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Date 4/2010

ORDINANCE NO. 1979

(An ordinance adding Chapter 13.14—Shade Tree Committee of the Hood River Municipal Code)

WHEREAS, trees and vegetation make a substantial positive contribution to the visual image and livability of the City;

WHEREAS, the City and the community have made a substantial investment in the planting and maintaining of trees and other vegetation throughout the community;

WHEREAS, trees and vegetation enhance property values, provide energy conservation, and are an important factor in enhancing the quality of life in the City;

WHEREAS, the City desires to become a nationally recognized Tree City and to that end must provide for the management, conservation, and enhancement of public trees;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1. Chapter 13.14 of the Hood River Municipal Code is added as follows:

CHAPTER 13.14 – SHADE TREE COMMITTEE

SECTIONS:

- 13.14.010 Purpose
- 13.14.020 Designation of Shade Tree Committee
- 13.14.030 Duties of the Tree Committee
- 13.14.040 Budget and Financing
- 13.14.050 Heritage Tree Registry
- 13.14.060 Street Tree Plan and List of Trees

13.14.010 Purpose. The purpose of this chapter is to establish the Shade Tree Committee and specify its composition, powers, and duties.

13.14.020 Designation of Shade Tree Committee. The Shade Tree Committee is a committee designated by the City Council pursuant to Chapter 2.04 as a special committee to advise the City with respect to public trees and urban forestry matters generally.

A. The Tree Committee is appointed by the City Council and consists of five or seven members.

1. One member must be a member of the City Council.
2. One member must be a member of the Planning Commission. Alternatively, the Planning Commission may appoint a Landmarks Review Board member as the Planning Commission's representative in lieu of a Planning Commissioner.
3. One member must be designated by the board of the Hood River Downtown Business Council to represent the Hood River Downtown Business Council.
4. The balance of the Tree Committee will consist of persons with an interest in trees. If possible, at least one member should be a representative from the field of arboriculture, landscape architecture, or otherwise have a background and professional knowledge of trees and their care. Although residents of the city and urban growth area are preferred, residency within the city limits or urban growth area is not required.

B. Tree Committee members are appointed for a term of four years except that upon initial constitution of the Tree Committee, three members will be appointed to two year terms and the remainder to four year terms. Vacancies are filled by an appointment made by the Council for the remainder of the unexpired term. Tree Committee members may be reappointed for additional terms of four years each.

C. Members of the Tree Committee serve at the pleasure of the Council and may be removed at any time by the Council for any or no reason. A member of the Tree Committee may resign at any time by submitting a letter of resignation to the Council.

D. A member who is absent from three consecutive meetings without excuse is considered to be in non-performance of duty.

E. The Tree Committee members, by majority vote, shall elect a chairperson and vice chairperson for a one year term at the beginning of each year, and may reelect the incumbent. The chairperson presides over Tree Committee meetings. The vice-chairperson presides in the chairperson's absence.

F. Regular meetings shall be held at a frequency necessary to carry out Tree Committee duties. Meetings shall be called at the request of the chairperson, four Committee members, or at the request of the City Manager, Public Works Director or Planning Director.

G. A majority of the Tree Committee constitute a quorum for conducting any business.

H. The Tree Committee may make and alter rules and regulations for its operation consistent with the City Charter, ordinances, and resolutions, subject to review and approval of the Council.

I. Members of the Tree Committee receive no compensation, but shall be reimbursed for duly authorized expenses.

13.14.030 Duties of the Tree Committee. The Tree Committee has the following duties and authority.

A. Work with the Public Works Director and Planning Director to maintain, with the assistance of an arborist, an updated inventory of public trees by species, diameter at breast height, condition and location.

B. Develop criteria for determining, and standards for protecting, "Heritage Trees" within the City. The purpose of the Heritage Tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. Criteria may include such things as species rarity, age, size, quality, association with historical events or persons, or scenic enhancement. The Tree Committee shall determine, select and identify the trees that qualify as Heritage Trees and maintain the City's Heritage Tree Registry.

D. Plan, implement and coordinate programs to celebrate Arbor Day in the community.

E. Review the planting plan of street trees within the planting strips of any new street for conformity with the City's specifications and standards of practice.

F. Review and make recommendations regarding all landscaping plans with new streets submitted under Title 16 or 17.

G. Review any proposed changes to existing streets and street improvement.

H. Prepare the Street Tree Plan, and subsequent amendments thereto, and an annual budget to implement the Street Tree Plan, for submission to City Council for approval. The budget required by this subsection shall be submitted with the Committee's budget under subsection (I).

I. Provide an annual report no later than March 1 of each year covering the Committee's activities, expenses, and including a proposed budget for the coming fiscal year.

J. Investigate, provide assistance, and make recommendations to the Director of Finance and City Manager regarding supplemental funding from sources (e.g., grants, loans and donations) other than the required two dollars (\$2.00) per capita provided for in Section 13.14.040.

13.14.040 Budget and Funding.

A. The City will pay the costs and expenses of caring for public trees and authorized Tree Committee expenses.

B. A minimum of two dollars (\$2.00) per capita per City resident shall be appropriated annually to fund the costs and expenses provided for in this section.

13.14.050 Heritage Trees Registry.

A. Heritage Trees are those trees designated by the Tree Committee in accordance with the criteria set by the Tree Committee. Nominations may be submitted to the Tree Committee by any citizen with the consent of the property owner. A Heritage Tree may not be removed from the Heritage Tree registry without a public hearing by the Tree Committee at least 30 days prior to the proposed date of removal. Notice shall be provided to the owner of the tree at least 10 days prior to the hearing.

B. Heritage Tree plaques may be placed upon or near Heritage Trees. The Heritage Tree plaque will be in a form specified by the Tree Committee.

13.14.060 Street Tree Plan and List of Trees.

A. The Tree Committee, with the assistance of the Public Works Director, prepares the Street Tree Plan and the City Council approves the Street Tree Plan, as provided in Section 13.14.030(H) above. The Street Tree Plan shall provide for the selection, care, preservation, watering, maintenance, pruning, planting, replanting, removal and disposition of all public trees, and address such other matters as required in this chapter.

B. The Street Tree Plan shall include a list of acceptable species for planting as street trees and a list of those tree species not suitable for planting. The acceptable species list will be divided into three size classes: small, medium, and large. The list must include minimum tree caliper size for planting. The list will be known as the Street Tree List.

C. The Tree Committee shall review Chapter 13.12 and the Street Tree Plan no less frequently than once in every three year period after the initial approval of the Street Tree Plan and forward recommendations for any amendments to Chapter 13.12 and the Street Tree Plan to City Council.

D. The Tree Committee shall consult with the Public Works Director when preparing the Street Tree Plan and any subsequent amendments.


Section 2. Severability. If any provision of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of this Ordinance shall not be affected as a result, but shall be deemed as a separate, distinct and independent provision and the holding shall not affect the validity of the remaining portions of this Ordinance and each

remaining provision of this Ordinance shall be valid and enforceable to the fullest extent permitted by law.

Read for the first time: NW 23rd, 2009.

Read for the second time and passed: NW 23rd, 2009, to become effective thirty (30) days hence.

Signed NW 24th, 2009.



Arthur Babitz, Mayor

ATTEST:



Jennifer McKenzie, City Recorder