

Advance Packet

Dated: April 29, 2009

Monday, May 11, 2009, Council Meeting

Included in this packet is documentation to support the following Agenda items:

PUBLIC HEARINGS AND ORDINANCES

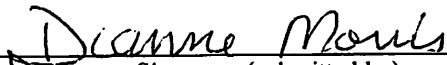
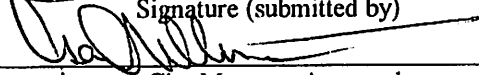
- A. Public hearing in the matter of File No. LDC-4-09, adding Chapter 17.94, Landscaping, Tree Preservation and Replacement, to Title 17, Land Development Code, of the Brookings Municipal Code, City initiated. Criteria used to decide this case can be found in Chapter 17.140; Amendments, of the Brookings Municipal Code. This is a legislative hearing and the City Council will be making a decision. pg. 3
- B. Ordinance 09-O-635 adding Chapter 17.94, Landscaping, Tree Preservation and Replacement, to Title 17, Land Development Code, of the Brookings Municipal Code. pg. 9

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 11, 2009

Originating Dept: Planning


Signature (submitted by)

City Manager Approval

Subject: A hearing on File LDC-4-09 for consideration and possible adoption of a new Chapter, 17.94, Landscaping, Tree Preservation and Replacement, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving creation of a new Chapter, 17.94, Landscaping, Tree Preservation and Replacement, BMC.

Financial Impact: None

Background/Discussion: The Land Development Code (LDC) Committee drafted a new chapter dealing with landscaping requirements for new development. The Planning Commission, acting in their role as Committee for Citizen Involvement (CCI), conducted a workshop with the public. Frank Burris, OSU Extension Agent, gave a power point presentation of low impact storm drainage techniques at the workshop. This ties in with one of the goals in the purpose statement for Chapter 17.94 concerning reducing the amount of water going to the City's storm drain system. Other purposes for this Chapter are to promote water conservation, make better use of water resources, and maintain an attractive, livable community. Several citizens attended and expressed support for conserving water and low impact drainage techniques. Mr. Burris also gave the presentation regarding low impact development to the City Council in March, 2009. In April the Planning Commission reviewed the final draft of this Chapter and recommended approval to the City Council.

Following are some of the highlights of the chapter:

- 17.94.030, Open Space Standards. This requires new development to submit an Open Space Plan showing how a minimum area will be kept free of impervious surfaces and utilize drought resistant plants.
- 17.94.050, Incentives. This describes ways the property owner may qualify for a reduction in the water component for System Development Charges.
- 17.94.070, Tree Preservation or Replacement. Property owners would be required to maintain a certain number of trees when developing, or replace them.

Following this report is the draft version of Chapter 17.94, Landscaping, Tree Preservation and Replacement, BMC (Attachment A).

Policy Considerations: N/A

Attachment(s): Chapter 17.94, Landscaping, Tree Preservation and Replacement (Attachment A).

Chapter 17.94

Landscaping, Tree Preservation and Replacement

DRAFT 04-08-09

Text to be added is ***bold and italicized***.

Text to be omitted has ~~strikethrough~~.

The revisions as noted above were made by the Planning Commission

Sections:

17.94.010	Purpose
17.94.020	Definitions
17.94.030	Open Space Standards
17.94.040	Irrigation
17.94.050	Recommendations with Incentives
17.94.060	Private Trees
17.94.070	Tree Preservation or Replacement

17.94.010 Purpose. The purpose of this Chapter is to encourage water conservation, reduce stormwater runoff, and maintain an attractive, livable community. The provisions in this Chapter also are designed to minimize impacts to storm drainage facilities and serve to recharge the groundwater to better utilize our water resources. The component relating to the preservation or replacement of trees within the City is designed to preserve the beauty of the community and to protect the public health, safety, and welfare of the residents of the City of Brookings.

17.94.020 Definitions.

“Impervious Surface”: mainly artificial structures, such as pavements, rooftops, sidewalks, roads – covered by impenetrable materials such as traditional asphalt and concrete.

“Pervious”: allowing absorption of water.

“Private Trees”: Trees located on private property.

17.94.030 Open Space Standards. These requirements apply to new construction only. An open space plan must be submitted with an application for a building permit. The plan will be reviewed by the Site Plan Committee to ensure compliance with the following:

- A. Residential (SR, R-1, R-2, R-MH) Property – install landscaping, or keep free of impervious surfaces, an area equal to at least 25 percent of the property. *Any easement areas will be subtracted prior to calculating the 25 percent of the property as stated above.* If landscaping is to be used, 40 percent of the plants must be drought resistant. Must also comply with BMC 17.94.040, 17.94.060 and 17.94.070.
- B. Multi-family Residential (R-3) Property - Required to have 15 percent of the lot with usable open space recreation area per 17.28.110, BMC, and 7 percent of the required parking lot landscaped in compliance with 17.92.100 (H). If landscaping is proposed elsewhere on the property, the open space plan must have at least 40 percent drought resistant plants. Must also comply with BMC 17.94.060 and 17.94.070.
- C. Commercial and Industrial (C-1, C-2, C-3, C-4, IP, M-2) Property - Required to have 7 percent of the required parking lot landscaped in compliance with 17.92.100 (H), BMC. Any required landscaping within setback areas must also be in compliance with 17.92.100 (H), BMC. Must also comply with BMC 17.94.060 and 17.94.070.

17.94.040 Irrigation. If an irrigation system is to be installed on residentially zoned property, it must be a drip irrigation system or other water conservation-type irrigation. Said system must be shown on the submitted open space plan.

17.94.050 Recommendations with Incentives. A 10% reduction of the water component of the System Development Charge will be *given* ~~considered by the Site Plan Committee~~ when the property owner implements any of the following:

- Increases by 50 percent or more the percentage of drought resistant plants used in landscaping beyond the minimum requirement.
- Installs a drip irrigation system or other water conservation-type irrigation system. *This is not applicable to multi-family residential, commercial, and industrial properties.*
- Use of non-vegetation, pervious materials in *an area equal to an additional 25% of the subject property beyond any of the percentage requirements in 17.94.030 landscaping.*
- *Uses low impact storm drainage techniques such as “rain gardens”, swales, permeable paving, rain barrel, cistern, or other approved method of reducing use of the City’s storm drain system.*

The 10% reduction of the water component of the System Development Charge will be given as a rebate after a certificate of occupancy is issued for the structure and installation of the proposed improvements, as listed, above are in place.

When a new building is a replacement structure and existing landscaping is in place, the applicant will not be required to comply with this Chapter.

17.94.060 Private Trees.

- A. Trees planted on private property that overhang the sidewalk and/or street shall be maintained by the property owner as follows:
 - 1. So as not to obstruct the light from a street lamp.
 - 2. To not obstruct the view of any adjacent street intersection, which means trees shall be pruned so there is a clear space of 13 ½ feet above the street surface and eight (8) feet above a sidewalk surface.
 - 3. All dead, diseased or dangerous trees, broken or decayed limbs, or roots which constitute a hazard to the public shall be removed.
- B. Install an *approved* root barrier if a tree is planted within 20 ft. of a property line *that is adjacent to a right-of-way*.
- C. Failure of the property owner to maintain trees as described above shall be subject to penalties pursuant to Chapter 8.15, Nuisances, BMC.
- D. Public Works Director, or designee, will determine when a tree is out of compliance as described in 17.94.060 (A).

17.94.070 Tree Preservation or Replacement.

- A. All vacant property shall preserve existing trees in compliance with the following chart. In the event there are insufficient trees on the lot or parcel to meet the requirements listed in the table below, or when preserving the trees is impracticable, drought resistant species can be planted to fulfill the requirement. If new trees are to be planted, they must be a minimum of 4 feet in height. Trees need to be shown on the open space plan. Site Plan Committee will work with the property owner on a case-by-case basis to determine how this requirement will be met.

Lot or Parcel Size	Required Trees
Up to and including 6,000 sq. ft.	2
6,001 to 7,000 sq. ft.	3
7,001 to 8,000 sq. ft.	4

8,001 to 9,000 sq. ft.	5
Above 9,000 sq. ft.	6 with 2 more trees for every additional 6,000 sq. ft. or portion thereof

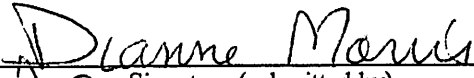
- B. When preserving existing trees, it is recommended that an area beneath the tree from the drip-line to the tree trunk be left undisturbed to increase the likelihood of the trees survival. In addition, a protective barrier during construction activities will help insure the tree will remain undamaged.
- C. *Property owners are encouraged to retain as many existing, mature trees as possible.*
- D. *Property owners must get verification from utility providers that the site for new trees is not encroaching in a utility easement area.*
- E. A list of drought resistant plants that grow well in this area is available at the Planning Department.

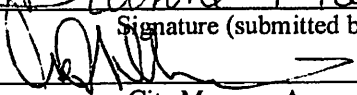
CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: May 11, 2009

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: Adopting ordinance for approval to create Chapter 17.94, Landscaping, Tree Preservation and Replacement, Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve Adopting Ordinance 09-O- 635.

Financial Impact: None

Background/Discussion: The creation of this Chapter was approved by the City Council at their May 11, 2009 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 09-O-635.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE NO. 09-O-635

IN THE MATTER OF ORDINANCE 09-O-635, AN ORDINANCE ADDING CHAPTER 17.94, LANDSCAPING, TREE PRESERVATION AND REPLACEMENT, TO TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Adds Chapter 17.94

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 17.94, Landscaping, Tree Preservation and Replacement, to Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Adds Chapter 17.94. Chapter 17.94, Landscaping, Tree Preservation and Replacement, is added to read as follows:

**Chapter 17.94
Landscaping, Tree Preservation and Replacement**

Sections:

- 17.94.010 Purpose
- 17.94.020 Definitions
- 17.94.030 Open Space Standards
- 17.94.040 Irrigation
- 17.94.050 Recommendations with Incentives
- 17.94.060 Private Trees
- 17.94.070 Tree Preservation or Replacement

17.94.010 Purpose.

The purpose of this Chapter is to encourage water conservation, reduce stormwater runoff, and maintain an attractive, livable community. The provisions in this Chapter also are designed to minimize impacts to storm drainage facilities and serve to recharge the groundwater to better utilize our water resources. The component relating to the preservation or replacement of trees within the City is designed to preserve the beauty of the community and to protect the public health, safety, and welfare of the residents of the City of Brookings.

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- D. Property owners must get verification from utility providers that the site for new trees is not encroaching in a utility easement area.
- E. A list of drought resistant plants that grow well in this area is available at the Planning Department.

First Reading: _____
Second Reading: _____
Passage: _____
Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2009

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington