

January 9, 2019

C.O.B.I.

JAN 17 2019

PCD DEPT

Dear Olivia Sontag,

This letter is intended to ask for a formal code interpretation from the Planning Director regarding your assertion that vegetative buffers are required between (core zoned and core zoned parcels) and (core zoned and multifamily zoned parcels) when the current use in that zone is a single-family residence.

We believe that the code is clear on this (see Attachment A – code excerpts, and Attachment B – City's buffer summary for tomorrow's Planning Commission Meeting) that no buffers are required between the above-mentioned zones.

You stated that staff has been "interpreting" the language to incorporate the current use of the adjacent lot into your determination to require a buffer. We cannot find "use" referred to in the relevant detailed code sections and can find no published information on this subject that could have guided us in our design work.

Essentially, the City has been using secret information to guide its decision process. We do not see this as fair. It leads to substantial re-design costs and in our case, a reduction in our ability to provide sufficient parking for our project.

Consequently, we are presented with two choices:

- 1) To ask you to interpret the code as it is written.
- 2) To work with us on a compromise solution that protects the visual environment of the two single-family "uses" that abut our project, but still allow us to meet our parking goals. A drawing of this is enclosed.

Regards,


Jim Cutler, FAIA

Attachments

D. Perimeter Buffering and Screening.

1. Intent. The intent of this subsection D is to provide an effective vegetated screen over time between uses of land use districts, to screen parking areas and structures located adjacent to public rights-of-way, and to allow visual and physical access to pedestrian and other nonmotorized oriented uses, such as a multipurpose trail or bikeway if those trails could be accommodated without compromising significant vegetation or hazardous slopes. Additional buffers may be required per BMC 16.20.170. The Winslow Ravine – Special rules in Mixed Use Town Center.

2. Requirements by District. In addition to meeting the general requirements of subsection D.4 of this section, applicants shall meet the specific requirements of Table 18.15.010-3 applicable to the zone district or overlay district in which the property is located. In the case of a conflict between the requirements of this subsection D.2 and the requirements of subsection D.4 of this section, the requirements of this subsection D.2 shall apply. The tree retention, replacement, and protection standards of subsection C of this section apply to perimeter buffers. These perimeter landscape requirements are in addition to required roadside landscaping in subsection E of this section and parking lot landscape requirements in subsection F of this section. These requirements do not apply to projects involving only interior renovations of existing buildings.

Table 18.15.010-3: Perimeter Landscaping Requirements by Land Use and Zoning District

Abutting Zoning or Land Use District	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
Multifamily in R-2, R-1 and R-0.4 Districts			
Single-family residential	Full Screen	25	25
R-8 and R-14 Multifamily Districts			
R-4.3 (urban residential)	Partial Screen	20	15
Short Plats and Subdivisions in Residential Zoning Districts [1]			
Residential subdivision in the R-0.4, R-1, and R-2 districts (cluster option only)	Edge Planting Standard	25	25
Multifamily subdivision in the R-2, R-1, and R-0.4 zoning districts (cluster option only)	Full Screen	25	25
Park and conservation land buffer: applies to all single-family subdivisions (OS) [2]	Edge Planting Standard	25	25
Nonresidential Uses in Areas Outside Winslow Mixed Use, HSR, NC, B/I, WD-I Districts			
Residential including multifamily	Full Screen	25	25
NonIndustrial uses	Partial Screen	20	10
Winslow Town Center Mixed Use District [3]			
Single-family residential	Full Screen	20	15
HSR I and II Districts			
Single-family residential	Full Screen	20	15
NC Districts			
Residential including multifamily	Full Screen	20	15
B/I Districts			
Non-B/I	Full Screen [4]	50	35
WD-I Districts			
Residential including	Full Screen	40	30

multifamily			
Nonindustrial uses	Full Screen	25	15
<p>[1] Properties with less than one acre being subdivided are not subject to perimeter buffer requirements.</p> <p>[2] (OS) indicates that the buffer may be calculated in the required open space area for the subdivision.</p> <p>[3] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>[4] This perimeter buffer applies even when a private access road separates a B/I property from non-B/I property.</p>			

3. Perimeter Buffers in Residential Cluster Short Subdivisions, Cluster Long Subdivisions, and Multifamily Subdivisions in the R-2, R-1, and R-0.4 Zoning Districts.

- a. When the cluster development option is selected pursuant to BIMC [17.12.030.B](#) for property with a gross area of one acre or more and that is located in the R-0.4, R-1, R-2 and R-2.9 districts, a 25-foot-wide, edge planting standard landscape perimeter shall be required along the subdivision boundary.
- b. When the cluster development option is selected pursuant to BIMC [17.12.030.B](#) for property with a gross area of one acre or more and that is located in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 zone districts, a 10-foot-wide, edge planting standard landscape perimeter shall be required along the subdivision boundary.
- c. In order to buffer the visual impact of the proposed subdivision and protect off-site views, additional landscaping shall be planted within landscape perimeter buffers where mature trees and shrubs cannot provide such screening, pursuant to subsection D.4 of this section.
- d. Required landscape buffer width may be reduced through buffer averaging in accordance with the criteria in subsection D.5 of this section, perimeter landscape requirements. For example, buffers may be adjusted when such adjustments contribute to the neighborhood character by incorporating significant trees and native vegetation, incorporate a unique landscape feature, or accommodate a unique situation that allows continuation of an existing use, such as a utility or other easement providing continued use.
- e. Landscape buffers may be included in the required open space calculations for a subdivision as noted in Table 18.15.010-3. Table 18.15.010-3 depicts the landscape buffer requirements for subdivisions by zoning district and denotes when the buffer may be included in the open space calculations. These standards apply unless alternative buffers are required pursuant to critical area review, the requirements of the Shoreline Management Act, conditioned by SEPA review, or required for public health or safety reasons.
- f. When a multifamily subdivision is created within the R-2, R-1, and R-0.4 zoning districts, a 25-foot-wide, full screen landscape perimeter shall be required along the subdivision boundary.

4. General Requirements.

- a. Full Screen. The intent of this buffer is to provide an effective vegetated screen over time between uses, land use districts, or to screen parking areas and structures from the public rights-of-way. Where full screen perimeter landscaping is required, the applicant must provide:
 - i. Minimum 70 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and
 - ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
 - iii. At least 50 percent of the trees shall be native species or drought resistant; and
 - iv. The number of trees is determined by calculating the area of the perimeter buffer and dividing by 250 square feet, or one tree for every 10 feet of buffer length, whichever is greater; and
 - v. Minimum 70 percent evergreen shrubs at least 21 inches in height at the time of planting, to achieve minimum six feet height at maturity; and



SUBDIVISION REGULATIONS UPDATE

LANDSCAPE BUFFER REQUIREMENTS

NOTE: Refer to BIMC [18.15.010](#) for existing landscape requirements.

Landscape Buffer Requirements: Existing perimeter buffers (along exterior boundary)

- Only required for cluster subdivision flexlot option
- Not required for subdivisions on property with a gross area of less than one acre
- Perimeter buffers may be included in the required open space calculations for a subdivision
- Buildings not allowed in perimeter buffers [Note: adjacent properties have yard setbacks up to 25 feet]
- In R-0.4, R-1, R-2 and R-2.9 districts, a 25-foot-wide, edge planting standard landscape perimeter is required
- No perimeter buffer required in other zoning districts
- Multifamily subdivisions in R-0.4, R-1, R-2 and R-2.9 districts require a 25-foot-wide, full screen planting standard
- The largest perimeter buffer island-wide is a 50-foot-wide, full screen planting standard, required between the Business/Industrial zone and any other zoning district (the buffer for waste transfer facilities can be increased to up to 100 feet)
- Commercial districts (Winslow Town Center Mixed Use, HSR I and II, and NC) require a 20-foot-wide, full screen planting standard adjacent to single-family residential districts; can be reduced with buffer averaging to 15 feet

Policy Questions:

- Should perimeter buffers be required in all zoning districts?
- Is 25 feet the appropriate width for a perimeter buffer?
- Is the edge planting standard the appropriate standard?
- Is a "flexible buffer" or "buffer averaging" appropriate based on adjacent development pattern?
- Should the perimeter buffer be allowed to be included in natural area or community space? [ARPA may include landscape buffers.]
- Should any encroachment be permitted in perimeter buffer? [See Table 18.12.040, Permitted Height/Setback Modifications]