



Meeting Location:

Hybrid meeting format; ZOOM link below

Council Chambers
216 Prospect Street
Port Orchard, WA 98366

Contact us:

Phone (360) 874-5533
Email planning@portorchardwa.gov
www.portorchardwa.gov

**Planning Commission
Regular Meeting
Tuesday, May 5, 2026
6:00 PM**

Attendees and Planning Commission members may attend in person at City Hall or via Zoom.

Pursuant to the Open Public Meetings Act, Chapter 42.30 RCW, the Planning Commission is conducting its public meeting in a hybrid format with options for in-person attendance in the Council Chambers at City Hall or remote viewing and participation via Zoom (link below).

Remote Access

Link: <https://us02web.zoom.us/j/86180242823>

Zoom Meeting ID: 861 8024 2823

Zoom Call-In: 1 253 215 8782

- 1. Call to Order: 6:00 p.m.**
 - A. Pledge of Allegiance
- 2. Welcome and Introduction**
 - A. Planning Commission and City Staff Introductions
- 3. Audience Comments: Topics not listed for public hearing on tonight's agenda.**
 - A. Please limit comments to 3 minutes.
- 4. Approval of Minutes from:**
 - A. March 3, 2026 (Attachment)(ACTION)
- 5. Business Items**
 - A. PUBLIC HEARING:** Permitting and Development Approval (Attachment)
The City of Port Orchard is considering amendments to Port Orchard Municipal Code 20.22, 20.80, 20.90, and 20.98 related to Final Plat Permit Typing and process.
Staff Contact: Jim Fisk, AICP, Principal Planner
 - B. DISCUSSION:** Landscaping (Attachment)
The City of Port Orchard is considering amendments to Port Orchard Municipal Code 20.128 to update
and clarify development standards and approval process related to required landscaping.
Staff Contact: Jim Fisk, AICP, Principal Planner

- C. DISCUSSION:** Potential Code Amendments for Increased Efficiency (Attachment)
The City of Port Orchard has identified opportunities to increase efficiency and may consider amendments to various Chapters of the Port Orchard Municipal Code. Staff will share survey results related to the prioritization of potential code amendments.
Staff Contact: Jim Fisk, AICP, Principal Planner
- D. DISCUSSION:** Director's Report
Update to the Planning Commission on recent related to past and upcoming Planning Commission activity.
Staff Contact: Nick Bond, AICP, Community Development Director

6. Adjournment

7. Next Planning Commission Meeting: June 2, 2026

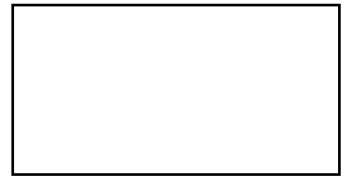
ADA Requirements

In compliance with the American with Disabilities Act, if you need accommodations to participate in this meeting, please contact the Community Development Department at 360.874.5533. Notification at least 48 hours in advance of meeting will enable the City to make arrangements to assure accessibility to this meeting.

Reminder: Please silence all electronic devices while Planning Commission is in session.

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For Committee Membership please visit <https://portorchardwa.gov/city-council-advisory-committees/>.



Planning Commission Meeting Minutes
March 3, 2026
Hybrid Meeting – Council Chambers/Zoom Teleconference

COMMISSIONERS:

Present: Tyler McKlosky (Chair), Stephanie Bailey, Joe Morrison, Tiffany Mitchell, Wayne Wright (Vice Chair), Paul Fontenot

Absent: Annette Stewart

STAFF:

Principal Planner Jim Fisk, Associate Planner Connor Dahlquist

1. CALL TO ORDER: Commissioner McKlosky called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

2. WELCOME AND INTRODUCTIONS

3. PUBLIC COMMENTS: There were no members of the public present in the chamber or attending remotely. No public comment was given.

4. APPROVAL OF MINUTES FROM FEBRUARY 3, 2025: Commissioner McKlosky asked if the other commissioners reviewed the minutes from the February 3, 2025 meeting and if anyone had any concerns or proposed amendments. Seeing none, a motion was entertained to approve the minutes. Commissioner Morrison moved to approve the minutes and Commissioner Wright seconded. The motion passed unanimously.

5. BUSINESS ITEMS

A. DISCUSSION: Landscaping (Attachment)

Principal Planner Fisk opened the discussion with an overview of the scope and purpose of the proposed landscaping code update. He reminded the Commission that this topic was first introduced in November and reiterated that Public Works is continuing work on a citywide tree canopy inventory, which is expected to inform portions of the update once completed. Principal Planner Fisk summarized the key topics previously discussed, including open space requirements, invasive species control, and buffer and fencing standards, particularly in the context of ensuring equal treatment of middle housing and single detached homes as required under House Bill 1110. Principal Planner Fisk reported that since the Commission's last meeting, staff met with the City Council Land Use Committee in February. The Committee provided clear direction to exempt both single-family and middle housing from landscaping standards, and the updated draft code reflects this direction.

Commissioner Mitchell expressed appreciation for the updates to the plant material and installation standards in POMC 20.128.050. Commissioner Mitchell asked how staff determined the numerical standards in the draft code, such as percentages and height thresholds. Principal Planner Fisk explained that the figures were derived from previously adopted residential design standards and are consistent with existing code.

Commissioner Mitchell raised a second question regarding POMC 20.128.070, specifically Section (3) addressing Surface Parking Lot Landscaping. Commissioner Mitchell expressed concern that the term “urbanized” is too vague and could result in arbitrary interpretation. Commissioner Mitchell also asked how fence-related code enforcement is applied. Principal Planner Fisk responded that enforcement is complaint-driven, with investigations initiated when a complaint is received.

Commissioner Fontenot expressed support for the proposed fencing standards and for the removal of noxious weeds. Commissioner Fontenot also suggested that alternatives to turf grass be considered as required groundcover, noting that native plantings may offer better stormwater benefits.

Commissioner Morrison asked when landscaping requirements are triggered and whether personal landscaping on an existing property would require compliance. Principal Planner Fisk explained that land disturbing activity permits are required for certain levels of ground disturbance, which can include landscaping work; however, the landscaping standards in POMC 20.128 apply primarily to new development.

Commissioner Wright acknowledged that many local HOAs maintain their own landscaping standards and suggested that the City consider aligning its requirements to avoid conflicts. Commissioner Wright also noted the importance of ensuring that landscaping regulations do not limit the functionality of lots or constrain development potential.

Commissioner Mitchell asked for clarification on how the City could address the re-emergence of noxious weeds after the bonding period concludes. Principal Planner Fisk stated that while the City’s current authority focuses on new development, staff could look to Kitsap County’s noxious weed program as a model for potential long-term approaches. Principal Planner Fisk continued by elaborating on several topics previously discussed. Principal Planner Fisk explained that the section addressing grass and turf is intended to identify when turf is considered appropriate, rather than to promote turf as a default standard. Principal Planner Fisk also noted that fence standards in the draft code function as design standards applicable to specific building types. Given the direction to exempt single-family homes and middle housing from landscaping requirements, staff may reconsider the placement of these fencing provisions within the code.

Commissioner Wright emphasized the importance of drainage management and proper forest stewardship in landscaping standards, particularly near active open space areas where trees could pose potential hazards. Commissioner Wright expressed concern regarding the potential for windstorms to damage landscaping installations that lack adequate buffer space or proper installation practices.

Commissioner Fontenot reiterated the importance of supporting natural habitat and encouraged the incorporation of indigenous plant species into landscape requirements to improve ecological function and sustainability.

B. DISCUSSION: Permitting and Development Approval (Attachment)

Principal Planner Fisk reintroduced the proposed amendments to Port Orchard Municipal Code Title 20 to establish an administrative review process for Final Plats. Principal Planner Fisk reminded the Commission that the purpose of the update is to streamline review procedures and bring the City's process into compliance with state law. Principal Planner Fisk reiterated prior discussion regarding the benefits of administrative review, including improved processing timelines.

Principal Planner Fisk stated that since the last Planning Commission meeting, staff met with the City Council Land Use Committee. The Committee directed staff to proceed with creating a preliminary administrative final plat approval process. The packet provided to the Commission includes a draft of proposed amendments to POMC Chapters 20.22, 20.80, 20.90, and 20.98. Principal Planner Fisk explained that the future steps will include drafting the ordinance, issuing a SEPA determination, and completing public noticing prior to a public hearing.

Commissioner Mitchell expressed support for streamlining the final plat process, noting that the public has an opportunity to comment during the preliminary plat stage.

Commissioner Fontenot requested clarification regarding the state law that the proposed amendments are intended to comply with. Principal Planner Fisk explained that state law allows City Council to delegate final plat approval authority to staff and prohibits holding a second public hearing for the same project. Principal Planner Fisk noted that eliminating the second hearing would ensure compliance and prevent scheduling conflicts that can delay development.

Commissioner Fontenot expressed concern that removing the final plat hearing could limit public opportunities to comment but acknowledged that enhanced public outreach may address that concern. Principal Planner Fisk provided an overview of the noticing and public outreach process.

Commissioner Wright recalled a zoning change in the McCormick Woods area and asked for clarification of that process. Commissioner Wright also raised concerns regarding the platting process, potential environmental impacts, and opportunities for public input. Principal Planner Fisk provided context on the zoning changes and explained the distinction between zoning updates, which occurred through the Comprehensive Plan process and implementation of House Bill 1110, and plat review, which evaluates compliance with standards in place at the time of application. Commissioner Wright emphasized concerns regarding platting, stormwater, and critical areas in the McCormick Woods area.

C. DIRECTOR'S REPORT

Principal Planner Fisk announced that McCormick West Division 15 received approval from the City Council.

ADJOURN: Commissioner McKlosky adjourned the meeting at 6:47 pm.

Tyler McKlosky, Chair

Nick Bond, AICP, Community Development Director



CITY OF PORT ORCHARD

DEPARTMENT OF COMMUNITY DEVELOPMENT

216 Prospect Street, Port Orchard, WA 98366

Ph.: (360) 874-5533 • FAX: (360) 876-4980

PLANNING COMMISSION STAFF REPORT

Agenda Item No: 5(a)	Meeting Date: May 5, 2026
Subject: POMC 20.22, 20.80, 20.90 and 20.98 – Final Plat Processing Discussion	Prepared by: Nick Bond, AICP, Development Director

Issue: The City of Port Orchard is proposing amendments to the Port Orchard Municipal Code (POMC) to establish an administrative approval process for final plats and to update related bonding provisions. The purpose of this work is to align local procedures with state law, streamline the final stages of subdivision review, and remove duplicative public hearings that occur after all preliminary plat conditions have been satisfied.

Over the past year, staff has evaluated the City's existing final plat procedures contained in POMC Chapters 20.22, 20.80, and 20.90. Under the current Type IV process, final plats require public notice, a public hearing, and a recommendation to the City Council, even though preliminary plats already undergo a full public hearing before the Hearing Examiner. By the time a final plat application is submitted, all conditions of preliminary approval have been addressed through construction and Land Disturbing Activity Permit review. State law treats final plat review as a ministerial action limited to verifying compliance with previously established conditions. Therefore, a second public hearing adds time and uncertainty without providing additional public benefit.

Staff presented the initial analysis and draft concepts to the Planning Commission and the City Council's Land Use Committee in February and March. Both bodies supported development of an administrative pathway for final plat approval. During preparation of the draft amendments, staff also identified the need to update the City's bonding provisions to ensure they function cohesively with an administrative process. The proposed ordinance therefore includes updates to POMC 20.98 to clarify when bonding may be accepted, the types of improvements eligible for bonding, and the administrative procedures for reviewing and approving bonds.

Following the Planning Commission's March discussion, the draft ordinance was completed, reviewed by the City Attorney, and transmitted to the Washington State Department of Commerce for their required review. At the time of transmittal, the City issued a SEPA Determination of Non-Significance, and Commerce subsequently approved expedited review.

A public hearing for the proposed amendments was properly noticed in accordance with POMC requirements for the Planning Commission's May 5 meeting. At this meeting, the Planning Commission is

asked to open the public hearing, take public testimony, deliberate on the proposed amendments, and forward a recommendation to the City Council. The City Council received a briefing on the draft ordinance at its April 21 Work Study Session, and staff anticipates bringing the Planning Commission's recommendation and the adopting ordinance to the City Council for consideration on May 12.

Relationship to Comprehensive Plan: Implementation of the City of Port Orchard 2024 Comprehensive Plan Land Use and Housing Elements.

Recommendation: Staff recommend holding a public hearing to take public testimony, deliberate and make a recommendation on the approval of the proposed amendments to Port Orchard Municipal Code Title 20, as presented.

Suggested Motion: "I move to recommend that the City Council adopt an ordinance approving the proposed amendments to Port Orchard Municipal Code Title 20.22, 20.80, 20.90 and 20.98, as presented."

Attachments: Ordinance amending Port Orchard Municipal Code 20.22, 20.80, 20.90, and 20.98, and Final Plat PowerPoint presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, REGARDING SUBDIVISIONS, AMENDING PORT ORCHARD MUNICIPAL CODE CHAPTERS 20.22, 20.80, 20.90, AND 20.98 TO UPDATE PROCEDURES FOR SUBDIVISION OF LAND, CREATING AN ADMINISTRATIVE PROCESS FOR FINAL PLAT APPROVAL AND MAKING CONSISTENCY EDITS FOR THE SAME, AMENDING THE FOLLOWING SECTIONS OF THE PORT ORCHARD MUNICIPAL CODE: 20.22.020 (TABLE), 20.22.040, 20.80.020, 20.80.060, 20.90.010, 20.90.040, 20.90.050, 20.90.060, AND 20.98.030, PROVIDING FOR SEVERABILITY, CORRECTIONS, AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orchard has undertaken a comprehensive review of its subdivision and final plat procedures contained in Port Orchard Municipal Code (POMC) Chapters 20.22, 20.80, 20.90, and 20.98 to ensure consistency with state law and to identify opportunities to streamline final plat processing; and

WHEREAS, in late 2025 City staff initiated an evaluation of the City's existing subdivision procedures and identified that the current final plat review process may be duplicative, procedurally burdensome, and not fully aligned with the ministerial nature of final plat approval under state law; and

WHEREAS, staff presented preliminary findings to the Planning Commission in February 2026, outlining concerns that the City's Type IV final plat process, requiring public notice, a public hearing, and a recommendation to the City Council, results in a second public hearing even though all required improvements and conditions of preliminary plat approval have already been satisfied; and

WHEREAS, preliminary subdivisions are processed as Type III permits and already undergo a full public hearing before the Hearing Examiner, whose decision includes binding Conditions of Approval that address applicable code requirements and public comments, thereby providing applicants with clear and predictable standards for subsequent construction and review; and

WHEREAS, requiring an additional public hearing at the final plat stage, after all conditions have been met, is redundant and may introduce unnecessary uncertainty into what state law defines as a ministerial compliance review, and may create confusion and false expectations of the public in relation to issuance of final plat approval; and

WHEREAS, RCW 58.17.100 authorizes a legislative body to delegate final plat approval authority to a planning commission or administrative staff, provided that approval is granted

once the applicant has demonstrated compliance with the conditions of preliminary plat approval and applicable regulations; and

WHEREAS, staff and the Planning Commission have determined that establishing an administrative approval pathway for final plats would streamline the review process, reduce unnecessary procedural steps, and better reflect the ministerial nature of final plat review; and

WHEREAS, staff also identified the need to update POMC 20.98 to provide an administrative mechanism for the acceptance and approval of performance bonds for minor incomplete improvements, ensuring that bonding procedures support and integrate with the administrative final plat approval process; and

WHEREAS, amendments have been prepared to clarify procedural steps, responsibilities, and bonding provisions within POMC Chapters 20.22, 20.80, 20.90, and 20.98, ensuring consistency with state law and supporting an efficient, predictable, and legally compliant final plat review framework; and

WHEREAS, on February 18, 2026 and March 18, 2026 the Land Use Committee reviewed and discussed the proposed amendments; and

WHEREAS, on May 5, 2026 the Planning Commission held a properly noticed public hearing on the proposed amendments, take testimony, deliberate, and forward a recommendation of (approval/denial) to the City Council in accordance with POMC procedures; and

WHEREAS, the City Council finds that the proposed amendments promote efficient administration, reduce unnecessary procedural duplication, and align the City's subdivision regulations with state law requirements for ministerial final plat review; now, therefore,

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

SECTION 1. The City Council hereby adopts the above recitals as findings in support of this Ordinance.

SECTION 2. Section Table 20.22.020 "Permit Review Classifications" of the Port Orchard Municipal Code is hereby amended to read as follows:

Table 20.22.020 – Permit Review Classifications.

Table 20.22.020 – Permit Review Type Classifications

Type I Director Decision Judicial Appeal	Type II Director Decision HE Appeal	Type III HE Decision Judicial Appeal	Type IV City Council Decision Judicial Appeal	Type V City Council Decision GMHB Appeal
Building Permit ¹ (Subtitle X of this title)	Short Plat, Unit Lot Subdivisions, Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapters 20.86 and 20.96 POMC)	Preliminary Plat, Preliminary Plat Major Modifications, Alteration of Final, Vacation of Final (Chapters 20.88 and 20.96 POMC)	Final Plat (Chapter 20.90 POMC)	Development Agreement (Chapter 20.26 POMC)
Binding Site Plan, Final (Chapter 20.94 POMC)	Temporary Use Permit (Chapter 20.58 POMC)	Variance (Chapter 20.28 POMC)	Site-Specific Rezone without Comprehensive Plan Amendment (Chapter 20.42 POMC)	Comprehensive Plan Amendment – Land Use Map Amendment, Text Amendment (Chapter 20.04 POMC)
Preliminary Plat – Minor Modifications (Chapter 20.88 POMC)	Binding Site Plan – Preliminary, Alteration of Preliminary, Alteration of Final, Vacation of Final (Chapter 20.94 POMC)	Conditional Use Permit (Chapter 20.50 POMC)		Legislative Zoning Map Amendment (Chapter 20.06 POMC)
Minor Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC § 20.150.100)	Stormwater Drainage Permit (Chapter 20.150 POMC)	Shoreline Substantial Development Permit, Conditional Use Permit, and Nonadministrative Variance (Chapter 20.164 POMC)		POMC Title 20 Code Amendment (Chapter 20.06 POMC)
Boundary Line Adjustment (Chapter 20.84 POMC)	Sign Permit (if SEPA required) (Chapter 20.132 POMC)	Planned Residential Developments		Annexations ²
Code Interpretation (Chapter 20.10 POMC)	Shoreline Substantial Development Permit, Administrative (Chapter 20.164 POMC)	Final Plat – Alteration or Vacation (Chapter 20.96 POMC)		
Legal Nonconforming Permit (Chapter 20.54 POMC)	Sign Variance (Chapter 20.132 POMC)	View Protection Overlay District (VPOD) Variance (POMC § 20.38.860)		
Short Plat, Final (Chapter 20.86 POMC)	Major Land Disturbing Activity Permit (Chapter 20.140 POMC and POMC § 20.150.100)	Flood Damage Prevention Variance (Chapter 20.170 POMC)		
Sign Permit (if SEPA not required) (Chapter 20.132 POMC)	Variance – Administrative (Chapter 20.28 POMC)	Flood Damage Prevention Appeal (Chapter 20.170 POMC)		
Master Sign Plan	<u>Final Plat (Chapter 20.90 POMC)</u>			
Shoreline Permit Exemption (Chapter 20.164 POMC)				
Temporary Use Permit, Extension (Chapter 20.58 POMC)				

SECTION 3. Section 20.22.040 of the Port Orchard Municipal Code is hereby amended to read as follows:

20.22.040. Type II (administrative decision, hearing examiner appeal).

- (1) General. Type II applications are defined pursuant to POMC § 20.22.020. All Type II applications must meet all applicable requirements of the POMC in addition to the requirements specified below.
- (2) Preapplication Conference. Type II actions are required to participate in a preapplication conference pursuant to POMC § 20.24.010. A limited preapplication conference may be allowed for projects that do not require substantial review by other departments such as variances and design review without SEPA or street improvement requirements.
- (3) Notice of Application. Type II applications require a notice of application pursuant to Chapter 20.25 POMC.
- (4) Review of Application.
 - (a) The director shall commence permit review pursuant to Chapter 20.24 POMC. The director shall determine which city departments are responsible for reviewing or commenting on an application and shall ensure the affected departments receive a copy of the application, or appropriate parts of the application.
 - (b) Following a determination of technical completeness and determination of consistency pursuant to POMC § 20.24.090, the director shall approve, approve with conditions, or deny all Type II applications. Conditions may be imposed directly on the plans (red-lining), through other documentation reflected on the plans, or in a written staff report or other decision document, to ensure the requirements of city codes and regulations are met without going through another correction cycle before permit issuance.
- (5) Public Hearing. No public hearing is required for Type II decisions.
- (6) Decision. Type II decisions are subject to the maximum 100-day timeline requirement pursuant to POMC § 20.24.110. A decision for a Type II action shall be made in writing by the director and shall include the following information:
 - (a) A description of the proposal and a listing of permits or approvals included in the application;
 - (b) A statement of the applicable criteria and standards in this code and other applicable law;

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- (c) A statement of background information and facts relied upon by the department which show the application does or does not comply with the approval criteria;
- (d) A summary of public comment received and how the department or applicant responded to the public comments or concerns; and
- (e) The decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable law.
- (7) Notice of Decision. Public notice of a Type II decision shall be provided pursuant to POMC § 20.24.100. Notice of a short plat or binding site plan shall be provided in the same manner as notice of application as set forth in Chapter 20.25 POMC.
- (8) Administrative Appeal. A Type II decision, except for shoreline substantial development permits and shoreline variances, may be appealed to the hearing examiner within 14 calendar days of the notice of decision. A decision on a shoreline substantial development permit or shoreline variance may be appealed to the State Shorelines Hearings Board pursuant to Chapter 20.164 POMC. Shoreline appeal procedures and information are available from the department or from the State Department of Ecology. Administrative appeals of director decisions to the hearing examiner are to be made on forms provided by the city and shall include the following information:
- (a) A brief statement regarding how the appellant is significantly affected by or interested in the matter appealed;
- (b) A specific clear and comprehensible statement of the appellant's issues on appeal, noting appellant's specific exceptions and objections to the decision or action being appealed;
- (c) The specific relief requested, such as reversal or modification; and
- (d) Signature, address, and phone and fax number of the appellant, and name and address of appellant's designated representative, if any.
- (9) Judicial Appeal. The decision of the hearing examiner on a Type II appeal may be appealed to superior court.
- (9)(10) For Final Plats, no notice of application or public hearing is required. Decisions are ministerial and may be appealed to the Hearing Examiner within 14 days.

SECTION 4. Section 20.80.020 “Authority” of the Port Orchard Municipal Code is hereby amended to read as follows:

20.80.020. Authority.

This subtitle is adopted pursuant to the provisions of Chapter 58.17 RCW and the general police powers granted to the city pursuant to Chapters 35A.13 and 35A.63 RCW and other applicable laws. Pursuant to RCW 58.17.100, City Council delegates final plat approval authority to the Director as an administrative decision under Chapter 20.22 POMC.

SECTION 5. Section 20.80.060 “Document forms” of the Port Orchard Municipal Code is hereby amended to read as follows:

20.80.060. Document forms.

All short plats, final plats, unit lot subdivisions, replats or binding site plans shall contain the elements listed in RCW 58.17.160. In addition, the legal description of the subdivision, unit lot subdivision, binding site plan, or boundary line adjustment, and easements, dedications, acknowledgements, and other statements, shall appear substantially in the form as follows, based on the type of land division to be recorded:

(1) Easements (Sample Utility Easement).

An easement is reserved for and granted to (the names of all the utilities, public and private, serving the area) and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots and tracts, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by exercise of rights and privileges herein granted.

(2) Dedication. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the said donee or donees, grantee or grantees, for their use for the purpose intended by the grantors or donors.

Know All Persons by these Presents that we, the undersigned owners in the fee simple or contract purchaser and mortgage holder of the land hereby platted, hereby declare this plat and dedicate to the use of the public forever all streets and avenues shown thereon and use thereof for all public

purposes not inconsistent with the use thereof for public highway purposes; also the right to make all necessary slopes for cuts and fills upon the lots and blocks shown on this plat in the original reasonable grading of the streets and avenues shown hereon. The undersigned owners hereby waive all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. This subdivision has been made with our fee consent and in accordance with our desires.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this __ day of _____

[Signature blocks and Notary Certificate to follow.]

- (3) Acknowledgements or Notary Certificate. The forms for notary certificates are set forth in RCW 42.44.100.
- (4) Surveyor's Certificate.

I hereby certify that the plat of _____ is based upon a complete and actual survey and subdivision of Section_, Township_, Range_, East W.M.; that the courses and distances are shown correctly thereon, that the monuments have been set and the lot and block corners staked correctly on the ground; that this is a true and correct representation of the lands actually surveyed and that I have fully complied with the provisions of the statutes and platting regulations.

Certificate: _____

Expiration: _____

Date: _____

- (5) City Engineer's Approval.

I hereby certify that this final/short plat/unit lot subdivision, is consistent with all applicable Town/City improvement standards and requirements in force on the date of preliminary/short plat approval. I have approved this final/short plat/ unit lot subdivision as to the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures. Examined and approved by me this __day of __, 20__.

City Engineer.

(6) Community Development Director's Approval.

I hereby certify that this final/short plat/unit lot subdivision is consistent with all applicable Town/City improvement standards and requirements in force on the date of preliminary/short plat approval. I have approved this final/short plat/ unit lot subdivision, as to the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures. Examined and approved by me this ___day of __, 20__.

Community Development Director.

(7) ~~City Council~~ Final Plat Approval.

SURVEYOR'S CERTIFICATE

I hereby certify that this plat is based upon a complete and actual survey and subdivision of Section _____, Township _____, Range _____, East W.M.; that the courses and distances are shown correctly thereon; that the monuments have been set and the lot and block corners staked correctly on the ground; that this is a true and correct representation of the lands actually surveyed and that I have fully complied with the provisions of the statutes and platting regulations.

Registered Land Surveyor

Certificate No. _____ Date: _____

CITY ENGINEER'S APPROVAL

I hereby certify that this final plat is consistent with all applicable City improvement standards and requirements in force on the date of preliminary plat approval. I have approved this final plat as to layout of streets, alleys, rights-of-way, design of bridges, sewage and water systems, and other structures.

City Engineer Date: _____

COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL

Pursuant to RCW 58.17.100 and delegated authority under POMC, I hereby approve this final plat, finding that it conforms to the terms of preliminary plat approval and applicable City and State law.

Community Development Director Date: _____

HEALTH/WATER-SEWER RECOMMENDATION

Recommendation for approval provided by:

Local Health Department / Water-Sewer Utility Date: _____

CITY FINANCE DIRECTOR CERTIFICATION

I hereby certify that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied, or discharged.

City Finance Director Date: _____

COUNTY TREASURER CERTIFICATION

This is to certify that all taxes heretofore levied and which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office.

County Treasurer Date: _____

COUNTY AUDITOR RECORDING

Filed at the request of _____ this _____ day of _____, 20____, and recorded in Volume _____ of Plats, Page(s) _____, Records of _____ County, Washington.

County Auditor Approved by the City Council of the City of _____, this _____ day of _____.

~~Mayor~~

ATTEST:

~~City Clerk~~

(8) City Finance Director Approval.

I hereby certify that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

Executed this __day of ____, 20__.

Finance Director

(9) County Treasurer Approval.

This is to certify that all taxes heretofore levied and which has become a lien upon the lands herein described, have been fully paid and discharged, according to the records of my office, up to and including the year __.

Executed this __day of __, 20__.

County Treasurer

(10) County Auditor.

Filed at the request of _____, this day of _____, 20__, and recorded in Volume _____ of Plats, page(s) _____, Records of _____ County, Washington.

County Auditor

SECTION 6. Section 20.90.010 “Decision type – Review procedure” of the Port Orchard Municipal Code is hereby amended to read as follows:

20.90.010. Decision type – Review procedure.

A final plat is a Type ~~IV~~II land use decision and shall be subject to the requirements of and processed in accordance with the procedures for such applications and decisions as set forth in Chapter 20.22 POMC. However, Final Plats do not require a public hearing or notice of application. A Final Plat Decision shall be issued by the Director consistent with POMC 20.90.040 and may be appealed to the Hearing Examiner.

SECTION 7. Section 20.90.040 “Criteria for approval” of the Port Orchard Municipal Code is hereby amended to read as follows:

20.90.040. Criteria for approval.

The Director shall verify and document all of the following before granting final plat approval:~~A final plat application shall be approved if the subdivision proposed for approval:~~

- (1) That the final plat m~~Meets~~ all general requirements for plat approval as set forth in POMC § 20.88.040; ~~and~~
- (2) That the final plat s~~Substantially~~ conforms to all terms of the preliminary plat approval; ~~and~~
- (3) That the final plat m~~Meets~~ the requirements of Chapter 58.17 RCW, other applicable state laws, this chapter, and any other applicable city ordinances which were in effect at the time of preliminary plat approval;~~;~~
- (4) Confirmation that the engineering elements of the final plat meet all applicable city standards and requirements;
- (5) That a w~~Written~~ recommendation for approval has been received from the local health department or the agency furnishing water and sewer services;
- (6) That performance and/or maintenance bonds have been provided consistent with the requirements of POMC 20.98.030 to guarantee completion of required public improvements;
- (7) A survey has been prepared and certified by a licensed land surveyor in compliance with RCW 58.09 and RCW 58.17.250; and
- ~~(3)~~(8) Certification that all taxes and delinquent assessments for the property have been paid.

SECTION 8. Section 20.90.050 “Time limitation for approval” of the Port Orchard Municipal Code is hereby amended to read as follows:

20.90.050. Time limitation for approval.

The final decision to approve or deny a final plat shall be made within 30 calendar days after the final plat application ~~was is determined complete~~ filed, unless the applicant consents to an extension of such time period.

SECTION 9. Section 20.90.060 “Recording – Expiration” of the Port Orchard Municipal Code is hereby amended to read as follows:

20.90.060. Recording – Expiration.

- (1) All final subdivisions shall be filed for record with the office of the Kitsap County auditor. The applicant shall furnish one copy of the recorded document to the department and one copy shall be filed with the office of the Kitsap County assessor.
- (2) Approvals of final subdivisions shall automatically expire if the plans are not recorded within one year of the written approval date.
- ~~(2)~~(3) Lots may not be sold until final plat is approved and recorded with County Auditor.

SECTION 10. Section 20.98.030 “Bonds” of the Port Orchard Municipal Code is hereby amended to read as follows:

20.98.030. Bonds.

- (1) Authority to Accept Performance Bond May Be Posted ~~May Be Posted~~ in Lieu of Construction. The city, in its sole discretion, may waive the requirement that the public facilities or other improvements and dedications required under this chapter be completed/satisfied prior to the recording of the short plat or approval of the final plat, final unit lot subdivision, or final binding site plan, as long as the applicant posts a bond in accordance with this section. The city's decision to allow the applicant to post a bond allows the applicant to apply for building permits for lots in the plat, unit lot subdivision, or binding site plan before the dedications have been made or the improvements constructed.
- (2) When Performance Bond Is Appropriate. The city may consider a number of factors in the determination whether to allow a bond to be posted by an applicant, including, but not limited to:
 - (a) The date of the applicant's request to post a bond in light of the deadline for

recording of the short plat, or the deadline for submission of final plat, final unit lot subdivision, or final binding site plan applications, and the applicant's progress to date toward the completion of the public facilities;

- (b) The consequences that could result from the applicant's construction of the homes or other development contemplated by the proposed approval, before the necessary public facilities are completed/installed; and
 - (c) Any other issues that may affect the public health and safety.
- (3) **Acceptable Bonds.** No bond shall be accepted by the city unless it is submitted on the form approved in advance by the city attorney and from a bonding company licensed to do business in the state of Washington. The city engineer shall determine the amount of the bond, which shall be no less than 150 percent of the estimated cost of the public facilities or improvements. The city engineer shall make a recommendation as to the length of the ~~bond~~ time for completion of the bonded improvements, which shall be no longer than two years after the final approval.
- (4) **Warranty Bond.** Once the public facilities have been constructed, the dedications made, and city has inspected and approved the public facilities, the applicant shall provide the city with a warranty bond meeting all the requirements of this section to ensure the successful operation of the public facilities, for a period of two years after such inspection and approval.
- (5) **Delegation of Authority for Bond Acceptance.** The Community Development Director is delegated the authority to accept performance and/or maintenance bonds associated with final plat approvals, consistent with this section and POMC 20.90. Such bonds may only be accepted for improvements or dedications that, if deferred, will not create an adverse impact on the public's health, safety, or general welfare.
- ~~(4)~~(6) **Limitation on Delegated Authority.** If a proposed bond would cover improvements that are necessary to protect the public's health, safety, or general welfare, the authority to accept such bond remains with the City Council. In such cases, the Director shall prepare a recommendation and forward the bond agreement to the City Council for consideration and approval.

SECTION 11. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 12. Corrections. Upon the approval of the city attorney the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance,

including but not limited to the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

SECTION 13. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 14. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this ____ day of _____ 2026.

Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

Brandy Wallace, MMC, City Clerk

, Councilmember

APPROVED AS TO FORM:

Charlotte A. Archer, City Attorney

PUBLISHED:

EFFECTIVE DATE:

Proposed Code Amendments • Final Plat Processing

POMC 20.22 • 20.80 • 20.90 • 20.98

Establishing an Administrative Approval Pathway & Modernizing Bonding Procedures

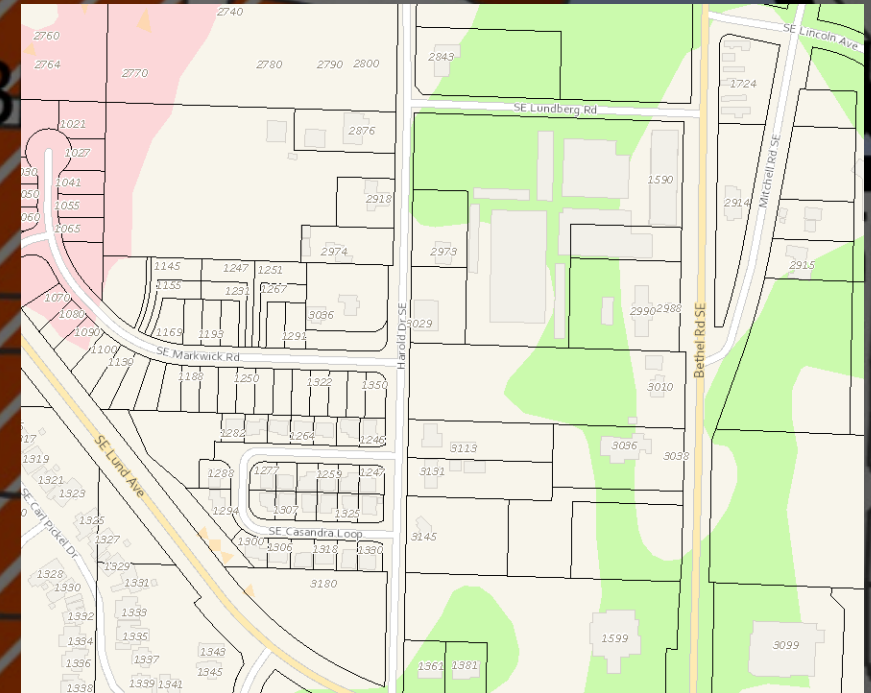
City of Port Orchard

May 5, 2026

Introduction

- Purpose of tonight's presentation
- Overview of the subdivision process from start to finish
- Why final plat procedures are being updated
- How the amendments improve efficiency and align with state law

- Determine zoning designation
- Zoning establishes:
 - Minimum lot size
 - Minimum lot width
 - Dimensional standards
- Identify critical areas and site constraints
- Confirm feasibility before preparing a preliminary plat



Site Identification & Zoning

Permit Types (POMC 20.22)



Type I – Administrative, no notice



Type II – Administrative with notice



Type III – Hearing Examiner decision after public hearing



Type IV – Recommendation & City Council decision



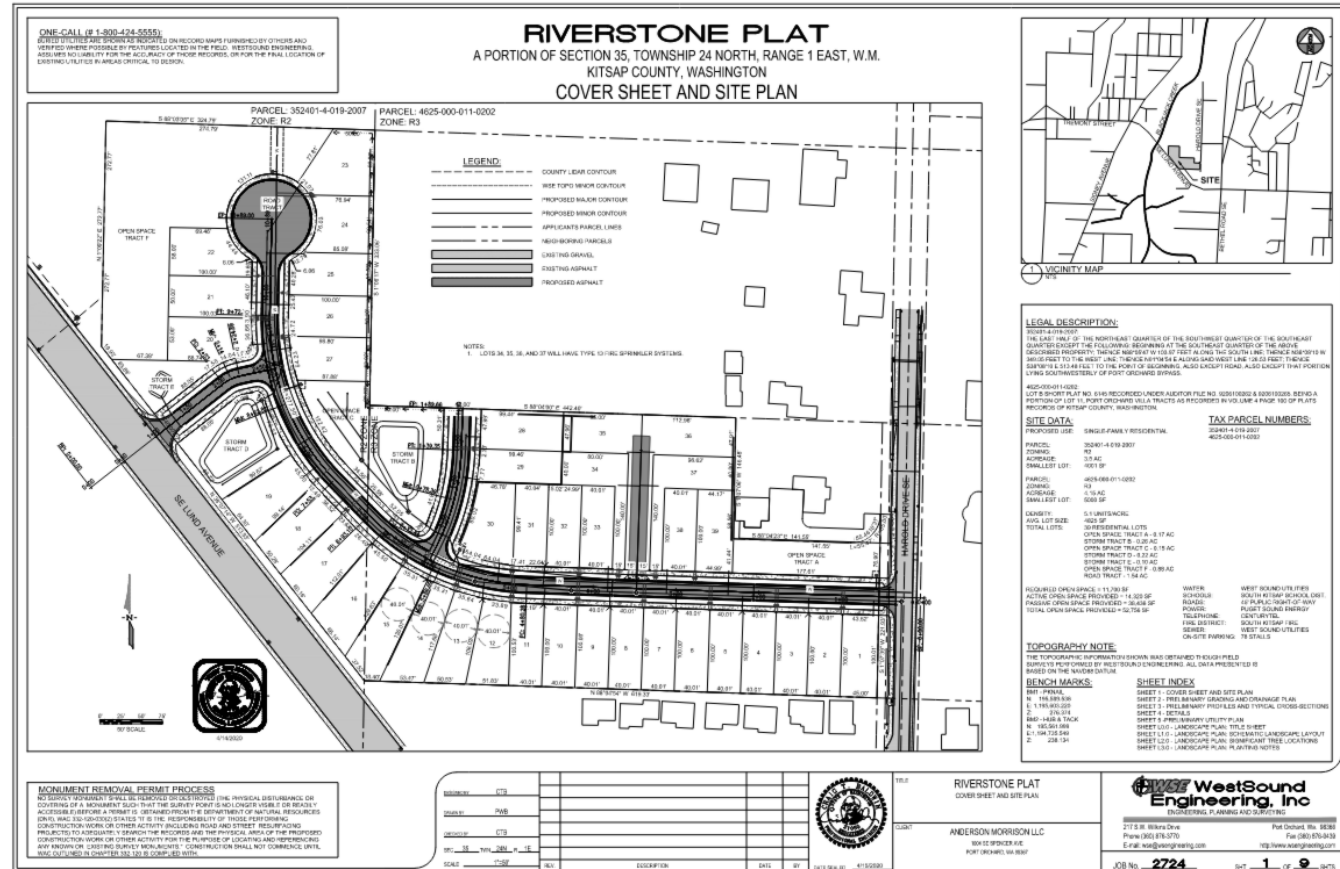
Type V – Legislative actions (code amendments, comp plan updates)

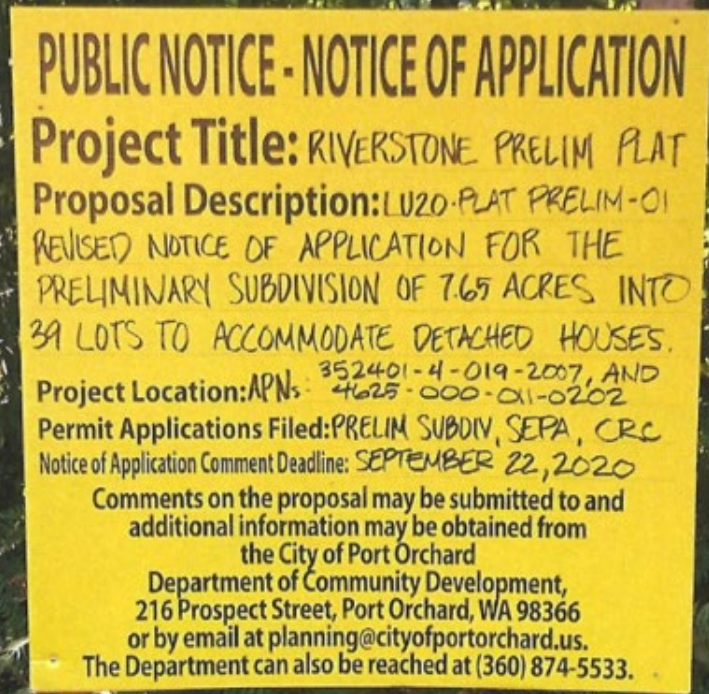


Preliminary plats = Type III; Final plats currently = Type IV.

Preliminary Plat Application (Type III)

- Applicant submits preliminary plat
- Staff reviews for:
 - Zoning compliance
 - Critical areas
 - General infrastructure adequacy (water, sewer, storm, roads)
- Detailed engineering occurs later during LDAP
- Concurrency review required (POMC 20.180)





Public Notification

- Notice of Application (NOA)
 - Mailed to 300 ft, published, posted
- SEPA Determinations
 - Mailed to 300 ft, published, posted
- Notice of Hearing
 - Mailed to 300 ft & all prior commenters
 - Published in newspaper of record

Each notice invites public comment.

Hearing Examiner Review



Open-record public hearing



Staff presents full record: application, technical reports, public comments



Opportunity for public testimony



Hearing Examiner issues a Decision with Conditions of Approval



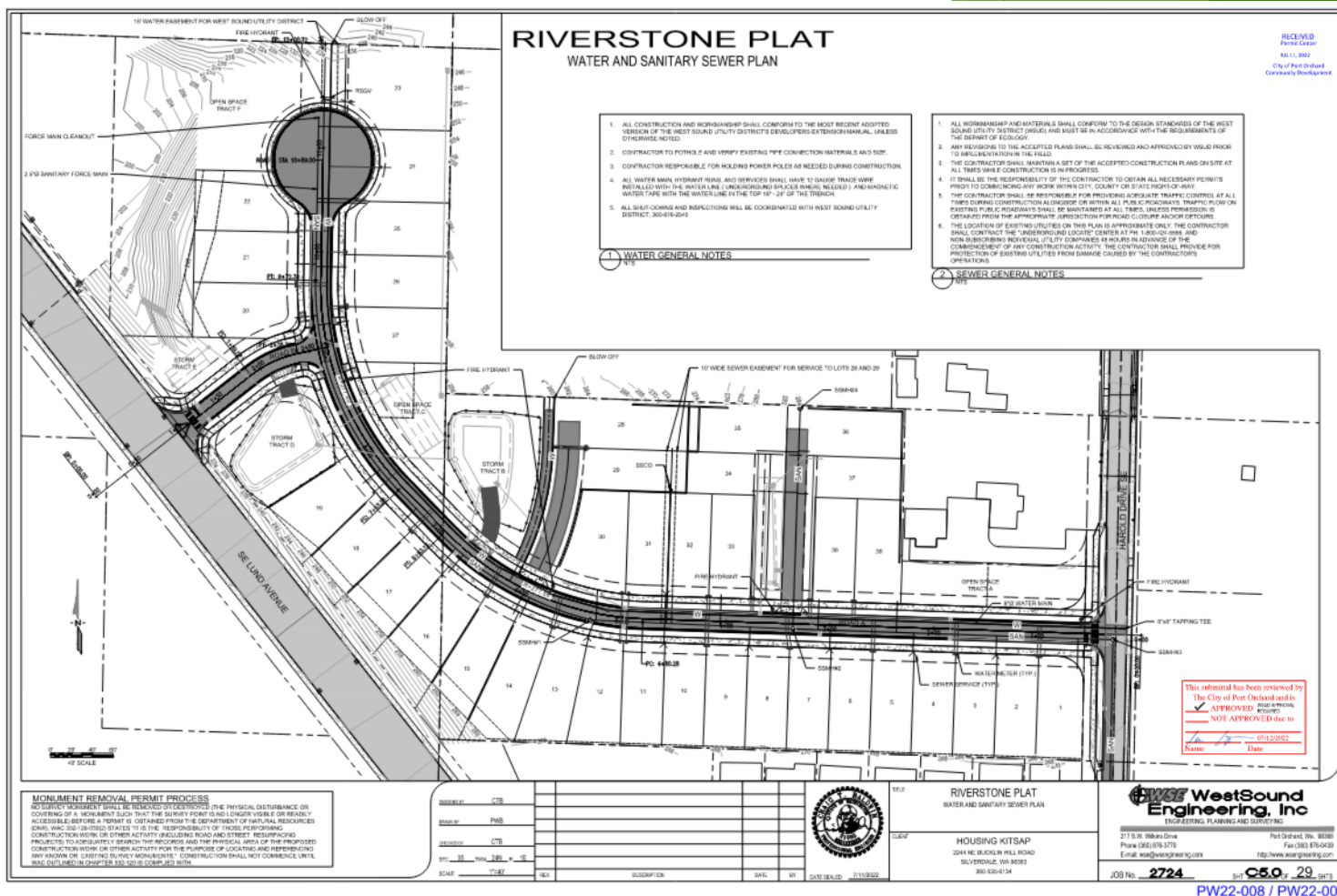
The Decision guides detailed engineering in the LDAP



Appeal opportunity for parties of record

Land Disturbing Activity Permit (Type II)

- Applicant submits detailed engineering plans
- Staff verifies compliance with:
 - Public Works Standards and Specifications (PWSS)
 - Preliminary plat conditions
 - Utility and stormwater standards
- Public notice issued (no hearing)
- Notice of Decision issued with appeal period
- Construction begins after approval
- Continuous inspections throughout development



Construction of Improvements

Applicant constructs all required infrastructure:

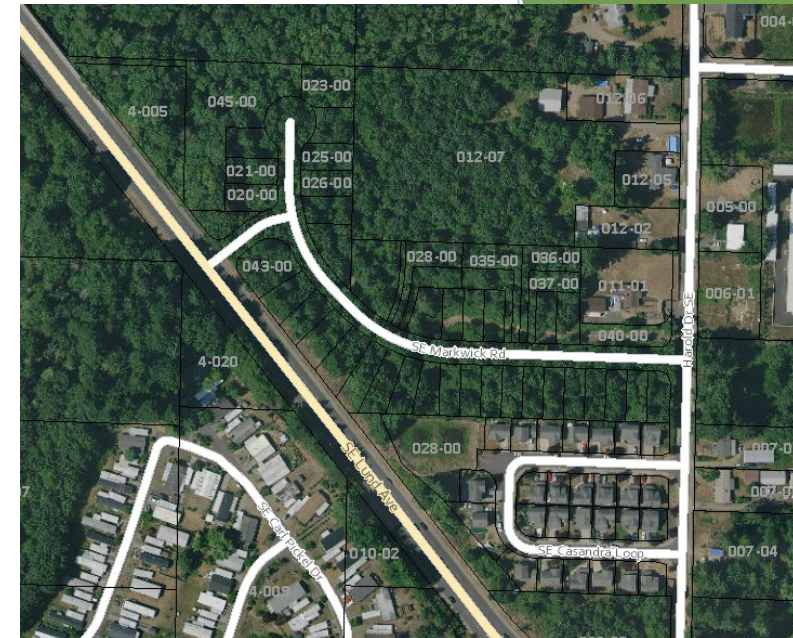
Roads	Utilities	Stormwater facilities	Open space and frontage improvements (may also include off-site improvements)
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City conducts ongoing inspections



Minor incomplete items may be bonded (per POMC 20.98)



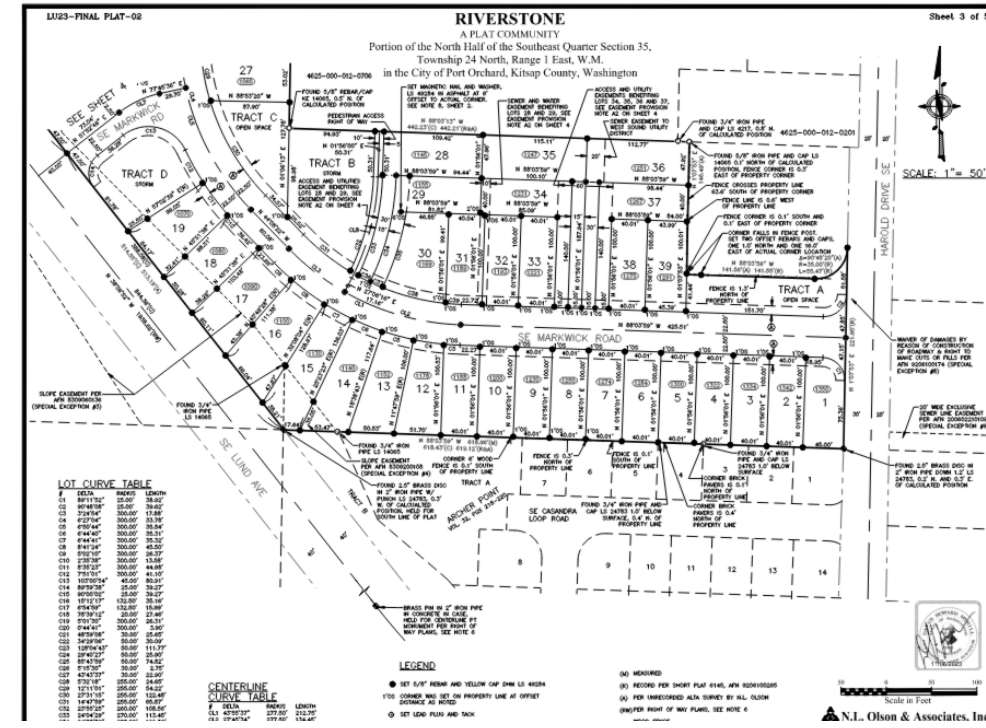
2021



2023

Final Plat Application (Current Process)

- Submitted when construction is substantially complete
- Must demonstrate:
 - All preliminary plat conditions satisfied
 - LDAP improvements constructed or bonded
- Processed as Type IV
 - Public notice
 - Public hearing
 - Recommendation to City Council
 - City Council approval required
- Council has no discretion if requirements are met



FINAL PLAT-02 **RIVERSTONE**
A PLAT COMMUNITY
Portion of the North Half of the Southeast Quarter Section 35,
Township 24 North, Range 1 East, W.M.
in the City of Port Orchard, Kitsap County, Washington

DEDICATION
THE UNDERSIGNED OWNER OR OWNERS OF THE INTEREST IN THE REAL ESTATE DESCRIBED HEREIN HEREBY DECLARE THAT THIS MAP AND DECLARATION DEDICATE TO THE PUBLIC THE STREETS AND RIGHTS OF WAY SHOWN HEREON AND USE THEREOF FOR ALL PUBLIC PURPOSES NOT RECOGNIZED WITHIN THE CITY OF PORT ORCHARD ZONING REGULATIONS...

ACKNOWLEDGMENTS
I, the undersigned, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ to me known to be a member of the City of Port Orchard, Washington, who executed the within and foregoing instrument and acknowledged that he executed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REQUIREMENTS OF THE CITY OF PORT ORCHARD ZONING REGULATIONS. I HEREBY CERTIFY THAT THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REQUIREMENTS OF THE CITY OF PORT ORCHARD ZONING REGULATIONS. I HAVE APPROVED THIS FINAL PLAT AS TO THE CORRECTNESS OF THE SURVEY, THE BOUNDARIES, DISTANCES, AND CORNERS THEREON, AND THAT ALL HORIZONTAL AND VERTICAL BOUNDARIES OF THE UNITS, TO THE EXTENT SUCH BOUNDARIES ARE NOT DEFINED BY PHYSICAL MONUMENTS, SUCH BOUNDARIES ARE CORRECT ON THE MAP.

RECORDING CERTIFICATE
FILED FOR RECORD AT THE REQUEST OF _____ ON THIS _____ DAY OF _____ 20____ AT _____ O'CLOCK _____ AND RECORDED IN VOLUME _____ OF PLAT _____ RECORDS OF KITSAP COUNTY, WASHINGTON.

SHEET INDEX
SHEET 1 - SIGNATURE PAGE
SHEET 2 - CENTERLINE CURVE TABLE, LOT CURVE TABLE, AND LEGEND
SHEET 3 - DEDICATION, ACKNOWLEDGMENTS, SURVEYOR'S CERTIFICATE, AND RECORDING CERTIFICATE

Issues With Current Final Plat Process

- Duplicates public hearing already held at preliminary plat stage
- Adds time and uncertainty for applicants
- Implies City Council can modify a fully built project
- Final plat review is **ministerial** under state law
- State law allows delegation to staff or Planning Commission
- Public hearing **not required** for final plats

Summary of Proposed Amendments

Amendments to POMC 20.22, 20.80, 20.90, and 20.98 would:

- Establish **administrative approval** for final plats
- Remove the Type IV hearing and City Council approval step
- Clarify procedural steps and staff responsibilities
- Update bonding provisions to allow:
 - Administrative acceptance of bonds
 - Clear criteria for minor incomplete improvements
 - Alignment with state law
- Ensure bonding and final plat processes function cohesively
- Streamline review while maintaining public involvement at the preliminary stage



CITY OF PORT ORCHARD

DEPARTMENT OF COMMUNITY DEVELOPMENT

216 Prospect Street, Port Orchard, WA 98366

Ph.: (360) 874-5533 • FAX: (360) 876-4980

PLANNING COMMISSION STAFF REPORT

Agenda Item No: 5(b)

POMC 20.128 - Landscaping

Subject:

Discussion

Meeting Date: May 5, 2026

Prepared by:

Nick Bond, AICP, Development
Director

Issue: The City of Port Orchard is continuing its updates to the landscaping regulations in Port Orchard Municipal Code (POMC) Chapter 20.128. The purpose of this effort is to resolve existing ambiguities, align the code with emerging regulatory requirements, and better support neighborhood connectivity, environmental performance, and long-term livability, while maintaining a predictable and transparent review process for applicants.

Staff first introduced this topic to the Planning Commission in November, following a presentation from Public Works on the City's National Pollutant Discharge Elimination System (NPDES) permit obligations. Public Works continues to map existing tree canopy and develop long-term canopy goals. At the February 17, 2026 City Council Work Study session, Public Works provided an update on this ongoing work. As the canopy analysis progresses, any required implementation of NPDES-related tree canopy standards may need to be integrated into POMC 20.128. Because this work is still underway, portions of the redline, particularly POMC 20.128.060, which establishes quantitative tree-planting requirements, remain unchanged at this stage. Once the canopy analysis is complete, staff may revisit those standards and adjust them as needed to support the City's canopy goals.

At the February Planning Commission meeting, the Commission discussed whether the chapter's applicability should be expanded to include detached houses and middle housing to ensure consistency with House Bill 1110. The draft amendments presented at that meeting reflected this potential expansion and were forwarded to the Land Use Committee for review on February 18, 2026. After discussion, the Land Use Committee directed staff not to include detached houses or middle housing in the applicability of POMC 20.128. The revised redline included in the March packet reflected this policy direction and removed the applicability expansion from the February draft.

Since the March meeting, additional updates have been made in response to Commission input and coordination with partner agencies. The fencing regulations originally proposed within POMC 20.128 have been removed. Because the Land Use Committee directed staff to exclude detached housing from landscape requirements, the fencing provisions would not have been uniformly applicable. In response, staff drafted a new Chapter 20.130 using existing language from POMC 20.139 - Residential Design Standards, updated specifically to regulate internal fencing within multi-family developments. The fencing standards currently located in POMC 20.139 would be repealed and replaced by this new chapter.

Staff also met with Kitsap County Noxious Weed Program staff following the March meeting. Based on their feedback, minor clarifying revisions were made to the proposed language in POMC 20.128.050(8). In addition, the requirements of a complete landscape plan in POMC 20.128.030(4) was expanded to include a required noxious weed management plan, now listed as item (I). Noxious Weed staff indicated they will discuss with the Kitsap County Noxious Weed Board the possible creation of a template for Noxious Weed Management Plans and a Countywide Approved Planting List. These materials may require further County review but, once available, could be referenced directly in the City's code.

Lastly, based on the Commission's feedback in March, staff tightened the language qualifying what an urbanized area is when applying departures to landscaping buffer requirements associated with parking lots and provided clarification on the term "buffer" as it relates to internal site features.

Public Works is continuing its work on NPDES-related tree canopy requirements. Additional amendments to POMC 20.128 may be necessary once that work is complete.

Changes in the draft amendments include:

- Removing fencing standards from POMC 20.128 and relocating updated internal fencing regulations into a new POMC Chapter 20.130.
- Adding a purpose statement that emphasizes visual and pedestrian connectivity and discourages continuous perimeter fencing unless needed for safety or function.
- Clarifying chapter applicability consistent with Land Use Committee direction, limiting applicability to development types historically regulated under POMC 20.128.
- Establishing a clear, predictable process for amending approved landscape plans.
- Clarifying open-space expectations to avoid turf-only areas unless designed for active recreation, and requiring meaningful vegetation, native plantings, or programmed amenities.
- Incorporating noxious-weed-control requirements, refining language in POMC 20.128.050(8), and adding a noxious weed management plan as a required component of complete landscape plans.
- Updating buffer and perimeter standards to encourage layered planting and low-height screening rather than continuous solid fencing.
- Consolidating and relocating fencing standards from POMC 20.139 into a new chapter, and maintaining proposed blank-wall treatment requirements for large retaining walls.

The proposed updates to Table 20.128.070 are intended to give applicants more flexibility in how they design buffer treatments. Rather than relying on a single approach, the revisions offer a range of options that can better respond to surrounding uses. The intent is to increase compatibility between sites, maintain appropriate levels of privacy and screening, and encourage buffers that are functional, adaptable, and better integrated with surrounding development.

Staff remains on track for adoption in early Fall 2026, though progress may depend on Public Works' ability to complete its NPDES-related canopy work. The anticipated schedule is as follows:

- Nov–Dec 2025: Planning Commission review of introduction and direction on priorities.
- Jan–Apr 2026: Staff preparation of draft ordinance language, illustrations, and checklists, including coordination with Public Works and Stormwater staff.
- May 2026: Planning Commission review of draft language and public comment.
- Jun–Jul 2026: Commission holds public hearing and forwards a recommendation to City Council.
- Aug–Sep 2026: Council review and anticipated adoption in early Fall 2026.

Staff welcomes feedback on the proposed amendments and will continue to track and document comments through a comment matrix throughout the update process.

Attachments: Draft Amendments to POMC 20.128 – Landscaping, POMC 20.130 – Fencing (NEW)

Chapter 20.128 LANDSCAPING*

Sections:

[20.128.010 Purpose.](#)

[20.128.020 Applicability and compliance.](#)

[20.128.030 Landscape plans.](#)

[20.128.040 Integration with LID stormwater management facilities.](#)

[20.128.050 Plant material and installation standards.](#)

[20.128.060 Landscaping types.](#)

[20.128.070 Landscape site design standards.](#)

[20.128.080 Development within required buffers.](#)

[20.128.090 Irrigation standards.](#)

[20.128.100 Maintenance of required buffers and landscaped areas.](#)

[20.128.110 Performance assurance/bonding.](#)

[20.128.120 Maintenance assurance/bonding.](#)

* Prior legislation: Ords. 019-17 and 010-18.

20.128.010 Purpose.

It is the purpose of this chapter to:

- (1) Promote well-planned and attractive landscaping that enhances the visual and aesthetic appearance of the city.
- (2) Provide space definition and landscape continuity between the built environment and the natural environment.
- (3) Provide appropriate barriers and relief from traffic, noise, heat, glare, and the spread of dust and debris.
- (4) Reduce potential negative impacts between adjacent and neighboring uses.
- (5) Reduce flooding and reduce the impact of development on the city's storm drainage system.

- (6) Promote tree retention and the protection of existing native vegetation.
- (7) Provide for the long-term establishment and health of new landscape plantings.
- (8) Aid in the conservation of energy and replenish the atmosphere with oxygen.
- (9) Provide for a more pleasant and relaxing urban environment.
- (10) Ensure the long term maintenance and attractiveness of landscape plantings.
- (11) Maintain and enhance property values.

(12) Promote landscape designs that maintain visual and pedestrian connections between adjacent properties.

20.128.020 Applicability and compliance.

(1) Applicability. The provisions of this chapter shall apply to all new nonresidential, ~~single-family attached (three or more units)~~, and multifamily (~~three-six~~ or more units) development within the city. Also:

(a) The provisions of this chapter shall apply to all new development, and building additions, remodels and site improvements per the Level I – III improvement thresholds set forth in POMC [20.127.020](#)(3)(a) through (c).

(b) The maintenance provisions of this chapter apply to existing and previously approved landscape plans and required landscape areas.

(c) Temporary Deferral. A certificate of occupancy shall be contingent upon the screening and landscaping requirements of this chapter being met. This provision may be temporarily deferred by the director in cases where it is not reasonable for the developer to install certain species of plant material prior to occupancy due to the recommended planting season not occurring at an appropriate phase in construction. In such case, the time deadline for planting such materials shall be extended only to the nearest seasonal period suitable for planting such materials. Additionally, the director shall require that the applicant obtain a temporary deferral when water restrictions are in place preventing regular irrigation or watering of plant material. The director may authorize a temporary deferral through the issuance of a temporary certificate of occupancy or through the approval of a performance bond in accordance with this title.

(d) Review in Conjunction with Other Permits. Landscape plan review shall be performed in conjunction with other permit applications (i.e., land disturbing activity, stormwater drainage, building permit, etc.). Appeals of decisions related to

the application of this chapter shall be connected to the underlying permit application to which the landscape code has been applied.

(e) The provisions of this chapter may also apply to subdivisions and short plats as specified in Chapter [20.100 POMC](#), but shall not apply to the construction of an ~~individual detached house, duplex, or backyard cottage~~[accessory dwelling unit](#).

(2) Exceptions. The director may waive the provisions of this chapter for light industrial (LI) zoned properties which do not front Old Clifton Road or SR-160 depending on the type of use, number of anticipated employees and customers, and the site's physical relationship and anticipated impacts to adjacent and neighboring zones, uses and development.

20.128.030 Landscape plans.

(1) In order to implement the requirements of this section, landscape plans for the entire site are required as part of the following permit application submittals:

(a) Building permit applications.

(b) Preliminary plat applications.

(c) [Preliminary s](#)Short plat applications.

(d) [Preliminary b](#)Binding site plan applications.

(e) Conditional use permit applications (where new construction, or expansion of a building is proposed, or where landscaping is required to meet conditions for granting approval).

(f) Stormwater drainage permit applications.

(g) Land disturbing activity permit applications.

[\(h\) Preliminary unit lot subdivisions](#)

(2) In order to implement the requirements of this section, landscape plans for the entire site shall be required as part of a land disturbing activity permit application submittal if the scope of the permit application does not include restoration to predisturbance conditions or if the landscape plan approval is not issued under another permit approval as listed in subsection (1) of this section. [Landscape plans submitted as part of preliminary applications listed above shall be permitted through the development's associated Land Disturbing Activity Permit.](#)

(3) Plans shall be developed by a Washington state licensed landscape architect, a Washington-certified professional horticulturalist (CPH), or a Washington certified professional landscape designer (APLD-WA).

(4) Landscape plans shall include:

(a) Boundaries and dimensions of the site.

(b) Location of existing and proposed easements, streets, curbs, utilities, sidewalks and any other hard surfaces.

(c) Location of buildings and structures, parking lots, driveways, loading areas, outdoor mechanical equipment, signs, refuse enclosures, overhead utilities, water meter location, swales, parking lot lighting, existing and proposed retaining walls or fences, and any existing vegetation that is to remain on the site.

(d) The location and design of landscape areas to be preserved and planted, and plant list to include the location, number, height at maturity, and type of plant material by botanical and common name.

(e) Proposed irrigation system if a permanent or temporary system is proposed. All landscaped areas including adjacent right-of-way must be provided with an underground irrigation system.

(f) Specifications for soil amendments to provide suitable long-term growing conditions.

(g) North arrow and scale.

(h) Planting detail section drawings.

(i) Name, address, and phone number of the person preparing the plan.

(j) Calculations demonstrating compliance with this chapter.

(k) Landscape planting, hardscape, and material precedents (imagery) depicting (approximately) the landscape plantings, hardscape, and materials to be used in the project.

(l) A noxious weed management plan identifying existing noxious or invasive plant species on the site, methods for their removal or control, and ongoing measures to prevent re-establishment, consistent with applicable state and county noxious weed regulations.

(5) Applicants shall familiarize themselves with existing site conditions, and are encouraged to meet with staff to discuss appropriate design options and alternatives for accomplishing the screening and landscaping objectives of this chapter prior to preparing and submitting a landscape plan.

(6) Applicants are encouraged to integrate landscape plans and stormwater system designs consistent with the city's adopted stormwater management manual.

(7) A previously approved landscape plan may be amended through a Type I administrative decision. Amendments shall be limited to modifications of the existing plan and shall not constitute approval of a new landscape plan. Any proposed changes must comply with the current standards of POMC Chapter 20.128 for the areas subject to amendment. The applicant must submit a revised landscape plan clearly identifying the areas of change and demonstrating compliance with applicable code requirements.

20.128.040 Integration with LID stormwater management facilities.

The required landscape design requirements in this chapter may be integrated with low impact development (LID) stormwater management facilities and best management practices (BMPs) unless site and soil conditions make LID infeasible, subject to the approval of the director and public works department. LID facilities shall not compromise the purpose or intent of required landscaping and landscaping shall not result in the disruption of the LID facilities' functions. LID facilities shall be designed and constructed in accordance ~~and~~with the LID Technical Guidance Manual for Puget Sound (current edition).

20.128.050 Plant material and installation standards.

(1) Native Plant Species. New landscaping materials shall include species native to the region or hardy, waterwise, and noninvasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials must be those identified as hardy in Zone 8b as described in United States

Department of Agriculture's Plant Hardiness Zone Map. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

(2) Tree Standards and Guidelines.

(a) Tree heights may be called for within this chapter or elsewhere within this title:

(i) Large Tree. Capable of growing 35 feet high or greater under normal growing conditions.

(ii) Medium Tree. Capable of growing over 15 feet high and less than 35 feet high under normal growing conditions.

(iii) Small Tree. Capable of growing up to 15 feet high under normal growing conditions.

(b) Unless otherwise noted herein, required trees shall meet the following standards at the time of planting:

(i) Required deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one and one-half inches (as measured six inches above the root ball), and a minimum height of six feet at the time of planting as measured from the top of the leader branch to the top of the root ball.

(ii) Required evergreen trees shall be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.

(iii) Required trees of any species within parking areas shall be a minimum caliper of one-and-one-half inches (as measured 24 inches above the root ball) and a minimum height of 10 feet at the time of planting.

(3) Shrub Standard. Shrubs, except for ornamental grasses, shall be a minimum of one-gallon size at the time of planting.

(4) Ground Cover Standards and Guidelines.

(a) Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three years as follows, or as per recommendations by Washington State licensed landscape architect, Washington-certified professional horticulturalist (CPH), or other qualified individual. Ground cover plants other than turf forming grasses must be planted in triangular spacing at the following rates:

(i) Four-inch pots at 18 inches on center.

(ii) One gallon or greater sized containers at 24 inches on center.

(iii) Alternative plant spacing may be appropriate depending on the specific plants. When applicable, plant spacing information must be included with

permit application submittals from published sources, such as the Sunset Western Garden Book, from Internet sources, or from cut sheets provided by a nursery. Such sources must be identified for verification purposes.

(b) Grass areas shall be sodded or hydroseeded unless otherwise approved by the director. Grass shall only be permitted in active open space areas, as described in POMC 20.100.130 or 20.127.350, or within parking lot landscaping and buffer areas, provided that grass does not exceed 30 percent of the total landscaped area within a parking lot or buffer. Use of drought-tolerant groundcover is encouraged in all other areas to promote water conservation and reduce maintenance. Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception).

(c) Ground cover areas shall contain at least two inches of composted organic material at finished grade.

(5) Tree and Plant Diversity.

(a) If there are more than eight required trees, no more than 40 percent of them may be of one species.

(b) If there are more than 24 required trees, no more than 20 percent of them may be of one species.

(c) If there are more than 24 required shrubs, no more than 75 percent of them may be of one species.

(6) Soil Augmentation and Mulching.

(a) Existing soils shall be augmented with a two-inch layer of fully composted organic material tilled a minimum of six inches deep prior to initial planting.

(b) Landscape areas shall be covered with at least two inches of mulch to minimize evaporation. Mulch shall consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock may also be used as a mulch.

(7) Landscape Installation Standards.

(a) All required landscaping shall be in-ground, except when in raised planters. Plant materials shall be installed to current nursery industry standards.

(b) Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures shall be removed as soon as the plant can support itself.

(c) Existing trees and plant materials to be retained shall be protected during construction. Protection measures may include silt fencing, chain link fencing, or other sturdy fencing placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles, and equipment shall not be allowed within the dripline of trees to be retained.

(d) Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities.

(e) Trees and major shrubs at mature size should avoid interference with windows, decks, pedestrian walkways or other travelled ways, or lighting.

(8) Removal of Invasive and Noxious Species.

(a) As part of landscape installation, all invasive species and noxious weeds (including but not limited to Scotch broom, Himalayan blackberry, and Japanese Knotweed) as identified on the current Kitsap County Noxious Weed List present on the site shall be removed and controlled. Landscape plans shall include a strategy for ongoing management of these species to prevent reestablishment.

20.128.060 Landscaping types.

(1) Type A Landscaping.

(a) Type A landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and used to screen unwanted views.

(b) Type A landscaping shall minimally consist of:

(i) Trees. Predominately evergreen (more than 50 percent) at the following rates on landscape strips:

(A) One large tree per 300 square feet or 30 linear feet.

(B) One medium tree per 220 square feet or 22 linear feet.

(C) One small tree per 150 square feet or 15 linear feet.

At least 70 percent of the trees shall be large.

(ii) Shrubs. Predominately evergreen provided at a rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.

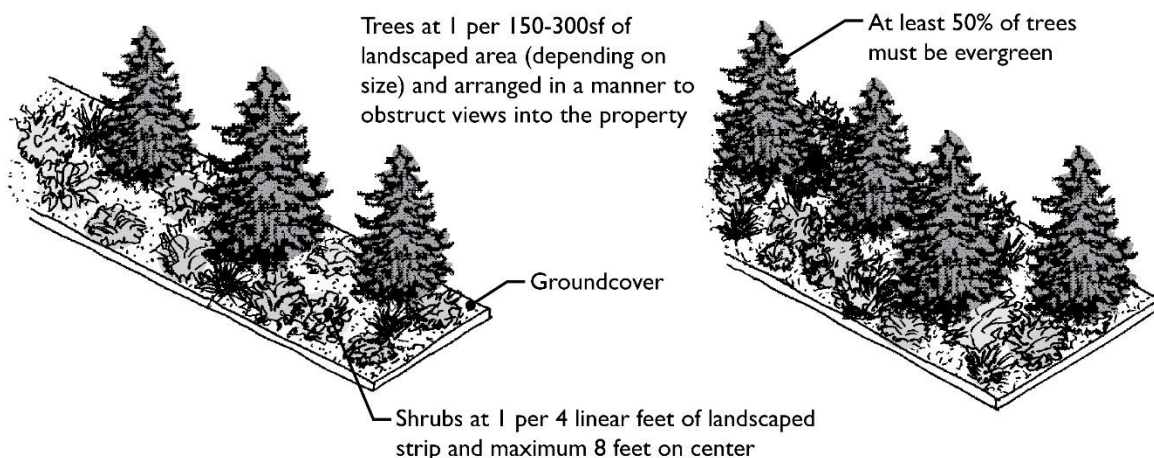
(iii) Plant Diversity. Trees and shrubs must comply with POMC [20.128.050](#)(5).

(iv) Ground Cover. Planted at a density to cover the landscape buffer per POMC [20.128.070](#) within three years.

(v) The selected plant materials and configuration will be able to screen 70 percent of the unwanted views within five years of planting and fully screen the unwanted view within six years. This requirement will account for the size of materials planted and their typical growth rate.

Figure 20.128.060(1)

Type A Landscaping Standards



(2) Type B Landscaping.

(a) Type B landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between differing types of residential development and used to screen unwanted views from the pedestrian environment.

(b) Type B landscaping shall minimally consist of:

(i) Trees. At least 50 percent deciduous trees and at least 30 percent evergreen trees at the following rates on landscape strips:

(A) One large tree per 300 square feet or 30 linear feet.

(B) One medium tree per 220 square feet or 22 linear feet.

(C) One small tree per 150 square feet or 15 linear feet.

At least 70 percent of the trees shall be large.

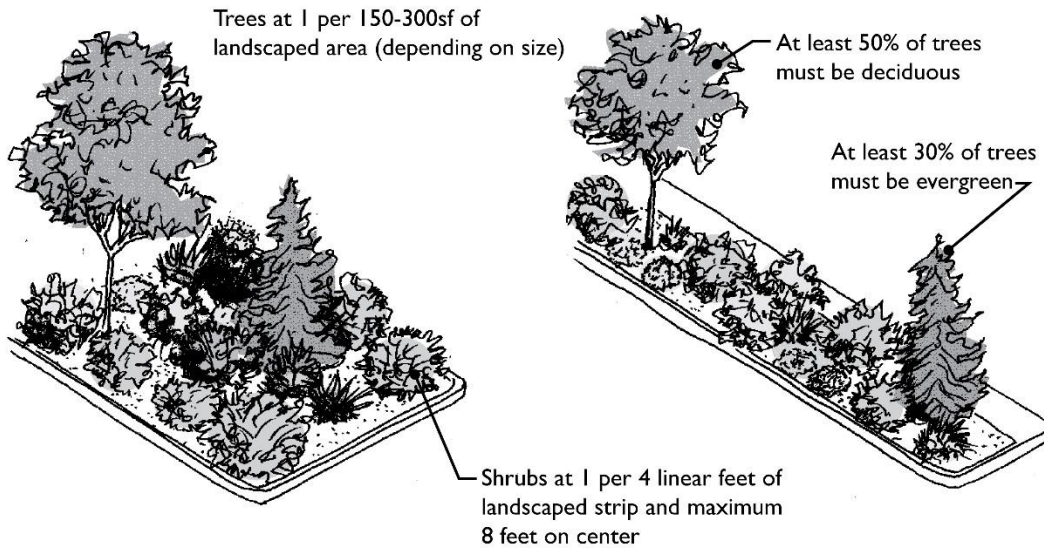
(ii) Shrubs. Provided at the rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.

(iii) Plant Diversity. Trees and shrubs must comply with POMC [20.128.050](#)(5).

(iv) Ground Cover. Planted at a density to cover the landscape buffer per POMC [20.128.070](#) within three years.

(v) The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.

Figure 20.128.060(2)
Type B Landscaping Standards



(3) Type C Landscaping.

(a) Type C landscaping is a “see-through screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along street frontages or between multifamily developments.

(b) Type C landscaping shall minimally consist of:

(i) Trees. At least 70 percent deciduous trees at the following rates on landscape strips:

(A) One large tree per 300 square feet or 30 linear feet.

(B) One medium tree per 220 square feet or 22 linear feet.

(C) One small tree per 150 square feet or 15 linear feet.

At least 70 percent of the trees shall be large.

(ii) Shrubs. Provided at the rate of one shrub per four linear feet of landscaped strip and spaced no more than eight feet on center.

(iii) Ground Cover. Planted at a density to cover the landscape buffer per POMC [20.128.070](#) within three years.

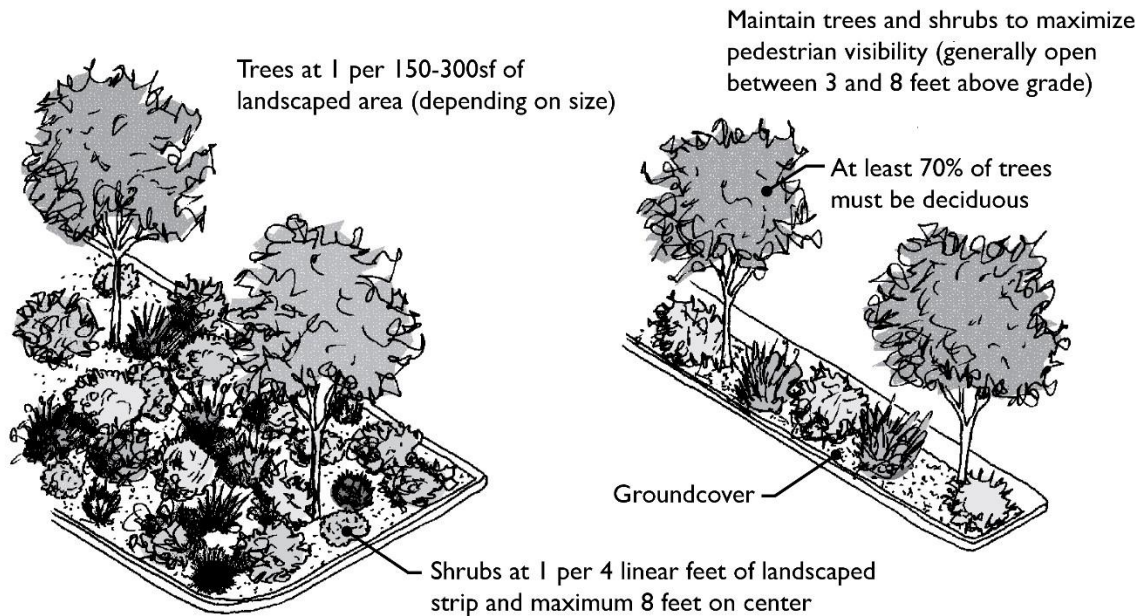
(iv) Plant Diversity. Trees and shrubs must comply with POMC [20.128.050](#)(5).

(v) Tree and shrub placement shall be designed to maximize pedestrian visibility (generally between three and eight feet above grade once trees have matured).

(vi) The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.

(c) Where Type C landscaping is designed to also function as a rain garden, adjustments in the spacing of trees, shrubs, and ground cover will be allowed provided the rain garden meets the function requirements of subsection (6) of this section and the intended function of Type C landscaping as defined in subsection (3)(a) of this section.

Figure 20.128.060(3)
Type C Landscaping Standards



(4) Type D Landscaping.

(a) Type D landscaping refers to all other landscaped areas that do not qualify as Type A – C landscaping. While native and low maintenance trees and shrubs are encouraged in these areas, lawn areas may be used for recreational or design purposes. These areas may also include flower beds and perennial beds.

(b) Type D landscaping may include any combination of plant materials provided they comply with POMC [20.128.050](#).

(5) Low Hedge. A low hedge is intended to function as an attractive visual divider of space rather than a visual buffer between uses and properties. To qualify as a hedge landscaping type, the planting must be at least 30 inches wide and 30 inches tall. The hedge include plant materials that typically grow no taller than five feet at maturity or are maintained between 30 inches and 48 inches tall. Additional limits on hedges may be imposed by the public works director within required sight triangles at intersections. Shrubs or other hedge plant materials must be placed at a rate of one per four linear feet of landscaped strip or otherwise recommended for shrub species. Plant spacing information must be included with permit application submittals from published sources, such as the Sunset Western Garden Book, from Internet sources, or from cut sheets provided by the nursery.

Figure 20.128.060(5)



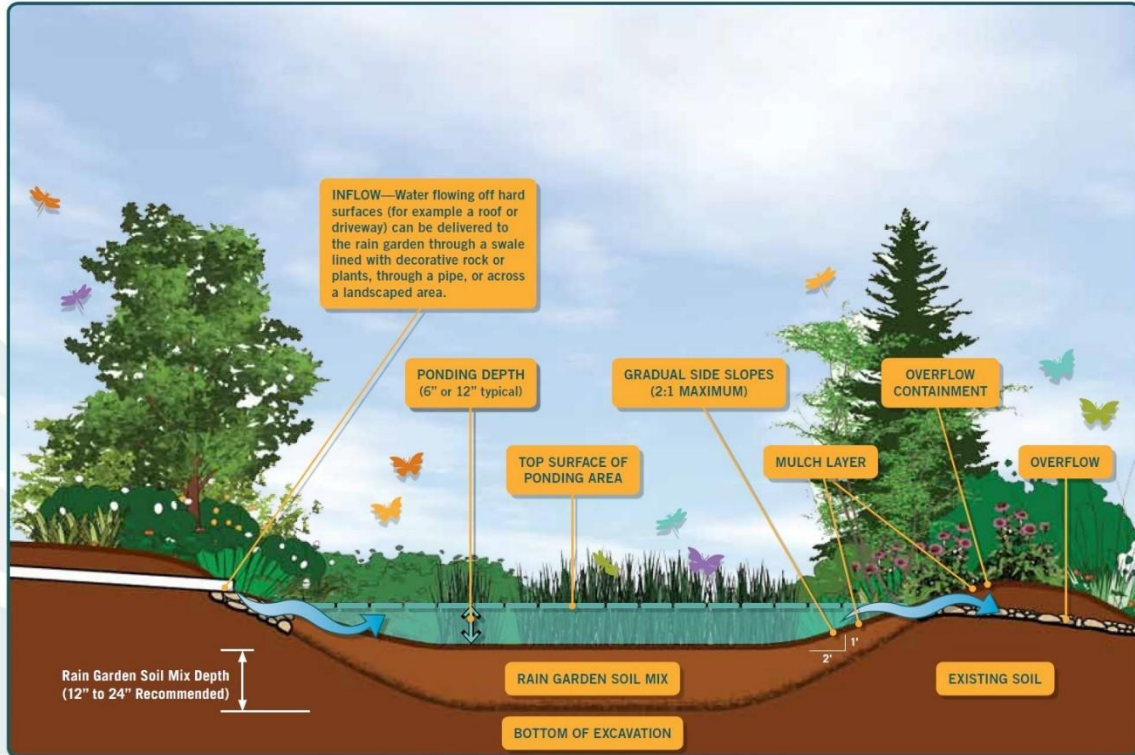
Low Hedge Examples

(6) Rain Garden. A rain garden is a landscaped depression that collects, absorbs, and filters stormwater runoff from rooftops, driveways, patios, and other hard surfaces. They can also function as an attractive visual divider of space. To qualify as a rain garden, the following elements must be included:

- (a) Garden located and designed to capture impervious area runoff.
- (b) Six to 12 inches ponding depth.
- (c) Twelve to 24 inches rain garden soil depth with two to three inches surface mulch layer.
- (d) Gradual side slopes (maximum 2:1).
- (e) Overflow design elements with measures to protect erosion.
- (f) Generous plantings (capable of reaching 100 percent ground cover) of a variety of small trees, shrubs, ground covers, and grasses. Select plants suitable for the three planting zones within the garden and around the perimeter.

Figure 20.128.060(6)

Rain Garden Examples



20.128.070 Landscape site design standards.

(1) Required Landscape Buffer Standards. Screening between certain uses may be called for in Table 20.128.070 below or elsewhere in this chapter:

(a) The provisions of this section do not apply to, and landscape buffers are not required for, development with a designated storefront block frontage (POMC [20.127.100](#) through [20.127.260](#)) unless required as a condition of a permit (such as a conditional use permit or subdivision) or SEPA.

(b) Where mature trees and vegetation exist within the required buffer areas, the preservation of said mature trees and vegetation may be preferable to new plant materials. The director may require up to 50 percent additional buffer width and/or specific planting conditions to better ensure the survival of existing mature trees and/or augment existing plantings to meet the intent of the standards.

(c) The letters A, B, and C refer to the required landscape buffer type(s) (described in POMC [20.128.060](#)). Where more than one buffer type is referenced at the intersection of the column and the row, only one of the listed buffer types is required.

(d) Where the cells at the intersection of the column and the row are empty, there are no landscaping buffer requirements for the particular situation.

(e) If a * appears after a use or term within the table, then the use or term is defined in Chapter [20.12](#) or [20.39](#) POMC.

(f) Where superscript numbers are included in a cell, see the corresponding note matching the number below the table.

(g) For the application of building additions, remodels and site improvements, the provisions of POMC [20.127.020](#)(3) shall apply.

(h) Departures. Alternative buffer treatments may be approved per POMC [20.127.060](#) for any of the buffer types required below, provided they meet the purpose of this chapter.

(i) For the purposes of this section, “buffer” means a designated landscaped area, located either along a site boundary or internal to the development, that provides required visual screening or separation between uses, structures, or site features. Buffers are defined by a minimum planting width and required landscaping type (A, B, or C). Buffers may overlap setbacks but are distinct from critical area buffers regulated elsewhere.

Table 20.128.070

Required Buffer Treatment for Developing Uses

Developing use	Existing Abutting uses and zoning designations								
	Street, park or trail	R1, R2, R6 , GB zones	R3, R4, R5 zones	RMU, NMU, GMU, DMU, CMU, BPMU zones	CC, CH zones	IF zone	IL zone	IH zone	CI, PF zones
Single-family attached* (3 or more units) or multifamily Multifamily* (3 or more units)	See subsection (2) below.	Fence, low hedge plus or BC-5'	Fence, low hedge plus or BC-5'	Fence, low hedge and BC-5' and path	Fence and BC-5' and path	Fence plus and AB-10'	Fence plus and AB-10'	Fence plus and AB-10'	Fence plus and BC-5'
Low intensity nonresidential use*		Fence or low hedge, plus and ABC-5'	Fence or low hedge, plus and ABC-5'	Fence or low hedge, and BC-5' or path	Low hedge, Fence or BC-5' or path	Fence plus and ABC-10'	Fence plus and ABC-10'	Fence plus and ABC-10'	Fence plus and ABC-10'
Moderate intensity nonresidential use*		Fence or low hedge, plus and ABC-10'	Fence or low hedge, plus and ABC-10'	Fence or low hedge, and or BC-5' or path	Fence or low hedge, and BC-5' or path	Fence, low hedge, plus and ABC-10'	Fence plus and ABC-10'	Fence plus and ABC-10'	Fence plus and ABC-10'
High intensity nonresidential use*		Fence plus and	Fence plus and	Fence or and BC-5'	Fence or and BC-5'	Fence plus and	Fence plus and	Fence plus and	Fence plus and

Table 20.128.070

Required Buffer Treatment for Developing Uses

Developing use	Existing Abutting uses and zoning designations								
	Street, park or trail	R1, R2, R6 , GB zones	R3, R4, R5 zones	RMU, NMU, GMU, DMU, CMU, BPMU zones	CC, CH zones	IF zone	IL zone	IH zone	CI, PF zones
		ABC-15'	ABC-15'	or path	or path	ABC-10'	ABC-10'	ABC-10'	ABC-15'
Use featuring an open storage yard*		Fence plus and ABC-10'	Fence plus and ABC-10'	Fence plus and ABC-5' or A-10'	Fence plus and ABC-5' or A-10'	Fence or A-5' or B-10'	Fence or A-5' or B-10'	Fence or A-5' or B-10'	Fence plus and ABC-10'
Heavy industry*		Fence plus and ABC-20'	Fence plus and ABC-20'	Fence plus and ABC-5' or A-10'	Fence plus and ABC-5' or A-10'	Fence plus and ABC-5' or A-10'	Fence plus and ABC-5' or A-10'	Fence plus and ABC-5' or A-10'	Fence plus and ABC-20'

(2) Street, Park, or Trail Buffers.

(a) For landscaping between uses or structures and streets, also see the applicable block frontage standards in POMC [20.127.100](#) through [20.127.260](#). Plant materials, installation, and maintenance are subject to the standards of this chapter.

(b) For nonresidential, ~~single-family attached (three units or more)~~, and multifamily development (~~three~~ six units or more), see POMC [20.127.220](#) for trail/park block frontage standards. Alternative designs will be considered based on the unique context of the site, the development, and the park/trail provided the designs

promote safety for park/trail users, and mitigate any potential negative impacts of the proposed use on the park/trail.

(c) For storage yards, a minimum 10-foot wide planting strip with Type A landscaping is required between any street and such storage yard.

(3) Surface Parking Lot Landscaping.

(a) Parking Lot Perimeters.

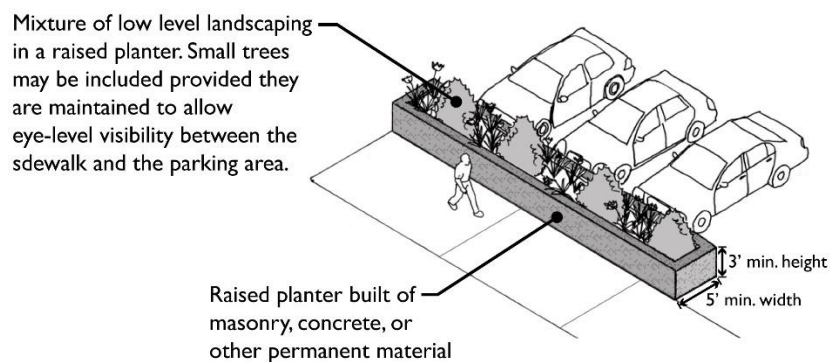
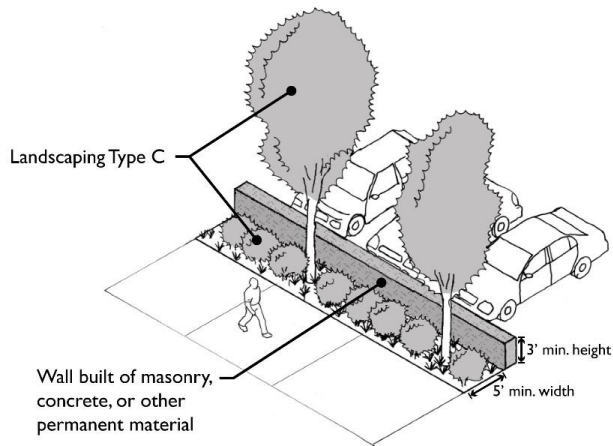
(i) For parking lots abutting public right-of-way, use Type C landscaping at a width equal to or greater than the minimum building setback specified for the applicable block frontage type specified in POMC [20.127.100](#) through [20.127.260](#). For parking lots on sites without an applicable block frontage type, the parking lot landscape buffer shall be at least 10 feet deep.

(ii) For parking lots along internal private roadways in commercial areas, provide a ~~planting strip~~ buffer at least six feet wide with Type C landscaping.

(iii) For parking lots along internal lot lines, use Type A or B landscaping at least 10 feet deep, except where a greater buffer width is required per the standards in Table 20.128.070.

Departures will be considered provided they meet the purpose of this chapter. Examples of acceptable departures may include decorative low walls with landscaping, decorative elevated planters, or landscaping with a trellis. In no case may landscaping buffers be less than five feet wide. The minimum height of planters or walls, where used, is three feet. The maximum height of walls where used shall be five feet.

Figure 20.128.070(3)(a)
Parking Lot Perimeter Landscaping Departure Examples



Above are two possible departure parking lot landscaping buffer designs that may be acceptable in more urbanized areas, such as downtown or areas characterized by mixed-use, compact development with limited surface parking.

(b) Internal Parking Lot Landscaping.

(i) Trees and Shrubs Required.

(A) For every 1,000 square feet of vehicular use area, at least one deciduous tree must be planted.

(B) Trees and shrubs must be planted within 15 feet of the parking lot to count as parking lot landscaping.

(C) When a development contains 20 or more parking spaces, 50 percent of the trees and shrubs must be planted in islands or medians located within the parking lot.

(ii) Landscaping Type.

(A) Type C landscaping shall be utilized for landscaping islands internal to parking lots.

(B) At least 75 percent of the required deciduous trees must be large trees. Medium and small trees are acceptable where overhead electric lines would interfere with normal growth.

(C) Rain gardens and swales may be integrated into required planting areas.

(iii) Landscaped Island Sizes. At a minimum, tree islands shall be a minimum of 256 square feet. Planting islands must be at least six feet deep and wide.

(iv) Landscaped Island Spacing. Parking bays shall be broken up with landscaped islands or medians to avoid long monotonous rows of parking. Tree islands shall be evenly distributed throughout the parking lot in order to provide an even tree canopy throughout the lot.

(v) Each parking space must be located within 75 feet of a tree measured from the closest point of the parking space to the tree trunk.

Departures will be considered provided they meet the purpose of this chapter.

(4) Foundation Planting. Except for building facades which meet the storefront block frontage standards in POMC 20.127, Aall street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

(a) The landscaped area must be at least three feet wide.

(b) There must be at least one three-gallon shrub for every three lineal feet of foundation.

(c) Ground cover plants must fully cover the remainder of the landscaped area.

Figure 20.128.070(4)



Foundation Planting

Foundation plantings would be required along this exposed concrete foundation.

(5) Existing Vegetation.

(a) Existing healthy, native, and noninvasive vegetation may be used to fulfill the requirements of this chapter.

(b) When existing vegetation is proposed to be used to fulfill the requirements of this chapter, that vegetation shall be shown on required landscape plans as “existing vegetation to be retained” and prior to land disturbing activities, these areas shall be flagged in the field and be protected by construction fencing. In the event that existing vegetation proposed to be used to fulfill the requirements of this chapter is altered, damaged, or removed during development or construction activity, this area shall be restored to its original state after the development or construction activity is complete, or, shall be replanted in accordance with a new revised landscaping plan developed and approved in accordance with this chapter.

(6) Stormwater Facilities.

(a) Plant-based stormwater treatment facilities such as rain gardens (see POMC [20.128.060\(6\)](#)) and swales may be used to meet the requirements of this section as provided elsewhere in this chapter.

(b) Stormwater detention facilities such as ponds and collection basins may not be used to meet the requirements of this section unless designed per subsection (6)(a) of this section.

20.128.080 Development within required buffers.

This section applies to [site perimeter](#) buffers that are required per Table 20.128.070.

(1) Pedestrian walkways are allowed within buffers, subject to the following standards:

- (a) Walkways shall not exceed five feet in width.
- (b) Walkways shall cross buffers at an angle between 60 and 90 degrees.
- (c) Walkways may only run along the length of a buffer if the buffer is at least 40 feet in width, and the walkway is located within the inner 25 percent of the buffer.

(2) Utilities are not permitted in buffers within a residential subdivision, unless no reasonable alternative exists. However, utilities may be installed in an easement that is located along street frontage and parallel to the street. If utilities are placed in a buffer, they shall be located and installed in a way that minimizes disturbance of the buffer area: not parallel, but crossing at an angle between 60 and 90 degrees. If stormwater drainage channels are placed in a buffer at an angle less than 60 degrees, the buffer width shall be increased by the width of the utility easement or disturbance, or at least 10 feet, whichever is greater.

20.128.090 Irrigation standards.

The purpose of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable.

All required landscaped areas in the city must comply with at least one of the following:

- (1) A permanent built-in irrigation system with an automatic controller will serve the proposed landscape area, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development.
- (2) A temporary irrigation system will serve the proposed landscape area, provided the applicant can successfully demonstrate that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall.
- (3) A permanent or temporary irrigation system will not serve the proposed landscape area, provided:
 - (a) The director finds the landscape area otherwise fulfills the requirements of this section; and
 - (b) The applicant submits all of the following with the site plan application:
 - (i) A statement from a Washington State licensed landscape architect, Washington-certified professional horticulturalist (CPH), or other qualified

individual certifying that the materials to be planted will survive without watering other than natural rainfall.

(ii) A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the director.

(iii) A statement from the applicant agreeing to install an irrigation system if the director finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

20.128.100 Maintenance of required buffers and landscaped areas.

(1) Maintenance Responsibility. The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features (installed or vegetated natural areas) required under this chapter. Damage to these areas shall result in the revegetation requirements or fines per Chapters [2.64](#) and [20.02](#) POMC.

(2) Inspections after Second ~~and Fifth~~ Year. The director shall inspect the site two ~~and five~~ years after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved landscape plan and to ensure that the landscaping is properly maintained. Failure to maintain required landscape areas on a permanent basis may result in fines according to Chapters [2.64](#) and [20.02](#) POMC.

(3) Maintenance Responsibility, Replacement of Damaged Vegetation, and Associated Fines.

(a) The owners of the property and their agents, heirs, or assigns must be responsible for maintaining all required landscaping and screening areas in a healthy, growing condition.

(b) All landscaping and screening areas must be maintained reasonably free of weeds and trash, must be treated for pest/diseases in accordance with the approved landscape plan, and must be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets, sidewalks, and adjoining properties.

(c) Limbing up trees and “topping” or shearing off trees is prohibited, unless required for public safety reasons approved by the director.

(d) The property owner shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations.

(e) Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe or excessive pruning, unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, must be replaced with equivalent vegetation that conforms to the plant materials and installation standards in POMC [20.128.050](#), other applicable standards of this title, and the approved site plan.

(f) The owner shall have one growing season to replace or replant after receiving notice from the director. The director shall consider the type and location of the required vegetation area in making a determination on the extent of replanting requirements.

(g) Failure to maintain all plantings in accordance with this section shall constitute a violation of the Port Orchard Municipal Code and may result in fines in accordance with Chapter [20.02](#) POMC.

(4) Landscape Maintenance Plan. The paragraph and list below regarding a landscape maintenance/management plan shall be placed on the landscape plan prior to plan approval, along with any other notes applicable to site landscaping. This statement may be individualized based on the specific characteristics of each site and its landscaping plan requirements. The maintenance plan shall be prepared by a Washington State licensed landscape architect, Washington-certified professional horticulturalist (CPH), or other qualified individual.

The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features shown on this plan. The owners shall be responsible for maintenance of the vegetation, including but not limited to:

(a) Fertilization.

(b) Pruning.

(c) Pest control.

(d) Mulching.

(e) Mowing (if any).

(f) Protection of the root zones from equipment, construction and storage of materials.

(g) Watering.

(h) Other continuing maintenance operations.

Failure to maintain all plantings in accordance with this plan shall constitute a violation of the Port Orchard Municipal Code and may result in fines.

20.128.110 Performance assurance/bonding.

(1) In the event that landscaping improvements cannot be installed prior to final plat, final short plat, final unit lot subdivision, final binding site plan or ~~format~~temporary certificate of occupancy, a cash deposit, letter of credit or other assurance acceptable to the city equal to 150 percent of the estimated landscaping and installation costs must be required. Such deposit must be accompanied by a letter which stipulates completion of all landscape development no later than the next autumn planting season following issuance of ~~the a~~ temporary certificate of occupancy or recording date of a final plat, final short plat, final unit lot subdivision, final binding site plan~~final approval~~, whichever is later. If these conditions are not met, the city may use the deposit to install the landscaping.

20.128.120 Maintenance assurance/bonding.

(1) Prior to granting a (permanent) certificate of occupancy and/or granting final approval of site improvements, the owner of the subject property shall provide a two-year landscape maintenance bond, cash set-aside, or other assurance acceptable to the city (hereafter “assurance”) in an amount equal to 125 percent of the estimated landscaping and installation costs for the project. It shall be the owner’s responsibility to request a landscape maintenance inspection at least two years after city acceptance upon final landscaping installation inspection. The assurance shall not be released by the city unless the city finds upon inspection that the landscaping has been maintained and is in good health. If the city finds that the landscaping has not been maintained or is not in good health, the city may at its option require the owner to maintain and restore the required landscaping to healthy conditions prior to releasing the landscape maintenance assurance, or may itself perform work to correct the deficiencies using the provided assurance. In the event that a significant amount of the required landscaping requires replacement as determined by the director, the city may require an additional two-year landscape maintenance assurance on all or a portion of the required landscaping.

(2) Where invasive or noxious species are identified on a site subject to landscaping requirements, the director may require an extended maintenance bond term of up to three years to ensure effective removal and control. The bond shall cover replanting, weed management, and monitoring to verify compliance with the approved landscape plan.

Chapter 20.130 Fencing

20.130.010 Purpose.

20.130.020 Applicability.

20.130.030 General Design and Construction Standards (All Properties).

20.130.040 Height and Openness Standards.

20.130.050 Placement, Setbacks, and Encroachments (All Properties).

20.130.060 Materials and Construction.

20.130.070 Blank Wall Treatment (Walls and Retaining Walls).

20.130.080 Multifamily—Entry-Side Fencing.

20.130.090 Enforcement.

20.130.100 Definitions.

20.130.010 Purpose.

The purpose of this chapter is to establish clear, consistent standards for the location, height, design, and materials of fences and walls within the City of Port Orchard. These regulations are intended to:

- (1) Promote attractive, high-quality fencing that contributes positively to neighborhood character and the public streetscape.
- (2) Ensure that fences and walls are constructed and maintained in a manner that supports public safety, visibility, and access.
- (3) Provide predictable standards for residential and non-residential development while ensuring compatibility with surrounding land uses.
- (4) Prevent the use of unsafe, substandard, or visually detrimental fencing materials.
- (5) Reduce the visual impacts of long or tall walls through required architectural or landscape treatments.
- (6) Establish clear placement and height standards that protect pedestrian and vehicular sight distance.

This chapter is further intended to implement the goals and policies of the Port Orchard Comprehensive Plan related to community design, neighborhood quality, and safe, walkable environments.

20.130.020 Applicability.

(1) General Applicability. The standards of this chapter apply to all new fences, walls, and retaining walls, and to the repair, replacement, or substantial alteration of existing fences and walls, on property used or developed for residential or non-residential purposes within the City of Port Orchard.

(2) Exempt Uses - Industrial. The provisions of this chapter do not apply to fences or walls associated with industrial development, including properties zoned for industrial use or developed with industrial facilities. Industrial fencing remains subject to applicable building, fire, and safety codes.

(3) Relationship to Other Codes. Where conflicts arise between this chapter and other provisions of the Port Orchard Municipal Code, the more restrictive standard shall apply unless otherwise expressly stated. Fences and walls may also be subject to additional requirements under the building code, shoreline regulations, critical areas regulations, or subdivision conditions of approval.

(4) Right-of-Way. No fence or wall may be placed within the public right-of-way unless authorized by a street use permit or other applicable approval.

(5) Private Covenants. Private covenants, conditions, and restrictions (CC&Rs) may impose more restrictive fencing requirements. However, enforcement of private restrictions is the responsibility of the property owners and not the City.

20.130.030 General Design and Construction Standards (All Properties).

(1) Finished Side. Fences and walls shall either be finished (i.e., without exposed supports or stringers) on both sides, or be installed so that the finished side faces any street.

(2) Conformance to Grade. Fences and walls shall follow the contour of the ground as far as practicable. On sloped ground, fences may be installed on an incline or in stepped sections, with or without an accompanying retaining wall. Height is measured as provided in 20.130.100. Adjustments for grade shall occur at the bottom of the fence to every extent possible.

(3) Long Solid Runs - Articulation. Solid fencing or wall sections more than 200 feet long located along a street shall include architectural features, such as masonry, brick or wood-framed columns to break up the street-facing side of the fence. The minimum separation between those features shall be no less than 15 feet.

(4) Column Height. Approved columns or posts may exceed the height of the fence by one foot.

(5) Maintenance. Fences and walls shall be maintained in good repair. Allowing a fence or wall to fall into disrepair is a violation of this title.

20.130.040 Height and Openness Standards.

(A) Residential Uses (single-family, middle housing, and multifamily):

(1) Primary Front Yard. Fences within the primary front yard shall not exceed four feet in height and shall provide a minimum thirty-five percent (35%) open area.

(2) Side Yard, Rear Yard, and Nonprimary Front Yard. Fences may be solid and shall not exceed six feet in height.

(3) Fence Adjacent to Retaining Wall - Separation. Where a minimum linear distance of ten (10) feet separates a fence and a retaining wall, the fence may be erected to a height of six feet above the highest finished grade within the ten-foot distance.

(4) Combination Fence and Retaining Wall. A combination fence and retaining wall may be erected to a height of six feet above the highest finished grade or eight feet above the lowest finished grade at the location of the fence. In all cases, the fence portion shall not exceed six feet above the highest finished grade at any point.

(5) Retaining Wall Elevation. A retaining wall may not elevate a fence to any height more than allowed by this section.

(6) Entry Features. An entry feature or trellis may have a maximum height of ten (10) feet and a maximum width of ten (10) feet.

(B) Non-Residential Uses (excluding industrial):

(1) Primary Front Yard or Street-facing Setback Area. Fences shall not exceed four feet in height and shall provide a minimum thirty-five percent (35%) open area.

(2) Side Yard and Rear Yard. Fences may be solid and shall not exceed six feet in height.

(3) Arterial or Highway Frontage. Solid fences or walls may be erected to a height of eight feet where used to separate a property from an arterial street or a frontage road adjacent to a highway. A building permit may be required for fences exceeding six feet in height and for walls.

(C) Permit Note (All Uses). Fences exceeding six (6) feet in height and all walls/retaining walls are subject to building permit requirements under applicable building codes.

20.130.050 Placement, Setbacks, and Encroachments (All Properties).

(1) Property Line and Right-of-Way. No portion of a fence or wall shall extend beyond the property line of the fenced property into the public right-of-way unless allowed by a street use permit.

(2) Pedestrian Clearance. All fences or walls, including supports such as posts, pillars and columns, shall be set back at least to the property line and a minimum of two (2) feet from the back edge of a sidewalk or walkway. Where no sidewalk or walkway exists, fences shall be at least two (2) feet behind the edge of asphalt or back of curb.

(3) Vehicular Gate Setback. Upon approval of the City of Port Orchard Fire Official, vehicular gates shall be set back a minimum of twenty (20) feet from the travel surface of the street or back of curb to provide vehicle stacking.

(4) Gate Operation. Gates adjacent to sidewalks, walkways, alleys and public rights-of-way shall open inward to the private property.

(5) Common Property Lines. A fence along common property lines may be placed at the furthest point forward of the adjacent property if the adjacent property allows for fence placement that differs from the adjoining property.

(6) Corner Lots and Sight Distance. Where a corner lot is permitted to have a solid fence along a nonprimary front property line that coincides with an adjacent property's primary front yard, no fence or wall shall be installed in a manner that creates a sight-distance hazard for vehicles or pedestrians. Compliance with the City's adopted sight-distance standards is required. Within any required sight-distance triangle, fences and walls shall not exceed three (3) feet in height unless demonstrating compliance with sight-distance

requirements through a minimum thirty-five percent (35%) open area or other solution meeting City engineering standards.

20.130.060 Materials and Construction.

(1) Permitted Fence Materials (All Properties). The following materials are permitted for the construction of fences:

- (a) Commercial-grade wood;
- (b) Brick or masonry;
- (c) Metal, including wrought iron and steel;
- (d) Stone;
- (e) Manufactured vinyl or PVC fencing; and
- (f) Other commercially manufactured fencing systems intended for permanent installation, evidenced by manufacturer product literature.

(2) Prohibited Fence Materials (Permanent Installations). The following materials are prohibited:

- (a) Barbed wire or razor wire on any property used or zoned for residential purposes;
- (b) Aluminum siding;
- (c) Vehicle parts or scrap metal;
- (d) Smooth-face concrete masonry units/blocks;
- (e) Cloth, plastic tarps, or similar flexible sheeting;
- (f) Scrap wood or other materials not customarily sold for fencing; and
- (g) Plastic or temporary construction fencing used as a permanent installation.

(3) Electrical Fencing. Electrical fencing is permitted only on properties with legal agricultural uses and may be used solely for the enclosure of livestock. Invisible pet-containment systems are not prohibited.

(4) Combination Materials. Combination fences using lattice or other decorative elements are permitted, provided the total height does not exceed the maximum height allowed for the fence type and location.

(5) Wall Materials. Retaining walls and freestanding walls must be constructed of durable, high-quality materials, including:

(a) Stone;

(b) Commercial-grade brick;

(c) Decorative masonry units;

(d) Decorative concrete; and

(e) Other commercially manufactured wall systems intended for permanent installation, evidenced by manufacturer product literature.

20.130.070 Blank Wall Treatment (Walls and Retaining Walls).

(1) Blank Wall Prohibition. Any wall or retaining wall exceeding thirty (30) feet in continuous length or four (4) feet in height that is visible from a public street, private street, driveway, sidewalk, pedestrian pathway, or common open space shall not present an untreated blank wall surface.

(2) Required Treatment. Walls and retaining walls subject to this section must incorporate blank wall treatment, which may include, but is not limited to:

(a) Architectural features such as modulation, scoring, reveals, pilasters, textured or patterned materials, or integrated artwork; or

(b) Landscape screening such as shrubs, vines, terraced planting, or other vegetative treatments capable of providing visual relief within two growing seasons;
or

(c) Any combination of treatments that provides comparable visual interest.

(3) Material Compatibility. Blank wall treatments shall be compatible with the approved wall materials listed in 20.130.060(5) and shall be constructed of durable, high-quality materials intended for long-term outdoor use.

(4) Retaining Wall Tiering. Where retaining walls are tiered, each tier is considered part of the overall wall system. Landscaping or architectural treatment must be provided between tiers or on the face of each tier to avoid the appearance of a continuous blank wall.

20.130.080 Multifamily—Entry-Side Fencing.

(1) Applicability. For purposes of this section, “entry side” means any façade of a multifamily building containing a building entrance, including any area within twenty (20) feet of that façade, regardless of the building’s orientation to a public or private street. Where a building has multiple entrances, each corresponding façade is considered an entry side.

(2) No Solid Fencing. Solid fencing of any height is prohibited on the entry side of a multifamily building.

(3) Height and Openness. Fencing located on the entry side of a multifamily building shall maintain a minimum thirty-five percent (35%) open area and shall not exceed four (4) feet in height.

(4) Relationship to Other Standards. These requirements apply in addition to the standards of 20.130.040(A) and 20.130.050. Where conflicts occur, the more restrictive standard applies.

20.130.090 Enforcement.

(1) Violations. Failure to comply with this chapter constitutes a violation of Title 20 and is subject to enforcement under Chapter 20.10.

(2) Nonconforming Fences and Walls. Repairs, replacements, or substantial alterations shall bring fences and walls into conformity with this chapter to the extent feasible and as required by applicable nonconforming use and structure provisions.

20.130.100 Definitions.

For the purposes of this chapter, the following terms shall have the meanings set forth below:

“Blank wall” means any uninterrupted portion of a wall or retaining wall exceeding thirty (30) feet in length or four (4) feet in height that lacks architectural features, modulation,

openings, or landscape treatment visible from a public or private street, driveway, sidewalk, pedestrian pathway, or common open space.

“Blank wall treatment” means architectural or landscape elements applied to a wall or retaining wall to provide visual interest and avoid the appearance of a continuous, untreated surface. Treatments may include modulation, scoring, reveals, pilasters, textured materials, integrated artwork, shrubs, vines, terraced planting, or other comparable features.

“Combination fence and retaining wall” means a fence constructed on top of or immediately adjacent to a retaining wall such that the combined structure provides both grade separation and screening or enclosure.

“Director” means the Director of the Department of Community Development or the Director’s designee.

“Entry side” means any façade of a multifamily building that contains a building entrance, including any area within twenty (20) feet of that façade, regardless of the building’s orientation to a public or private street. Where a building has multiple entrances, each corresponding façade is considered an entry side.

“Fence” means any vertical structure or barrier, regardless of material, designed or used to enclose, screen, separate, or protect property or to provide privacy, security, or decoration. For the purposes of this chapter, “fence” includes gates and latticework but does not include retaining walls.

“Finished side” means the side of a fence designed and constructed to present a smooth, uniform, and visually finished appearance, without exposed framing, supports, or stringers.

“Front yard, primary” means the yard area abutting the street frontage from which the property takes its address.

“Front yard, nonprimary” means any additional front yard on a corner lot that does not serve as the primary front yard.

“Height, fence” means the vertical distance measured from the highest finished grade within three (3) feet of either side of the fence to the top of the fence structure, including any lattice or decorative elements, but excluding permitted columns or posts that extend up to one (1) foot above the fence height.

“Industrial development” means any use, structure, or site that is zoned or developed for industrial purposes, including but not limited to manufacturing, warehousing, distribution,

fabrication, and similar uses. Industrial development is exempt from the provisions of this chapter.

“Open area (fence)” means the percentage of a fence’s surface area that is unobstructed and allows visibility through the fence when viewed perpendicular to the fence plane. Open area is calculated based on the total area of the fence section.

“Retaining wall” means a structure designed to resist lateral soil pressure and hold back earth or other materials at different elevations. Retaining walls are distinct from fences but may be used in combination with fences as provided in this chapter.

“Stepped fence” means a fence installed in horizontal segments that follow changes in grade through a series of level steps rather than a continuous incline.

“Street-facing side” means any side of a fence or wall that is visible from a public or private street right-of-way.



CITY OF PORT ORCHARD

DEPARTMENT OF COMMUNITY DEVELOPMENT

216 Prospect Street, Port Orchard, WA 98366

Ph.: (360) 874-5533 • FAX: (360) 876-4980

PLANNING COMMISSION STAFF REPORT

Agenda Item No: 5(c)	Meeting Date: May 5, 2026
Subject: Potential Code Amendments For increased Efficiency	Prepared by: Nick Bond, AICP, Development Director

Issue: Staff is seeking preliminary Planning Commission input on a series of potential code amendments intended to improve efficiency, clarity, and predictability in the development review process. These concepts were introduced to the Land Use Committee in March, and the Committee directed staff to work with the Planning Commission to help identify which amendments should be prioritized for further development. To assist with this effort, staff provided Commissioners with a summary sheet outlining each potential code revision in advance of distributing an online survey. The survey remains open through May 1, and the results will be presented at the May 5 meeting to guide discussion.

Staff has been evaluating a range of code amendments focused on improving consistency and reducing unnecessary processing time within the land-use review framework. A summary sheet describing each potential amendment was provided to Commissioners to support their review of the concepts. The proposed concepts fall into several broad categories:

Reducing Interpretation Challenges

- Adding clearer and more comprehensive definitions for frequently used terms.
- Converting narrative parking standards into simplified and easier-to-interpret tables.

Streamlining Routine Reviews

- Expanding administrative authority to approve minor site-plan changes.
- Establishing a pre-approved plant list to reduce variability and review time.
- Allowing minor administrative deviations in landscaping quantities when impacts are negligible.

Reducing Hearings and Discretionary Review

- Reclassifying certain low-impact Conditional Use Permit (CUP) categories.
- Developing more objective, graphic-supported design standards to reduce subjectivity.
- Creating a “Minor CUP” pathway for uses that do not warrant a full hearing process.

Consolidating Overlapping Review Steps

- Evaluating whether building, design, landscaping, SEPA, and general development standards reviews can be combined into a single optional review track to minimize duplication.

Commissioners received an online survey summarizing each of the proposed amendments, along with an attachment containing expanded descriptions. The summary sheet of potential code revisions was provided prior to the survey distribution and accompanies this staff report for reference.

Commissioners were asked to use these materials to consider and rank the amendment concepts based on perceived value and priority. Access to the survey requires the use of the City-issued e-mail address.

The survey closes on May 1, 2026, at 11:45 p.m. Staff will compile the results and present them at the May 5 Planning Commission meeting.

At this stage, no decisions are requested. The intent is to understand which concepts the Commission believes merit further study and code-development work. Following the Commission's preliminary input, staff will refine the list of amendments and return to the Commission for further review and discussion.

Attachments: Potential Code Amendments Summary Sheet

Potential Code Amendments for Increased Efficiency

- 1. Clarify Definitions for Common Terms** – Providing short, objective definitions for frequently used terms like “minor modification,” “similar use,” or “substantial change”, helps eliminate confusion during project review. When these terms are vague, staff must interpret them on a case-by-case basis, which can lead to inconsistent decisions and longer processing times. Clear definitions also help applicants understand expectations upfront. For example, if “minor modification” is defined as a footprint shift under a certain number of feet, applicants can design accordingly without guessing.
- 2. Expand Administrative Approval for Minor Site Plan Revisions** - Allowing staff to approve small site plan adjustments, such as shifting a building a few feet to avoid a utility line or slightly adjusting parking counts, can prevent unnecessary formal revisions. Today, even minor tweaks may trigger a resubmittal or hearing, slowing projects and increasing staff workload. By establishing objective thresholds (e.g., “parking changes under five spaces”), the City can ensure fairness and legal defensibility. This approach keeps the focus on meaningful impacts rather than procedural hurdles.
- 3. Create a Pre-Approved Landscaping Plant List** - A citywide list of approved, climate-appropriate plants gives applicants a straightforward way to meet landscaping requirements. If a developer selects only from the list, staff can skip detailed plant-by-plant review, saving time for both sides. This also promotes environmental consistency. For example, drought-tolerant species or native plants that support stormwater goals can be prioritized. Many cities use similar lists to encourage sustainable landscaping without adding review complexity.
- 4. Allow Administrative Deviations for Landscaping Quantities** - Sometimes site constraints like existing trees, steep slopes, or utility easements make it difficult to meet landscaping quantities exactly. Allowing staff to approve small deviations (10–15%) avoids forcing applicants into a variance process for minor issues.
These administrative deviations would still be tied to the intent of the landscaping standards, ensuring that overall project impacts remain the same. For example, if a site is short a few shrubs due to a utility conflict, staff could approve the deviation without a full resubmittal.
- 5. Further Simplify and Standardize Parking Requirements** - Converting narrative parking rules into simple tables makes requirements easier to understand and apply. Instead of interpreting paragraphs of text, applicants and staff can quickly reference ratios and exemptions in a clear format.
Some of this work was completed with the Middle Housing Ordinance in 2025 but there are still opportunities to improve this section of the Municipal Code. This work may reduce back-and-forth communication and helps ensure consistent application of standards.

6. **Reduce the Number of Uses Requiring a Conditional Use Permit** - Some uses that currently require a Conditional Use Permit (CUP) are low-impact, routine, or already compatible with the surrounding zoning. Reclassifying these uses as permitted or permitted-with-standards can significantly reduce unnecessary hearings and discretionary review. This approach keeps the focus on uses that warrant additional scrutiny while streamlining the process for everyday activities.

A clear example is the requirement for a CUP for a barber shop in the Downtown Mixed-Use district. Barber shops are small, neighborhood-serving businesses with predictable impacts, like other personal services that are already allowed outright in other districts. Requiring a full CUP hearing for such a use adds time, cost, and uncertainty. For a prospective business owner, the need to prepare application materials, pay fees, and wait for a public hearing can create a barrier that discourages entrepreneurship, especially for small or first-time operators.

By shifting these low-impact uses into a permitted category, the city can support economic development while still applying performance-based standards to ensure compatibility. This change is fully consistent with Washington law, as CUPs are a local policy choice rather than a state mandate. The result is a more predictable, business-friendly code that maintains appropriate safeguards without imposing unnecessary procedural hurdles.

7. **Create Objective Design Standards with Graphics** - Replacing subjective design language (e.g., “buildings should be visually interesting”) with measurable standards, such as specific façade articulation depths or minimum window percentages, reduces ambiguity. Graphics and diagrams help applicants understand expectations visually.

Objective standards shorten review time because staff can quickly verify compliance. They also reduce disagreements about interpretation and align with Washington’s emphasis on predictable, measurable design criteria.

8. **Consolidate Redundant Review Steps in Site Plan Approval** – A consolidated review process would allow applicants to submit one coordinated package for all overlapping reviews, building, design, landscaping, SEPA, and general development standards. Staff would then conduct a unified evaluation rather than multiple separate ones. This reduces internal coordination time, avoids repetitive comments, and provides applicants with a clearer, more predictable path through the review system.

This approach maintains full regulatory rigor while improving efficiency. Instead of navigating several parallel review tracks, applicants receive a single set of consolidated comments and a single approval decision.

An additional consideration is establishing a defined shelf-life for site plan approval. Once a project receives consolidated approval, it is effectively vested to the standards under which it was reviewed. Without a time limit, an applicant could shelve the project for years, well beyond the expiration periods for Building Permits or Land Disturbing Activity Permits yet still retain vested rights. Setting a reasonable duration for site plan validity ensures fairness, keeps projects

aligned with current regulations, and prevents outdated standards from remaining in effect indefinitely.

9. **Establish a Tiered Review Path for Conditional Use Permits** - Creating a “Minor CUP” category allows low-impact uses to be approved administratively with public notice but without a hearing. Examples might include small community facilities or low-intensity commercial uses. This tiered approach shortens timelines and reduces costs for applicants while still meeting procedural requirements. It also frees staff and the Hearing Examiner to focus on more complex or controversial proposals.