

TO: Mayor and Town Council

VIA: Jay Boodheshwar, Deputy Town Manager

FROM: John C. Randolph, Town Attorney

RE: Ordinance Amending Chapter 66, Article II and Article IV. - Vegetation

DATE: November 9, 2018

RECOMMENDATION

It is recommended that the Town Council consider and approve on first reading the attached amendments to Chapter 66.

GENERAL INFORMATION

On two previous occasions, Staff presented draft amendments to Chapter 66 relating to landscaping regulations in the Town. A copy of those draft amendments are attached. On each occasion, further consideration of these amendments was deferred, primarily as a result of concerns stated by landscape architects and others that these amendments consisted of over-regulation, regulation which was deemed unnecessary to be imposed in the Town, especially in light of the good care that most homeowners take of their property and in light of the existing regulations which were deemed to provide protection for properties in the Town.

When this matter came back to the Ordinance Rules and Standards Committee, there were still concerns that the ordinance, as originally proposed, was overly burdensome to property owners in the Town and their landscapers. There were, however, certain amendments that were deemed necessary, which amendments have been incorporated into the ordinance proposed for first reading today, a copy of which is attached.

The first amendment at Article II, relates to the incorporation of revised definitions related to Natural Resource Protection in general. The second amendment at Section 66-212 proposes revisions to the existing Purpose and Intent section of the article thus providing relationship to the revised standards of the article. The third amendment at Section 66-285 (currently a revised section in the ordinance) proposes general design requirements and specifically speaks to the minimum native vegetation requirement (subsection (3)). The fourth amendment at Article IV, subsection (5) relates to mulching and is aimed at environmental protection. The final amendment which is deemed necessary and important, especially because of the continued invasion of white fly in the Town and elsewhere, is at Section 66-311 and includes a new subsection (d) which provides that the planting of ficus benjamina shall be prohibited, except in instances where it is being planted to fill in hedge material.

It may well be that other amendments to Chapter 66 will be deemed necessary in the future but,

at this time, it is suggested that these limited amendments be adopted.

Attachments (Town Attorney proposed Ordinance amending Chapter 66; 10/4/18 Staff draft amendment to Chapter 66; 8/28/17 Staff draft amendment to Chapter 66; October 11, 2018 ORS Committee Meeting Information)

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