

# City of Talent

Community Development Department - Planning



## STAFF REPORT

Type-4 Land Use Application — Legislative Review — City Council

Meeting date: June 1, 2016  
File no: DCA 2016-001  
Prepared by: Zac Moody, Community Development Director  
Item: Adoption of regulations relating to tree preservation, landscaping and public trees.

### GENERAL INFORMATION

Petitioner ..... City of Talent

Requested Action ..... *Consideration of Text Amendments to the Talent Zoning Code adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping. Other changes related to cross references in the code will also be addressed and include changes to Title 8, Chapter 3, Division C, D, F, G, J and L. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping. File: DCA2016-001. Applicant: City of Talent.*

### PROPOSAL

Staff is proposing changes to the Tree and Landscaping section of the Talent Zoning code to address concerns about the removal of large trees on private property and to provide clearer landscape standards for new commercial, industrial and residential property. Staff is also proposing changes to the section of the code that addresses public trees.

In order to make the necessary changes to the Tree and Landscaping code, Staff began reviewing all sections of the Talent Zoning Code that related to trees or landscaping. After reviewing each section, it became clear to Staff that not only was additional language needed to address deficiencies, but a reorganization of the sections of code was also necessary to make the code more usable to our citizens.

Staff is recommending that the following changes be made to the Talent Zoning Code:

- Remove Fences and Hedges section and consolidate with new Landscaping section (no changes)
- Add Landscaping, Fencing and Hedges as a new section (new code language)
- Add Tree Preservation and Protection section (new code language)
- Add Public Trees section (uses existing language with some changes)

These changes are summarized below:

#### Tree Preservation and Protection

Staff drafted the tree preservation and protection code based on state model code and other codes used

throughout the State. Considering the different climates that exist in Oregon, using a model codes really only helped to establish a backbone for the code and didn't provide Staff with a lot of support for the type of trees in this region. The proposed language provides staff a clear definition of significant and heritage trees and establishes a quantitative means to determine any mitigation necessary to replace a removed tree. Under the current regulation no mitigation is required unless the removed tree is within a riparian area.

The proposed language establishes four new tree permit types. The idea is to provide staff an opportunity to educate citizens on the importance of trees prior to removal and to educate on some optional mitigation opportunities to encourage preservation and protection of the City's urban canopy and to protect the watershed as a whole.

### **Landscaping, Fences and Hedges**

The proposed landscaping code provides staff with a quantitative methodology to determine the number of trees and shrubs required for any development. These changes provide staff and citizens with clear and objective standards and allow for alternate means of landscaping such as xeriscaping and reduction of landscape requirements to support solar projects.

Staff has recommended new xeriscaping language and updated sections of the code that conflicted with xeriscaping, such as required landscaping materials. Much of the language was taken from the City of Ashland's Lawn Replacement Program which provides cash incentives for removal of "live lawn" or grass. Since the City of Talent is not in the position to provide cash incentives, staff modified the ordinance to provide other incentives, such as the reduction of landscaped area if xeriscaping is used.

Staff proposes retaining the current solar code language for now, as it provides flexibility to reduce the required amount of landscaped area and/or the quantity of landscaping material to accommodate solar installations. Staff feels that this section is sufficient until such time that evaluating energy savings from tree influence on ambient temperature versus energy savings from active and passive solar installations becomes practical.

### **Public Trees**

Changes in this section were minimal, but the section was modified to be more consistent with the proposed landscape and tree preservation codes. Staff provided Public Works the opportunity to review the draft language and made some modifications based on their comments and concerns about location of private trees adjacent to the right of way and notification of public works projects.

Attached to this report are the final drafts of the proposed amendments with all suggested changes by the Planning Commission and Public Works.

### **AGENCY COMMENTS**

As of the date of this staff report both the City Manager as well as the Public Works Director commented. Their concerns related to the Public Trees amendment where the language addresses concerns over the time frame the City has to notify property owners of public tree maintenance.

### **PUBLIC COMMENTS**

As of the date of this staff report, no public comments have been received. Staff did reach out to many individuals and businesses requesting comments and received some verbal comments. Canopy LLC, a local

Arborist and tree trimming company assisted with language that defines heritage and significant trees. Additionally, Rogue Climate Talent was given the documents for review but did not provide any comment.

## **BACKGROUND**

The Planning Commission participated in two workshops to assist staff in preparing the aforementioned code amendments. The first work session was held on January 28, 2016 and proposed the scope of work and presented some preliminary draft language for the Commission to consider. The second work session was held on February 18, 2016 with the goal of reworking the draft amendments to better fit the needs of the community. On April 24, 2016, the Planning Commission held a properly noticed Public Hearing and unanimously recommended approval to the City Council. During these work sessions, the Planning Commission provided valuable suggestions to all of the proposed amendments. These suggestions have been included in the proposed ordinance (EXHIBIT B).

## **RECOMMENDATION**

Based on the findings for the proposed amendments outlined in the Signed Final Order of the Talent Planning Commission, staff recommends City Council approval of the proposed amendments.

## **RECOMMENDED MOTION**

*I move to approve Ordinance 16-918-O, an ordinance amending Ordinance 458, Talent Zoning Code, adding Title 8, Chapter 3, Division J, Article 10, Public Trees, amending Title 8, Chapter 3, Division J, Article 3, Fences and Hedges to address Tree Preservation and Protection, and amending Title 8, Chapter 3, Division J, Article 4, Trees and Landscaping to address Landscaping, Fencing and Hedges and amending Title 8, Chapter 3, Division C, D, F, G, J and L addressing changes to cross-references related to the aforementioned amendments. New language allows the City to require a tree removal permit for heritage and significant trees and provides quantifiable standards for landscaping.*

## **ATTACHMENTS**

The following information was submitted regarding this application:

- Planning Commission Signed Final Order – Exhibit A
- Ordinance 918 – Exhibit B



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Zac Moody, Community Development Director

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May 23, 2016

Date

Staff has recommended these amendments for approval, but it will require at least one public hearing before the Planning Commission and one public hearing before the City Council for a decision. The Talent Zoning Code establishes procedures for legislative hearings in Section 8-3M.160.

**A public hearing on the proposed action is scheduled before the Talent City Council on June 1, 2016 at 6:45 PM at the Talent Town Hall.**

For copies of public documents or for more information related to this staff report, please contact the Community Development

Director at 541-535-7401 or via e-mail at [zmoody@cityoftalent.org](mailto:zmoody@cityoftalent.org).