

ORDINANCE NO. 1303

AN ORDINANCE AMENDING THE CODE OF THE CITY OF TILLAMOOK (CCT) TITLE IX: GENERAL REGULATIONS, REPEALING ORDINANCE 1266

WHEREAS, the City of Tillamook had all City Ordinances codified in 2013 for easier reference; and

WHEREAS, the Beautification Committee discussed the need to revise Chapter 93: Trees, editing the tree list for species that thrive in the area; and

WHEREAS, the Committee recommended the attached revisions as outlined in Exhibit A to the City Council for consideration; and

WHEREAS, the Tillamook City Council has reviewed the proposed changes.

NOW THEREFORE, the City of Tillamook ordains as follows:

Section 1: Amendment of the Code of the City of Tillamook (CCT).

The CCT, as codified, is hereby amended to reflect the changes outlined below. A detailed account of changes is shown in the attached Exhibit A.

Ord. #	Date	Description	Reason for Amendment	Amended Section of CCT
1266	4/16/2012	Tree Ordinance	Repeal and Replace	93.01 - 93.10, 93.99, Ch. 93 Apps. A, B

Section 2. Codification.

Provisions of these Ordinances shall amend the Code of the City of Tillamook, and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word and the sections of the Ordinance may be renumbered, or re-lettered, the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 3. Effective Date.

This Ordinance shall be in effect 30 days from the date of passage.

Passed 1st reading by the Tillamook City Council on this 17th day of August, 2015.

Passed 2nd reading by the Tillamook City Council on this 8th day of September, 2015.

Adopted by the Common Council this 8th day of September, 2015.

Approved by the Mayor this 8th day of September, 2015.



Suzanne Weber, Mayor

ATTEST:


Abigail Donowho, City Recorder

CHAPTER 93: TREES

Section

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§ 93.01 TITLE.

This chapter shall be known and cited as the ~~Street~~ Tree Ordinance of the city.
(Ord. 1266, passed 4-16-2012)

§ 93.02 PURPOSE AND INTENT.

(A) *Purpose.* The city, recognizing the value of trees in preserving the aesthetic and environmental qualities of the community, wishes to maintain the Tree City USA Program. This chapter shall constitute the official Comprehensive City Tree Program of the city. It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city public parks, public right-of-way and other public places where the public has free access.

(B) *Intent.* It is the intent of the city that the terms of this chapter shall be construed as to promote:

(1) The recognition of the special significance of heritage and distinctive trees, and value the contribution which these trees make to the beauty and quality of life in the city;

(2) The recognition that because of the known benefits of trees, trees on development properties should be preserved so that they may be considered for incorporation into development plans; and

(3) The intent is not to prohibit the removal of trees but to stop the thoughtless destruction of that vegetation, which has a beneficial effect on the value of property and on the city in general.
(1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012)

§ 93.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSH/SHRUB. All other woody vegetation not considered trees. ~~Plants commonly planted as SHRUBS include but are not limited to English laurel, photinia, arborvitae, poison oak, English holly and English ivy.~~

CITY. The City of Tillamook.

DBH. Diameter of a tree at breast height.

FELL. To remove or sever a tree or to use any procedure which is to cause the death or other substantial destruction of the tree. **FELL** does not in any context include normal trimming or pruning.

ILLEGALLY REMOVED TREE. A tree removed without first obtaining City Street Tree Committee approval and a city permit.

IMMEDIATE DANGER OF COLLAPSE OF A TREE. A tree may already be leaning with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage to the surroundings. **IMMEDIATE DANGER OF COLLAPSE** does not include hazardous conditions that can be alleviated by pruning or treatment.

PARKING STRIP, PLANTER STRIP or TREE LAWN. The area between the street curb and sidewalk in the public right-of-way, utilized for landscaping and street tree planting.

POLLARD. A tree cut back to the trunk to promote the growth of a dense head of foliage.

STREET. Includes land within the dedicated public right-of-way, including easements, sidewalks, tree lawn or tree well, and roadway.

TREE. Any woody plant having a trunk six caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below four and one-half feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree if greater than six inches DBH. ~~Plants commonly planted as shrubs, including but not limited to English laurel, photinia, arborvitae, poison oak, English holly and English ivy shall not be considered a TREE.~~ Trees specifically planted and maintained as a hedge shall **additionally** not be considered a **TREE**. Different classifications of **TREES** include the following:

(1) **DEAD TREE.** A tree is lifeless. Evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches or lack of any growth during the growing season.

(2) **HERITAGE TREE.** A tree listed on the Official City Heritage Tree List adopted by the City Planning Commission.

(3) **PARK OR MONUMENT TREE.** A tree located in a public park or other area owned by the city having an individual name, and all other areas owned by the city, or to which the public has free access as a park.

(4) **PRIVATE TREE.** A tree located on private property other than a dedicated right-of-way or city utility easement or public parks and grounds.

(5) **SIGNIFICANT TREE.** A tree having a trunk 18 caliper inches DBH or larger in diameter.

(6) **STREET TREE.** A tree on land lying within a dedicated right-of-way along either side of a street, avenue or other way within a dedicated utility easement of the city.

(7) **TREE CUTOUT or TREE WELL.** The area between the street and a sidewalk in the public right-of-way, for street tree planting.

TREE REMOVAL. To cut down a tree, or remove 50% or more of the crown, trunk or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. **REMOVAL** includes topping. **REMOVAL** includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. **REMOVAL**

does not include normal trimming or pruning of trees.

TREE TOPPING. The severe cutting back of a tree's limbs to stubs three inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. **TOPPING** does not include the practice of pollarding when conducted in accordance with the standards established by the International Society of Arboriculture.

(1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012).

§ 93.04 DELEGATION OF CITY TREE COMMITTEE FUNCTIONS.

(A) *Designation.* The authority of the Tree Committee is hereby delegated to the standing Beautification Committee for the city.

(B) *Duties and responsibilities of the City Tree Committee.*

(1) The City Tree Committee shall study, investigate and develop, and/or update annually, and administer the ordinance for the care, preservation, pruning, replanting, removal or disposition of street trees and park trees. This chapter shall be presented when required to the City Council and upon their acceptance and approval, shall constitute the official comprehensive city tree program of the city.

(2) The City Tree Committee, when requested by the City Planning Commission or City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. Such report, with or without recommendations, shall be presented first to the City Planning Commission and then to the City Council for their review and final consideration and action if needed.

(3) This chapter provides full power and authority to the City Tree Committee to make recommendations to the City Council which has final authority over all trees, plants and shrubs located within street rights-of-ways, parks and public places of the city, and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.

(1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012)

§ 93.05 PERMIT PROCEDURES, TREE PLANTING AND TYPES OF TREES TO BE PLANTED, BY ABUTTING PROPERTY OWNERS.

(A) *Permit procedures.* Property owners abutting the public right-of-way may be granted permission to plant street trees administratively upon review by the assigned City Planner or designee if street tree(s) are proposed on an existing tree lawn and an established road right-of-way with curb. The following information must be provided to the city:

(1) A request in writing is provided in the form of a city public works permit application;

(2) A plot plan of area referencing water and sewer lines, power lines, driveways and intersecting streets is provided;

(3) Approval, if granted by the city, shall be required in the form of an approved city public works permit prior to planting of the tree or trees. Fees for the permit shall be paid prior to approval by the abutting property owner; and

(4) A permit fee for the planting or removal of a street tree shall be established by resolution and incorporated into the land use fee schedule.

(B) *Diagrams.* The diagrams contained in Appendix A to this chapter display general instructions on how to plant a bare-root tree and a containerized tree.

(C) *Tree species to be planted and minimum tree planting dimensions.* The Official City Street Tree List of acceptable species of trees, shrubs, bushes and other woody plant material, as modified below in the listings under minimum planting dimensions, shall be compiled by the Committee, reviewed and adopted by the City Council in a resolution and made available to the public.

(1) No person, without the written permission of the city, through a city public works permit shall plant a Street tree or Park (Monument) tree of a species other than those included on the list.

(2) Street tree (identified in 'a – d' below) and Park (Monument) tree (identified in 'e' below) plantings shall be restricted to the following guidelines unless division (C)(2)(k) applies:

(a) The following small street trees are allowed in a minimum three-foot wide parking strip, or a minimum three-foot by three-foot tree well in the Commercial Districts, with the exception of the Town Center Commercial District, with minimum 20-foot spacing between trees:

<i>Common Name</i>	<i>Scientific Name</i>
Almira Norway Maple	Acer Platanoides "Almira"
English Hedge Maple	Acer Campestre
Globe Desert Ash	Fraxinus Velotina
Globe European Ash	Fraxinus Exeelsior ☐ Globe ☐
Globe Norway Maple	Acer Platanoides "Globe"
Golden Rain Tree	Koelreuteria
Green Leaf Maple	Acer Palmatum
Kwanzan Cherry	Prunus "Kwanza"
LaValle Hawthorne	Crataegus Lavellei
Profusion Crab Apple	Malus "Sargent"
Red Leaf Maple	Atropurpuraum
Thundercloud Plum	Prunus "Thundercloud"
White Dogwood	Cornus Florida
Wintergold Crab Apple	Malus "Winter Gold"
<u>Chinese Dogwood</u>	<u>Cornus kousa</u>
<u>Paper Bark Maple</u>	<u>Acer griseum</u>
<u>Full Moon Maple</u>	<u>Acer japonicum</u>
<u>Snake Bark Maple</u>	<u>Acer laxiflorum</u>
<u>Manchurian Maple</u>	<u>Acermanchuricanum</u>
These trees will grow from 18-30 feet in height.	

(b) The following small street trees are allowed in a minimum four-foot wide parking strip, no closer than two feet from any curb, curb-line or sidewalk, with minimum 30-foot spacing between trees:

<i>Common Name</i>	<i>Scientific Name</i>
Chanticleer Pear	Prunus

Gerling Red Maple	Acer Rubrum "Gerling"
Pyramidal European Hornbeam	Carpinus Betulus "Pyramidal"
Pyramidal Sycamore Maple	Acer Pseudo Plantanus
Rancho Callery Pear	Prunus
Rancho Little Leaf Linden	Tilia Cordata
Schlesinger Red Maple	Acer Rubrum "Schlesinger"
Tilford Red Maple	Acer Rubrum "Tilford"
Trinity Pear	Prunus
<u>Red Maple Species</u>	<u>Acer rubrum species</u>
<u>Scarlet Oak</u>	<u>Quercus coccinea</u>
<u>Northern Red Oak</u>	<u>Quercus rubra</u>
These trees will grow from 20-35 feet in height.	

(c) The following medium street trees are allowed in a minimum six-foot wide parking strip, no closer than three feet from any curb, curb-line or sidewalk, with minimum 40-foot spacing between trees:

<i>Common Name</i>	<i>Scientific Name</i>
Cavalier Norway Maple <u>Species</u>	Acer <u>platanoides species</u>
Cleveland Norway Maple	Acer Platanoides
Crimean Linden	Tilia Echlora
Flame Ash	Fraxinus Pennsylvania "Atropurpurea"
Ginkgo	Ginkgo biloba
Mongolian Linden	Tilia
Purple European Hornbeam	Carpinus
Royal Crimson Maple	Acer Platanoides "Royal Crimson"
Ruby Red Horse Chestnut	Aesculus Carnea
Shade King Red Maple	Acer Rubrum "Shade King"
Vineleaf Sycamore Maple	Acer Pseudo Plantanus "Vineleaf"
<u>Purple Beech</u>	<u>Fagus riversii</u>
<u>Black Tupelo</u>	<u>Nyssa silvatica</u>
These trees will grow 35-40 feet in height.	

(d) The following large trees are allowed in a minimum eight-foot wide parking strip, no

closer than four feet from any curb, curb line or sidewalk, with a minimum 50-foot spacing between trees:

<i>Common Name</i>	<i>Scientific Name</i>
Blue Ash	Fraxinus quadrangulata
Celtis Species	Celtis
Linden Species	Tilia <u>species</u>
Norway Maple Cultivars	Acer platanoides
Oriental Plaintree	Plantanus orientalis
Pin Oak	Quercus palustris
Red Maple	Acer rubrum
River Birch	Betula nigra
Sugar Maple	Acer saccharinum
Tupelo	Nyssa sylvatica
These trees will grow 60-120 feet in height.	

(e) The following Monument trees are recommended to be planted in City parks and other public places:

<u>Balsam Fir</u>	<u>Abies balsamae</u>
<u>Fraser Fir</u>	<u>Abies fraserii</u>
<u>Grand Fir</u>	<u>Abies grandis</u>
<u>Korean Fir</u>	<u>Abies koreana</u>
<u>Nordmann Fir</u>	<u>Abies nordmanii</u>
<u>Noble Fir</u>	<u>Abies procera</u>
<u>Big Leaf Maple</u>	<u>Acer macrophyllum</u>
<u>Chinese Birch</u>	<u>Betula albo-sinensis</u>
<u>Yellow Birch</u>	<u>Betula lutea</u>
<u>Whitespire Birch</u>	<u>Betula platyphylos</u>
<u>Weeping Alaska Cedar</u>	<u>Chamaecyparis nootkatensis</u>
<u>Japanese Cedar</u>	<u>Cryptomeria japonica</u>
<u>Honey Locust</u>	<u>Gleditsia triacanthos</u>
<u>Witch Hazel Cultivar</u>	<u>Hammamelis xintermedia species</u>
<u>Magnolia species</u>	<u>Magnolia species</u>
<u>Dawn Redwood</u>	<u>Metasequoia glyptostroboides</u>
<u>Oriental Spruce</u>	<u>Picea orientalis</u>
<u>Lacebark Pine</u>	<u>Pinus bungeana</u>
<u>Sourwood</u>	<u>Oxydendrum arboreum</u>
<u>Yoshino Cherry</u>	<u>Prunus xyedoensis</u>
<u>Swamp White Oak</u>	<u>Quercus bicolor</u>
<u>English Oak</u>	<u>Quercus robur</u>
<u>Northern Red Oak</u>	<u>Quercus rubra</u>

<u><i>Pin Oak</i></u>	<u><i>Quercus palustris</i></u>
<u><i>Bald Cypress</i></u>	<u><i>Taxodium distichum</i></u>
<u><i>Zelkova</i></u>	<u><i>Zelkova serrata</i></u>
<u><i>Japanese Snowbell Tree</i></u>	<u><i>Styrax japonica</i></u>

(f) The diagram contained in Appendix B to this chapter is an example of planting the right trees in the right place.

(g) Street trees and Monument trees shall not be allowed closer than 20 feet from the tangent point at street intersections as described in the vision clearance areas specified in §§ ~~153.216, 153.314, and~~ 153.021.

(h) Small tree species within the list in division (C)(2)(a) above of acceptable species may be planted under overhead utilities.

(i) No trees shall be allowed within five lateral feet of underground utilities, sewer and water lines.

(j) In new subdivisions or when the development of commercial property occurs, the City Planner and Public Works Director shall review landscaping plans and may require Street trees and Monument trees to be planted in any of the streets, parking lots, parks and other public places abutting land henceforth developed and/or subdivided, prior to division (C)(2)(k) below.

(k) No person, without the written permission of the City Street Tree Committee, shall plant a Street tree or a Monument tree of a species other than those included on the list.

(l) The following trees are illegal and may not be planted in dedicated street rights-of-way or utility easements:

<i>Common Name</i>	<i>Scientific Name</i>
Box Elder	Acer Negundo
Catalpas	Catalpa Species
Elms	Ulmus
Hickory	Carya Species
Holly	Ilex Species
Horse Chestnut	Aescules Hippocastanum
Lilac Species	Syringa Species
Locust Species	Robinia Species
Pines	Pinus Species
Poplar Species	Populus Species

Silver Maple	Acer Saccharinum
Spruces	Picea Species
Tree of Heaven	Ailanthus Altissima
Walnuts	Juglans Species
Willow Species	Salix Species
In general, no conifers or fruit-bearing trees may be planted in the right-of-way <u>as Street trees</u> .	

(D) *Landscaping credit for street tree planting.*

(1) The retention of trees shall be considered in the design of partitions, site plans, subdivisions or planned developments; the placement of roads and utilities shall preserve trees wherever feasible.

(2) The preservation of trees shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements described in §§ 153.026 through 153.105.

(3) The planting of trees in the public right-of-way shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements described in §§ 153.026 §§ 153.095 through 153.105.

(E) *Tree Technical Manual.* The Tree Committee may adopt a Tree Technical Manual, and revise its contents from time to time. The Tree Technical Manual shall contain specialized, arboricultural reference materials; establish procedures and design standards required for installation, planting, grating, pruning, thinning, removal and maintenance of trees; and establish or preserve the tree and root protection zone. Any person who is required under this code or pursuant to a condition of approval of a development permit to undertake those activities or to comply with the tree and root protection zone shall comply with the requirements and procedures set forth in the Tree Technical Manual.

(1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012)

§ 93.06 SPECIAL TREE DISTRICTS WITHIN THE CITY.

The following district(s) shall be considered special tree district(s), and shall have detailed descriptions contained in Attachment C to Ordinance 1230, which attachment is hereby adopted by reference, for the planned location of street trees and other amenities.

(A) *Town Center (TC) District Streetscape Design Plan.* This district shall include three-foot by three-foot tree wells located approximately 30 feet apart from one another with an historic streetlight centered between each tree (see adopted attachment). Street trees shall be required on all streets in the Town Center District, except Main and Pacific Avenues, between First and Fourth Streets. A reduction to the number of street trees may be granted when the development preserves healthy, mature trees adjacent to the sidewalk. Under this design plan, there is no requirement to remove existing trees on Main Avenue, but the planting of new trees on Main Avenue between First and Fourth Streets is discouraged.

(B) *Allowed trees.* The following small street trees are allowed in the Town Center Commercial District:

<i>Common Name</i>	<i>Scientific Name</i>

Almira Norway Maple	Acer Platanoides "Almira"
Globe Norway Maple	Acer Platanoides "Globe"
Green Leaf Maple	Acer Palmatum
Hedge Maple	Acer campestre
Paper Bark Maple	Acer griseum
Manchurian Maple	Acer mandshuricanum

(Ord. 1266, passed 4-16-2012)

§ 93.07 TREE MAINTENANCE, CARE, PRUNING, CORNER CLEARANCE AND REMOVAL OF DANGEROUS OR NUISANCE TREES.

(A) *Tree maintenance, care, pruning and corner clearance.*

(1) *Standards.* All public trees must be pruned to *National Arborist Association Pruning Standards for Shade Trees*. These standards shall be adopted as part of the City Tree Program.

(2) *Adjacent property owners to maintain private and street trees.* Unless identified in a written agreement or Memorandum of Understanding, every adjacent property owner of any tree overhanging any right-of-way within the city shall prune the branches so that the branches shall not obstruct the light from a street lamp, or obstruct the view of any street intersection. The owner of a tree which is encroaching on or adjacent to electric wires is required to notify the city People's Utility District (PUD) prior to removal of hazardous limbs or branches. It is PUD's responsibility to remove, prune or trim tree from electric wires. The owner shall maintain a clear space of 14 feet over the street, and eight feet above the sidewalk. The owner of a tree at or within 20 feet of a street intersection shall follow the criteria for the vision clearance areas as described in §§ 153.021 and 153.314. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to public safety.

(3) *Adjacent property owners liable.* Unless identified in a written agreement or Memorandum of Understanding, the owner of property abutting trees on a right-of-way shall be liable for injury, damage or loss to persons or property caused by the property owner's negligent failure to comply with division (A)(2) of this section.

(4) *Notification.* The Public Works Director or designee may serve notice on the adjoining property owner to prune, remove or otherwise treat any tree on a right-of-way as conditions may require. Neither the duty of the adjoining property owner to maintain trees located on a right-of-way, nor the liability for the property owner's failure to do so, is dependent upon any notice from the city.

(5) *Debris removal.* Unless identified in a written agreement or Memorandum of Understanding, the owner of property abutting trees on a right-of-way, or public area shall be required to remove all debris from the right-of-way by sunset of the same day, unless specifically authorized to do otherwise by the Public Works Director or designee. The acceptable standard shall be a broom clean finish or better.

(6) *City tree maintenance.* The city shall have the right to plant, prune, maintain and remove trees located within the public right-of-way as may be necessary to preserve or enhance the symmetry and beauty of the areas. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of the tree is in accordance with § 93.05.

(7) *City held harmless.* The city shall not be liable for injury, damage or loss to person or

property caused in whole or part by the defective or dangerous condition of any tree located in or upon a right-of-way. The property owner shall defend and hold harmless the city from all claims for loss and damage arising from the owner's negligent failure to comply with this chapter.

(8) *Permit.* A city public works permit is not required for the pruning of a street tree.

(B) *Removal of dangerous or nuisance trees.*

(1) The city may prune or cause to have pruned a private tree when it interferes with the proper spread of light along the street from a streetlight, or interferes with the visibility of any traffic control device or sign.

(2) The city may cause the removal of all, or part of any dead, dangerous or diseased park or street tree when the tree constitutes a hazard to life, property or harbors insects or disease that constitutes a potential threat to other trees within the city.

(3) The city may remove, or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, natural gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

(4) Prior to the filing of an application for a city public works permit, abutting property owners may be granted permission by the Tree Committee for the removal of dangerous or nuisance trees if the tree is considered to be dead, dangerous or diseased, or when the tree constitutes a hazard to life or property, or harbors insects or disease that constitutes a potential threat to other trees within the city.

(5) Upon approval by the Tree Committee, the applicant shall provide for a one-for-one replacement with a minimum of 2" DBH tree in a public space acceptable to public works.

(6) Notice to prune or remove dangerous or nuisance trees. If any property owner fails to maintain adjacent trees as per this chapter, the Public Works Director or designee, shall order the person or persons, within 30 days of mailing of the notice, to so prune or remove the tree(s).

(C) *Existing trees.* All trees existing in the right-of-way or parks or other City property used for public assembly prior to the approval of this chapter or amendments thereto or identified in a Park Replanting Plan shall be considered pre-existing and allowed to remain unless they are considered a nuisance to, dead, diseased or dangerous to the general public by the City Street Tree Committee. (1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012) Penalty, see § 93.99

§ 93.08 ABUSE, MUTILATION OR INDISCRIMINATE TOPPING OF TREES.

(A) No person shall abuse, destroy or mutilate any street tree, in a dedicated public right-of-way, park, or any other public place owned by the City; attach or place any rope or wire (other than one used to support the tree itself), sign, poster, handbill or other thing to or on any tree growing in a public place; cause or permit any wire charged with electricity to come into contact with any tree; or to allow any gaseous, liquid or solid substance which is harmful to trees to come into contact with their roots or leaves.

(B) Except as provided by this section, it shall be unlawful as a normal practice of any person, firm or city department to top any street tree, park tree or other tree on public property *owned by the City*. Trees severely damaged by storms or other causes, or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this chapter by the determination of the city.

(1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012) Penalty, see § 93.99

§ 93.09 INTERFERENCE WITH THE CITY.

No person shall prevent, delay or interfere with the city or any of its agents, while engaging in the planting, cultivating, mulching, pruning, spraying or removal of any street trees, park trees or private trees as authorized by this chapter.

(1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012) Penalty, see § 93.99

§ 93.10 ADMINISTRATION OF THIS CHAPTER.

The interpretation and administration of this chapter is the responsibility of the City Manager or persons designated by the City Manager.

(1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012)

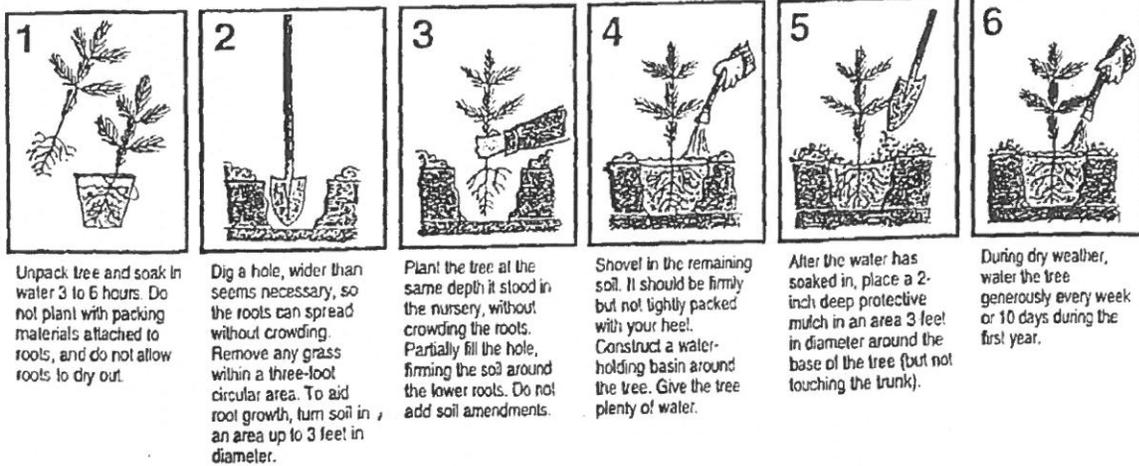
§ 93.99 PENALTY.

(A) *Nuisance*. Any person, firm or corporation violating any provisions of this chapter shall be deemed to be causing a nuisance and be considered in violation of Chapter 130.

(B) *Failure to comply*. When a person to whom a notice is directed shall fail to comply within the specified time, the violation shall be considered a nuisance and it shall be lawful for the city to cause the tree(s) in question to be pruned and/or removed; and the exact cost thereof shall be assessed to the property owner as provided by law in the case of public nuisance abatements.

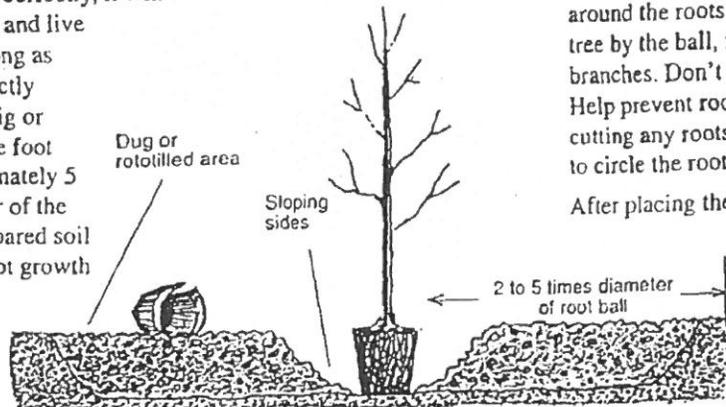
(1977 Code, § 8-10) (Ord. 1266, passed 4-16-2012)

APPENDIX A: PLANTING INSTRUCTIONS



How To Plant A Containerized Tree

If a tree is planted correctly, it will grow twice as fast and live at least twice as long as one that is incorrectly planted. Ideally, dig or rototill an area one foot deep and approximately 5 times the diameter of the root ball. The prepared soil will encourage root growth beyond the root ball and results in a healthier tree.



In transplanting, be sure to keep soil around the roots. Always handle your tree by the ball, not by the trunk or branches. Don't let the root ball dry out. Help prevent root girdling by vertically cutting any roots that show tendencies to circle the root ball.

After placing the tree, pack soil firmly but not tightly around the root ball. Water the soil and place a protective 3-foot circle of mulch around the tree.

Firm subsoil to prevent settling

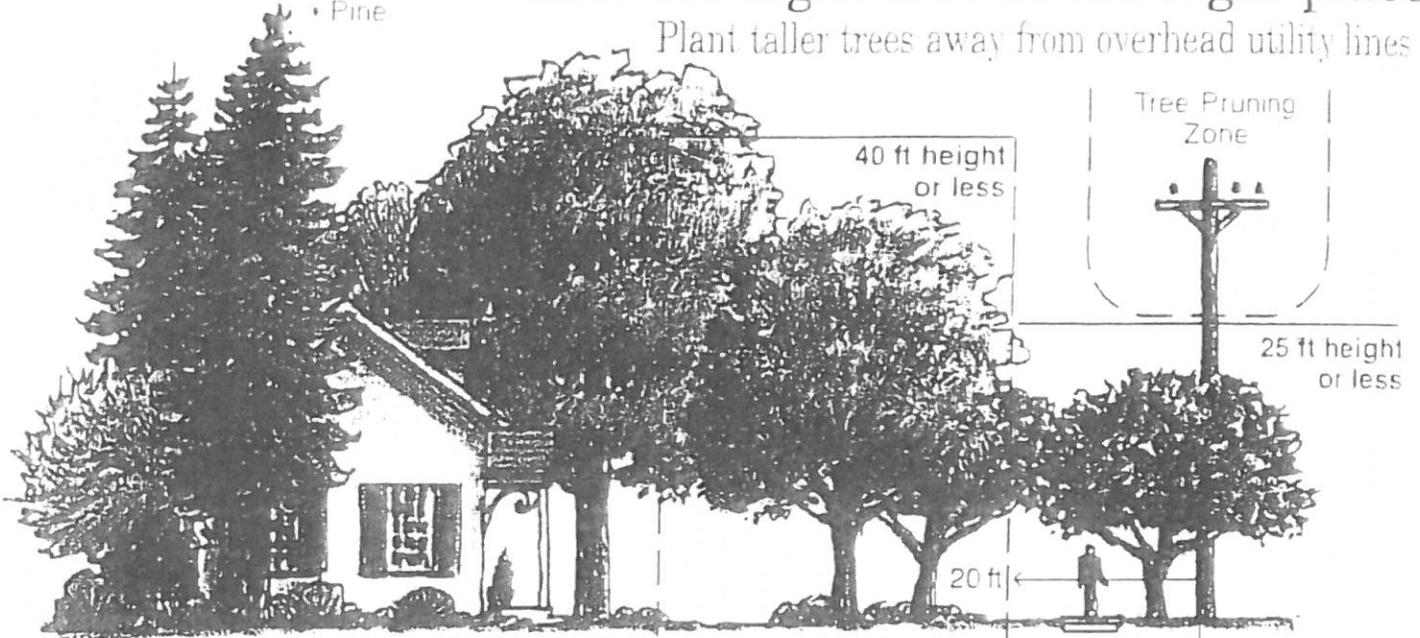
APPENDIX B: LOCATING TREES ON PROPERTY

Attachment B

Tall Trees, such as:
• Maple • Oak • Spruce
• Pine

Plant the right tree in the right place

Plant taller trees away from overhead utility lines



**The National
Arbor Day Foundation***

Nebraska City, NE 68410

50 ft

Medium Trees, such as:

- Washington hawthorn
- Golden raintree

Small Trees, such as:

- Redbud • Dogwood
- Crabapple



PUBLIC NOTICE

Proposed Ordinance Adoption

Monday, August 17, 2015 at 7:00 p.m.
Tillamook City Hall Council Chambers
210 Laurel Avenue, Tillamook

NOTICE is hereby given that the Tillamook City Council will consider the following ordinances:

ORDINANCE NO. 1303: AN ORDINANCE AMENDING THE CODE OF THE CITY OF TILLAMOOK (CCT) TITLE IX: GENERAL REGULATIONS, REPEALING ORDINANCE 1266

A copy of each ordinance may be obtained at City Hall, 210 Laurel Avenue, Tillamook, Oregon, or online at www.tillamookor.gov.

Citizens having an interest in the agenda item(s) are encouraged to attend this meeting. This is a public meeting per ORS 192, with public testimony allowed, once recognized by the Committee Chairperson. The above committee reserves the right to hold an executive session per ORS Chapter 192.660. The meeting location is accessible to persons with disabilities. Please contact the office of the City Manager of Tillamook at 503-842-2472 should special accommodations be required for citizens with visual or hearing impairment. Persons with hearing impairments may contact the Oregon Relay Service at 1-800-648-3458 (TTY) OR 1-800-848-4442 (VOICE). The City of Tillamook is an equal opportunity provider and employer.

Se anima a los ciudadanos que tengan interés en el tema (s) del orden del día para asistir a esta reunión es una reunión pública por ORS 192, con testimonio público permitido, una vez reconocido por el Presidente del Comité. El comité anteriormente se reserva el derecho de celebrar una sesión ejecutiva por Estatuto Revisado de Oregon Capítulo 192.660. El Ayuntamiento es accesible a discapacitados. Por favor, póngase en contacto con la oficina del administrador de la ciudad deben ser adaptaciones especiales requerida. Los ciudadanos con impedimentos visuales o manuales pueden comunicarse con el Servicio de Retransmisión de Oregon llamando al 1-800-648-3458 (TTY) or 1-800-848-4442 (VOZ). La ciudad de Tillamook es un proveedor y empleador de la igualdad de oportunidades.

Memo

210 Laurel Avenue
Tillamook, OR 97141

To: Honorable Mayor and City Council Members

From: David Mattison, City Planner *DM*

Date: September 8, 2015

Re: Beautification Committee Recommended Amendments to Chapter 93 of City Code of Ordinances

At the Beautification Committee Meeting this morning, Committee Member, Jan Stewart moved to approve the three recommended tree planting diagrams (Examples 1, 2, and 3) as part of Appendix A for the Tree Code (Chapter 93 of City Code of Ordinances), and provide several alternate planting options for street trees and park trees leaving final planting instructions at the discretion of Public Works Director. Tree maintenance issues and requirements (pruning, etc.) will be included in the appendix in the first example (Example 1) for tree planting prior to “11. Enjoy watching your tree grow”.

Planting requirements were also included in the motion. The size of the required plantings is recommended as follows: a minimum of 2 inch DBH for a deciduous tree in public places, and 18” – 24” for a coniferous tree in public places. Councilor Davy seconded the motion, and the motion carried unanimously by the Committee members present.

Additionally, staff recommends inclusion of the following in the planting requirements: “For wetland restoration projects involving city property or street rights of way, tree replacement should consist of native species commensurate with the site classification and wetland characteristics of the area. Conifer plantings should consist of at least bare root or other conifer stock customarily used to achieve the desired future condition for comparable wetland restoration sites.”

If you have any questions, feel free to contact me.

RECOMMENDED MOTION FOR TREE ORDINANCE

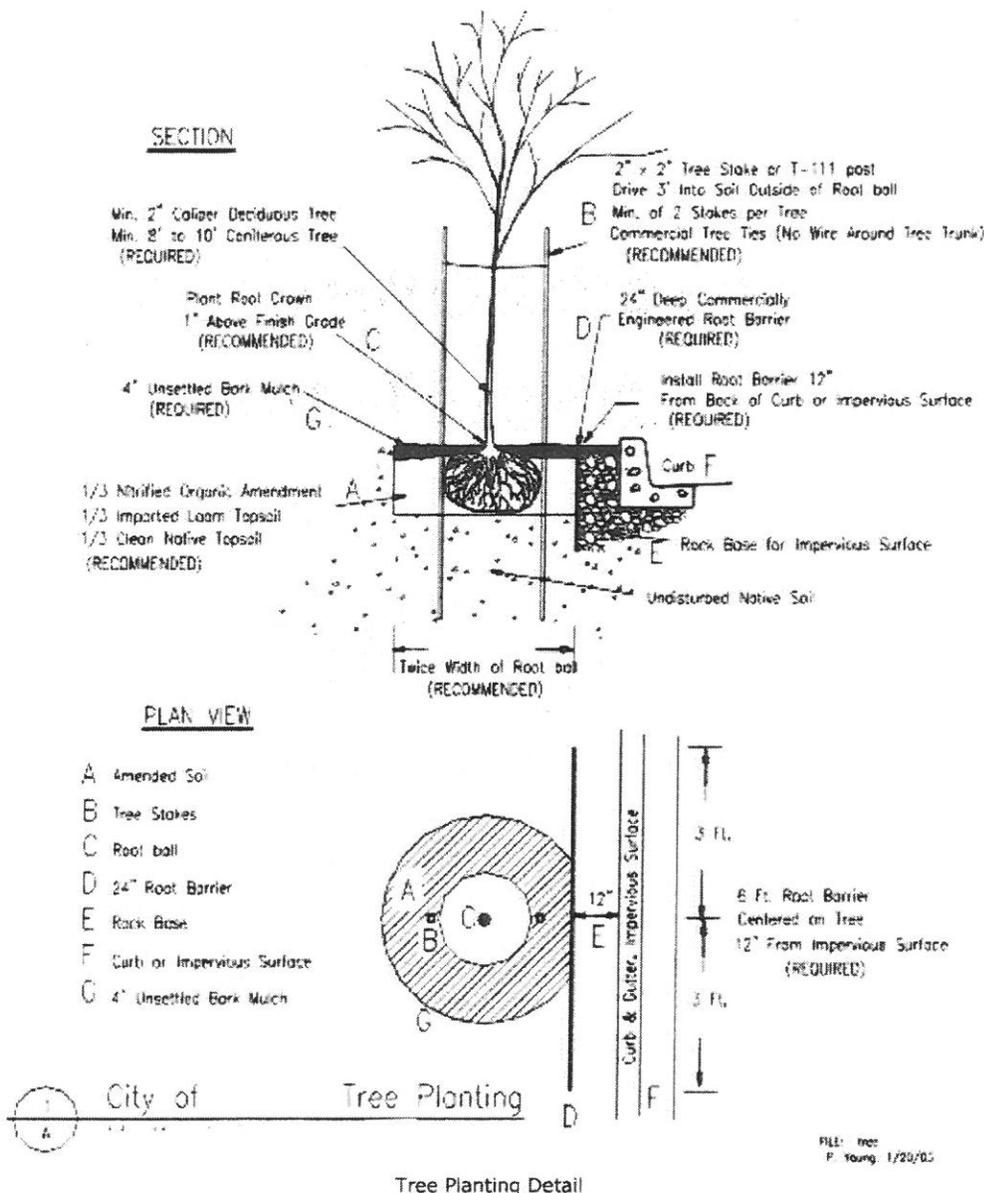
PRIOR TO 2ND READING

I move to approve as part of Appendix A for the Tree Code (Chapter 93 of City Code of Ordinances) all three tree planting diagrams (Examples 1, 2, and 3) for inclusion as additional options, with application selection at the discretion of Public Works Director.

Tree maintenance issues and requirements (pruning, etc.) will be included in the appendix in the first example (Example 1) for tree planting prior to “11. Enjoy watching your tree grow”.

Additionally, the size of the required replacement plantings shall be amended as follows: a minimum of 2 inch DBH for a deciduous tree in public places, and a minimum of 18” tall for a coniferous tree in public places. For wetland restoration projects, tree replacement shall consist of native species commensurate with the site classification and wetland characteristics of the area. Conifer plantings shall consist of at least bare root or other conifer stock customarily used to achieve the desired future condition for comparable wetland restoration sites and follow the Oregon Aquatic Habitat Restoration and Enhancement Guide.

Example 1: City of Tillamook Street Tree Planting Standard



City of Tillamook Street Tree Planting Standard

Proper planting of street trees will maximize the chances of survival and promote long-term health. Check for underground utilities before planting by calling 800-332-2344.

1. Dig a shallow, broad planting hole. **Make the hole at least two times the diameter of the root ball but only as deep as the root ball.** It is important to make the hole wide so that the new roots of the tree can grow outwards into the surrounding soil.
2. **Install polypropylene root barrier** parallel to the curb and sidewalk. This will consist of three interlocking panels 24" wide by at least 18" in height. The root barrier should be set back 12" from the curb. Place a pea gravel channel 4" wide on the outside of the root barrier (towards the curb).

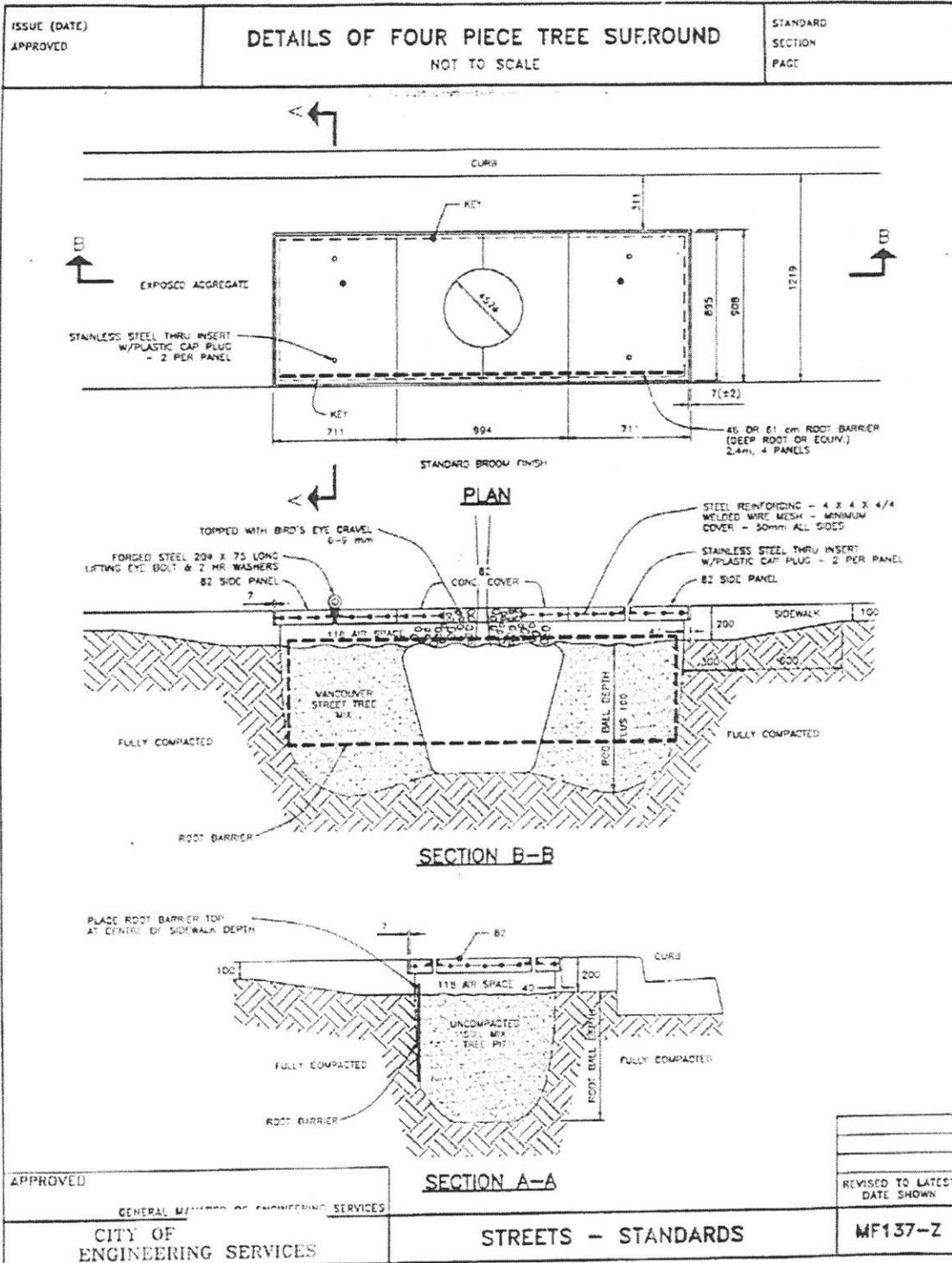
3. If the trunk flare (where the roots spread at the base of the tree) is not partially visible, you may have to remove some soil from the top of the root ball. **Carefully excavate the root ball down to the trunk flare.** This point should be partially visible after the tree has been planted (see diagram). This will determine how deep the hole needs to be for proper planting.
4. **Remove tree container** for containerized trees. Carefully cutting down the sides of the container may make this easier. Inspect the root ball for circling roots and cut or remove them.
5. Place the tree at the proper height. Before placing the tree in the hole, **check to see that the hole has been dug to the proper depth** and no more. For **balled and burlapped trees cut the wire, twine, and burlap completely away** from the root ball and remove at this step. **Cut any circling roots** on the outside of the root ball and from around the trunk.
6. **Straighten the tree in the hole.** Before you begin backfilling, have someone view the tree from several directions to confirm that the tree is straight. Once you begin backfilling, it is difficult to reposition the tree.
7. **Fill the hole** gently but firmly. Fill the hole about one-third full and pack the soil around the base of the root ball. Add soil a few inches at a time and settle with water. Continue this process until the hole is filled and the tree is firmly planted. It is not recommended to apply fertilizer at the time of planting. In residential areas native soil or a mix of native soil and topsoil or mulch can be used for fill.
8. **Stake the tree if it appears unstable.** Protective staking may be required on sites where lawn mower damage, vandalism, or windy conditions are concerns, and with trees that have a broad canopy relative to the size of the root ball. Remove support staking and ties after the first year of growth.
9. Place **mulch around the base of the tree.** This will help retain moisture, moderate soil temperature extremes, and reduce competition from grass and weeds. A 2- to 4-inch layer is ideal. Be sure to keep an area 2-4" from the trunk flare free of mulch. This will prevent decay in the living bark at the base of the tree.
10. Water tree immediately after planting with a minimum of 15 gallons of water. Keep the soil moist but not saturated, watering at least once a week through the growing season.
11. **Enjoy watching your tree grow!**

Downtown Business District: All plantings of "Designated Street Trees" shall be planted in a modified planting pit of 3' x 3' x 6' and backfilled with a soil mix of 1/3 clean native soil, 1/3 topsoil, and 1/3 composted mulch.

Sidewalk Tree Wells: In a 4' wide walk the well cutout shall be 36" x 24". In a 7' wide walk the well cutout shall be 36" x 36".

If you have further questions please contact City of Tillamook Public Works Department (503) 374-1813.

Example 2:



APPROVED

GENERAL MANAGER OF ENGINEERING SERVICES

CITY OF
ENGINEERING SERVICES

STREETS - STANDARDS

REVISOR
DATE
REVISED TO LATEST DATE SHOWN
MF137-Z

Example 3:

CITY OF TILLAMOOK STREET TREE PLAN

SECTION I. STANDARD SPECIFICATIONS FOR PLANTING STREET TREES

Planting of Street Trees shall be subject to approval and inspection by the Director of Public Works or his designated representative, who shall be notified not less than forty-eight (48) hours prior to the anticipated time of planting.

The following specifications shall apply to the size and method of planting said Street Trees:

1. On lots of frontage up to eighty (80) feet, trees shall be planted one (1) to the lot; on lots of frontage over eighty feet, trees shall be planted two (2) to the lot; on corner lots the number of trees required on the side street shall be determined by the depth of the lot and location of underground utilities.
2. On streets where the sidewalk has been, or will be, located adjacent to the curb, trees shall be planted as per specifications of the respective project. On streets where there is, or will be, space between the walk and curb, the trees shall be planted midway between the walk and curb.
3. Planting locations on major streets shall be determined by the Director of Public Works or his designated representative. The following spacing standards shall be adhered to:
 - A. On corner lots, thirty (30) feet from the Beginning of Curb Radius (BCR) on the approach to an intersection and thirty (30) feet from the End of Curb Radius (ECR) on the exit side.
 - B. Thirty-five (35) feet from adjacent trees planted in the public right-of-way.
 - C. Fifteen (15) feet from street light standards, power poles, fire hydrants and street signage.
 - D. Ten (10) feet from sewer laterals.
 - E. Eight (8) feet from the edge of driveway approaches (measured from the curbside, not sidewalk side of the parkway).
 - F. Eight (8) feet from water meters, gas lines, underground electrical or telephone and cable communication lines and boxes.
 - G. Five (5) feet from privately installed service or house walks.
 - H. Ten (10) feet from other hardscape or underground improvements not included in the above (i.e. - storm drains, drain lines, etc.)
4. Trees shall be vigorous, in a healthy condition, of good structure and free from diseases and insects, pests or the effects of previous infestation. Trees shall be not less than fifteen (15) gallon in size, minimum height of six (6) feet, single-trunked and of standard form with an established root ball free of kinked and circling roots. On residential and commercial projects, an inspection of Street Trees shall be performed by the Director of Public Works or his designated representative prior to trees being planted in the public right-of-way.

5. Trees shall be planted in holes thirty (30) inches in depth and thirty (30) inches in width. The planting holes shall be excavated so that the sides taper outward into the soil; the sides of the planting holes shall be roughened, not smoothly sculpted, which shall allow roots to penetrate more easily into the surrounding soil. The planting holes shall be filled with water and allowed to completely seep prior to planting. Trees shall be planted one to two (1-2) inches above ground/grade level; the trunk flare shall be exposed above ground/grade level. Trees shall be installed with four (4), twenty-one (21) gram slow-release Plant Fertilizer Tablets or equivalent evenly spaced within the top eight (8) to twelve (12) inches of soil and two (2) inches from the the rootball; the two-thirds backfilled planting holes shall be filled with water and allowed to completely seep. Backfill of the planting holes shall be completed, eliminating all clods and debris, and lightly tamp in soil with feet or shovel handle to insure there are no air pockets and that the soil is reasonably firm. Mulching is desirable up to two (2) inches in depth, as a layer above the native soil, however, mulch should not come in contact with the trunk flare.

6. Nursery stakes shall be removed. Trees shall be staked parallel to the frontage and positioned perpendicular to prevailing wind with two (2), two (2) inch diameter, round, pressure-treated, pencil-point lodgepole pine stakes, eight (8) or ten (10) feet long (use appropriate size to match height of tree(s) to be planted), driven just to the outside of the tree root ball (approximately ten (10) inches) and embedded a minimum of two (2) feet into the ground. Trees shall be tied to the stakes in two (2) or more places with soft-rubber cinch ties or equivalent at the lowest points possible to maintain the tree in an upright position and nailed to each stake with one (1) aluminum or galvanized roofing/shingle nail. Trees shall be installed with one (1) trunk guard/protector or equivalent.

7. At the time of planting, trees shall be surrounded with an earthen basin or "berm" of not less than thirty (30) inches in diameter, inside measurement, and six (6) or more inches in height.

8. All trees shall be watered thoroughly the day they are planted. Owners and/or occupants of real property fronting on a public street(s) shall be responsible for continued adequate watering of the Street Tree(s) abutting their property. The abutting property owner shall bear the expense of replacement of Street Trees where death is the result of insufficient water and/or general negligence. Owners and/or occupants shall be provided with a new tree care door

hanger to assist with any questions that the owner and/or occupant may have in regard to watering, fertilizing and any special care requirements that may be needed to insure the survival of the newly planted Street Tree(s).

9. All trees shall be planted in accordance with tree planting methods approved by the Director of Public Works or his designated representative, in order to insure the growth and survival of the tree(s). Final inspection on all residential projects and commercial projects shall be performed after all interior landscaping is completed. This inspection shall be performed by the Director of Public Works or his designated representative prior to the acceptance of fulfillment of the above Standard Specifications. A forty-eight (48) hour notice shall be given before any final inspection.

10. When tree root barriers, grates, drainage/aeration piping, irrigation or paving stones are required as part of the planting of Street Trees, all installation work shall be in strict accordance with the methods recommended by the manufacturer and/or the City of Tillamook Public Works Department Street Tree Planting Standard - Standard Plan No. 780.

