

Ordinance 1002

Amending Title 33, Zoning, Chapter 33.53, Landscape and Lighting Requirements, of the Clallam County Code, to repeal all sections of Chapter 33.53, Landscape Requirements and replace with the following:

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 33.53.010, Purpose, is created to read as follows:

The landscaping and lighting requirements specified in this chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance and character of the county. These regulations are intended to increase the compatibility of adjacent land uses due to development by minimizing the potential for noise, light, odor, visual, and stormwater impacts created from such uses.

Section 2. Section 33.53.020, Applicability, is created to read as follows:

The standards set forth in this chapter shall apply to all new and expanding development except for single family residential development. Table 33.53.020 provides the standard landscaping requirements required between existing and proposed uses.

Table 33.53.020 Perimeter Landscaping Between Existing and Proposed Uses¹

		Existing Adjacent Use						
		Rural Residential Zoned	Urban/LAMIRD ⁴ Subdivisions	Multi-family, RV & MH Parks	Public & Recreational Use	Utility Building & Facilities	Commercial & Light Industrial ²	Com, Ind, & outdoor processing ³
Proposed Use	Rural Residential Subdivisions		[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)		[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)
	Urban/LAMIRD ⁴ Subdivisions	[M] LS(15) or Bar+ LS(10)			[M] LS(15) or Bar+VB(5)	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)
	Multi-family	[M] LS(15) or Bar+ LS(10)			[L] LS(10) or Bar+ VB(5)		[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)
	RV & MH Parks	[M] LS(15) or Bar+ LS(10)	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+VB(5)		[M] LS(10) or Bar+VB(5)	[M] LS(15) or Bar+ VB(10)
	Public & Recreational Use	[M] LS(15) or Bar+VB(10)	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)		[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)	[M] LS(15) or Bar+ VB(10)
	Utility Buildings & Facilities	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)	[M] LS(15) or Bar+VB(10)		[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)
	Commercial & Light Industrial ²	[H] LS(20) or Bar+ LS(15)	[M] LS(15) or Bar+VB(10)	[M] LS(15) or Bar+VB(10)	[L] LS(10) or Bar+ VB(5)	[L] LS(10) or Bar+ VB(5)		
	Com, Ind, & outdoor processing ³	[H] LS(25) or Bar+ LS(15)	[H] LS(25) or Bar+LS(15)	[H] LS(25) or Bar+ LS(15)	[H] LS(20) or Bar+ LS(10)	[L] LS(10) or Bar+ VB(5)		

Potential Nuisance potential between uses

- Low [L]
- Moderate [M]
- High [H]

Standard Width (number of feet) and type landscaping

- LS= Landscape Screen
- Bar= fence, wall, berm, or hedge
- VB= Visual Buffer
- (#)=Required Standard Landscaping Width in Feet

Footnotes

1. Landscaping Requirement for Zoning CUP will be based on the most similar use and determined by the Hearing Examiner
2. Commercial Use within a fully enclosed structures, and Light Industrial Use defined in Section 33.03.010(50)CCC
3. Commercial Use (not within fully enclosed building), Industrial Use defined in Section 33.03.010(47) CCC, and outdoor processing activities that generates substantial noise, odors, vibrations etc.
4. Applies to residential subdivisions in Urban Zones and in Limited Areas of More Intensive Rural Development (LAMIRD)

Section 3. Section 33.53.030, Definitions, is created to read as follows:

- (1) "Crown width" means the horizontal dimension of the full extent of the branches and leaves of a tree or shrub at full maturity, as measured at its widest point. As used in this Chapter, projected crown width shall mean the estimated crown width of a young tree or shrub once that tree or shrub reaches full maturity.
- (2) "Deciduous" shall mean a tree or shrub that sheds its leaves annually.
- (3) "Evergreen" shall mean a plant that retains its leaves year-round. Having foliage that remains green and functional (i.e. photosynthesis, evapotranspiration, etc) through more than one growing season.
- (4) "Hedge" means small trees and shrubs planted in close proximity to form a continuous canopy.
- (5) "Landscape screen" is intended to ensure compatibility between existing and proposed land uses, and to promote aesthetically pleasing development of new or expanded development as set forth in Section 33.53.050(2) CCC, subject to the landscaping applicability requirements found in Section 33.53.020 CCC.
- (6) "Large Tree" means a tree that has a projected crown width that equals or exceeds the width of the required landscape screen or visual buffer.
- (7) "Noxious weeds" means species of plants defined in WAC 16-750 or by the Clallam County Noxious Weed Department.
- (8) "Streetscape" means landscaping required along road frontages for all uses set forth in Section 33.53.050(4) CCC, which is intended to provide for the aesthetic character and visual enhancement of the development site.
- (9) "Understory vegetation" means a layer of trees and/or shrubs with a projected height and/or crown width of half the size of a large tree.
- (10) "Vision clearance triangle" consists of an area in which no visual obstruction, such as a structure, signage, fence, tree or shrub or other visual obstacle higher than 24 inches above grade shall be permitted along each street frontage. Such triangular area shall have one angle formed by the front lot line and the side lot line separating the lot from the side street, extending 15 feet along both street frontages. The third side of the triangle shall be a straight line connecting the two lot lines at the 15-foot point on each. No trees, shrubs or other visual obstructions over 24 inches in height shall be permitted along the street within the vision clearance triangle.
- (11) "Visual buffer" means the specification of landscaping required to soften the appearance of a barrier as set forth in Section 33.53.050(3) CCC, subject to the landscaping applicability requirements found in Section 33.53.020 CCC.

Section 4. Section 33.53.040, Landscape Plans, is created to read as follows:

Landscape plans shall consist of a scaled drawing and narrative that contain the following information:

- (1) Proposed retention of existing vegetation and plant types.
- (2) The location of existing and proposed plants.
- (3) Spacing between individual plants.
- (4) Location, quantity, size and name, both botanical and common names, of all proposed plants.
- (5) Location of impervious surfaces and hardscape features.
- (6) Location and dimensions of all existing or proposed structures, property lines, easements, parking lots and driveways, roadways and rights-of-way, sidewalks, monument/freestanding signs, refuse dumpsters, fences, walls, freestanding electrical equipment, and stormwater facilities.
- (7) Proposed location of fencing, decorative block wall, berms, and/or hedges.

- (8) Location of a vision clearance triangle on corner lots.
- (9) Location and specification of outdoor and security lighting and mitigation measures consistent with Section 33.53.090 CCC, which can be provided as a separate document.

Section 5. Section 33.53.050, Landscape Requirements, is created to read as follows:

(1) General Requirements

- a. Noxious and invasive weed species as per Clallam County's Weed Department are required to be removed from all landscaped areas throughout the lifetime of the project.
- b. Retention of existing vegetation in place of new plants is allowed and encouraged.
- c. Appropriate tree species should be selected that will not interfere with any overhead power lines.
- d. Vegetation shall not obscure line-of-sight at intersections of roadways.
- e. Corner lots shall maintain a vision clearance triangle (Figure 1). Larger vision triangles may be required, based on the road classifications, as specified by city, state or federal transportation agencies or departments.

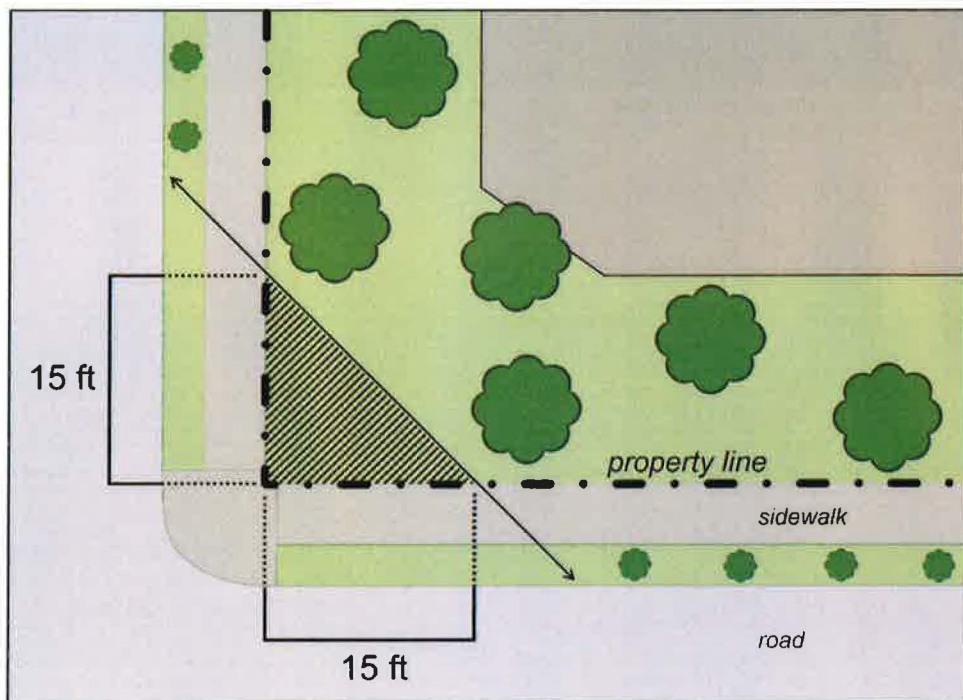


Figure 1 – 15-ft vision clearance triangle example.

- f. With the exception of hedges, planting patterns throughout the landscaped area should promote non-linear planting technique.
- g. The Administrator or Hearing Examiner may consider limiting landscape screens and visual buffers to be located around the perimeter of the development site (as opposed to the perimeter of the entire lot) where only a small part of the lot and/or street frontage are developed. For example, requiring landscaping immediately around a small public utility building and related improvements with a small footprint on a lot that is vacant or containing development not otherwise requiring landscaping subject to this chapter.

- h. Required landscape screens, visual buffers, and streetscaping is permitted to include sidewalks and stormwater management features that are integrated with the landscaping design, provided the purpose and intent of this Chapter are met.
- i. Vegetation along state or county right-of-way shall not obstruct or otherwise impact any roadway or sidewalk.
- j. The planting of trees within 10 feet of sidewalks, road surfaces or parking areas shall require root barriers (minimum 18 inches in depth) to prevent root heaving.
- k. Soil amendments and mulch are required to help maintain a healthy landscape.
- l. Drought tolerant and native vegetation is encouraged as a means of reducing water use.
- m. Trees, shrubs, and ground cover shall have a survivability of 100% after the first year, 75% after the second year, and 66% after the third year. The landowner shall replace any dead trees, shrubs, and groundcover within 90 days of notification by the Administrator and to comply with these thresholds.
- n. All landscaping shall remain in conformance with approved landscape plans through the life of the development.

(2) Landscape Screen

- a. Requirements for a landscape screen along property lines is specified per Table 33.53.020. The table provides the width of the required landscape screen based on the proposed and existing adjacent uses.
- b. The standard landscape screen shall include large trees planted no greater than 20 feet on center and understory vegetation planted no greater than 6 feet on center within the width of the landscape screen (Figure 2). Ground cover (evergreen or deciduous plantings) shall be planted at 3-foot spacing in all directions within the width of the landscape screen.

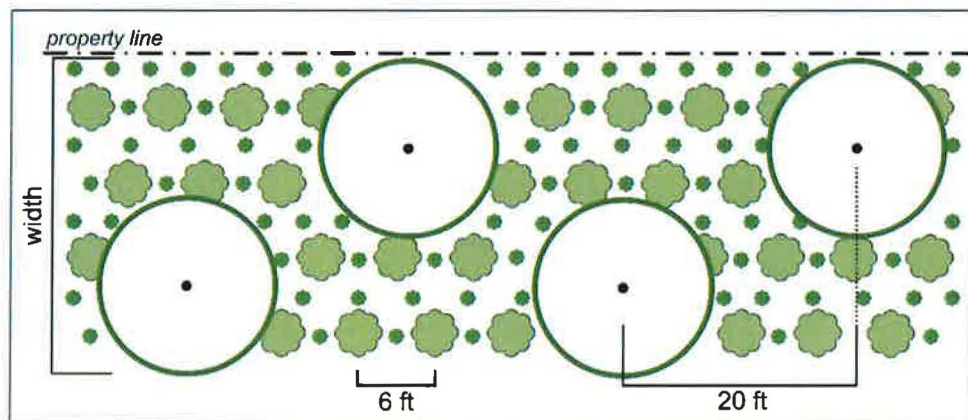


Figure 2 – Overhead view of example landscape screen.

- c. The landscape screen shall be comprised of no less than 75% evergreen tree species and no more than 50% deciduous shrubs.
- d. As an alternative to the standard screen spacing outlined above, the large trees and understory vegetation selected shall not exceed 75% of the projected crown width. For example, if a large tree has a projected crown width of 20 feet, a spacing of no less than 15 feet on center would be required. Understory vegetation with a projected crown width of 10 feet would be spaced at

no greater than 7.5 feet on center.

- e. As an alternate to the standard landscape screen spacing outlined above, the spacing of the trees and shrubs selected should provide twice the projected crown width. For example, if a large tree has a projected crown width of 20 feet, a spacing of 40 feet on center would be required. Understory vegetation with a projected crown width of 10 feet would be spaced at 20 feet on center.
- f. The Administrator or the Hearing Examiner may allow the landscape screen width to be varied (minimum 5-foot width), provided that an equivalent number of trees, shrubs, and groundcover to the standard or alternative landscape screen is provided within the modified landscaped area to achieve a more visually appealing effect.

(3) Landscape Barrier

- a. A Barrier comprised of solid fencing, block wall, berm, or hedge, may be allowed by the Administrator to reduce the required width of a Landscape Screen as specified in Table 33.53.020 CCC. For High, Moderate or Low potential impacts per Table 33.53.020, the barrier shall be as follows: **High** requires a seven-foot-high solid barrier comprised of berms, solid fence, or wall or a combination thereof; **Moderate** requires a five foot high barrier comprised of berms, solid fence, or wall or a combination thereof; **Low** requires a minimum three foot berm or hedge. In addition to the barrier, a landscape visual buffer shall be installed to provide for visual enhancement of the development site where a barrier is used. The visual buffer width is required per Table 33.53.020 CCC.
- b. The standard visual buffer shall include an assortment of large trees planted no greater than 25 feet on center and comprised of no less than 50% evergreen species (Figure 3).

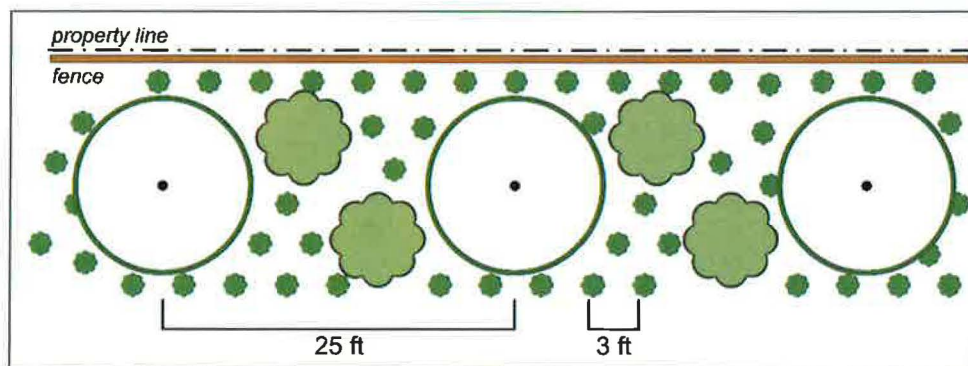


Figure 3 – Overhead view of example visual buffer.

- c. A minimum of two understory vegetation (no more than 50% deciduous) and groundcover 3-feet on center shall be interspersed between trees.
- d. As an alternate to the standard landscape visual buffer spacing outlined above, the spacing of the trees and shrubs selected should provide twice the projected crown width. For example, if a large tree has a projected crown width of 20 feet, a spacing of 40 feet on center would be required. Understory vegetation with a projected crown width of 10 feet would be spaced at 20 feet on center.
- e. The Administrator or the Hearing Examiner may allow the visual buffer width to be varied (minimum 5-foot width), provided that an equivalent number of trees, shrubs, and groundcover

to the standard or alternative landscape screen is provided within the modified landscaped area to achieve a more visually appealing effect.

(4) Streetscape

- a. Landscaping is required along road frontages for all uses set forth in Section 33.53.020 CCC and is intended to provide for the aesthetic character and visual enhancement of the development site.
- b. The standard streetscape shall be no less than 10 feet in width and include an assortment of trees (mostly deciduous) planted no greater than 25 feet on center with shrubs or groundcover interspersed between the trees at no less than 6 feet on center.
- c. As an alternate to the standard streetscape spacing outlined above, the spacing of the trees and shrubs selected should provide twice the projected crown width. For example, if a large tree has a projected crown width of 20 feet, a spacing of 40 feet on center would be required. Understory vegetation with a projected crown width of 10 feet would be spaced at 20 feet on center.
- d. The Administrator or the Hearing Examiner may allow the streetscape width to be varied (minimum 5-foot width), provided that an equivalent number of trees, shrubs, and groundcover to the standard or alternative landscape screen is provided within the modified landscaped area to achieve a more visually appealing effect.

Section 6. Section 33.53.060, Parking Lot Landscape, is created to read as follows:

A minimum 5-foot-wide visual buffer shall be required along the perimeter of any parking lot with 10 or more parking spaces to ensure compatibility with adjacent land uses, minimize the views of the parking lot from roads (serving more than 4 parcels), and to foster aesthetically pleasing development.

- (1) The perimeter landscaping shall incorporate trees, shrubs and groundcover plantings consistent with the Streetscape standards found in Section 33.53.050(4) CCC, above.
- (2) Surface parking lots, with more than 20 parking spaces shall provide landscaping islands at the end of every parking row with a maximum spacing of at least one island for every 12 parking spaces. Each island shall cover an area no less than one parking space (9-feet by 18-feet) and shall contain no less than one (1) tree, shrubs and groundcover.
- (3) If the parking lot is located behind the building and is not adjacent to a residential zone or road frontage, landscaping islands are not required, but are encourage.

Section 7. Section 33.53.070, Screening of Refuse Disposal Dumpsters, above ground utilities is created to read as follows:

The following standards apply to development outlined in Section 33.53.020 CCC above. All refuse disposal dumpsters shall be screened, and other infrastructure including above ground utilities (i.e. loading docks, sani-cans, propane tanks, generators, etc) may require screening as determined by the Administrator or Hearing Examiner to meet the purpose of this Chapter. The screening shall be comprised of solid wood fence, hedges, decorative block wall or an equivalent opaque material that provides safe access to the facilities, meets applicable safety requirements, and achieves the purpose of this Chapter.

Section 8. Section 33.53.080, Plant Standards, is created to read as follows:

Type of Vegetation	Minimum plant/plant container size specification
Groundcover	1 Quart
Shrubs	2 Gallon
Trees	1.5" diameter at breast height (dbh)

- (1) Native trees and shrubs are encouraged as they tend to utilize less water, provide habitat functions, and require less maintenance compared to non-native plants. To encourage their use, younger and smaller native trees and shrubs are allowed. The specification for native trees is 1-inch at breast height; the specification for native shrubs is #1 (gallon); and the specification for native groundcover is 4-inch containers.
- (2) The Administrator may allow the use of smaller sized trees, shrubs, and ground cover upon a demonstration that adequate stock of the sought-after species, or suitable substitute, are not reasonably available in the required specification size; and the plan is modified to increase the planting density of the type of vegetation commensurate to the reduction in plant size.
- (3) The following sources provide the characteristics (such as height, crown width, native plants, etc) of trees, shrubs, hedges, and groundcover: The Pierce County pre-approved trees, shrubs, and groundcover outlined in Table 18J.15.100-1 as adopted in the Pierce County Landscaping Code (Exhibit A of Ordinance 2021-124s2); the Great Plants Pick website at greatplantpick.org; Plants of the Pacific Northwest by Jim Pojar and Andy MacKinnon; the Sunset Western Gardens Book; WSU Extension Publications; or other sources approved by the Administrator or Hearing Examiner.

Section 9. Section 33.53.090, Alternative Landscape Plan, is created to read as follows:

Alternative landscape designs may be allowed if, upon review by the Administrator (for Type I & II Permits) or Hearing Examiner (for Type III Permits) the alternative design is consistent with the following:

- (1) Existing significant site constraints due to unusual lot size or shape, topography, soil conditions, existing development (buildings, utilities, power lines, irrigation lines, sidewalks, etc....), existing easement restrictions, or other unique circumstance are such that full compliance with these standards is impractical for such development or use;
- (2) Alternative screen landscaping designs and widths may be considered by the Administrator or the Hearing Examiner that provide for an effective, natural screen of the development site that is appropriate based on the existing conditions, zoning and existing and potential land uses to prevent nuisances and is aesthetically pleasing.
- (3) Alternative landscape designs and widths may be considered by the Administrator or Hearing Examiner that promotes effective landscaping of the development site.
- (4) The Administrator or the Hearing Examiner may attach conditions to any alternative landscape plan or modification from the standards of this Chapter necessary to protect the public health, safety or welfare, or to assure that the spirit and intent of this chapter is maintained.

Section 10. Section 33.53.100, Outdoor and Security Lighting, is created to read as follows:

New outdoor, security, or other light source emitting from land uses shall be directed downward and shielded to prevent glare and light encroachment onto neighboring properties and roads.

All uses subject to this Chapter per Section 33.53.020 CCC, shall be required to submit a lighting plan for review and approval. The lighting plan shall note the location, type, and intensity of lighting. The lighting plan shall demonstrate how location, type, and other mitigation measures (i.e. Shielding, downlighting, timers, motion sensors, etc.) will prevent glare and light trespass. For commercial, industrial, subdivision, multi-family, Shoreline, Zoning Conditional Use, or other projects requiring a public hearing, lighting plans shall be prepared by a qualified professional. The approved plan shall be implemented as a condition of approval of required development permits. Any significant changes to the number of lighting fixtures, location, and intensity of exterior lighting will require an updated lighting plan to be approved by the Administrator.

Section 11. Section 33.53.110, Assurance of Landscaping, is created to read as follows:

- (1) The Administrator or the Hearing Examiner may require, as a condition of the granting of a development permit requiring an approved Landscaping Plan, that the applicant furnish security in the form of (1) a bond, (2) cash escrow account, (3) an irrevocable letter of credit or other security acceptable to the County in its sole discretion, in an amount determined to be sufficient to complete the restoration and replanting of the property in accordance with the terms of the approved Landscaping Plan. The security shall be in an amount equal to 110 percent of the fair market value (i.e. bids or invoices) of the implementation of the approved landscaping plan, including material and labor costs.

The creation of this security account of the required landscaping may be required through a public hearing, or when the Administrator or the Hearing Examiner determines that the success of the landscaping is needed to ensure compatibility with the existing and/or potential adjacent land uses. The account shall be held by, or in the name of, the Clallam County Treasurer for a minimum of three years. The Administrator may use the funds in the account to have the required landscaping installed as designed if the landscaping installed by the applicant is unsuccessful, or if the applicant does not replace dead trees and shrubs within 90 days of notification by the Administrator.

- (2) Alternatively, the Administrator may allow the landowner to sign a maintenance contract with a landscape company for up to 3 years to ensure that the landscaping installed is maintained, and that dead trees and shrubs are replaced within 90 days of notification by the Administrator. The Administrator may also require documentation with photos for up to 3 years to ensure that the landscaping is successful.

Section 12. Section 33.53.120, Enforcement, is created to read as follows:

- (1) The Administrator is authorized to carry out inspections for the life of the project to ensure compliance with these landscaping standards.
- (2) If approved landscaping per the issued development permit is dead or altered over the life of the project then required landscaping shall be replaced within 90 days of notification by the Administrator.
- (3) Any person who fails to comply with the standards contained within this Chapter and/or any person who fails to comply with a final written order may be subject to enforcement as outlined in Title 20 of Clallam County Codes.

Section 13. Section 33.53.130, Effectiveness/No Retroactivity, is created to read as follows:

- (1) This Chapter shall become effective on September 8, 2023.
- (2) The provisions of this Chapter shall not apply to existing required landscaping or approved

landscaping plans for which all previously required permits were obtained, implemented, and approved prior to the effective date of this Chapter.

ADOPTED this 29 day of August 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS



ATTEST:

J. Gores
Loni Gores, MMC,
Clerk of the Board

Mark Ozias
Mark Ozias, Chair

Randy Johnson
Randy Johnson

Mike French
Mike French