



**BEFORE THE TALENT PLANNING COMMISSION
STATE OF OREGON, CITY OF TALENT**

IN THE MATTER OF PLANNING COMMISSION FILE NO. DCA 2016-)
001, AMENDMENTS TO THE TALENT ZONING ADDING TITLE 8,)
CHAPTER 3, DIVISION J, ARTICLE 10, PUBLIC TREES AND)
AMENDING TITLE 8, CHAPTER 3, DIVISION J, ARTICLE 3, FENCES)
AND HEDGES, AND AMENDING TITLE 8, CHAPTER 3, DIVISION J,) ORDER
ARTICLE 4, TREES AND LANDSCAPING, THE CITY OF TALENT)
PLANNING COMMISSION FINDS THE FOLLOWING:)

1. The Planning Commission held a properly noticed public hearing on this matter on April 28, 2016;
2. The Planning Commission requested that the Community Development Director present a staff report and a proposed final order with code language, findings and recommendations;
3. The proposed text amendments are consistent with the Talent Comprehensive Plan.
4. At the public hearing evidence was presented by the Community Development Director and the public was given an opportunity to comment;

IT IS HEREBY ORDERED THAT based on the information presented in the staff report and the following findings of fact, the Talent Planning Commission recommends approval of the amendments to the Talent Zoning adding Title 8, Chapter 3, Division J, Article 10, Public Trees and amending Title 8, Chapter 3, Division J, Article 3, and Title 8, Chapter 3, Division J, Article 4. As proposed, Title 8, Chapter 3, Division J, Article 3 would be renamed to Tree Preservation and Protection and Title 8, Chapter 3, Division J, Article 4 would be renamed Landscaping, Fencing and Hedges.

In the following, any text quoted directly from City codes appears in *italics*; staff findings appear in regular typeface.

8-3M.160(G) Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. *The Statwide Planning Goals and Guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197 (for Comprehensive Plan amendments only);*

FINDING: Not applicable as this is not a Comprehensive Plan amendment. A development code amendment is presumed to enact policies in the Comprehensive Plan; the findings validating that presumption are outlined below. **The provisions of this section are not applicable.**

2. *Comments from any applicable federal or state agencies regarding applicable statutes or regulations;*

FINDING: The City sent the full text of the proposed amendment to the Department of Land Conservation and Development (DLCD), which has exclusive oversight of code amendments to ensure compatibility with State Goals, Statues and Administrative Rules. DLCD’s Urban Planning

Specialist stated that “they (DLCD) were happy to see Talent’s draft tree code standards are clear and objective...” Staff would note that it has reviewed all Federal and State laws associated with urban forestry and contends that not only are these amendments are consistent with all applicable State and local regulations, but they provide an extra level of review and education for the general public. **The provisions of this section have been met.**

3. *Any applicable intergovernmental agreements; and*

FINDING: No intergovernmental agreements were found to be applicable to the proposed ordinance amendments. **The provisions of this section are not applicable.**

4. *Any applicable Comprehensive Plan policies and provisions of the Talent Zoning Code that implement the Comprehensive Plan. Compliance with Section 160 of this Article shall be required for Comprehensive Plan Amendments, Zoning Map, and Text Amendments.*

FINDING: All applicable Comprehensive Plan policies and provisions of the Talent Zoning Code have been addressed. **The provisions of this section have been met.**

ELEMENT B: PARKS

Goal: *To meet the present and future needs of Talent residents for parks, recreation, and open space projects*

POLICY 2: Conservation: *It is the policy of the City of Talent to preserve and enhance the quality of its existing parks and recreation resources.*

IMPLEMENTATION STRATEGIES:

4. *Provide incentives and guidance to developers of new subdivisions that encourages conservation of sensitive areas. Providing more open space and parks within development plans can reduce the demand for more parkland. Such incentives may include the use of density trading or forgiveness of system development charges in exchange for dedication of parks and open space. Maintenance of parks and open space in new subdivisions may be part of the codes, covenants, and restrictions (CCRs).*
6. *Utilize the Local Wetland Inventory, the Flood Hazard Mitigation Plan, and Article 12 of the Talent Zoning Ordinance (TZO) – Natural Areas, Parks, and Floodplains to coordinate an open space and wetlands protection program that is consistent with the implementation strategies of the natural hazards element and Element B. A system of riparian buffers and wetlands are a natural defense designed to absorb runoff, protect water quality, as well as provide habitat for fish and wildlife.*

FINDING: The proposed Tree Preservation and Protection ordinance provides City Staff the opportunity to emphasize the importance of trees through a permitting process that encourages a healthy urban forest and watershed.

The Tree Preservation and Protection ordinance includes a permit process for all types of tree removal. As proposed, the City would implement a process that includes four tree permit types. The Type A Permit is for removal of a single tree and gives Staff the opportunity to visually inspect the tree proposed for removal and to provide options to the property owner wishing to remove the tree. The Type A permit is a no cost permit meant solely for education and to introduce mitigation options.

The Type B, C and D permits provide staff the opportunity to evaluate large sites or sites with previously mitigated trees and to address natural hazard concerns such as erosion in areas where large areas of trees have been removed.

Trees in the proposed ordinance are classified as significant or heritage. These distinctions provide the basis for mitigation and for enforcement of unpermitted tree removal. Trees provide riparian buffers and wetlands which protect water quality, as well as provide habitat for fish and wildlife. **The provisions of this section have been met.**

IMPLEMENTATION STRATEGIES:

POLICY 5: Urban Forestry: *It is the policy of the City of Talent to promote healthy trees as fundamental to the quality of life in the City of Talent.*

3. *Draft a tree list and a resource guide for the City and its residents.*
7. *Consider developing an internship program that provides a valuable, educational experience for the participant while cost-effectively implementing the goals of the Urban Forestry program.*

FINDING: The City of Talent contains some old and beautiful trees as well as some newer ones planted recently in the downtown area and some newer residential developments. Although no specific Statewide Planning Goal addresses urban forestry, the Department of Forestry recognizes the importance of trees through an Urban Forestry program. Talent does not have a contract with a certified Arborist to monitor tree preservation and protection and no comprehensive program currently exists in the city to improve and enhance urban forestry on public or private property.

The City recognizes the need for tree preservation and protection and has been taking steps to improve and enhance urban forestry on public and private property since it became a Tree City in April 2000. Since then, the City has conducted tree inventories of all public trees and in 2005 introduced the City's first tree and landscaping code.

In December 2015, the City attempted to obtain its second Tree City USA Growth Award, but was unable to because of all of the previous work completed by City Planners. Our community can achieve another Tree City USA Growth Award because the City has been designated a Tree City for more than two consecutive years.

In order for the City to achieve the Growth Award, the City must surpass the bar set in 2005 and completes activities in eligible categories totaling 10 or more points. Eligible activities fall into one of four categories, and each activity has an associated point value.

- Category A: Education and Public Relations
- Category B: Partnerships
- Category C: Planning and Management
- Category D: Tree Planting and Maintenance

The City can obtain nearly 2/3 of the necessary points for the Growth Award by improving and enhancing its existing ordinance protect the urban forest and to educate citizens on options for tree maintenance rather than removal. The other 1/3 of the necessary points come from education materials that will be produced following the adoption of the revised code.

In the Fall of 2015, Community Development enlisted the help of an intern from Southern Oregon

University to aid in the development of the new language. This internship provided a valuable, educational experience for the intern while cost-effectively implementing the goals of the Urban Forestry program. **The provisions of this section have been met.**

ELEMENT C: NATURAL HAZARDS

GOAL 1: The City of Talent will manage land use in a way that prevents loss of live and reduces risks to property in the event of a natural hazard.

POLICY 1.3. It is the policy of the City of Talent to mitigate and reduce landslides in susceptible areas such as hillsides.

IMPLEMENTATION STRATEGIES:

1.3.1 *Require erosion control measures such as silt fences and other bank stabilization measures at all building sites, consistent with Department of Environmental Quality (DEQ) standards and cooperate with that agency for effective implementation of the erosion control program. The prescribed standards will prevent runoff and soil erosion, and will be consistent with protecting sensitive fish habitat in the Bear Creek watershed.*

FINDING: Many of the trees that will be removed within the City limits will likely be in areas that are relatively flat and that will not pose a major erosion concern. However, there are areas within the City that have steep slopes. The mechanical and hydrogeological benefits which trees and other vegetation provide to maintain slope stability and reduce erosion are well documented. Most of the wooded foothills surrounding Talent are in a delicate equilibrium. For example, natural events such as an unusually intense winter rainstorm or human activities such as a concentration of upland runoff or careless logging or tree removal can reduce stability, even trigger landslides.

The proposed code amendments as mentioned above, provide mitigation for all Type B,C and D permits as well as provisions for protection during construction and enforcement. The addition of the aforementioned criteria provides the City the ability to conduct a more detail review of tree removal and to ensure that removal of more than one tree has been properly reviewed by the City Engineer if erosion is a concern. **The provisions of this section have been met.**

ELEMENT E: ECONOMY

POLICY 5: Livability: *The City recognizes that livability is an important factor in the location choices of some types of businesses, and the policy of maintaining livability for the benefits of City residents is further reinforced by the potential for economic benefits.*

Objective 1: Create a community where people want to spend time beyond the exigencies of daily life.

IMPLEMENTATION STRATEGIES:

1. *Create streetscapes and landscaping that make comfortable and appealing transitions between public and business areas and nearby neighborhoods.*

FINDING: The amendment of the Tree Preservation and Protection and Landscaping ordinances provide the City the opportunity to ensure new landscaping in areas of the City are comfortable and appealing and that all new developments provide sufficient landscaping for aesthetics and watershed health. Newly proposed buffering standards will aid in providing better transitions between public and business area and nearby neighborhoods. Overall, increasing landscape requirements and encouraging tree preservation will help create a community where people want to spend time. **The provisions of this section have been met.**

Eric Heesacker
Chairperson

Date

ATTEST

Zac Moody
Community Development Director

Date