



CITY OF OREGON CITY REGULAR MEETING AGENDA

Community Room, Community Development Building, 695 Warner Parrott Rd, Oregon
City, OR
Wednesday, August 14, 2024 at 6:30 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Register to provide electronic testimony (email pwalter@orcity.org by 3:00 PM on the day of the meeting to register)
- Email pwalter@orcity.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)

1. INTERVIEWS

1.a. NRC Applicant Interviews

2. CALL TO ORDER AND ROLL CALL

3. ADOPTION OF THE AGENDA

4. APPROVAL OF MINUTES

4.a. Approval of 8/11/2021, 9/8/2021 and 11/10/2021 Meeting Minutes.

5. PUBLIC COMMENTS

Please see the public comment guidelines below.

6. DISCUSSION ITEMS

6.a. Tree Canopy and Tree Code Recommendation to City Commission

6.b. Public Works Amendments to Street Tree Maintenance Requirements

7. COMMUNICATIONS

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the clerk. When the Chair calls your name, proceed to the speaker table, and state your name and city of residence. Each speaker is given 3 minutes to speak. As a general practice, the committee does not engage in discussion with those making comments. Complaints shall be addressed at the department level prior to addressing the committee.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting.

Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the [Oregon City's website](#) and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft Natural Resources Committee

Monday, August 11, 2021

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Chair Broshot called the meeting to order at 7:00 PM.

Present: 6 - Chair Nancy Broshot, Committee Member Devon Pilney, Committee Member Carrie Young, Committee Member Brian Kvistler, Committee Member Chris Weaver, and Committee Member Samantha Wolf

Absent: 1 - Committee Member Mike Hamilton

Staffers: 2 – Community Development Director Laura Terway and Parks and Recreation Director Kendall Reid

2. Adoption of the Agenda

The agenda was adopted as presented.

3. Presentations: Kendall Reid, Parks and Recreation Director

Kendall Reid, Parks and Recreation Director, discussed recent park developments.

Chair Broshot asked that he stay in contact with the NRC for future recommendations for parks.

4. Approval of Minutes: Draft NRC Minutes: 1.8.20, 4.10.19, 3.13.19, & 2.13.19

The minutes were approved with no changes.

5. Public Comment

None.

6. New Business: 1155 Kamm Street and 279 Warner Milne Road Development Proposal in the Natural Resources Overlay District

Todd Iselin, Iselin Architects, said he was there to answer any questions. This was a narrow, constrained lot with a wetland on one side per the NROD map that was really a drainage ditch dug several years ago. The property owners wanted to develop an apartment project on the site. They hired a consultant to look at the wetland and there was a very small area near Warner Milne where the culvert went under the road. Everything else was not a wetland. The existing home and garage would be demolished as part of the project. He requested the resource be re-delineated.

Kent Snyder, Wetland Biologist, HHPR, discussed the features on the site, findings that identified the drainage area only, and Department of State Lands review.

There was discussion regarding where the water was coming from, mitigating for the impervious surfaces, trees on site, Natural Resources Overlay District connections, City review criteria, and water holding capacity of the soil.

Chair Broshot did not see any evidence of a wetland on the property.

Laura Terway, Community Development Director, said the Committee would be notified when the application was submitted, and they could make comments at that time.

7. Old Business: Street Tree List Update

Ms. Terway said the Committee had been working on making changes to the Street Tree List, to make sure the trees were a good fit for the planter strips, to create a resilient canopy over time, set the City up well for climate change, have a good diversity of species, and eliminate sidewalk cracking.

Committee Member Wolf said they had to view the trees 50 years into the future and think about their resiliency, drought tolerance, and space requirements. She compared the list to other city lists and recommended putting some trees on hiatus as well as follow the arborist's recommendations from the last meeting and learning what other varieties were available. She thought there was more to move around for site size and trees to remove from the list. She encouraged the NRC to visit nurseries and talk to them about availability.

There was discussion regarding having the Friends of Trees review the list, adding why trees were moved and the expectation for how long the trees would be on hiatus, how the hiatus had to do with the percentage of the trees in the tree inventory, public education to encourage diversity, adding pictures of the trees on the list, policy direction for no maples at future Friends of Trees plantings, and caveat for the hiatus if the trees were not available.

Staff would contact Friends of Trees to review the list and Committee Member Wolf would send the list to her contacts to get feedback as well.

8. Communications

Ms. Terway discussed a proposed master plan for the Park Place Concept Plan area.

Committee Member Wolf discussed a future weed pull in Canemah and getting a presentation from ODF on tree inventories.

9. Future Agenda Items

At the next meeting there would be a Friends of Trees review of the street tree list, presentation from ODF, and discussion regarding updating the nuisance plant list.

10. Adjournment

Chair Broshot adjourned the meeting at 8:43 PM.



City of Oregon City

625 Center Street
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503-657-0891

Meeting Minutes - Draft Natural Resources Committee

Monday, September 8, 2021

6:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Chair Broshot called the meeting to order at 6:00 PM.

Present: 6 - Chair Nancy Broshot, , Committee Member Carrie Young, Committee Member Brian Kvistler, Committee Member Mike Hamilton, Committee Member Chris Weaver, and Committee Member Samantha Wolf

Absent: 1 - Committee Member Devon Pilney

Staffers: 1 – Senior Planner Christina Robertson Gardiner

2. Adoption of the Agenda

The agenda was adopted as presented.

3. Presentations: Community Tree Plotter Inventory Project Presentation by Kristin Ramstad, Manager, Urban and Community Forestry Assistance Program, Oregon Department of Forestry

Kristin Ramstad, Oregon Department of Forestry, presented on Tree Plotter, a tree inventory computer program. She explained how to enter data into the program and map trees, uses for the information, and EAB cost calculator tool.

There was discussion regarding options for collecting the data, training the data collectors and managing the data, sample inventories to determine the number of a certain species, how the data would be used, sharing information with the public, offline capability, what other cities did, who would be trained, who would coordinate, and who would maintain the database once it was created, and hiring a City Forester.

This would be on the next meeting's agenda for further discussion.

4. Public Comment

None.

5. Old Business: Street Tree List Update

Committee Member Wolf discussed the updated street tree list. For very small sites, the recommendation was to plant a shrub instead of a tree. She also thought they should require developers to plant trees that had appropriate root size for the planter. They could put the Maples back on the list that she had put on hiatus. She did not think they were missing anything. They could explore more shrub options for the small sites. Shrubs would need more pruning.

This would also be brought back to the next meeting and more shrubs could be added. Committee Member Weaver would make a list of recommended shrubs.

8. Communications

Chair Broshot was working on updating the nuisance plant list and was finding it difficult due to changes to the plants' scientific names. She wanted to talk to Laura Terway, Community Development Director, to see how much change they wanted to do. It was suggested to get help from the Parks Department as well.

9. Future Agenda Items

There was discussion regarding future agenda items.

The NRC discussed questions from the City Commission. One was the street tree list that the NRC was working on and the other was about the planting diagram. Committee Member Wolf recommended coordinating with Friends of Trees regarding trees and planting sites.

10. Adjournment

Chair Broshot adjourned the meeting at 8:24 PM.



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft Natural Resources Committee

Monday, November 10, 2021

6:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Chair Broshot called the meeting to order at 6:00 PM.

Present: 5 - Chair Nancy Broshot, Committee Member Carrie Young, Committee Member Mike Hamilton, Committee Member Devon Pilney, and Committee Member Samantha Wolf

Absent: 2 - Committee Member Brian Kvistler and Committee Member Chris Weaver

Staffers: 2 – Planner Kelly Reid and Public Works Director John Lewis

2. Adoption of the Agenda

The agenda was adopted as presented.

3. Public Comment

None.

4. Old Business: Street Tree List Update

Committee Member Wolf said she had gotten feedback from Oregon Department of Forestry on the species on the street tree list, especially suggestions for trees that could withstand ice storms and droughts.

John Lewis, Public Works Director, wanted to make sure the trees would not be a problem in the future regarding how they were planted and lifting sidewalks. He thought shrubs were a good solution for the smaller planter strips, however site distance at intersections was a concern.

Ms. Reid thought they could add an asterisk to those species and say not within a certain number of feet to an intersection.

There was discussion regarding putting bark mulch around the newly planted trees, adding more native species to the list, adding tree-like shrubs to the list, species to take off the list, species to put back on the list, recommended species for the 2.5 to 3 foot planter strips or recommending no trees in those narrow strips, alternative of replanting trees in front yards instead of in the planter strips, and what trees would be approved for front yards.

There was consensus to look at the narrow planter strip list again and add shrubs with visibility and pruning requirements. For replanting a tree in the front yard rather than the planter strip, the size of the tree would be based on how big the yard was. The list would be brought back to the next meeting.

Tree Planting Standards

Mr. Lewis asked for clarification on the proposed change to root barriers.

Chair Broshot said it was a recommendation for the root barrier to go on only one side of the new planting instead of all sides as the roots would not have enough room to develop.

Mr. Lewis was concerned about long root masses that would still affect the sidewalks. He showed a picture of a root mass that had been pulled up in the Trail View subdivision.

Ms. Reid suggested adding a condition that if there was infrastructure like a water meter, another root barrier would be added.

There was discussion regarding the minimum caliper size that should be planted, 1.5 vs 2 inches.

This item would be discussed at the next meeting.

5. New Business/Discussion Items: Friends of Trees call for planting volunteers for November 20

Christine Smith, Friends of Trees, said they would be planting 85 trees on November 20. They needed volunteers for this event and future events including crew leaders.

8. Communications

Committee Member Hamilton said this was his last meeting. Committee Member Young said it was her last meeting as well.

The Committee thanked them for their service.

Ms. Reid said it was Laura Terway's last day as well. She had taken a position with Happy Valley.

Mr. Lewis discussed the sidewalk replacement assistance program and street tree assistance program as well as funding for a City Forester position.

9. Future Agenda Items

There was discussion regarding future agenda items.

Committee Member Wolf suggested a discussion on next year's Arbor Day celebration and possible OCT grant.

10. Adjournment

Chair Broshot adjourned the meeting at 8:42 PM.



CITY OF OREGON CITY

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Staff Report

To:	Natural Resources Committee	Agenda Date:	August 14, 2024
From:	Pete Walter, Planning Manager		

SUBJECT:

Item 6.a. - Tree Canopy and Tree Code Recommendation to City Commission

STAFF RECOMMENDATION:

EXECUTIVE SUMMARY:

The attached draft letter to the City Commission has been revised multiple times with input from NRC members and planning staff. Once the NRC has decided to send the letter forward to the City Commission, staff will work to find a city commission meeting date at which the Chair can present the letter to the City Commission. John Lewis, Public Works Director, and Josh Wheeler, Asst. City Engineer, have reviewed the letter and provided comments, attached separately.

BACKGROUND:

Review Comments from Public Works Department and discuss the NRC's latest recommendation letter.

OPTIONS:

Unknown

BUDGET IMPACT:

To the Oregon City Commission:

The Natural Resources Committee has written this letter to the City Commission to provide input as to the City's current urban forestry codes and policies and make a recommendation to address the loss of tree canopy.

A healthy tree canopy goes beyond environmental benefits and extends to economic concerns, public health, community development, and more. Any questions as to the extensive benefits of urban canopy can be directed to members of the Natural Resources Committee, the Oregon Department of Forestry, or OSU Extension Office. In addition to the City Commission's Goal #7, the OC2040 Community Vision explicitly calls for supporting our "extensive tree canopy". The justification for prioritizing this topic is not in question.

The issues at hand involve what to do.

1. To what extent do we understand and protect our current tree canopy?

A public tree canopy assessment or inventory is essential. With this information, the city can determine realistic goals for how the tree's canopy should be managed. A proactive urban forestry plan developed with public input is the next logical step in the process. Based on that plan, improved city code, policies, management, and resources for our urban tree canopy can be developed.

2. Does the current code prioritize the preservation of mature trees?

City code identifies a tree as a "hazard" when a side-walk is uplifted. It is important to note that Hazard trees adhere to arboriculture industry safety standards that are rigorously studied and reviewed. A Hazard Tree is not a designation influenced by positioning of sidewalks but describe the health of the tree itself without consideration to possible mobility issues navigating around that tree.

Current code allows adjacent property owners to remove large mature street trees in three-foot planting strips (within the ROW) with minimal justification or consideration for alternative actions to maintain the tree. Older trees with substantial shade are frequently replaced with smaller species if mitigation occurs. When a mature street tree is removed due to sidewalk up lift, no mitigation occurs and the city has no opportunity to recoup the loss of canopy.

3. Are there ways to change code to better protect tree canopy?

To align city code with the City Commission Goal of increased canopy, the OC2040 Community Vision and other city planning goals, the City's tree code requires key changes. The NRC has identified the following as ways to more closely align City code with long term goals set fourth through various means of public input.

- A. For 4-foot strips and larger, compulsory replanting is recommended. Installation of low growing shrubs or perennials (as suggested on the city website [here](#)) is recommended should replanting not be feasible for 3-foot and narrower strips.

Commented [WS1]: Insert referenced website link.

- B. If uplift from trees creates a non-compliant sidewalk that inhibits mobility, alternatives to tree removal including sidewalk repair, rerouting and/or prudent root pruning by a certified arborist should among the first options explored. An adjusted sidewalk may be feasible at a lower cost than tree removal. A requirement to have a hazard report as well as a removal estimate could provide further insight as to the health of the tree and inform possible alternative solutions to removal.
 - C. If tree removal is unavoidable and mitigation is not possible, a higher fee-in-lieu of to support planting efforts elsewhere in the city is recommended. A fee to remove a street tree provides more incentive for retention. Also, the income from fees for removing street trees, can be support more tree plantings, improved maintenance, and compliance enforcement. The recent report of tree planting in the City indicate that tree removals far exceed current efforts to replace canopy let alone increase it.
- 4. The city can improve its assessment of tree health by requiring Tree Risk Assessments be performed by Certified Arborists only. To prevent a conflict of interest, the arborist should not be the same contractor hired in case of removal. This conflict underscores the importance of a city forester to objectively review removal requests and ensure all city-trees are maintained properly and are not needlessly removed for financial gain. Best practices provided by the Arbor Day Foundation, the City of Milwaukie, West Linn, and Portland provide example of tree codes that place greater emphasis on tree preservation for public and private development. Pragmatic and successful tree canopy should be based on a clear understanding of what resources we currently have and where we want to go as a city. This boils down to the essential components of a sustainable urban forestry program, and one that is integral to combatting the effects of climate change.
 - 5. There are two major grants available supporting Tree Canopy Assessments, Tree Inventories, and Urban Forest Plan development, and other green infrastructure projects! Oregon Department of Forestry and the Oregon Department of Land Conservation and Development are requesting proposals to fund such projects and Oregon City should not miss the opportunity! Now is the time to implement better urban forestry management, support our OC 2040 goals, and utilize grant funding to improve the quality of life in our community.

Pete Walter

From: John M. Lewis
Sent: Tuesday, July 30, 2024 6:20 PM
To: Pete Walter
Cc: Josh Wheeler; Aquilla Hurd-Ravich
Subject: RE: Edited letter to OC Commission
Attachments: NRC tree letter comments.docx

Hello Pete. I agree with the comments Josh provided. I have included some pretty tough feedback in the body of the letter. Given what I have tonight for available time and the overall tone of the letter, I'm not much of a fan of the letter as you can surmise from my notes. I continue to see that the street tree and expectations for these narrow planter strips is in direct conflict with existing walking needs of the community. There may be instances where the City might consider a depave project in favor of trees, eliminating the sidewalk altogether. This won't work in all places and would have its own set of controversies but if the NRC and the City Commission want to preserve existing street trees this is something drastic that we have yet to propose. For instance, do dead end cul-de-sacks like these pictured need sidewalks? Maybe even less paved diameter. I suppose there may be opportunities for retrofitting these kinds of roadways/neighborhoods in favor of tree preservation.



From: Pete Walter <pwalter@orccity.org>

Sent: Friday, July 19, 2024 2:25 PM

To: Aquilla Hurd-Ravich <ahurdravich@orccity.org>; John M. Lewis <jmlewis@orccity.org>

Cc: Josh Wheeler <jwheeler@orccity.org>

Subject: FW: Edited letter to OC Commission

Good afternoon,

The NRC has made several edits to the letter to the city commission that they wish to present. As you know, they have been discussing for a while how best to make an effective policy recommendation to the city commission regarding tree canopy, and this letter is the result of discussions at numerous prior NRC meetings. It has also been revised and shortened because of that discussion.

John, before making a recommendation to move this forward to the city commission at their August 14 meeting, NRC was very clear that they would like John's comments on the letter, and also invited you the next committee meeting to chat in person, but they understand that you may be gone.

Thanks!

Pete



Oregon City Planning Division

ocplanning@orccity.org

Planning Division -

503.722.3789

Fax 503.722.3880

From: Samantha Wolf <sammwolf@gmail.com>

Sent: Thursday, June 20, 2024 8:49 AM

To: Pete Walter <pwalter@orccity.org>

Cc: Doug Neeley <retiredfromstats@gmail.com>; Brian Kvisler <bkvisler@gmail.com>; Dave Trotter <davestrotter@gmail.com>; Emily <emilylisborg@gmail.com>

Subject: Edited letter to OC Commission

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Pete,

Here are my edits to the letter we discussed in our last NRC meeting. Thank you for facilitating this discussion!

Fellow NRC members: Let me know if there are questions or additional edits!

Cheers,

Sam Wolf

To the Oregon City Commission:

The Natural Resources Committee has written this letter to the City Commission to provide input as to the City's current urban forestry codes and policies and make a recommendation to address the loss of tree canopy.

Commented [JL1]: Do we have Urban Forestry Codes?

A healthy tree canopy goes beyond environmental benefits and extends to economic concerns, public health, community development, and more. Any questions as to the extensive benefits of urban canopy can be directed to members of the Natural Resources Committee, the Oregon Department of Forestry, or OSU Extension Office. In addition to the City Commission's Goal #7, the OC2040 Community Vision explicitly calls for supporting our "extensive tree canopy". The justification for prioritizing this topic is not in question.

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A public tree canopy assessment or inventory is essential. With this information, the city can determine realistic goals for how the tree's canopy should be managed. A proactive urban forestry plan developed with public input is the next logical step in the process. Based on that plan, improved city code, policies, management, and resources for our urban tree canopy can be developed.

Commented [JL2]: The response seems like a different answer than the question is asking.

2. Does the current code prioritize the preservation of mature trees?

City code identifies a tree as a "hazard" when a side-walk is uplifted. It is important to note that Hazard trees adhere to arboriculture industry safety standards that are rigorously studied and reviewed. A Hazard Tree is not a designation influenced by positioning of sidewalks but describe the health of the tree itself without consideration to possible mobility issues navigating around that tree.

Current code allows adjacent property owners to remove large mature street trees in three-foot planting strips (within the ROW) with minimal justification or consideration for alternative actions to maintain the tree. Older trees with substantial shade are frequently replaced with smaller species if mitigation occurs. When a mature street tree is removed due to sidewalk up lift, no mitigation occurs and the city has no opportunity to recoup the loss of canopy.

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To align city code with the City Commission Goal of increased canopy, the OC2040 Community Vision and other city planning goals, the City's tree code requires key changes. The NRC has identified the following as ways to more closely align City code with long term goals set fourth through various means of public input.

- A. For 4-foot strips and larger, compulsory replanting is recommended. Installation of low growing shrubs or perennials (as suggested on the city website here) is recommended should replanting not be feasible for 3-foot and narrower strips.
- B. If uplift from trees creates a non-compliant sidewalk that inhibits mobility, alternatives to tree removal including sidewalk repair, rerouting and/or prudent root pruning by a certified arborist should among the first options explored. An adjusted sidewalk may be feasible at a

Commented [JL3]: NRC seems pretty focused on the preservation street trees no matter the cost. I think the city's goals, codes and plans provide stringer support for walkable communities. I continue to struggle with the NRC's emphasis on street trees in narrow planter strips and lose sigh of the open space tree groves that are degraded or sponsoring initiatives to support canopy development on private property.

Commented [JL4]: The City Commissions goal does not specifically list increase tree canopy. Instead it includes a goal to preserve and protect the City's tree canopy.

Policy 2.4 in OC2040 is also pretty light on increasing tree canopy.

Commented [WS5]: Insert referenced website link.

lower cost than tree removal. A requirement to have a hazard report as well as a removal estimate could provide further insight as to the health of the tree and inform possible alternative solutions to removal.

- C. If tree removal is unavoidable and mitigation is not possible, a higher fee-in-lieu of to support planting efforts elsewhere in the city is recommended. A fee to remove a street tree provides more incentive for retention. Also, the income from fees for removing street trees, can be support more tree plantings, improved maintenance, and compliance enforcement. The recent report of tree planting in the City indicate that tree removals far exceed current efforts to replace canopy let alone increase it.
4. The city can improve its assessment of tree health by requiring Tree Risk Assessments be performed by Certified Arborists only. To prevent a conflict of interest, the arborist should not be the same contractor hired in case of removal. This conflict underscores the importance of a city forester to objectively review removal requests and ensure all city-trees are maintained properly and are not needlessly removed for financial gain. Best practices provided by the Arbor Day Foundation, the City of Milwaukie, West Linn, and Portland provide example of tree codes that place greater emphasis on tree preservation for public and private development. Pragmatic and successful tree canopy should be based on a clear understanding of what resources we currently have and where we want to go as a city. This boils down to the essential components of a sustainable urban forestry program, and one that is integral to combatting the effects of climate change.
5. There are two major grants available supporting Tree Canopy Assessments, Tree Inventories, and Urban Forest Plan development, and other green infrastructure projects! Oregon Department of Forestry and the Oregon Department of Land Conservation and Development are requesting proposals to fund such projects and Oregon City should not miss the opportunity! Now is the time to implement better urban forestry management, support our OC 2040 goals, and utilize grant funding to improve the quality of life in our community.

Commented [JL6]: Staff worked many hours to avoid more of the longstanding dilemma of the wrong tree in the wrong places. These narrow planter strips simply do not support the kind of trees NRC would like. The current challenge of creating and maintaining walkable communities and building tree canopy using narrow planter strips is a direct conflict. Routing sidewalks around mature trees that often include a vast root system including under the sidewalk and beyond the sidewalk and planter strip up into the yard is not practical. Fee in lieu is also counter productive for a community that literally leans away from the benefits of trees and more considers them to be a nuisance. Development code changes that could help include things like curb tight sidewalks or no sidewalks in situations like cul-de-sacs where safe pedways are less necessary or code changes requiring wider dedication of ROW to provide for much wider planter strips.

Commented [JL7]: What is the question item 4 is answering? Other items have included a question. Same with number 5. We are currently required to hire an arborist, unless its in conflict with a sidewalk.

Commented [JL8]: I suspect the City Commission would support a grant request. Maybe the NRC is asking for the staffing or resources that have not been allocated today to pursue grants? Given all the passion and effort writing this letter, why is the request not to pursue funding for a full time Urban Forester?

Pete Walter

From: Josh Wheeler
Sent: Friday, July 19, 2024 6:26 PM
To: Pete Walter; Aquilla Hurd-Ravich; John M. Lewis
Subject: Re: Edited letter to OC Commission

Hi Pete

I do not know what John Lewis' position is; however, as an engineer and a person who maintained tree canopy in North Chicago, nothing in this letter seems unreasonable except for the following :

1. cost of replanting, even shrubs, may be an economic hardship on certain residents
2. Rerouting sidewalk has a few issues :
 - a. It requires an easement prepared by a land surveyor. Who would bear this cost?
 - b. A meandering sidewalk creates a hardship for the vision impaired (blind) and walking impaired (wheelchair). It also could impact locations of other items such as private irrigation, fences, security systems, franchise utilities and possibly cleanouts, utility services, hydrants or mailboxes.

Further, I offer the following :

1. The City must hire an urban forester. The commission is supposed to be a policy body and they are making decisions on trees. We need an expert on staff which will manage an inventory, friends of trees, tree health, tree review, inspections, etc
2. The height, which I am coming to NRC for in August, is actually damaging the trees. By elevating code, vehicles will no longer damage branches.
3. We need a pruning program for street trees. Residents are rarely qualified to bolster the growth of a sapling and train it to be a full grown canopy tree. Most residents ignore them. A regular pruning program will prevent scraggly trees newly installed by subdivision developers and CIP projects. This can likely be done by a contractor managed by PW or Parks or by an Urban Forester.

I recommend Directors during budget split the cost of Urban Forester between PW, Parks, and Planning. A mix of gas tax, franchise utility fees, code enforcement fees and general fund could make this position whole without substantial burden to these budgets by splitting between them.

Benefits of a tree program :

- safety by removing dead preventing road closures by trees during wind storms
- Accessibility by removing branches properly for roads and sidewalks
- General overall health as described by NRC
- Right tree/right place causing improved canopy
- Removes burden from regulatory staff who can focus on other things

- Variety which reduces potential from future mass destruction of canopy due to disease or insects

I could likely come up with more. My program was successful in North Chicago. It was just me and my staff. Our issue was more about dead trees everywhere, but we did partner with a Chicago version of friends of trees to improve our canopy, especially our boulevard. I learned a lot thru implementing it as well as reviewing and even designing landscape plans when I was a private developer designer.

Would love to collaborate more on this.

Josh

Get [Outlook for iOS](#)

From: Pete Walter <pwalter@orcity.org>

Sent: Friday, July 19, 2024 2:25:01 PM

To: Aquilla Hurd-Ravich <ahurdravich@orcity.org>; John M. Lewis <jmlewis@orcity.org>

Cc: Josh Wheeler <jwheeler@orcity.org>

Subject: FW: Edited letter to OC Commission

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Cheers,

Sam Wolf



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Staff Report

To: Natural Resources Committee **Agenda Date:** August 14, 2024
From: Josh Wheeler, Assistant City Engineer

SUBJECT:

Item 6.b. - Public Works Amendments to Street Tree Maintenance Requirements

STAFF RECOMMENDATION:

Public Works wishes to amend OCMC 12.08.025 - *General tree maintenance* to increase the required clearances above the street, sidewalks and in clear vision areas.

EXECUTIVE SUMMARY:

Public Works wishes to amend OCMC 12.08.025 - *General tree maintenance*. Currently this code reads as follows:

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is prohibited, unless under recommendation of a certified arborist. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks, eight-foot clearance in clear vision areas pursuant to OCMC [10.32](#), and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

Proposed amendments would increase the required clearance maintain a minimum eight-foot clearance above all sidewalks, ten-foot clearance in clear vision areas pursuant to OCMC 10.32, and fourteen-foot clearance above the street.

Along with the amended clearance heights, the code could include a requirement that pruning of branches comply with best industry standards, specifically ANSI 300. Josh Wheeler, Engineering Development Project Manager will present the proposal and seek feedback from the NRC.

BACKGROUND:

Discussion and feedback.

OPTIONS:

BUDGET IMPACT:

Chapter 12.08 PUBLIC AND STREET TREES¹

12.08.010 Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air and water quality; and
- E. Increase the community tree canopy and resource.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.015 Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 12.08 in its entirety to read as herein set out. Former Chapter 12.08, §§ 12.08.010—12.08.050, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009.

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- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.
 - E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
 - F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.
 - G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the city engineer.
 - H. Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.025 General tree maintenance.

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is prohibited, unless under recommendation of a certified arborist. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum ~~eightseven~~-foot clearance above all sidewalks, ~~teneight~~-foot clearance in clear vision areas pursuant to OCMC 10.32, and ~~fourteen~~-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 2023-1004, § 1(Exh. A), 5-3-2023)

12.08.030 Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The public works department and parks and recreation department may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition or may be injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of the OCMC 17.49, Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.035 Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal shall be mitigated by the following:

- A. A dead, diseased, or hazardous street tree, as determined by a certified arborist and approved by the city manager or designee, may be removed if replaced with one new tree for each dead, diseased, or hazardous tree that is removed.

1. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without a report from a certified arborist, as defined in OCMC 17.04.082.
 2. All replacement street trees under this section shall have a minimum one and one-half inch caliper trunk measured six inches above the root crown.
- B. Removed trees that are not determined to be dead, diseased, or hazardous shall be replaced in accordance with Table 12.08.035. All replaced street trees shall have a minimum one and one-half inch caliper trunk measured six inches above the root crown.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

- C. Removed trees shall be replaced by approved tree species:
1. Within the right-of-way abutting the same frontage; and
 2. Subject to the requirements under OCMC 12.08.015.
- D. If an applicant can demonstrate to the satisfaction of the city manager or designee that a sufficient location to replant tree(s) according to subsection C is not available, the city manager or designee may allow:
1. Installation of replacement tree(s) in one of the following alternative locations:
 - a. Within the right-of-way abutting another property, with abutting property owner approval; or
 - b. On public property, with city manager or designee approval; or
 - c. Within ten feet of the right-of-way in the abutting private yard; or
 2. As a last resort, a fee in lieu of replacing the tree(s), subject to the following:
 - a. The applicant must demonstrate, to the satisfaction of the city manager or designee, that none of the alternative replanting options in section D.1 is sufficient for replanting.

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- b. Is to be placed into a city fund dedicated to obtaining trees, planting trees, and/or tree education in Oregon City.

E. Exceptions:

1. Trees that are listed as invasive non-native, nuisance, prohibited, or noxious vegetation species as defined in OCMC 17.04.605, may be removed without replacement or fee in lieu of replacement.
2. Trees in planter strips three feet or less in width may be removed without replacement or fee in lieu of replacement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 2023-1004, § 1(Exh. B), 5-3-2023)

12.08.045 Gifts, fee-in-lieu of planting, and funding.

The city of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. The community development director may allow a fee-in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. 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. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.050 Violation—Penalty.

The violation of any provision of this chapter shall constitute a civil infraction, subject to code enforcement procedures of OCMC 1.16 and/or OCMC 1.20.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)