

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING TITLE XV §157 OF THE HERMISTON CODE OF ORDINANCES AND ESTABLISHING REQUIREMENTS FOR THE CONSERVATION OF EXISTING LANDSCAPE AREAS, PLANTING OF NEW LANDSCAPE AREAS, AND DECLARING AN EMERGENCY.

WHEREAS, the Hermiston City Council created the Community Enhancement Committee and empowered said committee to research and propose programs for the beautification, rehabilitation, and enhancement of the city's livability; and

WHEREAS, the Hermiston Planning Commission held a public hearing on *insert date* to receive public testimony and consider the amendment of Title XV §157 of the Hermiston Code of Ordinances through the adoption of a landscape ordinance; and

WHEREAS, the Hermiston City Council held a public hearing on *insert date* to receive public testimony and consider the amendment of Title XV §157 of the Hermiston Code of Ordinances through the adoption of a landscape ordinance; and

WHEREAS, notice of the planning commission and city council hearings was provided to the Department of Land Conservation and Development and published in a newspaper of general circulation in accordance with statutory requirements and local ordinance requirements for notice of legislative amendments; and

WHEREAS, a staff report on the proposed amendments was available seven days prior to the *insert date* public hearing and seven days prior to the *insert date* public hearing and included findings in support of the amendment to the code of ordinances; NOW THEREFORE

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

SECTION 1. Chapter 157 of the Hermiston Code of Ordinances is amended by adding section 157.167 to read:

§157.167 Landscape Requirements

(A) *Purpose.* The purpose of the landscape requirement is to promote community health, safety and welfare by protecting natural vegetation, promoting the city's unique climate, creating vibrant, attractive streetscapes, and setting development standards for landscaping. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and the character of the community.

(B) *Definitions.* As used in this section, the following words and phrases shall mean:

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DEVELOPED AREA. That portion of the development site that is improved to any degree and includes, at a minimum, the floor area of any buildings, the areas required for parking, ingress and egress, setback areas, and other areas which may be required as a condition of site plan approval. This includes new construction as well as renovations/alterations in excess of 50% of the assessed value of an existing building.

DEVELOPMENT. The conversion or change in character of occupancy or use of a building which would place the structure in a different building group as defined in the Uniform Building Code; the erection of a new structure; the demolishing of existing buildings for the conversion of such property to a differing use; the creation of gasoline pumps, drive-up windows, traffic islands or similar alterations which channelize, alter or increase the traffic volume or pattern on adjacent roadways. The term development for purposes of this section shall **NOT** mean interior remodeling, repairs, or maintenance of improvements to any existing structure which does not increase the volume of the structure. Specifically exempted under this section are building facades, roof or exterior wall repair or replacement, heating, ventilating or electrical alterations, or activities similar in character.

DEVELOPMENT SITE. An area consisting of a parcel or tract of land specifically identified by a proponent as the land to be altered or developed.

LANDSCAPING. The preservation, planting and maintenance of trees, shrubs, typical organic ground covers, and lawns that are compatible with this section. Courts, plazas, walkways, benches, sculptures, fences, or decks may be included within the landscaping percentages required herein if they are designed in conjunction with substantial plantings of trees, shrubs, typical organic ground covers, or lawns.

SUBSTANTIAL PLANTING. A total planting of living vegetation that is greater in size than non-vegetation elements of the landscaping.

- (C) *Landscape plan.* A landscape plan shall be submitted for all commercial, industrial and multi-family residential development. Such landscape plan shall be drawn to scale and shall show the entire development site. The landscape plan shall also show proposed landscape areas including the location, size and type of all vegetation to be planted and the percentage of the development site to be covered by landscaping. All landscape plans will be reviewed by the city planning office for compliance with the provisions of this chapter.
- (D) *Landscape conservation.* The purpose of this section is to incorporate existing vegetation into the landscapes of development when appropriate. The use of mature, suitable existing vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems. Where there are existing trees along waterways or drainage courses or where there are existing trees exceeding twenty (20) feet in height, such trees may be incorporated into a required landscape plan but shall not exceed fifty percent (50%) of the required landscaping.

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- (E) *New landscaping.* All development as established in the definitions shall be required to install new landscaping in accordance with the following minimum standards:
- (1) *Lot Coverage.* Each property developed shall install landscaping on at least the following percentages of the total area to be developed (landscaped areas used as drainage swales for drainage of required parking areas may be counted towards lot coverage percentages):
 - (a) *Multiple Family Residential Developments.* A minimum of fifteen percent (15%) of the developed area of the development site shall be landscaped.
 - (b) *Central Commercial Zone (C-1).* A minimum of three percent (3%) of the developed area of the development site shall be landscaped.
 - (c) *Downtown Commercial Overlay (DCO).* Consistent with the purpose of the DCO contained in 157.042(A), the fully developed nature of the existing buildings and the desire for flexibility in development create challenges for traditional landscaping. Development within the DCO may utilize alternate forms of landscape enhancements when traditional landscape consistent with the C-1 coverage requirement is not possible. Alternate landscape enhancements include but are not limited to hanging baskets, fountains, decorative lighting, planter boxes, outdoor seating and/or tables, or other features as approved by the city as part of the development review process. When functional features such as benches and tables are used, the feature shall contain decorative and/or ornamental features and may not be plastic furniture. Improvements should be situated towards street frontages and utilize the entire street frontage of the property. One hundred percent of the street frontage of the property should be covered using the spacing standards established in the design handbook.
 - (d) *Outlying Commercial Zone (C-2).* A minimum of six percent (6%) of the developed area of the development site shall be landscaped.
 - (e) *Industrial Zones (M-1, M-2).* A minimum of three percent (3%) of the developed area of the development site or 10,000 square feet, whichever is smaller, shall be landscaped. Industrial development on development sites in excess of 5 acres may plant street trees along the entire street frontage in lieu of 50% of other on-site landscaping.
 - (2) *Landscape Materials.* Landscape materials include trees, shrubs, ground cover plants, and non-plant ground covers as described below:
 - (a) *Plant Selection.* A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
 - (b) *Non-plant Ground Covers.* Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than one third (33%) of the area to be landscaped.

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When aggregate is used, rock size shall be between ¾- and 1 ½- in size. When non-plant ground covers are used, a weed barrier material shall be installed to insure proper weed control. Aggregate used in large areas should be delineated with curbing to clarify the area is not to be used for vehicular travel. "Coverage" is measured based on the size of plants at maturity or after one year of growth, whichever comes sooner.

- (c) *Tree Size.* Trees shall be four (4) feet or taller at the time of planting.
 - (d) *Shrub Size.* Shrubs shall be planted from one (1) gallon containers or larger.
 - (e) *Ground Cover Size.* Ground cover plants shall be sized and spaced so that they cover a minimum of fifty percent (50%) of the underlying soil on initial installation.
 - (f) *Storm Water Facilities.* Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants and/or sodded with grass.
- (3) *Design Standards.* All landscaping shall be installed concurrently with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:
- (a) *Yard Landscaping.*
 - 1. Landscaping shall provide visual screening and privacy within side and rear yards while leaving front yards and building entrances mostly visible for security purposes. Landscape improvements shall be designed with orientation to be visible from adjacent streets to enhance curb appeal.
 - 2. Use shrubs and trees as wind breaks, as appropriate.
 - 3. Define internal pedestrian pathways and open space areas with landscape materials. Where paths will be longer than 30 feet, landscape lighting shall be installed to define the pathways.
 - 4. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants.
 - 5. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided.
 - 6. Use a combination of plants for year-long color and interest.
 - 7. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

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8. Trees which will reach a height of 20 feet or greater at maturity shall not be planted within 15 feet of an overhead power line.
- (4) *Buffering and Screening Required.* Buffering and screening are required under the following conditions:
- (a) *Screening of Mechanical Equipment and Outdoor Storage.* All mechanical equipment and outdoor storage areas shall be screened from view from all public streets and adjoining properties. Where exterior trash enclosures are used, trash enclosures shall also be screened with landscape or fencing. Such screening shall be provided by one or more of the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, or sight obscuring fence that provides a non-see through barrier. Walls, fences and hedges shall comply with the vision clearance requirements. Trash enclosures are required only for 1.5 and 2 yard dumpsters and cooking oil disposal. If 35 or 90 gallon trash receptacles are used, they are not required to be screened.
- (5) *Maintenance and Irrigation.* The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen. All landscape features required by this section shall be maintained in good condition (good condition shall be defined as healthy, well-irrigated, seasonally flourishing plants), or otherwise replaced by the owner upon being notified by the City of said code violation. When required landscaping is installed as part of this section, the developer will guarantee the maintenance and performance of the improvements for at least one year from the date a certificate of occupancy is issued. Non-plant improvements shall be maintained for the life of the improvement and replaced when worn out. Where it is determined that any required landscaping element, either organic or decorative, is not adequately maintained, the city shall levy a penalty consistent with the enforcement provisions of 157.999 of the Hermiston Code of Ordinances.
- (6) *Alternative Improvements.* Where there are existing improvements, inadequate setbacks, non-conforming buildings, or other impediments to meeting the coverage requirements, development may utilize alternative improvements in coordination with development staff. A credit of 5% of the minimum landscape area shall be given for each ornamental light fixture installed. A credit of 10% of the minimum landscape area shall be given for each water feature installed. Landscape credits awarded may be used to off-set a maximum of 50% of the required landscape improvements.

A developer may also choose to utilize alternative improvements where following the guidelines of this chapter would make development or redevelopment of a parcel impossible while meeting all other zoning, building, and fire and life safety code requirements. When existing development on a parcel or other constraints such as a steep slope leaves no available landscaping area, the developer shall be required to utilize architectural enhancements including but not limited to natural stone facades, architectural lighting which highlights notable building

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features, awnings and window enhancements, outdoor seating, hanging baskets, fountains, and other features necessary to create a visually attractive building and development site.

(7) *Neighborhood Character.* The developer and staff shall consider the character of the existing landscaping within the neighborhood. Where there are certain species of plant or tree in the majority of plantings, the developer shall strive to plant similar species whenever possible. Plantings should be designed to be similar in size and height at maturity to existing neighborhood landscaping to maintain visual consistency.

(F) *Fences and Walls.* The following standards shall apply to all fences and walls:

(1) *Dimensions.*

(a) The maximum allowable height of fences and walls is six (6) feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six (6) feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding six (6) feet in height, in conformance with the uniform building code.

(b) The height of fences and walls within a front yard setback shall not exceed three and one half feet (except decorative arbors, gates, etc.), as measured from the grade of the street centerline.

(c) Walls and fences shall comply with the vision clearance requirements.

(G) *Administration.*

(1) *Permit Required.* Developers installing landscape improvements required under this section are required to obtain a landscape permit. Additionally, any person installing trees or other plantings, except grass and sod, which are installed within any drainage swale in public right-of-way, are also required to obtain a landscape permit. Fees associated with the landscape permit will be set by the city council and incorporated into the development fee schedule.

(2) *Reference Materials.* The city will develop and maintain a design guideline handbook containing recommended planting lists and illustrations. These reference guides will contain plants which thrive and flourish in Hermiston's unique climate. When there is a dispute over the intent or definition of a landscape feature, examples provided in the reference materials shall provide clarification and improvements shall be similar to those in the reference manual. The City Planner's office staff will also provide guidance and interpretation. Copies will be available at the planning department, building department, city hall, and parks and recreation department.

(3) *Landscape Plan Requirements.* All applications for a landscape permit or site plan review shall be accompanied by a landscape plan including the following information:

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- Boundaries of all planting areas and drainage swales including computation of percentage of ground cover for all planting areas
- North arrow, scale bar, applicant's name, site address, and contact information
- Property lines
- Footprints for existing and proposed structures
- Existing and proposed impervious surfaces proposed for parking, travel, and pedestrian pathways
- Irrigation plan
- Location of proposed plantings, including species, size (either height at planting and maturity, or container size at planting)
- Existing and proposed fencing or other sight-obscuring installations
- Existing and proposed lighting, including but not limited to parking lot lighting, building lighting, pathway lighting, landscape lighting, and other lighting
- Existing or proposed fountains and other water features

(4) *Review of Landscape Plan.* All landscape plans will be reviewed by the city planning office for compliance with the provisions of this chapter. The decision of the planning office to approve, deny, or modify the landscape plan shall be appealable to the planning commission.

(5) *Deferred Installation of Improvements.* The installation of landscaping may be deferred in order to avoid hot summer or cold winter periods. The applicant shall request deferral in writing to the planning department and the planning director will review the request and may accept deferred installation for a specified time period not to exceed 6 months and issue an occupancy permit. When deferred installation is approved, the applicant shall present a bond or other security for the completion of the landscaping and the city is given written authorization to enter the property and install the required landscaping in the event the required landscaping has not been installed within the period specified.

SECTION 2. The effective date of this ordinance shall be the thirtieth day after enactment.

PASSED by the Common Council this XXX day of XXX, 2015.

SIGNED by the Mayor this XXX day of XXX, 2015.

MAYOR

ATTEST:

CITY RECORDER

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