

## ORDINANCE NO. 23-1004

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### **AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING OREGON CITY MUNICIPAL CODE CHAPTER 12.08 – PUBLIC AND STREET TREES AND CHAPTER 12.32 – HERITAGE TREES.**

**WHEREAS,** At the direction of the City Commission, the Natural Resource Committee, working in conjunction with Public Works, recommended changes to the Street Tree Code to exempt street trees in planter strips three feet wide or less from replanting or fee in lieu requirements; and

**WHEREAS,** Planning Division staff presented these recommendations to the Citizen Involvement Committee, Planning Commission, and City Commission for questions and feedback; and

**WHEREAS,** Planning Division staff have presented these recommendations to the general public, received public input, and conveyed that input to the City Commission; and

**WHEREAS,** The City Commission has directed Planning Division staff to make changes to the Public and Street Tree Code to exempt street trees in planter strips three feet wide or less from replanting or fee in lieu requirements; and

**WHEREAS,** The City Commission has directed Planning Division staff to make changes to the Public and Street Tree Code to clarify and make consistent the City Manager or designee as the decision-maker for Street Tree Removal and Replanting applications; and

**WHEREAS,** The City Commission has directed Planning Division staff to make changes to the Public and Street Tree Code to clarify and make consistent use of the term Certified Arborist, as defined in OCMC 17.04.082; and

**WHEREAS,** The City Commission has directed Planning Division staff to make changes to the Public and Street Tree Code to remove the County-level deed recordation requirement for any street trees designated in private front yards; and

**WHEREAS,** The City Commission has directed Planning Division staff to make changes to the Public and Street Tree Code to more clearly prioritize street tree replanting alternatives, making the fee in lieu option a last resort; and

**WHEREAS,** The City Commission has directed Planning Division staff to make changes to the Public and Street Tree Code to clarify – where no requirement currently exists – replacement street tree size requirements for dead, diseased, and hazardous trees,

### **NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The City Commission adopts amendments to Oregon City Municipal Code Title 12: Streets, Sidewalks and Public Places, which are attached hereto as Exhibits ‘A,’ ‘B,’ and ‘C.’

**Section 2.** Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

**Section 3.** Effectiveness. This Ordinance shall take effect on June 2, 2023.

Read for the first time at a regular meeting of the City Commission held on the 19th day of April 2023, and the City Commission enacted the foregoing ordinance on the 3<sup>rd</sup> day of May 2023.

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DENYSE C. MCGRIFF  
Mayor

Attested to this       day of       ,

Approved as to legal sufficiency:

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Jakob Wiley, City Recorder

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City Attorney