

**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” 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: June 8, 2009
 Second Reading: June 8, 2009
 Passage: June 8, 2009
 Effective Date: July 8, 2009

Signed by me in authentication of its passage this 9th day of June, 2009


 Mayor Larry Anderson

ATTEST:

 City Recorder Joyce Heffington