

Chapter 3.2 Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100 - Purpose

3.2.200 - Landscape Conservation

3.2.300 - New Landscaping

3.2.400 - Street Trees

3.2.500 - Fences and Walls

3.2.100 Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

The chapter is organized into the following sections:

Section 3.2.200 - Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas. This section cross-references Chapter 3.7, which regulates development of sensitive lands.

Section 3.2.300 -New Landscaping sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Chapter 2 - Land Use Districts, for specific types of development.

Section 3.2.400 - Street Trees sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes.

Section 3.2.500 - Fences and Walls sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

3.2.200 Landscape Conservation.

- A. Applicability.** All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development [*and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 3.7)*]. The use of mature, native 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.
- B. Significant Vegetation.** “Significant vegetation” means:
1. Significant Trees and Shrubs. Individual trees and shrub with a trunk diameter of 6 inches or greater, as measured 4 feet above the ground (DBH (diameter at breast height)), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant, when nominated by the property owner and designated by the Town Council as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.)
 2. Sensitive Lands. Trees and shrubs on sites that have been designated as “Sensitive Lands”, in accordance with Chapter 3.7 (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
 3. Exception: Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Lake County.
- C. Mapping and Protection Required.** Significant vegetation shall be mapped as required by Chapter 4.2 - Site Design Review *and Chapter 3.7 - Sensitive Lands*. Significant trees shall be mapped individually and identified by species and size (diameter at 4 feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The Town also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.
- D. Protection Standards.** All of the following protection standards shall apply to significant vegetation areas:
1. Protection of Significant Trees (Section B.1) Significant trees identified as meeting the criteria in Section B.1 shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
 2. Sensitive Lands (Section B.2). Sensitive lands shall be protected in conformance with the provisions of Chapter 3.7.

3.2.200 Landscape Conservation. *(continued)*

3. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the Town may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.

E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the Town for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 3.7 - Sensitive Lands.

F. Exemptions. The protection standards in “D” shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by Section 3.2.200.F.2, below.
2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the Town Planning Official.

3.2.300 New Landscaping.

A. Applicability. This Section shall apply to all new development, except single-family.

B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in Section 4.2.500 (Landscape Plans).

C. Landscape Area Standards. The minimum percentage of required landscaping equals:

1. Residential Districts. 20 percent of the site.
2. Downtown District. 10 percent of the site.
3. General Industrial District. A minimum of 10 percent of the site shall be landscaped.

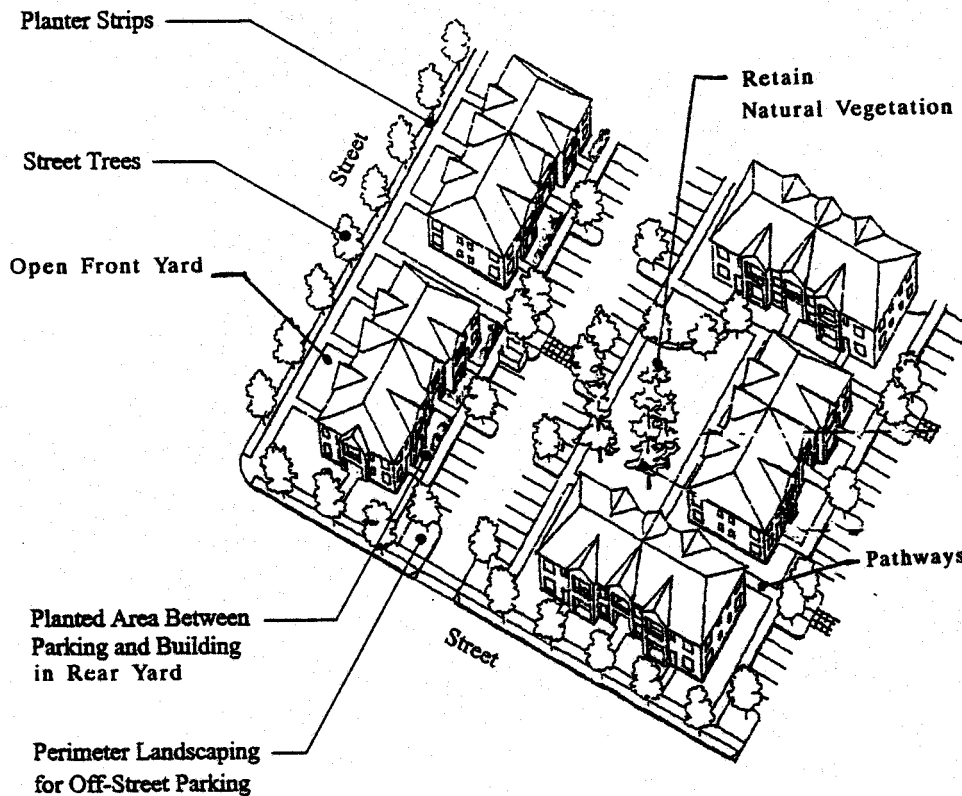
3.2.300 New Landscaping. *(continued)*

D. Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.
2. 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.
3. “Non-native, invasive” plants, as per Section 3.2.200.B, shall be prohibited.
4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 15% percent of the required landscape area; except in the Central Commercial District where hardscape features may cover up to 25% percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Non-plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped. “Coverage” is measured based on the size of plants at maturity or after 2 years of growth, whichever comes sooner.
6. Tree Size. Trees shall have a minimum caliper size of 2 inches or greater at time of planting.
7. Shrub Size. Shrubs shall be planted from 1-gallon containers or larger.
8. Ground Cover Size. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, including grasses. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants. Ground cover plants shall be sized and spaced in the following manner: Planted at a rate of one plant per 12 inches on center, in triangular spacing.
9. Significant Vegetation. Significant vegetation preserved in accordance with Section 3.2.200 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 3.2.400 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
10. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

3.2.300 New Landscaping. <i>(continued)</i>
--

Figure 3.2.300 – Landscaped Areas in a Multiple-Family Development (Typical)



E. Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of Chapter 3.2. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. Yard Setback Landscaping. Landscaping in yard setbacks shall satisfy the following criteria:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks, as appropriate;
 - c. Retain natural vegetation, as practicable;
 - d. Define pedestrian pathways and open space areas with landscape materials;

3.2.300 New Landscaping. *(continued)*

- e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
 - f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
 - g. Use a combination of plants for year-long color and interest;
 - h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.
2. Parking areas. A minimum of 10 percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.
3. Buffering and Screening Required. Buffering and screening are required under the following conditions:
- a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.

3.2.300 New Landscaping. *(continued)*

- b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 2 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.
- c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage, manufacturing, and service and delivery areas shall be screened from view from all public streets and residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see through fence, or a similar feature that provides a non-see through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.500 for standards related to fences and walls.)

F. 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 (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

G. Additional Requirements. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the Town may require additional landscaping through the Conditional Use Permit process (Chapter 4.4).

3.2.400 Street Trees.

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.100 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. The standards in Town Ordinance Number 762 shall also be met. The Town Tree Board shall develop and maintain a list of desirable trees for planting along streets in three size classes: small, medium and large. Street trees shall conform to the following standards and guidelines:

A. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

3.2.400 Street Trees. *(continued)*

1. Provide a broad canopy where shade is desired.
2. Use lower-growing trees for spaces under utility wires.
3. Select trees that can be “limbed-up” where vision clearance is a concern.
4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Select trees for their seasonal color, as desired.
9. Use deciduous trees for summer shade and winter sun.

B. Caliper Size. The minimum caliper size at planting shall be 2 inches at four feet high, based on the American Association of Nurserymen Standards. If this caliper is not available the Town Planning Official may accept replacement trees.

C. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Small trees shall be planted no closer to the curb or sidewalk than (2) two feet, medium trees (3) three feet and large trees (4) four feet. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. Small trees shall be planted 30 feet apart; medium trees shall be planted 40 feet apart and large trees shall be planted 50 feet apart except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

D. Soil Preparation, Planting and Care. The Developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.

E. Assurances. The Town shall require the developer to provide a performance and maintenance bond in an amount determined by the Town Engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

F. Utility Easements. All street trees shall be placed outside utility easements. If the existing

parking/planter strip contains such easements, the street tree location requirement may be adjusted.

3.2.400 Street Trees. *(continued)*

G. Street Tree Ordinance. The following standards in Town Ordinance Number 762 shall also be met:

1. Section 4 Tree Planting, Maintenance and Removal
2. Section 5 Adjacent Landowner Responsibility
3. Section 6 Dangerous Trees
4. Section 7 Dangerous Tree Criteria
5. Section 8 Removal of Dangerous Trees or Abatement of Nuisance
6. Section 9 Failure to Remove Dangerous Tree or Abate Nuisance
7. Section 10 Assessment for Removal or Abatement Costs Incurred by the Town of Lakeview
8. Section 11 Liability of Property Owners
9. Section 12 Private Trees
10. Section 13 Penalty

H. Type of Tree. See Ordinance 762 for a list of allowed tree species.

3.2.500 Fences and Walls.

The following standards shall apply to all fences and walls:

A. General Requirements. All fences and walls shall comply with the standards of this Section. The Town may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.2 - Site Design Review or Chapter 4.4 - Conditional Use Permits. Walls built for required landscape buffers shall comply with Section 3.2.300.

B. Dimensions.

1. The maximum allowable height of fences and walls is 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 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 6 feet in height, in conformance

with the Uniform Building Code.

3.2.500 Fences and Walls. *(continued)*

2. The height of fences and walls within a front yard setback shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.
3. Walls and fences to be built for required buffers shall comply with Section 3.2.300.
4. Fences and walls shall comply with the vision clearance standards of Section 3.1.200.

C. Materials.

1. Fences may consist of wood, metal, bricks, masonry, other permanent material or natural growth.
2. Prohibited materials include concrete blocks, straw bales, barbed/razor wire and landscaped hedges more than 6 feet in height.
3. Fence material shall not include materials inappropriate for fencing, such as scrap lumber, scrap metal or similar materials.
4. Fences constructed of bricks, masonry or concrete over 3½ feet tall shall be approved by the Town Engineer.

D. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.