Upon approval of the application and issuance of the land disturbing activity permit, no work shall be done that is not provided for in the permit.

- (2) **Mitigation.** In issuing a land disturbing activity permit, the Director may require measures to mitigate the impacts of the land disturbing activity.
- (3) **Inactivity.** An application for a land disturbing activity permit may be canceled for inactivity if an applicant fails, without reasonable justification, to respond to the Director's written request for revisions or corrections within sixty (60) days of receipt of such request. The Director may extend the response period beyond sixty (60) days if the applicant provides and adheres to a reasonable schedule for submitting the full revisions.
- (4) **Permit expiration.** Land disturbing activity permits expire as follows:
  - (a) If a building permit is issued for the same site, the land disturbing activity permit shall automatically expire or be extended when the building permit expires or is extended; or
  - (b) If a building permit is not issued for the same site, the land disturbing activity permit shall expire if the authorized work has not begun within 180 days from the date of permit issuance, or if work is abandoned for over sixty (60) consecutive days, unless an extension has been granted. The applicant shall be responsible for notifying the Director, in writing, if delays or unforeseen circumstances are impacting the start or continuation of the work. If the authorized work is continually performed, the permit shall expire one (1) year from the date of issuance, unless a different time frame is specified on the permit or an extension is granted.
- (5) **Permit extensions.** Up to two one-year extensions may be granted by the Director; provided, that conditions which were relevant to issuance of the permit have not changed substantially and no material detriment to the public welfare will result from the extension. The applicant shall be responsible for notifying the Director, in writing, if delays or unforeseen circumstances are impacting the completion of the work. An extension may be granted by the Director, provided the applicant provides the following:
  - (a) A written request and applicable fee. The request should be submitted no later than sixty (60) days prior to expiration of the permit; and
  - (b) The applicant's project engineer submits a signed statement certifying that they have reviewed the current physical conditions of the site and such conditions have not changed to a degree as to require a revision to the design of the site in order to remain consistent with the applicable standards and requirements which were in effect at the time of the original land disturbing activity permit approval and the associated land use approval (if any).
- (6) **Failure to pick up permit.** When a land disturbing activity permit is ready to be issued, the applicant shall be notified and must pick up the permit within sixty (60) days of notification. If the permit is not picked up within sixty (60) days of notification, it may be canceled by the Director and become null and void. If the permit is canceled, the Director shall notify the applicant by mail. Permit review fees are not refundable for a permit that is canceled due to a failure to pick up.

**20.140.100 Land disturbing activity—Permit—Final approval.**

- (1) The Director shall give final approval to the land disturbing operations once all the work is completed per the permit. The following must be completed, as a minimum, prior to final approval:

- (a) All land disturbing activity must be complete;
  - (b) The site shall be permanently stabilized, temporary erosion control measures removed, and storm drainage control facilities constructed and operational;
  - (c) The site shall be in a neat and orderly manner, free from junk, trash, debris, equipment, stockpiles and other construction materials;
  - (d) All required reports, certification letters, as-built drawings, and other documents shall be submitted and approved by the City;
  - (e) The site shall be free of hazards; and
  - (f) All disputes regarding property damage caused by the clearing and grading operations shall be resolved to the satisfaction of the Director.
- (2) The Director shall not issue final approval for any development proposal or issue a certificate of occupancy or final building inspection for property that has not received final approval for the land disturbing activity operations.
- (3) **Final Reports.** Upon completion of the land disturbing activity, the professionals having conducted inspections in their respective areas shall submit, in a form acceptable to the Director, final reports certifying that all portions of the project pertaining to their area of expertise have been constructed in accordance with the approved plans and specifications. The reports shall identify problems encountered, field changes, methods or designs utilized to correct deficiencies, and other information deemed necessary by the Director.
- (a) **Geotechnical Engineer.** For clearing and grading activities, the geotechnical engineer shall submit a final soil grading report prepared by the geotechnical engineer, including locations and elevations of field density tests, summaries of field and laboratory tests, final description of the geology of the site including any new information disclosed during the grading and the effect of same, and other substantiating data and comments on any changes made during grading and their effect on the recommendation made in the approved geotechnical report. The geotechnical engineer shall provide certification as to the adequacy of the site for the intended use as affected by soil and geologic factors.
  - (b) **Civil Engineer.** For clearing and grading activities, a civil engineer shall submit an as-built grading plan, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and locations and elevations of all surface and subsurface drainage facilities. The civil engineer shall provide certification that the work was done in accordance with the final approved grading plan. Upon completion of the work, a reproducible as-built drawing, stamped by the civil engineer of record, of the storage, conveyance, and discharge elements of the detention system and the newly constructed downstream components of the storm drainage system shall be required. The Director may require additional information in respect to any significant deviations from the approved plans, specifications, or reports.

- (c) Special Inspectors. Special inspectors, if any, shall submit final reports describing original and final conditions, changes, and methods utilized to correct deficiencies or mitigate specific conditions.

**20.140.110 Land disturbing activity—Standards—Generally.**

- (1) This chapter sets forth minimum standards which shall apply to land disturbing activities as defined in chapter 20.150 POMC. For circumstances not specifically addressed in this chapter or the Stormwater Design Manual, the provisions of the Uniform Building Code shall apply.
- (2) All land disturbing activities within the City, regardless of whether a permit is required, shall meet the performance and restoration standards and requirements of this chapter and shall include the use of low impact development best management practices pursuant to chapter 15.32 POMC to reduce erosion and protect water and air quality.
- (3) All land disturbing activities within critical areas and their associated buffers shall conform to the applicable provisions of this chapter and Title 18 POMC. The applicant shall be responsible for obtaining and coordinating all required state or federal permits associated with the filling of wetlands or other regulated activities.

**20.140.120 Land disturbing activity—Standards—Timing of work.**

All work permitted under this chapter shall proceed continuously to completion in an expeditious manner unless otherwise authorized by the Director, with the intent that work may be halted due to weather conditions or the need to coordinate other construction on the project site. Stormwater management permits, issued for grading only, shall be administered in accordance with Chapter 20.150 POMC.

**20.140.130 Land disturbing activity—Standards—Drainage.**

- (1) All land disturbing activities shall conform to the requirements of this chapter concerning stormwater management.
- (2) Where required by the Director, all discharge of runoff from the project site shall be of like quality, flow rate, and velocity as that which flowed from the project site prior to the work for which the stormwater management permit has been issued.
- (3) Stormwater flows shall be accepted onto, and shall be discharged from, a project site at the natural or otherwise legally existing locations.

**20.140.140 Land disturbing activity—Standards—Grading.**

- (1) The maximum surface gradient on any artificially created slope shall be two feet of horizontal run to one foot of vertical fall. This gradient may be increased to that gradient which can be demonstrated through engineering calculations to be stable, if, in the opinion of the director, it has been demonstrated by the applicant through engineering calculations performed by a qualified



professional engineer that surface erosion can be controlled to that erosion rate equal to a properly stabilized two to one slope under the same conditions.

- (2) The applicant shall, at all times, protect adjacent private properties and public rights-of-way or easements from damage occurring during grading operations. The applicant shall restore public improvements damaged by his/her operations.

#### **20.140.150 Land disturbing activity—Standards—Erosion control.**

- (1) **Minor Developments.** All minor developments, as defined in Chapter 20.150 POMC, shall be required to control erosion and sedimentation during construction, to permanently stabilize soil exposed during construction, and to comply with the minor development requirements described in this section.

#### **(2) Minor Development Requirements.**

- (a) **Construction Access Route.** Construction vehicle access shall be, whenever possible, limited to one route. Access points shall be stabilized with quarry spall or crushed rock to minimize the tracking of sediment onto public roads.
- (b) **Stabilization of Denuded Area.** All exposed and unworked soils not actively being worked shall be stabilized by suitable application of BMPs. From September 15th through April 30th, soils not actively being worked shall remain unstabilized for no more than 48 hours. From May 1st through September 14th, the owner or contractor shall have the materials readily available to stabilize denuded areas as site and weather conditions dictate. Prior to leaving the site, stormwater runoff shall pass through a sediment pond, sediment trap, or other appropriate BMP.
- (c) **Protection of Adjacent Properties.** Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs.
- (d) **Maintenance.** All erosion and sediment control BMPs shall be regularly inspected and maintained to ensure continued performance of their intended function.
- (e) **Other BMPs.** Any adverse effects of increased runoff resulting from land disturbing and/or land development activities shall be controlled by appropriate BMPs.

- (3) **Major Developments.** Any new development meeting the definition of a major development in chapter 20.150 POMC shall comply with subsection (4) of this section. For any redevelopment project meeting the definition of a major development, those portions of the site that are being redeveloped shall comply with subsection (4) of this section.

#### **(4) Major Development Erosion and Sedimentation Control Minimum Requirements.**

- (a) **Erosion and Sedimentation Control Plan Required.** Compliance with the erosion and sedimentation control requirements of this section shall be demonstrated through the

implementation of an approved erosion and sedimentation control plan.

- (b) Stabilization and Sediment Trapping.** All exposed soils shall be stabilized by suitable application of BMPs, including but not limited to sod or other vegetation, mat covering, mulching, or application of compacted ground base material on areas to be paved. All BMPs shall be selected, designed and maintained in accordance with the manual. From September 15th through April 30th, soils not actively being worked for more than 48 hours shall be protected or stabilized. From May 1st through September 14th, soils not actively being worked for more than seven days shall be protected and stabilized by the owner or contractor.
- (c) Delineate Clearing and Easement Limits.** Clearing limits and/or any easements, setbacks, sensitive/critical areas and their buffers and drainage courses shall be clearly marked in the field, and on the construction plans.
- (d) Protection of Adjacent Properties.** Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs.
- (e) Timing and Stabilization of Sediment Trapping Measures.** Sediment ponds and traps, perimeter dikes, sediment barriers and other BMPs intended to trap sediment on-site shall be constructed as a first step. These BMPs shall be functional before land disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be stabilized according to the timing indicated in the erosion and sedimentation control requirement in subsection (4)(a) of this section.
- (f) Cut and Fill Slopes.** Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with the erosion and sedimentation control requirement in subsection (4)(a) of this section.
- (g) Controlling Off-Site Erosion.** Properties and waterways downstream from development sites shall be protected from erosion due to increases in the velocity of stormwater runoff from the development site.
- (h) Stabilization of Temporary Conveyance Channels and Outlets.** All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from the expected flow velocity from a two-year/24-hour duration storm for the post-development condition. Stabilization adequate to prevent erosion of outlets, adjacent streambanks, and slopes shall be provided at the outlets of all conveyance systems.
- (i) Inlet Protection.** All storm drain inlets made operable during construction shall be protected so that stormwater runoff does not enter the conveyance system without first being filtered or otherwise treated to remove sediment. The requirement for inlet protection may be waived on a site-specific basis when the conveyance system downstream of the inlet discharges to an appropriate sediment containment BMP and the conveyance system can be adequately cleaned following site stabilization.

- (j) **Underground Utility Construction.** The construction of underground utility lines shall be subject to the following criteria:
    - (i) For trenches on a downslope of more than five percent, no more than 500 feet of trench shall be opened at one time, unless otherwise approved by the director.
    - (ii) Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches.
    - (iii) Trench dewatering devices shall discharge into a sediment trap or sediment pond.
  - (k) **Constructed Access Routes.** Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road by use of appropriate BMPs such as a stabilized construction entrance. If sediment is transported onto a road surface, the roads shall be cleaned thoroughly, as a minimum, at the end of each day. Sediment shall be removed from roads by shoveling or sweeping and be transported to a controlled sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner.
  - (l) **Dewatering Construction Sites.** Dewatering devices shall discharge into a sediment trap or sediment pond.
  - (m) **Control of Pollutants Other Than Sediment on Construction Sites.** All pollutants other than sediment that occur on-site during construction shall be handled and legally disposed of in a manner that does not cause contamination of stormwater.
  - (n) **Maintenance.** All temporary and permanent erosion and sedimentation control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. All maintenance and repair shall be conducted in accordance with the manual. The applicant shall be responsible for assuring that any such facilities damaged during floods, storms or other adverse weather conditions are immediately returned to normal operating condition.
  - (o) **Removal of Temporary BMPs.** All temporary erosion and sedimentation control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal of temporary BMPs shall be permanently stabilized. The removal of temporary erosion and sedimentation control BMPs may not be required for those projects, such as single-family plats, that will be followed by additional construction under a different permit. In these circumstances, the need for removing or retaining the measures will be evaluated on a site-specific basis.
  - (p) **Financial Liability.** A performance covenant, performance bonding, or other appropriate financial instruments, required by POMC 20.150, shall ensure compliance with the approved erosion and sedimentation control plan.
- (5) Erosion Control Design Storm Event.** Facilities designed for the control of erosion and sedimentation shall be designed for the erosion and sedimentation control design storm event, defined as the six-month, 24-hour duration storm.

**20.140.160 Land disturbing activity—Standards—Hazards.**

Whenever the Director determines that an existing excavation, embankment, or fill on private property has become a hazard to public safety, endangers property, or adversely affects the safety, use or stability of a public way, critical drainage area, or drainage channel, such conditions shall become a violation of Chapter 20.150 POMC.

**20.140.170 Land disturbing activity—Maintenance.**

It shall be the responsibility of the applicant to maintain all erosion control and drainage facilities in good operating condition at all times, as required in this chapter and Chapter 20.150 POMC.

**20.140.180 Land disturbing activity—Enforcement, violations, and penalties.**

(1) Permit Suspension/Revocation. The Director may suspend work or revoke a land disturbing activity permit, as appropriate, whenever:

- (a) The work is not authorized by a valid permit;
- (b) The applicant requests such revocation or suspension;
- (c) The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this chapter or other applicable City ordinances;
- (d) Entry upon the property for the purposes of investigation or inspection has been denied;
- (e) The applicant has made a misrepresentation of a material fact in applying for such permit;
- (f) The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, the street, critical areas, the drainage system, or other utilities, or the work endangers or will endanger the public, the adjoining property, the street, protected areas, the drainage system or other utilities;
- (g) The required project security has expired or been expended to the point that it no longer provides assurance of completion of the project in compliance with the terms of the permit; or
- (h) The permit has not been acted upon or extended within the time allowed pursuant to this chapter.

(2) Except as otherwise provided in this chapter, any violation of any provision of this chapter constitutes a civil code violation subject to and enforced pursuant to the provisions of Chapter 2.64 POMC.