

**MTCA Interim Action Cleanup and Maritime Industrial Expansion at Norton Terminal
Landscaping Modification Request Summary
April 19, 2021**

Revised July 15, 2021

Due to multiple incompatibility issues between the site and the City’s code provisions for landscaping, the Port is seeking a waiver of landscaping requirements under multiple modification criteria in Everett Municipal Code section 19.35.190.A. The Port and its consultants first identified landscaping requirements for the site per the code and have summarized them by general location on the site. They are listed in a clockwise direction around the perimeter of the site starting from the north boundary.

- A. North Site boundary (abutting City’s property)
- B. Lower Norton street frontage (northeast corner of the site on west side of Norton)
- C. Eastern site boundary (along BNSF railroad tracks)
- D. Southern site boundary east of Federal Ave. (south side of parking lot south of the warehouse)
- E. Federal Ave. street frontage, east side (at entrance to warehouse parking lot)
- F. Federal Ave. street frontage, west side (small area adjacent to Dunlap Towing leasehold)
- G. Southern site boundary west of Federal Ave. (between Federal Ave and the water)

The aforementioned areas are identified by letter under the following City code Landscaping Modification criterion where the Port is requesting a waiver of these requirements based on the explanations provided below as well as the general and unique nature of the site and its use as a cargo terminal with the exception of a small landscaped area at the north entry adjacent to the Lower Norton right-of-way. A Federally secure cargo yard/terminal is a unique use with unique security requirements coming from the Federal level that require fences with clear site lines, no climbing opportunities (from nearby trees), and reduction in potential damage to the security fencing from trees or their limbs falling onto the fence. Additionally, the Port owns much of the adjacent property to the south, with the City owning all of the property on the northern boundary. Landscaping requirements between Port owned properties would not serve a visual screening purpose. The only people at the site will be Port employees, longshoremen, and industry customers. Landscaping between the Port’s cargo facility and the City’s stormwater utility would not serve any meaningful purpose as neither site is open to the general public and both are zoned Heavy Industrial use.

The following table provides a summary this request.

Table 1. Summary of Landscaping Modification Request

Location #	General Description	Applicable Modification Criteria
A	North Site boundary	1, 4
B	Lower Norton street frontage	1, 4
C	Eastern site boundary	1, 4, 5
D	Southern site boundary east of Federal Ave.	1, 4
E	Federal Ave. street frontage, east side	1, 4
F	Federal Ave. street frontage, west side	1, 4
G	Southern site boundary west of Federal Ave.	4

19.35.190 Administrative modification of landscaping requirements.

A. *The planning director may authorize a reduced width of planting or waive some or all of the landscaping requirements in the following instances:*

1. *When existing conditions on or adjacent to the site, including, but not limited to, differences in elevation, existing vegetation, or location of buildings or utilities would render the requirements of this section ineffective.*

REQUEST: The majority of the site sits below the adjacent properties to the east. The elevation difference varies from 10 feet on the north end, increasing to approximately 30 feet near the 26th Street end, to 20 feet near the south end. West Marine View Drive further separates the site from adjacent parcels to the east as well. Landscaping on the site would not act as a screen or visual enhancement to these adjacent properties and therefore should be waived.

The north site boundary abuts the City-owned utility facility. Landscape planting along this boundary, between two industrial sites (both zoned Heavy Industrial) that only limited personnel will be at, will serve no meaningful screening purpose.

The adjacent street frontage on lower Norton is limited. Most of the frontage on the west side of the street is where the future PUD substation will be located. The Port is requesting that the City and PUD address that frontage when the PUD substation is underway. Additionally, there is limited public, vehicular traffic and no pedestrian traffic on lower Norton because it serves limited properties and access southbound has been blocked for a number of years at the railroad crossing. However, the Port will include a small landscaping area at the north entrance adjacent to the Lower Norton right-of-way.

The Federal Ave. street frontage is also extremely limited. This will be the Port's main cargo connection route between the existing terminal and the proposed terminal. Improvements include the addition of a guard shack on the west side of Federal Ave. and security gates at the entrance to the property, which are needed due to Homeland Security requirements. These eliminate an opportunity for frontage landscaping at that location. On the east side of Federal Ave. is the existing warehouse and the frontage adjacent to it. We request that landscaping requirement for that area be addressed when the warehouse is redeveloped. See request under #4 below for more detail on the warehouse.

2. *When Type I visual screening is required, an applicant may request to use plantings that can be expected to form a healthy sight-obscuring evergreen hedge within three years in lieu of two rows of trees. In reviewing such a request for modification, the planning director shall consider the applicant's request in light of the intent of Type I landscaping and the nature of the use or development which is being screened.*

REQUEST: Not used.

3. *When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this title and which the director determines to provide equal or better treatment. Some examples include the use of native vegetation existing on site, preservation of groves of trees, preservation of wetlands and/or wildlife habitat, increasing perimeter landscape width in strategic locations, providing unique focal points of interest, and planting trees or shrubs that do not meet the type or size requirements at a higher number and closer spacing.*

REQUEST: Not used.

4. *When development will occur in phases and development of subsequent phases will result in removal of landscaping required by this title.*

REQUEST: At the south end of the site, these areas and the adjacent properties are all owned by the Port, and future port tenant uses may cross parcel boundaries, the landscaping would impede those future uses and not be serving any purpose.

The former Kimberly Clark warehouse building will be redeveloped in the future. At this time several options are under consideration pending direction from the Port Commission, including but not limited to building improvements to prepare for Port use or tenant use, partnerships in redevelopment with third parties, and partial or complete building demolition. Until such time as the direction of the warehouse's future is determined, the Port is requesting a waiver of all landscaping requirements adjacent to the warehouse, the east side of Federal Ave., and the parking lot on the south side of the building.

The eastern boundary abuts the BNSF railroad mainline. Future phases of work include adding rail spurs directly from the mainline into the site. Any landscaping installed in that area would be removed. Coupled with the request under #5 below, specifically related to the railroad, the Port is requesting a waiver from landscaping requirements for this area.

The southern site boundary, between Federal and the water, separates two Port-owned parcels. Currently, the Port leases the area south of the site to Dunlap Towing. Future leasehold changes may change that boundary and would result in removal of any landscaping that is installed. As both properties are Port-owned and zoned Heavy Industrial, landscape planting along that boundary would not be visible to the general public, and not serve a meaningful screening purpose. The Port is requesting a waiver from landscaping requirements for this area.

Additionally, the Final MTCA Cleanup Action has not yet been determined. While it is unknown at this time, it is anticipated that the Department of Ecology may require removal of some or all landscaping on site in order to require installation of a low permeability cap to reduce stormwater infiltration and potential impacts of residual contamination to groundwater. Therefore, the Port is requesting a waiver of all landscaping for the entire site except for a small entry area at the north end adjacent to Lower Norton.

5. *When the subject property abuts railroad right-of-way developed with rail facilities, the planning director may modify the landscaping requirements for that portion of the property abutting the railroad right-of-way, if such modification will not reduce the compatibility between the subject property and other properties in the vicinity.*

REQUEST: The east side of the site completely abuts the BNSF railroad mainline. Elimination of landscaping in this area will not reduce the compatibility between the site and the adjacent properties in the vicinity. In this area, the adjacent properties are all on the opposite side of the tracks, and sit at elevations well above the site, effectively separating the site from these properties. Therefore, the Port is requesting a waiver from landscaping requirements on the entire eastern boundary with the exception of a small triangle at the north entry adjacent to the Lower Norton right-of-way.

In closing, as supported by the aforementioned reasons allowed under the Landscape Modification criteria, as well as consideration of the general nature and uniqueness of this project, the Port is requesting that the Planning Director grant a full waiver from landscaping requirements for the proposed project with the exception of a small landscaped area at the north entrance adjacent to the Lower Norton right-of-way as shown on the plans.