

§153.055 DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

1. Purpose. The purpose of this section is to encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and design of private properties, to discourage monotonous, drab, unsightly, dreary and inharmonious design, to conserve the City's natural beauty and visual character and charm by insuring structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements, to prevent physical harm to the citizens of Tillamook City, and to promote harmony between adjacent property owners and to protect each property's right of access to sunlight, air and open spaces.
2. Fence and Wall Standards
 - A. Front yard: A front yard fence or wall must not be more than:
 1. Three (3) feet in height if the fence is within ten (10) feet of the front lot line; or
 2. Six (6) feet in height if the fence is set back more than ten (10) feet from the front lot line.
 3. Vision clearance area as per §153.050 shall be required for corner lots.
 - B. Rear yard: A rear yard fence or wall must not be more than six (6) feet in height.
 - C. Interior side yard: A side yard fence or wall, on a side not abutting a street, must not be more than six (6) feet tall.
 - D. Street side yard: A side yard fence or wall, on a side abutting a street, must not be more than:
 1. Three (3) feet in height if the fence is within ten (10) feet of the lot line; or
 2. Six (6) feet in height if the fence is set back more than ten (10) feet from the lot line.
 3. Vision clearance area as per §153.050 shall be required for corner lots.
 - E. Height measurement: Fence or wall height is measured from the ground to the top of the fence. If the ground on which the fence is located has been bermed or raised above the level of the surrounding land, the fence is measured from the level of the unraised ground.
 - F. Materials: Wood, brick, rockwork, vinyl, or low post and wire and hedgerows are encouraged. Concrete block walls are prohibited. Cyclone or chain link fencing is prohibited within any front yard or street side yard setback area unless coated with a non-metallic material, but is allowed in side and rear yards.
 - G. Retaining wall: The above standards do not apply to a device used to buttress earth, such as a retaining wall or riprap.

H. For purposes of this section only, if a lot abuts more than one street, only the frontage on one of the streets shall be deemed a front lot line, and the height restrictions shall apply only to one front yard. The person in possession and control of the premises may elect which is the front yard and restrict the height of the fence or wall accordingly. Such person may change his election to any of the other streets abutting his premises by first abating any nonconforming fence or wall in the front yard to be thus defined. In a zone district other than residential, notwithstanding the yard requirements, a fence, wall, hedge or other like screening device may be required by the Planning Commission as a condition to the approval of a proposed commercial or industrial improvement on a lot abutting, or across the street or alley from, an adjacent property in a residential district, if the Planning Commission finds that such screening is necessary to prevent an unreasonable interference with the use and enjoyment of the residential lot.

I. Interference and Hazard to the Public

1. No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed wire to remain as part of a fence along a sidewalk or public way or along the adjoining property line of another person unless placed at least three (3) feet behind an initial fence;

1. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person unless placed at least three (3) feet behind an initial fence.

J. Relation to Adjoining Property.

1. Fences shall not be installed on or across a property line unless jointly owned by adjoining property owners, in which case they may be on the property line.

a. Determination of where property line is located shall not be the responsibility of Tillamook City or its officials.

K. Building Permit and Setback Requirements for Fences. Any fence greater than six (6) feet in height shall require a building permit, and hence, shall be required to abide by the front yard setback and height requirements of the applicable zoning district.

L. Fences in Industrial Zones. A fence six (6) feet in height shall be required to separate any new or substantially improved industrial operation from abutting property which is located in any residential or commercial zoning district. Such fence shall be subject to the requirements of Section 5(b) of this development code.

3. Exterior Lighting Requirements. All exterior outdoor lighting installed in any and all zones in the City shall conform to the following requirements unless otherwise exempted.

A. Area Lights – All area lights, including street lights and parking area lighting shall be full cutoff fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be high pressure sodium, low-pressure sodium, or metal halide, unless otherwise determined by the City that another type is more efficient street lights along residential streets shall be limited to 70-watt high-pressure sodium (hps) light. If the City

permits a light type other than high-pressure sodium the equivalent output shall be the limit for the other light type. Outdoor mercury vapor and quartz lights are prohibited; preference should be given to low impact lighting.

- B. Canopy Lights – All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.
- C. Illumination Levels – Illumination levels and uniformity shall consider current recommended practices of the illuminating Engineering Society. Recommended standards for the illuminating engineering society shall not be exceeded. Lighting shall be compatible with the character of the neighborhood within which it is located, and light trespass impacts on surrounding properties shall be minimized. Fixture mounting height and light intensity shall be considered in determining the extent of light trespass impacts. Up lighting shields shall be required except in the Town Center.
- D. Temporary Lighting – Temporary lighting that conforms to the requirements of this development code shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Public Works Director only after considering:
 - 1. The public and private benefits which will result from the temporary lighting.
 - 2. Any annoyance or safety problems that may result from the use of the temporary lighting.
 - 3. The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Public Works Director.
- E. Towers – All radio, communication and navigation towers that require lights shall have dual lighting capabilities. Lights may only be used in accordance with FAA requirements.
- F. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.
- G. The streetlight illustrations in the City’s most current design standards shall be used by property owners in a subdivision or other development. Lamp types not listed in the table may be approved for use by the Planner providing installation of these lamps conforms to the lumen limits established in this section.
- H. Glass tubes filled with argon, neon or krypton do not require shielding.
- I. Exterior Lighting Exemptions and Exceptions.
 - 1. Residential fixtures consisting of lamp types with 2,050 lumens or less. Examples include:
 - a. 100 Watt Standard Incandescent and less.
 - b. 100 Watt Mid break Tungsten-Halogen (quartz) and less.
 - c. 25 Watt T-12 Cool White Fluorescent and less.
 - d. 18-Watt Low Pressure Sodium and less.

2. Federally funded and state funded roadway construction projects to the extent necessary to comply with federal and state requirements.
3. Fossil Fuel Light – Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
4. Full cutoff street lighting, which is part of a federal, state, or municipal installation.
5. Holiday Lighting.
6. Lighting of sports facilities or stadiums.
7. Specialized lighting necessary for the safety, such as navigation or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.
8. Traffic control signals and devices.

J. Prohibited Lighting

1. Newly installed fixtures, which are not full cutoff fixtures.
2. Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.
3. Laser Source Light – The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

4. Sidewalk and Pathway Standards.

- A. The placement of a sidewalk or pathway along the frontage(s) of a subject property is required and shall be constructed in accordance with the City's most current design standards. Reconstruction or maintenance of an existing sidewalk or pathway may replicate its original design. No matter which surface is utilized, grading and compaction shall be sufficient to allow the unimpeded passage of wheeled vehicles such as bicycles, wheelchairs, and perambulators.

5. Driveway and Garage Standards.

- A. Detached garages shall be encouraged to be located to the rear of the residence. If an alley is available, paved and improved to a minimum width of 10 feet, it shall service the garage. Attached garages are required to be located at least 10 feet behind the front wall of the house.
- B. Driveways shall be placed alongside of a residence leading to a detached garage, unless an alley paved and improved to minimum width of 10 feet is available; then the alley shall be utilized. Exceptions to the location of the driveway include conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property which force the driveway to be located elsewhere. Shared driveways are encouraged to reduce the impact of the automobile on the appearance of small lot residential neighborhoods. Separated driveway wheel tracks of concrete, gravel, or pavers are

encouraged, except in circumstances where an extended driveway is a critical component of fire protection access. Impermeable surfacing shall be minimized.

6. Other Outbuilding and Accessory Standards.

- A. Front yard: No barn, deck, shed, outbuilding (except garages), or hot tub is allowed in a front yard. Porches, patios and gazebos are permitted in front yards, but not within the required setback area.
- B. Rear yard: Barns, decks, gazebos, sheds, outbuildings, and hot tubs are allowed in a rear yard, but must meet setback requirements. They shall not overhang or drain onto an adjoining property, obstruct fire access, or be placed on a right-of-way or recorded easement.
- C. Materials: Wood or brickwork is encouraged. Wrought metalwork and sheet metal are discouraged. All exterior lighting must minimize light trespass impacts.

7. Swimming Pool Standards.

- A. Front yard: No swimming pool is allowed in a front yard.
- B. Rear yard additional setbacks: A swimming pool is allowed in a rear yard. The minimum setback for a swimming pool is:
 - 1. fifteen (15) feet from rear lot line,
 - 2. fifteen (15) feet from a side lot line, on a side not abutting a street,
 - 3. twenty (20) feet from a side lot line, on a side abutting a street; and
 - 4. ten (10) feet from any dwelling on the lot.
- C. Fencing: If appropriate, a solid noise dampening fence or wall, six (6) feet tall, should enclose the rear yard including the swimming pool to protect neighboring lots from excessive noise. A vinyl coated chain link fence not less than four feet tall, nor more than five (5) feet tall, may also be installed in close proximity to the pool as a safety precaution.
- D. Materials: Materials exposed to neighbors or Public Way shall be those allowed by 'Fence and Wall standards'.
- E. Child proofing: Any gate leading to the pool must be self-closing and self-latching. The latch must be openable only by key or combination lock. The pool enclosing fence must have no openings larger than four (4) inches in any dimension.
- F. Overhead utility lines: Overhead electric, telephone, cable TV or other utility lines must not cross over a swimming pool. For safety reasons, a minimum ten (10) foot horizontal clearance must be maintained between the pool and any overhead lines. (A pool cleaning tool, attached to a metal pole, can cause electrocution if it contacts a live wire.)
- G. Measurements: Setbacks are measured from the edge of the water at the design water line.

8. Satellite Dish and Telecommunication Equipment Standards.

A. Ground Dishes or piece of equipment under 24”.

- 1) Shall be located based on technical need with the rear yard given first priority, side yard second priority, and front yard third priority. Written verification of technical need may be requested from a qualified dealer prior to siting in a front yard.
- 2) A ground dish shall abide by the setback requirements of the zone district in which it is located. Zone Districts without an established setback area shall at a minimum provide a five (5) foot side and rear yard setback and a minimum of ten feet shall be required for a front yard setback.
- 3) Any portion of a ground dish which is above a height of ten (10) feet, must be inset and additional one-half foot for each foot of height exceeding 10 feet.
- 4) All ground dishes located in a front or side yard shall be screened by sight-obscuring fences and/or dense landscape buffers. Such buffers shall at a minimum screen 50% of a ground dish based on the total vertical height with a maximum buffer height of six (6) feet. Dishes may be painted to blend with the existing surroundings.

B. Roof Dishes or piece of equipment under 24”.

- 1) May be mounted on roofs, porches, or project from a wall of the dwelling.

C. Any satellite dish or piece of equipment larger than 24” shall be confined to rear or side yards, shall be screened from any viewpoint four feet above and along the centerline of a City street.

9. Drop Box and Newsrack Standards.

- A. Drop boxes and newsracks are not permitted in any R-7.5 or R-5.0 residential zones. In zones where permitted, they shall be screened or placed in such a way as to not obstruct pedestrian or vehicular traffic.

10. Dumpster Standards.

- A. All existing and proposed dumpsters shall be screened and located in the rear or side access areas, but not in the front of the subject property. Design of the dumpster screen shall be approved by the affected waste disposal provider.

11. Temporary Structure Standards.

- A. Tents, tarps, and other temporary structures lacking foundations which are left in place longer than seven consecutive days shall not be visible from any viewpoint four feet above and along the centerline of a City street.
- B. In all residential zones, all off street parking of automobiles, trucks, trailers and recreational vehicles in the front yard shall be limited to a contiguous area which is no more than 25% of the area of the front yard.

C. Such structures, vehicles, or devices shall not be used as a dwelling, either permanently or for more than seven days temporarily.

12. Development Standards for multi-family, multiple use, commercial and industrial projects and projects which will create or alter a street or roadway, and development for multi-family, multiple use, commercial and industrial projects proposed on parcels greater than one acre in size.

A. Landscape Planning Requirements.

1. Prior to site alterations, a thorough inventory and mapping of the location, type, and quality of trees on the property will be prepared. The map must be to the same scale as the site plan for the development proposal. In the instances where the property contains large volumes of woodlands, the inventory can take the form of a description of type, location and general volumes of tree groupings.
2. During site alterations, the retention of resource trees is strongly encouraged. Construction of natural buffers using native vegetation between sensitive natural environments and transportation systems is encouraged. Methods and details for protecting existing vegetation during construction must be submitted for City Planner approval.
3. A project wide landscape plan (with installation timelines and maintenance requirements) prepared by a qualified landscape professional must be submitted for City Planner approval prior to the issuance of a Certificate of Occupancy by the Building Official, unless otherwise specified by the City Planner or conditioned in a Final Order for Approval. All street and common areas must be landscaped within a reasonable amount of time after the completion of the improvements in those areas; however, a secured agreement to provide individualized landscape plans and timelines for the front yard (at a minimum) of each lot of a subdivision within one year and a half from final platting of the affected phase may be permitted.
4. The predominant use of ground covers such as bark mulch and rock as a permanent landscape feature is discouraged. The location and description of landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas must be graphically indicated on the landscape plan.

B. Landscape Standards for multi-family, multiple use, commercial and industrial projects.

1. Preservation of Landscape. The existing landscape shall be preserved in natural state, in so far as practicable, by minimizing tree and soil removal, and any other grade changes shall be in keeping with the appearance of developed areas. Preservation includes the preservation of any woody plant having a trunk six (6) caliper inches or larger in diameter at breast height (DBH), a bush at least 4 feet in height, an area onsite designated as wetlands, a drainage ditch located onsite. For all landscaping, live material shall be predominantly used
2. Landscaping Requirement

a) New Construction

- 1) Commercial and industrial development shall provide an amount of landscaping which equals 10% of buildable area in landscaping. Public and semi-public developments shall provide an amount of landscaping, which equals 15% of buildable area. Placement of required landscaping shall not be restricted to within the buildable area, but may be located within the required setback areas.
- 2) Multi-family and mobile park development shall provide an amount of landscaping which equals 10% of buildable area in landscaping in addition to open space requirements. Placement of required landscaping shall not be restricted to within the buildable area, but may be located within the required setback area.

b) Existing Buildings and Structures

- 1) Existing buildings which expand into an undeveloped area, including the building upwards of a structure shall devote the same percentage of landscaping as is listed for new construction in §153.055, 6b. Exceptions may be made in the case where a structure covers the entire lot area, or when expansion of a structure does not exceed 10% of the square footage of the existing building's ground floor area.

c) Height and Size

- 1) Height and screening may be emphasized through the planting of deciduous trees. If deciduous trees are used, they should have straight trunks, be fully branched, have a minimum caliper of 1 1/4 inches, and a minimum height of eight (8) feet at the time of planting. Deciduous trees can be supplied bare root provided the roots are protected against damage.
 - 2) Evergreen trees and shrubs must be balled and burlapped or in suitable containers in which the tree or shrub has grown for one (1) year. If balled and burlapped, the ball of each tree or shrub shall be firm and burlap sound; no loose ball or made ball will be acceptable. Each tree shall be a minimum of six (6) feet in height, fully branched, and adequately staked at the time of planting.
 - 3) Ground cover shall be supplied in a minimum 4" size container. Ground cover plantings shall be planted on a maximum of 30" on center and 30" between rows. Rows of plants are to be staggered for a more effective covering. If a 2 1/4" container is used, planting 18" on center may apply within the above guidelines.
 - 4) Shrubs shall be supplied in one-gallon containers or 9"-10" burlap balls with a minimum spread of 12" to 15"
- e) Off-Street Parking Areas. Landscaping shall be used to define, soften and screen, reducing the visual intrusions of vehicles using less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof, the appearance of off-street parking areas from public rights-of-ways.

Landscaping requirements are identified in subsection 13 of this section.

- 1) Evergreen and/or deciduous plant material shall have a minimum height at the time of planting of 18" - 24".
- 2) Parking lot plants and/or berms shall be designed to allow surveillance of the lot from the street at several points.
- 3) Landscaping. In all zones, except single-family residential zones, all parking facilities shall include landscaping to cover not less than twelve percent (12%) of the area devoted to outdoor parking facilities, including any landscaping required in subsection of this section. Said landscaping shall be uniformly distributed throughout the parking area, be provided with irrigation facilities, and protective curbs or raised wood headers. It may consist of trees, plus shrubs, groundcover or related plant material.

f) Special Features

- 1) Exposed storage areas, trash receptacles, service areas, truck loading areas, utility buildings and similar accessory areas and structures shall be subject to a minimum 10 foot setback from the public ROW and pedestrian pathways, to reduce the impact of unsightly visual intrusions. Screen plantings and other screening methods such as fences, walls, or any appropriate combination thereof shall be used to be congruent with existing surrounding properties.

g) Live Material, Compatibility and Maintenance

- 1) All live material used for landscaping must be compatible with climate and soil conditions prevalent to the coastal areas; thus reducing the risk of costly replacement. All landscaping required and approved through site review shall be continually maintained, including necessary watering, weeding, pruning and replacement.

h) Alternatives

- 1) Occasionally strict adherence to the above landscaping specifications may be unduly harsh or found to be in conflict with a particular development plan. A developer may therefore propose alternatives for Commission consideration. Deviations from specified requirements must be shown to the Commission's satisfaction that they are not in conflict with the overall intent of this section, which is to promote adequate and pleasing landscaping for development.

i) Landscaping Credit for Street Tree Planting

- 1) The retention of trees shall be considered in the design of partitions, site plans, subdivisions, or planned developments; the placement of roads and utilities shall preserve trees wherever possible. The need to remove trees shall be considered in the review process for partitions, site plans, subdivisions, or planned developments.

- 2) The preservation of trees, as mentioned in 6A of this section, shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements on the subject property by 10% (10% of 10% landscaping = 1%).
 - 3) The planting and maintenance of Street Trees in the public Right-of-way shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements on the subject property by 10% per street tree (10% of 10% landscaping = 1%).
- j) The list of street tree species to be planted and minimum tree planting dimensions are listed in detail in Code Section 93. .

C. Special tree protection standards:

1. Preservation: A tree that has been singled out for preservation in the conditions of approval must not be removed or damaged during construction.
2. Root protection: When construction encroaches into the drip line area of a protected tree, special construction techniques must be used to protect the roots. The existing ground surface within four feet of the base of a protected tree must not be cut, filled, compacted, or paved. No more than 12 inches of fill or cut can occur within the remainder of the drip line of a protected tree. A tree well may be used if approved by the City Planner.
3. Excavation: prohibited excavation adjacent to a protected tree is not allowed if it will damage the root system. In questionable situations, the applicant must provide substantiating documentation prepared by a certified arborist showing that the trees will be protected.

D. Street tree standards:

1. Shade trees are required along all streets, except in the downtown Town Center. The City approved Street Tree List governs street tree selection and replacement on each street. Species designated in the list should be consistent with the character, height, canopy and spacing of a neighborhood's original plantings, and the scale and function of the street within the City. The approved street tree list shall be used in order to determine whether a small, medium, or large tree is selected. A limited number of the same species should be planted along any single street.
2. Street trees shall be sized, spaced, and planted in accordance with the standards provided below and shall be located in the center of 5 foot wide planter strips between streets and pathways (minimum ten foot in length) or between two and a half to 4 feet from street edge pathways or impervious surfaces. Plant the largest tree that space allows for each planting location.
3. If utilities exist in the planting strip, large trees shall be planted on the side of the road without utilities and medium and small trees on the utility side of the road. It is recommended that in these situations, rather than having equal sized planting areas, that

the planting areas on the side opposite the utilities be larger than the utility side planting areas.

In general, the side of the street without overhead electric lines should be planted with trees with potential to attain a large size, if there are no obvious constraints to trees attaining mature size, such as small planting areas. On the sides of streets with overhead electrical lines directly above the planting areas, only trees from the recommended street tree list designated "small" may be planted, unless there is a minimum of 10 feet of horizontal clearance between the bases of the street trees and electrical facilities.

Columnar shaped trees should only be used where there are obstructions like buildings, signs, and overhead electrical lines that preclude broader canopied trees. Medium sized trees may be planted if the horizontal clearance is 10 feet or greater, and large trees may be planted if the horizontal clearance is 20 feet or greater.

4. At street corners, no tree shall be planted which branches below eight feet to ensure vision clearance.
5. Appropriate pruning, watering, nutrient feeding, and tree protection devices are required after planting, staking only when necessary. No metal stakes may be used for tree stakes. Tree protection devices shall remain in place until the trees reach four inch DBH or until the trees have been in place for two years, whichever is longer.
6. A secured agreement shall be provided that ensures that if planted trees are not alive and viable two years after planting, replacements will be required.

E. Standards for plant measurements, installation, and maintenance

1. Developers shall install and/or dig, ball, burlap, and transplant all plant materials listed on landscape plan. Bareroot is typically not permitted for any tree.
2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown. Neither heeled-in plants nor plants from cold storage shall be acceptable.
3. Plants shall conform to the measurements specified in the Landscape Plan.
 - a) Diameter at breast height (DBH) shall be measured by taking the circumference of the tree's trunk(s) at four feet above grade/ground level, and dividing by 3.14.
 - b) Minimum branching height for all shade trees shall be six feet.
 - c) Minimum size for shade trees shall be two inches at DBH; seven to nine (9) feet in height.
 - d) Minimum size for evergreen trees shall be six (6) to eight (8) feet in height.
 - e) The minimum planting area by tree size shall be:

- 1) Small trees (under 25 feet in height at maturity): 40 square feet
 - 2) Medium trees (between 25 to 50 feet in height at maturity) 60 square feet
 - 3) Large trees (over 50 feet in height at maturity) 96 square feet.
- f) The maximum spacing between trees shall be:
- 1) Small trees: 20 feet
 - 2) Medium and large trees: 30 feet
 - 3) A professional horticulturist/nurseryman shall be consulted to determine the proper time to move and install plant material so that stress to the plant is minimized.
4. Planting areas for trees must be in an uncompacted state to a depth of at least two feet. Area to be ripped or excavated to that depth unless within the drip line of a resource tree or if roots from other trees larger than one inch diameter are encountered. If these occur, obtain and follow the recommendation of a certified arborist.

Use existing soil for tree planting. Avoid adding topsoil. Soil amendments like aged sawdust (minimum of ten years of aging) may be used. Avoid working the soil when it is saturated with water, frozen or dry. Use two to three inches of bark mulch around all newly planted trees.

13. Landscaping Standards. All landscaping in any zone district in the City shall conform to the following requirements unless otherwise exempted.

A. General Height Limitation for Hedges and Other Landscaping Used for Screening. Hedges and other landscaping used for screening and privacy shall not be permitted to grow higher than eight (8) feet.

B. Relation to Adjoining Property.

1. Hedges, shrubs and other landscaping used for screening and privacy shall not be installed or planted on or across a property line unless jointly owned by adjoining property owners, in which case they may be on the property line. Hedges and shrubs shall not extend beyond the property line unless jointly agreed to by adjoining landowners.

a. All landscaping or portions thereof shall be located in such a way as to not be detrimental to abutting property. No landscaping shall obstruct or threaten to obstruct the access of neighboring property to adequate and sufficient sunlight.

C. Interference and Hazard to the Public.

1. No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees, bushes, hedges or shrubs on the property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of the property that

abuts upon a street or public sidewalk to keep all trees on the premises, including the adjoining parking strip, trimmed at a height of not less than ten (10) feet above the sidewalk and not less than fourteen (14) feet above the roadway.

2. No owner or person in charge of property shall allow a dead or decaying tree to stand that is a hazard to the public or to persons or property on or near the property.

D. Enforcement.

1. Tillamook City shall be empowered to perform any necessary work in order to bring such hedges into conformance and, after so doing, may assess to the property the cost of any such work, plus an additional fee for administration.

14. Planting in the City Rights-of-way.

A. Abutting property owners may be granted permission to plant in the City Right-of-way by the City according to the current City Street Tree Ordinance if the following information is provided:

1. A request in writing is provided in the form of a letter to the Street Tree Committee and a City Public Works Permit application for street trees proposed in a new subdivision or newly created road right-of-ways, or a City Public Works Permit application for administrative permission for street tree(s) proposed on an existing tree lawn and an established road right-of-way with curb.
2. A plot plan of area referencing water and sewer lines, power lines, driveways and intersecting streets is provided.
3. Approval, if granted by the City, shall be required in the form of an approved City Public Works Permit prior to planting of the tree or trees. Fees for such permit shall be paid prior to approval by the abutting property owner.