



URBAN FORESTRY BOARD Agenda

520 E. Cascade Avenue - PO Box 39 - Sisters, Or 97759 | ph.: (541) 549-6022 | www.ci.sisters.or.us

Monday, June 8, 2020 – 3:00 P.M.

520 E. Cascade Avenue – Sisters, OR 97759-City Hall

The meeting will be accessible to the public via teleconference. The audio recording of the meeting will be posted to the City website the day following the meeting.

Please use the following phone number to listen to the meeting:

1-844-802-5555 Access Code: **399434**

I. CALL TO ORDER & ROLL CALL

II. APPROVAL OF MINUTES

A. March 9, 2019 – Regular Meeting

III. VISITOR COMMUNICATION- There will be no verbal Visitor Communication. Written communication can be submitted for the record to trayburn@ci.sisters.or.us or dropped in the utility mail drop by 2:00 pm on Monday, June 08, 2020.

IV. BOARD BUSINESS

A. Consideration & Discussion Regarding Removal of Two (2) Juniper Trees in Public Right-of-Way at 270 S. Spruce Street

B. Consideration & Discussion Regarding Removal of Two (2) Poplar Trees from Public Right-of-way at 516 E. Tyee Drive

C. Consideration & Discussion of Two Additional Trees (split trunk) from Public Right-of-Way at 367 W. Jefferson Ave.

D. Additional Consideration & Discussion of McKenzie Meadows Village Phase 3 Tree Plan

V. OTHER BUSINESS

A. Work Session - Review & Discussion of New Tree Code per Community Development. No Decision Required at this Point.

B. Urban Forester Update / Status Report Regarding Any Other Issues

VI. BOARD MEMBER COMMENTS

VII. ADJOURN

NOTE: A “substantial issue” not listed on a published agenda cannot be considered.

This agenda is also available via the Internet at www.ci.sisters.or.us. The meeting location is accessible to persons with disabilities. Requests for an interpreter for the hearing impaired or for other disability accommodations should be made at least 48 hours before the meeting by contacting Kerry Prosser, City Recorder at kprosser@ci.sisters.or.us Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice.

Urban Forestry Board (UFB)

Regular Meeting Minutes

Monday, March 9, 2020

Board Members Present:

Dave Moyer, Chair

Patrick Burke

Patricia Cusick

Marcus Peck (Arrived at 3:10 PM)

Staff:

Paul Bertagna, Director of Public Works

Dan Galecki, Urban Forester

Troy Rayburn, Public Works Project Coordinator

I. CALL TO ORDER & ROLL CALL

Chair Moyer called the Monday, March 9, 2020 regular meeting to order at 3:00 PM.

II. APPROVAL OF MINUTES

Chair Moyer directed Board members to the January 13, 2020 draft meeting minutes and asked if there were any comments or questions. Board Member Patrick Burke noted a correction to a street name on Pg. 1. Seeing no further comments, Chair Moyer called for a motion to approve. Board Member Patrick Burke made the motion. Board Member Patricia Cusick second the motion. Motion passed unanimously, 3-0.

III. VISITOR COMMUNICATION

Two visitors in the audience. Troy Rayburn asked both to identify themselves for the record and what agenda item they are present to speak to.

- Thomas Sigler, Property Owner at 396 E Tyee Drive, Agenda Item "E"
- Sean Williams, Hayes McCoy Engineering, Agenda Item "D"

IV. BOARD BUSINESS

A. Motion to Approve Urban Forester's Professional Discretion per January 13 Work Session Discussion Relating to Chapter 2.72.040 (4) of the City of Sisters Municipal Code

Chair Moyer announced the agenda item and turned to Troy for an agenda item summary and explanation for required action. Troy noted that a motion is required based on the UFB's January discussion. He directed the Board to the January 13 meeting minutes as a good summary of the urban forester's professional discretion, including need to avoid perception of conflict of interest. Chair Moyer asked if there was any additional discussion needed. Seeing none, he asked for a motion. Patrick made the motion per the January 13 meeting minutes. Marcus second. Motion passed 4-0.

B. Consideration & Discussion Regarding Removal of Two Existing Juniper Trees at Village Green Park to Expand Space for New Playground Equipment

Chair Moyer read the agenda item into the record, pointed out the urban forester's staff report in the UFB's information packet, and ask for an overview of the project and trees in question. Public Works Director Paul Bertagna summarized the new play structure, including its size and the two juniper trees that will impede the project's expansion if not removed. Paul directed the Board to the Google Earth rendering on the large wall screen and pointed out the two juniper trees location to the playground. Chair Moyer asked the Board for comments or questions. Seeing none, he asked for a motion. Board Member Marcus Peck made the motion per the urban forester's staff report and Paul comments. Patrick second. Motion passed 4 – 0.

C. Consideration & Discussion Regarding Removal of Trees in Public Right-of-Way or "Alleys" per Chapter 3.1 of the City of Sisters Development Code Relating to Vehicular Access and Circulation * 367 W. Jefferson Ave. and 463 S. Fir Street

Chair Moyer announced the agenda item and turned to Urban Forester Dan Galecki to present his staff reports for the two locations. Dan walked the Board through each sites' circumstances and his recommendations for both properties. The Board discussed:

- rear entrance access via alleys for new development per the city's Transportation System Plan (TSP)
- law enforcement, fire, and emergency services vehicles access through alleys is crucial in emergency situations
- replacement trees (one for one)
- location of power lines to trees in question

Chair Moyer called for motions upon seeing no further discussion.

Motion for each property passed unanimously:

376 W Jefferson Ave – Motion made by Patrick. Second by Marcus. Passed 4 – 0.

463 Fir Street – Motion made by Marcus. Second by Patrick. Passed 4 -0.

D. Consideration & Discussion Regarding McKenzie Meadows Phase 3 Tree Removal Plan

Chair Moyer read the agenda item into the record and called on the urban forester to present his staff report. He also acknowledged Sean Williams with Hayes McCoy Engineering who is the engineer for McKenzie Meadows Phase 3 Tree Removal Plan.

Dan provided an overview of his site visits and findings and directed the Board to the five Ponderosa Pines called out in his staff report. The Board discussed each tree's location within Phase 3, health or condition, interest in how some trees could be saved, and replacement trees. The Board decided to save trees # 3 and 4. Trees # 1, 2, and 5 noted in Dan's staff report to be removed.

Chair Moyer asked if there were any other discussion points that need to be addressed. Seeing none, he asked for a motion. Marcus made a motion that will prevent trees # 3 and 4 from being removed. Inclusion of replacement trees for trees # 1, 2, and 5 to be removed. Patrick second. Motion passed 4-0.

E. Reconsideration & Discussion Regarding Removal of Pine Tree in Public Right-of-Way at 396 E. Tye Drive (Originally Heard on November 12, 2019. We were waiting for building permit to be filed with Planning Division. Building Permit filed.)

The agenda item was read into the record by Chair Moyer. Troy was called on to confirm the applicant (Thomas Sigler, Property Owner at 396 E Tye Drive) had submitted a complete building permit to Planning Division. He did. Dan reminded the Board of his Nov. 12 staff report findings, including confirmation tree in question is in public right-of-way and adjacent to street where applicant would like his driveway placed. Board discussed and eventually agreed to having the applicant modify his driveway approach in order to save then 9" ponderosa pine.

Chair Moyer called for a motion seeing no further discussion. Marcus made a motion denying request to remove tree. Patricia second. Motion passed 3 – 1.

F. Consideration & Discussion for Removal of One Rotten or Defective Ponderosa Pine on Clearpine Phase 5 / Developer Peter Hall. (No staff Report. Discussed Previously. Urban Forester will lead.)

Chair Moyer read the agenda item into the record and called on Dan to present. Dan reminded the Board that they had previously considered Clear Pine Phase 5's Tree Removal Plan back on January 13, but that the developer, Peter Hall, had recently contacted him about removing one diseased Ponderosa Pine.

The urban forester noted that the tree in question was previously approved for removal, but developer took out wrong tree thus the need to come back before the Board.

UFB talked through the tree's overall health or condition, size, if the tree in question is a hazard and potential liability, need for a replacement tree of appropriate size, and recalled its January 13 discussion.

Chair Moyer called for a motion after seeing no further discussion or questions. Patrick made the motion for removal with the stipulation that an appropriate size replacement tree* be planted. Patricia second. Motion passed 4 – 0.

* appropriate size equals healthy tree that is not a sapling or too small due to how long it takes for a tree to even reach moderate size.

V. OTHER BUSINESS - Informational Updates from Urban Forester Relating to Various Issues

Chair Moyer called on Dan & Paul. Both provided general informational updates or "for your information." Paul summarized work at Lazy D. Patricia inquired about follow up on previous decisions to confirm if action was taken per Board's decision. Specifically cited 12 Aspen trees on corner at 511 S. Redwood in the Pine Meadow Village Subdivision. She also asked about if fines were levied to those who illegally removed trees from public right-of-way. Wants to know final resolution. Paul directed Patricia to directly reach out to City Manager Cory Mисley. Fines are processed administratively, not by committee.

VI. BOARD MEMBER COMMENTS

VII. ADJOURN

STAFF REPORT

TO: Urban Forestry Board

FROM: Dan Galecki, Spindrift Forestry Consulting, SAF CF, City of Sisters Urban Forester

COPY: Paul Bertagna, Public Works Director
Troy Rayburn, Public Works Project Coordinator

**RE: 270 S Spruce Street Request for removal of 2 Juniper ROW trees.
5/15/2020**

INTRODUCTION:

2 Junipers are requested to be removed from the south side of the lot at 270 S Spruce Street, and reside in the city ROW on E Washington Ave.

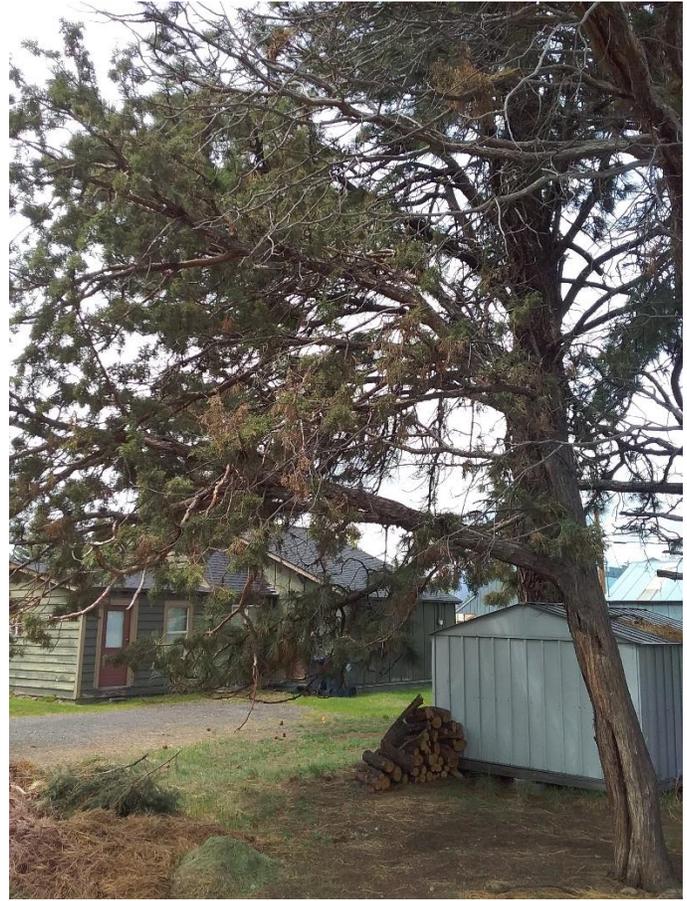
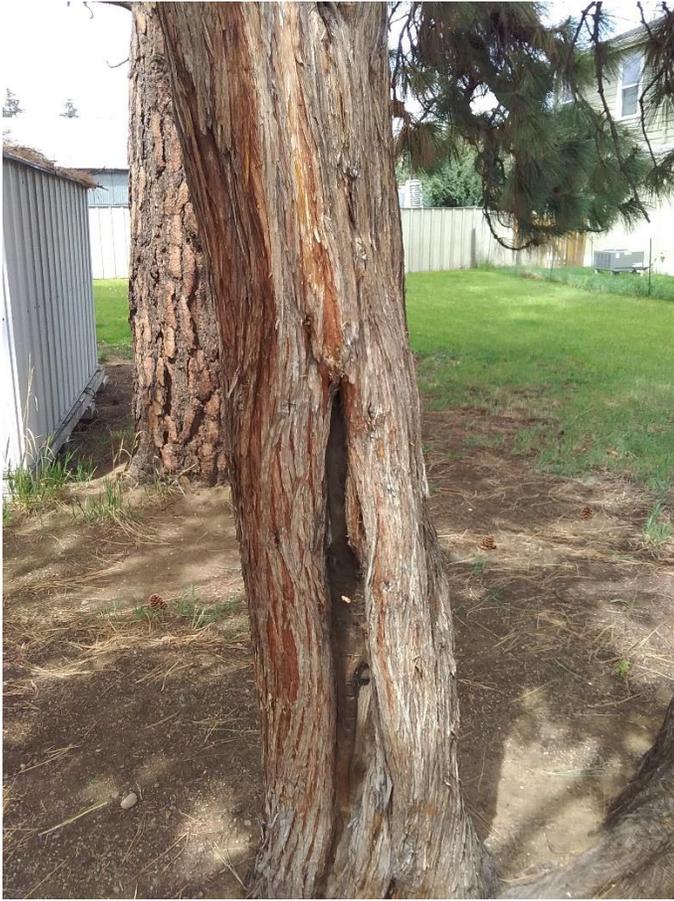
BACKGROUND & FINDINGS:

Here is a list of the Junipers. They are currently considered to be encroaching and competing for water with privately owned Ponderosa Pines.

- **Juniper # 1** – The furthest west, and the smaller, and is 12 inches. Top has been growing skewed and misdirected because of interference with the larger Juniper.
- **Juniper # 2** – The next tree in line proceeding east is a 20 inch Juniper. This tree is well established, however, large branch in front is dead.



The 2 junipers reside side-by-side, the 12 inch is on the left, and the 19 inch is on the right. One of the Ponderosa Pines that these Junipers may conflict with is in the background.



The 12 inch Juniper has noticeable scars deep into the hartwood. The interior still remains sound even though much material has been chipped out. The photo on the right shows the sharp skewed crown growth sweeping towards the west, and it competes with the dominant 20 inch Juniper that is much taller.



The flaws of the 20 inch Juniper are that it has substantial amount of dead material in the front of the tree, comprising of about 25% of the crown. Minor scars appear on the bole. Every other aspect of the 19 inch Juniper is healthy.



The Google Street-View image provides the best summary. The 2 Ponderosa Pines in the center of the photo over-top the Junipers in the E Washington Ave ROW. The smaller 12 inch Juniper in the ROW, with its skewed crown, can be seen coming straight out in the center right of the image. The taller 20 inch Juniper appears to compete reasonably well with the other 2 larger Ponderosa Pines.

FISCAL IMPACT: These 2 Junipers are all currently not a liability. Removing both could hurt and compromise the aesthetics and general tree-scape if this particular segment of E Washington Ave. Removing only one will slightly benefit this particular location.

ACTION REQUESTED / RECOMMENDATION:

Suggest only removing the smaller 12 inch Juniper for reasons of the deep scar and irregular crown. Trim larger 20 inch Juniper, and only remove dead material. Since these are private lots, its anticipated they will be irrigated for green lawns. There will be sufficient water from the regular lawn maintenance to also provide for all the trees.

For the privately owned Ponderosa Pines, trim broken branches. Large hanging defective branches were observed during the May 2020 site visit.

ATTACHMENTS: *270SSpruceStJunipersMAP.pdf*

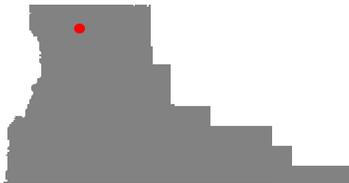
270 S Spruce St

Juniper ROW Trees

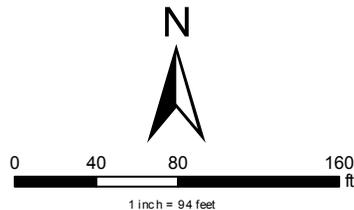


Juniper Trees

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Deschutes County GIS



Date: 5/15/2020



STAFF REPORT

TO: Urban Forestry Board
FROM: Dan Galecki, Spindrift Forestry Consulting, SAF CF, City of Sisters Urban Forester
COPY: Paul Bertagna, Public Works Director
Troy Rayburn, Public Works Project Coordinator

RE: 516 E Tye Dr. Request for removal of 2 Poplar ROW trees 5/26/2020

INTRODUCTION:

2 dead Poplars are requested to be removed from the east side of the lot at 516 E Tye Dr, and reside in the city ROW on E Tye Dr.

BACKGROUND & FINDINGS:

Here is a list of the trees. As mentioned there is a pending request for removal of the 2 Poplars.

- **Poplars # 1 and #2** – The Poplars are identical, and currently dead, both 7 inches in diameter.

The inventory in 2018 revealed that the 2 Poplars were alive, and no damaging conditions were observed at that time.



FISCAL IMPACT: These 2 Poplars are currently a liability. Removing both of these dead trees will promote the aesthetics and general safety of this neighborhood.

ACTION REQUESTED / RECOMMENDATION:

It is highly recommend that the 2 dead 7 inch Poplars be removed. A position can be argued and applied that replacements are not really needed for the Poplars. Competition from a large Ponderosa Pine may overtop any new propagated tree planting. Also, the large Ponderosa Pine already contributes significantly to the tree-scape and integrity to that particular area.

ATTACHMENTS: *516ETyeePoplarsMay2020MAP.pdf*

516 E Tye Dr

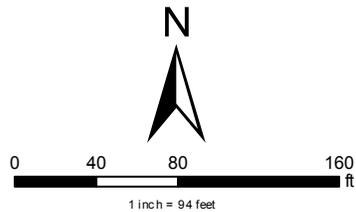
2 Dead Poplars



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Deschutes County GIS



Date: 5/26/2020



STAFF REPORT

TO: Urban Forestry Board
FROM: Dan Galecki, Spindrift Forestry Consulting, SAF CF, City of Sisters Urban Forester
COPY: Paul Bertagna, Public Works Director
Troy Rayburn, Public Works Project Coordinator

**RE: 367 W Jefferson Ave. Request for removal of additional alley ROW trees.
5/27/2020**

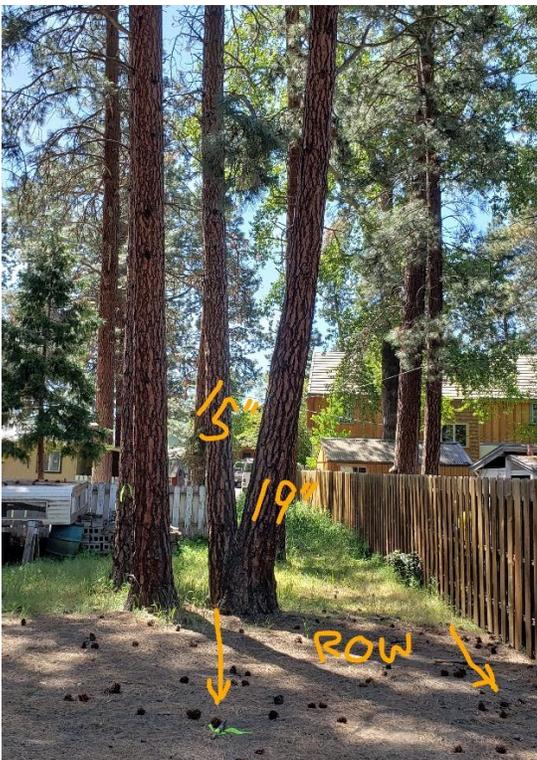
INTRODUCTION:

A request has been made involving development of a small lot at 367 W Jefferson Ave. 2 more additional trees are requested. More trees are needed to be removed, in addition of the 2 already approved in February 2020.

BACKGROUND & FINDINGS:

Two Ponderosa Pines have been requested to be removed for alley access in the back of the lot by 367 W Jefferson Ave. The Development Code requires that if an alley is available for access than all new development will take access from the alley.

- **Ponderosa Pine # 1** – Located behind the lot at 367 and is 15 inches in diameter.
- **Ponderosa Pine # 2** – Located behind the lot at 367 and is 19 inches in diameter.



Shown are the 2 trees looking west, ROW is demonstrated with lines



The alley ROW is again demonstrated with the orange arrow, and the view is looking east in the first photo. The closeup of the split stem shows that is reasonably sound, however, this is not a long term desirable situation.



Shown left are the already approved 2 Ponderosa Pines within the alley.

Because of the requested intentions of the lot owners, and the interpretation of current code, these two additional Ponderosa Pines may be allowed to be removed. This will allow open access from the already partially maintained and paved alley from the west, and S Pine Street, and through private property from the east.

FISCAL IMPACT: Loss of urban ROW trees depletes the overall forested city-scape. Estimated cost of removal is between \$900 and \$1250. However, any improvements to allow alley infrastructure and help facilitate construction will all have positive effects.

ACTION REQUESTED / RECOMMENDATION:

Recommendation is to follow the request of removal of the 15 inch, and the 19 inch Ponderosa Pines. The trees are currently healthy, but the split stem could present future problems. It appears that many of the options to seek alternatives to design entry for the lot under construction have been explored, but thoroughfare of the alley is needed.

STAFF REPORT

TO: Urban Forestry Board
FROM: Dan Galecki, Spindrift Forestry Consulting, SAF CF, City of Sisters Urban Forester
COPY: Paul Bertagna, Public Works Director
Troy Rayburn, Public Works Project Coordinator

RE: McKenzie Meadows, Phase 3 proposed tree removal, 5/19/2020

INTRODUCTION:

Continuing construction work at McKenzie Meadows requires a new request for tree removal for Phase 3.

BACKGROUND & FINDINGS:

Phase 3 of McKenzie Meadows is located mostly in the NW portion of the project. Progressive tree removal for approved phases 1 and 2 has already taken place or is in progress. The current stock piles of gravel and saved tree boles are currently incorporated within the vicinity of phase 3, and are successfully mitigated. The following list of trees are for phase 3. Each of them have specific reasons that support justification for removal. Careful inspection and comparison with this list should also be compared to the attached map and photos in order to consider full discussion about the decisions for final removal of requested phase 3 trees.

- **Ponderosa Pine # 1** 26 inches in diameter, conflicts with the interior of lot 66 and home foot print.
- **Ponderosa Pine # 2** 22 inches, conflicts with the interior of lot 67 and home foot print.
- **Ponderosa Pine # 3** 22 inches, conflicts with the interior of lot 68 and home foot print.
- **Ponderosa Pine # 4** 26 inches, conflicts with the interior of lot 70 and home foot print.
- **Ponderosa Pine # 5** 9 inches, conflicts with the street ROW and underground utilities.
- **Ponderosa Pine # 6** 23 inches, conflicts with the street ROW and underground utilities.
- **Ponderosa Pine # 7** 28 inches, conflicts with the street ROW and underground utilities.
- **Ponderosa Pine # 8** 26 inches, conflicts with the interior of lot 81 and home foot print.
- **Ponderosa Pine # 9** 18 inches, conflicts with the interior of lot 73 and home foot print.
- **Ponderosa Pine # 10** 24 inches, conflicts with the interior of lot 73 and home foot print.
- **Ponderosa Pine # 11** 24 inches, conflicts with the interior of lot 72 and home foot print.
- **Ponderosa Pine # 12 and #13** 32 inches and 23 inches, conflicts with ROW that extends in Phase 4.



Tree 1, lot 66, 2 views shown above. Protection fence currently present until removal permission sought.



Tree 2 falls in confines of lot 67



Tree 3 falls in lot 68



Tree 4, lot 70



Tree 5, conflicts with ROW



Tree 6, conflicts with ROW



Tree 7 conflicts with ROW, near lot 75



Tree 8, lot 81



Tree 9 and 10, lot 73



Tree 11, lot 72



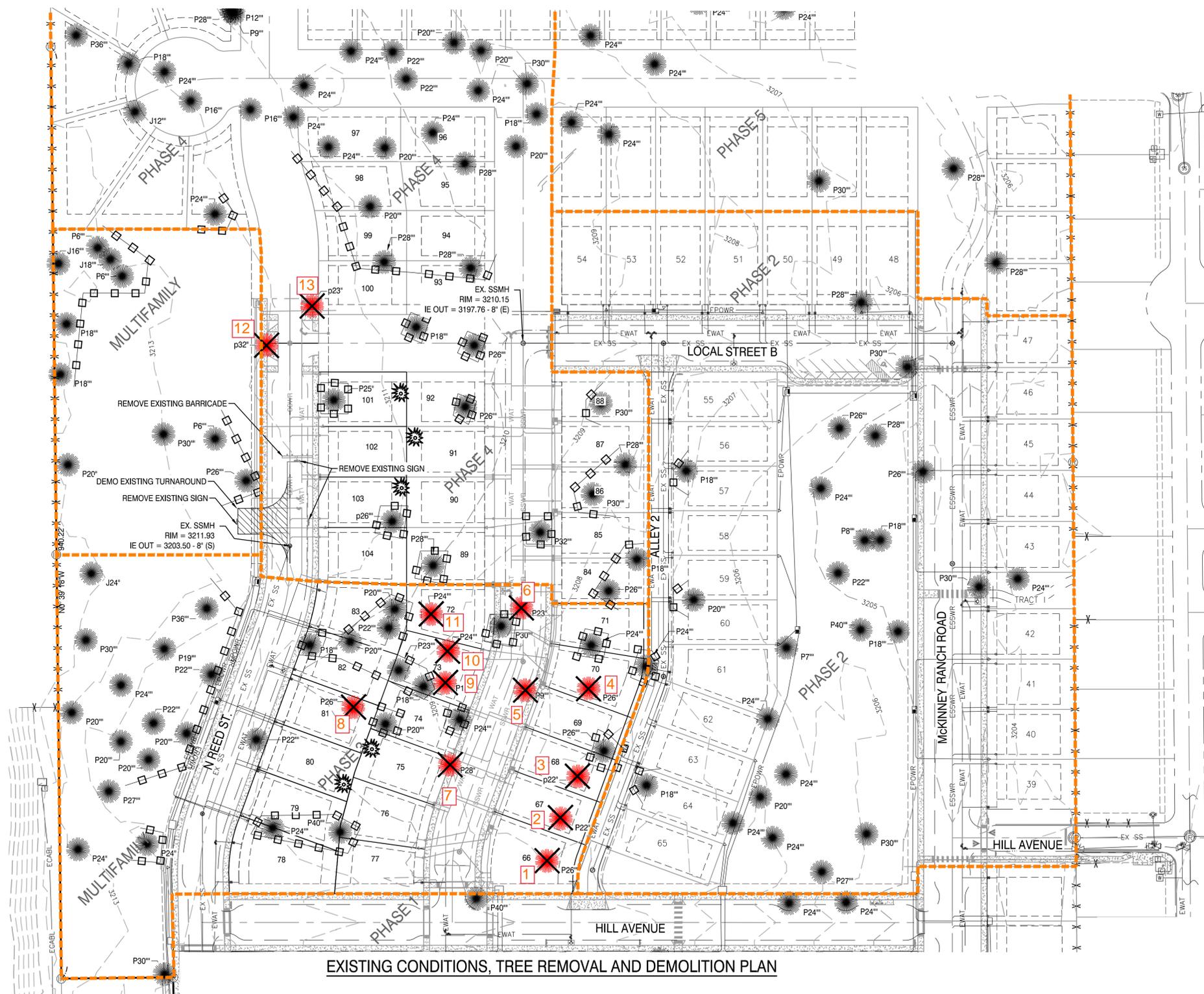
Tree 12 and 13 conflicts with the Reed Street ROW, ROW Tree in foreground was voted to be protected, and is in front of lot 101. On the attached map, trees 12 and 13 and the ROW of the proposed Reed Street extend into phase 4.

FISCAL IMPACT: None presently. However, removal of conflicting trees will aid in construction, and any saved trees will benefit the development in the long term.

ACTION REQUESTED / RECOMMENDATION:

Recommendation is to approve the request for removal of all the 11 Ponderosa Pines described above, and noted on the map for McKenzie Meadows Phase 3, and the 2 trees extending into the Reed Street ROW in Phase 4. The totals is 13 trees requested to be removed described and mapped in this proposal.

ATTACHMENTS: *Map 200504-MMV Phase3 Tree Removal C1.2notes.pdf*

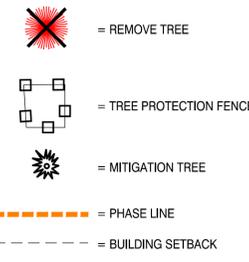


EXISTING CONDITIONS, TREE REMOVAL AND DEMOLITION PLAN

DEMOLITION KEY



TREE REMOVAL KEY

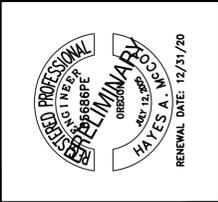
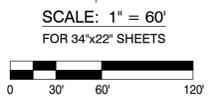


TREE REMOVAL SUMMARY

PROPOSED REMOVAL: 13 TREES
 REQUIRED MITIGATION: 1 TREE REPLACED PER 3 REMOVED
 REQUIRED REPLACEMENT: 5 TREES

TREE PROTECTION NOTES

1. NO WORK SHALL BEGIN WHERE TREE PROTECTION FENCING HAS NOT BEEN COMPLETED. TREE PROTECTION FENCING SHALL BE INSTALLED, MAINTAINED AND REPAIRED BY THE CONTRACTOR DURING CONSTRUCTION. THE FENCING WILL BE 4' MINIMUM HEIGHT.
2. ALL ROOTS LARGER THAN ONE INCH IN DIAMETER ARE TO BE CUT CLEANLY.
3. ROOTS OR BRANCHES IN CONFLICT WITH CONSTRUCTION SHALL BE CUT CLEANLY ACCORDING TO PROPER PRUNING METHODS.
3. ANY TREE FOUND TO BE DEAD OR DISEASED SHALL BE REMOVED ONCE APPROVED BY COS FORESTER.
4. ANY TREE REMOVAL SHALL BE APPROVED BY THE CITY OF SISTERS FORESTER. CONTACT DAN GALECKI AT 541-647-0383



DRAWING STATUS:	DATE:	No. REVISION:	DATE:
<input type="checkbox"/> 1ST REVIEW	01/30/20	<input type="checkbox"/>	
<input type="checkbox"/> UFB UPDATE	04/07/20	<input type="checkbox"/>	
<input checked="" type="checkbox"/> 2ND REVIEW	05/04/20	<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

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 HAYDEN HOMES
 PL, LLC OWNER
 541-643-7554
 hayden@hmm-engr.com

PROJECT: MCKENZIE MEADOWS VILLAGE PHASE 3
 PROJECT LOCATION: SISTERS, OREGON
 CLIENT: HAYDEN HOMES

SHEET TITLE:
**EXISTING CONDITIONS,
 TREE REMOVAL
 AND DEMOLITION**

JOB NO. 19-237
 DRAWN BY: TDV
 DRAWING: **C1.2**

STAFF REPORT

TO: Urban Forestry Board
FROM: Nicole Mardell, Principal Planner
COPY: Paul Bertagna, Public Works Director
Troy Rayburn, Public Works Project Coordinator
DATE: 05/29/2020
RE: Proposed Tree Removal Edits

INTRODUCTION:

Staff is considering several amendments to the City of Sisters Municipal Code (SMC) section 9.30 and 4.05, and Sisters Development Code (SDC) Section 3.2, to clarify procedures related to tree removal.

BACKGROUND & FINDINGS:

The City of Sisters currently regulates tree removal on public and private property in the Sisters Development Code. Staff, residents, and developers have expressed concerns about several areas of the code due to a lack of clarity on the process for removal, replacement, and enforcement.

Planning and public works staff are proposing several changes to this code to establish a consistent and clear process for tree removal on private property during development, outside of development through a tree cutting permit, and on public property.

Planning staff will walk through the changes during the June 8 meeting.

ACTION REQUESTED / RECOMMENDATION:

Working session, review of proposed amendments.

ATTACHMENTS:

- Draft SMC 4.05 Edits
- Draft SMC 9.30 Edits
- Draft SDC 3.2 Edits

Double underlines is language added
~~Strikethrough~~ is language deleted

Chapter 3.2 – Landscaping and Screening

Sections:

- 3.2.100 Purpose**
- 3.2.200 Landscape Requirements**
- 3.2.300 Screening, Fences, and Walls**
- 3.2.400 Nonconforming**
- 3.2.500 Existing Trees**
- 3.2.600 Street Trees**
- 3.2.700 Urban Forestry**

3.2.500 Existing Trees

A. Applicability – All development sites containing Significant Trees, shall comply with the standards of this Section. The purpose of this Section is to preserve significant trees within the city limits. The preservation of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature trees reduce air and water pollution, provides summer shade and wind breaks, and require less water than new landscaping plants having established root systems.

B. Significant Trees – Individual trees with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH), shall be identified as significant. Other trees may be deemed significant, ~~when nominated by the property owner and designated by the City Council as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.)~~ when included in the City’s Goal 5 inventory.

~~C. Mapping Required – Existing significant trees shall be identified on all site plans, partitions and subdivisions and shall be retained whenever possible. Trees to be retained must be identified prior to the commencement of any construction activity and shall be protected during construction pursuant to D below.~~

C. Mapping Required – Applications for site plan, partition, subdivision, or replat must include:

1. A map dated within one year prior to the filing date of the application that contains the following:

a. Location, size, species, and tag identification number of all significant trees;

b. Indication of whether each significant tree will be removed or preserved;

c. All existing and proposed structures;

d. All existing and proposed public and private improvements;

e. All existing public and private easements; and

f. Site boundaries and dimensions.

2. A report from a credentialed arborist dated no later than one calendar year preceding the filing date of the contains the following:

a. Analysis describing health and potential hazard of trees;

b. Analysis describing whether any trees proposed for removal could be reasonably preserved considering development (if proposed) and health of tree;

c. Statement addressing approval criteria set forth in SDC 9.30.020(E);

d. Name, contact information, and signature of arborist preparing the report.

3. Trees on site must be tagged in an identifiable manner with the Tree Preservation Plan and Tree report.

D. Protection Standards – ~~All of Significant trees are subject to~~ the following ~~protection standards shall apply to significant vegetation areas:~~

1. Significant trees ~~shall~~ must be retained whenever practical. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district. Only those trees authorized for removal by the applicable approval may be removed from the subject property.

2. Significant trees removed ~~shall~~ must be replaced on the subject property at a 3:1 ratio of significant trees removed to trees planted at the sole expense of the applicant. Replacement trees ~~of an appropriate~~ must be the same species ~~shall~~ as the removed tree and have a minimum two (2) inch caliper size ~~and shall be planted in a suitable location as substitutes for removed trees, at the sole expense of the applicant. Ponderosa pines may be planted as replacement trees where~~

appropriate at time of planting. Notwithstanding anything herein to the contrary, non-native tree species may be replaced by ponderosa pines.

a. Replacement trees should be located in the same general area as the removed tree to the extent practical.

b. Where it is not feasible to locate replacement trees on the subject property, the applicant may pay a fee in lieu of planting a required replacement tree. City Council may establish the amount of the payment in lieu from time to time by resolution.

3. The Community Development Director may authorize removal of a significant tree identified to be retained as part of approving infrastructure plans or a building permit. Such trees are also subject to the standards for replacement.

~~a. The Community Development Director or designee shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced onsite and within the same general area as trees removed.~~

~~b. When it is not feasible or desirable to relocate or replace trees on site, relocation or replacement may be made at another location approved by the Community Development Director or designee.~~

~~c. Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the applicant shall pay into the City Tree Fund, which fund is hereby created, an amount, to be set by the City Council and incorporated into the City of Sisters Master Fee Schedule, for each of the replacement trees that would otherwise be required by this section. This amount shall reflect both the cost of purchasing and the cost of installing a replacement tree. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City. In addition, and as funds allow, the City Tree Fund may provide educational materials to assist with tree planting, mitigation, and relocation.~~

~~3. Significant trees that are identified to be retained prior to any construction activity, as required by C, above, shall be removed only with the prior approval of the Community Development Director or designee.~~

4. Significant trees that are identified to be retained shall be protected before and during all construction and site preparation activity. Protection measures ~~shall~~ include, but are not ~~be~~ limited to, installation of a high visibility tree protection fence [around the dripline(s) of a tree or trees to be preserved that is a minimum of three (3) foot high fence feet tall] with metal stakes/posts at eight (8) to ten (10) foot intervals ~~] around the dripline(s) of a tree or trees to be preserved.~~

5. Grading, operation of vehicles and heavy equipment, and storage of construction materials are prohibited within the dripline of significant trees to be preserved, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.

6. When proposed developments encroach into the dripline area of significant trees, special construction techniques to allow the roots to breathe and obtain water may be required by the Director with respect to any application for a building, grading or development permit.

7. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

~~8. —Conservation Easements and Dedications~~8. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and natural rock outcroppings.

~~E. —Exemptions. The protection standards in “D” shall not apply in the following situations:~~

~~1. —Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.~~

~~2. —Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the Community Development Director or designee. The Community Development Director shall prepare a notice or letter of decision within 7 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.~~

3.2.600 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

A. Street Tree Standards. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following applies to street tree planting and selection:

1. Street trees shall be planted between 5' and 15' of the curb, wherever possible.
2. Street trees shall be placed at an average of 35' maximum distance apart from one another. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
3. An approved tree grate or other surface treatment acceptable to the Community Development Director or designee shall be used for street trees planted in paved or concrete areas.
4. Except for immature trees of insufficient height to prune and retain a crown that is at least 2/3 the height of the tree, street trees that overhang city property and public rights-of-way shall be pruned to maintain at a minimum a clearance height of 8' over sidewalks and a clearance height of 14' over streets.
5. Existing trees may be used to meet minimum street tree requirements if they are not killed or damaged during or as a result of development. Sidewalks of variable width and elevation may be used to save existing street trees.
6. Existing street trees removed as the result of development shall be replaced by the developer with trees of a species appropriate to the site, as determined by the Community Development Director or designee.
7. Low-growing trees shall be required for spaces under utility wires.
8. Narrow or "columnar" trees may be used where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
9. Trees that are extremely susceptible to insect damage shall be avoided.
10. Trees that produce excessive seeds or fruit are prohibited as street trees.

11. Street trees shall be those species suitable for the location in which they are placed. Recommended tree species include the following tree types, and within these, consideration should be given to those that are most drought-resistant. Drought resistant trees are marked with an asterisk (*):

Small trees (under 25 feet at maturity)

- a. Canada Red Cherry (*Prunus virginiana*)*
- b. Flowering Crabapple (*Malus* spp.)*
- c. Hawthorn (*Crataegus* spp.)*
- d. Japanese Tree Lilac (*Syringa reticulata*)
- e. Serviceberry (*Amelanchier* spp.)

Medium trees (30 to 45 feet at maturity)

- f. Flowering Plum (*Prunus cerasifera*)
- g. American Hornbeam (*Carpinus caroliniana*)
- h. Callery Pear (*Pyrus calleryana*)
- i. Hedge Maple (*Acer campestre*)
- j. Mountain Ash (*Sorbus aucuparia*)*

Tall trees (over 50 feet at maturity)

- k. Birch (*Betula* spp.)
- l. Green Ash (*Fraxinus pennsylvanica*)*
- m. Honey Locust (*Gleditsia triacanthos* "inermis")*
- n. Littleleaf Linden (*Tilia cordata*)
- o. Norway Maple (*Acer platanoides*)
- p. Pin Oak (*Quercus palustris*)*

q. Red Maple (*Acer rubrum*)*

r. Red Oak (*Quercus rubra*)*

B. Prohibited Street Tree Species. Use of the following tree species as street trees is prohibited for one or more of the following reasons: 1) their roots cause injury to sewers or pavements; 2) they are particularly subject to insects or diseases; 3) they cause safety and visibility problems along streets and at intersections; 4) they create messy sidewalks and pavements. Prohibited species include the following:

a. Walnut (*Juglans* spp.)

b. Osage Orange (*Maclura pomifera*)

c. Weeping varieties of mulberries, crabapples, cherries, etc. (*Morus*, *Prunus*, etc. (weeping))

d. Fruiting Mulberry (*Morus alba*)

e. Poplar (*Populus trichocarpa*)

f. Commercial Fruit Trees (*Prunus*, *Pyrus*, etc. (fruiting))

g. Weeping Willow (*Salix babylonica*)

h. American Elm (*Ulmus americana*)

i. Siberian Elm (*Ulmus pumila*)

C. Caliper Size. Planted trees shall have a minimum caliper size of one and one-half (1 1/2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

D. Location. Street trees shall be planted within existing and proposed planting strips and in sidewalk tree wells on streets without planting strips.

E. Street Tree Maintenance

1. Except for trees located in medians within public rights-of-way, which shall be maintained by the City, it shall be the continuing duty and routine obligation of property owner(s) of land abutting public rights-of-way to perform activities required to maintain trees located within the abutting right-of-way in good health and vigor. Activities may include watering, pruning, protection against damage, and replacement if necessary.

2. Street tree removal and planting shall be the obligation of the adjacent property owner(s).
3. All maintenance activities shall be conducted in accordance with the City of Sisters Urban Forestry Ordinance and City of Sisters Public Works Construction Standards, latest edition.

F. Assurances. The developer shall install all required landscaping prior to the occupancy of the development. In the event that installation needs to be delayed, the City shall require the developer to provide an estimate of landscaping improvement costs to the City. Upon acceptance of this amount, the City shall require a performance bond in the amount of 120 percent of the accepted estimate from the owner/developer.

3.2.700 Urban Forestry

A. ~~Purpose. The purpose of the Urban Forestry section is to:~~

- ~~1. Promote a diverse, healthy and sustainable urban forest;~~
- ~~2. Enhance the livability of the City of Sisters and maintain the City's unique character;~~
- ~~3. Promote public health and safety; and~~
- ~~4. Provide for the general welfare of Sisters' citizens; by effectively managing, maintaining, conserving and enhancing the City of Sisters' existing and future trees located on city property or public rights-of-way; by providing ongoing education on proper tree planting, maintenance, removal and protection techniques and the benefits of trees and of Sisters' urban forest. This ordinance further implements the policies and goals of the City of Sisters Comprehensive Plan.~~

B. ~~Intent. It is the intent of the City by this section to promote:~~

- ~~1. The effective management of the urban forest resource;~~
- ~~2. The planting, maintenance, restoration and survival of desirable trees within the City;~~
- ~~3. The protection of community residents from personal injury and property damage; and,~~
- ~~4. The protection of the City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within the City.~~

C. ~~Applicability and Jurisdiction~~

~~1.—The provisions of this ordinance shall apply to trees located now and hereafter on city property and public rights-of-way.~~

~~2.—The City of Sisters shall have jurisdiction of all trees located now and hereafter on city property and public rights-of-way and shall have the authority to regulate the protection, planting, maintaining, removing and replacing of such trees.~~

~~a.—The Community Development Director or designee is authorized to:~~

~~1.—Supervise the urban forestry program and implement the provisions of this ordinance.~~

~~2.—With assistance from the City Urban Forestry Board, develop an Urban Forest Management Plan within three (3) years of the adoption of this ordinance and, thereafter, periodically update the Plan.~~

~~3.—Implement the approved Urban Forest Management Plan.~~

~~4.—Develop and update code provisions establishing standards for planting, protection, maintenance and removal of public and private trees.~~

~~5.—Review development applications to insure compliance with Sisters' City Code provisions concerning street trees and other trees located on city property or public rights-of-way.~~

~~6.—Implement and enforce code provisions concerning both public and private trees.~~

~~7.—Be the city staff liaison to the City Urban Forestry Board.~~

D.—Urban Forestry Board

~~The Urban Forestry Board shall function as an advisory body to the City with respect to this ordinance and urban forestry matters generally.~~

E.—Removal, Major Pruning, Planting, or Attachment of Seasonal Holiday Lights to Public Trees

~~1.—Requires City Authorization. Written authorization by the Community Development Director or designee is required for the removal, major pruning, or planting of public trees or the attachment of seasonal holiday lights to public trees.~~

~~a.— Request for written authorization shall be made at least 3 working days before the intended activity.~~

~~b.— The Community Development Director or designee shall base their written authorization on the standards, goals, and objectives set forth in this section and the Urban Forestry Standards and Specifications.~~

~~c.— Work done under such written authorization shall be performed in accordance with the provisions of this section and the Urban Forestry Standards and Specification, unless otherwise authorized by the Community Development Director or designee.~~

~~d.— No such written authorization shall be valid for a period greater than 90 days after the date of issuance.~~

~~e.— The written authorization to remove trees may include a provision requiring the replacement of the tree(s) removed with tree(s) appropriate to the site conditions, as determined by the Community Development Director or designee.~~

~~f.— If the Community Development Director or designee determines that a tree is hazardous, he/she may authorize immediate emergency removal or pruning of such tree. Work shall be done in accordance with the urban Forestry Standards and Specifications, unless otherwise authorized by the Community Development Director or designee.~~

~~2.— Work Standards and Specifications.~~

~~a.— Activities on and near trees located on city property and public rights-of-way shall be performed in accordance with the provisions of this ordinance and the Urban Forestry Standards and Specifications.~~

~~b.— The Community Development Director or designee shall develop specifications and standards for activities affecting trees located on city property and public rights-of-way, called Urban Forestry Standards and Specifications, including planting, maintenance, protection and removal of trees within the City of Sisters Public Works Construction Standards.~~

~~i.— The Urban Forestry Standards and Specifications shall include a Tree Selection Guide; a list of tree species, varieties and cultivars thereof, approved for planting as well as those prohibited from planting on city property and public rights-of-way. Tree species, varieties and cultivars thereof, not included in the Tree Selection Guide as approved for planting may be considered and approved by the Community Development Director or~~

~~designee for planting. Approval shall be based upon the suitability and appropriateness, including drought tolerance, of the tree species, variety or cultivar for the planting site.~~

~~ii.—The Community Development Director or designee shall maintain and update as necessary these standards and specifications. The initial standards and specifications and subsequent updates are subject to the approval of the City Council.~~

~~c.—The City recognizes the American National Standards Institute A-300 Standards for Tree Care Operations, most recent version, as the appropriate standard for tree care. ANSI A300 Standards shall apply to any person or entity repairing, maintaining, or preserving trees on city property or on public rights-of-way. The City shall incorporate by reference the most recent version of the ANSI A300 within the Urban Forestry Standards and Specifications and maintain the most recent version of the ANSI A300 for public review.~~

~~d.—Trees located on city property and public rights-of-way with trunk, branches and/or roots located 15 feet or less from any excavation, grading, demolition or construction site, include the erection, repair, alteration, or removal of any buildings, structures, street, utilities or landscaping, shall require protection from harm and injury, as determined by the Community Development Director or designee. Protection measures shall be conducted in accordance with the Urban Forestry Standards and Specifications.~~

~~3.—Activities Prohibited. Unless specifically authorized in writing by the Community Development Director or designee:~~

~~a.—No person shall top a tree located on city property or on public rights-of-way. Authorization by the Community Development Director or designee to top a tree shall be based upon their determination that topping is necessary to alleviate a dangerous condition, including electric service interruptions, which pose an imminent threat to the public or property.~~

~~b.—No person shall attach or keep attached to any trees located on city property or on public rights-of-way any ropes, wires, nails, chains, or other device whatsoever, except that which is within the Urban Forestry Standards and Specifications as approved for tree support or protection.~~

~~i.—Seasonal holiday lights attached in accordance with the Urban Forestry Standards and Specifications is permissible for a period not to exceed 90 days, unless otherwise approved by the Community Development Director or designee.~~

~~c.— No person shall damage any public tree; allow any gaseous liquid or solid substance which is harmful to trees to come in contact with them; cut or carve, attach advertising posters or other contrivance; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.~~

~~d.— No person shall major prune, plant, remove or attach seasonal holiday lights to a public tree without authorization from the Community Development Director or designee.~~

~~4.— Requirements of City Personnel.~~

~~a.— City personnel on official business shall notify the Community Development Director or designee of all activities affecting public trees.~~

~~b.— City personnel on official business are exempt from the written authorization requirement of this section.~~

~~c.— City personnel on official business shall conduct all activities in accordance with the provisions of this section and the Urban Forestry Standards and Specifications.~~

~~5.— Requirements of Public Utility Companies.~~

~~a.— Public utility companies and their affiliates shall notify the Community Development Director or designee of all activities affecting public trees within city limits.~~

~~b.— Public utility companies holding a current franchise agreement with the City are exempt from the written authorization requirement of this section.~~

~~c.— All activities shall be conducted in accordance with the provisions of the current franchise agreement.~~

~~F.— Penalties. If, as the result of the violation of the provisions of this ordinance, the injury, mutilation, or death of a tree located on city property or the public right-of-way is caused, the cost of repair or replacement of such tree, of similar size, shall be borne by the party in violation. The replacement value of trees shall be determined by the city in accordance with the latest edition of Guide for Plant Appraisal, authored by the Council of Tree and Landscape Appraisers.~~

~~G.— Appeals. Any action related to this code section by the Community Development Director or designee may be appealed to and heard by the City Urban Forestry Board. To be effective, an appeal shall be filed within fourteen (14) working days after the decision of the Community Development Director~~

~~or designee. The appeal shall be in writing and shall be filed with the City Recorder for placement on the City Urban Forestry Board's agenda. The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the City Urban Forestry Board shall render its decision, which shall be final unless appealed to the Planning Commission. To be effective, an appeal to the Planning Commission must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the City Urban Forestry Board is mailed to the applicant. After a hearing, the Planning Commission shall render its decision, which shall be final unless appealed to the City Council. To be effective, an appeal to the City Council must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the Planning Commission is mailed to the applicant. The decision of the City Council shall be final.~~

Chapter 4.05

REGULATION OF CITY PARKS AND ~~PUBLIC~~-CITY PROPERTY

Sections:

4.05.010 Definitions.

4.05.020 Rules and regulations.

4.05.030 Exclusions.

4.05.040 Public Trees

4.05.050 Penalties.

4.05.010 Definitions.

As used in this chapter, the following shall mean:

Camping. For the purpose of this chapter, "camping" shall be defined as any tent, trailer, or recreational vehicle parked on ~~public~~-City property ~~or public right-of-way~~ for the expressed intention of spending the night.

~~"Health officer" means the Deschutes County sanitarian.~~

~~"Public "City property" means property owned by or under the control of the ~~city of Sisters~~City of Sisters including, without limitation, all property leased by the City, all public utility easements, all easements to the benefit of the City, all rights-of-way managed by the City, and all improvements thereon.~~

~~"Health officer" means the Deschutes County sanitarian.~~

~~"Public tree" means any tree located on City property.~~

~~"Public Works Director" means the City's director of public works or designee.~~

[Ord. 266A § 1, 1994; Ord. 266 § 1, 1994. Code 2002 § 4.01.010].

4.05.020 Rules and regulations.

The following rules and regulations shall govern and control the permitted use of all city parks and ~~public~~-City property for use by the public unless otherwise specifically allowed in a valid public event permit:

(1) No fire shall be built, lighted or maintained within a city park or upon ~~public~~-City property except in a camp stove, barbecue unit, or fireplace provided, maintained or designated for that purpose; excepting, however, that gasoline, alcohol, or oil camp stoves may be used in established campsites or picnic areas.

No fire shall be left unattended, and all fires shall be extinguished by the user before leaving the park or ~~public~~-City property.

(2) No person shall erect signs, markers or inscriptions of any type in a city park or ~~public~~-City property of the city without permission of the city of Sisters.

(3) No person, while in a city park or upon ~~public~~-City property, may operate a concession, either fixed or mobile, or engage in the business of soliciting, selling or peddling any liquids or eatables for human consumption, or hawk, peddle, or vend any goods, wares or merchandise, without permission of the city of Sisters.

(4) No dogs or pets shall be allowed in a city park or upon ~~public~~-City property unless said animals are confined in a vehicle or kept on a leash. No animals, with the exception of seeing-eye dogs, shall be allowed in any buildings, except in specifically designated areas.

(5) No bottles, cans, ashes, waste, paper, garbage or other rubbish shall be left in a city park or upon ~~public~~-City property except in receptacles designated for that purpose.

(6) Automobiles, trailers, or other vehicles shall be parked in designated parking areas only.

(7) No person shall set up or use a public address system in a city park or upon ~~public~~-City property unless approved by city of Sisters. No person shall operate or use any noise producing machine, vehicle, device or instrument in such a manner that it disturbs other people in the area.

(8) No person shall ride, drive, lead or keep a horse or other animal in a city park or upon ~~public~~-City property except upon such roads, trails or area designated for that purpose. This section shall not apply to highways, streets, roads and alleys located within the city.

(9) No person shall ride, drive or operate any motorcycle, motor bike, or motor scooter in a city park or upon ~~public~~-City property except upon such roads, trails or areas designated for that purpose. This section shall not apply to the lawful use of highways, streets, roads or alleys located within the city.

(10) Fireworks and Firearms. No person shall use, discharge, or possess fireworks within city parks or ~~public~~-City property unless authorized pursuant to ORS Chapter 480. No person, other than a peace officer, may fire or discharge a crossbow or gun, including spring- or air-actuated pellet gun, or a weapon that propels a projectile by use of gunpowder or other explosive, jet, or rocket propulsion in a public park. The provisions of this section shall not be construed to prohibit firing or discharging a weapon by any person in defense or protection of his property, person, or family.

(11) Fee Area. Where camping fees are required, fees must be paid within 30 minutes of first using the site, facility, equipment, or service furnished. Fees charged for the overnight parking of recreational vehicles must include the transient room tax, if any, which is charged by the city under the transient room tax ordinance.

(12) The city of Sisters is not responsible for any loss or damage to personal property.

(13) Overnight camping and/or overnight RV parking is allowed only in areas designated for that purpose.

(14) No person shall stay more than 14 days maximum in any 60-day period in any designated camping space or designated RV parking space.

(15) All parks and public places shall be open to the public between the hours of 5:00 a.m. and 11:00 p.m., except for designated camping and RV parking areas, and except where a public event permit provides for different hours of operation.

(16) Unless otherwise provided in a public event permit, no person shall possess or consume any intoxicating liquor in a public park or on ~~public-City~~ property, except any person or persons may possess or consume alcohol in a designated campsite or designated RV overnight parking space, and except any person or persons may possess or consume alcohol within city parks or on ~~public-City~~ property provided they first obtain a private use permit from the city. No person shall use, possess, or manufacture controlled substances within city parks or ~~public-City~~ property pursuant to ORS 475 et seq.

(17) Unless otherwise allowed in this chapter, no person shall operate a motor vehicle within the confines of any city park without obtaining a permit to do so or unless that person is operating the motor vehicle within the confines of the park under the direction and control of an authorized city employee. To include any damages incurred from the operation of such vehicles within the confines of the city park shall be the liability of the permittee or operator.

(18) Park equipment, such as picnic tables, etc., may be removed from a park temporarily under the direction and control of an authorized city employee. [Ord. 266C §§ 1, 2, 1995; Ord. 266B §§ 1, 2, 1994; Ord. 266A § 2, 1994; Ord. 266 § 2, 1994. Code 2002 § 4.01.020].

4.05.030 Exclusions.

This chapter shall not apply to any activity of a municipal or governmental agency. [Ord. 266B § 3, 1994; Ord. 266A § 3, 1994; Ord. 266 § 3, 1994. Code 2002 § 4.01.030].

4.05.040. Public Trees (content moved from 3.2.700)

~~A. Purpose. The purpose of the Urban Forestry section is to:~~

- ~~1. Promote a diverse, healthy and sustainable urban forest;~~
- ~~2. Enhance the livability of the City of Sisters and maintain the City's unique character;~~
- ~~3. Promote public health and safety; and~~
- ~~4. Provide for the general welfare of Sisters' citizens; by effectively managing, maintaining, conserving and enhancing the City of Sisters' existing and future trees located on city property or public rights-of-way; by providing ongoing education on proper tree planting, maintenance, removal and protection techniques and the benefits of trees and of Sisters' urban forest. This ordinance further implements the policies and goals of the City of Sisters Comprehensive Plan.~~

~~B. **Intent.** It is the intent of the City by this section to promote:~~

- ~~1. The effective management of the urban forest resource;~~
- ~~2. The planting, maintenance, restoration and survival of desirable trees within the City;~~
- ~~3. The protection of community residents from personal injury and property damage; and,~~
- ~~4. The protection of the City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within the City.~~

A. ~~C.~~ Applicability and Jurisdiction

- ~~1. The provisions of this ordinance shall apply to trees located now and hereafter on city property and public rights-of-way~~Section 4.05.040 apply to all public trees.
- ~~2. The City of Sisters shall have~~has jurisdiction of all public trees ~~located now and hereafter on city property and public rights-of-way and shall have the authority to~~and may regulate the protection, planting, maintaining, removing and replacing of ~~such~~public trees.
 - ~~a. The Community Development Director or designee is authorized to:~~
 - ~~1. Supervise the urban forestry program and implement the provisions of this ordinance.~~
 - ~~2. With assistance from the City Urban Forestry Board, develop an Urban Forest Management Plan within three (3) years of the adoption of this ordinance and, thereafter, periodically update the Plan.~~
 - ~~3. Implement the approved Urban Forest Management Plan.~~
 - ~~4. Develop and update code provisions establishing standards for planting, protection, maintenance and removal of public and private trees.~~
 - ~~5. Review development applications to insure compliance with Sisters' City Code provisions concerning street trees as defined in Sisters Development Code section 3.2.600, and other trees located on city property or public rights-of-way.~~
 - ~~6. Implement and enforce code provisions concerning both public and private trees.~~
 - ~~7. Be the city staff liaison to the City Urban Forestry Board.~~

B.D. ~~Urban Forestry Board~~

The Urban Forestry Board shall function as an advisory body to the City with respect to this ordinance and urban forestry matters generally.

C. ~~E.~~ Removal, ~~Major~~ Pruning, Planting, or Attachment of Seasonal Holiday Lights to Public Trees

1. ~~Requires City Authorization.~~ Written authorization ~~by~~ from the Public Works Director ~~Community Development Director or designee~~, is required for the removal, ~~major~~ pruning, ~~or~~ planting, or alteration of public trees ~~or including, without limitation,~~ the attachment of seasonal holiday lights to public trees.
 - a. Request for written authorization shall be made at least 3 ~~working-business~~ days before the intended activity on the form prescribed by the Public Works Director and subject to applicable fees established by the City Council from time to time by resolution.
 - b. The Public Works Director ~~Community Development Director or designee shall must~~ base ~~their~~ any written authorization on the standards, goals, and objectives set forth in this section and the Urban Forestry Standards and Specifications.
 - c. Work done under such written authorization shall be performed in accordance with the provisions of this ~~section~~ Section 4.05.040 and the Urban Forestry Standards and Specification, unless otherwise authorized by the Public Works Director ~~Community Development Director or designee.~~
 - d. No such written authorization shall be valid for a period greater than 90 days after the date of issuance.
 - e. The Public Work Director may impose conditions of approving on any written authorization ~~to remove trees may include including, without limitation,~~ a provision requiring the replacement of ~~the any public~~ tree(s) removed with tree(s) appropriate to the site conditions, ~~as determined by the Community Development Director or designee.~~
 - f. If the ~~Community Development~~ Public Works Director ~~or designee~~ determines that a public tree is hazardous, he/she may authorize immediate emergency removal or pruning of such tree. Work shall be done in accordance with the urban Forestry Standards and Specifications, unless otherwise authorized by the Public Works Director ~~Community Development or designee.~~

2. Work Standards and Specifications.

- a. Activities on and near trees located on ~~city~~ City property ~~and public rights-of-way~~ shall be performed in accordance with the provisions of this ~~ordinance~~ Section 4.05.040 and the Urban Forestry Standards and Specifications.
- b. The ~~Community Development~~ Public Works Director ~~or designee~~ shall develop specifications and standards for activities affecting ~~trees located on city property and~~ public rights-of-way ~~trees~~, called Urban Forestry Standards and Specifications, ~~including and may further include provisions for~~ planting, maintenance, protection and removal of trees within the City of Sisters Public Works Construction Standards.
 - i. The Urban Forestry Standards and Specifications shall include a Tree Selection Guide; a list of tree species, varieties and cultivars thereof, approved for planting as well as those prohibited from planting on ~~city~~ City property ~~and public rights-of-way~~. Tree species, varieties and cultivars thereof, not included in the Tree Selection Guide as approved for planting may be considered and approved by the Public Works Director ~~Community Development or designee~~ for planting. Approval shall be based upon the suitability and appropriateness, including drought-tolerance, of the tree species, variety or cultivar for the planting site.
 - ii. The ~~Community Development or designee~~ Public Works Director shall maintain and update ~~as necessary~~ these standards and specifications as necessary. The initial standards and specifications and subsequent updates are subject to the approval of the City Council by resolution.
- c. The City recognizes the American National Standards Institute A-300 Standards for Tree Care Operations, most recent version, as the appropriate standard for tree care. ANSI A300 Standards shall apply to any person or entity repairing, maintaining, or preserving ~~trees on city property or on~~ public rights-of-way ~~trees~~. The City shall incorporate by reference the most recent version of the ANSI A300 within the Urban Forestry Standards and Specifications and maintain the most recent version of the ANSI A300 for public review.
- d. ~~Trees located on city property and public rights-of-way~~ Public trees with trunk, branches and/or roots located 15 feet or less from any excavation, grading, demolition or construction site, include the erection, repair, alteration, or removal of any buildings, structures, street, utilities or landscaping, shall require protection from harm and injury, as determined by the ~~Community Development~~ Public Works Director ~~or designee~~. Protection measures shall be conducted in accordance with the Urban Forestry Standards and Specifications.

3. Activities Prohibited. Unless specifically authorized in writing by the Public Works Director ~~or designee~~:
 - a. No person shall top a tree located on ~~city~~ City property ~~or on public rights-of-way~~. Authorization by the Public Works Director ~~Community Development or designee~~ to top a tree shall be based upon their determination that topping is necessary to alleviate a dangerous condition, including electric service interruptions, which pose an imminent threat to the public or property.
 - b. No person shall attach or keep attached ~~to any trees located on city property or on public rights-of-way~~ any ropes, wires, nails, chains, or other device whatsoever to public trees, except that which is within the Urban Forestry Standards and Specifications as approved for tree support or protection.
 - i. Seasonal holiday lights attached to public trees in accordance with the Urban Forestry Standards and Specifications is permissible for a period not to exceed 90 days, unless otherwise approved by the ~~Community Development~~ Public Works Director ~~or designee~~.
 - c. No person shall damage any public tree; allow any gaseous liquid or solid substance which is harmful to trees to come in contact with them; cut or carve, attach advertising posters or other contrivance; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.
 - ~~d. No person shall major prune, plant, remove or attach seasonal holiday lights to a public tree without authorization from the Public Works Director or designee.~~
4. Requirements of City Personnel.
 - a. City personnel on official business shall notify the Public Works Director ~~Community Development or designee~~ of all activities affecting public trees.
 - b. City personnel on official business are exempt from the written authorization requirement of this section.
 - c. Except as provided in Section 4.05.040(B)(4)(b), City personnel on official business shall conduct all activities in accordance with the provisions of this section and the Urban Forestry Standards and Specifications.
5. Requirements of Public Utility Companies.
 - e. Public utility companies and their affiliates shall notify the Public Works Director ~~Community Development or designee~~ or designee of all activities affecting public trees within the city limits.

- f. Public utility companies holding a current franchise agreement with the City are exempt from the written authorization requirement of this section.
- g. All activities shall be conducted in accordance with the provisions of the current franchise agreement.

DF. Penalties. ~~#Each violation of this Section 4.05.040, as the result of the~~ including, without limitation, each public tree cut, removed, or killed without authorization from the Public Works Director, is a separate offence. Each offense is punishable by a fine of no less than \$200, but not to exceed \$1,000. In addition, if a violation of the provisions of this ~~ordinance, Section 4.05.040 results in~~ the injury, mutilation, or death of a ~~tree located on city property or the public right-of-way is caused~~ tree, the cost of repair or replacement of such tree, of similar size, shall be borne by the party in violation. The replacement value of trees shall be determined by the city in accordance with the latest edition of *Guide for Plant Appraisal*, authored by the Council of Tree and Landscape Appraisers.

EG. Appeals. Any ~~action related to this code section by the v Community Development or designee~~ written decision of the Public Works Director or designee pursuant to this Section 4.05.040 may be appealed to and heard by the City Urban Forestry Board. To be effective, an appeal shall be filed with the City Recorder within fourteen (14) working days after the date of the decision of the Public Works Director ~~Community Development or designee. The appeal shall be in writing and shall be filed with the City Recorder for placement on the City Urban Forestry Board's agenda on the prescribed forms and with payment of applicable appeal fees.~~ The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the City Urban Forestry Board shall render its decision, which shall be final unless appealed to the Planning Commission-City Council. To be effective, an appeal to the Planning Commission-City Council must be in writing on the prescribed forms and with payment of applicable appeal fees, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the City Urban Forestry Board is mailed to the applicant. After a hearing, the Planning Commission-City Council shall render its decision, which shall be final. ~~unless appealed to the City Council. To be effective, an appeal to the City Council must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the Planning Commission is mailed to the applicant. The decision of the City Council shall be final.~~

4.05.050 Penalties.

~~Any person who violates or fails to comply with any provision of this chapter, not including 4.05.040, or who, having obtained a permit hereunder, willfully fails to comply with the terms and conditions thereunder, or who shall counsel, aid, or abet such violation or failure to comply, shall be cited into Sisters municipal court, and upon conviction shall be imprisoned for not more than 30 days, by a fine of not more than \$1,000, or by both. Each separate day that a person violates the provisions of this chapter shall be considered a separate offense. [Ord. 266A § 4, 1994; Ord. 266 § 4, 1994. Code 2002 § 4.01.040].~~

Each violation of this Chapter 4.05 and each separate day that a violation persists is a separate offense. Except as otherwise provided in Section 4.05.040, each offence is punishable by a fine of no less than \$200, but no more than \$1,000. Nothing herein shall preclude City from concurrently or consecutively seeking any other remedy available at law or equity nor preclude a separate civil action for damage to or wrongful use of City property. [Ord. 266A § 4, 1994; Ord. 266 § 4, 1994. Code 2002 § 4.01.040].

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**Title 9
Public Peace, Morals and Welfare**

Chapter 9.30

TREE CUTTING

Sections:

9.30.010 Definitions

9.30.020 Tree Cutting Permit

9.30.030 Violation – Penalty.

9.30.010 Definitions. For purposes of this Chapter 9.30, the following terms are defined as follows:

City Forester. The person designated by City Council to advise the City on trees and other urban forestry matters or such person's designee. The City Forester may be a City employee, contractor, or volunteer.

Person. Means any natural person, business entity, organization, trust, or other entity.

Remove. A tree is removed if it is cut down, ripped out, topped, or is otherwise killed by girdling, excessive pruning, poisoning, or other action resulting in the death of the tree.

Significant Tree. A tree with a trunk diameter of eight (8) inches or greater as measured 4.5 feet above the ground (DBH).

9.30.020 Tree Cutting Permit

- A. Permit Required.** No person may remove a significant tree within the City limits without a tree removal permit issued by the City Forester in accordance with the provisions in this section.
- B. Exemptions.** The following actions do not require a tree removal permit.
1. Trees removed from publicly owned or managed property. This exemption includes, without limitation, removal of trees within easements benefitting a public entity, public utility easements, public leases, and public right-of-way. Removal of trees on property owned or managed by the City is subject to SMC 4.05.040.
 2. Tree removal in conjunction with wildfire defensive space as prescribed in SMC 8.20.
 3. Trees removed in accordance with a land use permit.
 4. Trees that present an immediate threat to the safety and welfare of persons and property may be removed without a tree removal permit provided advance notice of the proposed removal is provided to the City Forester in a manner reasonable under the circumstances. Notice after the fact must be provided if advance notice is not practical. Significant trees removed in an emergency are still subject to replacement in accordance with Section 9.30.020(E) below.

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C. Submittal Requirements. An applicant for a tree removal permit must complete the application form prescribed by the City Forester, pay the fee for the tree removal permit established by City Council from time to time by resolution, and submit the following information:

1. Map. A map containing the following:

- a) Location, size, species, of all significant trees on the property;
- b) All trees proposed for removal;
- c) All existing and proposed structures;
- d) All existing and proposed public and private improvements;
- e) All existing public and private easements; and
- f) Site boundaries

2. Tree Report prepared by Certified Arborist. Must be dated no later than one calendar year preceding the date of tree removal permit application.

- a) Justification for removing the tree.
- b) Alternatives to removal considered.
- c) Proposal for replacement trees or justification for making a payment in lieu
- d) Name, contact information, and signature of arborist preparing report.

D. Approval Criteria. The City Forester may authorize a tree removal permit for any of the following reasons:

1. The tree is diseased and may result in the spread of disease to other trees.
2. The structural integrity of the tree is compromised by disease or injury.
3. The tree, including without limitation its root system, otherwise presents a hazard to life, property, utilities, streets, or other improvements.
4. The removal of the tree is necessary to construct improvements on the site.

E. Replacement. Significant trees approved for removal must be replaced at a 3:1 ratio and installed within 6 months of expiration of the tree removal permit. Replacement trees must of the same species and be at least 2" in caliper at the time of planting. Notwithstanding the foregoing, non-native tree species may be replaced with ponderosa pine. If the City Forester determines that replacement is not possible due to site constraints, or otherwise inappropriate, the applicant must pay a replacement fee for each required replacement tree, at the rate set by the City Council from time to time by resolution. Notwithstanding anything herein to the contrary, replacement trees may not be removed without a tree removal permit.

F. Expiration. A tree removal permit is valid for one year from the date of issuance.

9.30.030 Violation – Penalty.

A. Responsible Party. Any person or entity, regardless of ownership or lawful right of possession of any property, may be subject to penalty if their action or failure to act causes a violation of this Chapter 9.30. However, the owner and any other person in possession of the property at the time of the violation shall be presumed to be the party responsible for a violation occurring on such property. This presumption of responsibility may be overcome by a preponderance of the evidence showing (i) that the violation was committed by some person other than the owner, possessor, and/or their respective agents,

EXHIBIT ____

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managers, employees, family members, invitees, or contractors and (ii) that the owner and/or possessor was not able to control or prevent the violation. If more than one person is responsible, such persons shall be jointly and severally liable for the violation.

B. Each violation of this Chapter 9.30 including, without limitation, each significant tree removed without a tree removal permit, is a separate offence. Each offense is punishable by a fine of no less than \$200, but not to exceed \$1,000.

C. Nothing herein shall preclude City from pursuing any remedy available at law or equity including, without limitation, seeking an injunction to any violation or threatened violation of this Section 9.30.