

Advance Packet

Dated: June 1, 2009

Monday, June 8, 2009, Council Meeting

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

PUBLIC HEARINGS AND ORDINANCES

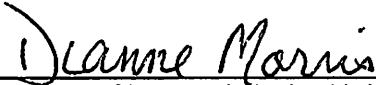
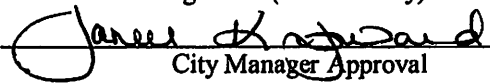
- A.** Continuation of the May 11th, 2009 public hearing in the matter of File No. LDC-4-09, adding Chapter 17.94, Landscaping, to Title 17, Land Development Code, of the Brookings Municipal Code, City initiated. pg. 3
- B.** Ordinance 09-O-635 adding Chapter 17.94, Landscaping, to Title 17, Land Development Code, of the Brookings Municipal Code. pg. 13

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 8, 2009

Originating Dept: Planning


Signature (submitted by)

City Manager Approval

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

Recommended Motion: Motion approving creation of a new Chapter, 17.94, Landscaping, BMC.

Financial Impact: Minimal cost for new development taking advantage of the incentives listed in 17.94.040. Provisions in this Chapter will help save the City the expense of increasing the capacity of the water system and the storm drainage system.

Background/Discussion: The City Council conducted hearings on this Chapter at their May 11th and May 26th meetings. The Council expressed concerns about some provisions as follows:

- **Concern:** Requiring an "open space plan" will add another drawing property owners need to provide.

Response: When applying for a building permit property owners already must provide a plot plan showing the proposed development. An "open space plan" can be added to this plot plan. An example is provided as **Attachment A**.

- **Concern:** The new Chapter doesn't provide any protection of pervious areas greater than the current Code provisions.

Response: The current Code limits the square footage of structures on a residential parcel but paving is not a structure. An entire parcel can presently be paved, leaving no pervious area, and be in compliance with setbacks and all other provisions. An example is provided as **Attachment B**.

- **Concern:** This Chapter will hinder rather than promote development.

Response: The provisions requiring consideration of water conservation will help the Community to save water that will then be available for new development in the future. The provisions relating to low impact storm drainage will lessen the need and expense of additional storm drainage infrastructure. Both of these components will help keep the cost of development at a lower level thereby promoting growth.

- **Concern:** The City Council should have control of the suggested drought resistant plant list that Staff will make available to the public.

Response: The plants a property owner uses are not limited to those on the list. A definition of "drought resistant" has been added and a reference is made to the list and a statement that other plants, not found on the list, may be used by providing documentation of their low water needs. As the Council wants to approve this list, a resolution to adopt would be the best vehicle to easily allow possible changes in the future. Language in 17.94.020 has been added stating this. The list is provided as **Attachment C**.

- **Further concerns expressed in conversations with Councilors included: drawing of the open space plan, subtracting easement areas, irrigation requirements.**

Response: Language has been added clarifying the property owner may draw the open space plan, easement areas may be included in the open space plan, and requiring drip irrigation systems, if one is installed, has been removed. Installation of a drip irrigation system remains in the Chapter only as an incentive.

Looking around the Country, there are many indicators that low impact development is the wave of the future. By introducing these techniques early and gradually, Brookings will be in a good position to continue developing while utilizing our natural resources to the fullest.

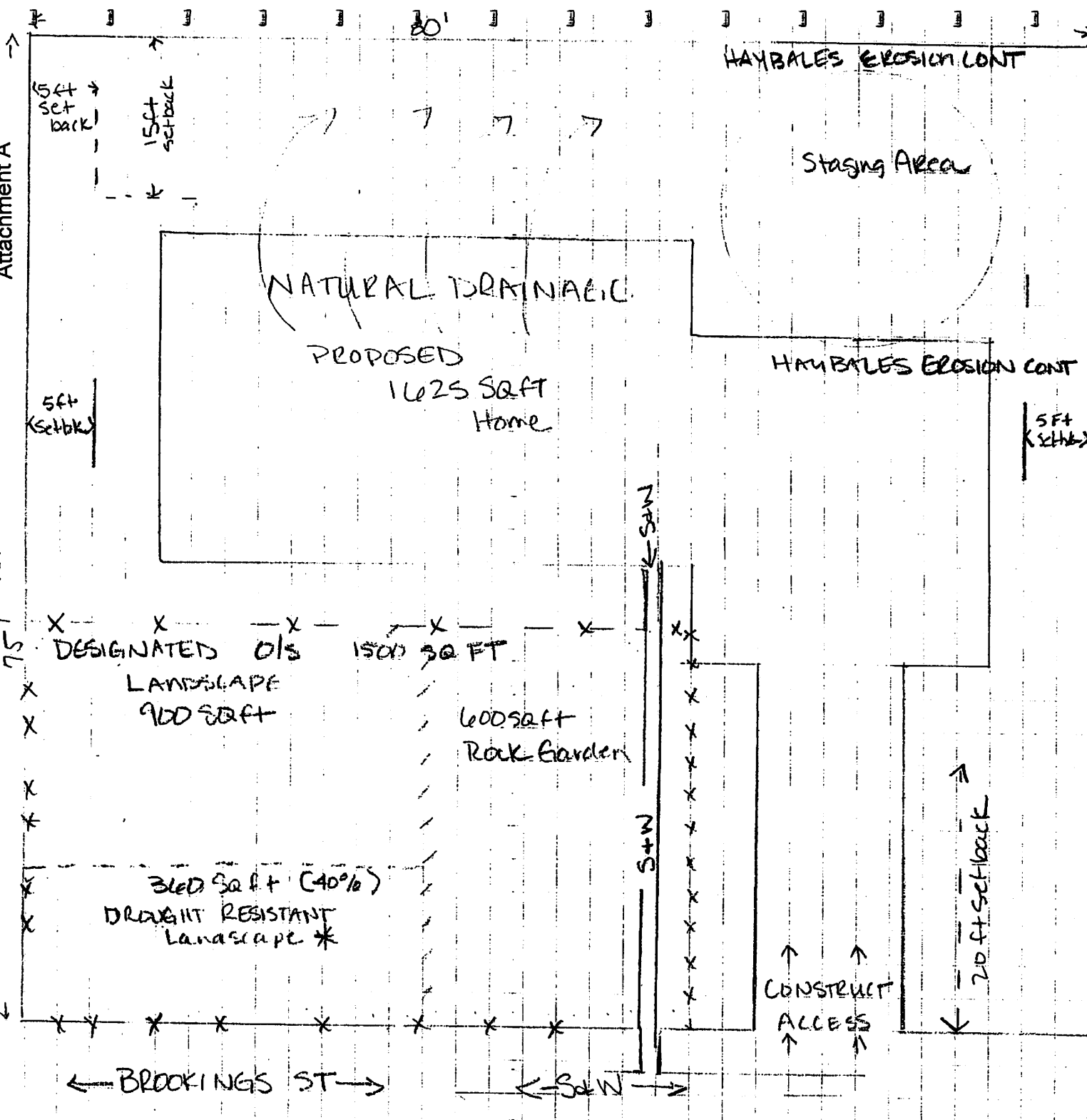
Following this report is the draft version of Chapter 17.94, Landscaping, BMC (**Attachment D**).

Policy Considerations: N/A

Attachment(s): Open Space/ Plot Plan – **Attachment A**.
Impervious/ Pervious Area Plot Plan – **Attachment B**.
“Water-wise Plants for Brookings” – **Attachment C**.
Chapter 17.94, Landscaping, (**Attachment D**).

Attachment A

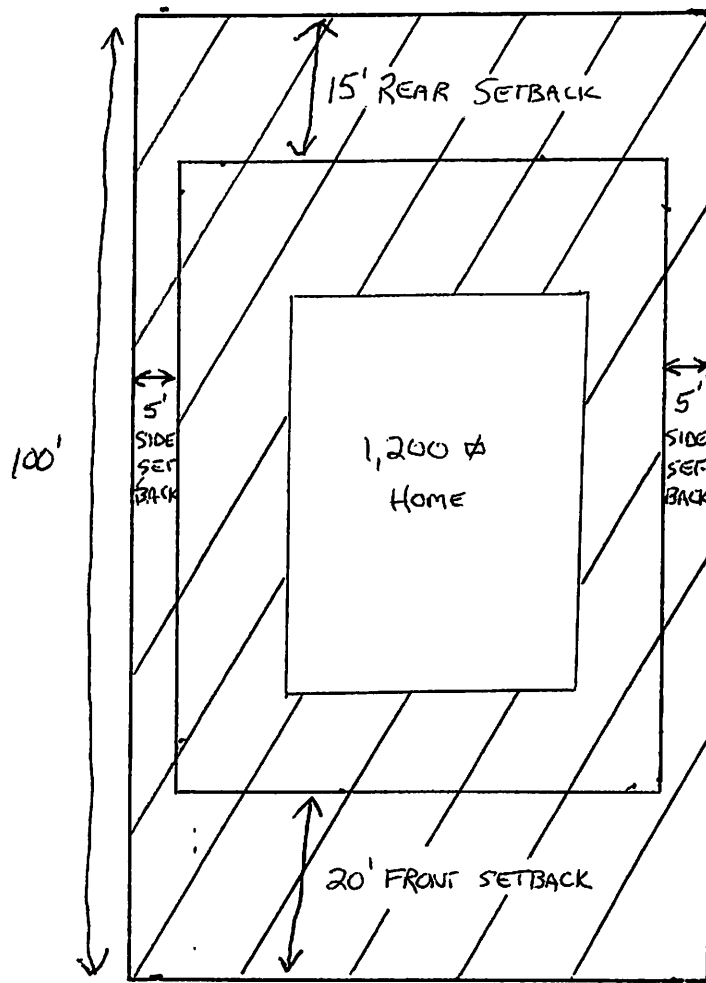
(5)



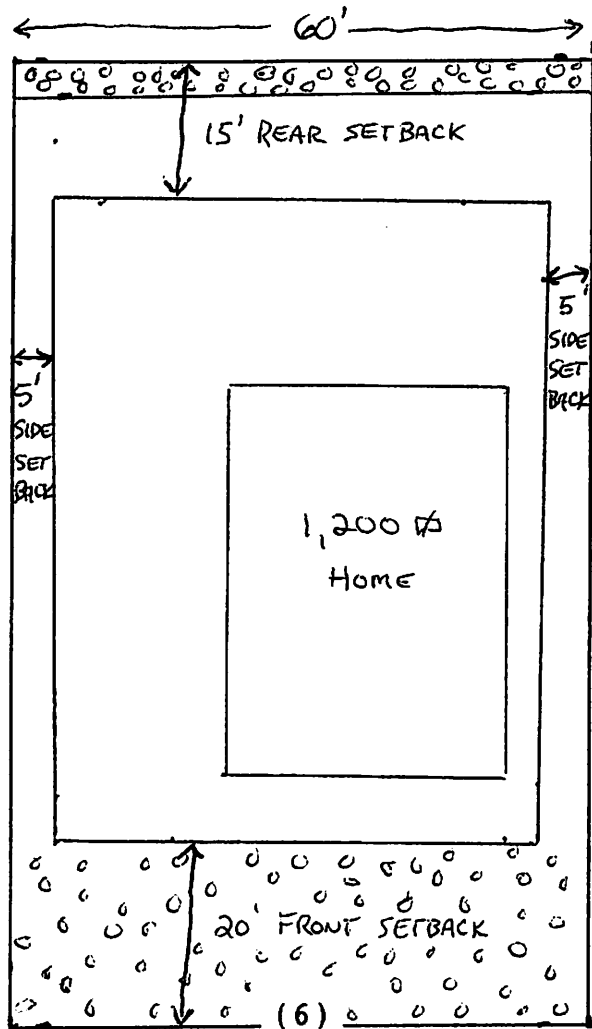
LOT: 6000 SQFT
IMPERVIOUS: 1500 SQFT (25%)
SLIGHTLY REDUCED

LANDSCAPE NEEDS
40% DROUGHT RESISTANT
soft

* DROUGHT RESIST
Plants Used:
x Thyme, Oregano
x Rosemary
x Fountain Grass
x Beauty Bush
x Iris
x Creeping Nettle



- 6,000 \pm PARCEL
- MEETS MINIMUM SETBACKS
- ///- INDICATES PAVIA COVERING ENTIRE PARCEL
- THIS MEETS CURRENT CODE PROVISIONS.



- 6,000 \pm PARCEL
- MEETS MINIMUM SETBACKS
- 25% OF 6,000 \pm EQUALS 1,500 \pm OF PERVIOUS SURFACE
- USING THE FRONT SETBACK (1,200 \pm) AND A 3' STRIP AT THE REAR (300') THE PERVIOUS SURFACE AREA (SHOWN WITH $\circ\circ\circ$) WILL BE MET.

Water-wise Plants for Brookings

This is a suggested list of drought resistant plants. Other plants may be used if documentation of their low water needs is provided.

Type	Botanical name	Common name	Water Use
Perennial	<i>Agapanthus</i>		Low to Medium
Shrub	<i>Aloe</i> spp,	Aloe	Low
Perennial	<i>Heuchera</i> spp, and	alum root	Medium - some Native Species
Shrub	<i>Bambusa</i> spp.	bamboo	Low
Shrub/Ground Cover	<i>Berberis</i> spp.	Barberry	Low
Perennial	<i>Helenium biglovii</i>	Bigelow sneezeweed	Low
Perennial	<i>Decent</i> spp,	bleeding hearts	Medium native species
Shrub	<i>A/yogyne huegelii</i>	Blue Hibiscus	Low
Shrub/Ground Cover	<i>Bougainvillea</i> spp.	Bougainvillea	Low
Perennial	<i>Brodiaea</i> spp.	brodiaea	Very Low
Shrub	<i>Carpenteria californica</i>	Bush anemone	Low
Tree	<i>Aesculus californica</i>	California Buckeye	Very Low
Perennial	<i>Eschscholzia</i>	California poppy	Very Low
Shrub/Ground Cover	<i>Chamaemelum nobilis</i>	chomomile	Low
Shrub	<i>Garryia eliptica</i>	Coast Silk tassel	Low
Perennial	<i>Aquiligea</i> spp.	Columbine	Low
Perennial	<i>Blechnum spirant</i>	Deer fern	Low
Tree	<i>Cedrus deodora</i>	Deodar cedar	Low native species
Perennial	<i>Festuca</i> spp.	Fescue- various	Low to Very Low
Shrub	<i>Forsythia x intermedia</i>	forsythia	Low
Perennial	<i>Gladiolus</i> spp	gladiolus	Low
Perennial	<i>Asplenium</i> <i>Scolopendrium</i>	Hart's tongue fern	Low
Shrub/ Perennial	<i>Echeveria</i> spp.	Hens and chicks	Low
Shrub	<i>Aloysia triphylla</i>	Lemon verbena	Low
Tree	<i>Arbutus menziesii</i>	Madrone	Low-native species
Shrub/Ground Cover	<i>Arctostaphylos</i> spp.	Manzanita, Kinnikinnick	Very Low
Tree	<i>Arbutus marina</i>	Marina Arbutus	Low
Perennial	<i>Alyssum montanum</i>	Mountain alyssum	Low
Perennial	<i>Amaryllis belladonna</i>	Naked Lady	Very Low
Tree	<i>Carya illinoensis</i>	Pecan	Low
Perennial	<i>Aubrieta deltoidea</i>	Rock cress	Low
Shrub/Ground Cover	<i>Cistus</i> spp.	rockrose	Low
Tree	<i>Albizia julibrissin</i>	Silk Tree	Low
Tree	<i>Abies pinsapo</i>	Spanish Fir	Low
Tree	<i>Arbutus unedo</i>	strawberry Tree	Low
Perennial	<i>Coreopsis</i> spp	tickseed	Low
Tree	<i>Catalpa speciosa</i>	Western catalpa	Low
Shrub	<i>Corylus cornuta</i>	western hazelnut	Low native species
Tree/Shrub	<i>Cercis occidentalis</i>	Western redbud	Very Low
Shrub/Ground Cover	<i>Ceanothus</i> spp, and cultivars	Wild lilac	Low - Very Low, native species
Ground cover	<i>Fragaria</i> spp.	wild strawberry	Low Native Species
Perennial	<i>Achillea</i> species	Yarrow	Low

Perennial	<i>Helictotrichon</i>	Blue oat grass	Low
Shrub	<i>Hibiscus syriacus</i>	Rose of Sharon	Low
Perennial	<i>Iris spp.</i>	Iris	Low
Perennial	<i>Ixia spp.</i>	African corn lily	Low
Perennial Tree	<i>Juniperus spp.</i>	juniper	Low native species
Shrub	<i>Kolkwitzia amaboils</i>	Beauty bush	Low
Tree/Shrub	<i>Laurus nobilis</i>	Sweet Bay	Low
Shrub	<i>Lavendula spp.</i>	lavender	Low
Shrub	<i>Lavatera spp. And</i>	lavatera	Low
Tree/Shrub	<i>Leptospermum spp</i>	Tea tree	Low
Tree	<i>Litocarpus densiflorus</i>	tanbark oak	Low native species
Shrub	<i>Myrica californica</i>	Pacific wax myrtle	Low
Shrub	<i>Myrtus communis</i>	true myrtle	Low
Shrub	<i>Nandina domestics</i>	heavenly bamboo	Low
Shrub Perennial	<i>Nolina spp.</i>	Bear Grass	Very Low
Ground cover	<i>Osteospermum spp.</i>	African Daisy	Low
Perennial	<i>Papaver pilosum</i>	poppy	Low
Perennial	<i>Pennisetum setaceum</i>	fountain grass	Low
Tree	<i>Pinus spp.</i>	pinus	Low, Medium Native Species
Perennial	<i>Polystichum</i>	sword fern	Low
Tree	<i>Prunus spp.</i>	(edible) prune	Low
Tree	<i>Prunus spp</i>	(ornamental) flowering peach	Low
Tree	<i>Prunus spp.</i>	(ornamental) flowering plum	Low
Perennial	<i>Pyrrosia spp.</i>	felt fern	Low
Tree S	<i>quercus spp.</i>	Selected oak tree	Very Low to Low to Medium-Native Species
Shrub	<i>Ribes sanguineum</i>	Red flowering currant	Low Native Species
Shrub	<i>Rosa rugosa</i>	Japanese rose	Low
Shrub	<i>Rhodendron</i>	Western azalea	Medium - Native Species
Shrub	<i>Gaultheria shalon</i>	Salal	Medium - Native Species
Shrub Perennial	<i>Rosmarinus officinalis</i>	rosemary	Low
Perennial S	<i>Salvia spp.- various</i>	Sage- many varieties	Low to Medium
Shrub Tree	<i>Sambucus spp.</i>	elderberry	Low Native Species
Ground cover Perennial Shrub	<i>Sarcococca</i>	Sweet box	Low
Perennial Ground cover	<i>Sedum spp.</i>	stonecrop	Low
Perennial	<i>Sidelacea spp.</i>	mallow	Medium - Native Species
Tree	<i>Styrax japonicum</i>	Japanese snowbell	Medium
Shrub	<i>Vaccinum ovatum</i>	evergreen huckleberry	Medium - Native Species
Perennial	<i>Vancouveria hexedra</i>	inside out flower	Medium - Native Species

Gardening with Native Plants of the Pacific Northwest, Arthur Kruckeberg, 1982.
 Guide to Estimating Irrigation Water Needs of Landscape Planting in California, UC Cooperative Extension, 2000 Available on line at www.owue.water.ca.gov/docs/wucols00.pdf

Chapter 17.94

Landscaping

DRAFT 05-28-09

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

Sections:

17.94.010	Purpose
17.94.020	Definitions
17.94.030	Open Space Standards
17.94.040	Irrigation
17.94.040	Recommendations with Incentives
17.94.050	Private Trees

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. As an important component of landscaping, the City encourages property owners to retain existing, mature trees or plant new trees.

17.94.020 Definitions.

“Drought Resistant Plants”: Plants requiring minimal watering to survive. *A suggested list of drought resistant plants, entitled “Water-wise Plants for Brookings”, adopted by resolution of the City Council, is available at the Planning Department. Other drought resistant plants may be used if documentation of their low water needs is provided.*

“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, *prepared by the property owner or their agent*, 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.~~ *Easement areas may count as part of the open space plan if left as pervious surfaces.* If landscaping is to be used, 40 percent of the plants must be drought resistant. Must also comply with BMC 17.94.040, 17.94.050 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 17.94.050 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 17.94.050 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.~~

17.94.040 Recommendations with Incentives. These incentives are for new development. A refund equal to 2% of the water component of the System Development Charge will be given when the property owner implements any of the following. If both incentives are implemented the refund will be 4%.

- 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.

A refund equal to 2% of the storm drain component of the System Development Charge will be given when the property owner implements any of the following. A 2% refund will be given for each incentive implemented.

- 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.
- 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.
- Maintain or plant a minimum of 2 trees on parcels less than ½ acre or 4 trees on a parcel 1 acre or larger.

The refund 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.

17.94.050 Private Trees.

These standards apply to all properties in City limits.

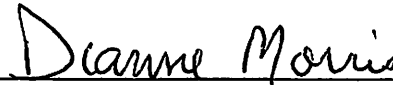
- A. Trees planted on private property that overhang the sidewalk and/or street shall be maintained by the property owner as follows:
 1. So as not to obstruct the light from a street lamp.
 2. To not obstruct the view of any adjacent street intersection, which means trees shall be pruned so there is 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. Failure of the property owner to maintain trees as described above shall be subject to penalties pursuant to Chapter 8.15, Nuisances, BMC.
- C. Public Works Director, or designee, will determine when a tree is out of compliance as described in 17.94.060 (A).

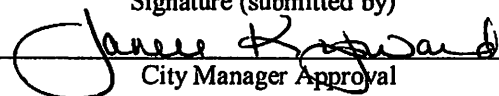
CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 8, 2009

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: Adopting ordinance for approval to create Chapter 17.94, Landscaping, 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 June 8, 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, 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, to Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Adds Chapter 17.94. Chapter 17.94, Landscaping, is added to read as follows:

**Chapter 17.94
Landscaping**

Sections:

- 17.94.010 Purpose
- 17.94.020 Definitions
- 17.94.030 Open Space Standards
- 17.94.040 Recommendations with Incentives
- 17.94.050 Private Trees

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. As an important component of landscaping, the City encourages property owners to retain existing, mature trees or plant new trees.

17.94.020 Definitions.

“Drought Resistant Plants”: Plants requiring minimal watering to survive. A suggested list of drought resistant plants, entitled “Water-wise Plants for Brookings”, adopted by resolution of the City Council, is available at the Planning Department. Other drought resistant plants may be used if documentation of their low water needs is provided.

“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, prepared by the property owner or their agent, 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. Easement areas may count as part of the open space plan if left as pervious surfaces. If landscaping is to be used, 40 percent of the plants must be drought resistant. Must also comply with BMC 17.94.050.
- 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 17.94.050.
- 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 17.94.050.

17.94.040 Recommendations with Incentives. These incentives are for new development. A refund equal to 2% of the water component of the System Development Charge will be given when the property owner implements any of the following. If both incentives are implemented the refund will be 4%.

- 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.

A refund equal to 2% of the storm drain component of the System Development Charge will be given when the property owner implements any of the following. A 2% refund will be given for each incentive implemented.

- 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.
- 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.
- Maintain or plant a minimum of 2 trees on parcels less than ½ acre or 4 trees on a parcel 1 acre or larger.

The refund 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.

17.94.050 Private Trees.

These standards apply to all properties in City limits.

- 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. Failure of the property owner to maintain trees as described above shall be subject to penalties pursuant to Chapter 8.15, Nuisances, BMC.
- C. Public Works Director, or designee, will determine when a tree is out of compliance as described in 17.94.050 (A).

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