



Community Development Department

1321 S Market Blvd. Chehalis, WA 98532

(360) 345-2229 / Fax: (360) 345-1039

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CHEHALIS PLANNING COMMISSION AGENDA

Regular meeting of January 9, 2024

6:00 PM - Chehalis City Hall Council Chamber, 350 N Market Boulevard

Position 1	Gladis Mendez	Staff:	Todd Johnson, City Planner
Position 2	Melissa Cox, Chair		Laura Fisher, Permit Technician
Position 3	Vacant		
Position 4	Kyle McKerricher, Vice chair		
Position 5	vacant		
Position 6	Scott Forsman		
Position 7	Derek Dodd		

AGENDA ITEMS:

1. Call to Order
2. Roll Call
3. Approval of minutes from January 9, 2024.
4. Citizen Business for items not listed elsewhere on the agenda.
5. Commission Business
 - A. Review residency requirements and consider action on the adopted commission rules. Action needed by motion.
 - B. Updates of changes to work plan (new additions in underline)?
Work plan for 2024.
 - a. Discussion and action on the Planning Commission Rules
 - b. Landscape Code workshop and public hearing (February 13)
 - c. Comprehensive plan future land use map rezones and amendments (February 13th meeting)
 - d. Rezone and comprehensive plan map amendment hearings (March 5th)
 - e. Amendments to use table for Shelters (April Meeting)
 - f. Work on MRC (Mixed Residential commercial)
 - g. work on OSG zone (Open Space Government)
6. Public Workshop
 - I. Landscape code (New Chapter 17.28)
7. Public Hearing
 - I. Landscape Code Chapter 17.28
 - a. Public input
 - b. recommendation to council
8. Comprehensive Plan Annual Review process overview and questions (no discussion of specific requests, no documentation just a question and answer discussion on process and update generally)
9. Adjourn Meeting
 - I. Next meeting will be on March 5, 2024.

Join Zoom Meeting

<https://us06web.zoom.us/j/83158558483?pwd=XgLAWN2SPMxphjFayWR2Q2QNEEE92g.1>

Meeting ID: 831 5855 8483

Passcode: 504507

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21 Todd Johnson provides a brief overview of the changes including adding recognition of modern
22 construction methods and materials. He further mentions receipt of a public comment ahead of the
23 meeting which recommended changes to planting materials.

24 Todd Johnson reviews the format of the meeting, advising the meeting will include the public workshop
25 to discuss revisions to the proposed landscape code, then a public hearing is scheduled to hear public
26 testimony and comments. Once the public hearing has been closed, the commission will deliberate and
27 make the final changes and make a formal recommendation to council.

28 Todd Johnson opens discussion with the modifications made at the last meeting: to clarify “modern
29 construction techniques and materials”, requirements to retain, adding language for root barrier
30 requirements and standards, and alternative fencing materials.

31 Gladis Mendez asks if the code will only affect new construction. Todd Johnson advises that yes, the
32 standards as adopted will be for new construction and remodels that reconfigure the exterior of the
33 building or parking lot.

34 The group discusses the public comment received regarding amending soils (defined by the group as
35 soils disturbed from development or construction).

36 Chair Cox asks requests clarification regarding the 4,000 SF exemption for non-residential structures.
37 Todd clarifies to advise that any non-residential structure under 4,000 SF would be exempt from the
38 landscape code as written. Melissa Cox expresses concern that 4,000 SF seems like a large structure to
39 exempt from the requirement. The group discusses the types of structures or uses that we would
40 normally see regulated and their general square footage.

41 The group discusses alternative methods of regulating through uses or zoning.

42 Lance Bunker presents the idea of requiring landscaping where frontage improvements are required and
43 streamlining the regulation with the Public Works code. The group discusses this as an option.

44 Malissa Paulsen suggests a hybrid approach to regulate by the public works code and exempt proposed
45 structures under a certain square footage.

46 Todd Johnson suggests a tiered regulation approach. The group discusses this as an option. Concern is
47 raised by the group to ensure cohesiveness through the codes (public works code and landscape code).

48 Todd advises he has altered exemption C to read “The construction of an office, school, commercial,
49 recreational, service, or storage building with 4,000 square feet of new remodeled area. This exemption
50 shall not apply when the site is adjacent to a street requiring frontage improvements” and then will site
51 the code section. The group discusses what triggers the need for frontage improvements in the public
52 works code and possibly reducing the exemption square footage or moving to a percentage-based
53 approach.

54 Todd confirms with the group that the area requirement will be eliminated and the threshold to be a
55 percentage-based approach. The group clarifies that the percentage needs to be based on meeting the
56 minimum requirements of the landscape code. Todd Johnson confirms that he will eliminate the square
57 footage exemption and write in an exemption based on the cost of requirement to meet the landscape
58 code versus the total cost of the project. The threshold being ten percent. The group agrees.

59 Melissa Cox asks about the public comment received and their comment on planting plans, the group
60 discusses general length of time for plans and monitoring. The conversation shifts to ground cover and
61 its definition, Todd advises that it’s been defined as turf grass. The group discusses maintenance for turf
62 grass and alternatives to requiring only turf grass as groundcover.

63 Todd Johnson advises the commission members what he will review and update in the next draft, and
64 advises the commission will need to continue the public hearing to the February 13th meeting.

65 A question is raised regarding penalties for non-compliance and survivability. Todd Johnson advises the
66 current penalty in the proposed draft is through a maintenance bond or through “maintenance
67 assurance device”. He clarifies to read the specific provision for the “bond” is 20% of the replacement
68 cost of landscape materials and that the city will utilize the funds to perform necessary maintenance and
69 to reimburse the city for documented administrative costs associated with action.

70 Malissa Paulsen proposes changing the bond to a fee and planting plan requirement.

71 7:26pm Chair Cox advises that we will need to discuss the comments and draft code further and
72 advises the public workshop has been closed.

73 7:26pm Chair Cox opens the Public Hearing, announces the extension of the public hearing until
74 the next commission meeting.

75 7:27pm Chair Cox closes the public hearing.

76 7:27pm Derek Dodd makes a motion to adjourn the meeting. Scott Forsman seconds the motion.

77 Chairperson Melissa Cox adjourns the meeting.

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79 Approved by: _____

80 Chair, Melissa Cox

81 Recorded by: _____

82 Planner, Malissa Paulsen

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SUMMARY / INTRODUCTION

Regulation 1.5 of the Planning Commission Bylaws currently requires that at least five members of the Planning Commission be residents of the city, with up to two members allowed from the city's urban growth area. This regulation ensures local representation but may limit the pool of candidates with specific expertise or perspectives beneficial to the Commission. The rules were adopted by the planning commission and the planning commission can modify or suspend the regulations. More than one of the planning commissioners currently live outside the city and UGA. To maintain a functioning planning commission, suspension of the rule requiring residency in the city or UGA is required. A 6 month suspension of this rule will allow consideration of additional action to ensure the planning commission is able to continue to conduct meetings and maintain representation by City residents for decisions impacting the city.

ANALYSIS

A temporary suspension would provide an opportunity to assess:

- The potential for broader expertise and diverse perspectives from non-resident members.
- The impact of residency requirements on the commission's effectiveness.
- Community feedback and concerns regarding the current residency requirements.

During the suspension period, a study will be conducted to evaluate:

- Comparative analysis with similar commissions and their residency requirements.
- The balance between local representation and the inclusion of broader perspectives.
- Potential modifications to Regulation 1.5 that align with the Commission's goals and community needs.

RECOMENDATION

It is recommended that the Planning Commission temporarily suspend Regulation 1.5, which mandates residency requirements for commission members, for a period not to exceed six months. This suspension is advised to allow for a comprehensive study of the regulation's impact on the commission's composition and its operations while the planning commission continues to conduct business.

Exhibits:

City of Chehalis Planning Commission Rules of the Commission March 10, 2020

CITY OF CHEHALIS PLANNING COMMISSION RULES OF THE COMMISSION

SECTION I: AUTHORITY

1.1 Title 2.60.010 of the Chehalis Municipal Code and 35A.63.020 RCW authorize the creation of a "Planning Agency" to be known as the Chehalis Planning Commission. Said agency serves in an advisory capacity to city officials and to the City Council. The Planning Commission consists of seven regular members.

1.2 The seven regular members shall be appointed by the Mayor subject to confirmation by the City Council.

1.3 Terms of the members shall be as follows:

- a. Positions 1, 2, and 3 shall have their terms expire in December, four years after appointment.
- b. Positions 4 and 5 shall have their terms expire in December, two years beginning in 2020 with all subsequent terms lasting four years.
- c. Positions 6 and 7 shall have their terms expire in December three years beginning in 2020 with all subsequent terms lasting four years.

1.4 Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after a public hearing, by the appointing official, with the approval of the City Council for inefficiency, neglect of duty or malfeasance in office.

1.5 At least five (5) members of the Planning Commission shall be residents of the city. Up to two (2) members need not be residents of the city but shall reside within the city's urban growth area. In the event a Planning Commission member is serving, who is not a resident of the city, such person shall not be authorized to serve as Planning Commission Chair. In the further event that a duly appointed member shall move from within the city to outside the city, that person may remain on the Planning Commission with the consent of the mayor and approval of the council for the duration of the unexpired term.

1.6 The Planning Commission shall have all the powers and perform each and all of the duties specified by Chapter 35A.63 RCW, together with any duties or authority which may be conferred upon them by statute or ordinance. The performance of such duties and the exercise of such authority shall be subject to each and all of the limitations expressed in such legislative enactment or enactments.

1.7 The position of a member shall be forfeited and become vacant for failure to attend three regular consecutive meetings of the Planning Commission, unless such absence is excused by a majority of the members of the Planning Commission.

SECTION II: OFFICERS

2.1 The officers of the Planning Commission shall consist of a Chair and Vice-Chair elected from the members of the Planning Commission, and such other officers of the Planning Commission may, by majority vote, approve and appoint. The Director of the Community Development Department or designee shall serve ex-officio without vote as the Staff.

2.2 The election of officers shall take place once a year on the occasion of the first meeting in January of each calendar year. The term of office of each officer shall run until the subsequent election, provided however, any officer may be removed at any time by vote of the Planning Commission entered on record. If for any reason, Planning Commission officers are not elected at the first January meeting, the existing members shall continue to serve until an election is held.

SECTION III: CHAIR

3.1 The Chair shall preside over the meetings of the Planning Commission and may exercise all the powers usually incident to the office retaining, however, as a member of the Planning Commission, the full right to have a vote recorded in all deliberations of the Planning Commission.

3.2 The Chair shall have full power to create temporary committees of one or more members. Temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the Planning Commission. No standing or temporary committee shall have the power to commit the Planning Commission to the endorsement of any plan or program without the approval of the Planning Commission. No committee shall constitute a quorum of the Planning Commission.

3.3 The Vice-Chair shall, in the absence of the Chair, perform all the duties incumbent upon the Chair.

3.4 In the absence of both the Chair and Vice-Chair, the members present shall choose a temporary Chair for the meeting.

SECTION IV: SECRETARY

4.1 The Secretary shall keep a record of all meetings of the Planning Commission and, when requested to do so of its committees, these records shall be retained in the office of the City of Chehalis Community Development Department.

4.2 When the Chair of the Planning Commission is not available, the Secretary is authorized to sign minutes, recommendations, findings of fact and other Planning Commission documents for the Planning Commission subsequent to action on these matters by the Commission.

SECTION V: MEETINGS

5.1 All regular meetings will be held in the City of Chehalis Council Chambers, Chehalis, Washington, unless otherwise scheduled and noticed in advance and shall be open to the public.

5.2 All regular meetings shall be held the second Tuesday of each month and will begin at 6:00 p.m., or as soon thereafter as practical.

5.3 When it appears to the Staff that the amount of business to be transacted at an upcoming regular meeting is in excess of that which could be completed prior to 9:00 p.m.,

the Staff may arrange for a scheduled time, place and date for a continuation of the meeting. If a continuation is scheduled in advance, the Staff shall prepare a joint agenda which clearly indicates the time, place and date of the continued meeting and which enumerates the items of business to be held each day. No item of business set for the continued meeting date shall be heard previously. Prior to the start of the regular meeting, a copy of the agenda shall be conspicuously posted near the entrance to the meeting place. Any regular meeting scheduled for continuance by the Staff under this section shall be automatically continued to the date, time and place so scheduled.

5.4 When a regular meeting day falls on a legal holiday, the Planning Commission shall convene on the next regular business day. Provided, however that the regular meeting shall be scheduled in the week prior to or immediately following the Thanksgiving and Christmas/New Year holidays.

5.5 The Planning Commission may adjourn any meeting over to the next regular meeting by a majority vote of the quorum or may designate a specific day, time and place, but such order shall apply only to the date and time named in the order.

5.6 Special meetings shall be at the call of the Chair, by the Staff in consultation with the Chair or at the written request of at least four appointive members of the Planning Commission; provided that written notice of such special meeting so called shall be delivered personally, by facsimile, e-mail or by the U.S. Postal Service at least twenty-four hours before the time of such meeting as specified in the notice to each member and to each local newspaper of general circulation which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Each local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of any special meetings shall also be notified. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Such written notice may be dispensed to any member who has on file with the Secretary a written waiver of notice of all special meetings or who, prior to or at the time of any special meeting, files a written notice may also be dispensed with as to any member who is actually in attendance at any special meeting.

5.7 Whenever any Planning Commission agenda item is continued to the next regular meeting or to a special meeting, a notice of such continuance shall be conspicuously posted on the next business day immediately after the time of continuance on or near the door of the place where the meeting was held.

5.8 If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a regular meeting may be cancelled at the call of the Chair or Staff. Notice of cancellation may be communicated to Planning Commission members telephonically or by email.

5.9 Should there not be a quorum of the Planning Commission present; the members present shall adjourn to the next regular meeting, unless a special meeting is called as provided in these rules. In the case that no members are present, the Staff shall adjourn to the next regular meeting unless a special meeting is scheduled as provided in these rules.

5.10 All meetings of the Planning Commission shall be recorded. Staff shall cause minutes of the meetings to be prepared in a timely manner.

5.11 Except as modified by these Rules of the Planning Commission, Robert's Rules of Order shall govern the conduct of meetings.

SECTION VI: AGENDA

6.1 An agenda shall be prepared by the Secretary for each meeting, which shall substantially conform to the following outline for the order of business:

- I. Call to Order:
 1. Roll call
- II. Approval of Minutes:
- III. Presentations:
- IV. Explanation of rules of procedures (for hearings):
- V. Citizen Input:
- VI. Action/Motion Items:
- VII. Commission Business:
- VIII. Date of next regular or special meeting
- IX. Adjournment or continuance to a date, place and time certain

SECTION VII: QUORUM

7.1 A simple majority of the currently appointed members shall constitute a quorum for the transaction of business, except as provided in section 7.2 below. The Planning Commission can receive reports or petitions whenever a quorum is present.

7.2 If there is a desire of any Planning Commission member to abstain from voting because of a potential conflict of interest, this view should be expressed as soon as the potential conflict becomes apparent and before any discussion is held on the business before the Planning Commission. The members shall then step down and leave the hearing room. When a member has stepped down because of a possible conflict of interest, the member shall not be counted as present for the purposes of establishing a quorum during consideration undertaken while the member is not sitting with the Planning Commission.

SECTION VIII: ABSENCE OF MEMBERS

8.1 Upon request of a member, or of Staff on behalf of the member, the Planning Commission may excuse the absence from any meeting for reasonable cause.

8.2 In the event of a member incurring three (3) unexcused absences in any six-month period, or six (6) absences, excused or unexcused within a twelve-month period, the member's record shall be forwarded by Staff to City Council for consideration.

SECTION IX: VOTING

9.1 All Planning Commission members present, including the presiding member, shall vote when any action is taken.

9.2 A majority vote of the quorum shall decide questions, provided, that any recommendation to the City Council of any official control or Comprehensive Plan or any amendments thereto shall be by the affirmative vote of not less than a majority of the total members of the Planning Commission.

9.3 The decision on any question may be reconsidered if, before such action is transmitted to the City Council, any member who voted with the majority moves for a reconsideration and such motion is approved by the Planning Commissioners. Such motion for reconsideration shall take precedence over all other motions, except a motion to adjourn. If such reconsideration involves an official control or comprehensive plan or amendment thereto, and the decision to make reconsideration is made after the close of regular consideration of that item, then such reconsideration shall be processed in accordance with the procedural requirements of Chehalis Municipal Code. No question shall be reconsidered more than once.

SECTION X: PUBLIC MEETING RULES OF PROCEDURE

10.1 All persons speaking to the Planning Commission shall stand, approach the microphone, if provided, and identify themselves by name, address and whom they represent.

10.2 All comments shall be directed to the Chair.

10.3 Testimony shall be kept factual and on the subject. The Chair is charged with the responsibility of discouraging and stopping irrelevant, unnecessarily long, repetitive, or abusive testimony. At the onset of any item of business, the Chairman may limit the length of testimony. Time permitted, additional opportunity will be provided for additional public comments after everyone who, so desires has had an opportunity to speak.

10.4 The audience shall not interrupt testimony.

10.5 Speakers shall not question one another; instead a question shall be addressed to the Chair. Upon request of a consensus of the members, the Chair may allow direct questioning of an expert witness who has previously testified on behalf of an opponent or proponent, or other business before the Planning Commission.

10.6 If written statements are made, a copy shall be presented to the Planning Commission and the Secretary.

SECTION XI: AMENDMENT OR SUSPENSION OF RULES


11.1 These rules may be amended at any regular meeting of the Planning Commission by a majority vote of the entire Planning Commission membership if the proposed amendment is presented in writing at the immediately preceding regular meeting.

11.2 No rule shall be suspended without the concurrence of two-thirds of the members present.

11.3 No rule that reflects a requirement of state law may be suspended.

11.4 We, the members constituting a quorum of the Planning Commission of the City of Chehalis, State of Washington, created by an Ordinance of the City Council, do this date hereby adopt, publish and declare the following as the Planning Commission Rules of Procedure and further rescind all rules previously adopted by this Commission.

Dated this 10th day of March, 2020.


SCOTT BLINKS, POSITION NO. 1


JEFF MECCA, POSITION NO. 2


PAT SODERQUIST, POSITION NO. 3



KYLE MCKERRICHER, POSITION NO. 4


DAVE FITZPATRICK, POSITION NO. 5

VACANT, POSTION NO. 6


NOEL SHARP, POSITION NO. 7

Attest:

BY: 
Tammy Baraconi, Planning and Building Manager

BY: 
Deborah King, Recording Secretary

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Chapter 17.28 LANDSCAPING REQUIREMENTS

Sections:	Page:
17.28.010 STATEMENT OF INTENT.	1
17.28.020 GENERAL REQUIREMENTS.	1
17.28.025 EXEMPTIONS	3
17.28.040 PRESERVATION OF SIGNIFICANT TREES.	3
17.28.050 TYPES OF LANDSCAPING.	4
17.28.055 SPECIAL REQUIREMENTS.	11
17.28.060 ALTERNATIVE LANDSCAPING OPTION.	12
17.28.070 SPECIES CHOICE.	13
17.28.028 MAINTENANCE OF PLANT MATERIALS.	13
17.28.090 PERFORMANCE ASSURANCE.	14
17.28.100 LANDSCAPE FEATURES.	15

17.28.010 Statement of intent.

The purpose of this chapter is to establish minimum requirements and standards for landscaping, buffering, and screening where needed to:

1. Promote safety;
2. Provide screening between incompatible land uses to safeguard privacy and to protect the aesthetic assets of the city;
- 2-3. Provide for standards for landscaping of commercial, industrial, and multi-family residential uses with more than 5 residential units; and
- 3-4. Retain ~~existing native vegetation and~~ significant trees; and
5. Minimize surface water runoff and diversion, facilitate infiltration, prevent soil erosion, and improve the quality of stormwater discharge to protect surface waters.
- 4-6. Allow the use of modern construction techniques and materials to provide for screening and buffering in standards for landscaping (ie. composite materials in place of masonry or concrete or alternate materials for fencing or paving).

17.28.020 General requirements.

A. A plot plan of the proposed landscaping and screening (landscape plan) shall be prepared by a licensed landscape architect, Washington-certified nurseryman, or Washington-certified landscaper and incorporated into plans submitted for preliminary plat, site plan review, conditional use permit, planned unit development, master plan, administrative design review or building permit review.

B. The landscape plan shall contain the following information:

1. Existing plant material and soil to be retained;
2. Proposed plant material to be placed on site. The type, size, number and spacing on plantings must be shown and listed in a table showing plant material, sizes and quantities;
3. Surface parking location and design;
4. Trash and recycling areas and bin location; Bicycle parking location and design;
5. Loading and service areas location;
6. Screening and buffering: general; perimeter fencing and walls; parking structures; and surface parking lots;
7. All areas where soils are to be amended;
8. Existing or proposed open space areas (natural or enhanced)
- ~~8. Locations where plant and soil materials will be stored during construction;~~
9. Timeline for site preparation and installation of plant materials.

Commented [TJ1]: The City has no Bicycle parking or design requirements. Recommend deleting this.

Commented [TJ2]: Recommend removing the requirement to show soils storage- this would be difficult to monitor during the course of construction.

C. All landscape plans shall be drawn to a scale of one inch equals 40 feet, or larger.

D. The applicant shall utilize tree protection techniques including minimizing grading with a tree dripline and avoiding cutting or removing more than 30% of a tree's root system without the approval of a certified arborist. These standards are examples of the minimum necessary standards to provide for the continued healthy life of retained Significant Trees including during land alteration and construction. The applicant must at all times use all other generally accepted construction practices for tree preservation when working within a dripline for a Significant Tree to be retained.

E. Root barriers shall be included as specified in [code section for public works standards] below when trees are to be planted within 10 feet of the public right of way, public or private sidewalk or paved

walkway, public or private pedestrian plazas, or within 10 feet of any public water or sewer utility. Root barriers shall meet the following standards:

1. Tree root barrier material shall be 45 MIL EPDM rubber lining (or pre-approved equivalent) and shall extend 15 feet past the tree trunk on each side facing the sidewalk or utility.
2. Tree root barrier material shall be placed at least 24 inches from the curb, sidewalk or utility.
3. Root barrier depth shall be a minimum of 24 inches unless greater depth is specified by the City of Chehalis public works department.

17.28.025 Exemptions

Exemptions from the requirements of this section apply as follows:

A. Single family residences-

A.B. Duplex residences when proposing no more than one structure.

C. Multi-Family Residential developments with:

a. Less than five (5) dwelling units per proposed structure; and

b. No more than one structure per lot; and

B.c. The parcel abuts only residential zones. less than 5 units

D. The construction of an office, school, commercial, recreational, service, or storage building with:

a. Less than 2,000 square feet of new or remodled building area, and located on a road not requiring frontage improvements per CMC 12.04.110 except when abutting a residential use; or

C.b. Less than 1,000 square feet of new or remodled building area and located on a road requiring frontage improvements per CMC 12.04.110, except when abutting a residential use. If the applicant can demonstrate that the cost to meet the landscape requirements exceed 10% of the cost of the development

D.E. Renovations or remodels that do not alter the landscaping or building footprint or parking and maneuvering areas.

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Commented [TJ3]: I've added this alternate method because it was discussed at the last PC meeting. Ultimately the PC decided on the 10% but I've included this in the draft for further discussion

Commented [TJ4]: This alternate method was discussed at the last PC meeting, but ultimately the decision was to go with the 10%. I've edited this here for further discussion in case the PC wants to recommend this method.

17.28.040 Preservation of significant trees.

A. Significant Trees – Defined.

A Significant Tree is defined as a tree that is not on the prohibited tree list in CMC 12.04.030(J.) and is a tree in good health that is sixteen inches Diameter Breast Height, measured 4 ½ feet above grade for single trunk trees. For multi-trunked trees, the DBH shall be the average of the tree trunks at DBH for the purpose of determining if it meets the Significant Tree designation.

B. Applicants required to prepare a landscape plan by this section shall retain significant trees except as provided below:

1. Trees that constitute a safety hazard as shown by a professional arborists report may be removed.
2. Tree clearing approved through an approved forest practices application are exempt from the requirements of this section.
3. Significant Trees within areas required for access and sight distance as defined in this code, and areas to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements, are exempt from this requirement.
4. The removal of up to two Significant Trees per acre within a 12 month period. This exemption may be combined with items 1. and 2. above.
5. When an applicant can demonstrate that the removal of a Significant Tree would not allow the site to function for the intended use, Significant Trees in excess of the 2 permitted Significant Trees removed in a 12 month period may be removed with the approval of the City Manager or their designee through a variance review as listed in CMC 17.09.190 subject to the variance approval criteria. Trees removed under this circumstance shall be replaced at a ratio of 2 trees for every one removed and shall be planted with the proposed landscaping or prior to occupancy if no landscape plan is otherwise required.

E.F. The responsible official may approve use of existing vegetation to fulfill landscaping and screening requirements of this section if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.

Commented [TJ5]: This may be a significant task for city staff to monitor or enforce on an annual basis. Instead of allowing tree removal, consider allowing only hazard trees to be removed.

17.28.050 Types of landscaping.

- A) All ~~projects not specifically exempted by 17.28.025 above multi-family residential and nonresidential projects~~ shall be required to provide landscaping that satisfies the functions and specific requirements of this section. Required landscaping shall not apply between buildings in common wall construction situations. *Type I -High Screen Landscaping.*

1) *Purpose.* Type I landscaping is intended to provide a very dense sight barrier and physical buffer to significantly separate conflicting uses and land use districts and to screen trash and recycling areas and loading areas.

2) *Requirements.*

- a) Type I landscaping shall be required whenever a commercial or industrial district abuts a residential use.
- b) Type I landscaping is also required in a mixed use zoning district when a non-residential use abuts a residential use.
- c) **Required Materials.** The Type I standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area with the exception of stormwater bioretention facilities which must be designed and vegetated per the standards in CMC 12.04.340. Bioretention facility plantings may be used in combination with perimeter shrubs to achieve the required width of the buffer, provided a continuous screen six (6) feet high and ninety-five percent (95%) opaque year-round can be achieved within two (2) years of planting.
- d) A six (6) foot high wall or fence that complies with the Type IV standard shown in Figure I with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required. If a Type IV standard is applied, the minimum width shall be 6 feet. When applied along street frontage(s), the screen or wall is to be placed along the interior side of the landscaped area.
- e) Type I landscaping areas shall provide a minimum width of fifteen feet.
- f) All plant materials and vegetative ground cover must be selected and maintained so that the entire landscape area will be covered within three years.
- g) All intervening area not occupied by trees or shrubs shall be covered by vegetative ground cover, mulch, beauty bark, or rock that will fill the remainder of the required planting area(s).
- h) Any other alternative mix of plantings can be considered provided the intent of the Type I landscaping type is satisfied through CMC 17.28.060 Alternative Landscape Option.
- i) Landscape plantings shall be native and drought tolerant.

B) *Type II. – Low Screen Landscaping*

- 1) *Purpose.* Type II landscaping is intended to provide visual separation of uses from streets and visual separation of compatible uses so as to soften the appearance of streets,

Commented [TJ6]: Look at native plant requirements- replace with developed for the conditions of the northwest— allow flexibility as recommended by a licensed landscape architect.

Commented [TJ7R6]: This would apply to all landscape types I-IV

parking areas and building elevation. This landscaping is used around the perimeter of a site and adjacent to buildings.

2) *Requirements.*

- a) A Type II Low Screen Landscaping is required whenever the proposed use abuts a similar zone at a different scale or intensity. For example, a single family residential zoning district abutting a multi-family residential district or between differing commercial zones.
- b) In a mixed use zoning district, the Type II landscaping is required in a similar manner between uses butting similar uses at different densities. For example, when a Neighborhood commercial use abuts a General Commercial use or between varying densities of residential uses.
- c) Required Materials. The Type II standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area with the exception of stormwater bioretention facilities which must be designed and vegetated per the standards in CMC 12.04.340. Bioretention facility plantings may be used in combination with perimeter shrubs to achieve the required width of the buffer, provided a continuous screen six (6) feet high and ninety-five percent (95%) opaque year-round can be achieved within two (2) years of planting. A three (3) foot high masonry wall or fence at a Type IV standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 1.
- d) When Type II landscaping is required to provide partial screening between uses, a minimum planting area of eight feet in width shall be provided. This can be decreased to 5 feet if a Type IV screen is provided to the standard above.
- e) All plant materials and vegetative ground cover must be selected and maintained so that the entire landscape area will be covered within three years.
- f) All intervening area not occupied by trees or shrubs shall be covered by vegetative ground cover, mulch, beauty bark, or rock that will fill the remainder of the required planting area(s).
- g) Any other alternative mix of plantings can be considered provided the intent of the Type II landscaping type is satisfied as allowed through 17.28.060 Alternative Landscaping Option.
- h) In a commercial or multifamily residential zoning district and where a building is to be placed at the buffer line for a front setback, permeable pavement may be used in

Commented [TJ8]: suggestion to increase this to 8 foot instead of 5 to maintain effectiveness

place of the required groundcover for the length of the building for the front setback only; provided, the required trees are still supplied, the paved area is connected to the public sidewalk, and pedestrian amenities are provided such as benches or pedestrian plazas. The building need not be placed at the required buffer line to utilize this section if the area between the buffer line and the building is devoted entirely to pedestrian only areas.

- i) Landscaping shall be native and drought tolerant.

C) *Type III.*

- 1) *Purpose.* Type III landscaping is intended to provide visual relief where clear sight is required. This landscaping type is utilized between sites abutting the same zoning or use at the same intensity. For example, if two abutting sites are designated as the same zoning district or within a mixed use zone, the uses are similar in type and density or intensity.


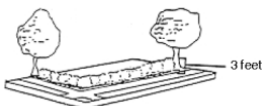
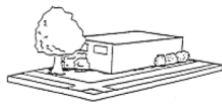
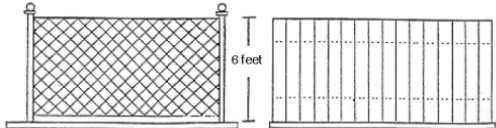
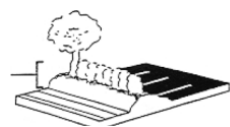
2) *Requirements:*

- a) *Required Materials.* There are two (2) ways to provide trees and shrubs to comply with a Type III standard. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved ground cover (i.e.- pavers, bark mulch or chips, decorative gravel) must fully cover the landscaped area not in shrubs and trees. See Figure 1 for an illustration of a planting standard that can comply with the Type III standard.
- b) Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area
- c) Where the area is ten (10) feet deep or greater, one (1) tree shall be provided per eight hundred (800) square feet and either two (2) high shrubs or three (3) low shrubs shall be provided per four hundred (400) square feet of landscaped area.
- d) In a commercial or multifamily residential zoning district and where a building is to be placed at the buffer line for a front setback, permeable pavement may be used in place of the required groundcover for the length of the building for the front setback only; provided, the required trees are still supplied, the paved area is connected to the public sidewalk, and pedestrian amenities are provided such as benches or pedestrian plazas. The building need not be placed at the required buffer line to utilize this section if the area between the buffer line and the building is devoted entirely to pedestrian only areas.
- e) The minimum width for Type III landscaping shall be six feet along street frontages to provide adequate rooting area for large street trees and to provide adequate streetscape.
- f) Ground cover or low shrubs developed for conditions of the Northwest shall be planted. Ground cover in planting strips where on-street parking is present shall be

turf type grass, whereas low shrubs shall be required in areas without on-street parking to provide both visual and physical separation between moving traffic and pedestrians.

Commented [TJ9]: Look at where requirements are turf type grass and delete or modify this to allow other materials that are more grout tolerant.

Figure 1- Diagram of landscape types:

<p>Type I—High Screen Landscaping</p> 	<p>Type II—Low Screen Landscaping</p> 
<p>Type III – General Landscaping</p> 	
<p>Type IV – Sight Obscuring Landscaping</p> <p>Fully sight obscuring fence <u>or wall</u> (chain link with slats or solid material <u>fence or walls</u>) 6 feet in height</p>  <p>Combination of berm construction and landscape planting in a solid hedge row to achieve a 6 foot height</p> 	

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D) *Parking Lot Landscaping*

- 1) *Purpose.* To provide visual relief and shade in parking areas.
- 2) *Requirements.*
- 3) *Quantity.*

- a) If the parking area contains no more than twenty-five parking spaces, at least thirty-five square feet of landscape area must be provided for each parking stall proposed.
- b) If the parking area contains more than twenty-five spaces, at least fifty square feet of Type IV landscape area must be provided for each parking stall proposed.

4) *Design.*

- a) Landscaping shall be provided along all parking and maneuvering areas to the low screen standard if parking areas face perimeter lot lines.
- b) The minimum width for parking lot landscaping shall be six feet for landscape islands and around the property lines abutting the parking area.
- c) Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type, with a minimum of at least one tree per planting island.
- d) No parking stall shall be located more than fifty feet from a tree.
- e) All intervening area not occupied by trees or shrubs shall be covered by vegetative ground cover that will fill the remainder of the required planting area(s) within three years of planting.
- f) A landscaped area must be placed at the interior end of each parking row in a multiple-lane parking area. This area must be at least eight feet wide and must extend the length of the adjacent parking stall.
- g) Landscaping islands must be placed in every parking row with a maximum spacing of at least one island every eight parking spaces. Parking row islands shall be a minimum of eight feet in width and shall extend a minimum length of ten feet. Provided, that the City Manager or their designee may approve of a different configuration in order to provide a more attractive and functional design consistent with the intent of this chapter to promote aesthetic values and a pedestrian-friendly parking lot so long as the total area of parking lot landscaping required is met.
- h) Landscaping islands and landscape portions of pedestrian corridors may be used for drainage treatment and be given credit on drainage calculations under Chapter 5 of the Development Guidelines. However, the primary purpose shall remain landscaping, and the health of all vegetation and aesthetic character shall not be compromised. Additionally, in no case shall the grade between the parking lot surface edge and the landscape island or pedestrian corridor surfaces be greater than six

inches when a swale concept is utilized, and it is intended to meet minimum landscaping space requirements.

i) Landscaping shall be native and drought tolerant.

E) Timing, Selection, Installation, and Maintenance Standards.

- 1) Street trees shall comply with CMC 12.04.320(J.)
- 2) Timing. That applicant shall install landscaping and screening required by this section consistent with the approved site plan or an approved modification thereto before the county issues an occupancy permit or final inspection for the development in question; provided, the responsible official may defer installation of plant materials for up to six (6) months after the county issues an occupancy permit or final inspection for the development in question if the responsible official finds doing so increases the likely survival of plants.
- 3) Shrubs shall be supplied in a minimum of three (3) gallon containers or equivalent burlap balls, with a minimum spread of eighteen (18) inches to meet the L2 buffer requirement, and minimum of five (5) gallon containers or equivalent burlap balls with a minimum spread of thirty (30) inches to meet the L3 buffer requirements. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
- 4) Groundcover plants shall be placed not more than thirty (30) inches on center and thirty (30) inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four (4) inch size container or a two and one-quarter (2 1/4) inch container or equivalent if planted eighteen (18) inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flower bed of flowers approved by the responsible official may be substituted for groundcover plants.
- 5) Tree Selection. Trees may be deciduous or evergreen. The required tree height shall be measured from the ground level at final planting to the top of the tree.
- 6) Required trees for parking and loading areas shall be a minimum caliper of two (2) inches and a minimum height of ten (10) feet at the time of planting.
- 7) Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-half (1 1/2) inches, and a minimum height of eight (8) feet at the time of planting.

- 8) Required evergreen trees (other than street trees) shall be fully branched and a minimum of six (6) feet high at the time of planting.
- 9) If the responsible official decides reducing the minimum size of trees will not detract from the desired effect of the trees, the minimum size of trees (other than street trees) may be reduced if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.
- 10) Selection Generally. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection 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. Landscaping materials shall be selected in accordance with a list of plant materials found in the Standard Details Manual.
- 11) All intervening area not occupied by trees or shrubs shall be covered by vegetative ground cover that will fill the remainder of the required planting area(s) within three years of planting.
- 12) Earthen berms with grass or other vegetative ground cover and other design features may be worked into landscaping, provided the resultant effect of providing a pedestrian-friendly environment and visual relief where clear sight is required can be achieved.
- 13) Landscaping shall be native and drought tolerant with exception of trees on the city's street tree list.

17.28.055 Special requirements.

- A) The following uses require Type I landscaping along all perimeter lot lines when located above ground and not housed within a building, and if located outside a public right-of-way:
 - 1) Utility substation
 - 2) Sewage pumping station
 - 3) Water distribution facility
 - 4) Communication relay station.

B) The following uses require Type III landscaping along street frontages and throughout the required front setback area, as well as Type II landscaping between the required front setback area and improvements on the property and along interior property lines unless a more stringent requirement is specifically identified in a land use district:

- 1) Church.
- 2) Commercial or public parking lot or structure not serving a primary use.
- 3) Government service building.
- 4) Community club.
- 5) School.
- 6) Hospital.

~~6)7)~~ Jail or prison facility

C) Whenever a non-residential use is proposed adjacent to a residential zone or residential use in a mixed use zone, a minimum of a Type I landscaping shall be provided along the property boundary separating the uses. Alternative configurations may be considered in accordance with CMC 17.28.060 – Alternative Landscaping Option.

Commented [TJ10]: Consider adding a provision that allows up to a 50% reduction in buffer width when a berm and sight obscuring decorative wall or fence is provided.

D) An area around the base of each ground-mounted sign or similar fixtures must be landscaped to include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, or decorative framing.

E) All refuse storage container areas shall be either fully enclosed or screened from view with a Type I landscape buffer.

F) In front yard areas required to be landscaped under city requirements, a minimum of sixty percent of the required area shall be landscaped with natural plant materials. This may include grass or other ground cover, trees, shrubs, and other permitted plant materials. Planting areas shall be designed and constructed in a manner that will make possible normal maintenance such as mowing and watering.

17.28.060 Alternative landscaping option.

A) The applicant may request a modification of the landscaping requirements set forth in CMC 17.28.030 and 17.28.040.

B) The enforcing officer, site plan review committee and/or hearings examiner may approve a modification of the landscaping requirements of this chapter only if:

- ~~1) The proposed landscaping implements portions of an urban forestry program or plan duly adopted by the city council; or~~

Commented [TJ11]: the city does not have an urban forestry program

2)1) _____ The proposed landscaping represents an equal result that could not have been achieved by strictly following the requirements of this chapter; and

3)2) _____ The proposed landscaping complies with the stated purpose of this chapter and provides a more attractive and functional design than would otherwise have been achieved by strictly following the requirements of this chapter.

- C) Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscaping requirements.

17.28.070 Species choice.

The applicant shall utilize native regional plant materials or plant materials that complement the natural character of the Pacific Northwest.

17.28.08028 Maintenance of plant materials.

- A) It shall be the responsibility of the property owner/developer to ensure the provision of healthy, growing landscaping. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
- B) Unless entirely landscaped with significant trees preserved under CMC 17.28.040, all areas where new landscaping is being required, excepting new single-family lots, shall be provided with irrigation systems designed by a licensed landscape architect, Washington-certified nurseryperson, Washington-certified landscaper or professional engineer. Said irrigation systems shall be designed, installed and operated to maintain the plant materials to the standards detailed in subsection A of this section. The city may waive landscape irrigation provided an alternative method to irrigate the plantings for three years is approved by the city and a maintenance assurance device in the amount of one hundred percent of the replacement cost of the landscape materials is provided.
- C) The city shall require a maintenance assurance device to insure compliance with the requirements of this chapter. The value of a maintenance assurance device must equal at least twenty percent of the replacement cost of the landscape materials, and shall be utilized by the city to perform any necessary maintenance, and to reimburse the city for documented administrative costs associated with action on the device. The maintenance assurance shall

be for a minimum period of two years from the completion of planting; however, for Type I landscaping, the period shall be three years. The community and economic development director may adjust the period of maintenance assurances on a case-by-case basis. A separate financial guarantee for maintenance associated with landscaping in the right-of-way and stormwater facilities shall be submitted to the public works department in accordance with Section 3.090 of the Development Guidelines and Public Works Standards.

Commented [TJ12]: Require yearly monitoring plan, reporting, and replacement and establish a penalty for not reporting?

- D) The city may accept, as an alternative to a maintenance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington-certified nurseryperson, or Washington-certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection B of this section.
- E) If a maintenance assurance device or evidence of a similar device is required under subsections B and C of this section, the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary work.
- F) Upon completion of the two-year maintenance period (three years for Type I landscaping), and if maintenance is not required, the city shall promptly release the maintenance assurance device or evidence thereof.
- G) All trees, plant materials and landscaped areas shall receive sufficient water to be kept in a healthy and growing manner.

17.28.090 Performance assurance.

- D) The city may accept, as an alternative to a performance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington-certified nurseryperson, or Washington-certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of this subsection A.
- E) If a performance assurance device or evidence of a similar device is required under subsection A of this section, the enforcing officer shall determine the specific type of assurance device required in order to insure completion of the required landscaping in accordance with the approved landscaping plan. The value of this device must equal one

Commented [TJ13]: suggested that the contractual agreement be eliminated and the the bond amount be set at 125% of the landscaping cost (labor and materials)

hundred fifty percent of the estimated cost of the landscaping to be performed, and shall be utilized by the city to perform any necessary work, and to reimburse the city for documented administrative costs associated with action on the device. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit.

- F) The performance assurance shall be held for a maximum period of one year from the date of acceptance by the city until the landscaping has been installed to the satisfaction of the community and economic development director. Any landscaping not installed after the period of one year shall be grounds for the city to utilize the device to install the necessary landscaping.
- G) If a performance assurance device or evidence of a similar device is required under subsection A of this section, the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.
- H) Upon completion of the required landscaping by the property owner, at or prior to expiration of the assurance device, the city shall promptly release the performance assurance device or evidence thereof.

17.28.100 Landscape features.

Landscape features such as decorative paving, sculptures or fountains are permitted in the required landscaping area, except where they conflict with the purpose of this chapter. Paving materials may include alternate equivalent materials for paving and masonry. The area devoted to such a feature may not exceed twenty-five percent of the required area.