

ORDINANCE 795

AN ORDINANCE CREATING STAYTON MUNICIPAL CODE 17.20.970 "TREE PRESERVATION" AND AMENDING STAYTON MUNICIPAL CODE 17.04.100 "DEFINITIONS".

WHEREAS, the Stayton City Council finds that preserving community livability depends, in part, upon the adoption of a city tree ordinance designed to educate citizens of the value of trees in the urban setting and to prevent further loss of this important community resource; and

WHEREAS, the Urban Land Institute and the National Association of Homebuilders have reported that the preservation of trees is a financial investment in the community as it has been found that lots with trees sell for 20 to 30 percent more than lots without trees; and

WHEREAS, citizens taking part in several sessions of the City's recently completed Strategic Planning workshops listed the creation of a tree ordinance to prevent the further loss of trees as the highest priority and at the top of the list of items for immediate action; and

WHEREAS, the Stayton Parks Board and Planning Commission arrived at the conclusion that a Tree Ordinance would function better as a "stand alone" ordinance independent of the Landscape Ordinance.

NOW, THEREFORE the Stayton City Council hereby ordains as follows:

SECTION 1: Stayton Municipal Code Section 17.04.100 "DEFINITIONS" is hereby amended to include the following:

HERITAGE TREE: Any tree of exceptional value to the community based on its size (relative to species), history, location, or species, or any combination of these criteria.

STREET TREE: A street tree is defined as a living, woody plant typically having a single trunk at least 1 ½ inches in diameter at a point six inches above mean ground level at the base of the trunk that is located in the public right-of-way.

SECTION 2: Stayton Municipal Code Section 17.20.970 is hereby created to read:

17.20.970 TREE PRESERVATION

1. NEW DEVELOPMENT AND REDEVELOPMENT: Development sites are vigorously encouraged to preserve and enhance existing trees, except tree farms, and will, where possible, be compatible with existing adjoining development. Site plans for new development and grade and fill plans shall disclose details for tree removal including numbers of trees and size and species of trees to be removed.
2. STREET TREES: Unless specifically authorized in writing by the Public Works Director, or designee, no person shall intentionally damage, cut (save pruning), carve, transplant, or remove any street tree; attach any rope or wire (unless required in order to stabilize the tree), nails, advertising posters, or other

contrivance; allow any substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. Private property owners are responsible for the maintenance and replacement of street trees within adjacent public right-of-ways.

3. HERITAGE TREES: Unless specifically authorized in writing by the Public Works Director, or designee, no person shall intentionally damage, cut (save pruning), carve, transplant, or remove any Heritage tree; attach any rope or wire (unless required in order to stabilize the tree), nails, advertising posters, or other contrivance; allow any substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. A list of community Heritage trees will be kept and maintained by the City Administrator or designee.

Recognition of Heritage Trees: Stayton citizens wishing to have trees recognized by the City as Heritage trees shall submit their request in writing to the City Council. The request shall explain why the subject tree is of exceptional value to the community. A majority vote of approval of the City Council will add the tree to the Heritage Tree list. No tree shall be designated a Heritage tree unless the property owner agrees. Property owners may request the removal of the Heritage Tree designation from trees on their property.

PASSED BY THE STAYTON CITY COUNCIL this 2nd day of January, 1999.

Date: 1/7/99

By: 
STACEY A. GRAHAM, Council President

Date: 1-7-99

By: 
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: JAN 11 1999

By: 
DAVID A. RHOTEN, City Attorney

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Note: Process flawed. Special meeting held Jan 2/99 to correct process RM

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PASSED BY THE STAYTON CITY COUNCIL this 21st day of December, 1998.

Date: 12.24.98 By: 
STACEY A. GRAHAM, Council President

Date: 12.24.98 By: 
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: DEC 29 1998 By: 
DAVID A. RHOTEN, City Attorney