

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, July 5, 2023, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: <https://wa-clallamcounty.civicplus.com/669/Live-Archived-Meetings-Online>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:** June 21, 2023
- F. ANNOUNCEMENTS**
- G. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS:** None
- I. PUBLIC HEARING:** Draft Landscaping Ordinance 33.53
- J. WORK SESSION ITEMS:** Recommendation for Landscaping Ordinance
- K. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- L. GOOD OF THE ORDER**
- M. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
Robert Miller; N. Bonnie Booth; Jeff Carter; Thomas Butler; Kenneth Reandeau; Jane Hielman
Vacancy District 2

Department of Community Development Staff:

Donella Clark, Principal Planner; Bruce Emery, DCD Director

MINUTES

Clallam County Planning Commission

Meeting of June 21, 2023, 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:01 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Steve Gale, Vice Chair Ron Long, Ken Reandeau, Jane Hielman, Bonnie Booth, Robert Miller, Tom Butler, and Jeff Carter. Greg Ballard, Senior Planner and Bruce Emery, Director, represented staff from the Department of Community Development.
- D. WELCOME: Chair Gale welcomed all in attendance.
- E. APPROVAL OF MINUTES: June 7, 2023 Minutes passed without objection or amendment.
- F. ANNOUNCEMENTS: Board of County Commissioners will be reviewing the recommended Sign Ordinance on July 3, 2023 during their regularly-schedule work session.
- G. PUBLIC COMMENT PERIOD: No public comments were provided.
- H. UNFINISHED BUSINESS: No unfinished business.
- I. PUBLIC HEARING ITEM: Hearing on proposed amendments to the County's Landscape Ordinance (CCC 33.53). Greg Ballard provided a brief explanation of changes to 'Definitions' contained in the revised Draft (June 14, 2023), citing contributions from Planning Division staff and comments received from Annie O'Rourke. The Planning Commissioners discussed questions and concerns with the revised Draft.

Commissioner Miller expressed concerns about enforcement of line of site standards, citing what he had observed concerning landscaping at the WalMart parking lot. Commissioner Butler expressed the desire to change specific dimensional criteria contained in Sections 5 and 6, to include "...no less than..." or "...no greater than..." in order to encourage creative landscaping beyond minimum standards. Commissioner Long indicated the definition for 'Landscape Screen' needed to incorporate the specific standards of CCC 33.53.050(2), and for 'Visual Buffer' to incorporate standards of CCC 33.53.050(3). Lastly, Commissioner Long expressed concern that the alternative designs allowed under Section 9 granted too much latitude to the review authority to vary from the required standards.

The public hearing was opened. Annie O'Rourke from Black Diamond addressed the Commission, indicating that Greg Ballard and Donella Clark had been receptive to her comments. She suggested that the definition for 'Large Tree' be amended to replace "landscape barrier" with "visual buffer;" use the defined term "understory vegetation" throughout the text instead of "understory trees and/or shrubs;" and recommended that the standards for multi-family developments be reduced in recognition of the need to promote and facilitate affordable housing development. Ms. O'Rourke also suggested that the standards be reviewed against the requirements of the Wildlands-Urban Interface Code (WAC 51.55), as the new state requirements might conflict with the planting of vegetation near buildings.

There being no further public comments, the hearing was closed.

- J. WORK SESSION ITEMS: The Commission members considered comments received. They requested that the items discussed be incorporated into a strike and underscore format reflecting the new changes for review at the continued public hearing on July 5, 2023. Staff was also directed to provide research into the impacts and possible conflicts between the draft Ordinance and the requirements of the Wildlands-Urban Interface Code. It was the consensus

of the Commissioners to continue the public hearing to July 5, 2023 at the next regularly-scheduled meeting.

- K. PUBLIC COMMENT PERIOD: Apryl Cramer, a resident on Power Plant Road, west of Port Angeles, addressed the Commission. She expressed frustration over the experience of the permitting process and subsequent development of the Island View RV Park. Ms. Cramer indicated the 54-unit RV Park failed to incorporate an adequate landscape barrier between the park and her property. She indicated that the slope created by the elevated RV park was sloughing material onto her property; the trees planted were not adequate to screen the park from her home, that motion-censored cameras had been placed overlooking her property; that incidents of trespass were occurring; that users of the RV Park were often looking over the fence onto her property; that headlamps during the evening hours were observed at the fence, illuminating her property, and that the landscaping had been over-taken by weeds.
- L. GOOD OF THE ORDER: Director Emery provided a brief Director's Report outlining some of the current and near-future work priorities of the Department.
- M. ADJOURNMENT: The meeting adjourned at ____7:20__ p.m.



CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Phone: (360) 417-2323
Fax: (360) 417-2443

bruce.emery@clallamcountywa.gov

June 28, 2023

Clallam County Planning Commission

RE: Research into the requirements of the State's Wildlands-Urban Interface Code, WAC 51-55, and proposed changes to the Landscape Ordinance, CCC 33.53.

Dear Planning Commission members,

As instructed during the June 21, 2023 Planning Commission meeting, I researched the requirements of the State's Wildlands-Urban Interface Code (WUI), and its implications concerning the proposed landscaping ordinance. I also spoke at length with Clallam County Building Official, Annette Warren on this subject. According to Ms. Warren, the full standards and requirements of the WUI are not clear—especially with respect to the more urbanized environments in which most commercial, industrial and urban-density residential land uses are likely to occur. Although the Code grants deference to the local Building Official for interpreting and applying the standards, there are very few examples from other jurisdictions as to how best to approach these questions and formulate a regulatory framework that we can all have confidence in.

To make matters more interesting, the Building Industry Association of Washington (BIAW) has filed suit to enjoin the new legislation. This runs the risk of significantly altering, or even suspending implementation, of the new legislation.

Given these circumstances, it is staff's recommendation that the Planning Commission proceed with the current working draft of the proposed Ordinance. If and when implementation of the WUI is required, inconsistencies between the Landscape Ordinance and the WUI can be dealt with by administrative order. Permanent fixes would then be proposed at a later time to provide the necessary corrections. But at this time, there exists too much ambiguity concerning how the WUI requirements will affect landscaping standards.

Please let me know if you have any questions concerning this recommendation.

Sincerely,

A handwritten signature in blue ink, reading "Bruce W. Emery".

Bruce Emery, Director
Clallam County DCD

Ordinance

Amending Title 33, Zoning, Chapter 33.53, Landscape and Lighting Requirements, of the Clallam County Code, to repeal all section 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

Proposed Use	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
	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)		[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)	[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:

Crown width – 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.

Deciduous - A tree or shrub that sheds its leaves annually.

Evergreen - A plant that retains its leaves the year around. Having foliage that remains green and functional (i.e. photosynthesis, evapotranspiration, etc) through more than one growing season.

Hedge- Small trees and shrubs planted in close proximity to form a continuous canopy.

Landscape screen -A 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), subject to the landscaping applicability requirements found in Section 33.53.020.

Large Tree – A tree that has a projected crown width that equals or exceeds the width of the required landscape screen or ~~visual buffer~~landscape barrier.

Noxious weeds - species of plants defined in WAC 16-750 or by the Clallam County Noxious Weed Department.

Streetscape - 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.

Understory vegetation -a layer of trees and/or shrubs with a projected height and/or crown width of half the size of a large tree.

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.

Visual buffer- The specification of landscaping required to soften the appearance of a barrier as set forth in Section 33.53.050(3), subject to the landscaping applicability requirements found in Section 33.53.020.

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, 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 ~~weeds~~ and ~~Scotch Broom~~ (invasive weed species) are required to be removed from all landscaped areas throughout the lifetime of the project. ~~Other invasive species should be removed if impacting achievement of this Chapter's purpose.~~
- 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.

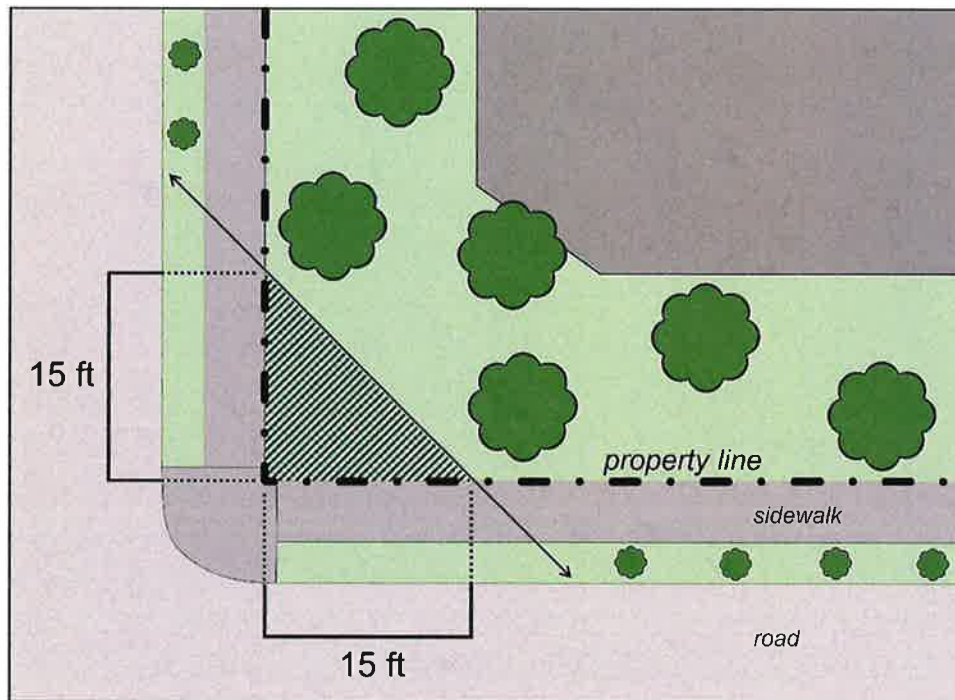


Figure 1 – 15-ft vision clearance triangle example.

- 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.

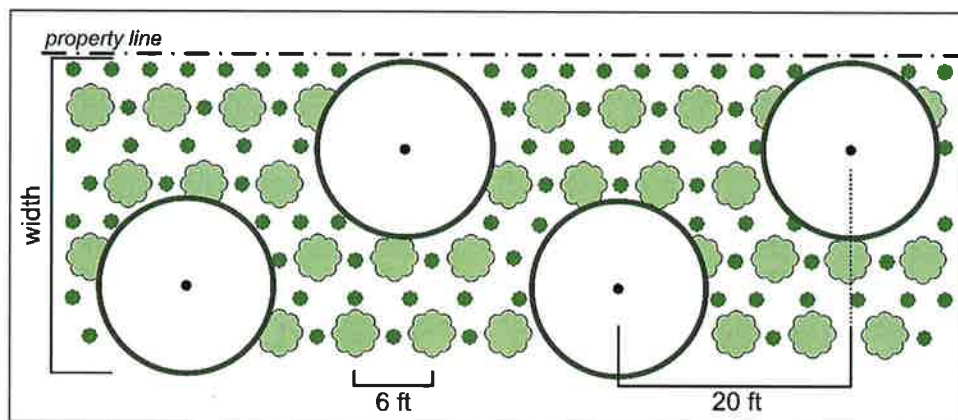


Figure 2 – Overhead view of example landscape screen.

- c. The landscape screen shall be comprised of no less than a minimum 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, understory trees and/or shrubs selected shall not exceed 75% of the projected crown width ~~as addressed in Section 33.53.080(3) CCC~~. For example, if a large tree has a projected crown width of 20 feet, a spacing of 15 feet on center would be required. Understory

~~vegetation trees and shrubs~~ with a projected crown width of 10 feet would be spaced at no greater than 7.5 feet on center.

- f. The Administrator or the Hearing Examiner may allow the landscape screen width to be varied (minimum ~~5-foot~~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~~ and Low potential impacts per Table 33.53.020, the barrier shall be as follows: **High** requires a ~~seven-foot-high~~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 ~~at least~~ 25 feet on center and comprised of no less than ~~a minimum~~ 50% evergreen species (Figure 3).

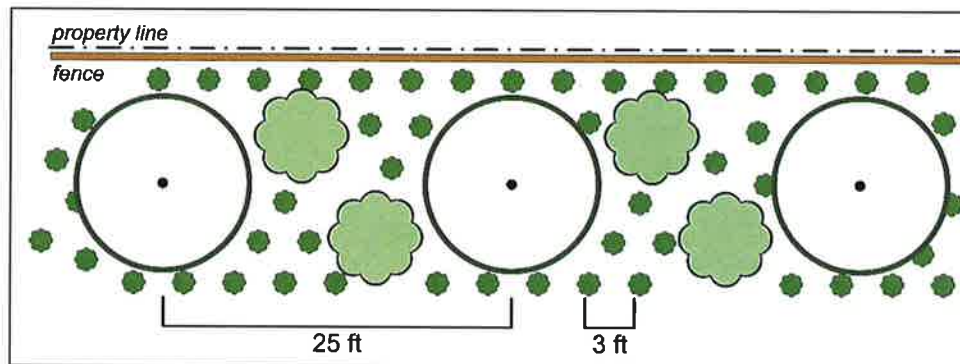


Figure 3 – Overhead view of example visual buffer.

- c. A minimum of two understory ~~vegetation trees and/or shrubs~~ (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 ~~as addressed in Section 33.53.070(3) CCC~~. 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 trees and shrubs~~ 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 ~~53-~~53-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~~at least 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 ~~as addressed in Section 33.53.070(3) CCC~~. 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~~trees and shrubs 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~~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~~5-foot-wide ~~visual buffer~~strip of landscaping 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), 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~~equivalent to one parking space (~~9-feet by 18-feet~~) and shall contain ~~no less than~~at least 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 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, provides 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.

~~When new outdoor lighting has the potential to significantly impact adjacent uses or roadways, the Administrator may require a lighting plan~~ All uses subject to this Chapter per CCC 33.53.020, 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 outline 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 [_____, 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 _____ day of _____ 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, Clerk of the Board

Mike French