



**CITY OF SILVERTON  
ENVIRONMENTAL MANAGEMENT AND URBAN TREE COMMITTEE**

**REGULAR MEETING  
City Shops  
830 McClaine St.**

**Tuesday, February 20, 2024 - 5:30 PM**

**Americans with Disabilities Act** – The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as a sign language interpreter, headphones, or other special accommodations for the hearing impaired. To participate, please contact the City at 503-874-2206 at least 48 hours prior to the meeting.

A copy of the full packet is available on the City's website at <https://silverton.or.us/meetings>. Please submit written comments to [morozco@silverton.or.us](mailto:morozco@silverton.or.us) by 3:00 p.m. on Tuesday, February 20, 2024. Comments received will be shared with the Environmental Management and Urban Tree Committee and included in the record.

**AGENDA**

- I. OPENING CEREMONIES** – Call to Order & Roll Call
- II. APPROVAL OF MINUTES** – Minutes from regular meeting held on October 17, 2023.
- III. PUBLIC COMMENT** -None
- IV. DISCUSSION/ACTION**
- V. COMMITTEE COMMUNICATIONS**
  - 5.1 Water quality report**
  - 5.2 Chapter 3.6 Tree Preservation Updates – Focus on Section 3.6.150**
- VI. ADJOURNMENT**

CITY OF SILVERTON

**ENVIRONMENTAL MANAGEMENT AND TREE COMMITTEE REGULAR MEETING MINUTES**

City Shops 830 McClaine St.

October 17, 2023

**I. OPENING CEREMONIES - Call to Order & Roll Call**

<b>Present</b>	<b>Absent</b>	
X		Eric Hammond
	X	Heather Desmarteau-Fast
X		Susan Carter
X		Elyce Hues
	X	Ronald Thompson
X		Mike Haasken
X		Lori McLaughlin
	X	Travis Sperle, Ex-officio Member, City of Silverton
	X	Travis Comfort, Ex Officio Member, Republic Services

**STAFF PRESENT:** Public Works Administrative Assistant Melinda Orozco, Planning Assistant Shauna Godlevsky

Introduction to new City Manager, Cory Misley.

**II. APPROVAL OF MINUTES**

Member Haasken motioned to approve minutes from June 20, 2023, July 18, 2023, and August 15, 2023, meeting as presented. Member Carter seconded the motion and it passed unanimously.

**III. PUBLIC COMMENT-** No public comments.

**IV. SCHEDULED PRESENTATIONS-**None

**V. BUSINESS FROM THE FLOOR-** There were no comments.

**VI. DISCUSSION/ACTION**

All members who attended the joint meeting with the Planning Commission on August 22, 2023, agreed the meeting was very successful.

Member Hues was informed that changes made to the Tree Code are not enforceable nor do they pass legal requirements; This could cause push back. One of the specifics that was discussed at the joint meeting was the existing tree stock, needs to be preserved. The existing tree code states 40 percent and current Planning Commission member would like to see it at 60 percent.

Chairman Hammond shared with the committee the Tree Code updated with all the suggestions made by

the EMC. One of the changes initiated by Chairman Hammond, was categorizing the trees as significant. Chairman Hammond reviewed the section of categorizing the trees as significant and removing Figure 3.6.150-01 Rare, Threatened or Notable Trees. Chairman Hammond moved Figure 3.6.150-02 Invasive and Potential Nuisance Trees to the end of 3.6.150-02 to include a detailed section with the list and provisions.

Oregon Obnoxious Species Law was brought up by member Carter, who stated if there is a person who knows and has obnoxious weeds on their property, they are required to remove/control the weeds although it's not enforced. The committee talked about different locations around town with Tree of Heaven and English Ivy noxious weeds.

The Committee updated City Manager, Cory Mисley, with the current project the EMC is working on.

## **VII. COMMITTEE COMMUNICATIONS**

Chairman Hammond volunteered to finish revisions and have all revisions completed by the next meeting and distribute sections to committee members to review. The committee discussed setting a target date after the holidays to submit the final revision to the Planning Commission.

Chairman Hammond asked if the Water Quality Reports can be added to the Water Quality page. Melinda will confirm the change with the Public Works Director, Travis Sperle.

Member Hues would like to add the City of Silverton Water Master Plan on future new business, specifically to review.

## **VIII. ADJOURNMENT**

Member adjourned meeting at 7: 00 p.m.

Respectfully submitted by:

/s/ Melinda Orozco, Public Works Administrative Assistant

## Chapter 3.6 TREES

Sections:

**3.6.095 Findings**

**3.6.100 Purpose**

**3.6.110 Definitions**

**3.6.120 Administration**

3.6.130 Creation and Establishment of the Urban Tree Committee

3.6.140 Creation of a Tree Fund

**3.6.150 Tree Preservation**

3.6.160 Street Trees

3.6.170 Street Tree and Tree Crown Area Reference List

3.6.180 Tree Permit Procedures & Requirements

**3.6.190 Fee Schedule**

3.6.195 Penalty or Violation

3.6.200 Technical Specifications

3.6.210 Enforcement

### **3.6.095 Findings**

In 2023 there were more than 1,600 trees growing on public rights-of-way in Silverton and there are 400 proposed and vacant spaces where street trees could grow. There are thousands more trees growing on private property and in city owned parks and land. The land surrounding the Silverton Reservoir is 160 acres and there are 17 acres in Coolidge McClaine Park. This area of wild forest holds countless trees. An October 2023 survey of just 103 Oregon white oaks in Silverton showed these trees as critical. Their collective above ground biomass was 584,783 pounds and they stored more than 292,391 pounds of carbon. Each year they sequester more than 3,432 additional pounds of carbon and they remove 3,200 ounces of aerial and particle pollution. Their leaves and stems help avoid more than 47,600 gallons of water runoff each year.

### **3.6.100 Purpose**

~~The regulations of this Chapter support and complement other City development requirements, with a focus on achieving baseline tree preservation and total tree capacity on a site, considering the anticipated use and level of development.~~ The purpose of this chapter is to promote community health, safety, and welfare by protecting the trees in Silverton's urban forest and setting standards, including development standards, for their planting, care, and removal. Together, elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. This Chapter regulates the removal, protection and planting of trees throughout the development process to encourage development, ~~where practicable,~~ to incorporate existing trees, particularly high quality or larger trees and groves, into the site design, to retain sufficient space to plant new trees, and to ensure suitable tree replacement when trees are removed. It is the intent

of these provisions to lessen the impact of tree removal and to ensure mitigation when tree preservation standards are not met.

### **3.6.110 Definitions**

- A. Definitions - The following definitions will apply for terminology used in this chapter. If a definition is not listed in this chapter, the definition in Chapter 1.5 will apply. Where definitions are not provided in this chapter or Chapter 1.5, their normal dictionary meaning will apply:

“Arboriculture” means the practice and study of the care of trees and other woody plants in the landscape.

“Arborist” see “Certified Arborist”

“Caliper” is the standard trunk diameter measurement for trees taken six (6) inches above ground for up to and including four inch caliper size and twelve (12) inches above ground for larger sizes, whereas DBH is always measured at four and one-half (4.5) feet above the ground.

“Canopy Tree” is either a medium or large deciduous tree with a mature height of more than twenty-five (25) feet at maturity

“Certified arborist” means a person ~~certified by the International Society of Arboriculture (ISA) as having~~ who has a current and valid designation of “ISA Certified Arborist” by the International Society of Arboriculture, demonstrating specialized knowledge, experience, and training relating to arboriculture.

“City” means the City of Silverton.

“City Engineer” means the City Engineer of the City of Silverton or designee.

“City Manager” means the City Manager or the City Manager’s authorized representative or designee.

“City Tree Commission” means ~~City Planning Commission~~ Environmental Management Committee.

“City trees” means trees located on property designated as city property, including public parks, and trees located in public right-of-way not defined as street right-of-way.

“Conifer” see “Evergreen” (2)

“Conservation” means maintaining significant native trees and vegetation in the landscapes of development and protecting vegetation in sensitive natural areas. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation followed by replanting. Mature landscaping provides summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.

“Construction Staging Area” means a designated area for the storage of equipment and vehicles, stockpiles, waste bins, and other construction-related materials during a construction project. Any construction trailers are to be included in the construction staging area. In some cases, more than one staging area may be established on site.

“Council of Tree and Landscape Appraisers (CTLA)” means the publishers of the Guide for Plant Appraisal.

“Critical root protection zone” means the distance extending out from and surrounding a tree trunk representing the essential area of the roots that must be maintained in order for the tree’s survival. The critical root zone distance is calculated by multiplying the diameter of the tree, in inches, measured at four and one-half (4.5) feet above the mean ground level, DBH, by 18 (18) or the ~~canopy drip-line~~ drip-line of the tree, whichever is larger. For example, a tree with a diameter of two (2) inches would have a critical root zone of 36 (36) inches, which is {two times 18} (2 × 18) all around the tree.

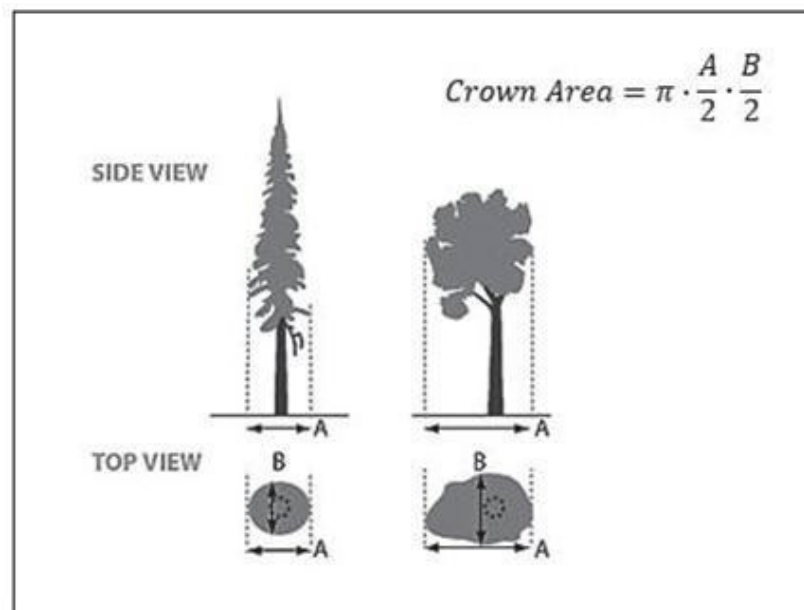
“Crown” means area of the tree above the ground, measured in mass, volume, or area extending from the trunk and including the branches, stems, leaves, and reproductive structures.

“Crown area” means the average area in square feet that the tree crown covers (Figure 3.6.110-1).

“Crown cover” means the area directly beneath the crown and within the drip-line of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

“Cultivated” means trees and plants grown for their ornamental traits or other ecological and sociological benefits. They may include wild plants and native species.

**Figure 3.6.110-01  
Measuring Crown Area**



“Cutting” means the felling or removal of a tree, or any procedure that naturally results in the death or substantial destruction of a tree. Cutting does not include normal trimming or pruning but does include topping of trees.

“DBH” means the diameter at breast height as measured at four and one-half-feet (4 ½) above mean ground level. See Diameter at Breast Height.

“Dangerous tree” is a tree which in the professional assessment of an expert recognized by the City (such as but not limited to a certified arborist, professional horticulturist, professional forester or landscape architect) has a strong likelihood of causing a hazard to life or property.

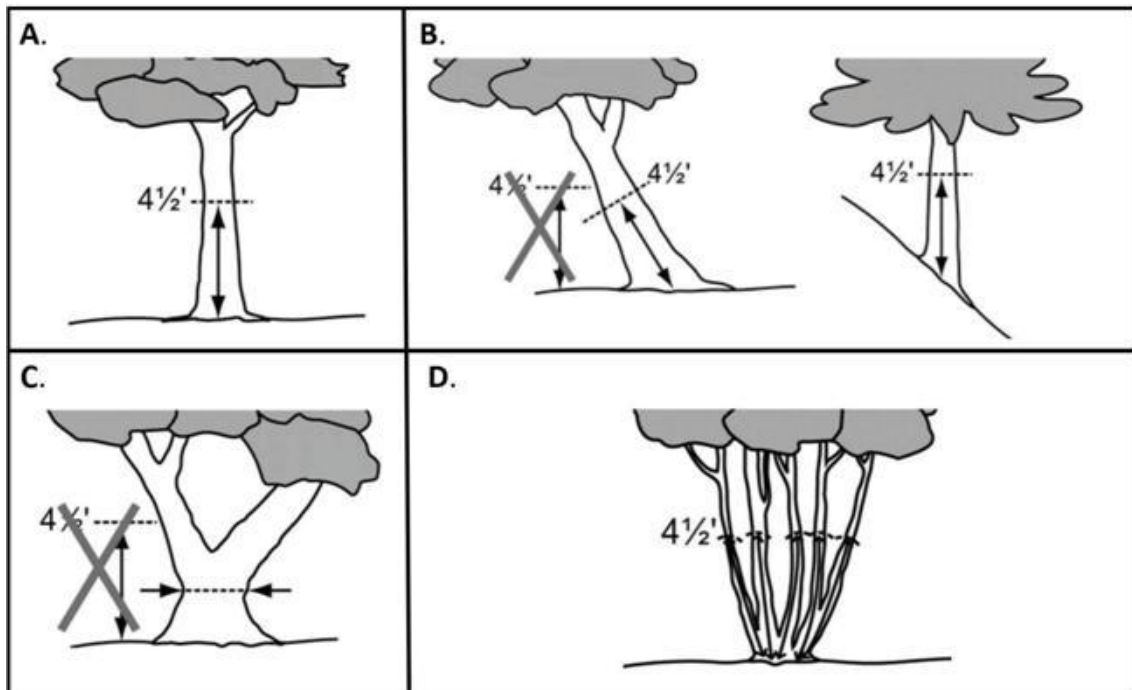
“Dead tree” means a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life.

“Deciduous”, “Deciduous tree” - trees and plants which sheds or loses foliage at the end of the growing season.

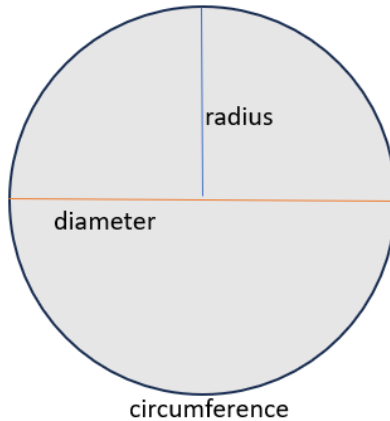
“Development Impact Area” is the area on a site affected by proposed site improvements, including buildings, structures, parking and loading areas, landscaping, and paved or graveled areas. The development impact area also refers to areas devoted to storage of materials, or construction activities such as grading, filling, trenching, or other excavation necessary to install utilities or access.

“Diameter at breast height” or “DBH” means the measurement of mature trees as measured at a height four and one-half (4.5) feet above the mean ground level at the base of the tree (Figure 3.6.110-02). The DBH may be determined by measuring the circumference of the tree trunk four and one-half (4.5) feet above the mean ground level at the base of the tree and dividing by three point one four (3.14). Trees existing on slopes are measured at the mean ground level at the base of the tree (Figure 3.6.110-02). When the trunk branches or splits less than four and one-half (4.5) feet from the ground, measure the smallest circumference below the lowest branch and divide by three point one four (3.14) (Figure 3.6.110-02). For multi-stemmed trees, the size is determined by measuring all the trunks, and then adding the total diameter of the largest trunk to half ( $\frac{1}{2}$ ) the diameter of each additional trunk. A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common root stock that do not have trunks connected above the ground (Figure 3.6.110-02).

**Figure 3.6.110-02**  
**Measuring Diameter at Breast Height**



**Figure 3.6.110-03**  
**Distinguishing Circumference and Diameter**



“Drip-line” means an imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

“Dying tree” means a tree that is diseased, infested by insects, deteriorating, or rotting, as determined by a professional-certified arborist in the appropriate field, and that cannot be saved by reasonable treatment or pruning by standard horticultural or arboricultural practices, or a tree that must be removed to prevent the spread of infestation or disease to other trees.

“Evergreen” (1) means plants that retain their foliage throughout the year.

“Evergreen” (2) refers to plants that bear their reproductive material in cones, such as Douglas firs (*Pseudotsuga menziesii*), often called “conifers”.

“Fee Schedule” is the schedule of City fees and charges adopted by City Council for the services provided by the City.

“Forest” (1) is a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.

“Forest” (2) includes areas that have a least 100 trees per acre with at least 50% of those having a two-inch or greater diameter at 4.5 feet above the ground and larger , and forest areas that have been cut but not cleared.

“Forest” (3) does not include orchards

“Grove” (1)- a contiguous and clearly demarcated group of eight (8) or more trees growing closely together in a manner that creates a distinct and contiguous canopy . All trees in the grove must be greater than significant size DBH for their species as listed in this chapter. They may belong to the same species or a mixture of species covering an area of less than one-eighth (1/8) of an acre, or 5,445 sqft.

“Grove”(2) a contiguous and clearly demarcated grouping of three or more Oregon white oaks greater than significant size DBH for the species as listed in this chapter growing closely together in a manner that creates a distinct and contiguous canopy covering an area of less than one-eighth (1/8) of an acre, or 5,445 sqft.



"Heritage Tree" is a tree designated as a Historic Landmark Tree, a Historic Tree, or a Heritage Tree by the Historic Landmarks Commission and the City for its size, age, species, and/or historical, habitat, or horticultural significance..

"Heritage Grove" is a grove that has been formally recognized by the Historic Landmarks Commission and the City for its size, age, species, and/or historical, habitat, or horticultural significance.

"Horticulturist" is a qualified professional who has studied the science and art of cultivating plants, especially for ornamental use.

"Infected" means any appearance of a disease on trees or plants that may be a menace to horticultural or farm crops.

"Infested" means when the adult, egg, larvae or pupae of an insect or other plant pest is found in such numbers as, in the opinion of the City, to be a menace to horticultural or farm crops.

"Invasive species" (1) means a tree, shrub, or other woody vegetation that is on the Oregon State Noxious Weed List or is identified by the City of Silverton in this Chapter on the City of Silverton Invasive and Nuisance Tree List.

"Invasive species" (2) means nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the City. "Invasive species" does not include humans, domestic livestock or non-harmful exotic organisms.

"ISA" means the International Society of Arboriculture.

"ISA Best Management Practices" means the guidelines established by ISA for arboricultural practices for use by arborists, tree workers, and the people who employ their services.

"Large Tree" is a tree of a species which normally reaches a height of forty (40) feet or more upon maturity.

"Low Impact Development" (1) is a development method that allows natural infiltration of rainwater to occur as close as possible to its origin, such that a landscape retains more of its natural hydrologic function.

"Low Impact Development" (2) A stormwater management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.

"Major tree pruning" means removal of 20% or more of the live crown, or pruning cuts removing branches with diameter greater than 40% of tree DBH at the point one (1) inch above where the branch attaches to the trunk, or six (6) inches, whichever is greater, or removal of or injury to 15% or more of the root system during any 12-month period.

"Medium Tree" is a tree species which normally grows to a height between twenty-five (25) and forty (40) feet upon reaching maturity.

"Minor tree pruning" means the trimming or removal of less than 20% of any part of the live crown, or less than 15% of the root system during a 12-month period, or pruning cuts removing branches with diameter

less than 40% of tree DBH at the point one (1) inch above where the branch attaches to the trunk, or less than six (6) inches, whichever is less.

“Multi-trunk tree” is a tree having two (2) or more main trunks arising from the root collar or from the main trunk. Their size is determined by measuring all the trunks, and then adding the total diameter of the largest trunk to 1/2 the diameter of each additional trunk if the tree is classified as significant.

“Noxious weed” means a terrestrial, aquatic or marine plant designated by the City as among those representing the greatest public menace to be injurious to public health, crops, livestock, land the natural ecosystem of Silverton, or public or private property, and as a top priority for action by weed control programs.

“Owner” means any person who owns land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner’s written consent.

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns.

“Plant” means to plant, to put or set a growing plant, whether with roots or a piece of a plant that has the capacity to grow roots, into the ground so that it can grow.

“Plant pest” means:

(a) A disease, microscopic organism, insect, nematode, arthropod, parasite or a noxious weed as defined in ORS 569.175 (Definitions for ORS 569.175 to 569.195), capable of having a significant adverse effect on the environmental quality of this state or of causing a significant level of economic damage in this state, including but not limited to damage to agricultural, horticultural or forest plants, crops, commodities or products; and

(b) Any biotic agent identified in an order or rule of the department as capable of having a significant adverse effect on the environmental quality of this state, or of causing a significant level of economic damage in this state, including but not limited to damage to agricultural, horticultural or forest plants, crops, commodities or products. [2015 c.203 §4]

“Planter strip” means a landscaped area for city-approved street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk. See also “Tree well.” ~~Refer to the City of Silverton list of recommended trees.~~

“Public agency” means any public agency or public utility as defined in ORS 757.005, or a drainage district organized under ORS Chapter 547.

“Public right-of-way” means land dedication or easement conveyance to the city or other public entity for public use; typically for streets, utilities, parkland and/or similar facilities. Permanent structures, objects and buildings are not allowed to project over or encroach into public rights-of-way, except as allowed by the city for landscaping and trees.

“Public tree” means a tree on land owned or maintained by the City.

“Public Works Director” means the Public Works Director or the director’s designee.

"Remove or removal" means to fell or sever a tree or the intentional use of any procedure, the natural result of which is to cause the death or substantial destruction of the tree. Removal does not in any context include normal trimming of trees.

"Responsible Party" is a person in control of property in fee ownership or tenancy where a tree is located or property adjacent to a street tree. The responsible party may include the owner or owners, lessees, tenants, occupants or other persons in charge. In cases of violations, the responsible party may also include the person, partnership, or corporation who violated the provisions of this Chapter.

"Significant tree" means:

1. Any tree meeting the threshold size standards in this chapter ~~SDC 3.2.200~~ Section 3.6.150.A., and those that are located within a sensitive land area as identified by the comprehensive plan or any refinement of the comprehensive plan, or as inventoried through the development review process. See also environment-related definitions in SDC 1.5.300 and 3.2.200;
2. Any tree or grove designated as a heritage tree or heritage grove as set forth under ~~SMC 12.60.080~~ Section 3.6.150.B.
3. ~~Significant Trees Vegetation.~~ "Significant trees vegetation" means ~~street~~ Trees and plants within designated sensitive land areas such as floodplains, hillside protection areas, and wetlands, and trees not within such area that have a caliper meeting or exceeding that laid out in the table in this chapter Section 3.6.150.A of six inches or larger at four 4.5 feet above grade; except that protection shall not be required for ~~nonnative, invasive trees plants (blackberries, poison oak, poison ivy, etc.)~~ and any ~~plants~~ trees designated by the city as prohibited.

"Small Tree" is a tree species which normally does not reach a height that exceeds twenty-five (25) feet upon reaching maturity.

"Street tree" means a city-approved tree planted in a planter strip or tree well in a city street right-of-way. When any portion of the trunk of a tree crosses a public right-of-way line at ground level, it is considered a street tree. ~~See the City of Silverton recommended list of trees.~~ This includes trees growing behind the right-of-way line between the sidewalk and the edge of the paved surface of a roadway.

"Street Tree and Tree Crown Area Reference List" ~~is the list of~~ includes tree species approved by the City for planting within the right-of-way and tree crown calculations for residential development.

"Stormwater runoff" is any surface water runoff or runoff in channels which results directly either from a rainstorm or from the melting of snow. The U.S. EPA has declared pollution from stormwater runoff to be the nation's largest source of water quality problems.

"Topping" means the cutting back of limbs or trunks within the tree's crown to buds, stubs, or lateral branches not large enough to assume the terminal role. ~~the~~ It is an inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material. Topping is considered "removal".

"Tree" means a self-supporting, perennial woody plant characterized by one main trunk or in some cases multiple trunks, and one main canopy of leaves, usually growing to a height of fifteen (15) feet or higher.

“Tree abuse” means: a) to top a tree; b) to hatrack a tree; or c) cutting upon a tree which destroys its natural habit of growth [as defined herein]; or d) pruning that leaves stubs or results in a flush cut; or splitting of limb ends; or e) the use of climbing spikes, nails, or hooks, except for the purpose of total tree removal or as specifically permitted by the American National Standards Institute

“Tree Board” means the City of Silverton ~~Urban Tree Committee~~ Environmental Management Committee.

“Tree canopy” means the ground area that, when viewed from above the crown of one or more trees, is mostly covered by the tree (s). For deciduous trees, canopy area is based on the time of year when foliage is present.

“Tree circumference” see DBH, means the distance measured around the trunk of a tree at four and one half (4 ½) feet above the mean ground level from the base of the trunk. ~~The circumference of a tree with multiple trunks is determined by adding together the individual trunk circumferences greater than six inches.~~ For multi-stemmed trees, the size is determined by measuring all the trunks, and then adding the total diameter of the largest trunk to half (½) the diameter of each additional trunk.

“Tree Contractor” means a person licensed to complete tree servicing work by the state of Oregon Construction Contractors Board (CCB).

“Tree Fund” means the Tree Fund as created by this Chapter.

“Tree well” means a planter area cut out of a sidewalk within the street furnishing zone, planted with a street tree and including ground cover or a grate cover; typically used in commercial districts where on-street parking or pedestrian traffic makes the use of a planter strip impracticable.

“Trimming” is the selective removal of plant parts to meet specific goals and objectives, using best practices as set forth by American National Standards Institute (ANSI) A300 Standards.

“Urban forest” means the trees and vegetation that exist within the City.

"Urban heat islands" are metropolitan places where buildings and pavement cause the area to be hotter than outlying areas, with impacts felt most during summer months. Paved roads, parking lots, and buildings absorb and retain heat during the day and radiate that heat back into the surrounding air.

“Utility” is a public utility, business, or organization that supplies energy, gas, heat, steam, water, communications, or other services through or associated with telephone lines, cable service, and other telecommunication technologies, sewage disposal and treatment, and other operations for public service.

“Wild” is an endemic species, or species native to the Silverton area of the Willamette Valley ecoregion. It is a self-sown (grown from a non-human planted seed) or self-cloning (by root pieces, suckers, branch layer, or sprout) plant.

“Woodland” is an area of contiguous wooded vegetation where trees are at a density of at least one (1) Significant DBH tree per three hundred and twenty-five (325) square feet of land where the branches and leaves form a continuous canopy. A woodland shall include areas with continuous canopy of trees over an area of at least twenty thousand (20,000) square feet and with any dimension being not less than thirty-five (35) feet. A woodland may be delineated through an aerial photograph or a ground survey. A woodland shall include both understory and protected trees.

B. Determination of Definitions - In any case the Environmental Management and Tree Committee shall have the right to determine whether any specific plant shall be considered a tree. Such determination shall be final and not subject to appeal.

### 3.6.120 Administration

- A. Authority. The City of Silverton shall have control of all street trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within the city, and shall have the power to plant, care for, maintain, remove, replace, and require the care of, maintenance of, removal, and replacement of such trees, shrubs and other plantings.
- B. Public Trees. The Public Works Director is responsible for the implementation and enforcement of ~~this chapter~~ public trees and shall have jurisdiction over all street trees and city trees, including the planting, removal, care, maintenance, and protection thereof. (Ord. 19-14 § 1 (Exh. A), 2019)
- C. Private Trees. The Community Development Director is responsible for the implementation and enforcement of trees located on private property and shall have jurisdiction over all private trees, including the planting, removal, care, maintenance, and protection thereof.

### 3.6.150 Tree Preservation

Trees provide important ecologic and social services to the residents of Silverton but it takes them years and sometimes many decades to reach a size that makes a substantial contribution. Each tree species varies in the size it may reach at maturity. The size of a tree is not the only measure of its contribution to society or its ecological impact.

- A. **Significant Trees** - The significant tree designations establish a threshold trunk size, measured in diameter at breast height (DBH), for various tree species for purposes of applying the requirements of this chapter. A significant tree is defined by the DBH as set forth below.
  - 1. Significant DBH. Figure 3.6.150.001 gives the DBH at which each species is considered significant. Trees with DBH at or greater than that listed DBH are significant and must be treated as such when establishing their status and protection according to this chapter.
  - 2. Establishing a tree's significance
    - i. Identify trees four (4) inches or greater in DBH
    - ii. Determine their species identity
    - iii. Measure the circumference at breast height, four and one-half (4 ½) feet. Divide the circumference in inches by three point one four (3.14) to determine the product, inches DBH. Example: species is *Abies grandis*  
circumference measured at DBH is 37 inches  
 $37 \div 3.14 = 11.78$  inches DBH  
species *Abies grandis* must be 18 inches DBH or more to be significant, therefore this tree is not significant
  - 3. Minimum landscape standards. Significant trees protected in accordance with this chapter may be credited toward meeting the minimum landscape area standards in chapter 3.2.

	<b>Figure 3.6.150.001</b>	
	<b>Significant Tree DBH</b>	
Latin Name	Common Name	inches DBH when species becomes Significant
<i>Abies grandis</i>	Grand Fir	18
<i>Acer circinatum</i>	Vine maple	6
<i>Acer macrophyllum</i>	Bigleaf Maple	12
<i>Alnus rubra</i>	Red Alder	10
<i>Arbutus menziesii</i>	Pacific Madrone	8
<i>Calocedrus decurrens</i>	Incense Cedar	10
<i>Chamaecyparis lawsoniana</i>	Port Orford Cedar	10
<i>Cornus nuttallii</i>	Pacific Dogwood	4
<i>Crataegus douglasii</i>	Douglas Haw	4
<i>Crataegus gaylussacia</i>	Klamath Haw	4
<i>Fraxinus latifolia</i>	Oregon Ash	6
<i>Malus fusca</i>	Oregon Crabapple	4
<i>Pinus monticola</i>	Western White Pine	22
<i>Pinus ponderosa</i>	Willamette Valley Ponderosa Pine	15
<i>Populus trichocarpa</i>	Black Cottonwood	24
<i>Prunus emarginata</i>	Bitter Cherry	6

	<b>Figure 3.6.150.001</b>	
	<b>Significant Tree DBH</b>	
<i>Pseudotsuga menziesii</i>	Douglas Fir	24
<i>Quercus garryana</i>	Oregon White Oak	6
<i>Salix scouleri</i>	Scouler's Willow	4
<i>Taxus brevifolia</i>	Pacific Yew	4
<i>Thuja plicata</i>	Western Redcedar	22
<i>Tsuga heterophylla</i>	Western Hemlock	20
<i>Non-native tree species</i>		generally accepted* mature height ✕ 20% = inches DBH to be significant
* These sources are accepted to establish generally accepted mature height:	When these sources do not list the species or variety in question other published sources are acceptable.	
Silverton Tree and Tree Crown Area Reference List ([recommended] approved street tree list)	<a href="https://landscapeplants.oregonstate.edu/node/2163">https://landscapeplants.oregonstate.edu/node/2163</a> Oregon State University College of Agricultural Sciences - Department of Horticulture » Landscape Plants	Dirr, M.A. and K.S. Warren. 2019. The Tree Book. 940 p., Timber Press, Portland, Ore

B. ~~A.~~ Heritage Trees and Heritage Groves

The Historic Landmarks Commission may designate certain trees as “heritage trees” or certain groves as “heritage groves” within the city with the consent of the owner(s) of record. The purpose of the heritage tree or heritage grove designation is to recognize, foster appreciation of, and protect trees and groves having significance to the community. ~~The Historic Landmarks Commission shall have the authority to determine, select, and identify such trees that qualify as heritage trees.~~ The Historic Landmarks Commission shall have the authority to determine whether a tree or grove recommended for consideration qualifies as a heritage tree or grove. Any member of the public, whether a Historic Landmarks Commission member, property Owner, or third-party citizen, may nominate trees or groves to the Historic Landmarks Commission. Once a tree or grove is designated as a heritage tree or heritage grove, it will remain so unless it becomes necessary to classify it as a dangerous tree and be removed as such. ~~Heritage trees may not be removed without the express consent of the Historic Landmarks Commission.~~ (Ord. 19-14 § 1 (Exh. A), 2019) Other than trees deemed dangerous following standard City processes, heritage trees, heritage groves, or trees growing as part of a heritage grove may not be removed without the express consent of the Historic Landmarks Commission.

C. ~~B.~~ Landscape Tree Conservation

1. Applicability. All ~~development sites containing significant vegetation trees, as defined below,~~ shall comply with the standards of this section Chapter and be subject to development review. ~~All sites containing significant trees, as defined within this chapter, shall comply with the standards of this chapter and be subject to review, as outlined within Section 3.6.180.~~ The purpose of this section is to incorporate significant native vegetation into the landscapes of development and to protect vegetation in sensitive natural areas. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and replanting. Mature landscaping provides summer shade and wind breaks, controls erosion, and allows for water conservation due to larger plants having established root systems.

~~2. Significant Trees Vegetation. “Significant trees vegetation” means street trees and plants within designated sensitive land areas such as floodplains, hillside protection areas, and wetlands, and trees not within such area that have a caliper of six inches or larger at four 4.5 feet above grade; except that protection shall not be required for nonnative, invasive trees plants (blackberries, poison oak, poison ivy, etc.) and any plants trees designated by the city as prohibited.~~

~~3. Mapping and Protection Required. Significant vegetation trees shall be mapped as required by Chapter 4.2 SDC, Land Use Review and Design Review. Significant trees shall be mapped individually and identified by species and diameter or caliper at four 4.5 feet above grade. A “protection” area shall be defined around the edge of all branches (drip-line) of each tree. Drip-lines may overlap between trees. The city also may require An inventory, survey, or assessment prepared by an arborist or other qualified professional to determine tree health, construction boundaries, building setbacks, and/or recommended protection or mitigation requirements is required for Land Use Applications that propose the removal of 5 or more significant trees.~~

2. Protection Standards.

There is a preservation standard established for all land use categories as established here.



After reasonable efforts to minimize cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan the preservation standard shall provide for tree planting or payment into the tree fund when canopy coverage falls below the following tree preservation thresholds for applicable land use category.

Figure 3.6.150.C.2 Canopy Protection Thresholds	
Category of Use	Threshold Percentage (ending tree canopy coverage)
Agricultural and resource areas	50 percent;
Medium density residential areas	25 percent;
Institutional development areas	20 percent;
High density residential areas	20 percent;
Mixed use and planned unit development areas	15 percent.

Trees on public lands shall not be removed, cut, felled, trimmed or otherwise damaged or destroyed, except as approved by the City. The city may approve removal or trimming when a tree poses an immediate hazard to public safety as determined by the Public Works Director.

Other significant trees ~~vegetation~~ (including significant trees ~~vegetation~~ on private property) ~~identified as meeting the criteria in subsection (2) of this section~~, trees having a DBH which meets the definition for their species to be Significant as laid out in this chapter, shall be retained to the extent practicable to protect environmental values and to minimize the risk of erosion, landslide, ~~and~~ stormwater runoff, and urban heat island effect. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant trees ~~vegetation~~ from the building envelope as defined by required yard setbacks for commercial zones.

Tree protection in residential zones shall follow subsections 1 through 3 (*Applicability, Clear and Objective Tree Preservation Standards, and Clear and Objective Tree Planting Standards*):

- a. Applicability. The tree preservation in this subsection applies to the following types of development ~~in residential zones: The tree preservation in this subsection applies always, and to the following types of development~~ in commercial and residential zones:
  - i. Land divisions-, or;
  - ii. Construction of a new residential dwelling unit that results in an increase of building footprint-, or;

- iii. Construction of a new residential dwelling unit that does not result in an increase of building footprint, or;
  - iv. Design Reviews/Conditional Uses, or;
  - v. Construction of new commercial buildings that results in an increase of building footprint, or ;
  - vi. Construction of new commercial buildings that does not result in an increase of building footprint, or ;
  - vii. Construction of new parking lots for commercial buildings, or ;
  - viii. Expansion of existing parking lots that results in an increase in paved surfaces or the quantity of parking spots, or ;
  - ix. Conversion of gravel parking lots to paved parking lots
- b. Clear and Objective Tree Preservation Standards. Significant trees are required to be preserved except when their removal is required for construction, demolition, grading, utilities, and other development impacts and their removal meets all the removal standards.

Not more than 25% of on-site existing tree canopy may be removed below the overall threshold percentage for its use category. ~~40% site canopy coverage standard.~~ The applicant may request tree removal up to ~~more than 25% reduction~~ 25% below the threshold percentage for its use category. All removals below the threshold for the use category require mitigation or fees in lieu of planting per Section 3.6.160. The additional removals can be approved if the applicant can demonstrate to the Planning Commission that the ~~show~~ development is unreasonably challenged by significant trees then the Planning Commission may approve additional removals subject to mitigation and fees in lieu of planting per Section 3.6.190. ~~Large trees equal to or greater than 24" DBH~~

Woodlands and significant sized trees as described in this chapter shall be prioritized for preservation and retained unless over the ~~40% standard~~ threshold for the use category. All percentage numbers shall be rounded to the nearest whole number. Required preservation will start with woodland trees, then largest Significant trees ~~large trees 24" DBH or greater~~ which will be retained unless over the ~~40% standard~~ threshold for the use category. Trees under 24" Significant DBH may be used to fulfill the ~~40%~~ threshold for the use category requirement if there are not any trees remaining that exceed the Significant DBH designation or if they are part of a woodland ~~are 24" DBH or greater~~. The applicant may request the planning commission to consider additional logistical factors if the retention of woodland or significant DBH sized trees ~~24" DBH or greater~~ is impracticable.

Unless removal is expressly authorized by a land use action or approval issued by the city of Silverton, it shall be unlawful to remove any *Quercus garryana* (Oregon oak), ~~on public or private property,~~ larger than or equal to 6" ~~12"~~ DBH, Significant DBH ~~six and one half feet in circumference (approximately 30 inches in diameter)~~, within the city limits without first making application to the city and obtaining a permit or as otherwise authorized by this code. (Ord. 19-14 § 1 (Exh. A), 2019).

Any Oregon white oak, (*Quercus garryana*) of significant size which is removed shall be replaced or mitigated only with Oregon white oak. The total caliper inches of

replacement Oregon white oak shall equal the total caliper inches of protected significant Oregon white oak removed; for other removed protected trees, the total caliper inches of replacement trees shall equal one-third total caliper inches of removed and shall be replaced with trees of a native species.

When there is significant loss of mature tree canopy or specimen trees on a particular site, the size and/or number of replacement trees may be increased by up to twice the minimum by the director of public works in order to compensate for the loss.

~~In addition, any healthy, non-hazardous tree (not including invasive trees listed in Figure 3.6.150-02) equal to or greater than the Significant DBH designation for that species 24" DBH or trees 12" DBH or greater listed on the City of Silverton Rare, Threatened or Notable Tree List (Figure 3.6.150-1) must be prioritized for preservation and will incur an additional penalty fee if removed per the Fee Schedule (Section 3.6.190).~~

When the trunk of a tree crosses the property line at ground level it is considered an on-site tree for the purposes of these tree preservation standards.

**Figure 3.6.150-01  
Rare, Threatened or Notable Trees**

Scientific Name	Common Name
<del>Quercus garryana</del>	<del>Oregon White Oak</del>
<del>Sequoiadendron giganteum</del>	<del>Giant Sequoia</del>

Invasive tree species on the Oregon Noxious Weed List or Silverton Invasive and Potential Nuisance Tree List, see figure 3.6.150-02 for list, including cultivated non-wild poplar, cottonwood and willow are prohibited from planting, however even invasive species offer some ecological benefits. Therefore, ~~are not to be included in the total canopy coverage calculations~~ trees on the Silverton Invasive and Potential Nuisance Tree list, including non-wild poplar, cottonwood and willows, greater than significant DBH for their species are to be included in the total canopy coverage calculations. Their removal and replacement may be required per city code but when or if they are removed replacement trees must be planted to help maintain overall ecological function in accordance with the rules of this chapter.

Public right-of-way is not considered part of the development site for the purposes of the canopy coverage calculations. When the trunk of a tree crosses a property line at ground level it is considered an on-site tree for the purposes of these tree preservation standards.

**Figure 3.6.150-02  
Invasive and Potential Nuisance Trees and Plants**

Scientific Name	Common Name	Invasive

Acer negundo	Box Elder	-
Acer platanoides	Norway Maple	-
Acer pseudoplatanus	Sycamore Maple	-
Acer saccharinum	Silver Maple	-
Aesculus hippocastanum	Horse Chestnut	-
Ailanthus altissima	Tree of Heaven	Yes
Betula pendula	European White Birch	-
Crataegus monogyna	English Hawthorn	Yes
Hedera	Ivy	
Ilex aquifolium	English Holly	-
Laburnum watereri	Goldenchain Tree	-
Liquidambar styraciflua	American Sweetgum	-
Lythrum salicaria	Purple Loosestrife	
Paulownia tomentosa	Empress/Princess Tree	-
Populus*	Cottonwoods and Poplars	-
Prunus avium	Sweet Cherry	-
Robina pseudoacacia	Black Locust	-
Salix*	Willows	-
Sorbus aucuparia	European Mountain Ash	-
Ulmus Pumila	Siberian Elm	-

\*Cultivated, non-wild representatives of these genera, including those species native to the Willamette Valley, are considered invasive and potential nuisance trees on this list. Wild, self-sown or self-cloning (by root pieces, suckers, branch layer, or sprout) are *not* part of this list.

Healthy trees with DBH of six (6) inches or 20% greater than significant for their species may receive additional canopy credits for existing tree crown area to be factored into preservation calculations as defined in the Fee Schedule.

Percent DBH is greater than significant for the species	Available canopy credits
20%	1.2
40%	1.5
60%	1.8
80%	2.2
100%	2.7

Any tree saved and protected through a land division application must be identified and labeled on the site plan and the deed. Prior to the final plat being signed, a sign shall be posted at each tree or grove stating the trees are required to remain and be protected through development and include penalty fees for violation. See requirements for tree protection during construction in this chapter Section 3.6.200. Signs shall be weatherproof and installation shall not cause any damage to the tree.

Clear and Objective Tree Planting Standards. ~~40% canopy coverage is the standard site canopy coverage for residential developed lots. In addition to the preservation of on-site trees, at least 40% tree canopy is required for a development site from existing trees or new tree plantings unless mitigation is provided.~~ Trees must be planted to bring the canopy coverage up to or exceed the canopy coverage threshold for the use category, or fees paid into the Tree Fund in lieu of planting per Section 3.6.160. Figure 3.6.150.C.2 Protection Standards table lists the minimum canopy coverage for each use category.

Public right-of-way will be considered off-site for the purpose of these planting standard calculations. ~~Invasive tree species on the Oregon Noxious Weed List or Silverton Invasive and Potential Nuisance Tree List are not to be included in the total canopy coverage calculations.~~

The canopy provided by invasive species can be important and may provide important ecological benefits even while doing habitat and ecosystem harm such as taking the space endemic species might otherwise fill. To acknowledge this importance, when invasive species reach Significant size DBH for their species, include them in the canopy calculation even though they must also be removed and replaced. Trees on the Silverton Invasive and Potential Nuisance Tree list that also meet the metric of Significant DBH for their species (mature size \* 20% = inches DBH significant) shall be included in the total canopy coverage calculations. These trees shall be removed and replaced with native tree species. Trees on the Silverton Invasive and Potential Nuisance Trees list which are smaller than Significant DBH size are not included in the calculation.

The following is eligible for credit towards tree canopy requirements when planted or preserved in accordance with City of Silverton standards:

**Figure 3.6.150-03  
Tree Planting Standards**

Tree Location	Existing Trees	Newly Planted Trees
On-Site Trees (Trees located within the tax lot)	100% of the existing or future mature crown area, whichever is greater *Significant tree credit for large DBH trees – see 3.6.190 Fee Schedule*	7550% of the future mature crown area

Off-Site Trees (Street trees within the adjacent ROW)	50% of the existing or future mature crown area, whichever is greater	<del>50</del> 35% of the future mature crown area
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- i. ~~75~~50% of the mature crown area of planted on-site trees.
- ii. ~~50~~35% of the mature crown area of planted street trees in the public right-of-way directly abutting the development site.
- iii. 100% of the existing crown area or mature crown area of on-site trees that are preserved, whichever is greater. In cases where a portion of the crown area of on-site trees extends off site, the entire crown area is eligible for credit towards the tree canopy requirements. In cases where a portion of the crown area of off-site trees extends on site, the crown area is not eligible for credit towards the tree canopy requirements. Healthy trees with DBH 20% greater than significant for their species as defined in this chapter of 6 inches or greater may receive additional canopy credits for existing or future mature crown area to be factored into preservation calculations as defined in the ~~Fee Schedule~~. Figure 3.6.150.C.2.b Canopy Credits for Trees Greater Than Significant.
- iv. ~~50% of the existing crown area of street trees that are preserved in the public right of way directly abutting the development site.~~
- v. Issuing credits on the future tree canopy is inherently risky. To help ensure future tree canopy is realized, guaranteeing tree survival is important. During a three (3) year period following receiving these canopy credits, if trees die or are removed for which credits were issued, those trees must be replaced or mitigated per this chapter.

When the trunk of a tree crosses a property line at ground level it is considered an on-site tree except when the trunk crosses a public right-of-way line at ground level, it is considered a street tree for the purposes of these tree planting standards.

Planting and mitigation requirements are waived when the only planting area is under the existing canopy of a Oregon white oak tree 24 inches DBH.

- c. Parking lot shading standards. The city sets basic performance standards related to the amount of shade or tree planting required in parking lots. Shading standards are based on the amount of shade to be provided by trees to a set percentage of the parking lot surface after fifteen (15) years.

Figure 3.6.150.C.2.d Required Parking Lot Shading		
percent of interior paved area occupied by 6 ft by 8 ft planters	Projected parking lot shading after 15 years (average grown	

(1 tree/planter)	diameter = 21 ft)	
<4.9% of paved area		
5% of paved area	35%	
7% of paved area	49%	
10% of paved area	70%	

3. Mitigation Required. Where removal of or impact to trees, of significant DBH for their species as listed in this chapter, ~~trees-vegetation~~ is proposed, or it is reasonable to expect it will be unavoidable during development, the City shall require mitigation through development review.

Mitigation shall be proportionate to the loss of significant trees per chart below, figure 3.6.150.04 ~~vegetation~~. Where complete mitigation on site is not practical due to limitations of the site ~~overall canopy coverage~~, the City may accept an in-lieu fee for mitigation which will occur off site (see Section 3.6.190).

**Figure 3.6.150-04**

**Tree Replacement Requirements**

4.5' DBH (Diameter at Breast Height)	Number of Replacement 2" DBH Trees Required Per Each Tree Removed
4" - 6"	1 Tree
6" - 11"	3 Tree
12" - 23"	6 Trees
24" to 35"	12 Trees
36" or greater	18 Trees

4. Submittal Requirements.

~~For applications for construction of a new residential dwelling unit~~ new construction applications (residential or commercial) that ~~does~~ not result in an expansion of building footprint, applicants must demonstrate compliance with the applicable provisions by submitting a report including elements outlined in Subsection 3.6.150.B.6.b. (Tree Preservation Plan Requirements).

For applications for land subdivision or new construction (residential or commercial) ~~of a new residential dwelling unit~~ that results in an expansion of the building footprint an ISA certified arborist that is also tree risk assessment qualified (TRAQ) must demonstrate compliance with the applicable provisions of this Chapter. Other professionals such as engineers, landscape architects, soil scientists, and surveyors may assist the project arborist as needed in preparing the required information, but the arborist must organize, review, and approve the final product. The minimum submittal requirements include an

inventory of existing trees, tree preservation plan, tree canopy plan, and arborist report with the following elements:

- a. Tree Inventory Requirements
  - i. Survey the locations of all trees, of Significant DBH for their species as listed in this chapter, ~~at least 6-inch DBH, all trees at least 2-inch DBH that are listed on the Oregon Noxious Weed List or Silverton Invasive Tree List, and trees less than 6-inch DBH as specified on the City of Silverton Rare or Threatened Tree List.~~ Trees that must be surveyed include those that are on site, within abutting public rights-of-way, and on abutting sites with root protection zones that extend into the site. The locations and information for trees on abutting sites may be estimated.
  - ii. Number each tree for identification at the site and on the plans.
  - iii. Identify the common name and scientific name of each tree.
  - iv. Measure the DBH of each tree in inches according to accepted ISA standards.
  - v. Measure the approximate average crown radius of each tree in feet.
  - vi. Provide the crown area of each tree using the formula:  $(\text{crown radius})^2 \times \pi$ .
  - vii. Assess the health condition of each tree using the following categories:
    1. Good (no significant health issues)
    2. Fair (moderate health issues but likely viable for the foreseeable future)
    3. Poor (significant health issues and likely in decline)
    4. Very poor or dead (in severe decline or dead)
  - viii) ~~Identify whether the tree is on the Silverton Rare or Threatened Tree List.~~
  - viii. Identify whether the tree is proposed for removal or retained.
  - ix. Organize the tree inventory information in a table or other format approved in writing by the City.
- b. Tree Preservation Plan Requirements
  - i. Provide a site plan drawn to scale.
  - ii. Include the existing tree locations and corresponding tree numbers from the tree inventory.
  - iii. Identify ~~rare or threatened~~ all trees, of Significant DBH for their species as listed in this chapter ~~as described in the City of Silverton Rare or Threatened Tree List.~~
  - iv. Identify the following site disturbances:
    1. Demolition
    2. Tree removal
    3. Staging, storage, and construction access
    4. Grading and filling
    5. Paving
    6. Construction of structures, foundations, and walls
    7. Utility construction
    8. Trenching and boring
    9. Excavation
    10. Any other demolition or construction activities that could result in ground disturbances and/or tree damage.
  - v. Locate tree and soil protection fencing to scale.
  - vi. Locate soil compaction prevention methods to scale.
  - vii. Include tree protection specifications from the arborist report on the plans including a detail and description of tree protection fencing and signage.
  - viii. The elements of the tree preservation plan may be included on multiple plan sheets for clarity.
  - ix. The final approved set of construction drawings must include the tree preservation plan to ensure contractors, inspectors, and other professionals have access to the information.
- c. Tree Planting Plan
  - i. Provide a site plan drawn to scale.



- ii. Include the existing trees to be retained and their crown areas to scale.
  - iii. Include the trees to be planted and their mature crown areas to scale based on the Street Tree and Tree Crown Area Reference List.
  - iv. Include a diagram depicting the tree planting that is consistent with ISA best management practices.
  - v. The minimum size of planted trees is 2-inch caliper for deciduous trees and 5-foot tall for evergreens unless otherwise approved by the City, and 2-feet tall for Oregon white oak *Quercus garryana*, and madrone, *Arbutus menziesii* which are native trees that often transplant best from a small size. Nursery stock must be in good health with the size and quality consistent with ISA best management practices and ANSI Z60.1 standards.
  - vi. The species selection and spacing of trees to be planted must be such that it provides for the eventual mature size of the trees. Trees can be sited to grow in groves, when it is common for the species, their eventual mature canopy size may be discounted 20%. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting. Final site plans must be approved by the City.
  - vii. Root barriers must be installed according to the manufacturer's specifications when a tree is planted within five (5) feet of pavement or an underground utility box unless otherwise approved by the City.
  - viii. Where there are overhead high voltage utility lines, the tree species must be from the city approved street tree list with a designation allowing planting under high voltage lines. ~~selected must be of a type that, at full maturity, will not require pruning to avoid interference with the lines.~~
  - ix. The elements of the tree canopy plan may be included on multiple plan sheets for clarity.
  - x. The final approved set of construction drawings must include the tree canopy plan to ensure contractors, inspectors, and other professionals have access to the information.
- d. Arborist Report
- i. Provide a written narrative that summarizes the information from the tree inventory, tree preservation plan, and tree canopy plan.
  - ii. Provide findings and calculations that demonstrate whether the tree preservation standards in Subsection 3.6.150.C.2 ~~B-4.a.2~~ (Tree Conservation>Protection Standards>Clear and Objective Preservation Standards) have been met.
  - iii. Provide findings and calculations that demonstrate whether the tree planting standards in Subsection 3.6.150.C.2 ~~B-4.a.3~~ (Tree Conservation>Protection Standards>Clear and Objective Planting Standards) have been met.
  - iv. If the tree preservation and/or tree planting standards have not been met, provide calculations for the applicable tree mitigation fees as required by Subsection 3.6.150.C.3 ~~B-5~~. (Tree Conservation>Protection Standards>Mitigation Required)
  - v. If the applicant is seeking a variance to the tree preservation and/or tree planting standards in place of providing mitigation planting or fees, provide findings that demonstrate the proposal provides equivalent or greater environmental benefits as preserving or planting the required tree canopy consistent as required by Subsection 3.6.150.C.9 ~~B-14~~. (Tree Conservation>Protection Standards>Tree Variances)

5. Tree Protection Compliance. Provide findings that demonstrate compliance with the tree protection standards in Subsection 3.6.200.A. (Technical Specifications>Tree Protection Specifications)
6. Construction. All significant trees ~~vegetation~~ on a site that ~~is~~ are not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the planning official. The City may ~~shall~~ require chain-link or other protective fencing around significant ~~vegetation~~ trees and limit grading activities and operation of vehicles and heavy equipment in and around significant ~~vegetation~~ trees ~~areas~~ to prevent damage to the resource and to prevent erosion, pollution, or landslide hazards. Follow the tree protection standards found in Subsection 3.6.200.A. (Technical Specifications>Tree Protection Specifications)
7. Tree Felling for Private Non-development. Review approval is required for the felling of ~~five~~ four (4) or more trees of Significant DBH for their species as listed in this chapter, ~~significant trees or all healthy, non-invasive trees 12" DBH or greater~~ on a lot or property inside the city limits within a calendar year and more than five (5) during the most recent three (3) year period. Felling trees at the direction of the City or by the City that may be necessary to remove or alleviate an immediate danger to life or property is allowed and does not reset the tree retention threshold; removal of any tree that is defined as a nuisance under the Silverton Municipal Code is allowed (Silverton Invasive and Potential Nuisance Tree list); to restore utility service or to reopen or maintain a public street or easement is exempt from review is allowed.
8. Additional Approval Criteria. ~~An application following the submittal requirements for a design review shall be submitted to the City for review prior to any tree removal.~~ When an application is submitted the City may approve the request when the following additional review criteria ~~are~~ is met:
  - a. Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
  - b. Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
  - c. Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. ~~The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this code.~~
    - i. *(match this description to SMC 2.7.180 after clarification regarding OAR 660-023-0090.5)* Establish a buffer on the riparian area by measuring the height of the tallest tree in the riparian project area. Use that tree height as the buffer distance on either side of the waterway or riparian area. Example: tree height is 47 feet. The buffer area is 47 feet on both sides of the waterway.
  - d. Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
  - e. Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future city residents.

- f. Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties.
  - g. The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning.
9. Exemptions. The protection standards in subsections (2) ~~(4)~~ and (3) ~~(5)~~ of this section (3.6.150.C.2 Tree Preservation>Tree Conservation>Protection Standards, 3.6.150.C.3 Tree Preservation>Tree Conservation>Mitigation Requirements) do not apply to:
- a. ~~Dead or Diseased Vegetation~~-Trees. Dead or diseased ~~vegetation~~ trees meeting the criteria for "significant ~~vegetation~~ trees" may be removed after approval of a Type I land use review.
  - b. ~~Hazardous Vegetation~~-Dangerous Trees and Other Emergencies. Significant ~~vegetation~~ trees may be removed without land use approval when the ~~vegetation~~ trees pose an immediate threat to life or safety or protection of property (e.g., windstorm damage, fallen-over house, road or power line, blocked drainage way, or similar circumstance). (Ord. 08-06 § 3, 2008)
10. Tree Variances. The applicant may seek an adjustment or variance at no cost to the applicant for smaller lot sizes, sidewalk deviations, on-street parking reduction, frontage improvements, reduced setbacks or a reduction in the number of parking spaces to avoid removal of significant trees, provided measures are also taken to preserve the health of the trees.
- a. Review Criteria. The City shall consider the following review criteria and may approve, approve with conditions, or deny a design review adjustment based on the following; the applicant shall bear the burden of proof.
    - i. Adjusting the subject code standard(s), i.e., decreasing, increasing, waiving, or making a material substitution, will result in a design that is as good or better than what would likely result under the base standard;
    - ii. The adjustment is consistent with the code's stated intent and is in the public interest; and
    - iii. In interpreting the public interest, consideration shall be given to intended public benefits or protections such as compatibility with surrounding uses; pedestrian safety and comfort; complementary development scale, materials, and detailing; street visibility; and/or aesthetic concerns. (Ord. 10-02 Exh. A § B, 2010; Ord. 08-06 § 3, 2008)
11. Significant ~~Vegetation~~ Trees. Significant ~~vegetation~~ trees protected in accordance with ~~SDC 3.2.200~~ this Chapter may be credited toward meeting the minimum landscape area standards per Title 18 Chapter 3.2 ~~Fee Schedule in Section 3.6.190~~. ~~Credit may be granted for trees at a ratio of one caliper inch per inch of tree(s) protected, except that~~ Parking lot landscaping requirements per Title 18 Chapter 3.2 shall not be eligible for tree credits ~~provided as required by subsection (E)(3) of this section~~. The street tree standards of ~~SDC 3.2.400~~ Section 3.6.160 may be waived by the City when existing significant trees protected within the front yard

provide the same or better shading and visual quality as would otherwise be provided by street trees.

12. Invasive and Nuisance Trees. ~~“Nonnative, invasive”~~ Trees on the Silverton Invasive and Potential Nuisance Tree list ~~plants, as per SDC 3.2.200(B),~~ shall be removed during site development regardless of their size. ~~and.~~ The planting of species on the Silverton Invasive and Potential Nuisance Tree list ~~new invasive species~~ is prohibited.
13. Trees Requiring Approval. It is unlawful to plant native or nonnative willow, cottonwood, or poplar trees outside of riparian restoration projects ~~unlawful to plant willow, cottonwood or poplar trees~~ anywhere in the city unless the Public Works Director approves the site as one where the tree roots will not be likely to interfere with public sewers. It shall remain lawful within the city to allow the persistence of wild growing, naturally sown or distributed (through normal asexual spread such as stolens or rooted branches) Willamette Valley native Salix and Populus species, this allowance does not extend to non-native, ornamental, or exotic species.
14. Prohibited in Right-of-Way. Because of their potential negative impact on public infrastructure, it is unlawful to plant native or nonnative willow, cottonwood, or poplar trees outside of riparian restoration projects anywhere in the city. It is unlawful to plant any of the following trees in or on a public right-of-way: ~~box elder, tree of heaven, golden chain, holly, silver maple, bamboo, poplar, willow, conifer, cottonwood,~~ fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), ~~and ailanthus.~~

D. Trees in Hillside Protection Overlay District (Silverton Municipal code chapter 2.6) ~~conservation, protection and removal.~~

1. Applicability. All development on hillside lands shall conform to the following additional requirements:

~~1. Inventory of Existing Trees. A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than six inches in caliper measured at four 4.5 feet above ground level (d.b.h.), identified by d.b.h., species, and approximate extent of tree canopy. In addition, for areas proposed to be disturbed, the existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e., those within five feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have a location accuracy of plus or minus two feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey. Portions of the lot or project area not proposed to be disturbed by development need not be included in the inventory.~~

~~2. Evaluations of Suitability for Conservation. All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. Factors included in this determination shall include:~~

- ~~a. Tree Health. Healthy trees can better withstand the rigors of development than non-vigorous trees.~~

- ~~b. Tree Structure. Trees with severe decay or substantial defects are more likely to result in damage to people and property.~~
  - ~~c. Species. Species vary in their ability to tolerate impacts and damage to their environment.~~
  - ~~d. Potential longevity.~~
  - ~~e. Variety. A variety of native tree species and ages.~~
  - ~~f. Size. Large trees provide greater protection from erosion and shade than smaller trees.~~
2. ~~3.~~ Tree Conservation in Project Design. ~~Significant trees (24-inch caliper or greater conifers measured at four 4.5 feet above ground level and 12-inch caliper or greater broadleaf measured at four 4.5 feet above ground level.)~~ Tree conservation on slopes in the Hillside Overlay district is very important. Trees of significant DBH size for their species shall be protected and incorporated into the project design whenever possible. Projects must comply with figure 3.6.150.C.2 Protection Thresholds for tree canopy coverage. Projects cannot drop below the threshold canopy coverage as stated there.
- a. Site disturbances. Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees of significant size on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in ~~wildfire lands~~, an area identified as overall risk rating of 2 or greater on the Marion county Wildfire Risk Assessment Map 3, figure 2-11, page 2-24 April 2017 Marion County Multi-Jurisdictional Hazard Mitigation Plan (*Other options for obtaining a risk map include City of Silverton Emergency Operations Plan, or the Marion County Community Wildfire Protection Plan, or Marion County Multi-Jurisdictional Hazard Mitigation Plan*)
  - b. Building envelope. Building envelopes shall be located and sized to preserve the maximum number of significant sized trees on site while recognizing and following the standards for fuel reduction if the development is located in ~~wildfire lands~~, an area identified as overall risk rating of 2 or greater on the Marion county Wildfire Risk Assessment Map 3, figure 2-11, page 2-24 April 2017 Marion County Multi-Jurisdictional Hazard Mitigation Plan (*Other options for obtaining a risk map include City of Silverton Emergency Operations Plan, or the Marion County Community Wildfire Protection Plan, or Marion County Multi-Jurisdictional Hazard Mitigation Plan*)
  - c. Tree protection area. Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.
  - d. Windthrow. Trees shall be retained in significantly large areas and dense stands so as to ensure against windthrow.
  - e. Riparian area. Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall use this system of establishment for a riparian area: ~~be at least 10 feet in width or as recommended by the landscape professional.~~
    - i. Establish a buffer on the riparian area by measuring the height of the tallest tree in the project area. Use that tree height dimension as the buffer distance on either side of the waterway or water area. Example: tree height is fourth (40) feet. The buffer area is forty (40) feet on both sides of the waterway.

- ii. In the event there are no trees in the riparian area, establish a buffer in accordance with chapter 2.7.

- f. Ridges and hilltops. Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.

~~4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards:~~

- ~~g. All trees designated for conservation shall be clearly marked on the project site plan. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install fencing at the drip line of all trees to be preserved adjacent to or in the area to be altered. Temporary fencing shall be established at the perimeter of the drip line. Prior to grading or issuance of any permits, the fences may be inspected and their location approved by the Community Development Department.~~

- ~~h. Construction site activities, including but not limited to parking, material storage, soil compaction and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.~~

- ~~i. No grading, stripping, compaction, or significant change in ground elevation shall be permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City and landscape professional. If grading or construction is approved within the drip line, a licensed landscape professional may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.~~

- ~~j. Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site runoff shall be directed to appropriate storm drain facilities and away from trees designated for conservation.~~

- ~~k. Should encroachment into a tree protection area occur which causes irreparable damage to trees, as determined by a licensed landscape professional, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this section.~~

- 3. ~~5.~~ Tree Removal. Development shall be designed to preserve the maximum number of trees of significant size on a site. The development shall follow the standards for fuel reduction if the development is located in ~~wildfire lands~~. an area identified as overall risk rating of 2 or greater on the Marion county Wildfire Risk Assessment Map 3, figure 2-11, page 2-24 April 2017 Marion County Multi-Jurisdictional Hazard Mitigation Plan (*Other options for obtaining a risk map include City of Silverton Emergency Operations Plan, or the Marion County Community Wildfire Protection Plan, or Marion County Multi-Jurisdictional Hazard Mitigation Plan*) When justified by findings of fact, the hearing authority may approve the removal of trees for one or more of the following conditions:

- a. The tree is located within the building envelope.
- b. The tree is located within a proposed street, driveway, or parking area.

- c. The tree is located within a water, sewer, or other public utility easement.
  - d. The tree is determined by a licensed landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by a licensed landscape professional.
  - e. The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a licensed landscape professional.
  - f. The tree's removal as part of a fuels reduction project supported by the Silverton Fire District or Marion County to support a city or county wildfire protection plan.
4. ~~6.~~ Tree Replacement. Trees approved for removal, ~~with the exception of trees removed because they were determined to be diseased, dead, or a hazard,~~ shall be replaced in compliance with SMC 3.6.150 section C, and the following standards:

~~a. Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.~~

- a. Canopy Design. ~~Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property.~~ The canopy shall be designed to mitigate the impact of paved and developed areas, reduce surface erosion and increase slope stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.
- b. Tree maintenance and replacement. Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting shall be replaced in kind, after which a new five-year replacement period shall begin. Replanting must occur within 30 days of notification unless otherwise noted.

~~7. Enforcement.~~

- ~~c. All tree removal shall be done in accordance with the approved tree removal and replacement plan. No trees designated for conservation shall be removed without prior approval of the City of Silverton.~~
- ~~d. Should the developer or developer's agent remove or destroy any tree that has been designated for conservation, the developer may be fined up to three times the current appraised value of the replacement trees and cost of replacement or up to three times the current market value, as established by a professional arborist, whichever is greater.~~
- ~~e. Should the developer or developer's agent damage any tree that has been designated for protection and conservation, the developer shall be penalized as prescribed in Chapter 1.08 SMC. If necessary, a professional arborist's report, prepared at the developer's expense, may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than determined above, the higher of the two values will be used. (Ord. 08-06 § 3, 2008)~~

**E. Fire Mitigation**

Trees and vegetation are associated with wildland fires and increasing urban conflagrations. Fuel reduction, removal of vegetation and trees, is a meaningful part of mitigating the risk of fire in the city.

- 1. Applicability. In an area identified as overall risk rating of 2 or greater on the Marion county Wildfire Risk Assessment Map 3, figure 2-11, page 2-24 April 2017 Marion County Multi-Jurisdictional Hazard Mitigation Plan, fuel reduction and fire mitigation may take precedence over other parts of this chapter. *(Other options for obtaining a risk map include City of Silverton*

*Emergency Operations Plan, or the Marion County Community Wildfire Protection Plan, or Marion County Multi-Jurisdictional Hazard Mitigation Plan)*

2. Tree Conservation. Design and implement fuel reduction and fire mitigation to preserve woodland function and significant trees.
3. Tree removal. Significant tree removal as part of a fuels reduction project supported by the Silverton Fire District or Marion County to support a city or county wildfire protection plan is permitted.
  - a) A tree removal plan is required.
  - b) Decisions about mitigation of tree removal may be made by the director of public works on a case by case basis recognizing there may be an overall reduction in the tree canopy to achieve the goal of fire mitigation. If mitigation is required, it shall follow the parameters laid out in this chapter.

**F. Wetlands and Riparian Overlay District**

Trees play a critical role in the ecological function of riparian corridors. The city and residents have strong interest in ensuring the ongoing function of these areas and vested interests in the existing and future trees growing there.

1. Applicability. The wetland area regulations apply to those areas meeting Division of State Lands criteria for wetland classification. Precise wetland boundaries may vary from those shown on the comprehensive plan map exhibit if on-site inspection and delineation by a recognized authority and/or other city-approved documentation indicate more accurate boundaries. Those more precise boundaries can be identified, mapped, and used for review and development without a change in the comprehensive plan wetlands map exhibit. All developments proposed within a designated wetland area shall be subject to the provisions of conditional use review and the wetland area regulations. (*per Title 18 Chapter 2.7*)
2. Canopy protection thresholds. The canopy protection thresholds in section 3.6.150.C.2 are not sufficient in the wetlands and riparian corridor. The minimum threshold canopy percentage for each use area is increased 100% in the Wetlands and Riparian Overlay District.
3. Tree conservation. Development and non-development uses in the wetland and riparian overlay district must take into account the need for greater tree cover in their uses of the land and when applying the other sections of this chapter.
4. Tree removal and mitigation. Removal of significant trees in the wetland and riparian overlay district is allowed following the other sections of this chapter. Tree removals must be mitigated onsite whenever possible to maintain tree cover in the corridor and follow the other section of this chapter.

**G. Invasive and Potential Nuisance Trees and Plants.** The preservation and removal of trees and plants on the Silverton Invasive and Potential Nuisance Trees and Plants list is governed by the following provisions:

1. Planting. Planting of any tree on the Invasive and Potential Nuisance Trees and Plants list is prohibited
2. Reproduction. It is prohibited to let any plant with an noxious weed designation on the Invasive and Potential Nuisance Trees and Plants list produce seed, disseminate fruit, or reproduce sexually (via flowers) within the city.



**Figure 3.6.150-02  
Invasive and Potential Nuisance Trees and Plants**

Scientific Name	Common Name	Nuisance Education & Control	Noxious Weed Immediate Action & Eradication
<i>Acer negundo</i>	Box Elder	Yes	
<i>Acer platanoides</i>	Norway Maple	Yes	
<i>Acer pseudoplatanus</i>	Sycamore Maple	Yes	
<i>Acer saccharinum</i>	Silver Maple	Yes	
<i>Alliaria petiolata</i>	Garlic Mustard		Yes
<i>Ailanthus altissima</i>	Tree-of-Heaven		Yes
<i>Betula pendula</i>	European White Birch	Yes	
<i>Brachypodium sylvaticum</i>	False Brome		Yes
<i>Carduus pycnocephalus</i>	Italian Thistle		Yes
<i>Centaurea diffusa</i>	Diffuse Knapweed		Yes
<i>Centaurea pratensis</i>	Meadow & Spotted Knapweed		Yes
<i>Centaurea solstitialis</i>	Yellow Starthistle		Yes
<i>Chondrilla juncea</i>	Rush Skeletonweed		Yes
<i>Clematis vitiflora</i>	Traveler's Joy		Yes
<i>Crataegus monogyna</i>	English Hawthorn		Yes
<i>Echium plantagineum</i>	Patterson's Curse		Yes
<i>Euphorbia oblongata</i>	Oblong Spurge		Yes
<i>Fallopia</i> sp., <i>Polygonum</i> sp.	Giant, Japanese, Himalayan, Bohemian knotweeds		Yes
<i>Heracleum mantegazzianum</i>	Giant Hogweed		Yes
<i>Hedera</i> sp.	Ivy		Yes
<i>Iris pseudacorus</i>	Yellowflag Iris		Yes
<i>Ilex aquifolium</i>	English Holly		Yes
<i>Kochia scoparia</i>	Kochia		Yes
<i>Laburnum watereri</i>	Goldenchain Tree		
<i>Linaria vulgaris</i>	Yellow Toadflax		Yes
<i>Lythrum salicaria</i>	Purple Loosestrife		Yes
<i>Paulownia tomentosa</i>	Empress/Princess Tree	Yes	
<i>Polygonum</i> sp, <i>Fallopia</i> sp.	Giant, Japanese, Himalayan, Bohemian knotweeds		Yes
<i>Populus</i> *	Cottonwoods and Poplars	Yes	
<i>Prunus avium</i>	Sweet Cherry	Yes	
<i>Pyrus calleryana</i> , and all cultivars	Callery Pear	Yes	
<i>Pyrus betulifolia</i> , and all cultivars	Bradford Pear	Yes	
<i>Robinia pseudoacacia</i>	Black Locust	Yes	
<i>Salix</i> *	Willows	Yes	
<i>Senecio jacobea</i>	Tansy Ragwort		Yes
<i>Silybum marianum</i>	Milk Thistle		Yes
<i>Sorbus aucuparia</i>	European Mountain Ash	Yes	
<i>Tribulus terrestris</i>	Puncturevine		Yes

Ulmus pumila	Siberian Elm	Yes	
Ulex europaeus	Common Gorse		Yes
*Native and Endemic species			

3. Native and Endemic Potential Nuisance Trees. Cultivated, non-wild representatives of these genera (Populus, and Salix), including those species native to the Willamette Valley, are considered potential nuisance trees in Silverton. Wild, self-sown by seed or self-cloning (by root pieces, suckers, branch layer, or sprout) are *not* part of this list or considered as Invasive or Potential Nuisance trees.

### 3.6.190 Fee Schedule

		4.5' DBH (Diameter at Breast Height)	Fee	*Notes
	<u>Tree Permit Fee</u>		None	
Public Trees	<u>Healthy Tree Removal Fee</u>	< 2"	\$40	
		2" - 4"	\$60 per inch	
		4" - 8"	\$80 per inch	
		8" - 14"	\$100 per inch	
		14" - 20"	\$150 per inch	
		> 20"	\$200 per inch	
	<u>Fee for in lieu of public tree planting</u>		\$675 per tree	
	<u>Public Tree Damage Enforcement Fee (<a href="#">Tree Abuse</a>)</u>		\$225 per inch	
	<u>Public Tree Removal Enforcement Fee</u>		\$450 per inch	
Private Non- Development	<u>Healthy Tree Removal Fee</u>	any size tree within the 10 foot of the main dwelling, or 5 foot of ADU or detached garage	\$250	No Fee for three trees under 12" DBH a year.
		6"-11 <del>30</del> "	\$60 per inch	No Fee for <b>three (3)</b> trees under 12" DBH a year, or <b>four (4)</b> trees in the most recent three (3) year period.
		12"-19"	\$80 per inch	
		20"-29"	\$100 per inch	
	-	30"-36"	\$150 per inch	
	-	> 36"	\$200 per inch	
	<u>Removal of Rare or Threatened Tree- Oregon white oak Quercus garryana</u>	6"-11" Any Size	\$120 <del>250</del> per inch	
		12"-19"	\$160 per inch	
		20"-29"	\$200 per inch	

		30"-36"	\$300 per inch	
		> 36"	\$400 per inch	
	<u>Fee for in lieu of private non-development tree planting</u>		\$675 per tree	
	<u>Unpermitted Tree Removal Fee</u>			2 x Permit Cost + \$200 Violation Review Fee
Private Development	<u>Private Tree Damage Enforcement Fee</u>		<del>\$225</del> \$325 per inch	Plus \$200 Violation Review Fee. Apply a 1.5x multiplier for damage to a Oregon white oak <i>Quercus garryana</i> .
	<u>Healthy Tree Removal Fee</u>	6" - 12"	<del>\$2,000</del> 250 per inch tree	Plus \$200 Violation Review Fee
	-	12" - 18"	\$167 <del>\$275</del> per inch	
	-	18"-24"	<del>\$200</del> \$550 per inch	
	-	24" -36"	<del>\$250</del> \$600 per inch	
	-	> 36"	<del>\$300</del> \$1000 per inch	
Significant Tree Credits	<u>Trees Retained</u>	> 6"		For Oregon white oak <i>Quercus garryana</i> count as 1.5 canopy trees per each 6" diameter and for all other species count as one canopy tree per each 6" diameter.
Performance Bond Requirements	-	4" - 6"	\$1,000	
		6" - 10"	\$1,500	
		10" - 16"	\$3,000	
		> 16"	\$5,000	

### 3.6.195 Penalty or Violation

The city finds and declares that regulation of the cutting, trimming, and pruning of trees within the city will help ensure that the health, function, and value of trees are protected, and will help to mitigate branching conditions that may result in danger or injury to citizens or property.

#### A. Remedial actions required.

- a. Tree abuse. In the event a person abuses a tree in violation of this chapter, the violator, in addition to being subject to the penalties found in Fee Schedule 3.6.190 of the city code, shall be responsible to undertake pruning and other remedial actions that the city determines are reasonably necessary to protect public safety and property, and to help the tree survive the tree abuse damage.
- b. Ruined tree form. If the natural habit or growth of the tree is destroyed, the violator shall remove the abused tree and install a replacement tree.
- c. Replacement criteria. Tree replacement criteria shall be consistent with that established in this chapter.

- d. Planting location. Replacement trees shall be installed on-site. In the event the site cannot accommodate all required replacement trees, the remaining replacement trees shall be installed on public lands if approved by the city. If no suitable public lands are located, the violator shall pay a replacement contribution into the Tree Fund. The replacement contribution will be determined using the Fee schedule as those the abused tree was removed without permission.
  - e. Time period. Remedial action and replacement required under this section shall be completed within sixty (60) days of notice from the city that such actions are required. The city may require the violator to immediately undertake remedial actions in the event the abused tree is an immediate threat to the public or property.
- B. "Tree abuse" means: a) to top a tree; b) to hatrack a tree; or c) cutting upon a tree which destroys its natural habit of growth [as defined herein]; or d) pruning that leaves stubs or results in a flush cut; or splitting of limb ends; or e) the use of climbing spikes, nails, or hooks, except for the purpose of total tree removal or as specifically permitted by the American National Standards Institute
- C. Violator means a person who abuses a tree or otherwise violates this section. The owner of property upon which the abused tree is located shall also be deemed a violator if the tree abuse is undertaken by the owner's employee, agent or person under the owner's control
- a. Exemptions. No person shall abuse a tree unless one (1) of the following exemptions applies:
    - i. The abuse is necessary to alleviate a dangerous condition posing an imminent threat to the public or property
    - ii. Franchised utilities may obtain a permit from the city, renewable on a annual basis, authorizing the pruning of trees in a manner that may be defined herein as tree abuse provided such pruning is necessary to prevent service interruptions.
  - b. Waiver. Any person may apply to the planning and development department for an administrative waiver from the terms of this section, provided that:
    - i. The application is made before any actions for which a waiver is sought have been undertaken;
    - ii. Any alleged hardship is not self created by any person having any interest in the property. A hardship shall not be considered self created if the subject tree was installed prior to the effective date of this section;
    - iii. There are unique and special circumstances or conditions applying to the subject tree or the property upon which it is located, that do not apply generally to other trees or properties.
    - iv. The waiver proposed is the minimum variance necessary to alleviate the hardship.
    - v. That the granting of the waiver will be in harmony with the general intent and purposes of this section and will not create a dangerous condition that threatens the public or property.
- D. Second and subsequent violations. In the event of a second or sequential violation the fees owed per the Fee Schedule are escalated by the violation occurrence. Example: a second violation of tree removal without permit pays that fee times two (2).
- a. The director of public works has the authority to waive the fee escalation at their discretion.