

Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100	Purpose
3.2.200	Landscape Conservation
3.2.300	Landscaping
3.2.400	Street Trees
3.2.500	Fences and Walls

3.2.100 Purpose. The purpose of Chapter 3.2 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 can 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. This Chapter is organized into the following sections:

- **Section 3.2.200 - Landscape Conservation** prevents the indiscriminate removal of significant trees and other vegetation.
- **Section 3.2.300 - 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 zones. Note that other relevant standards are provided in Article 2, Land Use Zones, for specific types of development.
- **Section 3.2.400 - Street Trees** sets standards for and requires planting of trees along designated 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.

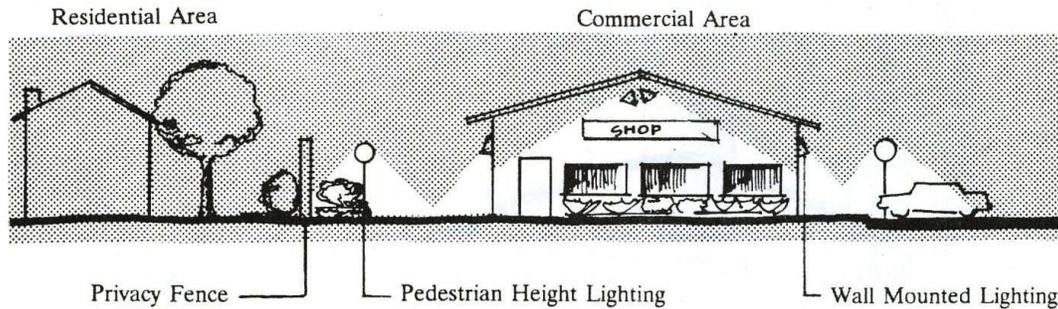
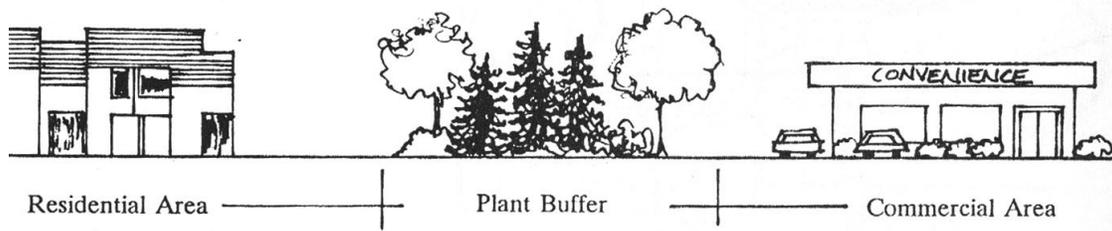
3.2.200 Landscape Conservation

- 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.
- B. Significant Vegetation.** “Significant vegetation” means trees and shrubs that have a diameter of 6 inches or larger at four (4) feet height, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Baker County.

- C. **Mapping and Protection Required.** The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.
- D. **Protection Standards.** Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to minimize the risk of erosion, landslide, and storm water runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use zone, the City shall allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner’s consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.
- E. **Construction.** All significant vegetation on a site that is not otherwise designated and approved by the City for removal through an approved site plan shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent erosion, pollution, or landslide hazards.

3.2.300 Landscaping

- A. **Applicability.** This Section shall apply to all new developments requiring Site Design Review.
- B. **Landscape Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Section 4.2.400.C.2.d (Landscape Plan).
- C. **Landscape Area Standards.** The minimum percentage of required landscaping equals:
 - 1. Residential Zones (multifamily): R-LD: 10% of site; R-MD and R-HD 7% of site.
 - 2. Central Commercial Zone: 0-5% percent of the site dependent on parcel and site plan.
 - 3. General Commercial Zone: Campbell Street and Freeway Area – 10% of site; all other general commercial areas – 7%
 - 4. General Industrial Zone and Light Industrial Zone: Zero percent of the site except that the approval body may require landscaping, fences, walls or other buffering that exceed the 0% landscaping standards when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties or public roads.



- D. Landscape Materials.** Permitted landscape materials include trees, shrubs, grass, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. “Coverage” is based on the projected size of the plants at maturity, i.e., typically three (3) or more years after planting.
1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision-making body may reduce the number of new trees required by a ratio of one (1) inch diameter of new trees at four (4) feet height of new tree(s) for every one (1) inch diameter at four (4) feet height of existing tree(s) protected.
 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. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.
 3. “Non-native, invasive” plants, as per Section 3.2.200.B, shall be removed during site development and the planting of new invasive species is prohibited.
 4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 30 percent of the required landscape area; except in the Central Commercial Zone where hardscape features may cover up to 100 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
 5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground

cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 50 percent coverage at maturity of the area not covered by shrubs and tree canopy.

6. Tree Size. Trees shall have a minimum diameter of two (2) inches or greater at time of planting as measured at four (4) feet above grade.
7. Shrub Size. Shrubs shall be planted from 5-gallon containers or larger.
8. 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 and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.
9. Significant Vegetation. Significant vegetation protected 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 by the City when existing trees protected 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 treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 3.4.600, shall be landscaped with water tolerant, native plants.

E. Landscape Design Standards. All yards, parking lots, and required street tree planter strips shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

1. Yard Setback Landscaping. Landscaping in yards shall:
 - 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;
 - c. Retain natural vegetation;
 - d. Define pedestrian pathways and open space areas with landscape materials;
 - e. Provide focal points within a development, for example, by preserving large or unique trees or groves, 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 5 percent of the total surface 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 “evenly distributed” shade trees with shrubs and/or ground cover plants that conform to the criteria in Section 3.2.300.E.1.a-h, above. “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 six (6) parking spaces on average 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 parking area landscapes shall have dimensions of not less than 24 ft² of area, or not less than 4 feet in width by 6 feet in length, to ensure adequate soil, water, and space for healthy plant growth.
3. Protecting Landscaping/Buildings. 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, an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height shall be established between street and driveway. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and 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 (1) year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover. Alternatively, an 8-foot-wide planting strip with street trees subject to review by the Tree Board may fulfill the screening requirement.
 - 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 curb and a raised walkway, a plaza, or a landscaped buffer not less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a 4-foot-wide landscape buffer with a curbed edge may fulfill this requirement.
 - c. Screening of Mechanical Equipment, Trash Receptacles, Outdoor Storage and Manufacturing, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, trash receptacles, outdoor storage and manufacturing, and service and delivery areas, shall

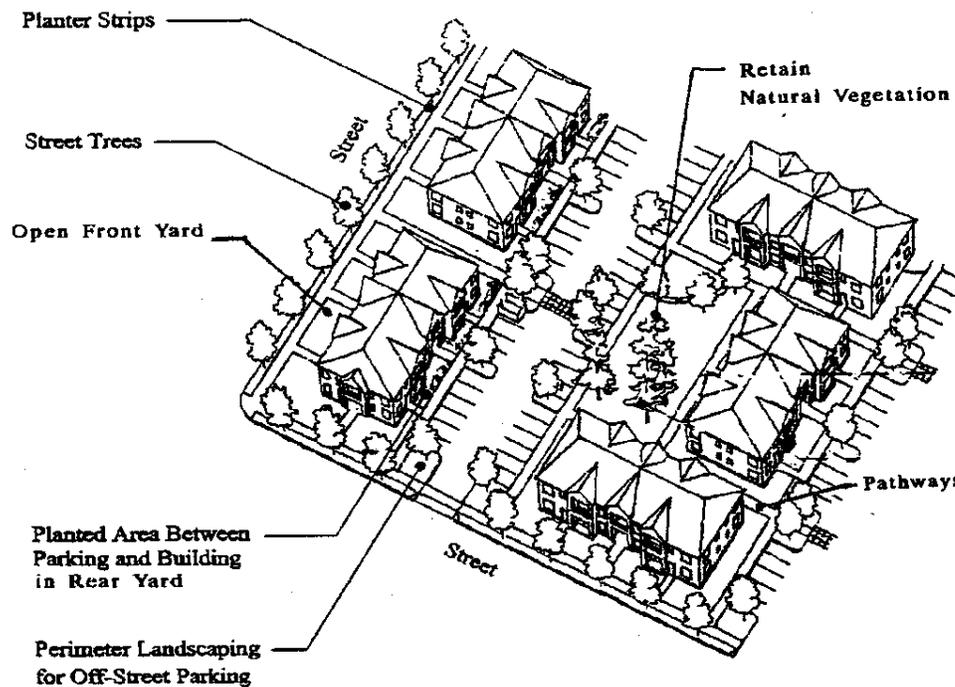
be screened from view from all public streets and adjacent Residential zones. When these or other areas are required to be screened, such screening shall be provided by:

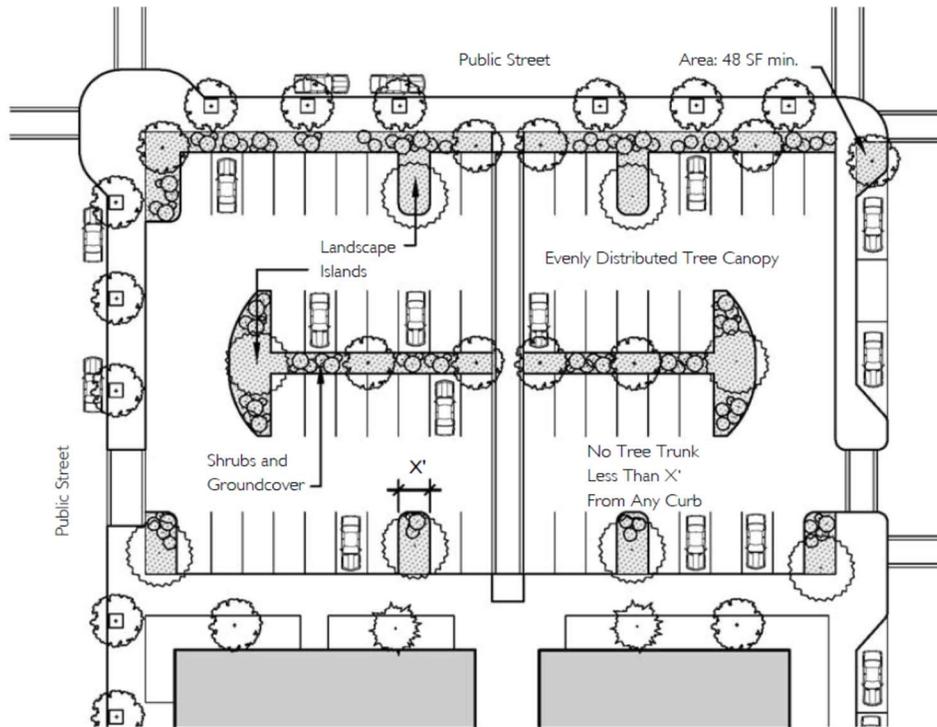
- i. a decorative wall (i.e., masonry or similar quality material),
- ii. evergreen hedge,
- iii. opaque fence complying with Section 3.2.500, or
- iv. a similar feature that provides an opaque barrier.

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 specific to fences and walls.)

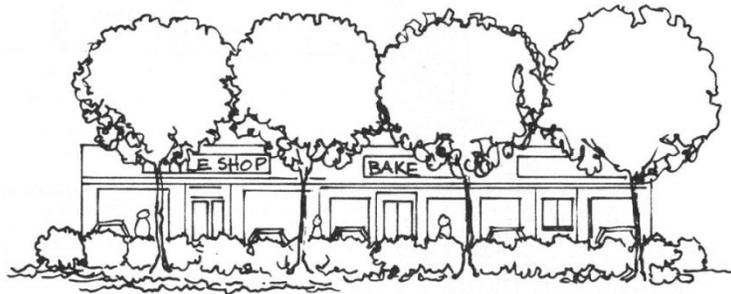
- d. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 4.3.115. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence, however, the owner may install one at his or her discretion.

Figure 3.2.300.E General Landscape Areas (Typical)





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 man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.



3.2.400 Street Trees. Street trees shall be planted for all developments that are subject to Subdivision or Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.300, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and applicable requirements of the Baker City Tree Board (Baker City Code Chapter 94):

- A. Baker City Tree Board Authority.** No trees, shrubs, bushes, or other woody vegetation shall be planted in or removed from any public parking strip or other public place in the City without first securing approval from the Baker City Tree Board administered through the Baker City Public Works Department.
- B. Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The City Public Works Department maintains a tree guide of tree species approved by the Tree Board acceptable for planting in public planting strips. No species other than those included in the list may be planted as street trees without written permission of the City Tree Board (Contact City Public Works Department). The following should guide tree selection in matching an appropriate species to the site:
1. Provide a broad canopy where shade is desired, except where limited by available space or except in section 4.
 2. Use low-growing trees for spaces under low utility wires.
 3. Select trees, which can be “limbed-up” to comply with vision clearance requirements.
 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 trees that produce excessive seeds or fruit.
 7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
 8. Select trees for their seasonal color if desired.
 9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
 10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.
- C. Caliper Size.** The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.
- D. Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and

proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 ft², or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements. Refer to adopted spacing guidelines in Baker City Code Chapter 94.

- E. **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 or property owner shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) for two years after planting or until such time as the responsibility is passed-on to the property owner adjacent to the planting strip.
- F. **Street Tree List.** See the City Public Works Department for an official list of permitted street tree species.

3.2.500 Fences and Walls. Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements

1. All fences and walls shall comply with the height limitations of the respective zone (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. New fences and walls require Land Use Review (Type I) approval; if greater than 6 feet in height, a building permit is also required. (See also, Section 3.2.300 for landscape screening wall requirements.)
2. Fences shall not conflict with the requirements for clear vision areas set forth in section 3.1.200(N).
3. All fences shall be constructed and maintained in a structurally sound manner. Fences, which are structurally unsound, are subject to abatement as set forth in subsection (F).
4. Fences may be constructed of wood, masonry, wire, or similar materials employed by standard building practice. Prohibited fence and wall materials include: straw bales; barbed or razor wire; scrap lumber, metal, tires or other scrap or salvage materials not originally designed as structural components of fences.
5. Any free-standing property perimeter wall, which is not a retaining wall, shall be considered a fence. Retaining walls may be constructed to the height necessary to protect a cut-fill type needed grade but shall be a maximum of nine (9) inches above finished grade along the fill side

of the wall.

6. Where an earthen berm is used as a barrier in lieu of a fence, the height restrictions of this resolution shall apply and shall be measured from the highest finished grade of the berm or any fence atop the berm.
7. It shall be the property owner's responsibility and obligation to identify the property line when proposing to construct a fence upon the property line. A property survey may be necessary to accurately determine the property line location. Property line disputes are a civil matter and may not be resolved by the City.

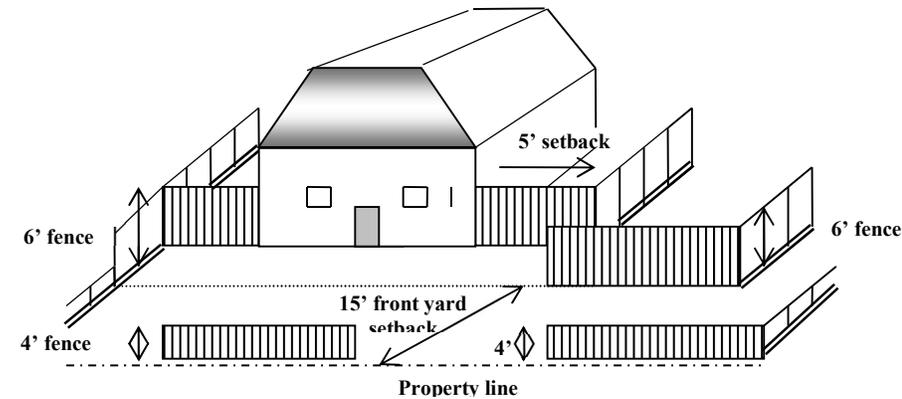
B. Dangerous Fences. No person shall construct or maintain any fence which contains barbed wire as a part thereof, unless it meets the following conditions:

1. It is located inside the area in which certain large animals are allowed according to Baker City Code Chapter 90, and it is actually used or intended for use for control of such animals; or
2. It is actually used for security of commercial or industrial property regardless of location. In such instances, any barbed wire must be placed above a fence at least otherwise six (6) feet in height.
3. No person shall install, maintain or operate any electric fence unless such fence is first approved by the City Manager or his or her designee. Electric fences must be set back at least five (5) feet from the property line or enclosed by additional fencing or other barriers, which prevent access to the electric fence by persons on the adjacent property.

C. Dimensions – Residentially Zoned Fences

1. **Front Yard.** From the front yard setback line (front plane of the structure) to the front property line, no fence shall exceed four (4) feet in height with the following exceptions. The front yard fence height may be up to (6) feet in height in accordance with the following illustration. If the property abuts a commercial or industrial zone, fences may be erected and maintained to a height of eight (8) feet along the commercial or industrial zone line.
2. **Rear and Side Yards.** Fences not to exceed six (6) feet in height are permitted in side and rear yards, but shall not extend into the front yard setback area. If the property abuts a commercial or industrial zone, fences may be erected and maintained to a height of eight (8) feet along the zone line. For residential properties located in a commercial or industrial zone, fences may be up to eight (8) feet tall on side and rear yards.
3. **Gates and Arbors.** One arbor, gate, or similar garden structures not exceeding 8 feet in height and 4 feet in width is allowed within the front yard, provided that it is not within a clear vision triangle.
4. **Swimming Pool.** All swimming pools (any structure intended for swimming or recreational

bathing that contains water over 24 inches deep-this includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas) shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be the type not readily climbed by children. The gate shall be a self-closing and latching type, the latch on the inside of the gate not readily available for children to open. The Barrier Requirements to be met are identified in the Oregon Specialty Codes. These design controls are intended to provide protection against potential drowning and near- drowning by restricting access to swimming pools, spas and hot tubs.



D. Dimensions – Commercially Zoned Fences

- 1. Front Yard.** Fences constructed within the front yard setback area shall not exceed six (6) feet in height. Front yard fences beyond the required front-yard setback line shall not exceed eight (8) feet in height.
- 2. Side and Rear Yards.** The maximum height in the rear yard and in a side yard behind the required front-yard setback shall be eight (8) feet.

E. Dimensions – Industrially Zoned Fences

- 1. Rear, side, and front yards:** The maximum fence height in an industrial zone shall be eight (8) feet.

- F. Fence Removal.** All fences constructed or modified after March 27, 2001, for which the requisite permit has not been issued or which have been constructed or modified in a manner not in accordance with these standards, shall, within 30 days of the notification from the City, be removed by the owner or, upon failure to remove the fence, the City Manager or designee is empowered to cause the removal of the fence, the cost of which shall be billed to the owner of the property. The City Manager or designee may, if they determine that an extension of time is warranted, grant extensions in monthly increments up to six months to obtain compliance with these standards.

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