



**City of Port Orchard
Special Council Meeting Agenda
December 5, 2016
Special Start Time: 6:00 p.m.**

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Bek Ashby
Chair: Economic Development/Tourism
Staff: Development Director
Finance Committee
KRCC/PSRC TransPol/PRTPO
KRCC TransPol

Shawn Cucciardi
Finance Committee
Land Use Committee

Fred Chang
Chair: Lodging Tax Advisory Committee
Staff: City Clerk
Utilities & Sewer Advisory (SAC) Committee
Economic Development/Tourism

Clancy Donlin
Economic Development/Tourism
Festival of Chimes and Lights
KRCC-alt/KRCC TransPol-alt

John Clauson(Mayor Pro-Tempore)
Chair: Finance Committee
Staff: City Treasurer
Land Use Committee
Kitsap Public Health District-alt

Cindy Lucarelli
Chair: Utilities Committee
Staff: Public Works Director
Chair: Chimes and Lights
Staff: City Clerk
Sewer Advisory (SAC) Committee
KEDA/KADA

Scott Diener
Chair: Land Use Committee
Staff: Development Director
Utilities & Sewer Advisory (SAC) Committee
KEDA/KADA-alt
PSRC Growth Management-alt

Department Directors:

Nicholas Bond, AICP
Development Director

Mark Dorsey, P.E.
Public Works Director
City Engineer

Debbie Hunt
Court Administrator

Allan Martin
City Treasurer

Geoffrey Marti
Police Chief

Brandy Rinearson, CMC
City Clerk

Contact us:

216 Prospect Street
Port Orchard, WA 98366
(360) 876-4407

1. CALL TO ORDER

A. Pledge of Allegiance

2. PUBLIC HEARING

A. Public Hearing of the Proposed 2017-2018 Biennial Budget (Martin)

3. BUSINESS ITEM

**A. Revision to Land Use Regulatory Codes-LID Requirements
(Bond/Dorsey/Springer)**

4. ADJOURNMENT

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON ADOPTING THE 2017-2018 BIENNIAL BUDGET

WHEREAS, the preliminary budget for the 2017-2018 biennium, available October 3, 2016, was submitted to the City Council; and

WHEREAS, the City Council held a public hearing on revenue sources on October 11, 2016; and

WHEREAS, the Council Finance Committee met on October 31, 2016 and conducted department interviews and discussed the preliminary budget to make final recommendations to the Council which included the participation of the four additional council members; and

WHEREAS, the City Council held a comprehensive work study session on the 2016 preliminary budget on November 15, 2016 and considered the Council Finance Committee's recommendations; and

WHEREAS, A Notice of Hearing was published on November 18, 2016, and November 25, 2016, in the Port Orchard Independent newspaper stating the 2017-2018 preliminary budget was on file with the City Clerk and copies could be obtained at the office of the City Treasurer, and inviting the public to attend and/or submit written comments at the public hearing held December 5, 2016; and

WHEREAS, the City Council held a public hearing on December 5, 2016 regarding the preliminary budget for the 2017-2018 biennium seeking public input on city priorities, public safety enhancements, cultural and recreational opportunities, and other public services; and

WHEREAS, a copy of the 2017-2018 preliminary budget has been on file with the City Clerk and copies available from the City Treasurer for examination by the public during the time it was considered by the City Council; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. the Budget of the City of Port Orchard for the 2017-2018 biennium is hereby adopted in its entirety as the biennial budget of the City of Port Orchard for 2017-2018 biennium as set forth below:

(1)	Estimated Revenue From All Sources:	\$75,869,894
(2)	Estimated Appropriations:	
	Current Expense Fund	21,198,624
	Street Fund	3,900,635
	Criminal Justice Fund	1,055,400
	Special Investigative Unit Fund	68,500
	Water-Sewer Utilities Fund	25,373,700
	Storm Drainage Utility Fund	3,926,000
	Total Operating Funds	55,522,859
	Other Non-Operating Funds	20,347,035
	Total Funds	75,869,894

SECTION 1. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 2. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this ____ day of December 2016.

Robert Putansuu, Mayor

ATTEST:

Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Sharon Cates, City Attorney

John Clauson, Councilmember

PUBLISHED:

EFFECTIVE DATE:

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City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No: Business Item 3A
Subject: Revisions to Land Use Regulatory Codes -
LID Requirements

Meeting Date: December 5, 2016
Prepared by: Nicholas Bond, AICP
Development Director
Atty Routing No: 090-16
Atty Review Date: 11/30/2016

Summary: The Community Development and Engineering Departments have prepared an update to several of the City's land use regulatory codes, in order to meet the Washington Department of Ecology's requirement that municipal development regulations must be revised to remove regulatory barriers to the use of low impact development (LID) techniques in stormwater management, no later than December 31, 2016. This deadline must be met in order to comply with the City's municipal stormwater permit administered by the Department of Ecology, under the federal Municipal National Pollutant Discharge Elimination System (NPDES) regulatory program.

The revised codes include Title 12 (Streets and Sidewalks), Title 13(Public Utilities), Chapter 15.32 (Stormwater Management), Chapter 16.40 (Common Development Standards), Chapter 16.45 (Parking Standards), and Chapter 16.50 (Landscaping Standards). Chapter 16.80 (Planned Low Impact Developments) is proposed to be repealed, as the stormwater management incentives in this chapter will now be covered elsewhere in the code as required actions. A new Chapter 15.34, Land Disturbing Activity, has been created to provide more detailed direction for clearing and grading activities and associated stormwater management requirements such as erosion control. The City Attorney has prepared an overview of LID techniques and recommendations, and the state and federal requirements for the City's municipal stormwater permit, which has been provided for additional background and context for the revised code language.

The revised and new code language provides regulatory requirements and options for new development to use a variety of LID techniques to minimize impervious surfaces, reduce the loss of native vegetation, minimize surface water runoff and encourage the natural infiltration of water, with the goals of reducing surface water pollution and increasing aquifer recharge rates. This amendment package provides the required changes to the City's development regulations that will meet the LID compliance requirements of the Department of Ecology and the City's municipal stormwater permit.

The Planning Commission will hold a hearing on the proposed revisions on December 6, 2016, and will make a recommendation to the City Council. Any changes recommended by the Planning Commission to the draft documents will be incorporated into the final documents submitted to City Council. The City Council will be asked to review and approve the proposed amendments at its regular meeting on December 13, 2016.

Recommendation: Provide guidance to staff on proposed amendments to POMC Titles 12 and 13, and Chapters 15.32, 15.34, 16.40, 16.45, 16.50 and 16.80.

Motion for consideration: N/A

Fiscal Impact: None.

Alternatives: Amend POMC Titles 12 and 13, and Chapters 15.32, 15.34, 16.40, 16.45, 16.50 and 16.80, as recommended or make revisions.

Attachments: Overview Memo; Titles 12 and 13; Chapters 15.32, 15.34, 16.40, 16.45, 16.50 and 16.80.

CHAPTER 12.02 General Provisions. (New)

12.02.010 Purpose.

It is the purpose of this Title 12 POMC to provide for the orderly use of public rights-of-way by establishing clear guidelines, standards, and timeframes for use of the public rights-of-way.

12.02.020 Authority

This Title 12 POMC is intended to provide the city with the broadest power permitted by constitutional and statutory authority to preserve the public peace, health, safety, and welfare.

12.02.030 Interpretation; low impact development.

No requirement of this title shall be interpreted or applied in such a way as to impose a barrier to low impact development. All requirements of this Title that have an effect on use of Low Impact Development may be met using functionally equivalent Low Impact Development practices as specified in the Stormwater Permit, the Stormwater Manual, or any Low Impact Development general specifications adopted by the City.

12.02.040 General duty.

Nothing in this Title 12 POMC is intended to create a cause of action or claim against the City of Port Orchard or its officials, employees, or agents running to specific individuals. Any duty created by the ordinances codified in this Title is a general duty running in favor of the public.

CHAPTER 12.16 Undergrounding of Utilities

12.16.110 Design standards

(1) All conductors, switches, transformers, regulating devices, poles, brackets, and vaults shall be installed in accordance with applicable national, state and local safety standards. All other structural devices shall be designed in accordance with the provisions of the International Building Code adopted by the city, and all other applicable ordinances and regulations of the city as its building code.

(2) Installation.

(a) All underground facilities provided for herein shall be installed in such manner as to be coordinated with underground water, sewer, and gas pipelines, and with traffic control and other signal systems. Whenever such coordination requires installation practices more restrictive or demanding than the minimum standards required by applicable national, state and local codes and safety standards, the requirements of such coordination shall govern and be controlling.

(b) For streets and sidewalks constructed with permeable materials, utilities shall maintain a minimum of one (1) foot separation from the bottom of the permeable storage section.

(3) Subject to any applicable rates and tariffs, all vaults, manholes, ventilation gratings, and access covers and conduits in public rights-of-way shall be strong enough to withstand 10,000 pounds wheel load. The utility may, at its option, elect not to comply with the said wheel load requirement as to such facilities not on the traveled portion of the street; providing, however, that the utility shall be responsible for upgrading of the said facilities in the event of widening of the traveled portion of the street.

(4) Any equipment and facilities excepted from underground requirements or otherwise permitted to be installed aboveground except for poles, pole-mounted equipment, and aerial lines shall be:

(a) Placed within an enclosure or within the building or structure being served, or be suitably screened in accordance with the landscape requirements of the city code.

(b) The utility shall be responsible for the installation, maintenance, repair, and replacement of the sight screening materials and barrier when the real property on which the aboveground facility is located is owned by the utility.

(c) When the aboveground facility is located on real property not owned by the utility, the owner of such real property shall be responsible for the installation, maintenance, repair, and replacement of the aforementioned screening materials and sight barrier.

(5) Space frames and structural arrangements for holding equipment or facilities shall be designed to have an uncluttered and neat appearance.

(6) Streets shall be excavated to subgrade prior to the installation of underground facilities as determined by the city's public works department. (Ord. 030-08 § 6; Ord. 019-07 § 1).

DRAFT

CH. 12.24 STREET USE PERMITS

12.24.070 Criteria for approval.

Factors for the director's consideration in evaluating an application for a permit include, but are not limited to:

- (1) The applicant's constitutional rights;
- (2) The impact of the proposed use on the following:
 - (a) The paramount purpose of streets for travel and transportation;
 - (b) Utilities; authorized secondary street uses; and any use being made by the public of the site;
 - (c) Fire access and public safety;
 - (d) Uses under permit; street trees; and other proposed or past uses of the site;
 - (e) Rights of light, air, and access and lateral support of abutting properties and on access or easements of properties dependent upon the public place for access;
 - (f) The environment, including but not limited to efforts to minimize impervious surface, loss of native vegetation, and stormwater runoff;
 - (g) Drainage, surface and underground; springs and watercourses; and the stability of soils; and
 - (h) Where applicable, city land use, transportation, open space, shoreline, and beautification policies and approved neighborhood land use plans;
- (3) The abutter's property rights;
- (4) The public and private benefits of the proposed use;
- (5) The site and its terrain;
- (6) In addition to the considerations listed above, where the following situations occur, factors for consideration include:
 - (a) For public places used as parks or open space, the impact of the proposed use on their character as a park drive or boulevard, or as open space;
 - (b) For shoreline street ends, their purpose to provide the public with visual or physical access to the water and the shoreline;

(c) For environmentally critical areas, the requirements of POMC Title 18. (Ord. 022-16 § 2).

12.24.080 Approval of street use permit.

(1) If the application conforms to the requirements of this chapter, all other applicable codes and the proposed use is consistent with the rights of the public, the director may approve the application; fix the duration and the terms or conditions of the permit; and when required, upon the applicant's furnishing of a deposit or surety bond, insurance, covenant, and indemnification (as required by POMC 12.24.090 through 12.24.140), and payment of all required fees, issue the permit. The original permit shall remain in the custody of the city, and a copy shall be given to the permittee and shall be posted or available at the site.

(2) The permit shall specify the portion of the public place that may be occupied, the dates or days and hours of use, and the allowed use. The permit shall only be valid for the portion of the public place, the dates or days and hours of use, and the use as identified on the permit. Every permit shall include the language in POMC 12.24.150(1) on the face of the permit.

(3) Every permit shall be conditioned to state that all activities in the public place shall implement stormwater best management practices (BMPs) in accordance with the city's current Stormwater Manual, as amended. Failure to implement stormwater BMPs shall be a violation of this Title ~~chapter~~ and subject to enforcement.

CHAPTER 13.05 GENERAL PROVISIONS

V.1

- 13.05.010 Purpose.**
- 13.05.020 Authority.**
- 13.05.030 Definitions.**
- 13.05.040 Rates and charges.**
- 13.05.050 Billing; payment; liens.**
- 13.05.060 Damaging the utility system.**
- 13.05.070 Violations.**
- 13.05.080 Appeals.**

13.05.010 Purpose.
[New section suggested to be added by SBS].

13.05.020 Authority.
[New section suggested to be added by SBS].

13.05.030 Definitions.
[New section suggested to be added after rest of chapter revisions are complete.]

13.05.040 Rates and charges. (13.04.010, 13.04.020, 13.04.025, 13.04.030, 13.04.033, 13.04.035, 13.04.040, 13.04.055, 13.06.130)

- (1) Water. [Directs to new water utility chapter]
- (2) Sewer. [Directs to new sewer utility chapter]
- (3) Stormwater. [Directs to new stormwater utility chapter]
- (4) Miscellaneous charges.

(a) The charge for turning on or shutting off service, other than the regular City Hall business hours, and any time on weekends or holidays, shall be set forth in POMC 13.05.040.

(5) Mother-in-law apartments and converted homes. (13.04.080)
[This subsection requires significant revisions to best incorporate into this chapter. SBS to revise].

(6) Annual review of charges. (13.06.130)

The utility charges and fees established by this chapter and any other ordinances or resolutions of the city council establishing charges and fees for the utility shall be reviewed annually. Subsequent to such review, the mayor shall present to the city council a yearly budget for

~~each~~ utility, ~~and along with~~ proposed amendments to any associated rates, ~~and~~ charges, and/or fees, necessary, for the city council's approval.

13.05.050 Billing; payment; liens. (13.04.050, 13.06.120, 13.04.039, 13.04.040)

(1) Billing.

(a) Water, sewer, and/or storm drainage utility charges, based upon the rates and fees set forth in POMC 13.05.040, shall be billed by the city treasurer bimonthly, on the last day of the bimonthly period, to the property owner.

(b) When a closing agent requests, by law, a final billing of utility services to real property being sold, the ~~utility~~ city treasurer shall provide the requesting party with a written estimated, or actual, final billing. ~~A~~ There will be a service fee as set forth in POMC 13.05.040 shall be charged for each request. ~~set forth in POMC 13.04.025.~~

(2) Payment. ~~The Billed~~ charges ~~and rates~~ shall be due to the city treasurer, who is authorized and empowered to collect and receipt for such payments, on the first day of the month following the receipt of services. It shall be the responsibility of the property owner to notify the city upon change of ownership.

(3) Delinquent Accounts.

(a) Any utility charges under this section that remain~~ing~~ unpaid twenty-five (25) days after the due date shall be considered delinquent and shall be subject to an additional charge of ~~10 ten~~ percent (10%) of the unpaid balance as a penalty.

(b) When a ~~water and/or sewer utility~~ bill ~~shall~~ becomes delinquent and a city employee must go to the premises during normal working hours for the purpose of hanging a written notice on the door, there shall be a charge added to the account set forth in POMC ~~13.05.040.13.04.025.~~

(c) The city may disconnect water service for any customer whose bill for water, sewer, and/or storm drainage utility services is more than thirty (30) days delinquent, in which case the shut-off fee set forth in POMC 13.05.040 shall apply. The city will not resume utility service(s) will not resume thereafter until the delinquent charges and penalties under this section, together with a reconnect fee as set forth in POMC 13.05.040 ~~a turn-off fee~~, have been paid in full. Where a customer is thirty (30) days' delinquent on more than one of their utility accounts with the city, the city shall only charge the customer a single shut-off and reconnection fee for all delinquent accounts. Termination of any utility service shall not limit other remedies available to the city for collection of delinquent utility accounts.

(d) It is unlawful for the owner or occupant of the premises to turn on/off the water, cause damage, or cause it to be turned on after it has been shut-off or locked by the city. The ~~above shut-off~~ charges under ~~subsection POMC 13.05.050(1)(d)~~ will apply if the city has to return to re-shut-off an account that is supposed to be turned off at the meter for

nonpayment. Violations of this subsection will result in an additional fee as determined by the city which is set forth in POMC 13.05.040.13.04.025.

(e) The recording fee to be applied to the account will be based on the current charges as established by the county auditor when the lien is filed.

(4) Liens.

(a) Pursuant to RCWs 35.21.290 and 35.67.200, the city treasurer is directed to prepare and file a lien against any property where a water, sewer, and/or storm drainage utility charge(s) remain unpaid for four (4) months. All charges, together with penalties and interest which may be provided by this chapter, shall be a lien upon the property to which such service is furnished. The filing fee to be applied to the account will be based on the current charges as established by the county auditor when the lien is filed.

(b) Such liens shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 et seq., except that the service charge lien shall be effective for a total not to exceed one year's delinquent service charges, for each delinquent utility account, without the necessity of any writing or recording the lien with the county auditor, as provided for in RCW 35.67.215. The additional and concurrent method of enforcing the lien of the city for the delinquent and unpaid utility charges by turning off the water and/or sewer service from the premises shall not be exercised after two (2) years from the date of recording the lien notice, as provided by law. One exception to this is to enforce payment of six (6) months' utility charges for which no lien notice is required by law to be recorded.

(c) Water, ~~and/or~~ sewer, and/or storm drainage utility service charges, or sewer connection liens, shall be superior to all other liens and encumbrances whatsoever, except those for general taxes and local and special assessments.

(d) The remedy provided in this subsection shall be in addition to any other remedy now and hereafter provided by law.

(5) All charges and fees set forth in this chapter-section shall be paid in full prior to any issuance of permits and the physical connection of the private service line to the water system.

13.05.060 Damaging the utility system. (13.04.120)

(1) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the public water, ~~or~~ sewer, or storm drainage system.

(2) No person shall connect another structure, apartment, or dwelling unit with a temporary hose or other pipe not permitted by the Uniform Plumbing Code for the purpose of providing water to that structure, apartment, or dwelling unit.

(3) Violations of this section will result in a fee as determined by the city ~~which is and~~ set forth in POMC ~~13.05.040, 13.04.025.~~

13.05.070 Violations. (13.04.170)

Any person who violates any of the provisions of this ~~title~~chapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation. Such person will be charged for any damage and may be assessed a civil penalty in an amount not to exceed \$5,000. Every day that the person is in violation shall be considered a separate event and may be charged as such under this section. The remedy provided in this subsection shall be in addition to any other remedy now and hereafter provided by law.

13.05.080 Appeals. (13.04.180)

~~A~~The person may appeal ~~any the~~ penalty assessed under this chapter to the city council; provided, that the appeal is made in writing and filed with the city clerk within (fifteen) 15 calendar days from the date of notice imposing the penalty. The failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.

CHAPTER 13.10 WATER UTILITY

V.1

- 13.10.005** Water utility established.
- 13.10.010** Water rates and charges.
- 13.10.020** Water capital facility charge; Extension of water.
- 13.10.030** Water connection fees.
- 13.10.040** Water main fees in lieu of assessment.
- 13.10.050** Extension of water to property contiguous to the city.
- 13.10.060** Cross connections.
- 13.10.070** Emergency water supply conditions.

13.10.005 Water utility established.

[New section suggested to be added by SBS].

13.10.010 Water rates and charges. (13.04.010)

(1) Water rates are based on a bimonthly schedule and are a function of size of service plus consumption.

(2) Effective January 1, 2016, and January 1st of each subsequent year shown, the water rates, as calculated bimonthly, are shown on the water rate table.

(a) Single Connections. Single connections are where one customer is being served through a master meter and the billing is based on the flow through such master meter. The minimum bimonthly base rate is shown on the water rate table, plus consumption charges for water usage in excess of 5,000 gallons are set forth in subsection (1)(c) of this section.

(b) Larger Meters. Base rate for the first 5,000 gallons is calculated based on the size of service plus the meter size cost difference as shown on the water rate table. Consumption charges for water usage in excess of 5,000 gallons are set forth in subsection (1)(c) of this section.

(c) Consumption charges in excess of 5,000 gallons allotted per customer will be charged in the five tiers as shown in the water rate table.

(d) Multiple Connections. Multiple connections are where more than one customer is being served through a master meter and the billing is based on the flow through such master meter. The minimum bimonthly base rate is determined by the number of customers multiplied by the base rate plus the difference in cost between three-fourths-inch service and the actual meter size. The consumption charge will be computed by subtracting the amount equal to the number of customers multiplied by 5,000 gallons from the total gallons consumed. Consumption charges for water usage in excess of 5,000 gallons allotted per customer are set forth in subsection (1)(c) of this section. See water rate table.

(e) Properties Outside City Limits. Properties served outside the city limits shall have a 50 percent surcharge on the bimonthly rate.

(f) Fire Hydrant Service. See the water rate table.

(g) Temporary Service. See the water rate table.

(h) Meter Rentals. All persons renting a meter shall pay a refundable deposit. The following rental fees plus sales tax listed in the water rate table shall apply to all persons renting a meter.

Water Rates		2016	2017	2018	2019	2020
a) Single Connections	Bimonthly					
3/4" meter, 0 – 3,000 gal	base	\$35.10	\$39.70	\$44.30	\$48.90	\$53.50
3/4" meter, 3,001 – 5,000 gal	base	\$53.50	\$60.50	\$67.50	\$74.50	\$81.50
5,001 – 10,000 gal	per 1,000g	\$2.45	\$2.75	\$3.05	\$3.35	\$3.65
10,001 – 20,000 gal	per 1,000g	\$2.55	\$2.90	\$3.20	\$3.50	\$3.85
20,001 – 30,000 gal	per 1,000g	\$2.65	\$3.00	\$3.35	\$3.70	\$4.05
30,001 – 50,000 gal	per 1,000g	\$2.80	\$3.20	\$3.55	\$3.90	\$4.30
50,001+ gal	per 1,000g	\$3.00	\$3.40	\$3.80	\$4.20	\$4.60

b) Larger Meters	Bimonthly					
3/4" meter, 0 – 5,000 gal per unit	base	\$53.50	\$60.50	\$67.50	\$74.50	\$81.50
3/4" Meter Base Plus the Following Meter Size Differentials – Bimonthly						
1" meter, 0 – 5,000 gal	base + diff.	\$2.00	\$3.00	\$4.00	\$5.00	\$6.00
1-1/2" meter, 0 – 5,000 gal	base + diff.	\$8.00	\$12.00	\$16.00	\$20.00	\$24.00
2" meter, 0 – 5,000 gal	base + diff.	\$14.00	\$21.00	\$28.00	\$35.00	\$42.00
3" meter, 0 – 5,000 gal	base + diff.	\$26.00	\$39.00	\$52.00	\$65.00	\$78.00
4" meter, 0 – 5,000 gal	base + diff.	\$50.00	\$75.00	\$100.00	\$125.00	\$150.00
6" meter, 0 – 5,000 gal	base + diff.	\$92.00	\$138.00	\$184.00	\$230.00	\$276.00
8" meter, 0 – 5,000 gal	base + diff.	\$134.00	\$201.00	\$268.00	\$335.00	\$402.00
10" meter, 0 – 5,000 gal	base + diff.	\$182.00	\$273.00	\$364.00	\$455.00	\$546.00

c) Plus Consumption Charge in Excess of 5,000 Gallons – Bimonthly						
5,001 – 10,000 gal	per 1,000g	\$2.45	\$2.75	\$3.05	\$3.35	\$3.65
10,001 – 20,000 gal	per 1,000g	\$2.55	\$2.90	\$3.20	\$3.50	\$3.85
20,001 – 30,000 gal	per 1,000g	\$2.65	\$3.00	\$3.35	\$3.70	\$4.05
30,001 – 50,000 gal	per 1,000g	\$2.80	\$3.20	\$3.55	\$3.90	\$4.30
50,001+ gal	per 1,000g	\$3.00	\$3.40	\$3.80	\$4.20	\$4.60

d) Multiple Connections – Where Multiple Units Are Served Through One Meter – Bimonthly						
Base rate per unit, 0 – 5,000 gal per unit	base	\$53.50	\$60.50	\$67.50	\$74.50	\$81.50
Plus meter differential for actual meter size		as shown in b) above				
Plus consumption charges in excess of 5,000 gal – allotted per unit		as shown in c) above				

e) Outside City Limits	50% surcharge
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f) Fire Hydrant Service	Bimonthly					
Schools	per hydrant	\$13.80	\$15.60	\$17.40	\$19.20	\$21.00
Private service	per hydrant	\$25.30	\$28.60	\$31.90	\$35.20	\$38.50

g) Temporary Service	Greater of flat rate (base + meter size differential) or as metered					
One-day service:	base rate	\$53.50	\$60.50	\$67.50	\$74.50	\$81.50
Plus meter differential for actual meter size	meter diff.	as shown in b) above				
	per 1,000g	\$2.80	\$3.20	\$3.55	\$3.90	\$4.30
Construction / hydrant account:	base rate	\$53.50	\$60.50	\$67.50	\$74.50	\$81.50
Plus meter differential for actual meter size	meter diff.	as shown in b) above				
0 – 50,000 gal	per 1,000g	\$2.80	\$3.20	\$3.55	\$3.90	\$4.30
50,001+ gal	per 1,000g	\$3.00	\$3.40	\$3.80	\$4.20	\$4.60

h) Meter Rentals	Refundable deposit for meter rental; sales tax added to 30-day rental fees					
First 60 days	rental + tax	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Next 120 days	rental + tax	\$260.00	\$270.00	\$280.00	\$290.00	\$300.00
In excess of 180 days	rental + tax	\$520.00	\$540.00	\$560.00	\$580.00	\$600.00

13.10.020 Water capital facility charge; Extension of water. (13.04.030)

(1) The water capital facility charge is designed to mitigate the impact of new demands on the existing water system and to require new users to pay their fair share of the value of the water system including, but not limited to, water supply, treatment, transmission, storage and distribution facilities. The water capital facility charge applies to new construction, changes in use, and building modifications which increase the total number of equivalent residential units (ERUs). An ERU is 180 gallons per day for nonresidential connections. Prior to connecting to the

city's water system the property owner shall pay, in addition to other applicable charges, the applicable water capital facility charge.

(a) The water capital facility charge for a residential connection is based on a set fee per ERU which is set forth in POMC 13.XX.XXX. An ERU for this purpose shall be computed based on the water meter size and shall be calculated according to the average flow factor of a displacement type meter where a three-quarter-inch meter shall have a flow factor equal to one ERU. An ERU for residential connections is one single-family dwelling unit, whether detached or attached and configured as an apartment unit, condominium unit, townhouse unit, or any other configuration.

(b) The water capital facility charge for a nonresidential connection shall be calculated based on meter size as set forth in POMC 13.XX.XXX.

(c) Per Resolution No. 1666, the city treasurer is authorized to waive the connection fee of the water systems which do not impact the fire flow storage requirements of the city. All other fees, charges and expenses shall be paid as in accordance with this chapter. Examples of these connections are irrigation systems, fire protection systems, and relocating service lines which cross private property.

(2) If, after connection of a nonresidential service, the actual water usage has increased or the property use expanded so that there are a greater number of ERUs being used on the property than for which the water capital facility charge was paid, the property owner shall pay to the city an additional water capital facility charge based upon the new or expanded use. The additional water capital facility charge shall be based upon the charge rate in effect at the time the increase in use is requested and/or detected, whichever first occurs.

(3) Exception. The following exception applies to the assessment of the water capital facility charge. All four elements of the below-listed requirements must be present to qualify for the exception:

(a) A nonresidential account paid the water capital facility charge at the time the property connected to the city's water system;

(b) Sometime after the original connection, the property owner decides to construct a new building, change the original use, or modify the original building;

(c) After the building improvements are completed, the total water usage for the nonresidential account will be equal to or less than the usage at the time of the original connection; and

(d) The new construction, change in use, or building modification has not resulted in an additional direct connection to the city's water system or the establishment of an additional water account.

(4) A credit against the water capital facility charge may be applied for those property owners that paid their assessments in full through a local improvement district formed by the city where such local improvement district is formed to finance the construction of any of the improvements that are a basis for calculating the value of the water capital facility charge. The credit shall be equal to that portion of the property owner's principal assessment, not including interest and penalties, which is directly applicable to the construction of the improvements that are a basis for calculating the value of the capital facility charge. The credit shall be applied at the time of payment of the water capital facility charge and shall not be used to reduce any assessments in the local improvement district.

(5) A credit against the water capital facility charge may be applied for those property owners that construct at their own expense any of the improvements that are a basis for calculating the value of the water capital facility charge or for those property owners that pay a latecomer's fee toward those same improvements. The credit shall be the smaller of the following:

(a) That portion of the design and construction costs of the latecomer's agreement that are directly applicable to the construction of the improvements that are a basis for the value of the water capital facility charge; or

(b) That proportionate amount of the water capital facility charge that is attributable to the water facilities either constructed by the property owner or paid through a latecomer's fee.

(6) The above provisions notwithstanding, the amount of any credit shall not exceed the amount of the water capital facility charge for the property to which the credit is being applied.

(7) At the time the water capital facility charge is paid, a water inspection fee shall be paid. The water inspection fee is set forth in POMC 13.XX.XXX.

(8) All materials shall comply with the requirements of the city. If the city supplies any materials, the cost of these plus overhead and sales tax will be paid by the customer or property owner.

(9) If a property owner requests a credit or exemption as described above, the director of public works shall make an administrative determination regarding the applicability and amount of the credit or exemption. The director's decision may be appealed to the hearing examiner.

(10) The exceptions and credits described above shall not apply to any costs of construction incurred or payments made to the city for improvements that are a basis for the value of the capital facility charge and that were made 15 years or more prior to the date the property owner requests the exception or credit.

13.10.030 Water connection fees. (13.04.033)

(1) Connection fees are designed to reimburse the utility for the cost required to connect the new service to the water main. The labor installation fee is a flat fee set forth in POMC 13.XX.XXX plus associated materials plus sales tax based on the size of the water meter for service lines less than 25 feet. This fee is charged when installed by city employees.

(2) If the water service line exceeds 25 feet, or if the proposed construction is unusually difficult, the connection fee will be based on an estimate completed by the city for the required labor and material.

(3) If the service is connected by other than city employees, the water inspection fee per meter will be charged as set forth in POMC 13.XX.XXX. All materials shall comply with the requirements of the city. If the city supplies any materials, the cost of these, plus overhead and sales tax, will be paid by the customer. If the installation is satisfactory, the city shall set the meter if it is one inch or less in size. Larger meters shall be installed by the contractor.

(4) All new construction, residential and commercial, on property which is located within 200 feet of a water main of the city shall be required to extend the water to and across the entire frontage of their property and connect to the city water system prior to the occupancy of the building. No new wells except municipal wells shall be constructed and no expansions of existing wells, except municipal wells, shall be permitted on properties that can be served, within 200 feet of a water main of the city, or are now served by the city water system.

13.10.040 Water main fees in lieu of assessment. (13.04.035)

(1) Where all or a portion of the premises to be served has not been previously assessed or contributed its share towards the cost of installing a permanent main to serve such premises, or the property does not abut a water main, water service shall be provided upon payment of a water main fee as provided for in this section, in addition to the water capital facility charge set forth in POMC 13.XX.XXX and the connection fee set forth in POMC 13.XX.XXX.

(2) The water main fee shall be based on the frontage of the property served, as determined by the public works director. Properties situated on corner lots abutting utility mains on two sides shall have the front footage charge computed by averaging the two sides. The fee shall be charged per front foot as set forth in POMC 13.XX.XXX.

(3) Water main fees in lieu of assessment shall be charged on new accounts unless exempted as explained below:

(a) The property has previously paid its share of a local water main as part of a water local improvement district and there are records to verify this;

(b) The property has extended the local water main as required by the city and paid all costs associated with the extension;

(c) The property has paid its equitable share of the cost of a previously installed local water main pursuant to a latecomer's agreement; or

(d) The agreement for purchase and sale of assets of McCormick Water Company, Inc., waives the city fee in lieu of assessment for water services. These are the services within McCormick Woods, Campus Station, Kenmore Court, and McCormick 620.

(4) If a property owner requests an exemption as described above, the director of public works shall make an administrative determination regarding the applicability and amount of the exemption. The director's decision may be appealed to the hearing examiner.

(5) The exemptions described in subsections (3)(a) through (c) of this section shall not apply to any costs of construction incurred or payments made to the city for improvements that are a basis for the value of the water main fee in lieu of assessment and that were made 15 years or more prior to the date the property owner requests the exemption.

13.10.050 Extension of water to property contiguous to the city. (13.04.037)

Property lying within the urban growth boundary and contiguous to the Port Orchard city limits shall annex to the city as a condition of water connection. In the alternative, the city may elect to defer the annexation and require the owner to execute a utility extension agreement as described in POMC 13.XX.XXX.

13.10.060 Cross connections. (13.04.100)

The installation or maintenance of any cross connection which would endanger the water supply of the city of Port Orchard is prohibited. Such cross connections are declared to be a public health hazard and shall be abated.

The control or elimination of cross connections shall be in accordance with WAC 246-290-490. The policies, procedures and criteria for determining appropriate levels of protection shall be in accordance with the Accepted Procedure and Practice in Cross Connection Control Manual – Pacific Northwest Section – American Water Works Association, Fourth Edition, or any superseding edition.

It shall be the responsibility of the city to protect the potable water system from contamination or pollution due to cross connections. Water service to any premises shall be contingent upon the customer providing cross connection control in a manner approved by the city engineer. Backflow prevention assemblies required to be installed shall be a model approved by the Kitsap County health department.

The city engineer, or his designated representative with proper identification, shall have free access at reasonable hours of the day to all parts of the premises or within the building to which the water is supplied. Water service may be refused or terminated to any premises for failure to allow necessary inspections.

13.10.070 Emergency water supply conditions. (13.04.110)

Whenever an emergency exists affecting the water supply of the city and it becomes necessary to curtail the use of water through regulation and control of the use thereof, the mayor shall declare such an emergency. Notice of the emergency shall be published in the official newspaper by the city clerk, setting forth rules under which water will be used. The notice may include defining zones for use of water and setting forth hours during which lawn sprinkling may be done. The notice shall include any restriction, as approved by the city council, on the use of water that is deemed necessary for the welfare of the inhabitants of the city and other users of city water. Such notice and regulations established for the emergency shall be subject to change and shall be in full force and effect throughout the emergency. Any changes in such regulations as published shall likewise be published before taking effect. Regulations established for the emergency shall remain in effect until notice is published that the emergency has passed.

CHAPTER 13.20 SEWER UTILITY

- 13.20.005 Sewer utility established.**
- 13.20.010 Bimonthly sewer rates.**
- 13.20.020 Connection to sewer.**
- 13.20.030 Discontinuation of sewer charges.**
- 13.20.040 Discharging of sewerage.**
- 13.20.050 Side sewer responsibilities.**
- 13.20.060 Industrial sewer users.**
- 13.20.070 Low-flow toilet rebate.**

13.20.005 Sewer utility established.
 [New section suggested to be added by SBS].

13.20.010 Bimonthly sewer rates. (13.04.020)

Effective January 1, 2016, and January 1st of each subsequent year shown, the sewer rates, as calculated bimonthly, are shown as follows:

Sewer Rates			2016	2017	2018	2019	2020
Class No.	Class Description	Description					
1	Single-family residences and mobile home on single parcel	For each dwelling unit	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
2	Business and professional	For each business with a fixture	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		For each business with an employee present, without a fixture	\$22.20	\$24.80	\$27.40	\$30.00	\$32.60
		For each floor of an office building or retail complex that has a public or community bathroom	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		Plus the following surcharge, based on the store/office interior size:					
		Small, less than 15,000 sf, or	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		Medium, 15,000 to	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00

Sewer Rates			2016	2017	2018	2019	2020
Class No.	Class Description	Description					
		30,000 sf, or Large, more than 30,000 sf	\$222.00	\$248.00	\$274.00	\$300.00	\$326.00
3	Churches	For the church, plus* For the rectory, plus* For the annex *Class 6 for educational parochial schools	\$111.00 \$111.00 \$111.00	\$124.00 \$124.00 \$124.00	\$137.00 \$137.00 \$137.00	\$150.00 \$150.00 \$150.00	\$163.00 \$163.00 \$163.00
4	Hotels and motels, rest homes and care centers, and Kitsap County jail	Base fee, plus Per unit	\$111.00 \$22.20	\$124.00 \$24.80	\$137.00 \$27.40	\$150.00 \$30.00	\$163.00 \$32.60
5	Apartments and mobile home parks	Per dwelling unit	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
6	Schools	For each pupil, teacher, maintenance and administrative person	\$3.30	\$3.70	\$4.10	\$4.50	\$4.90
7	Kitsap County courthouse (main complex)		\$4,329.00	\$4,836.00	\$5,343.00	\$5,850.00	\$6,357.00
8	Restaurants Espresso Bar	Based on the seating capacity as determined by the building official Seating not applicable. Classification includes similar food preparation businesses which do not require the cooking of food or the maintenance of	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00

Sewer Rates			2016	2017	2018	2019	2020
Class No.	Class Description	Description					
	Deli	kitchen equipment.					
	Small	No seating	\$166.50	\$186.00	\$205.50	\$225.00	\$244.50
	Medium	Seating for 1 to 50	\$333.00	\$372.00	\$411.00	\$450.00	\$489.00
	Large	Seating for 51 to 150	\$499.50	\$558.00	\$616.50	\$675.00	\$733.50
		Seating for more than 150	\$666.00	\$744.00	\$822.00	\$900.00	\$978.00
9	Laundromats	Base fee, plus	\$55.50	\$62.00	\$68.50	\$75.00	\$81.50
		Per washing machine	\$22.20	\$24.80	\$27.40	\$30.00	\$32.60
		Laundromats with less than 4 washing machines are considered Class 2.					
		Dry cleaners without washing machines are Class 2.					
10	Taverns		\$277.50	\$310.00	\$342.50	\$375.00	\$407.50
11	Car dealerships	For sales and administrative office, plus	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		For service department, plus	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		For car washing when the water is used to determine cost sharing for the sewer treatment plant	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
12	Post office		\$388.50	\$434.00	\$479.50	\$525.00	\$570.50
13	Grocery stores	Basic fee, plus the following surcharges	\$55.50	\$62.00	\$68.50	\$75.00	\$81.50
		Basic store	\$55.50	\$62.00	\$68.50	\$75.00	\$81.50
		Bakery	\$55.50	\$62.00	\$68.50	\$75.00	\$81.50
		Wetted-down produce	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		Food disposal	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		Meat cutting area	\$222.00	\$248.00	\$274.00	\$300.00	\$326.00
14	Bowling alley, boat marina, health	Base fee, plus	\$55.50	\$62.00	\$68.50	\$75.00	\$81.50

Sewer Rates			2016	2017	2018	2019	2020
Class No.	Class Description	Description					
	maintenance organizations and work release and juvenile facilities	For each equivalent residential unit (ERU) as determined for the cost-sharing formula for the sewer treatment plant	\$55.50	\$62.00	\$68.50	\$75.00	\$81.50
15	Car washes	Base fee, plus Per car washing bay	\$55.50 \$166.50	\$62.00 \$186.00	\$68.50 \$205.50	\$75.00 \$225.00	\$81.50 \$244.50
16	Beauty shops and barber shops		\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
17	Day care	Basic fee, plus For less than or equal to 6 children For 7 to 25 children For more than 25 children, use Class 6 rates	\$222.00 \$0.00 \$111.00	\$248.00 \$0.00 \$124.00	\$274.00 \$0.00 \$137.00	\$300.00 \$0.00 \$150.00	\$326.00 \$0.00 \$163.00
18	Gas stations	For gasoline retail, which could include service bay For nonautomotive retail	\$111.00 \$111.00	\$124.00 \$124.00	\$137.00 \$137.00	\$150.00 \$150.00	\$163.00 \$163.00
19	Assisted living units	Base fee, plus Per unit with private kitchen Per unit without private kitchen or studio apartment	\$111.00 \$111.00 \$22.20	\$124.00 \$124.00 \$24.80	\$137.00 \$137.00 \$27.40	\$150.00 \$150.00 \$30.00	\$163.00 \$163.00 \$32.60
20	Bed and breakfasts	Base fee, plus	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00

Sewer Rates			2016	2017	2018	2019	2020
Class No.	Class Description	Description					
		Per rentable bedroom	\$8.90	\$9.90	\$11.00	\$12.00	\$13.00
21	Public market	Basic fee, plus the following surcharges	\$222.00	\$248.00	\$274.00	\$300.00	\$326.00
		Nonfood retail	\$27.80	\$31.00	\$34.30	\$37.50	\$40.80
		Nonfood service business	\$27.80	\$31.00	\$34.30	\$37.50	\$40.80
		Juice/soda/ice cream/espresso bar	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		Restaurant (consume and buy on premises)	\$222.00	\$248.00	\$274.00	\$300.00	\$326.00
		Delicatessen (counter sales takeout ready-to-eat food products)	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		Retail meat/seafood	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
		Retail bakery	\$111.00	\$124.00	\$137.00	\$150.00	\$163.00
Special notes:		<p>a) Home occupations will not be charged additional sewer fees.</p> <p>b) For a combination of classes in one business, the highest rate will be selected.</p> <p>c) In the event that an established rate class does not accurately reflect the impact on the sewer system, the city engineer may determine the specific monthly rate.</p> <p>d) Water accounts which serve a marina pier and do not have a connection to the sewer shall not be charged a sewer bill. A sewer bill will be charged and based on winter consumption if the water meter serves both the marina pier and any facility or pump station that is connected to the sewer system. For billing purposes, live-aboards will not be considered as a dwelling unit.</p> <p>e) Properties served which are outside the city limits shall have a 50 percent surcharge on the bimonthly rates.</p>					

13.20.020 Connection to sewer. (13.04.140)

(1) The owner of each lot or parcel of real property within the city shall connect to the public sewer system if the public sewer system is within 200 feet of the lot or parcel and if one of the following conditions occurs:

(a) A new building or structure is constructed on an undeveloped parcel or lot and use of the new building or structure generates wastewater;

(b) An existing building or structure, which is served by an existing septic tank and drainfield, is remodeled or repaired in such a manner that the drainfield would have to be expanded, as required by the health officer. In such a case, the entire structure would have to be served by the public sewer system;

(c) The existing drainfield has failed and needs repair or replacement, as determined by the health officer.

(2) The city council may schedule a public hearing to review the circumstances of the property to be connected to the sewer system, if requested by the property owner. The city council may modify or remove the requirements of mandatory sewer connection, if it deems it necessary.

13.20.030 Discontinuation of sewer charges. (13.04.090)

Upon receipt of a written statement by the owner of a lot or parcel of property which has previously been connected to the public sewer system that there is no longer any building or structure for human occupation or use or for any business purpose located thereon and that the toilet and other facilities therein have been removed, disconnected and properly plugged from the public sewer system, and upon inspection by the superintendent or his designated representative to ascertain that the statement is true, the sewer charges shall cease as of the first day of the following month.

13.20.040 Discharging of sewerage. (13.04.130)

It shall be unlawful to discharge or cause to be discharged into the city sewer system, or cause to be placed where they are likely to run, leak or escape into the public sewer, any of the following:

(1) Ashes, cinders, sand, earth, rubbish, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, or any matter which is capable of or likely to obstruct or interfere with the capacity or operation of the public sewer;

(2) Gasoline, benzene, naphtha, fuel oil, lubricating oil or any other matter which is inflammable or explosive upon introduction to the public sewer;

(3) Any matter having a temperature greater than 150 degrees Fahrenheit;

(4) Sewage containing suspended solids in excess of 350 milligrams per liter;

(5) Sewage containing grease or oil in excess of 100 parts per million by weight;

(6) Matter with a BOD greater than 300 milligrams per liter;

(7) Sewage with a pH lower than 5.5 and greater than 9.0;

(8) Garbage that has not been properly shredded;

(9) Sewage containing toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process or constituting a hazard in the receiving waters of the sewage treatment plant;

(10) Any noxious or malodorous matter capable of creating a public nuisance;

(11) Waters from irrigation, storm drains, sump pumps, surface runoff, roof runoff, subsurface drainage, ponds or reservoirs. When an unauthorized hookup of a drain or excess infiltration is found to exist, the city engineer shall notify the property owner that corrective action is required and shall be accomplished within 60 calendar days. The city engineer may allow drainage of areas, not to exceed 750 square feet, if that area cannot be economically drained other than by using the sanitary sewer system;

(12) Contents from any septic tank or cesspool;

(13) Any unauthorized use of an established recreational vehicle dump station for other than recreational vehicles or camp trailers.

13.20.050 Side sewer responsibilities. (13.04.150)

That portion of any side sewer pipe lying within a street right-of-way or easement shall be kept within the exclusive control of the city. That portion of the side sewer lying beyond said right-of-way or easement shall be the responsibility of the sewer customer which is served by the pipe.

When a side sewer is blocked, it is the responsibility of the sewer customer to remove the blockage. If the blockage is shown to the satisfaction of the city council to be within the right-of-way or easement, the city council may reimburse all or part of the cost to remove the blockage.

13.20.060 Industrial sewer users. (13.04.160)

(1) All major contributing industrial users of the public sewer system shall be required to enter into an agreement with the city of Port Orchard to provide for the payment of their proportionate share of the federal share of the capital costs of the sewage project allocable to the treatment of such industrial waste.

(2) The recovery of the proportionate share of costs shall be determined by agreement between the city and the industrial user. The share of costs shall be based upon all factors, which significantly influence the cost of the treatment works, and shall be repaid, without interest, in at least annual payments during the recovery period, not to exceed the life of the project or 30 years. In the event the city and users cannot agree as to the proportionate share to be repaid to the city, said proportionate share shall be determined by arbitration and the arbitrator shall be appointed by the presiding judge of the Kitsap County superior court.

(3) All major contributing users discharging into the treatment works shall be required to comply, within three years, with the pretreatment standards established by the Environmental Protection Agency. In accordance with the pretreatment requirements, major industries are defined as those industries that:

(a) Have a wastewater flow of 50,000 gallons, or more, per average day;

(b) Have a wastewater flow greater than one percent of the flow carried by the municipal system receiving the waste;

(c) Include the discharge of a toxic material.

13.20.070 Low-flow toilet rebate. (13.04.200)

A cash rebate shall be paid to the owners of single-family or multifamily residences for the installation of a 1.6-gallon low flow toilet replacing a standard toilet when the following conditions are present:

(1) The homeowner has submitted an application for rebate on a form designated by the city;
and

(2) The installation address has an active water account in good standing with the city.

(3) Multifamily rebates to be limited to the first 250 applications received in a calendar year.

CHAPTER 13.30 STORM DRAINAGE UTILITY

v.1

13.30.005	Purpose.
13.30.010	Storm drainage utility established.
13.30.020	Powers and authority.
13.30.030	Utility to be administered by director of public works.
13.30.040	Storm drainage utility fund.
13.30.050	Storm drainage rate policy.
13.30.060	Storm drainage service charge calculation.
13.30.070	Undeveloped real property.
13.30.080	Storm drainage service charges.
13.30.090	Property exempt from service charges.

13.30.005 Purpose. (13.06.010)

The purpose of this chapter is to:

- (1) Promote public health, safety, and general welfare.
- (2) Reduce loss and property damage caused by drainage problems.
- (3) Minimize water quality degradation and control erosion and sedimentation of creeks, streams, ponds, and other water bodies.
- (4) Protect the public from stormwater runoff and erosion originating on developing land.
- (5) Minimize adverse effects of alteration of groundwater quantities, locations, and flow patterns.
- (6) Ensure the orderly growth of a storm drainage system for the city of Port Orchard.
- (7) Identify the rates, fees, and charges necessary for the financial support of the storm drainage utility.

13.30.010 Storm drainage utility established. (13.06.020)

The city of Port Orchard hereby creates and establishes, pursuant to Chapters 35.23 and 35.67 RCW and Article 11, Section 11 of the Washington State Constitution, a storm drainage utility to provide for the operation and control of storm drainage and surface water management within the city and hereby exercises jurisdiction and control thereof.

13.30.020 Powers and authority. (13.06.030)

The city hereby elects to exercise all lawful powers and authority for the planning, design, construction, maintenance, administration, operation, acquisition, and condemnation of property rights and regulation of storm drainage and surface water runoff systems including, without limitation, all lawful powers to fix, alter, regulate, and control the charges and conditions of the use thereof.

13.30.030 Utility to be administered by director of public works. (13.06.040)

The storm drainage utility shall be administered by the director of public works or other official designated by the mayor.

13.30.040 Storm drainage utility fund. (13.06.050)

There is hereby designated a storm drainage utility fund into which all revenues, charges, grants, taxes, and money from other sources shall be deposited and from which all expenditures related to the city's storm drainage and surface water management system shall be paid. This fund shall be kept in the manner prescribed by state law as to accounting and reporting procedures and requirements.

13.30.050 Storm drainage rate policy. (13.06.070)

The charges for storm drainage services shall be as set forth in this chapter and shall be adequate, except in cases of emergency, to provide for administration, engineering and legal expenses, system operations and maintenance expenses; debt service requirements; funding of replacement reserves accounts; and system improvement projects. The rate structure for establishing the amount of service charges assessed against each parcel of developed real property within the boundaries of the utility shall be based upon the amount of impervious ground cover contained within each parcel. Except for those properties set forth in POMC 13.XX.XXX, all public entities and public property shall be subject to charges for storm drainage services to the same extent as private persons and property.

13.30.060 Storm drainage service charge calculation. (13.06.080)

(1) Three thousand square feet of impervious ground cover shall be equal to one impervious surface unit (ISU).

(2) All single-family residential accounts (including mobile homes) are deemed to contain one equivalent ISU for purposes of the monthly storm drainage utility service charge.

(3) The utility shall determine the actual number of ISUs contained on multifamily and commercial properties and these accounts shall pay a service charge to be calculated as follows: actual impervious ground cover/3,000 square feet x single-family rate. In making the calculation, fractions shall be rounded to the nearest whole number but not less than one.

13.30.070 Undeveloped real property. (13.06.090)

Those properties remaining in an undeveloped condition are deemed not to make use of the services of the utility or its facilities beyond that used by such property in the natural state. Therefore, no service charge shall be imposed upon that real property within the boundaries of the utility that is undeveloped.

13.30.080 Storm drainage service charges. (13.06.100)

In accordance with the basis for a rate structure set forth in POMC 13.XX.XXX and 13.XX.XXX, there is levied upon all developed real property within the boundaries of the utility the following service charges which shall be collected from the owners of such properties:

(1) Effective January 1, 2009, the storm drainage charges are shown below:

(a) For all single-family residential accounts, including mobile homes, the monthly service charge shall be \$7.00.

(b) For all duplexes and triplexes, the monthly service charge shall be \$7.00 for each residential unit.

(c) For all other developed property, including but not limited to multifamily and commercial accounts, the monthly service charge shall be \$7.00, multiplied by the number of ISUs determined by the utility to be contained in such parcel pursuant to POMC 13.XX.XXX.

(2) Effective January 1, 2015, the storm drainage charges are shown below:

(a) For all single-family residential accounts, including mobile homes, the monthly service charge shall be \$9.70.

(b) For all duplexes and triplexes, the monthly service charge shall be \$9.70 for each residential unit.

(c) For all other developed property, including but not limited to multifamily and commercial accounts, the monthly service charge shall be \$9.70, multiplied by the number of ISUs determined by the utility to be contained in such parcel pursuant to POMC 13.XX.XXX.

(3) Effective June 1, 2015, the storm drainage charges are shown below:

(a) For all single-family residential accounts, including mobile homes, the monthly service charge shall be \$14.00.

(b) For all duplexes and triplexes, the monthly service charge shall be \$14.00 for each residential unit.

(c) For all other developed property, including but not limited to multifamily and commercial accounts, the monthly service charge shall be \$14.00, multiplied by the number of ISUs determined by the utility to be contained in such parcel pursuant to POMC 13.XX.XXX

13.30.090 Property exempt from service charges. (13.06.110)

The following categories of property are exempt from service charges:

- (1) City street rights-of-way, all of which are part of the storm drainage system pursuant to the plan; and
- (2) State of Washington and Kitsap County rights-of-way.

DRAFT

GREEN TEXT = New provisions (not currently included in the POMC)

BLACK TEXT = Existing provisions from the currently adopted POMC 15.32 (with slight technical revisions, only). Edits to these provisions are shown in track changes.

Chapter 15.34 (New)
LAND DISTURBING ACTIVITY

- 15.34.010 Land disturbing activity—Purpose and objectives.
- 15.34.020 Land disturbing activity—Definitions.
- 15.34.030 Land disturbing activity—Applicability; additional regulations.
- 15.34.040 Land disturbing activity—Permits—Decision type.
- 15.34.050 Land disturbing activity—Administration.
- 15.34.060 Land disturbing activity—Permit—Form; exemptions.
- 15.34.070 Land disturbing activity—Permit—Stormwater drainage permit required; exemptions.
- 15.34.080 Land disturbing activity—Permit—Submittal requirements.
- 15.34.090 Land disturbing activity—Permit—Issuance; expiration.
- 15.34.100 Land disturbing activity—Permit—Final approval.
- 15.34.110 Land disturbing activity—Standards—Generally.
- 15.34.120 Land disturbing activity—Standards—Timing of work.
- 15.34.130 Land disturbing activity—Standards—Drainage.
- 15.34.140 Land disturbing activity—Standards—Grading.
- 15.34.150 Land disturbing activity—Standards—Erosion control.
- 15.34.160 Land disturbing activity—Standards—Hazards.
- 15.34.170 Land disturbing activity—Maintenance.
- 15.34.180 Land disturbing activity—Enforcement, violations, and penalties.

15.34.010 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.

15.34.020 Land disturbing activity—Definitions.

Unless otherwise specifically defined in this chapter, the definitions provided in Chapter 15.32 POMC, Stormwater Drainage, shall apply to this chapter.

15.34.030 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.XX POMC; Appendix J of the International Building Code, as adopted in Chapter 15.04 POMC; Chapter 15.32 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.

15.34.040 Land disturbing activity—Permits—Decision type.

A clearing and grading permit is an administrative decision of the Director, which may be appealed to city's hearing examiner as a closed record appeal. The decision of the hearing examiner on appeal shall be final.

15.34.050 Land disturbing activity—Administration.

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

(2) A clearing and grading 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 clearing and grading 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.

15.34.060 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. In Additional review fees required under this code may be applicable to individual clearing and grading 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 clearing and grading permit is required by this chapter has been commenced without first obtaining a valid permit, the City may double the clearing and grading 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.

15.34.070 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 15.32 POMC shall be required for all activities requiring a clearing and grading permit under this chapter.

(2) Exemptions. The following ~~clearing and grading~~ 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 15.32 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.

15.34.080 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 Grading projects meeting the criteria of POMC 15.32.030(6) shall be required to have an approved engineered grading plan.

(4) **Abbreviated Grading Plan.** Grading Land disturbing projects activities that include grading and which meeting 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 POMC 15.32.050 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 Title 18 POMC, additional information as required by that title shall be submitted with the application.

15.34.090 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.

15.34.100 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.

15.34.110 Land disturbing activity—Standards—Generally.

- (1) This chapter sets forth minimum standards which shall apply to grading-land disturbing activities as defined in chapter 15.32 POMC~~described in POMC 15.32.030(3)~~. For circumstances not specifically addressed in this chapter or the Sstormwater design Mannual, 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.

15.34.120 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 POMC 15.32 POMC-030(5).

15.34.130 Land disturbing activity—Standards—Drainage.

- (1) All grading-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.

15.34.140 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.

15.34.150 Land disturbing activity—Standards—Erosion control.

- (1) **Minor Developments.** All minor developments, as defined in this chapter~~chapter~~ 15.32.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 ~~subsection (2)(a) through (e) of~~ 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 15.32 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-~~15.3215.32.040~~, 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.

15.34.160 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 15.32 POMC.

15.34.170 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 15.32 POMC.POMC 15.32.050](#).

15.34.180 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.

Chapter 20.122

COMMON DEVELOPMENT STANDARDS—DENSITY AND DIMENSIONS

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

20.122.010 ~~Purpose. Common development standards.~~

The purpose of this chapter is to establish ~~basic dimensional standards requirements~~ for development in relation to residential density ~~and basic dimensional standards~~, 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 Interpretation of table.

(1) ~~The table in POMC 20.122.025 The density and dimension tables are 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 POMC 20.122.XXX through 20.122.XXX.~~

(2) ~~The densities and dimensions table in POMC 20.122.025 is arranged in a matrix format. in a separate table.~~ 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.

~~(2) Minimum lot sizes must be met as defined in the densities and dimensions table unless otherwise approved by the city council within a planned residential development (PRD).~~

20.122.025 Densities and dimensions.

Table 20.122.025 – Densities and Dimensions

ZONES										
P = Permitted	Greenbelt including Conservation and Open Space	Residential – 4.5 Units/Net Useable Acre	Residential – 8.0 Units/Net Useable Acre	Residential – 12.0 Units/Net Useable Acre	Residential – 20.0 Units/Net Useable Acre	Commercial Retail and Office	Business Professional	Mixed Use District	Employment Industrial and Office	Community Facilities
C = Conditional	Gb	R4.5	R8	R12	R20	Co	BP	Mxd	Eo	Cf
STANDARDS-										
Density (dwelling units/gross useable acres)										
Maximum density (22)	0.5	4.5	8.0	12.0	20.0		12.0	30.0 (22)		
Minimum lot size (10)(13)(14)		6,000	5,445	3,630	2,178		3,630			
Minimum setback in feet										
Street right-of-way (1)(11)	30	15	15	15	15	10	10	10	30 (12)	15
Side yard	5	5	5	5	5		5			
Rear yard (9)	10	10	10	10	10		5			
Corner lot rear yard	5	5	5	5	5		5			
From adjacent residential zoning (2)						5	5	5	20	20
From adjacent nonresidential zoning (2)(3)						5	5	5	5	5
Maximum site coverage in percent of net useable acres										
Maximum covered surface impervious surface (4)	15%	45%	75%	85%	85%	85%	95%	95%	85%	95%
Landscaped area – Softscape (5)	85%	55%	25%	15%	15%	15%	5%	5%	15%	5%
Landscaped area – Hardscape (6)						15%	5%	5%	15%	5%
Maximum building height in feet										
Standard maximum allowed (7)	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	27	27	27	27	27	27	27	27	27	27

Street (16)(18)(21)										
Downtown overlay district – South side of Bay Street (17)(18)(21)	39	39	39	39	39	39	39	39	39	39
Downtown overlay district gateways – Bethel Avenue (19)(21)	39	39	39	39	39	39	39	39	39	39
Downtown overlay district gateways – North side of Bay Street (16)(18)(21)	27	27	27	27	27	27	27	27	27	27
Downtown overlay district gateways – South side of Bay Street (17)(18)(21)	39	39	39	39	39	39	39	39	39	39
Downtown overlay district (20)(21)	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 XX.XX.XXX, the hardscape surface area shall be included in calculating the maximum impervious surface percentage.
7. Building height is measured to the roof drip line at any point around the structure from the lowest point of the finished grade, unless a fire protection plan is approved by both the city development director and the fire authority.

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 16.20.700 through 16.20.713.

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 POMC XX.XX.XXX by the city council.

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 POMC XX.XX.XXX.

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

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. Building height shall be measured from the existing elevation of Bethel Avenue at the parcel's frontage pursuant to POMC XX.XX.XXX.

20. Maximum building height may be increased from 27 feet up to a maximum of 39 feet through conditional use permit approval. 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 XX.XX.XXX.

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.

20.122.030 Measurement methods.

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

- (1) Street setbacks shall be measured from the existing edge of public rights-of-way, improved or unimproved.
- (2) Structure height shall be measured from the uphill elevation of the finished grade at the slab or foundation, whichever is lower, to the highest point on the structure roof. If the uphill elevation is not level, then the average uphill elevation shall be the measurement basis.
- (3) Lot area shall be the total horizontal land area contained within the boundaries of a lot.
- (4) Impervious surface calculations shall not include areas of turf, softscape landscaping, natural vegetation, or surface water retention/detention facilities.

20.122.035 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 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. The area of a lot which may be used in the calculation of allowed dwelling units shall be the total site area less sensitive environmental features (equal to gross useable site area) and dedications as these areas are defined elsewhere in this code.

20.122.050 Calculations – Allowable dwelling units.

Permitted number of 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 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:

Percent of Site in Buffers and/or Critical Areas (percent)	Density Credit (percent)
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 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 title](#) shall not be subsequently subdivided or segregated from such lot. (Ord. 046-07 § 2 (Exh. A)).

20.122.080 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 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 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. (Ord. 046-07 § 2 (Exh. A)).

20.122.100 Setbacks – Alleys.

(1) Structures may be built no closer than 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 10 feet from the alley property line to provide a driving surface.

20.122.110 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 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 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 STANDARDS

20.124.100 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).

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Chapter 20.128

DEVELOPMENT STANDARDS—LANDSCAPING STANDARDS

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

20.128.010 **Purpose. Landscape standards.**

(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 ~~which that provide~~

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

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

(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, ~~reduction in~~ the quantity of stormwater discharge, and ~~improvement in~~ the quality of stormwater discharge.

20.128.020 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.XXX through 20.128.XXX shall be applicable within the Tremont Street corridor overlay district (TRMT).

(3) Landscaping standards referenced in POMC 20.128.XXX through 20.128.XXX shall be applicable within the Downtown overlay district (DOD).

~~All new development including subdivisions and commercial, except single structure residential lot developments or short plats, shall be subject to the landscaping and significant tree retention provisions of this chapter; provided, that specific landscaping and tree retention provisions for uses established through a conditional use permit shall be determined during the applicable review process. For the purpose of this chapter, a new development is one that requires a substantial improvement as defined in this code.~~

20.128.030 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 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 ~~planning~~ director or his or her designee.

20.128.035 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 POMC XX.XX.XXX and the LID Technical Guidance Manual for Puget Sound (current edition).

20.128.040 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 POMC XX.XX.XXX](#) and with the permission of the city engineer.

20.128.050 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 TRMT landscape irrigation.

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

20.128.237 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 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 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 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 zoning ordinance 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 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 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 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	100%	100%	50%	30%	70%	50%	30%	30%	70%	70%

deciduous trees										
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%	100%	100%	100%
Native trees	50%	50%	50%	50%	50%	50%	50%	100%	100%	100%

Drought-tolerant	60%	60%	60%	60%	60%	60%	60%	100%	100%	100%
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20.128.297 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							
Ginkgo 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	Lavalle	X	X							

lavallei	Hawthorn									
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
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	Chineses Photinia				X		X		X
Picea sitchensis	Sitka Spruce				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
Sequoiadendron 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	Red-Veined				X					

campanulatus	Enkianthus								
Elaeagnus species	Elaeagnus variety			X			X	X	X
Euonymus alata 'Compacta'	Winged Eonymus			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
Symphoricar	Snowberry				X			X	X

pos albus										
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.

GREEN TEXT = New provisions (not currently included in the POMC)

BLACK TEXT = Existing provisions from the currently adopted POMC 15.32 (with slight technical revisions, only). Edits to these provisions are shown in track changes.

Chapter 15.32 (New) STORMWATER DRAINAGE

(The existing Ch. 15.32 will be repealed in its entirety and replaced with this new Ch. 15.32)

Sections:

- 15.32.010 Stormwater drainage—Purpose and objectives—Liability.
- 15.32.020 Stormwater drainage—Definitions.
- 15.32.030 Stormwater drainage—Administration.
- 15.32.040 Stormwater drainage—Applicability.
- 15.32.050 Stormwater drainage—Exemptions.
- 15.32.060 Stormwater drainage—Regulations and guidelines—Adopted manuals.
- 15.32.070 Stormwater drainage—Special stormwater drainage improvements.
- 15.32.080 Stormwater drainage—Permit—Form.
- 15.32.090 Stormwater drainage—Permit—Submittal requirements.
- 15.32.100 Stormwater drainage—Permit—Decision type.
- 15.32.110 Stormwater drainage—Permit—Review criteria.
- 15.32.120 Stormwater drainage—Permit—Technical deviations.
- 15.32.130 Stormwater drainage—Permit—Variances.
- 15.32.140 Stormwater drainage—Permit—Construction timing and final approval.
- 15.32.150 Stormwater drainage—Permit—Expiration; extension.
- 15.32.160 Stormwater drainage—Standards—Minimum site development requirements.
- 15.32.170 Stormwater drainage—Standards—Redevelopment activities.
- 15.32.180 Stormwater drainage—Standards—Stormwater quality control.
- 15.32.190 Stormwater drainage—Standards—Water quality BMPs.
- 15.32.200 Stormwater drainage—Standards—Stormwater conveyance facilities.
- 15.32.210 Stormwater drainage—Standards—Wetlands.
- 15.32.220 Stormwater drainage—Standards—Regional facilities.
- 15.32.230 Stormwater drainage—Standards—Basin planning.
- 15.32.240 Stormwater drainage—Standards—Exemptions.
- 15.32.250 Stormwater drainage—Facilities—Covenants, sureties, and liability insurance.
- 15.32.260 Stormwater drainage—Facilities—Operation and maintenance.
- 15.32.270 Stormwater drainage—Enforcement.

15.32.010 Stormwater drainage—Purpose and objectives—Liability.

(1) Purpose. The purpose of this chapter is to regulate storm and surface water discharges from all new development and redevelopment to prevent and control adverse impacts of drainage and storm and surface water on the public health, safety, and general welfare, consistent with the provisions of the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) as administered by the Washington State Department of Ecology through issuance of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit (Permit), in accordance with chapter 90.48 RCW. The provisions of this subtitle shall be liberally construed to accomplish the purposes of the chapters herein and the protection and preservation of the public health, safety, and general welfare.

(2) Objectives. The objectives of this subtitle are to:

- (a) Establish a water quality restoration and storm and surface water management program for the City of Port Orchard to be administered by the City of Port Orchard's department of public works;
- (b) Promote sound, practical, and economical development practices and construction procedures that prevent or minimize impacts to the City's waters;
- (c) Prevent or minimize degradation of water quality and to control the sedimentation of streams, rivers, lakes, wetlands, marine waters, and other waters to the maximum extent practicable by all known and reasonable methods of prevention, control, and treatment;
- (d) Control stormwater runoff originating from new development or redevelopment;
- (e) Preserve the quality of water for recreation and fish and wildlife habitat;
- (f) Maintain aquatic habitat;
- (g) Maintain the quality of the City's water resources;
- (h) Prevent or minimize adverse effects caused by degradation of surface water quality flow patterns or quantities, locations, and changes to hydrologic flow patterns;
- (i) Prevent groundwater degradation from surface water flows;
- (j) Preserve and protect the city's wetlands by maintaining hydrologic continuity with other aquatic resources;

- (k) Maintain the safety of city roads and rights-of-way;
- (l) Protect public safety by reducing soil erosion, slope instability, and landslides;
- (m) Promote non-structural preventative and source control activities and actions; and
- (n) Require the use of low impact development (LID) best management practices (BMPs) where feasible, as defined in the City’s Stormwater Manual.

(3) Liability. Administration of this chapter shall not be construed to create the basis for any liability on the part of the City, its appointed and elected officials, and/or employees while working within the scope of their duties for any action or inaction thereof authorized or done in connection with the implementation of this chapter.

15.32.020 Stormwater drainage—Definitions.

Definitions provided below apply only to this chapter, unless otherwise indicated. In the application of this chapter, where a definition in this chapter conflicts with a definition in the Stormwater Manuals, as adopted herein, the most restrictive definition shall control. Where a term used in the Stormwater Manuals is not defined in this chapter, the definition in the Stormwater Manuals shall control.

(1) “A”

“Accepted performance of construction” shall mean the written acknowledgment from the director of the satisfactory completion of all work accepted by the city, including all work shown on the accepted plans, accepted revisions to the plans, and accepted field changes.

“Applicant” shall mean the person, party, firm, corporation, or other legal entity that proposes to engage in site development activities in incorporated Port Orchard by submitting an application for any of the activities covered by this chapter on a form furnished by the city and paying the required application fees.

“Arterial” shall mean a road or street primarily for through traffic. A major arterial connects an interstate highway to cities and counties. A minor arterial connects major arterials to collectors. A collector connects an arterial to a neighborhood. A collector is not an arterial. A local access road connects individual homes to a collector.

(2) “B”

“Basin plan” shall mean a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance for managing stormwater quality and quantity management facilities and drainage features within individual sub-basins.

“Best management practices (BMPs)” shall mean the schedule of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington and have been approved by the city as accepted BMPs.

“Biofiltration/biofilter facilities” shall mean vegetative BMPs that treat stormwater by filtration through vegetation. Biofiltration facilities include, but are not limited to, grassed or vegetated swales and filter strips.

“Bioretention” shall mean an engineered facility that treats stormwater by passing it through a specific soil profile and either retain or detain the treated stormwater for flow attenuation. Refer to the Stormwater Management Manual for Western Washington, Chapter 7 of Volume V for Bioretention BMP types and design specifications.

“Bond” shall mean a financial guarantee, in the form of a surety bond, assignment of funds, or irrevocable bank letter of credit, that shall guarantee compliance with applicable provisions of this chapter.

(3) “C”

“Certified erosion and sediment control lead (CESCL)” shall mean an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Department of Ecology (see BMP C160 in the currently adopted Stormwater Management Manual for Western Washington ~~(2005)~~). A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater and the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges. Certification is obtained through an Ecology-approved erosion and sediment control course. Course listings are provided online at Ecology’s web site.

“City” shall mean the City of Port Orchard, Washington, or as indicated by the context, the public works director, or other authorized representative of the governmental authority of the City of Port Orchard.

“Civil engineer” shall mean a professional engineer currently registered in the state of Washington to practice in the field of civil engineering.

“Clearing” or “land clearing” shall mean the surface removal of vegetation.

“Closed depressions” shall mean low-lying areas that have no surface outlet, or such a limited surface outlet that in most storm events the area acts as a retention basin, holding water for infiltration, evaporation, or transpiration.

“Commercial Agriculture” shall mean those activities conducted on lands defined under RCW 84.34.020(2) and activities involved in the production of crops or livestock for commercial trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

“Comprehensive drainage plan” shall mean a detailed analysis, adopted by the city, for a drainage basin which assesses the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and nonstructural management alternatives. The plan recommends the form, location and extent of stormwater quantity and quality control measures that would satisfy legal constraints, water quality standards, and community standards, and identifies the institutional and funding requirements for plan implementation.

“Contiguous land” shall mean land adjoining and touching other land regardless of whether or not portions of the parcels have separate assessor’s tax numbers or were purchased at different times, lie in different sections, are in different government lots, or are separated from each other by private road or private rights-of-way.

“Converted vegetation (areas)” shall mean surfaces on a project site where native vegetation, pasture, scrub/shrub, or unmaintained non-native vegetation (e.g. Himalayan blackberry, scotch broom) are converted to lawn or landscaped areas, or where native vegetation is converted to pasture.

“Critical drainage area” shall refer to those areas designated in POMC 15.32.070, Critical drainage areas, which have a high potential for stormwater quantity or quality problems.

(4) “D”

“Design storm event” shall mean a theoretical storm event, of a given frequency, interval, and duration, used in the analysis and design of a stormwater facility.

“Detention facilities” shall mean stormwater facilities designed to store runoff while gradually releasing it at a predetermined controlled rate. “Detention facilities” shall include all appurtenances associated with their designed function, maintenance, and security.

“Development proposal” shall mean any activity requiring a permit or other approval from the City of Port Orchard related to the use or development of land.

“Developed site” shall mean the condition of the development site following completion of construction of the development including all approved phases of construction.

“Director” shall mean the public works director or designee(s).

“Discharge point” shall mean the location where a discharge leaves the City’s (Permittee’s) Municipal Separate Storm Sewer System (MS4) through the Permittee’s MS4 facilities/BMPs designed to infiltrate.

“Diversion” shall mean the routing of stormwater to other than its natural discharge location.

“Drainage feature” shall mean any natural or manmade structure, facility, conveyance, or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate, or affect the flow rate of stormwater runoff.

“Drainage plan” shall mean a plan for the collection, transport, treatment, and discharge of runoff, and may include both the plan and profile views of the site as well as construction details and notes.

(5) “E”

“Easement” shall mean an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality, or other legal entity has in the land of another.

“Effective impervious surface” shall mean impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed through at least 100 feet of native vegetation in accordance with BMP T5.30 – “Full Dispersion,” as described in Chapter 5 of Volume V of the Stormwater Management Manual for Western Washington (SWMMWW), ~~(2005)~~ is residential roof runoff infiltrated in accordance with Downspout Full Infiltration Systems in BMP T5.10A in Volume III of the SWMMWW, or approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated.

“Erodible or leachable materials” shall mean wastes, chemicals, or other substances that measurably alter the physical or chemical characteristics of runoff when exposed to rainfall. Examples include erodible soils that are stockpiled, uncovered process wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage dumpster leakage.

“Erosion control design storm” shall mean the six-month frequency, 24-hour duration storm event used for analysis and design of sedimentation and erosion control facilities.

“Existing stormwater facilities” shall mean those facilities constructed or under permitted construction prior to the effective date of the ordinance codified in this chapter.

(6) “F”

“Forested land” shall mean as defined in RCW 76.09.020, and shall include all land which is capable of supporting a merchantable stand of timber and is not being actively used in a manner incompatible with timber growing.

(7) “G”

“Geotechnical engineer” shall mean a practicing professional engineer licensed as a professional civil engineer by the state of Washington who has at least four years of professional ~~experience~~ employment as a geotechnical engineer in geotechnical and landslide evaluation.

“Geotechnical report” shall mean a study of the effects of drainage and drainage facilities on soil characteristics, geology and ground water. The geotechnical analysis shall be prepared by a geotechnical engineer.

“Grading” shall mean any excavating, filling, or embanking of earth materials.

“Grubbing” shall mean the removal of vegetative matter from underground, such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

(8) “H”

“Hard surface” shall mean an impervious surface, a permeable pavement, or a vegetated roof.

“Highway” shall mean a public road connecting towns and cities.

“Hydrograph” shall mean a graph of runoff rate, inflow rate, or discharge rate, past a specific point over time.

“Hydrograph method” shall mean a method of estimating a hydrograph using a mathematical simulation. Commonly accepted hydrograph methods include the Soil Conservation Service TR-55 Method and the Santa Barbara Urban Hydrograph Method.

(9) “I”

“Illicit connection” means (a) any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city;

or (b) any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city.

“Illicit discharge” shall mean any discharge to a municipal separate storm sewer or to surface or ground water that is not composed entirely of stormwater, except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and those discharges expressly allowed conditionally by Chapter 15.30 POMC, Illicit Discharge Detection and Elimination.

“Impervious surface” shall mean a hard-non-vegetated surface area that either (a) prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, or (b) causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots, or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

(10) “L”

“Land disturbing activity” shall mean any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography, including the creation and/or replacement of impervious surfaces. Land disturbing activities include, but are not limited to, demolition, construction, paving, clearing, grading, filling, excavation, and grubbing. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

“Land use permits and approvals” shall mean any use or development of land that requires city action in legislation, administration, or approval.

“Low Impact Development (LID)” shall mean a stormwater and land use strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features,

site planning, and distributed stormwater management practices that are integrated into a project design.

“LID Best Management Practices (BMPs)” shall mean distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

“LID pPrinciples” shall mean land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

(11) “M”

“Maintenance” shall mean any activity that is ~~necessary to keep~~conducted on currently serviceable stormwater structures, facilities, and equipment in good working order so as to function as designed without expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. Maintenance shall include activities taken to prevent decline, lapse or cessation in use of the systems or structures, including complete reconstruction of a dysfunctional stormwater facility, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. Maintenance of stormwater facilities shall ~~also~~ include assessment to ensure ongoing proper operation, removal of built up pollutants (i.e. sediments), replacement of failed or failing treatment media, and the correction of any problem on the site property that may directly impair the functions of the stormwater facilities as identified in the maintenance standards of Chapter 4, Volume V of the Stormwater Management Manual for Western Washington.

“Maintenance covenant” shall mean a binding agreement between the city of Port Orchard and the person or persons holding title to a property served by a stormwater facility whereby the property owner promises to maintain certain stormwater facilities, grants the city the right to enter the subject property to inspect and to make certain repairs or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner, and promises to reimburse the city for the cost should the city perform such repairs or maintenance.

“Maintenance schedule” shall mean a document detailing required stormwater facility maintenance activities to be performed at specified intervals.

“Major development” shall mean any new development or any redevelopment activity that (a) includes the creation or cumulative addition of 5,000 square feet or greater of impervious surface area from the predevelopment conditions, or (b) includes land

disturbing activity of one acre or greater, or (c) includes grading involving the movement of 5,000 cubic yards or more of material.

“Minor development” shall mean any new development or redevelopment activity that (a) includes the creation or addition of less than 5,000 square feet of new impervious surface area, and (b) includes land disturbing activity of less than one acre, and (c) includes grading involving the movement of less than 5,000 cubic yards of material.

“Municipal separate storm sewer system (MS4)” means a conveyance or system of conveyances which is intended to convey only stormwater (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) and which are: (a) owned or operated by the city of Port Orchard; (b) designed or used for collecting or conveying stormwater; (c) are not part of a publicly owned treatment works (any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and (d) are not a combined sewer (a system that collects sanitary sewage and stormwater in a single sewer system).

(12) “N”

“Native vegetation” shall mean vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

“National Pollutant Discharge Elimination System (NPDES) permit” shall mean a permit issued by the Environmental Protection Agency (EPA) or by the Washington State Department of Ecology that authorizes the discharge of pollutants to waters of the United States from point sources, whether the permit is applicable to an individual, group, or general area-wide basis.

“New development” shall mean land disturbing activities, including Class IV – general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

“Nonforestry use” shall mean an active use of land that is incompatible with timber growing.

(13) “O”

“Off-site drainage analysis” shall mean a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

“Oil/water separator” shall mean a structure or device used to remove suspended oil and greasy solids from water.

“On-site stormwater BMPs” shall mean a synonym for Low Impact Development BMPs.

“Outfall” shall mean a point source as defined by 40 CFR 122.2 at the point where a discharge leaves the permittee’s MS4 and enters a surface receiving waterbody or surface receiving waters. Outfall does not include pipes, tunnels, or other conveyances which connect segments of the same stream or other surface waters and are used to convey primarily surface waters (i.e., culverts).

“Operation and maintenance manual” shall mean a written manual, prepared by a qualified civil engineer, which provides a description of operation and maintenance procedures for specific stormwater control facilities, for use by operation and maintenance personnel.

“Operator” shall mean any party associated with a construction project that meets either of the following two criteria:

- (a) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- (b) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

“Owner” shall mean any person or persons having a legal or equitable property right or interest, whether or not said right is legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, optionor or optionee, and beneficiary or grantor of a trust or deed of trust.

(14) “P”

“Permeable pavement” shall mean pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

“Pervious surface” shall mean any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

“Pollution” shall mean contamination or other alteration of the physical, chemical, or biological properties of any waters of the city, state, or United States, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters as will or is likely to create a nuisance or render such waters harmful, or is otherwise detrimental or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

“Pollution-generating hard surface (PGHS)” shall mean those hard surfaces considered to be a significant source of pollutants in stormwater runoff. See listing of surfaces under pollution-generating impervious surface.

“Pollution-generating impervious surface (PGIS)” shall mean those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are subject to: vehicular use; industrial activities (as further defined in the glossary of the Stormwater Management Manual for Western Washington); ~~or~~ storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall. ~~Erodible or leachable materials, wastes, or chemicals are those substances which, when exposed to rainfall, measurably alter the physical or chemical characteristics of the rainfall runoff. Examples include erodible soils that are stockpiled, uncovered processed wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage dumpster leakage.; Metal-metal roofs are also considered to be PGIS unless they are coated with an inert, non-leachable material (i.e., baked-on enamel coating); or Roofs roofs that are subject to venting significant amounts of dust, mists, or fumes from manufacturing, commercial, or other indoor activities of indoor pollutants from manufacturing, commercial, or other operations or processes are also considered PGIS. A surface, whether paved or not, shall be considered PGIS if it is regularly used by motor vehicles. The following are considered regularly used surfaces: roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways. The following are not considered regularly used surfaces: paved bicycle pathways, separated from and not subject to drainage from roads for motor vehicles, fenced fire lanes, and infrequently used maintenance access roads.~~

“Pollution-generating pervious surface (PGPS)” shall mean any ~~impervious non-pervious~~ surface subject to vehicular use, industrial activities activities (as further defined in the glossary of the Stormwater Management Manual for Western Washington); or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall, use of pesticides and fertilizers, or loss of soil. Typical PGPS

include permeable pavement subject to vehicular use, lawns, landscaped areas including; golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

“Predevelopment conditions” shall mean ~~site conditions~~ native vegetation and soils as they that existed prior to ~~any manmade alterations~~ the influence of Euro-American settlement. Predeveloped condition shall be assumed to be forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.

“Professional engineer” shall mean a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the state of Washington.

“Project engineer” shall mean the professional engineer responsible for the design of the project, who will affix his/her seal on the project drainage plans and drainage analysis. The project engineer shall be licensed in the state of Washington and qualified by experience or examination.

“Project site” shall mean that portion of a property, properties, or right of way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces.

(15) “R”

“Rain garden” shall mean a non-engineered shallow landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and allow stormwater to pass through the amended soil profile.

“Receiving waters” shall mean naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or ground water, to which a MS4 discharges ~~of water or surface water systems to which surface runoff is discharged via a point source of stormwater or via sheet flow.~~

“Redevelopment” shall mean any land disturbing activity occurring on existing substantially developed property (i.e., has 35 percent or more of existing impervious-hard surface coverage), the creation or addition of impervious-hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious-hard surface that is not part of a routine maintenance activity; and land disturbing activities.

“Replaced hard surface” shall mean for structures, the removal and replacement of hard surfaces down to the foundation. For other hard surfaces, the removal down to bare soil or base course and replacement.

“Replaced impervious surface” shall mean for structures, the removal and replacement of hard surfaces down to the foundation. For other hard surfaces, the removal down to bare soil or base course and replacement.

“Retention facilities” shall mean drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all such drainage facilities designed so that none of the runoff entering the facility will be discharged as surface water. Retention facilities shall include all appurtenances associated with their designed function, maintenance, and security.

“SEPA” shall mean the Washington State Environmental Policy Act.

“Shorelines of the state” shall mean the total of all “shorelines” and “shorelines of state-wide significance” within the state, as defined in RCW 90.58.030, also known as the Shoreline Management Act.

“Site” shall mean the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.

“Site development activity” shall mean the alteration of topography, clearing, paving, grading, construction, alteration of stormwater systems, site preparation, or other activity commonly associated with site development.

“Soils investigation report” shall mean a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils investigation report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

“Soils engineer” shall mean a practicing civil engineer licensed as a professional civil engineer in the state of Washington who has at least four years of professional employment as a civil engineer dealing with soil descriptions and characterizations.

“Source control BMP” shall mean a best management practice (BMP), either a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The Stormwater Management Manual for Western Washington (SWMMWW) separates source control BMPs into two types. Structural source control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from

entering stormwater. Operational BMPs are nonstructural practices that prevent or reduce pollutants from entering stormwater. [See Volume IV of the SWMMWW for details.](#)

“Stormwater” shall mean the surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, including snowmelt, during and following precipitation, and resulting from such precipitation that meets the nonpollutant requirements.

“Stormwater facility” shall mean a component of a manmade drainage feature, or features, designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, wetponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

“Stormwater pollution prevention plan (SWPPP)” shall mean a documented plan to implement measures to identify, prevent, and control the contamination of point source discharges of stormwater.

“Stormwater quality control” shall mean the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wet ponds, wetland forebays, oil/water separators, constructed wetlands and erosion and sedimentation control facilities.

“Stormwater quantity control” shall mean the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

(16) “T”

“Technical deviation” shall mean permission granted by the director to deviate from the provisions of this chapter.

“Threshold discharge area” shall mean an on-site area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream (as determined by the shortest flowpath).

(17) “V”

“Variance” shall mean permission granted by the city council to deviate from the provisions of this chapter.

“Vehicular Use” shall mean regular use of an impervious or pervious surface by motor vehicles. The following are subject to regular vehicular use: roads, un-vegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unrestricted access fire lanes, vehicular equipment storage yards, and airport runways. The following are not considered subject to regular vehicular use: paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, restricted access fire lanes, and infrequently used maintenance access roads.

(18) “W”

“Waters of the state” shall include those waters as defined as “waters of the United States” in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and “waters of the state” as defined in Chapter 90.48 RCW which include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

“Water quality design storm event” shall mean a design storm event selected by the Director for the purpose of establishing design performance criteria for water quality BMPs. Under most conditions, the term applies to the runoff rate and volume resulting from 64 percent of the precipitation of the two-year frequency, 24-hour duration storm event.

“Wetland” shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. (Ord. 028-09 § 3; Ord. 1939 § 1, 2004; Ord. 1845 § 2, 2002).

15.32.030 Stormwater drainage—Administration.

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

(2) Inspections. All activities regulated by this chapter shall be inspected by the Department. The Director shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction, installation of BMPs, land disturbing activities, installation of utilities, permanent storm water control facilities, landscaping, retaining walls, and completion of project. When required by the Director, a special inspection and/or testing shall be performed.

15.32.040 Stormwater drainage—Applicability.

- (1) The provisions of this chapter shall apply to all development proposals within the bounds of incorporated Port Orchard.
- (2) Any land development which is required by operation of any City of Port Orchard ordinance, state law, or federal law to construct, install, or modify any natural or manmade drainage features, either public or private, within, abutting, or serving the development shall do so in accordance with this chapter.
- (3) The provisions of POMC 15.32.150, Operation and maintenance, shall also apply to existing stormwater facilities in incorporated Port Orchard.
- (4) 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. Where the provisions of this chapter directly conflict with any other state law, federal law, or comprehensive drainage plan, the more stringent provisions shall apply to the extent permissible by law.

15.32.050 Stormwater drainage—Exemptions.

The following activities are exempt from the provisions of this chapter:

- (1) Commercial agriculture and forest practices regulated under WAC Title 222;
- (2) Development that is undertaken by the Washington State Department of Transportation in state highway rights-of-way and is regulated by Chapter 173-270 WAC, the Puget Sound Highway Runoff Program; and
- (3) Pavement maintenance. [Add from Appendix 1]

15.32.060 Stormwater drainage—Regulations and guidelines—Adopted manuals.

- (1) The provisions of this chapter together with those manuals and standards described herein, shall constitute the City's stormwater regulations.
- (2) All activity under this chapter shall also comply with the applicable provisions of Chapter 15.34, Land Disturbing Activity; Appendix J of the International Building Code, as adopted in Chapter 15.04 POMC; and equivalent standards approved by the Director.
- (3) The following state and local regulations and guidelines pertaining to surface and stormwater design and management are adopted by reference and shall be collectively

referred to as the “Port Orchard Stormwater Manuals” or the “Stormwater Manuals”:

- (a) The 2012 Edition (as amended in December 2014) of the Washington State Department of Ecology Stormwater Manual for Western Washington;
 - (b) The 2012 Edition of the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound;
 - (c) The 2016 Edition of the City of Port Orchard Design and Construction Standards, adopted by **POMC 13.XX**; and
 - (d) The definitions, minimum requirements, adjustment, and variance criteria found in Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, except that the erosivity waiver is not adopted.
 - (e) All references to this chapter shall include the Port Orchard Stormwater Manuals adopted herein.
- (4)** All development proposal activities in the City shall comply with the standards, specifications, and requirements contained in the City’s stormwater regulations and Stormwater Manuals. When best management practices (BMPs) are required by this chapter or any other chapter of the POMC, they shall comply with the Stormwater Manuals.
 - (5)** Where there are differences and/or conflicts between the Stormwater Manuals and/or Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, the most stringent criteria shall apply.
 - (6)** The adopted regulations and guidelines in the Stormwater Manuals may be modified for projects located within specific areas for which specialized stormwater drainage plan has been approved by the City and the Washington State Department of Ecology.
 - (7)** The Director may amend the Port Orchard Stormwater Manuals as necessary, by ordinance passed by a majority of the Port Orchard City Council, to reflect changing conditions and technology.
 - (8)** Compliance with the regulations in this chapter and the Stormwater Manuals does not necessarily mitigate all probable and significant environmental impacts to aquatic biota. Fishery resources and other living components of aquatic systems are affected by a complex set of factors. While employing a specific flow control standard may prevent stream channel erosion or instability, other factors affecting fish and other biotic resources (such as increases in stream flow velocities) are not directly addressed by the Stormwater Manuals. Thus, compliance with the Stormwater Manuals should not be construed as mitigating all probable and significant stormwater impacts, and additional mitigation, beyond what is

required in the Stormwater Manuals, may be required to protect aquatic biota in streams and wetlands.

15.32.070 Stormwater drainage—Special stormwater drainage improvements.

In order to mitigate or eliminate potential drainage-related impacts on critical drainage areas, the Director may require drainage improvements in excess of those required in [this chapter and the Stormwater Manuals](#). For particularly sensitive drainage areas, the Director may specify the general type of drainage improvement required. Accordingly, the following are designated as critical drainage areas:

- (a) All lands having a slope of thirty (30) percent or greater:
 - (i) As determined by a topographic survey of the site; or
 - (ii) As shown on a U.S.G.S. topographic quadrangle map, when other topographic survey information is not available; or
 - (iii) As determined by the director based on field investigation of the site;
- (b) Geologic hazardous area and historically documented unstable slopes;
- (c) All lands within 200 feet of the ordinary high water mark of bodies of water possessing fish spawning and rearing habitat for anadromous and resident fish species, as designated by the State Department of Fish and Wildlife;
- (d) All lands designated critical areas in any comprehensive drainage plan, or defined as critical areas by separate ordinance;
- (e) All lands that are classified as wetlands as defined by any separate city ordinance or policy;
- (f) Any lands that have existing local requirements for the management or protection of ground water, aquifers, or sole source aquifers;
- (g) Any lands that drain to a closed depression;
- (h) Any lands that have existing local or state requirements for the protection of particular fish or wildlife habitats;
- (i) Any lands that are established by law as shellfish protection areas; and
- (j) Any lands determined by the director to have a high potential for drainage and water quality problems, and/or are sensitive to the effects of construction or development.

In the event of conflict between maps or other available information resources regarding the above designations, the final determination of whether or not certain lands are critical drainage areas shall be made by the Director. In making such a final determination, the Director may use detailed site surveys and/or other topographic data that the Director may require the applicant to furnish at the applicant's expense.

15.32.080 Stormwater drainage—Permit—Form.

- (1) **Permit Required.** A stormwater drainage permit is required for all development proposals, except as exempt under Chapter 15.34 POMC, Land Disturbing Activity, or as may be otherwise exempt herein. -No construction or development activity shall occur until a stormwater drainage permit has been issued, nor shall said activity continue without an approved stormwater drainage permit in force.
- (2) **Application Form.** The stormwater drainage permit shall be submitted pursuant to forms provided by the City. As required by this chapter and the permit submittal requirements in POMC 15.32.090, supporting documents submitted with the application shall address the applicable minimum requirements for surface and stormwater control pursuant to the Stormwater Manuals and include the proposed BMPs to mitigate such stormwater impacts.
- (3) **Fees.** Stormwater drainage permits shall be subject to fees for application review and inspections during construction. Fees for stormwater drainage permits shall be set forth in the City's current fee schedule.

15.32.090 Stormwater drainage—Permit—Submittal requirements.

The following submittal requirements apply to all stormwater drainage permit applications.

- (1) **Low Impact Development Site Analysis Required.** All development proposals shall conduct a Low Impact Development (LID) site analysis in accordance with the minimum requirements outlined the Stormwater Manuals. LID site assessment findings shall be a required component of the stormwater drainage permit submittal.
- (2) **Drainage Report—When required.** Development proposals that include any of the following activities shall submit a drainage report, as prescribed by this chapter and the Stormwater Manuals, together with the required calculations, plans, and details, as a component of the stormwater drainage permit; the drainage report and supporting plan documents shall address the applicable minimum stormwater management requirements and include the proposed BMPs to mitigate stormwater impacts:
 - (a) Development or redevelopment activities that qualify as a major development as defined herein; or
 - (b) Grading activities that result in the movement of 150 cubic yards or more of earth; or

- (c) Grading activities that will result in a temporary or permanent slope having a steepness exceeding three to one (3:1) (three feet horizontal to one foot vertical) and having a total slope height, measured vertically from toe of slope to top of slope, exceeding five feet (5 ft.); or
- (d) Grading activities that include the construction of embankment berms that will result in the impoundment of water to a depth exceeding eighteen (18) inches and/or with a maximum volume exceeding 2,500 cubic feet of water; or
- (e) Grading activities that will result in the diversion of existing drainage courses, both natural and manmade, from their natural point of entry or exit from the grading site;
- (f) Clearing activities [include additional provision from staff]
- (g) Any land clearing or grading on slopes steeper than thirty (30) percent, or within the mandatory setback of a wetland, stream, lake, or Puget Sound, as established by separate ordinance or by the public works department.

(3) BMP plans, only—When required. Minor development, as defined herein, or projects that do not require a drainage report pursuant to subsection (2) of this section, shall submit plans that document the proposed BMPs to mitigate stormwater impacts as a component of the stormwater drainage permit. The proposed BMPs shall address the applicable minimum requirements pursuant to the Stormwater Manuals.

(4) Off-Site Analysis. All development proposals that require a drainage report pursuant to subsection (2) of this section shall also include an off-site drainage analysis as defined in this chapter, prepared by a qualified professional engineer, and based on a field investigation of the development's off-site contributing and receiving drainage areas as a required component of the stormwater drainage permit submittal.

(5) Soils Analysis. All development proposals that require a drainage report pursuant to subsection (2) of this section and where the soils underlying the proposed project have not been mapped, or where existing soils maps of the project site are inconsistent, or where the Director deems that existing soils maps of the project site are not of sufficient resolution to allow proper engineering analysis, shall include a soils investigation report as a required component of the stormwater drainage permit submittal.

(6) Geotechnical Analysis. All development proposals where grading or the construction of stormwater retention facilities, detention facilities, LID BMPs, or other stormwater facilities is proposed within 200 feet of slopes steeper than thirty (30) percent, or where the Director deems that the proposed construction poses a potential hazard due to its proximity to a slope, shall, when required by the Director, include a geotechnical analysis prepared by a qualified geotechnical engineer as a required component of the stormwater drainage permit submittal. Said geotechnical analysis shall address the effects of ground water

interception and infiltration, seepage, potential slip planes, and changes in soil bearing strength.

(7) When a Professional Engineer Is Required. Unless otherwise required in this chapter, documents submitted in support of a stormwater drainage permit application must be prepared by a qualified professional engineer when one of the following conditions exists:

- (a) Any land use or building or development proposal on real property which meets the definition of a major development; or
- (b) Any improvements within the boundaries of city rights-of-way for which Port Orchard will ultimately assume responsibility for maintenance; or
- (c) Any development proposal that the Director deems to be in the public's best interest to require that certain stormwater drainage permit application submittal documents be prepared by a professional civil engineer.

(8) Engineering and drainage plans. All engineering plans shall be submitted to the Department for review in accordance with the Stormwater Manuals. All drainage plans, if required, shall be submitted to the Department for review in accordance with the Stormwater Manuals and in accordance with the requirements of any associated permit applications or development approvals.

15.32.100 Stormwater drainage—Permit—Decision type; review criteria.

A stormwater drainage permit shall be issued as an administrative decision of the Director, appealable to the Port Orchard Hearing Examiner in a closed record hearing.

15.32.110 Stormwater drainage—Permit—Review criteria.

- (1)** Every stormwater drainage permit, or approval application with storm drainage review, must meet the design and submittal requirements of this chapter and the adopted Stormwater Manuals.
 - (a) The required review for any submitted stormwater drainage permit shall be scaled by the Director to the scope of the project's size, type of development, and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. The Director shall determine which drainage reviews apply to a stormwater drainage permit application, as specified in the Stormwater Manuals.
 - (b) Stormwater generated on-site from all new impervious surfaces shall be managed through a combination of LID BMPs in accordance with this chapter and the Stormwater Manuals, or any other LID BMPs approved by the city through the design deviation

process in POMC 15.32.110, unless site and soil conditions make LID infeasible as determined by the Director.

(2) Low Impact Development BMPs—Additional conditions. The following LID BMPs utilized as part of a stormwater drainage permit submittal shall be subject to additional review and conditions for implementation by the Director as part of the stormwater drainage permit review and issuance:

- (a) Permeable pavements subject to vehicular use; and
- (b) Reverse slope sidewalks.

15.32.120 Stormwater drainage—Permit—Technical deviations.

The Director may grant technical deviations from requirements contained in the Stormwater Manuals pursuant to the requirements Stormwater Manuals; and provided that all of the following criteria are met:

- (a) The technical deviation will not otherwise result in noncompliance with this chapter;
- (b) The granting of the technical deviation will not result in noncompliance with the development conditions imposed upon the project by the city;
- (c) The granting of the technical deviation will produce a compensating or comparable result that is in the public interest; and
- (d) The granting of the technical deviation will meet the objectives of safety, function, appearance, environmental protection, and maintainability based on sound engineering judgment.

15.32.130 Stormwater drainage—Permit—Variances.

(1) Eligibility.

- (a) Requests for a variance from the minimum requirements under this chapter and the Stormwater manuals may be considered for stormwater drainage permits pending approval. The permit application review time will be extended by the Director as required for the review.
- (b) Requests for a variance from the minimum requirements under this chapter and the Stormwater manuals may be considered for stormwater drainage permits that have not yet expired; provided, that the variance request must be submitted a minimum of ninety (90) calendar days prior to the stormwater drainage permit expiration date. The 90-day requirement may be increased by the Director depending on the complexity of

the variance.

(2) Submittal requirements.

- (a) Applicants requesting a variance from the minimum requirements under this chapter and the Stormwater Manuals shall provide all necessary justification and supporting documentation in accordance with Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit. Additional information shall be submitted if required by the Director.
- (b) The permit applicant shall be responsible for all costs associated with analyses, documentation, and additional review time of the variance, in accordance with the process established by the Director.

(3) Review and approval. The ~~city council~~ hearing examiner may ~~, at a public hearing,~~ grant a variance from the provisions of this chapter; provided, that all of the following criteria and requirements are met:

- (a) The applicant has provided all necessary justification and supporting documentation to meet the requirements of Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit;
- (b) The granting of the variance will produce a compensating or comparable result that is in the public interest; and
- (a) The granting of the variance will meet the objectives of safety, function, appearance, environmental protection, and maintainability based on sound engineering judgment.

(4) Denial; appeal.

- (a) The permit applicant is responsible for fully meeting the minimum requirements of this chapter and the Stormwater Manuals if the variance is not approved prior to the stormwater drainage permit expiration.
- (b) The decision of the hearing examiner to grant or deny a variance pursuant to this section may be appealed to the city council in a closed record appeal. The decision of the city council upon a closed record appeal is final.

15.32.140 Stormwater drainage—Permit—Construction timing and final approval.

- (1) No work related to permanent or temporary storm drainage control for a permitted development may proceed without the approval of the Director pursuant to this chapter.

- (2) Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be approved and constructed pursuant to the requirements in Chapter 15.34 POMC, Land Disturbing Activity.
- (3) Prior to the construction of any improvements or buildings on the site, or to final recording of a plat or short plat, those portions of the stormwater drainage facilities required pursuant to the applicable issued stormwater drainage permit(s) shall be constructed and in operation as approved by the city; but, after receipt of a written request, the Director may authorize recording prior to final approval to minimize impacts that may result from construction of said stormwater drainage facilities during inappropriate times of the year.

15.32.150 Stormwater drainage—Permit—Expiration; extension.

(1) **Expiration.** A stormwater drainage permit issued pursuant to this chapter shall expire three (3) years from the date of issuance if the permitted work has not yet commenced. In the event that a stormwater drainage permit, and any renewal thereof pursuant to subsection (2) of this section, expires prior to the completion of construction, all construction activity must cease, a new stormwater drainage permit application must be submitted, and the issuance of a new stormwater drainage permit shall be at the discretion of the Director, subject to city development standards in force at the time of the new permit application.

(2) **Permit extension.**

- (a) If construction pursuant to an issued stormwater drainage permit has begun, been documented, and is continuing prior to the expiration of said permit, the property owner or stormwater drainage permit applicant may request a permit extension, submitted in writing to the Director, prior to the expiration date of the permit. Having the required inspections performed and approved within every 360 days is evidence that work has commenced and is continuing.
- (b) The Director may grant a one-time extension not to exceed two (2) additional years. The Director shall not grant more than one permit extension for a stormwater drainage permit.
- (c) The Director's decision whether to grant an extension pursuant to this subsection shall be final.

15.32.160 Stormwater drainage—Standards—Minimum site development requirements.

The following minimum site development requirements apply to all new development, redevelopment, and construction site activities that result in land disturbance of equal or greater than one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale, regardless of whether a permit under this chapter or chapter 15.34 POMC, Land Disturbing Activity, is required.

(1) Plans and Reports (Minimum Requirement No. 1). All development and redevelopment meeting the thresholds contained in this section shall submit plans and reports in accordance with the criteria stipulated in the manual.

(2) Construction Stormwater Pollution Prevention Plan (SWPPP) (Minimum Requirement No. 2). All new development and redevelopment is responsible for preventing erosion and discharge of sediment and other pollutants into receiving waters by preparing a SWPPP. The SWPPP shall include a narrative and drawings. All BMPs shall be clearly referenced in the narrative and marked on the drawings. The SWPPP narrative shall include documentation to explain and justify the pollution prevention decisions made for the project and shall be available to the director upon request. The SWPPP shall include each of the 12 elements below and shall be fully implemented, from initial soil disturbance until final stabilization, unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the SWPPP.

(a) Preservation of vegetation/markering clearing limits;

(b) Construction access;

(c) Controlling flow rates;

(d) Installing sediment controls;

(e) Stabilizing soils;

(f) Protecting slopes;

(g) Protecting drain inlets;

(h) Stabilizing channels and outlets;

(i) Controlling pollutants;

(j) Controlling de-watering;

(k) Maintaining best management practices; and

(l) Management of the project.

(3) Source Control of Pollution (Minimum Requirement No. 3). Source control best management practices (operational and/or structural) are required for all projects. Those practices listed in the source control chapter (Chapter 4) of the [SWMMWW](#) manual as

applicable operational or structural source controls for a particular pollutant source are required under this minimum requirement.

(4) Preservation of Natural Drainage Systems and Outfalls (Minimum Requirement No. 4).

(a) Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation.

(b) Downstream Analysis. The following projects shall conduct an analysis of downstream water quality impacts resulting from the project and shall provide mitigation of these impacts:

(i) All major developments; and

(ii) Any minor developments located within critical drainage areas.

The analysis shall extend a minimum of one-quarter of a mile downstream from the project site. The existing or potential impacts to be evaluated and mitigated shall include excessive sedimentation, erosion, discharges to ground water contributing to recharge zones, violations of water quality standards, and spills and discharges of priority pollutants.

(5) On-Site Stormwater Management (Minimum Requirement No. 5). All projects shall maintain the average annual volume of water that infiltrates on a site (ground water plus interflow) at or above predevelopment levels as predicted by an approved hydrologic model. Project proponents may use prescriptive predesigned best management practices contained in the manual to fulfill this requirement.

(6) Runoff Treatment (Minimum Requirement No. 6). The following require construction of stormwater treatment facilities designed in accordance with the manual.

(a) Projects in which the total pollution-generating impervious surface (PGIS) is 5,000 square feet or more; or

(b) Projects in which the total of pollution-generating pervious surface (PGPS) is three-quarters of an acre or more, and from which there is a surface discharge in a natural or manmade conveyance system from the site.

The level of treatment for each project will be determined by subsections (7) through (10) of this section.

(7) Oil Control Treatment Requirements.

(a) Treatment to achieve oil control applies to projects that have “high-use sites.” High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or frequent transfer of oil. High-use sites include:

(i) An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;

(ii) An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;

(iii) An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.);

(iv) A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian and bicycle use improvements.

(b) Oil/Water Separators. All stormwater from impervious areas at high use sites subject to motor vehicle traffic shall flow through a spill-containment type oil/water separator prior to surface discharge off site.

(8) Phosphorus Treatment Requirements. Phosphorus treatment as described in the manual is required for the following:

- (a) Those water bodies reported under Section 305(b) of the Clean Water Act, and designated as not supporting beneficial uses due to phosphorus;
- (b) Those water bodies listed in Washington State's Nonpoint Source Assessment required under Section 319(a) of the Clean Water Act due to nutrients.

(9) Enhancement Treatment Requirements. Enhanced treatment for reduction in dissolved metals (primarily copper and zinc) is required for the following project sites that discharge to fish-bearing streams, lakes, or to waters or conveyance systems tributary to fish-bearing streams or lakes:

- (a) Industrial project sites;
- (b) Commercial project sites;
- (c) Multifamily project sites; and
- (d) High annual average daily traffic (AADT) roads as follows:
 - (i) Within urban growth management areas:
 - (A) Fully controlled and partially controlled limited access highways with AADT counts of 15,000 or more;
 - (B) All other roads with an AADT of 7,500 or greater.

(10) Basic Treatment Requirements. Basic treatment applies to:

- (a) Project sites that discharge to the ground, unless:
 - (i) The soil suitability criteria for infiltration treatment are met (see the manual for soil suitability criteria); or
 - (ii) The project uses infiltration strictly for flow control and not treatment and the discharge is within one-quarter mile of a phosphorus sensitive lake (use a phosphorus treatment facility), or within one-quarter mile of a fish-bearing stream or a lake (use an enhanced treatment facility);

(b) Residential projects not otherwise needing phosphorus control as designated by U.S. EPA, the Department of Ecology, or by the city of Port Orchard;

(c) Project sites discharging directly to salt waters, river segments, and lakes listed in Appendix 1-C of the currently adopted Stormwater Management Manual for Western Washington ~~(2005)~~;

(d) Project sites that drain to streams that are not fish-bearing, or to waters not tributary to fish-bearing streams; and

(e) Landscaped areas of industrial, commercial, and multifamily project sites, and parking lots of industrial and commercial project sites that do not involve pollution-generating sources (e.g., industrial activities, customer parking, storage of erodible or leachable material, wastes or chemicals) other than parking of employees' private vehicles. For developments with a mix of land use types, the basic treatment requirement shall apply when the runoff from the areas subject to the basic treatment requirement comprise 50 percent or more of the total runoff.

(11) Flow Control (Minimum Requirement No. 7). Except as provided in subsection (12) of this section, the following require construction of flow control facilities and/or land use management BMPs that result in stormwater discharges that match developed condition discharge durations to predeveloped condition durations for the range of predeveloped discharge rates from 50 percent of the two-year peak flow up to the full 50-year peak flow.

(a) Projects in which the total of effective impervious surfaces is 10,000 square feet or more;

(b) Projects that convert three-quarter acre or more of native vegetation to lawn or landscape, or convert 2.5 acres or more of native vegetation to pasture, and from which there is a surface discharge in a natural or manmade conveyance system from the site; or

(c) Projects that through a combination of effective impervious surfaces and converted pervious surfaces cause a 0.1 cubic feet per second increase in the 100-year flow frequency as estimated using the Western Washington Hydrology Model or other approved model.

(12) Flow Control Exemption. Flow control is not required for projects that discharge directly to Puget Sound if all the following are satisfied:

(a) Direct discharge to the exempt receiving water does not result in the diversion of drainage from any perennial stream classified as Types 1, 2, 3, or 4 in the State of Washington Interim Water Typing System, or Types "S," "F," or "Np" in the Permanent Water Typing System, or from any Category I, II, or III wetland;

(b) Flow splitting devices or drainage BMPs are applied to route natural runoff volumes from the project site to any downstream Type 5 stream or Category IV wetland:

(i) Design of flow splitting devices or drainage BMPs will be based on continuous hydrologic modeling analysis. The design will assure that flows delivered to Type 5 stream reaches will approximate, but in no case exceed, durations ranging from 50 percent of the two-year to the 50-year peak flow; and

(ii) Flow splitting devices or drainage BMPs that deliver flow to Category IV wetlands will also be designed using continuous hydrologic modeling to preserve preproject wetland hydrologic conditions unless specifically waived or exempted by regulatory agencies with permitting jurisdiction;

(c) The project site must be drained by a conveyance system that is comprised entirely of manmade conveyance elements (e.g., pipes, ditches, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water;

(d) The conveyance system between the project site and the exempt receiving water shall have sufficient hydraulic capacity to convey discharges from future build-out conditions (under current zoning) of the site, and the existing condition from nonproject areas from which runoff is or will be collected;

(e) Any erodible elements of the manmade conveyance system must be adequately stabilized to prevent erosion; and

(f) Shoreline erosion is avoided through the use of appropriate energy dissipation or other protective measures.

(13) Wetlands Protection (Minimum Requirement No. 8).

(a) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated

uses. The hydrologic analysis shall use the existing land cover condition to determine the existing hydrologic conditions unless directed otherwise by a regulatory agency with jurisdiction.

(b) Stormwater treatment and flow control facilities shall not be built within a natural vegetated buffer, except for:

(i) Necessary conveyance systems as approved by the permittee; or

(ii) As allowed in wetlands approved for hydrologic modification and/or treatment in accordance with Guidesheet 1B in Appendix 1-D of the Stormwater Management Manual for Western Washington (2005).

(c) An adopted and implemented basin plan prepared in accordance with the provisions of POMC [15.32.070](#)(12) may be used to develop requirements for wetlands that are tailored to a specific basin.

(14) Operation and Maintenance (Minimum Requirement No. 9). All stormwater facilities shall be operated and maintained in accordance with POMC 15.32.080.

15.32.170 Stormwater drainage—Standards—Redevelopment activities.

(1) Where redevelopment activities meet the definition of a major development, the requirements of this section shall apply to that portion of the site that is being redeveloped. In addition, where one or more of the following conditions exist, the requirements of this section shall apply, to the maximum extent practicable, for the entire site, including adjoining parcels, if they are part of the project:

(a) Existing sites greater than one acre in size with 35 percent or more impervious surface;

(b) Sites that discharge to a receiving water that has a documented water quality problem; and

(c) Sites where the need for additional stormwater control measures has been identified through a basin plan.

(2) Approved Hydrological Methods for Design. Estimation of peak stormwater runoff rates used in the design of stormwater quantity control facilities shall utilize hydrograph methods of analysis approved by the Director. The design of storage facilities that are a part of

stormwater quantity control facilities shall be designed using methods approved by the Director.

15.32.180 Stormwater drainage—Standards—Stormwater quality control.

The following minimum requirements for stormwater quantity control shall apply to all development proposals~~land developments~~ that meet the definition of a major development:

- (1) All surface water and stormwater entering the development site in its predevelopment state shall be received at the naturally occurring or otherwise legally existing locations. All surface water and stormwater leaving the development site shall be discharged at all times during and after development at the naturally occurring or otherwise legally existing locations so as not to be diverted onto or away from adjacent downstream properties, except diversion which will correct an existing manmade downstream problem may be permitted by the Director. For the purposes of this chapter, “naturally occurring location” shall mean the location of those channels, swales, and pre-existing and established systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs, site inspections, decisions of a court of law, or other means determined appropriate by the Director.
- (2) The post-development peak stormwater discharge rates from the development site for the two-, 10-, and 100-year, 24-hour duration storm events and the 100-year, seven-day duration storm event shall at no time exceed the predevelopment peak stormwater runoff rates for the same design storm events, except as expressly permitted by this chapter. Also, where stormwater directly or indirectly discharges to open channels or streams, streambank erosion protection is required; the post-development peak stormwater discharge rate from the development site for the two-year, 24-hour duration storm event shall not exceed 50 percent of the predevelopment peak stormwater runoff rate for the same design storm event. The Director may require that runoff from a development site be controlled for additional design storm events.
- (3) Closed depressions shall be analyzed using hydrograph routing methods. Infiltration shall be addressed where appropriate. If a proposed project will discharge runoff to an existing closed depression that has greater than 5,000 square feet of water surface area at overflow elevation, the following requirements must be met:
 - (a) Case 1. The predevelopment 100-year, seven-day and 24-hour duration design storms from the drainage basin tributary to the closed depression are routed into the closed depression using only infiltration as outflow. If the design storms do not overflow the closed depression, no runoff may leave the site for the same storm events following development of a proposed project. This may be accomplished by excavating additional volume in the closed depression subject to all applicable requirements. If a portion of the depression is located off of the project site, impacts to adjacent properties shall be evaluated.

- (b) Case 2. The predevelopment 100-year, seven-day, 24-hour duration design storm events from the drainage basin tributary to the closed depression are routed to the closed depression using only infiltration as outflow, and overflow occurs. The closed depression shall then be analyzed as a detention/infiltration pond. The required performance, therefore, shall not exceed the predevelopment runoff rates for 50 percent of the two-year and 100 percent of the 10-year and 100-year, 24-hour duration and 100-year, seven-day duration design storms. This will require that a control structure, emergency overflow spillway, access road, and other applicable design criteria be met. If the facility will be maintained by the city, the closed depression shall be placed in a dedicated tract. If the facility will be privately maintained, the tract shall be located within a drainage easement. If a portion of the depression is located off of the project site, impacts to adjacent properties shall be evaluated.
 - (c) Case 3. When a proposed project is contributory to a closed depression located off-site, the volume of runoff discharged may not be increased for the two-, 10-, and 100-year, 24-hour duration, and the 100-year, seven-day duration storm events. The exception to this requirement is in the case where discharge would not result in an increase in water surface elevation of greater than 0.01 foot for the 100-year storm events.
- (4)** Land developments shall provide stormwater quantity control facilities designed to meet, as a minimum performance standard, the requirements of this section, except in the following circumstances:
- (a) The development site discharges directly into Puget Sound, or directly into the tidally influenced areas of rivers and streams discharging into Puget Sound, where runoff quantity control is not required by other governmental agencies.
 - (b) The development site discharges to a regional stormwater facility approved by the director to receive the developed site runoff.
 - (c) The development site discharges to a receiving body of water (lake, wetland, etc.) where it can be demonstrated by the applicant, to the satisfaction of the director, that stormwater quantity control is not warranted.
- (5)** In the event that conditions downstream from a proposed development site are determined by the Director to be exceptionally sensitive to potential stormwater discharges from the subject site, the Director may require a factor of safety be applied to the total retention/detention storage volume and/or a reduction of allowable stormwater release rates.
- (6)** Submittals for all proposed development projects shall include an analysis of downstream water quantity impacts resulting from the project and shall provide for mitigation of these impacts. The analysis shall extend a minimum of one-quarter of a mile downstream from the project. The existing or potential impacts to be evaluated and mitigated shall include,

but not be limited to, excessive streambank erosion, flooding, surcharging of existing closed drainage conveyance facilities, discharge to closed depressions, and discharge to existing off-site runoff control facilities.

- (7) Retention facilities and open stormwater quantity control facilities shall not be located in dedicated public road rights-of-way.
- (8) Reasonable access for maintenance, as determined by the Director, shall be provided to all stormwater facilities.
- (9) As the first priority, streambank erosion control BMPs shall utilize infiltration to the fullest extent practicable, only if site conditions are appropriate and ground water quality is protected. Streambank erosion control BMPs shall be selected, designed, and maintained according to the manual. Streambank erosion control BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the department of public works.

15.32.190 Stormwater drainage—Standards—Water quality BMPs.

- (1) Water quality best management practices (BMPs) shall be used to the maximum extent practicable to control pollution in stormwater. Water quality BMPs shall be used to comply with the standards of this chapter, including those contained in the [Stormwater Manual](#). Construction and post-development water quality BMPs shall be utilized for all developments. Said water quality BMPs shall provide runoff water quality treatment for all storm events with intensities less than or equal to the water quality design storm event, as defined in ~~subsection (8)(b) of this chapter~~ [section 15.32.190\(1\)](#).
- (2) **Illicit Discharges.** Illicit discharges ~~, as described in POMC 15.32.100(1),~~ or illicit connections to a stormwater drainage system, ~~pursuant to chapter 15.30 POMC, as described in POMC 15.32.100(2),~~ are prohibited.
- (3) **Experimental Best Management Practices.** In those instances where appropriate best management practices are not in the [Stormwater Manual](#), experimental BMPs should be considered. In an effort to improve stormwater quality technology, experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the [Stormwater Manual](#). Experimental BMPs must be approved by the Director. The Director may require that the performance of experimental BMPs be monitored to document their effectiveness for future use.
- (4) **Incorporation into Stormwater Quantity Control Facilities.** Water quality BMPs may be incorporated into the design of stormwater quantity control facilities where appropriate.

15.32.200 Stormwater drainage—Standards—Stormwater conveyance facilities.

- (1) All proposed developments must provide on-site stormwater conveyance facilities having sufficient capacity to convey, without flooding or otherwise damaging existing or proposed structures, the post-development peak stormwater runoff rate resulting from a 100-year storm event, plus any existing upstream runoff that will be conveyed through the development site.
- (2) Estimation of peak stormwater runoff rates used in the design of water conveyance facilities shall use either the rational method or a hydrograph method of analysis accepted by the Director.
- (3) Existing drainage ways and/or other conveyance facilities downstream from proposed developments that are identified within the scope of the downstream portion of the off-site drainage analysis shall have sufficient capacity to convey, without flooding or otherwise damaging existing or proposed structures, the post-development peak stormwater discharge for the 25-year storm event. All newly constructed downstream drainage ways and/or conveyance facilities shall have sufficient capacity to convey the post-development peak stormwater discharge for the 100-year storm event. Downstream improvements or additional on-site stormwater quantity control measures shall be provided to eliminate any potential downstream flooding or other damage that may occur following completion of the proposed development. The Director has the authority to waive the requirement for downstream improvements.
- (4) Drainage through closed conveyance structures such as pipes shall not discharge directly onto the surface of a public road.
- (5) Easements, Tracts, and Covenants.

 - (a) Drainage easements shall be provided in a proposed development for all stormwater conveyance systems that are not located in public rights-of-way or tracts. Said drainage easements shall be granted to the parties responsible for providing ongoing maintenance of the systems.
 - (b) Stormwater facilities that are to be maintained by the city, together with maintenance access roads to said facilities, shall be located in public right-of-way, separate tracts dedicated to the city, or drainage easements located in designated open space. The exception is for stormwater conveyance pipes that may be located within easements on private property; provided, that all catch basins can be accessed without entering private property.
 - (c) All runoff from impervious surfaces, roof drains, and yard drains shall be directed so as not to adversely affect adjacent properties. Wording to this effect shall appear on the

face of all final plats/PUDs, and shall be contained in any covenants required for a development.

15.32.210 Stormwater drainage—Standards—Wetlands.

The following requirements apply only to situations where stormwater discharges directly or indirectly into a wetland and must be met in addition to meeting the requirements in Major Development Minimum Requirement 7.35(2), Stormwater Treatment BMPs:

- (1) Stormwater discharges to wetlands must be controlled and treated to the same extent as all other discharges, with the goal of meeting state water quality and ground water quality standards.
- (2) Discharges to wetlands shall maintain the hydroperiod and flows of predevelopment site conditions to the extent necessary to protect the characteristic functions of the wetland. Prior to discharging to a wetland, alternative discharge locations shall be evaluated, and natural water storage and infiltration opportunities outside the wetland shall be maximized.
- (3) Created wetlands that are intended to mitigate for loss of wetland acreage, function and value shall not be designed to also treat stormwater.
- (4) In order for constructed wetlands to be considered treatment systems, they must be constructed in areas which are not designated as wetland or wetland buffer or in other areas which are in conflict with designated critical areas and associated buffers, and they must be managed for stormwater treatment. If these systems are not managed and maintained in accordance with the manual for a period exceeding three years, these systems may no longer be considered constructed wetlands.
- (5) Wetland BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the department of public works.

15.32.220 Stormwater drainage—Standards—Regional facilities.

When the Director has determined that the public would benefit by the establishment of a regional stormwater facility which would serve as an alternative to the construction of separate on-site drainage facilities, the director may recommend to the city council that a regional stormwater facility be constructed which would serve more than one development in providing stormwater quantity and/or quality control. In the event that a regional stormwater facility is required by the city council, such a regional stormwater facility shall be located outside of fish-bearing streams, unless otherwise accepted by the Washington State Department of Fish and Wildlife. All future developments constructed on lands designated by the city council to be served by the regional facility shall, at the time of issuance of a stormwater management permit for a development, be required to contribute a fair share to the cost of land purchase, design, and construction of said regional facility. In the event that a proposed regional stormwater facility is not yet in operation at the time of completion of construction of a development that is to be served by said regional facility, the applicant for said development

shall be required to provide temporary stormwater quantity and quality controls. Temporary quantity and quality controls may be constructed in temporary easements, rather than in separate tracts.

15.32.230 Stormwater drainage—Standards—Basin planning.

An adopted and implemented basin plan may be used to develop requirements for source control, stormwater treatment, streambank erosion control, wetlands, and water quality sensitive areas that are tailored to a specific basin. Adopted and implemented watershed-based basin plans may be used to modify any or all of the minimum requirements for stormwater quantity or quality control addressed in this chapter; provided, that the level of protection for surface or ground water achieved by the basin plan will equal or exceed that which would otherwise be achieved by implementation of the provisions of this chapter in the absence of a basin plan. Basin plans shall evaluate and include, as necessary, retrofitting of BMPs for existing development and/or redevelopment in order to achieve watershed-wide pollutant reduction goals. Standards developed from basin plans shall not modify any of the above requirements until the basin plan is formally adopted and fully implemented by the city.

15.32.240 Stormwater drainage—Standards—Exemptions.

- (1) Residential lots one acre or larger shall be exempt from the provisions of [POMC 15.32.XXX through 15.32.XXX](#) ~~this section~~, or as otherwise determined by the Director. Cases where this exemption does not apply include, but are not limited to, sites within or adjacent to critical areas or watersheds, steep or unstable slopes, or where the cumulative impacts of development warrant compliance with these provisions. Site development activities taking place on individual lots of one acre or larger, which meet the definition of a major development, are not exempt from the requirements of POMC 15.32.XXX065. Proposed access roadways serving residential lots larger than two and one-half acres, which meet the definition of a major development, are not exempt from the requirements of POMC 15.32.XXX065.

15.32.250 Stormwater drainage—Facilities—Covenants, sureties, and liability insurance.

(1) Site Stabilization Surety.

- (a) Prior to the issuance of a stormwater drainage permit and prior to beginning any construction activity on a project site, the owner of the project will be required to record a performance covenant or post a performance surety for site stabilization and erosion and sedimentation control. In addition, the owner may be required to provide a certificate of commercial liability insurance as outlined in subsection (5) of this section.
- (b) This performance requirement for stabilization and erosion control should not be confused with the performance bond accepted at the time of final plat recording as a surety for construction items not yet completed. When a performance bond is accepted for a final plat in lieu of construction completion, the surety or covenant for stabilization

and erosion control will be released, and the new performance bond shall cover site stabilization and erosion control along with the other incomplete construction items.

(2) Performance Covenant for Site Stabilization. For project sites with less than five (5) acres of land disturbing activity, a performance covenant may be recorded in lieu of performance surety for site stabilization prior to issuance of the stormwater drainage permit to guarantee the city that temporary erosion and sedimentation control and permanent site stabilization measures will perform in accordance with this chapter. This covenant shall be recorded with the Kitsap County auditor and shall run with the land until such a time as the city issues final acceptance of the permitted activities, or until a separate performance bond is posted prior to final plat approval. Upon issuance of final project approval, the department of public works will record a document that extinguishes the performance covenant.

(3) Performance Surety for Site Stabilization.

(a) The term “bond” as defined in this chapter shall mean a surety bond, assignment of funds, or irrevocable bank letter of credit. For project sites with five (5) or more acres of land disturbing activity, a performance bond shall be posted prior to issuance of a stormwater drainage permit to guarantee the city that temporary erosion and sedimentation control and permanent site stabilization measures will perform in accordance with this chapter. The amount of the performance bond shall be as follows:

- i. One hundred fifty percent of the estimated cost of performing minor grading and installing temporary erosion and sedimentation control, and permanent site stabilization measures to bring the construction site into compliance with this chapter. A cost estimate shall be submitted by the project engineer subject to the approval of the Director. The minimum amount of the bond shall be \$5,000; or
- ii. One thousand dollars per acre of land disturbing activity. No engineer’s estimate is required.

(b) If the site work is determined by the Director to be in violation of this chapter, the city may use the performance bond to provide temporary and permanent site stabilization.

(c) All performance bonds shall run continuously until released by the city, and shall not be subject to an expiration or cancellation date.

(4) Performance Bond for Uncompleted Site Improvements.

(a) For single-family residential developments, a performance bond shall be provided prior to the final recording of the plat/PUD, guaranteeing completion of all site improvements not yet completed. The amount of the performance bond shall be 150 percent of the

estimated cost of said improvements. The estimated cost of the construction shall be determined by a civil engineer subject to the approval of the director.

(b) All performance bonds shall run continuously until released by the city, and shall not be subject to an expiration or cancellation date.

(5) Commercial Liability Insurance. The owner of any project must provide a certificate of liability insurance to the department of public works prior to issuance of a stormwater drainage permit. The liability insurance shall remain in force until final project approval is issued by the city. The commercial liability insurance shall be in the amount of not less than \$1,000,000 combined single limit bodily injury and property damage, with a \$2,000,000 aggregate. Such insurance shall include the City of Port Orchard, its officers, and employees as additional insureds, with respect to the terms and conditions of the policy.

(6) Maintenance Bonds. A maintenance bond is required for all subdivisions and commercial projects for which stormwater facilities and/or roads are required pursuant to the following:

(a) Prior to the final approval of construction and release of any performance sureties, a maintenance bond must be posted and maintained by the project owner for a period of two (2) years.

(b) The maintenance bond shall guarantee the stormwater facilities and roads constructed under permit against design defects and/or failures in workmanship and shall guarantee that the facilities constructed under the permit will be regularly and adequately maintained throughout the maintenance period. At the end of this time, the city will inspect the system and, when the facility is acceptable and 80 percent of the lots in that phase have been improved, the city will release the maintenance bond. In the event that 80 percent of the lots in a residential development have not been improved by the end of the two-year maintenance period, the maintenance bond may be extended, subject to the approval of the Director, for one (1) additional year.

(c) The amount of the maintenance bond shall be ten (10) percent of the estimated construction cost of the stormwater facilities and roads requiring maintenance, or \$5,000, whichever is greater. The construction cost of the stormwater facilities requiring maintenance shall be estimated by the project engineer, subject to the approval of the Director.

15.32.260 Stormwater drainage—Facilities—Operation and maintenance.

(1) Maintenance of Stormwater Facilities by Owners.

(a) Any person or persons holding title to a nonresidential property for which stormwater facilities and BMPs have been required by the city shall be responsible for the continual

operation, maintenance, and repair of said stormwater facilities and BMPs in accordance with the provisions of this chapter.

- (b) For privately maintained stormwater facilities, the maintenance requirements specified in this chapter, including the Stormwater Manuals, shall be enforced against the owner(s) of the subject property served by the stormwater facility.

(2) Maintenance Covenant Required for Privately Maintained Drainage Facilities.

- (a) Prior to the beneficial use of a development constructed under a city permit, the owner shall record a maintenance covenant that guarantees Port Orchard that the owner shall properly operate, maintain, and inspect the stormwater facilities, and that also gives the city the authority to enter and inspect the facility. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the Kitsap County auditor.
- (b) The Director may require the owners of existing stormwater facilities for which the city has not previously accepted operation and maintenance responsibility to record a maintenance covenant, or to request that the city accept operation and maintenance responsibility for the stormwater facilities subject to the requirements of this chapter.
- (c) Maintenance covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the subject stormwater facilities is accepted by the city.

(3) City Acceptance of New Stormwater Facilities. The city may accept for maintenance those new residential stormwater facilities constructed under an accepted stormwater drainage permit that meet the following conditions:

- (a) Improvements in residential plats/PRDs have been completed on at least 80 percent of the lots, unless waived by the Director;
- (b) All drainage facilities have been inspected and accepted by the Director and said drainage facilities have been in satisfactory operation for at least two (2) years;
- (c) All drainage facilities reconstructed during the maintenance period have been accepted by the Director;
- (d) The stormwater facility, as designed and constructed, conforms to the provisions of this chapter;
- (e) All easements required under this chapter, entitling the city to properly operate and maintain the subject drainage facility, have been conveyed to the city and have been recorded with the Kitsap County auditor;

- (f) For nonstandard drainage facilities, an operation and maintenance manual, including a maintenance schedule, has been submitted to and accepted by the city; and
- (g) A complete and accurate set of reproducible Mylar as-built drawings and a CD containing an acceptable electronic set of as-built drawings have been provided to the city. A professional engineer shall certify that both the vertical and horizontal alignment meet the design objectives.
- (h) The Director may terminate the city's assumption of maintenance responsibilities under this section in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community.

(4) City Acceptance of Existing Stormwater Facilities. The city may accept for maintenance those stormwater facilities for residential developments existing prior to the effective date of the ordinance codified in this chapter that meet the following conditions:

- (a) Improvements in residential plats/PRDs have been completed on at least 80 percent of the lots; and
- (b) An inspection by the Director has determined that the stormwater facilities are functioning as designed; and
- (c) The stormwater facilities have had at least two (2) years of satisfactory operation and maintenance, unless otherwise waived by the Director; and
- (d) The person or persons holding title to the properties served by the stormwater facilities submit a petition containing the signatures of the title holders of more than fifty (50) percent of the lots served by the stormwater facilities requesting that the city maintain the stormwater facilities; and
- (e) All easements required under this chapter, entitling the city to properly operate and maintain the subject stormwater facilities, have been conveyed to the city and have been recorded with the Kitsap County auditor; and
- (f) The person or persons holding title to the properties served by the stormwater facilities show proof of the correction of any defects in the drainage facilities, as required by the Director.
- (g) The Director may terminate the city's assumption of maintenance responsibilities under this section in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community.

(5) City Inspections of Privately Maintained Stormwater Facilities.

(a) The Director is authorized to develop an inspection program for privately owned and maintained stormwater facilities in the city. The purpose of this inspection program shall be to determine if said stormwater facilities, conveyance structures, and water quality facilities are in good working order and are properly maintained and to ensure that stormwater quality BMPs are in place and that nonpoint source pollution control is being implemented.

(b) Whenever the provisions of the inspection program are being implemented, or whenever there is cause to believe that a violation of this chapter has been or is being committed, the inspector is authorized to inspect during regular working hours and at other reasonable times any and all stormwater drainage facilities within the city to determine compliance with the provisions of this chapter.

(6) Inspection Schedule. The Director is authorized to establish a master inspection and maintenance schedule to inspect appropriate stormwater facilities that are not owned and operated by the city. The party (or parties) responsible for maintenance and operation shall be identified. Critical stormwater facilities, as so deemed by the Director, may require a more frequent inspection schedule.

15.32.270 Stormwater drainage—Enforcement.

(1) Failure to Comply. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter.

(2) Emergency Access and Reparation. In the event the violation constitutes an immediate danger to public health or safety, the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the city from seeking further relief or applying other penalties as provided in this chapter.

(3) Civil Infraction. Except as provided in subsection (4) of this section, conduct made unlawful by this chapter shall constitute a civil infraction and is subject to enforcement and fines as provided in Chapter 2.64 POMC. A civil infraction under this section shall be processed in the manner set forth in Chapter 2.64. POMC.

(4) Misdemeanor. Any person who again violates this chapter within twelve (12) months after having been found to be in violation of this chapter commits a misdemeanor.

(5) Civil Penalty. In addition to any civil infraction fine, criminal penalty, and/or other available sanction or remedial procedure, any person engaging in conduct made unlawful by this chapter shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil

penalty shall be collected in accordance with Chapter 2.64 POMC.

- (6) Additional Remedies.** In addition to any other remedy provided by this chapter or under the Port Orchard Municipal Code, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this chapter to prevent, enjoin, abate, and/or terminate violations of this chapter and/or to restore a condition which existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this chapter shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.
- (7) Violation of Additional Laws.** Any person who violates any provision of this chapter may also be in violation of the Federal Clean Water Act, NPDES Phase II permit, and/or Chapter 90.48 RCW and may be subject to sanctions associated with each, including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

DRAFT

OVERVIEW—WWSWP II LID REQUIREMENTS

1. WESTERN WASHINGTON PHASE II STORMWATER PERMIT—OVERVIEW

The Municipal National Pollutant Discharge Elimination System (NPDES) is a federal regulatory program under the Clean Water Act, administered by the Environmental Protection Agency (EPA), which regulates discharges from municipal separate storm sewer systems (MS4s). The EPA regulations establish two phases—Phase I for medium and large MS4s, and Phase II for smaller MS4s. The Washington State Department of Ecology (DOE) develops and administers coverage of NPDES municipal stormwater permits within the state. The Phase I Municipal Stormwater Permit issued by DOE regulates discharges from MS4s owned or operated by Clark, King, Pierce, and Snohomish Counties; and the cities of Seattle and Tacoma. The Phase II Municipal Stormwater Permit issued by DOE regulated discharges from “small” MS4s. DOE has issued two Phase II permits: one for Eastern Washington and one for Western Washington.

The City of Port Orchard operates under the Western Washington Phase II Stormwater Permit (the “NPDES Permit” or the “Permit”). The City complies with Permit requirements by adoption and implementation of DOE’s Stormwater Management Manual for Western Washington (the “Ecology SWM Manual”). The City’s Public Works Design and Construction Standards (“PW Standards”), provide technical specifications and guidance for implementing the Ecology SWM Manual requirements within the City.

2. NEW NPDES PERMIT REQUIREMENTS—LOW IMPACT DEVELOPMENT

In 2012, DOE issued an updated NPDES Permit to be effective from August 1, 2013, through July 31, 2018. The updated Permit has built upon the requirements and programs developed under the original Permit. Though, most significantly, the updated Permit requires Permittees to conduct a citywide process to “...review, revise, and make effective their local development related codes, rules, standards, and other enforcement documents...” in order to eliminate barriers within city codes that inhibit the use of a stormwater management approach referred to as Low Impact Development (“LID”). According to the NPDES Permit, the intent of such revisions “...shall be to make LID the preferred and commonly-used approach to site development.”

The LID-related NPDES Permit regulations were included as a response to a 2008 ruling from the Washington State Pollution Control Hearing Board. As such, the requirements are quite specific in their intent to make low impact development the preferred and common method for managing stormwater drainage. The NPDES Permit requires design engineers to use specific LID methodologies, design assumptions, and criteria. The Permit also requires development projects to use specific LID facilities at development project sites, or design stormwater facilities that will manage stormwater to a specific standard. This performance standard offers

the design engineers a less prescriptive means by which to meet the Permit's LID regulations and allows innovative approaches to be approved by the City during a development plan review process. The Washington State Department of Ecology also provides guidance and training regarding LID, which further defines the boundaries that jurisdictions must operate within to meet NPDES LID-related Permit requirements.

This Permit requirement to incorporate and require LID principles and LID best management practices (BMPs) for development within the city must be implemented by December 31, 2016.

3. WHAT IS LOW IMPACT DEVELOPMENT?

Conventional stormwater management has led to large stormwater facilities in one location. Implementing the LID BMPs in the Ecology SWM Manual will result in smaller, maintenance-friendly stormwater retention facilities, which are intended to function more like nature. Installation of bioretention and infiltration systems will take precedence over the use of conventional systems (e.g., concrete vaults and fenced wet detention facilities).

In general, the primary LID principles and BMPs included in the Ecology SWM Manual, as well as the proposed updates to the POMC, include measures to minimize the amount of impervious surfaces in a development project, minimize the loss of native vegetation, and minimize stormwater runoff (i.e. encourage natural infiltration of stormwater). The following are just a few examples of how these measure can be implemented and achieved:

- Platting, lot design, and street standards can allow for more open space to promote natural infiltration.
- Bio-swales can be used to collect storm runoff and allow natural infiltration through the ground.
- Pervious pavement can be used for walkways, parking areas, driveways, patios, and certain streets. The pervious pavement reduces the amount of storm runoff by allowing rain to infiltrate through the surface and into the ground. Examples are pervious concrete, pervious asphalt, permeable pavers, and grass pavers.
- Green roofs can be used on residential or commercial development. The thin layer of soil and installation of plants can reduce the amount of storm runoff by absorbing the rain.
- Disconnecting tightlined downspouts, when an appropriate alternative that allows stormwater infiltration is available, can reduce the amount of storm runoff into the public surface water system. Runoff can be routed to a rain garden or a designated grass or gravel area and infiltrated. This replenishes groundwater and helps reduce the increase flow to small creeks during rain events. A clearing and grading permit or other

review may be required for rain gardens and other alternatives to tightlined downspouts.

- Rain barrels and cisterns can be used to capture roof runoff to be used later for irrigation. This reduces the increase in summer water usage.
- Rain gardens and bioretention areas can be used to collect runoff from hard surfaces. Pollutants are removed by the plants and a large portion of the runoff is infiltrated.
- Amending soils with compost will increase infiltration and absorption. Nutrients in the composted soils work to break down and remove pollutants from the runoff.

4. BENEFITS OF LOW IMPACT DEVELOPMENT

The benefits of incorporating LID BMPs into all development projects are many—some of note:

- Developers can reduce the size of traditional stormwater facilities, reduce costs, and meet the City’s landscape requirements by incorporating LID elements into new development.
- LID facilities are generally easier and cheaper to maintain (this is a benefit to both private owners of stormwater facilities, as well as the City for city-owned stormwater facilities).
- Wetlands, lakes, and streams will receive less pollutants and cooler water as more LID techniques are used. This improves habitat and water quality for recreational uses.
- Homeowners can reduce water usage for irrigation by installing LID features. These systems often cost less to maintain.

5. FINANCIAL IMPACT OF LOW IMPACT DEVELOPMENT

The adoption of any new regulation or development practice is not without an associated financial cost. However, it is important to remember that the proposed amendments to the POMC to implement the LID practices required by the NPDES Permit are also being adopted by all permitted jurisdictions within the western portion of the state operating under the NPDES Permit.

General considerations of financial impacts for implementing LID BMPs pursuant to the minimum requirements under the NPDES Permit (to both private developers and City operations) include the following:

- The cost to conduct pre-construction site analysis and planning will likely increase.
- In areas where soils readily soak-up stormwater, the added expense of analysis and planning may be off-set by savings resulting from a reduction in the size of traditional detention facilities—i.e. smaller stormwater ponds and vaults.
- In areas where soil infiltrates poorly, the use of LID could increase the costs to plan and build stormwater management facilities.
- Applicants can voluntarily choose to utilize more LID techniques than required if it is less expensive relative to traditional stormwater management techniques (e.g. pipes, vaults, ponds, etc.).
- The greatest financial burden will most likely fall on development projects that have soils that drain poorly, but not so poorly as to trigger the infeasibility criteria thresholds for LID infiltration facilities.
- Project costs for capital and transportation improvement projects should be updated to account for the use of LID where needed/required.
- Incorporating LID techniques into the city's daily operations, other than capital and transportation projects, will require additional time, energy, and equipment. LID uses a greater degree of pre-construction analysis and numerous small, dispersed stormwater facilities at individual development sites. As a result, additional staff time will be needed to review project development submittals; inspect facilities during construction; and monitor facilities after construction. These considerations should be included within the Stormwater Utility budget and rates.
- Bear in mind that if stormwater does not soak into the ground and infiltrate at a specific rate, the site is exempt from the NPDES Permit on-site LID infiltration requirements (as further described in the next section).

6. WHEN LID IS NOT REQUIRED—INFEASIBILITY

As noted, all development with the city will be required to comply with the LID requirements of the NPDES Permit, *except* where the developer can demonstrate that it is infeasible to use LID BMPs in their proposed development activity.

The Ecology SWM Manual provides infeasibility criteria for the infiltration of stormwater and also provides separate infeasibility criteria for bioretention (rain gardens) and pervious pavement. These criteria are based on technical considerations only, as economic

considerations cannot be used as justification for infeasibility. According to the Ecology SWM Manual, if soils at a development project site do not soak up water at a rate of 0.3 inches per hour or greater, the site is considered infeasible for infiltration. Additional criteria to demonstrate infeasibility may also apply, for example:

- In limited circumstances, such as Superfund sites, a site with contaminated soils may be considered infeasible for infiltration. (Most sites will be required to remediate soils or use a lined stormwater retention facility with an overflow structure.)
- Sites with close proximity to steep slopes or landslide hazard areas are infeasible for infiltration.
- Dispersing runoff and allowing it to drain in septic fields is not considered feasible.
- Pervious pavements are infeasible for roads that are not “low traffic volume” (i.e., less than 400 vehicle trips per day).

The city will review materials submitted by development project proponents to determine if the submittals provide a justification for infeasibility. Because LID includes actions such as tree retention, site planning, and native soil protection, some amount of planning for LID will likely be appropriate at most development sites.

7. RECOMMENDATION FOR ADOPTION OF PROPOSED AMENDMENTS

The proposed amendments to the POMC, as presented for your review and comment, should be recommended for adoption because:

- Adoption of these amendments will place the city in compliance with the NPDES Permit (state requirements and provisions of the federal Clean Water Act).
- The use of LID BMPs is consistent with Port Orchard’s vision and is well supported within the Comprehensive Plan.
- The proposed amendments to the POMC are no more or less restrictive than those being proposed by neighboring jurisdictions.

Chapter 16.80

PLANNED LOW IMPACT DEVELOPMENT (PLID) – ALTERNATIVE DEVELOPMENT REGULATIONS

Sections:

16.80.005—Voluntary compliance.

16.80.010—Purpose.

16.80.020—LID design criteria.

16.80.030—Permitted uses.

16.80.040—Design and development standards.

16.80.050—Conformance.

16.80.060—General design criteria.

16.80.070—Site assessment.

16.80.080—Native vegetation areas.

16.80.090—Native soil protection and amendment.

16.80.100—Clustering.

16.80.110—Residential densities.

16.80.120—Lot size, lot width, building height, impervious coverage.

16.80.130—Circulation and access.

16.80.140—Parking.

16.80.150—Impervious and pervious surfacing methods.

16.80.160—Drainage and land alteration.

16.80.170—Site assessment and concept plan.

16.80.180—Preliminary meeting.

16.80.190—Information submittal.

16.80.200—General provisions.

16.80.210—Textual information.

~~16.80.220—Site plan and supporting maps and graphics.~~

~~16.80.230—Supplemental information.~~

~~16.80.300—Planned low impact development procedure.~~

~~16.80.310—Review process.~~

~~16.80.320—Preapplication conference.~~

~~16.80.330—Additional required findings.~~

~~16.80.340—Installation of improvements.~~

~~16.80.350—Final review and approval.~~

~~16.80.360—Control of the development after completion.~~

16.80.005 Voluntary compliance.

Compliance with the provisions of this chapter is voluntary, but encouraged. In lieu of the development regulations set forth in other chapters of the land use regulatory code, an applicant may choose to comply with the provisions of this chapter.

16.80.010 Purpose.

This chapter is enacted with a goal of retaining the critical functions of a forest including evapotranspiration and infiltration after site development such that effective impervious surfaces are substantially reduced. As part of meeting this goal, this chapter is intended to fulfill the following purposes:

~~(1) Provide those developing land the opportunity to demonstrate substantial reduction in effective impervious surfaces.~~

~~(2) Improve the conditions of habitat and ground and surface waters within a watershed with innovative urban residential design and development techniques.~~

~~(3) Foster broad community acceptance of the use of significantly less impervious surface and greater natural habitat conservation on sites.~~

~~(4) Provide the opportunity to identify and evaluate potential substantive changes to land use development regulations which support and improve natural functions of watersheds.~~

~~(5) Manage stormwater through a land development strategy that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic conditions.~~

(6) Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of streets, utility networks and other public improvements.

(7) Minimize impervious surfaces and effective impervious surfaces.

(8) Encourage the creation or preservation of permanent forested open space.

(9) Encourage development of residential environments that are harmonious with on-site and off-site natural and built environments.

(10) Further the goals and the implementation of the policies of the comprehensive land use plan.

16.80.020 LID design criteria.

Conformance to the following criteria is required for all development reviewed under the provisions of this chapter:

(1) LID projects shall meet the minimum peak and duration flow control standards per the Department of Ecology Stormwater Management Manual for Western Washington, current edition.

(2) Flow control facilities may be reduced in size through compliance with LID Technical Guidance Manual (Puget Sound Action Team, 2005) Section 7.2.2 for all or part of the development site.

(3) Water quality treatment BMPs shall be provided to treat 91 percent of the annual runoff volume per the Department of Ecology standards.

(4) All site soils disturbed during construction shall be rehabilitated to the specifications of Integrated Management Practice 6.2 of the LID Technical Guidance Manual for Puget Sound (Puget Sound Action Team, 2005).

(5) After the certificate of occupancy is issued, there shall be no net increase in effective impervious surfaces for all PLID projects.

(6) All projects with Type A (outwash) soils shall infiltrate 100 percent of runoff.

(7) All projects shall provide a maintenance plan/program that has been approved by the city, including source control BMPs.

Table 16.80.020-1

	Pond Reduction (infiltration < 0.30 in./hr. or less)^{1,2}	Pond Reduction (infiltration of ≥ 0.30 in./hr. or more)^{1,2}	Native Vegetation Area³	Maximum Impervious Surface Area⁴

Table 16.80.020-1

	Pond Reduction (infiltration < 0.30 in./hr. or less)^{1,2}	Pond Reduction (infiltration of ≥ 0.30 in./hr. or more)^{1,2}	Native Vegetation Area³	Maximum Impervious Surface Area⁴
Urban Residential < 6.1 Dwelling Units per Acre	50%	60%	35%	See Table 16.80.020-2
Urban Residential 6.1 ≥ Dwelling Units per Acre	50%	60%	20%	See Table 16.80.020-2
Multifamily ^{5,6}	40%	80%	20%	70%
Commercial ⁶	40%	80%	10%	70%

(a) The volume reduction in the table represents a reduction as compared to the volume needed for a detention pond serving a standard development.

(b) Infiltration rates are as measured in the field at the proposed LID location using techniques recommended in the Stormwater Management Manual for Western Washington and the LID Technical Guidance Manual for Puget Sound (Puget Sound Action Team, 2005).

(c) Native vegetation area includes native, undisturbed areas or rehabilitation of previously disturbed areas. Native vegetation area may integrate passive recreation facilities. Active recreation areas shall not count towards native vegetation area total as defined under POMC 16.80.080.

(d) See POMC 16.80.150(1) for definitions of impervious areas.

(e) Multifamily projects are those projects containing more than four dwelling units attached in a single structure, regardless of ownership mechanism.

(f) Multifamily and commercial projects must use pervious pavement for at least 20 percent of all paved surfaces.

Table 16.80.020-2

**Maximum Percent Impervious Area
Based on Residential Density**

Dwelling Units per Acre	Maximum % Impervious

Table 16.80.020-2

**Maximum Percent Impervious Area
Based on Residential Density**

Dwelling Units per Acre	Maximum % Impervious
≤1.4 du/ac	10%
1.5 – 2.4 du/ac	15%
2.5 – 3.4 du/ac	20%
3.5 – 4.9 du/ac	30%
5.0 – 6.9 du/ac	35%
7.0 – 9.9 du/ac	40%
≥10.0 du/ac or greater	60%

16.80.030 Permitted uses.

Uses allowed in a planned low impact development shall include permitted, accessory and conditional uses allowed in and subject to the conditions of the underlying zone district(s).

16.80.040 Design and development standards.

Reserved.

16.80.050 Conformance.

All uses and development shall conform to all relevant requirements and standards of:

- (1) The zone district(s) within which the planned low impact development is located, except as may be modified by this chapter;
- (2) The International Building and Fire Codes;
- (3) Port Orchard land use regulatory code where it does not conflict with the standards and requirements of this chapter; and

(4) Other applicable official controls.

16.80.060 General design criteria.

(1) The location of all streets, buildings, parking areas, pedestrian, bicycle and vehicular ways, and utility easements shall be designed to promote public safety, compatibility of uses, minimize effective impervious surface, preserve forested open space, and complement predevelopment site characteristics such as topography, soils, hydrology, and other natural features.

(2) PLIDs that are not accompanied by a concurrent subdivision or short subdivision approval shall record an easement or covenant against the land title to ensure that the low impact development features are protected.

16.80.070 Site assessment.

Low impact development site design is intended to mimic the predevelopment conditions on the site. The development context shall be established by an initial site assessment consistent with the requirements of POMC 16.80.170. The initial inventory and assessment process will provide the baseline information necessary to design strategies that preserve natural resources, preserve areas most appropriate to evaporate, transpire, and infiltrate stormwater, and achieve the goal of maintaining predevelopment natural hydrologic conditions on the site. The assessment will result in a series of maps identifying streams, lakes, wetlands, buffers, steep slopes, and other hazard areas, significant wildlife habitat areas, and permeable soils offering the best available infiltration potential. Maps can be combined as hard copies or as GIS layers to delineate the best areas to direct development. Designated development areas, which will contain all impervious surfaces and landscaped areas on the site, should be configured to minimize soil and vegetation disturbance, buffer critical areas, and take advantage of a site's natural stormwater processing capabilities. Designated development area boundaries shall be delineated on site plans and identified on the site during site preparation and construction. Areas outside of the designated development area envelope shall be designated native vegetation areas or reserve areas.

16.80.080 Native vegetation areas.

(1) For the purposes of calculating required area, inundated lands shall not be included; however, other critical areas and their buffers may be included within the native vegetation area boundaries, so long as they contain existing native vegetation (e.g., a steep slope with Douglas fir may be counted while one with Himalayan blackberry may not). Land below an ordinary high water mark shall not be counted towards the required native vegetation.

(2) Native vegetation areas shall be forested or reforested.

(a) Native vegetation areas that do not contain sufficient tree canopy coverage shall be planted with native or near native trees with a minimum of one native tree for every 600 square feet to be replanted. Each tree meeting the minimum replanting size standards of subsection (2)(c) of this section shall be counted once, regardless of size. This requirement does not apply to wetlands or delineated wetland

buffers. Each tree shall be counted once, regardless of size. This requirement does not apply to wetlands or delineated wetland buffers.

(b) Native trees are indigenous to the Pacific Northwest or suitable for the Pacific Northwest climate. A list of recommended native tree species is found under Table 16.50.297. A survey of existing trees and tree planting plan shall be submitted for review and approval as required under POMC 16.80.220.

(c) Reforested areas shall be replanted with trees of two inch caliper or greater. A minimum of 25 percent replanted trees shall be of deciduous species and a minimum of 25 percent replanted trees shall be coniferous species.

(3) Existing native vegetation, forest litter and understory shall be preserved to the extent possible in the native vegetation areas in order to reduce flow velocities and encourage sheet flow on the site. Native vegetation areas that do not contain sufficient native vegetation, forest litter and understory shall be replanted.

(4) Development within native vegetation areas shall be limited to stormwater dispersion facilities, pervious pedestrian trails, and approved surface water restoration projects. Activities within the native vegetation areas shall be limited to passive recreation, removal of invasive species, amendment of disturbed soils consistent with all applicable regulations, and planting of native vegetation. Development shall be consistent with all applicable critical areas requirements.

(5) A permanent protective mechanism shall be legally established to ensure that the required native vegetation area is preserved and protected in perpetuity in a form that is acceptable to both the applicant and the city and filed with the city's auditor's office. A permanent native vegetation area shall be established using one of the following mechanisms:

(a) Placement in a separate nonbuilding tract owned in common by all lots within the subdivision;

(b) Covered by a protective easement or public or private land trust dedication;

(c) Preserved through an appropriate permanent protective mechanism that provides the same level of permanent protection as subsection (1) of this section as determined by the approval authority.

(6) Restrictions on the future use of the native vegetation area shall be recorded on the face of the final plat or short plat.

16.80.090 Native soil protection and amendment.

(1) The duff layer and native topsoils shall be retained in an undisturbed state to the maximum extent practicable. Any duff layer or topsoil removed during grading shall be stockpiled on-site in a designated, controlled area not adjacent to public resources and critical areas. The material shall be reapplied to other portions of the site where feasible.

(2) Except as otherwise provided in subsection (3) of this section, areas that have been cleared and graded or subject to prior disturbance shall be amended. Prior disturbance shall include soil compaction

or removal of some or all of the duff layer or underlying topsoil. The amendment shall take place between May 1st and October 1st. Replaced topsoil shall be a minimum of eight inch depth, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture holding capacity native to the site. Replaced topsoil shall have an organic content of 10 percent dry weight and a pH between 5.5 and 7.0. The intent of amending disturbed soils is to restore the moisture holding capacity of the original undisturbed native soil to the maximum extent practicable.

(3) This section does not apply to areas that would harm existing trees proposed for retention, or that, at project completion, are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope.

~~16.80.100 Clustering.~~

(1) To achieve the goals of low impact development, residential lots shall be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers, as defined in Chapter 16.40 POMC. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater.

(2) The arrangement of clustered building lots shall be designed to avoid development forms commonly known as linear, straight line or highway strip patterns.

~~16.80.110 Residential densities.~~

All approved PLID projects will be eligible for a residential density incentive of 10 percent.

~~16.80.120 Lot size, lot width, building height, impervious coverage.~~

Modifications to the standards below are allowed through the PLID process. PLID projects must meet all other requirements of the Port Orchard Municipal Code.

(1) Lot Size. Design objective: Minimize area of site disturbance. The minimum lot size of the underlying zone district may be modified to achieve the goals in POMC 16.80.010.

(2) Lot Width. Design objective: Minimize street length. The minimum lot width of the underlying zone district may be modified to achieve the goals in POMC 16.80.010.

(3) Building Height. Design objective: Minimize building footprint. Building height may exceed the standard in the underlying zone to a maximum of 35 feet; provided, that the project design protects adjacent uses both inside and outside of the PLID from adverse impacts on privacy, light, air and significant public views. If in excess of 35 feet, the maximum height in the underlying zoning shall apply.

(4) Building Setbacks. Design objective: Minimize impervious surfaces. The setbacks of the zone may be modified to achieve the goals in POMC 16.80.010.

~~16.80.130 Circulation and access.~~

(1) Circulation and access provisions shall be appropriate to the scale of the project and to anticipated traffic characteristics, and consistent with the requirements of Port Orchard road standards. Deviations from the Port Orchard public works standards may be granted subject to the following criteria:

(a) Approval by the Port Orchard public works department and city fire marshal;

(b) A bioretention swale with compost amended soils shall be provided within the right-of-way or in islands created by loop roadways.

(2) Loop roadways are encouraged to minimize impervious surfaces and facilitate emergency vehicle access.

16.80.140 Parking.

Parking shall conform to the requirements of Chapter 16.45 POMC.

16.80.150 Impervious and pervious surfacing methods.

(1) Impervious area includes all hard surfaces that impede infiltration of rainfall into the underlying soil profile. These surfaces include but are not limited to compacted soil, asphalt concrete pavement, cement concrete pavement, roofs, and gravel paved areas. Green roofs and minimal excavation foundations, subject to conformance with applicable Department of Ecology BMPs, are not included in the total impervious area. Rainwater harvesting systems based on documented water balance may be used to reduce the calculated total impervious area. Permeable pavement systems such as modular grid pavement or pervious concrete count against the impervious surface totals only to the extent indicated by Section 7.1.1 of the LID Technical Guidance Manual for Puget Sound (Puget Sound Action Team, 2005).

(2) Alternative surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, porous asphalt, and other similar approved materials are encouraged. Alternative surfacing methods may be approved for parking areas, emergency parking areas, private roads, fire lanes, road shoulders, bike paths, walkways, patios, driveways, and easement service roads unless site constraints make use of such materials detrimental to water quality. Utilization of alternative surfacing methods shall be subject to review and approval by the Port Orchard public works department and fire marshal for compliance with other applicable regulations and development standards. Surfaces that comply with this section shall not be considered impervious surfaces under POMC 16.80.020.

16.80.160 Drainage and land alteration.

(1) Land alteration may commence when in compliance with the city of Port Orchard site development regulations.

(2) Drainage plans and improvements shall be in compliance with city of Port Orchard drainage standards. Alternative BMPs not specifically referenced in the city of Port Orchard standards may be considered subject to approval by the city of Port Orchard public works department.

16.80.170 Site assessment and concept plan.

The site design process for a planned low impact development begins with an in-depth site assessment. The site assessment shall be a component of the project submittal. The site assessment shall include, at a minimum, the following:

(1) A survey prepared by a registered land surveyor, registered civil engineer or other professional licensed to conduct surveys showing existing public and private development, including utility infrastructure, on and adjacent to the site, major and minor hydrologic features, including seeps, springs, closed depression areas, drainage swales, and contours as follows:

(a) Up to 10 percent slopes, two-foot contours.

(b) Over 10 percent to less than 20 percent slopes, five-foot contours.

(c) Twenty percent or greater slopes, 10-foot contours.

(d) Spot elevations shall be at 25-foot intervals.

(2) Location of all existing lot lines, lease areas and easements, and the location of all proposed lot lines, lease areas, and easements.

(3) A soils report prepared by a licensed geotechnical engineer or licensed engineering geologist. The report shall identify:

(a) Underlying soils on the site utilizing soil pits and soil grain analysis to assess infiltration capability on site. The frequency and distribution of soil pits shall be adequate to direct placement of the roads and structures away from soils that can most effectively infiltrate stormwater.

(b) Topologic features that may act as natural stormwater storage or conveyance and underlying soils that provide opportunities for storage and partial infiltration.

(c) Depth to groundwater.

(d) Geologic hazard areas and associated buffer requirements as defined in the adopted Port Orchard critical areas ordinance (POMC Title 18).

(4) A survey of existing native vegetation cover by a licensed landscape architect, arborist, qualified biologist identifying any forest areas on the site, species and condition of ground cover and shrub layer, and tree species, and canopy cover.

(5) A survey of wildlife habitat by a qualified biologist.

(6) A streams, wetland, and water body survey and classification report by a qualified biologist showing wetland and buffer boundaries consistent with the requirements of the adopted Port Orchard critical areas ordinance (POMC Title 18), if present.

(7) Flood hazard areas on or adjacent to the site, if present.

(8) Aquifer and wellhead protection areas on or adjacent to the site, if present.

(9) Any known historic, archaeological, and cultural features located on or adjacent to the site, if present.

16.80.180 Preliminary meeting.

Following completion of the site assessment and concept plan and prior to a preapplication conference, applicants are encouraged to meet with city staff to discuss existing conditions and conceptual plans for designated development areas, native vegetation areas, proposed lot and roadway configurations, and preliminary stormwater management design.

16.80.190 Information submittal.

The information required in the following sections shall be submitted with planned low impact development applications.

16.80.200 General provisions.

(1) Information submitted for initial review can be an approximate description indicating the general nature of the proposal. Data shall be based on the applicant's best knowledge or intent of the proposal and shall be sufficiently clear to demonstrate how the project complies with the provisions of this chapter.

(2) The city shall have the authority to waive any portion of the information requirements herein; provided, that the information has been included with a previous rezone request, approved permit or concept plan, and the present PLID application is consistent with the previous action to the extent that the subject data is applicable.

16.80.210 Textual information.

The applicant must respond to each of the items below but the response may include estimates or approximations where exact figures are not known at the time of the preapplication conference. All estimates should be based on the applicant's best knowledge and intent of the proposal. When estimates or approximations are used they must be identified as such. The applicant should be aware that any estimates or approximations provided may be used to set development conditions or thresholds.

(1) General Data.

(a) The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and the application, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant.

- (b) The legal description of the subject property.
- (c) Identify, if known, all special service districts, including fire, school (for residential projects only), drainage and flood control in which the site is located.
- (d) Documentation of site conditions of all applicable areas reviewed in the site assessment.
- (e) Description of the proposed PLID including:
 - (i) Total gross area of the site;
 - (ii) Total area of reserve area;
 - (iii) Total project area (total gross site area minus total reserve area);
 - (iv) Total area of designated development area;
 - (v) Total area of native vegetation areas;
 - (vi) Total units proposed;
 - (vii) Proposed number of dwelling units by type;
 - (viii) Lot sizes and dimensions;
 - (ix) Total area of impervious surfacing;
 - (x) Proposed ownership of land areas within the PLID both during and after construction;
 - (xi) Gross density of dwelling units;
 - (xii) Requested dimensional modifications;
 - (xiii) Development schedule indicating the approximate date when construction of the PLID or stages of the PLID can be expected to begin and be completed.
- (f) Copy of all existing deeds, restrictive covenants, or other legal restrictions which apply to the project site. The applicant may submit a copy of any proposed restrictive covenants that have been drafted.
- (g) The names and addresses of all property owners within 300 feet of the site taken from the latest equalized tax rolls.
- (h) Preliminary drainage report as described in the city of Port Orchard public works standards.

16.80.220 Site plan and supporting maps and graphics.

An initial site plan and any supporting graphics, narrative descriptions and maps to show existing conditions and major details of the proposed PLID. The initial site plan and supporting graphics and

maps in combination shall provide a level of detail appropriate to the scale of the project and sufficient to demonstrate how the project complies with the provisions of this chapter.

(1) Proposed name of the development, north point, scale, date and address, and telephone number of the preparer of the site plan/supporting maps.

(2) All information included in the site assessment in POMC 16.80.170 should be provided at a legible scale appropriate to the area covered by the proposal at the discretion of the city.

(3) Designated development areas.

(4) Native vegetation areas.

(5) Reserve areas.

(6) Areas of disturbed soils to be amended.

(7) The existing and proposed circulation system of arterial, collector and/or local streets, including right-of-way street widths, off-street parking areas, and major points of access to public rights-of-way (including major point of ingress and egress to the development). Notations of proposed ownership, public or private, shall be included where appropriate.

(8) Location and width of existing and proposed sidewalks and trails.

(9) Proposed lots and dimensions.

(10) For residential structures, provide the types and number of residential units in each structure or the range of residential structures proposed together with the range of the type and number of units per structure.

(11) For nonresidential buildings, the gross floor area of each building.

(12) The location and square footage or approximate location and square footage or acreage of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses with notations of proposed ownership included where appropriate.

(13) Landscaping and open space improvements plan or concept.

(14) The proposed treatment of the perimeter of the PLID, including materials and techniques used such as screens, fences and walls.

(15) The location of existing and proposed utilities including sanitary sewers, water lines and storm drainage facilities intended to serve the development.

(16) Existing zoning and comprehensive plan boundaries for the site and adjacent property.

(17) Information of contiguous properties within 300 feet of the proposed PLID including:

(a) Existing and, if known, proposed land use and streets; and

(b) Existing structures excluding accessory buildings, ownership tracts and unique natural features of the landscape, if readily accessible.

(18) A vicinity map showing the location of the site and its relationship to surrounding areas, including existing streets, major physiographic and cultural features such as railroads, lakes, streams, shorelines, schools, parks or other prominent features.

(19) Landscape plan, including a survey of existing trees and a tree planting plan for native vegetation areas.

16.80.230 Supplemental information.

(1) A completed environmental checklist; except that if the applicant has agreed in writing to the preparation of an environmental impact statement, no checklist shall be required.

(2) Letters of water and/or sewer availability where water and/or sanitation service is to be obtained from an existing public system, including a water association.

(3) Where a new water system is proposed, include the source of the water, the estimated amount of water available from a groundwater or surface water source, the status of water rights application, and the general location and size of the proposed pipe and other major appurtenances for development of community or public systems. The description shall also include improvements for fire protection.

(4) A description of the sanitation facilities which shall include the method of sanitation and, where applicable, the location of community on-site sewage waste disposal systems, location of soil log holes, percolation rate data, and the general location and size of proposed pipe and other major appurtenances. Where on-site sanitation systems are proposed, the applicant shall provide evidence demonstrating the suitability of all lots or any single lot. Percolation tests shall be performed under the direction of a licensed hydrologist, sanitarian or engineer.

(5) One copy of the water and sanitation information, particularly the soil log hole and percolation rate data, is recommended to be submitted directly to the health department prior to submittal of the planned low impact development.

(6) A traffic study if required by the department of public works at the preapplication conference. The traffic study does not need to be submitted with the application if an environmental impact statement is being prepared for the project and a traffic study will be completed for the EIS.

(7) The proposed method of providing long-term maintenance of improvements or facilities, including roads and sidewalks, drainage, on-site fire protection improvements, water and sanitation systems, and community or public open space. The purpose of this subsection is to generally identify the method of maintenance and not to require detailed agreements.

(a) If to be maintained by a governmental jurisdiction or existing water association, a letter from the jurisdiction or association shall be submitted specifying acceptance of maintenance responsibility and indicating the conditions, if any, upon which the acceptance is contingent.

(b) If the maintenance is to be provided privately, the developer shall indicate the organization to provide the maintenance and the method and approximate amount of funding required therefor.

(c) Draft instruments for permanent preservation of native vegetation areas and maintenance of low impact drainage facilities.

16.80.300 Planned low impact development procedure.

All PLID applications shall be reviewed and approved or disapproved pursuant to the procedures contained in this title, and the public works standards.

16.80.310 Review process.

Reserved.

16.80.320 Preapplication conference.

(1) An applicant shall request a preapplication conference to be held prior to submission of an application and which should take place prior to any detail work. The developer or representative shall be prepared to present to the designated enforcing officer and the SEPA official conceptual sketches which contain in a rough and approximate manner adequate information to describe the proposal in relation to the topics listed below. The conference shall be scheduled after the land use division of planning and development services receives sufficient copies of information from the applicant to distribute to the technical committee and the SEPA official. All information presented by the developer shall be considered confidential. The purpose of the conference is to enable the developer to consult with the technical committee and SEPA official as to the intent, standards and provisions of this title, other applicable land use controls, and SEPA as they apply to the proposed project. It is also the purpose of this conference to identify as many potential problems and opportunities as possible in order for the application to be processed without delay or undue expense. Discussion will include the following topics:

(a) City comprehensive plan;

(b) Zoning;

(c) Shoreline master program;

(d) Any adopted street and road plan and/or program;

(e) Availability of water and sanitation;

(f) Development and design concepts, including designated development areas, native vegetation areas, critical areas and buffers, lot layout, and circulation and access;

(g) Overall low impact strategy for addressing storm drainage and design and maintenance requirements for specific techniques;

(h) Sidewalk requirements;

(i) Bike paths and internal pedestrian system;

(j) Public transportation requirements;

(k) Off-site requirements such as sidewalks, street lights, traffic signals, utilities or improvements of adjacent streets;

(l) Fire protection;

(m) Maintenance provisions;

(n) Known hazards and additional information as required by POMC 16.80.230 including any required approvals by the Department of Ecology for projects located within flood control zones;

(o) Environmental impact to the development and other issues related to SEPA requirements;

(p) Other city requirements and permits;

(q) Identification of other local, state and federal agencies which may also have jurisdiction; and

(r) Identification of adjacent lands owned by the applicant and possible future development thereof.

(2) Preapplication reviews as provided by this section shall not be construed to bind either the applicant or the city in any respect. Further, the information requested at the preapplication conference for application submittal shall not preclude the city from requiring additional information or clarification of materials after submittal.

16.80.330 Additional required findings.

The approval body shall review the planned low impact development for the following required findings in addition to any other findings required through the development process:

(1) Adequate maintenance provisions for public and private facilities and improvements have been established;

(2) Legal mechanisms for permanent preservation of native vegetation areas have been recorded.

16.80.340 Installation of improvements.

Upon receipt of initial approval, the applicant may proceed with the installation of improvements required by the planned low impact development pursuant to the following:

~~(1) The applicant shall submit detailed engineering plans developed consistent with adopted city standards for the construction of roads, bridges, utilities, drainage works and other required improvements. In addition, the applicant shall also submit a land alteration control plan consistent with adopted land alteration standards and this chapter.~~

~~(2) Land alteration and construction activities shall commence only when the land alteration control plan and engineering plans for the appropriate improvement have been approved by the city engineer and by any other departments or agencies having jurisdiction. The city engineer shall act on the plans within 14 days after acceptance of a completed set of plans from the applicant.~~

~~(3) All improvements shall be built to applicable standards in force at the time of initial PLID application submittal.~~

~~(4) All construction of water and sewer systems shall be done under supervision of a licensed civil engineer. The city engineer may waive this requirement.~~

~~(5) Any condition of initial approval requiring accomplishment of such improvements as drainage or development of the source of water supply prior to other construction shall be strictly complied with, and no other construction shall proceed until any such condition is discharged to the satisfaction of the city engineer, health department or other agency, as indicated in the condition.~~

~~(6) Where facilities or improvements are proposed to be maintained by lessees, renters or property owners, a workable organization shall be established to guarantee maintenance of such facilities.~~

16.80.350 Final review and approval.

Prior to receiving a certificate of occupancy, the applicant shall submit a final development plan.

16.80.360 Control of the development after completion.

The final development plan shall continue to control the planned low impact development after it is finished and the following shall apply:

~~(1) The building official in issuing a certificate of completion of the planned low impact development shall note the issuance on the filed final development plan.~~

~~(2) After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the planned low impact development shall be governed by the approved final development plan.~~

~~(3) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:~~

~~(a) Minor modifications of existing buildings or structures or the creation of additional impervious surface may be authorized by the city, upon consultation with the technical committee, if they are consistent with the purposes, intent and restrictions of the final plan.~~

~~(b) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned low impact development if it is in compliance with the purpose and intent of the final development plan.~~