

ORDINANCE NO. 04-1009

AN ORDINANCE AMENDING TITLE 2: ADMINISTRATION AND PERSONNEL, CHAPTER 2.56 NATURAL RESOURCES COMMITTEE AND TITLE 12: STREETS, SIDEWALKS AND PUBLIC PLACES, CHAPTER 12.08 COMMUNITY FOREST AND STREET TREES OF THE OREGON CITY MUNICIPAL CODE.

WHEREAS, the City Tree Committee was established by Ordinance No. 01-1010 (part), 2001; and

WHEREAS, the Natural Resources Committee (NRC) was established by Ordinance No. 02-1013 and went into effect on September 20, 2002, and

WHEREAS, the Natural Resources Committee was charged with the review of the quality of air, water and land within the Urban Growth Boundary (UGB) of Oregon City, and the review of plans and policies to protect, restore and enhance the environmental quality within the UGB, and

WHEREAS, the consolidation of committees promotes government efficiency, and

WHEREAS, the City Commission desires to combine the Natural Resources and Tree committees; and

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Chapter 2.56 NATURAL RESOURCES COMMITTEE

2.56.010 Natural Resources Committee

There is hereby created a natural resources committee (NRC) of the city of Oregon City consisting of seven members appointed for three-year terms with staggered terms for the initial board. The initial members shall be two appointed for two-year terms, three appointed for three-year terms and two appointed for a one-year term. Terms will expire on the last day of the calendar year. At least two members shall be trained in arboriculture, landscape architecture, or otherwise have an interest or demonstrated experience in tree care and urban forestry.

2.56.15 Repeal of Tree Committee

Section 12.08.050 Oregon City Code, creating the City Tree committee pursuant to Ordinance 01-1010, is hereby repealed.

2.56.020 Qualifications.

Five of the seven members of the committee shall reside, work in, own property, or own business within the City of Oregon City's ~~urban growth boundary~~ (UGB).

2.56.030 Duties

The duties generally of the natural resources committee are to review the quality and condition of the ecological, geological, aesthetic, and other natural resources of Oregon City and adjacent areas, and assist the city in developing and implementing policies and plans to protect, restore, and enhance these resources and the environmental quality of the city and adjacent areas. The natural resources committee, through staff, may recommend actions to the city commission, planning commission, and parks and recreation advisory committee. The committee is charged with assisting the city in carrying out the heritage tree program defined in Oregon City Code. Other activities are defined by the committee's bylaws, which were adopted by the city commission by resolution (Resolution No. 04-29).

City of Oregon City

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.08 COMMUNITY FOREST AND STREET TREES*

12.08.011 Definitions.

For the purposes of this chapter, the following apply:

“Community forest” means an area of native trees and other vegetation at least five acres in size in public ownership inside the city or urban growth area that provides significant ecological, historical, or aesthetic values to the citizens of the city.

“Hazard tree” means any tree or tree part that poses a high risk of damage or injury to property or people by failure or fracture or by obscuring views necessary for traffic safety.

“Heritage tree” means a tree of significant historical value so as designated by the city commission.

“Public trees” mean trees located on property designated as a public park and trees located in a public right-of-way not defined as a street right-of-way.

“Street trees” mean trees located in a street right-of-way within the city. For the purposes of this chapter, street right-of-way includes the area between the edge of pavement, edge of gravel or face of curb, and the property line, depending on the circumstances.

“Tree” means a living standing woody plant having a trunk six inches in diameter or nineteen inches in circumference or more at a point four and one-half feet above mean ground level at the base of the tree.

“Tree topping” means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. (Ord. 01-1010 (part), 2001)

12.08.030 Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to the lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present. (Ord. 01-1010 (part), 2001)

12.08.040 General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash. (Ord. 01-1010 (part), 2001)

12.08.041 Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in the all public rights-of-way and public grounds, as may be necessary to insure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the city manager the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements. (Ord. 01-1010 (part), 2001)

12.08.042 Public tree removal

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the city, may be removed and shall be replaced with one tree with a minimum two-inch caliper measured six inches above the root crown that is of a similar tree species, unless the species is not included on the street tree list in, which case, the tree shall be replaced with a species from the street tree list. A non-diseased, non-hazardous street tree that is removed shall be replaced with one-half the required replacement trees found in Table 16.12.310-1 (fractions shall be rounded to the nearest whole number).

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 01-1010 (part), 2001)

12.08.050 Heritage trees.

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Certain trees, because of their age, type, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property. Oregon white oak trees, which in Oregon City are near the edge of their native range, are especially recognized for their contribution to the character of the city.

A program to identify and designate heritage trees is hereby created. The natural resources committee shall:

A. Recommend for adoption by the city commission the criteria to be used for determining when a tree qualifies for designation as a heritage tree.

B. Recommend for adoption by the city commission a process to be used in receiving, reviewing, and designating a heritage tree nomination by a citizen or the committee itself; if a nominated tree is on private property the permission of the property owner will be required.

C. Use the process and criteria adopted by the city commission to recommend heritage tree designations to the city commission, which shall approve said recommendations by resolution.

D. Make recommendations for tree maintenance and maintain a listing of all designated heritage trees.

12.08.060 Gifts and funding.

The city of Oregon City may accept gifts that are specifically designated for the purpose of planting or maintaining trees within the city. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section. (Ord. 01-1010 (part), 2001)

12.08.070 Violation--Penalty.

The violation of any provision of this chapter shall constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20. (Ord. 01-1010 (part), 2001)

Read for the first time at a regular meeting of the City Commission held the 4th day of August 2004, and the foregoing ordinance was finally enacted by the City Commission this 18th day of August 2004.



ALICE NORRIS, Mayor

ATTESTED to this 18th day of August 2004

Leilani Bronson-Crelly
LEILANI BRONSON-CRELLY, City Recorder

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Effective Date: September 17, 2004