2009-2010 Development Code Docket A-6: Amend Development Code to increase landscaping buffers between incompatible uses and zones

Date: Tentative – May 19, 2010

Public Hearing Date: Tentative Date: June 2, 2010

Prepared by: Scott Longanecker, Associate Planner

Proponent/Applicant: Thurston County

Action Requested: Amend Development Code to increase landscaping buffers between incompatible uses and zones (Titles 18, 20, 21, 22 and 23).

☐ Map Changes    ☒ Text Changes    ☐ Both    ☐ Affects Comprehensive Plans/documents
☐ Affected Jurisdictions

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2 ISSUE:
3 In many cases, currently required landscaping buffers on new development have proven to be inadequate in protecting existing development. Amendments may include increasing the width of landscaping buffers and ensuring the effectiveness of buffers in terms of separating and screening incompatible uses and protecting property values.

4 BACKGROUND:
5 Higher property values can force property owners to develop property for it’s “highest and best use” as defined by development potential, tax status, allowed uses under zoning, location etc.
6 Older, pre-existing land uses are often of lower intensity and located on larger lots than newer development. This is often caused by newer zoning regulations and the State Growth Management Act, which requires higher density residential development in Urban Growth Areas (UGAs). In order to meet minimum density requirements in higher density urban residential zones, smaller lot sizes are the norm. When compared with older and often much larger lots in urban areas, higher density developments can dramatically alter neighborhood character, particularly if natural areas are converted to high density or intensified residential and commercial use. A concern commonly heard from neighbors of newly proposed or constructed developments relates to visual impacts from higher density and more intensive land uses.
DEPARTMENT ANALYSIS:

Some of the benefits of improved and larger buffers between uses also include the ability to save more existing trees and vegetation. This can have additional benefits including conserving bird and wildlife habitat corridors and protection from erosion and off-site storm water impacts. The proposed change would also help to define neighborhoods and mitigate some of the visual impacts of both urban and rural development.

In 2005 Thurston County Resource Stewardship adopted a policy related to landscaping between incompatible residential uses. The proposed changes to Thurston County Development Code would codify some of the general standards contained in this 2005 UGA Residential Screening policy. The proposed changes to County Code would help to mitigate many of the negative impacts typically associated with newer development. Impacts felt by pre-existing property owners can include a decreased sense of privacy, changes to the physical environment such as increased light and noise pollution, loss of large trees and wildlife etc. A significantly larger buffer separating and screening incompatible uses as described herein, may help to mitigate or decrease these impacts.

Under the current proposal a 30-foot wide buffer is suggested in order to provide greater separation of incompatible uses than the minimum buffers required under most existing landscaping regulations. Building setbacks for residential projects in both rural Thurston County as well as the Urban Growth Areas range from five – fifteen feet in most cases. A 30-foot wide buffer would provide more space between uses and allow for more vegetation. A wider buffer would also allow for larger tree species such as Douglas firs to be safely planted and maintained over the long-term. Narrower buffers can result in encroachment into tree root zones thereby impacting the health and shortening the life span of larger trees.

ALTERNATIVES:

Alternative 1) Amend Titles 18, 20, 21, 22 and 23 to require larger landscaping buffers between incompatible uses in rural and suburban areas of Thurston County.

Alternative 2) Make no change to Titles 18, 20, 21, 22 and 23 in terms of buffering incompatible uses.

SEPA:

A SEPA determination has not been made at this time.

NOTIFICATION:

Written notice of the public hearing will be published in The Olympian at least twenty (20) days prior to the public hearing.

DEPARTMENT RECOMMENDATION:

Amend TCC 18, 20, 21, 22 and 23 to require larger landscaping buffers between incompatible uses in rural and suburban areas of Thurston County. The Resource Stewardship Department recommends the Planning Commission forward Development Code Docket item A-6, Amend
Development Code to increase landscaping buffers between incompatible uses and zones. (Title 18, 20, 21, 22 and 23) with a recommendation of approval to the Board of County Commissioners as follows:


New proposed language for the landscaping chapters of Titles 21, 22 and 23:

Incompatible Uses-

1. An incompatible use is defined as:
   a. A commercial or industrial zoning district or use adjacent to a residential lot less than two acres in size, or residential zoning district with a density greater than one unit per acre.  
      (Note: Lots over two acre in size should in general have sufficient area to act as a buffer from adjacent incompatible uses. In these cases standard landscaping should be sufficient.)
   b. A residential zoning district or proposed residential subdivision lot that is less than fifty percent (50%) of the square footage of an existing contiguous residential lot.

2. Applicability-
   a. Where the common property line is at least twenty feet (20’) in length and
   b. where a proposed use is adjacent to an incompatible use as described in section 1.
      (Add full citation for applicable code, i.e. title 21, 22 etc.)

3. Screening between incompatible uses – At minimum, screening shall consist of a 30-foot wide buffer containing the following:
   a. A vegetated buffer of predominantly native species (75% native minimum) that will provide a very dense sight barrier and physical buffer to significantly separate conflicting uses and land use districts.
   b. Plant materials and ground cover shall be selected and maintained so that the 30-foot buffer will be fully vegetated within three years.
   c. A combination of trees, shrubs, earthen berms, and related plant materials or design features may be selected, provided that the resultant effect is sight-obscuring from adjoining properties. In addition, fences and walls may be incorporated into the landscaping buffer.
   d. A minimum of one tree per 25 linear feet. Trees shall be a minimum one inch in caliper measured six inches above the base at the time of planting.
   e. Shrubs must be capable of growing to a minimum of five feet in height, within three years. Shrubs shall be planted on eight-foot centers at minimum.
   f. Ground cover shall consist of bark, mulch, native grasses and/or native understory vegetation such as salal, Oregon grape, Knickknick, Sword fern, etc.
   g. Retention and salvage of existing native vegetation and trees is preferred over removal and replacement of vegetation.
4. The 30-foot buffer required by this section may be used for the following so long as the design standards of (3.) can be met.
   a. Storm water treatment facilities.
   b. Open space.
   c. Tree tracts.
   d. Critical area protection.
      (Other possible uses? If other uses are not allowed within this 30-feet it may affect density. Should we allow this buffer area to be deducted from the density calculation?)
   e. Required landscaping.
      (For Title 20 remove b. and c. b/c they are not applicable in the rural county. Also, note that this will need to be consistent with proposed changes to TCC 17.25 in terms of tree tract design and width in particular.)

New proposed language for Title 20, Chapter 20.45 – Landscaping and Screening:

Incompatible Uses-

1. An incompatible use is defined as:
   a. A commercial or industrial zoning district or use adjacent to a residential lot less than two acres in size or zoning district with a density of one unit per acre or greater.
   b. A proposed residential subdivision lot that is less than fifty percent (50%) of the square footage of an existing contiguous residential lot.

2. Applicability-
   a. Where the common property line is at least twenty feet (20’) in length and
   b. where a proposed use is adjacent to an incompatible use as described in section 1.
      (Add full citation for applicable code, i.e. title 20...)

3. Screening between incompatible uses – At minimum, screening shall consist of a 30-foot wide buffer containing the following:
   a. A vegetated buffer of predominantly native species (75% native minimum) that will provide a very dense sight barrier and physical buffer to significantly separate conflicting uses and land use districts.
   b. Plant materials and ground cover shall be selected and maintained so that the 30-foot buffer will be fully vegetated within three years.
   c. A combination of trees, shrubs, earthen berms, and related plant materials or design features may be selected, provided that the resultant effect is sight-obscuring from adjoining properties. In addition, fences and walls may be incorporated into the landscaping buffer.
   d. A minimum of one tree per 25 linear feet. Trees shall be a minimum one inch in caliper measured six inches above the base at the time of planting.
   e. Shrubs must be capable of growing to a minimum of five feet in height, within three years. Shrubs shall be planted on eight-foot centers at minimum.
f. Ground cover shall consist of bark, mulch, native grasses and/or native understory vegetation such as salal, Oregon grape, Sword fern, etc.

g. Retention and salvage of existing native vegetation and trees is preferred over removal and replacement of vegetation.

4. The 30-foot buffer required by this section may be used for the following so long as the design standards of (3.) can be met.
   a. Storm water treatment facilities.
   b. Critical area protection.
   c. Required landscaping.

ATTACHMENTS:

Attachment A: Thurston County Policy ZONE.POL.801.05

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This policy sets forth the standards to implement a July 12, 2005 decision of the Thurston County Board of Commissioners that higher density residential developments within the urban growth areas are not compatible with existing lower density residential developments.

1. Any proposed residential subdivision lot that is less than fifty percent (50%) of the square footage of an existing contiguous residential lot must include site-obscuring screening along or near the common property line where that common property line is at least twenty feet (20’) in length.

2. Screening shall consist of a minimum eight-foot high fence or eight-foot fence/berm combination supplemented with evergreen vegetation inside the fence.

3. The vegetation shall be of a type and height that is expected to grow taller than the fence within three years after planting.

4. At minimum, the vegetation shall be planted on 25-foot centers, but in no case shall fewer than two screening trees or shrubs be planted along any common property line.

5. In the alternative, a six-foot site-obscuring fence supplemented with evergreen vegetation on 15-foot centers may be substituted.

6. It shall be the responsibility of each property owner in the proposed subdivision to maintain the fence and vegetation indefinitely.

7. The screening requirement shall be placed as a condition of final approval and shall be placed as a note on the face of the plat.

8. As an alternative to the fence along any or all of the screen, an enhanced natural or a newly planted buffer at least 15 feet wide may substitute.
   A. This buffer must consist of a combination of shrubs and trees that will provide a site-obscuring screen at least six feet high within three years after planting.
   B. This buffer must be within an open space strip owned and maintained in a green and growing state indefinitely by a neighborhood association or within an easement owned and maintained similarly by the individual property owners.
   C. A landscape plan for the buffer shall be submitted to and approved by the County as a part of subdivision review.