



MEMO

To: Urban Forestry Advisory Committee
Scott Lindberg
From: Tom Schauer, Code Analyst *Tom 7/21/06*
Re: City Ordinances
Date: July 21, 2006

At the last meeting, I said I would provide hard copies of the City ordinances governing trees. Those items are attached. I have also enclosed the index sheet for your binders.

Below is a summary of the attached items. Some of the provisions below are part of a larger document, so I have identified the relevant provisions below so you don't need to read through provisions that aren't directly applicable. However, the full context is provided should you care to read through the related provisions. These items will be incorporated into the final draft of Technical Memo #3: Existing Plans, Policies, Regulations, and Programs. Please retain these items in your binder and they can be attached when the final version of that document is completed.

City of Grants Pass Development Code

This Code regulates all aspects of land division and development. Through intergovernmental agreement with the County, this applies to all land development within the Urban Growth Boundary.

Attached are the submittal requirements and criteria for several different types of applications. The Code also contains standards, which are organized by topic rather than type of application. I have only included the provisions that relate to tree retention, planting, irrigation, and maintenance.

Currently, there is some repetition of almost identical provisions in Articles 13, 17, 18, and 19 pertaining to tree preservation. Tree preservation primarily focuses on "significant-sized trees". These are defined as greater than 12" diameter measured 4.5 feet from the base or a Madrone greater than 24" diameter measured 4.5 feet from the base. The provisions provide for no penalty for removal of a certain percentage of significant-sized trees, and then provide for a fee of \$350 for each significant-sized tree removal beyond that percentage, up to a maximum of \$2,000 per lot.

Some of the code provisions deal more generally with preservation of natural features, including stands of trees. However, the language is more subjective and includes language such as, "To the extent possible, identified significant resources, such as...stands of pine, fir, and oak trees...have been preserved and designed into the project."

I have some thoughts about potential improvements to some of the ordinances, even just from the standpoint of clarifying and organizing material, but will save that for subsequent discussion. At

this stage, I just wanted to get you copies of the ordinances so you are familiar with what is currently adopted.

1. **Section 13.100. Slope Hazard District.** This section of the code includes additional submittal requirements and criteria for land divisions in slope hazard areas. (Class A slopes are defined as 15% to 25% and Class B slopes are defined as greater than 25%). See:
 - a. **13.120. (For Partitions, Subdivision, and Planned Unit Developments)**
 - i. 13.123(4) (Criteria for removal of significant-sized trees)
 - ii. 13.142(3) (Standards for retention of significant-sized trees)
 - iii. 13.132(8) and (9) (Grading plan is to show significant-sized trees to be retained and removed)
 - b. **13.150(2).** Landscape deposit of \$500 required at time of final plat for owner to plant trees
 - c. **13.160. (For Existing Lots)**
 - i. **13.160(4)** (Standards for retention of significant-sized trees)
2. **Article 17. Lots and Creation of Lots (Land Divisions).**
 - a. **17.300 (Partitions)**
 - i. **17.311(10). Submittal Requirements.** Tentative plan is to show significant-sized trees and other natural features.
 - ii. **17.312(5).** (Criteria/Standards for removal of significant-sized trees)
 - b. **17.400 (Subdivisions)**
 - i. **17.411(11). Submittal Requirements.** Tentative plan is to show significant-sized trees and other natural features.
 - ii. **17.413(5).** (Criteria/Standards for removal of significant-sized trees)
 - iii. **17.422.** All improvements including trees to be installed prior to signing final plat, or secured for (up to 7 months from recording plat and prior to occupancy of homes).
3. **Article 18. Planned Unit Developments**
 - a. **18.043(7).** (Criteria/Standards for removal of significant-sized trees)
 - b. **18.051. Submittal Requirements-Tentative Plan.**
 - i. (1) Tentative plan is to show significant-sized trees and other natural features.
 - ii. (8) **Landscape plan**
 - c. **18.080. Submittal Requirements-Final Plan**
 - i. (1) Detailed landscaping plans.
4. **Article 19. Site Plan Review.**
 - a. 19.042. Minor site plan criteria.
 - i. (4) Must comply with provisions of Code including landscaping.
 - b. 19.043. Conditions which may be attached to minor site plan approval.
 - i. (4) provisions to preserve significant vegetation.
 - c. 19.052. Major site plan criteria.
 - i. (3) Must comply with provisions of Code including landscaping.

- ii. (7) To the extent possible, identified significant resources, such as...stands of pine, fir and oak trees...have been preserved and designed into the project.
- d. 19.053. Conditions which may be attached to major site plan approval.
 - i. (2)...vegetative screen, buffer
 - ii. (13) specific landscape plans
- e. 19.060(2)&(4). Can secure for landscaping, except erosion control vegetation; provision relating to inclement weather.
- f. 19.072. Submittal Requirements
 - i. Minor site plan: (1)(h) landscape plan
 - ii. Minor site plan: (1)(i) irrigation plan
 - iii. Major site plan: (2)(t) landscape plan and irrigation plan
 - iv. Major site plan: (2)(w) natural features and significant vegetation

5. Article 23. Landscape and Buffering Standards. This section provides the requirements for development of lots. It includes requirements for the minimum number of trees and shrubs in front yards of residential, commercial, and industrial zones, based on square footage (depth of yard x frontage); landscape buffers between zones, and parking lot landscaping. It also specifies submittal requirements for landscape and irrigation plans, design, construction, and maintenance standards; completion and occupancy; and street tree standards.

6. Article 24. Environmental Standards.

- a. **Section 24.343. Preservation of Riparian Vegetation.** Requires preservation of riparian vegetation.
- b. (I also included Wetland Standards for Reference, See 24.345 & 24.500)

7. Article 30. Definitions. Includes the definition of "significant size tree".

City of Grants Pass Municipal Code

1. Chapter 6.36. Encroachment Ordinance

- a. **6.36.040. Blanket Permit.** Allows blanket permits, such as for public utilities.
- b. **6.36.160. Planting in Right-of-Way.** Can plant lawn or ground cover in right-of-way without a permit.
- c. **6.136.170. Sight Distance.** Plantings and fences can't obstruct vision.

2. Chapter 6.42. Street Trees. This is the ordinance the Urban Tree Advisory Committee has been working on. I have attached a copy of the current code, not the revisions the committee has been working on.

- a. It requires application for an encroachment permit to "Plant, set out, prune, root prune, remove, cut above ground, kill, or otherwise disturb any tree on public or semi-public property"
- b. It provides standards for the planting, removal, or replacement of street trees.
- c. It specifies prohibited street trees (overlap with Development Code).
- d. It specifies responsibility for trees.
- e. It provides for protection of street trees.

Franchise Agreements

The City has franchise agreements with utilities such as PP&L. I will obtain copies of the agreements to see if they have any specific provisions that address blanket encroachment permits or provisions governing how trees are to be pruned.