

ORDINANCE NO. 798

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE 8.04.060 "TREES AND VEGETATION OBSTRUCTING VIEW"; 15.10.090 "PERMIT REQUIREMENTS"; 17.04.100 "DEFINITIONS"; 17.12.470 "SITE PLAN REVIEW"; 17.16.770 "PUBLIC NATURAL RESOURCE (PNR) OVERLAY DISTRICT"; 17.20.890(7) "REQUIRED TREE PLANTINGS"; 17.24.1030 "LAND DIVISION"; AND 17.24.1060 "APPLICATION AND APPROVAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS"; CREATING SECTIONS 12.04.170(4) "MAINTENANCE OF SIDEWALKS AND CURBS BY PROPERTY OWNER"; AND 17.24.1040(2)(r) "APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS; DELETING SECTION 17.20.890(9)(a) "LANDSCAPING AND SCREENING GENERAL STANDARDS"; AND RENUMBERING SECTION 17.20.890(9) "LANDSCAPING AND SCREENING GENERAL STANDARDS".

WHEREAS, it has been found that certain sections of the Stayton Municipal Code relating to trees are inconsistent with other sections of the Code relating to trees, and

WHEREAS, it is the intent of the Stayton City Council that the Stayton Municipal Code, in all instances, be consistent and compatible throughout;

NOW, THEREFORE, the Stayton City Council hereby ordains as follows:

SECTION 1.: Stayton Municipal Code Section 8.04.060(2) is hereby amended to read:

8.04.060 TREES AND VEGETATION OBSTRUCTING VIEW

2. The owner or person in charge of property shall keep all trees and vegetation on the property, including the adjoining parking strip, trimmed to a height that does not impede site distance, pedestrian traffic or vehicular traffic.

SECTION 2.: Stayton Municipal Code Section 12.04.170(4) shall be created to read:

12.04.170 MAINTENANCE OF SIDEWALKS AND CURBS BY PROPERTY OWNER

4. When damage to a sidewalk or curb is attributed to a heritage tree as designated by the City according to 17.20.970 Section 3, the repair to the sidewalk and/or curb shall be done in such a way as to not inflict damage to the tree. Property owners may approach the City for financial and/or design assistance when repair to sidewalks and curbs is necessary around heritage trees.

SECTION 3.: Stayton Municipal Code Section 15.10.090(4)(c)(2)(f) shall be created to read:

15.10.090 PERMIT REQUIREMENTS

4. Engineering Requirements. Application for a permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the Director.

c. The plans shall include the following information:

2. Property limits and accurate contours of existing ground and details of terrain and area drainage.

f. Details for tree removal including numbers of trees, size and species of trees to be removed pursuant to the requirements of chapter 17.20.970 of this code.

SECTION 4.: Stayton Municipal Code Section 17.04.100 is hereby amended to read:

17.04.100 DEFINITIONS

DEVELOPMENT: Human activity physically affecting land or resources, including but not limited to the division of parcels; the erection, reconstruction, modification, relocation, or enlargement of structures; grading, landfill, or excavation of land; storage on land or resource surfaces; drilling or substantial site alteration such as that involved in mining; surfacing such as paving; and planned selective removal of trees and vegetation.

SECTION 5.: Stayton Municipal Code Section 17.12.470(1) is hereby amended to read:

17.12.470 SITE PLAN REVIEW

1. DEFINITION: A site plan review is a detailed examination of the physical characteristics of a proposed development or improvement to property prior to any site preparation, tree removal, or development, with special attention given to the design of the development or improvement and the potential impacts on adjoining properties or land uses. A site plan review requires the evaluation of specific criteria as cited herein.

SECTION 6.: Stayton Municipal Code Section 17.12.470(5)(b) is hereby amended to read:

17.12.470 SITE PLAN REVIEW

5. SUBMITTAL REQUIREMENTS: In order to be accepted as complete and processed in a timely manner by the City, requests for approval of site reviews shall include the following materials and information:
 - b. One reproducible master and two copies of a site plan, drawn to scale, showing the property for which the site plan review is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and all details of all proposed development of and/or improvements to the property including plans for tree removal as required by chapter 17.20.970.

SECTION 7.: Stayton Municipal Code Section 17.16.775(4)(c) is hereby amended to read:

17.16.775 PUBLIC NATURAL RESOURCE (PNR) OVERLAY DISTRICT

4. DEVELOPMENT REQUIREMENTS. Proposals for development will be subject to the following requirements in addition to the site plan review requirements in Stayton Municipal Code Chapter 17.20.
 - c. Existing trees and other vegetation are retained to the greatest extent possible pursuant to chapter 17.20.970 of this code.

SECTION 8.: Stayton Municipal Code Section 17.20.890(7)(d) is hereby amended to read:

17.20.890 LANDSCAPING AND SCREENING GENERAL STANDARDS

7. REQUIRED TREE PLANTINGS: Planting of trees is required for all parking lots with 4 or more parking spaces, along public street frontages, and along private drives more than 150 feet long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or City adopted street tree plan.
 - d. Trees shall be trimmed to a height that does not impede site distance, pedestrian traffic or vehicular traffic.

SECTION 9.: Stayton Municipal Code Section 17.20.890(9)(a) is hereby deleted. It reads:

17.20.890 LANDSCAPING AND SCREENING GENERAL STANDARDS

9. TREE PLANTING RESTRICTIONS.

- a. Within 5 feet of permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the decision-maker are used.

SECTION 10.: Stayton Municipal Code Section 17.20.890(9) is hereby renumbered to read:

17.20.890 LANDSCAPING AND SCREENING GENERAL STANDARDS

9. TREE PLANTING RESTRICTIONS.

- a. Within 10 ft. of fire hydrants and utility poles, unless approved otherwise by the City Engineer.
- b. Where the decision-maker determines the trees may be a hazard to the public interest or general welfare.
- c. Under overhead power lines, if tree height at mature age exceeds height of power line.

SECTION 11.: Stayton Municipal Code Section 17.20.890(12)(c) is hereby amended to read:

17.20.890 LANDSCAPING AND SCREENING GENERAL STANDARDS

12. RE-VEGETATION IN UN-LANDSCAPED OR NATURAL LANDSCAPED AREA

- c. The use of native plant materials, trees and/or plants acclimated to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.

SECTION 12.: Stayton Municipal Code Section 17.24.1030 is hereby amended to read:

17.24.1030 CLASSIFICATION OF LAND DIVISIONS

This chapter authorizes three major categories of land divisions and establishes procedures herein for City review and approval of each prior to any site preparation, tree

removal, and development. Lot line adjustments which do not create a new parcel of land and which bring about parcels still in compliance with zoning district minimum area requirements are not considered to be land divisions. The three major categories of land divisions are identified as follows:

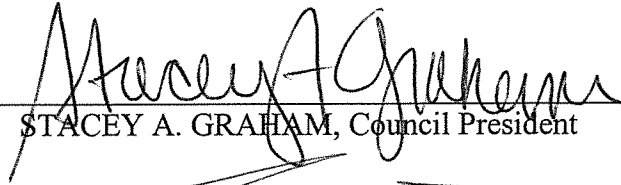
SECTION 13.: Stayton Municipal Code Section 17.24.1040(2)(r) is created to read:

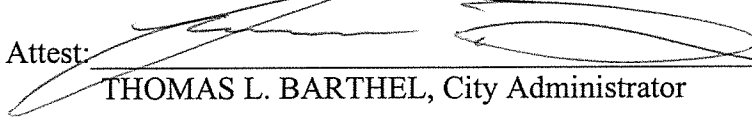
- 17.24.1040 APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS.
- 2. PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN INFORMATION REQUIREMENTS.
 - r. Inventory of existing trees and any proposals for tree removal, detailing numbers of trees, size, and species of trees to be removed as required by chapter 17.20.970 of this code.

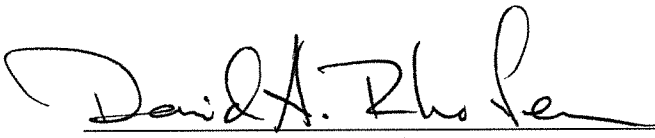
SECTION 14.: Stayton Municipal Code Section 17.24.1060(2)(a)(28) is amended to read:

- 17.24.1060 APPLICATION AND APPROVAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT PLAN
- 2. PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN INFORMATION REQUIREMENTS. Preliminary plans, in the form of maps and written materials, shall show and/or contain all required information cited below. Maps shall be clearly and legibly drawn to a scale sufficient enough to enable the decision authority to have an adequate understanding of what is proposed. Written narrative or other written information shall be presented in a clear and understandable manner.
 - a. Map Contents. The maps which are part of the submittal shall be of a size of 18 inches by 27 inches, shall be reproducible, and shall contain the following information:
 - 28. A landscaping, tree planting and tree removal plan pursuant to the requirements of chapter 17.20 of this title.

PASSED BY THE STAYTON CITY COUNCIL this _____ day of _____ 1999.

Date: 5/24/99 By: 
STACEY A. GRAHAM, Council President

Date: 5.24/99 Attest: 
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:
Date: MAY 25 1999 
DAVID A. RHOTEN, City Attorney