City of Oregon City

Legislation Details (With Text)

File #:	19-577	**Version:** 1	**Name:**	1st Reading of Ordinance No. 19-1016, Heritage Tree Code
Type:	Report		**Status:**	Public Hearing
File created:	10/8/2019		**In control:**	City Commission
On agenda:	10/16/2019		**Final action:**	
Title:	First Reading of Ordinance No.19-1016, Amending Oregon City Municipal Code Chapter 12.32 - Heritage Trees			
Sponsors:	Laura Terway			
Indexes:				
Code sections:				
Attachments:	1. Staff Report, 2. Ordinance No. 19-1016, 3. OCMC 12.32 dated 10.16.19 Clean, 4. OCMC 12.32 dated 10.16.19 Tracked Changes			

Date	Ver.	Action By	Action	Result
10/16/2019	1	City Commission	approve on first reading	Pass

First Reading of Ordinance No.19-1016, Amending Oregon City Municipal Code Chapter 12.32 - Heritage Trees

RECOMMENDED ACTION (Motion):

Approve the first reading of Ordinance No. 19-1016, amending Oregon City Municipal Code Chapter 12.32 - Heritage Trees.

BACKGROUND:

Oregon City established a Heritage Tree Designation process in order to recognize, foster appreciation and provide for voluntary protection of certain trees, because their age, species, natural resource value, ecological or historical association, are of special importance to the city.

On September 18, 2019 the Commission continued this item and directed staff to make the following changes to the proposed code:

- Separate the definitions for hazardous tree and diseased tree. This now matches the definitions in Chapter 17.04.
- If the heritage tree is removed, provide option to replant replacement trees off site if there is not room to replant on site.
- No inclusion of a fee-in-lieu of planting option for replacement trees.
- Clarify that notice to owner is provided.
- Change tree mitigation requirements if the heritage tree is removed, and allow and give priority a larger caliper size replacement tree instead of a greater number of smaller caliper trees.
- Grammatical edits to remove acronyms and correct capitalization.

Planning Commission endorsed the revisions to the Oregon City Municipal Code (OCMC) 12.32 on September 9, 2019. The heritage tree code is not a land use item, and is not subject to typical legislative process. The Planning Commission did consider and comment on the changes prior to

making an informal recommendation for approval. Prior to the Planning Commission's review, planning staff worked with the Natural Resources Committee (NRC) to develop the recommended changes to the Heritage Tree Code, OCMC 12.32. Special thanks go to all NRC members and in particular Nancy Broshot and Dorothy (Didi) Dahlsrud for their excellent input on the code changes.The NRC reviewed the draft amendments to the code on March 13, June 12, and recommended approval on July 10, 2019

The intent of the revisions is to simplify the process for the voluntary nomination and designation of heritage trees and thereby encourage more nominations.

The attached redlined version of the code includes the following substantive changes:
- Removal of the requirement to provide a certified arborist report regarding tree condition. The NRC believes that this requirement is a disincentive for people considering heritage tree nomination. The City Commission may at their discretion choose to require an arborist report prior to final designation, however, this would not be a codified requirement.
- Instead of reviewing nominations as they are submitted, all nominations would be submitted prior to December 31 and processed at the same time. This would allow the final nominations to be declared concurrently with Oregon Arbor Week.
- Owner consent will be required in all situations, including nominations on public and city owned property.
- A tree mitigation table has been added indicating the number of replacement trees required if a heritage tree is removed.
- Added sentence that native heritage trees must be replaced with heritage trees.
- The NRC unanimously agreed that legal protection not extend to newly replaced trees in the event the original heritage tree is removed due to death, disease.