



PARKS, RECREATION & TREE ADVISORY COMMISSION



AGENDA

Wednesday, August 6, 2025

6:00 p.m.

This meeting will be conducted virtually. At 6:00 p.m., Join the meeting here:

<https://us06web.zoom.us/j/83068386417?pwd=cIFnb3h3TWhlWlFjNHlWRTY0K3NhZz09>

Meeting ID: 830 6838 6417 Passcode: 763440

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted on the website

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENTS
 - 1) None

Persons wanting to provide comments may:

- 1- Email written comments to Debbie.little@albanyoregon.gov, including your name, before noon on the day before the meeting.
- 2- To comment virtually during the meeting, register by emailing Debbie.little@albanyoregon.gov before noon on the day before the meeting, with your name. The chair will call upon those who have registered to speak.
- 3- Prearranged – appear in person at the meeting and register to speak.

4. APPROVAL OF MINUTES

- a. June 4, 2025

5. SCHEDULED BUSINESS

a. Discussion Items

- 1) Albany Development Code Tree Protection regulations update discussion – Liz Olmstead, Jay Sharpe

b. Action Items

- 1) None

c. Reports and Updates

- 1) Capital Projects Update – Kim
- 2) Program Updates – Staff

6. BUSINESS FROM THE COMMISSION

7. NEXT MEETING DATE: Wednesday, October 1, 2025 - Virtual

8. ADJOURNMENT

This meeting is accessible to the public via video connection. In-person attendance is available. For arrangements, please contact city staff at least 48 hours in advance of the meeting at: Debbie.little@albanyoregon.gov or call 541-917-7778. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting.

Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.

Albanyoregon.gov





MINUTES

Wednesday, June 4, 2025

6 p.m.

REMOTE

Approved: Draft

CALL TO ORDER: Meeting called to order at 6:03 p.m.

Members present: Aaron Falotico, Sharon Konopa, Anna Roller, Joyce Thompson
Graham, Nick Anderson, Jill Van Buren

Members absent: Bill Stoneroad

Staff present: Kim Lyddane, Director; Rick Barnett, Parks & Facilities Maintenance
Manager; Debbie Little, Administrative Services Coordinator; Kris
Schendel, Code Compliance Officer

Guest present: Maya Perez, Boys and Girls Club of Albany

Business from the Public
1) None

APPROVAL OF MINUTES
March 5, 2025

6:03 p.m.

MOTION: Falotico moved to adopt the minutes. Van Buren seconded the motion, which passed 6-0.

DISCUSSION ITEMS

6:04 p.m.

- a. Possible vacation of path from Hill St. to Oak St. through Albany Boys & Girls Club
Perez presented an overview of the issues the Boys and Girls Club is having that are directly related to the pathway in which a section runs through their property. Brief discussion followed

MOTION: Falotico moved to recommend to the Planning Commission to vacate the path Hill St. to Oak St. Van Buren seconded the motion, which passed 5-1.

ACTION ITEMS

- b. None

REPORTS AND UPDATES

6:50 p.m.

- a. Capital Projects
- Lyddane reviewed the project report included in the agenda packet.
- Deerfield Park renovation project has started with completion targeted for mid-October.

STAFF REPORTS

6:55 p.m.

Barnett provided an update on Park Maintenance.

- Lehigh Park is open, but a few fit and finish items still need to be completed. Dedication is scheduled for July 9, 2025.
- Keeping seasonal staff continues to be difficult.
- Hunter-Froemke is doing a great job at managing the Deerfield Park renovation project.
- Flowers throughout the City are in. Waverly shrub bed has new irrigation, and new plants are in.

Lyddane provided an update on recreation programs.

- Splash pad is open.
- COOL Pool will open on June 14 or 15 depending on staffing levels.
- Summer staff for recreation activities start June 23.
- The new Recreation Assistant starts June 16, which will replace the position Linda Booth is leaving for retirement.
- Registration for summer programs opens May 23, 2025.
- Brick work on Water Ave is taking place.
- Fun in the Park starts July 9 at Lehigh Park.
- The Recreation Manager position is on hold until fall.
- BN 25-27 budget passed in Budget Committee and will go to Council June 11 with an increase in the city services fee to \$14.82
- Looking at public space use and how to manage with ongoing vandalism and increase transient population issues.
- Reviewing possible locations for Locks of Love memorial structure and working with the Albany Parks & Recreation foundation for fundraising.

BUSINESS FROM THE COMMISSION

6:45 p.m.

Van Buren noted Adopt a Park is doing their annual Periwinkle Creek wade to clean up any shopping carts and debris in the creek. Schendel is working on a municipal code regarding shopping carts. Brief discussion followed.

Commissioners are excited about the opening of Lehigh Park.

NEXT MEETING DATE: Next meeting will be Wednesday, August 6, 2025. This meeting will be virtual.

ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

Submitted by,

Reviewed by,

Debbie Little
Administrative Services Coordinator

Kim Lyddane
Parks & Recreation Director



TO: Albany Parks, Recreation, and Tree Advisory Commission

VIA: Kim Lyddane, Parks and Recreation Director

FROM: Liz Olmstead, Planner II

DATE: August 1, 2025, for the August 6th, Albany Parks, Recreation, and Tree Advisory Commission Meeting

SUBJECT: Albany Development Code Tree Protection regulations update

Purpose:

The tree protection regulations in the Albany Development Code (ADC) have not been updated in some time. To protect and replace trees on private property using best management practices, staff is proposing and update to the Development Code.

Background/Discussion:

As the first step in the process to update the tree protection regulations, staff is seeking input from the Parks, Recreation, and Tree Advisory Commission regarding the current tree protection regulations, how those regulations are currently working, and ideas for updated or new regulations to protect trees on private property in Albany.

Staff is seeking input on the following topics:

- Overview of current tree protection requirements in the Albany Development Code
- Connections between the Albany Municipal Code and Albany Development Code
- Tree regulation and protection issues
- Tree preservation and replacement considerations
- Outreach suggestions

Attachments:

1. Albany Development Code Tree Protection regulations (ADC 9.202 – 9.206)
2. Albany Municipal Code Tree Regulations (AMC 7.98)

ARTICLE 9

ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

TREE PROTECTION

9.202 Purpose. Trees of significant size represent a visual and aesthetic resource to the community. Trees provide benefits including shading, reduction in excess stormwater runoff, erosion control, and wildlife habitat. These standards are intended to balance the preservation of significant trees as a benefit to the community with the individual right to use and enjoy property.

[Ord. 5445, 4/12/00; Ord. 5764, 12/1/11, Ord. 5947, 1/1/21]

9.203 Definitions. For the purposes of the following sections, these definitions apply:

- (1) Critical Root Zone: The area around a tree where roots are critical to a tree's survival. For the purposes of this section, the critical root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius, and where all tree measurements are consistent with those for establishing Tree Circumference. For example, a tree with a Tree Circumference of 6.5 feet would have a trunk radius of 1.0 feet and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1ft + (25 in * 1ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.
- (2) Fell: To cut down a tree or remove 40 percent 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 or die. The term "removal" includes, but is not limited to, topping, 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. Fell does not in any context include normal trimming or pruning of trees.
- (3) Tree: A living, standing, woody plant.
- (4) Tree Circumference: The circumference of a tree is measured at 4-1/2 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference.

[Ord. 5445, 4/12/00; Ord. 5764, 12/1/11; Ord. 5947, 1/1/21; Ord. 6042, 7/12/24]

9.204 Applicability. Except as provided below, Site Plan Review approval is required for the felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.

The following activities are exempt from Site Plan Review under this section. Notwithstanding the foregoing, all tree felling activities located within Significant Natural Resource Overlay districts must meet the applicable requirements of Article 6:

- (1) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.
- (2) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
- (3) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approved the proposed tree felling.
- (4) Felling of trees planted as Christmas trees.
- (5) Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry.

[Ord. 5445, 4/12/00; Ord. 5635, 1/11/06; Ord. 5764, 12/1/11; Ord. 5947, 1/1/21]

9.205 Tree Felling Criteria. Except as provided for in Section 9.206, the following review criteria replace the Site Plan Review criteria found elsewhere in this Code for the purpose of reviewing tree felling. A Site Plan Review for tree felling subject to these criteria will be processed as a Type I-L land use decision.

- (1) The Community Development Director or his/her designee shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the

condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist's report.

- (2) For property where a Site Plan Review, Conditional Use, or land division application has been approved or is currently under review for development of the property, the Community Development Director or his/her designee shall approve Site Plan Review for tree felling when the applicant demonstrates that all of the following review criteria are met:
 - (a) It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved Site Plan Review or Conditional Use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this Code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.
 - (b) The proposed felling is consistent with City ordinances including tree regulations in the Albany Municipal Code, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.
 - (c) The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.
 - (d) Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.
- (3) For property where tree felling is proposed and there is no approved or concurrent Site Plan Review, Conditional Use, or land division application for development of the property, the Community Development Director or his/her designee shall approve a Site Plan Review application for tree felling when the applicant demonstrates that all the review criteria in subsection (2) above are met, and the following additional criteria are met:
 - (a) Trees shall be retained in significantly large areas and dense stands 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.
 - (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.
- (4) The Director may attach conditions of approval to the tree felling review to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling and may require an improvement assurance to ensure all conditions are met.

[Ord. 5764, 12/1/11; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 6018, 6/30/23]

9.206 Clear and Objective Criteria for Tree Felling associated with the Development of Housing. For property where a building permit, Site Plan Review, subdivision, or partition application has been approved or is currently under review for the development of housing on a property, the applicant proposing the felling of trees may choose to meet the criteria in Section 9.206 rather than the criteria in Section 9.205. A Site Plan Review application for tree felling subject to the criteria in Section 9.206 will be processed as a Type I

decision. The Community Development Director, City Forester, or his/her designee shall approve the Site Plan Review application when the applicant demonstrates that all of the following review criteria are met:

- (1) The critical root zone of each tree to be felled is no more than five feet from proposed roads, driveways, utilities, and required site improvements, or 10 feet from proposed residential building pads.
- (2) The proposed felling is consistent with other applicable sections of the Development Code (such as Article 6, Significant Natural Resource Overlay Districts) and City ordinances, including tree regulations in the Albany Municipal Code.

Trees that do not meet criterion (1) shall be preserved (see AMC 7.98.215 for recommended methods for protecting residual trees).

[Ord. 5947, 1/1/21]

Chapter 7.98 TREE REGULATIONS

Sections:

7.98.010	Purpose.
7.98.020	Definitions.
7.98.030	Prohibited activities.
7.98.040	Permits required.
7.98.050	Street trees – Classification and spacing.
7.98.060	Distance between curb and sidewalk.
7.98.070	Distance from street corners and fire hydrants.
7.98.080	Planting in roadways having no gutter or curb.
7.98.090	Tree topping.
7.98.100	Exemptions.
7.98.110	Private utility tree policy.
7.98.120	Heritage trees.
7.98.130	Pruning, corner clearance.
7.98.140	Dead or dangerous tree removal on private property.
7.98.150	City's power and authority is permissive, not mandatory.
7.98.160	Arborist certification.
7.98.170	Permit approval.
7.98.180	Tree removal permit criteria.
7.98.200	Conditional permit approval.
7.98.205	Permit fees.
7.98.210	Appeals.
7.98.215	Protecting residual trees.
7.98.220	Penalties.

7.98.010 Purpose.

The following chapter is established by the Albany City Council to promote and protect the public health, safety, and general welfare of the citizens of Albany by providing for the regulation of the planting, maintenance, and removal of trees in the City of Albany. Trees of significant size possess considerable environmental and aesthetic qualities beneficial to the community. These standards are intended to balance the preservation of significant trees as a benefit to the community with the individual right to use and enjoy property. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993).

7.98.020 Definitions.

- (1) "Certified arborist" means a person certified by the International Society of Arboriculture as having specialized knowledge, experience, and training related to arboriculture.
- (2) "City Forester" means the person designated by the Parks and Recreation Director to be the authorized representative in matters concerning the urban forest of the City of Albany.
- (3) "Critical root zone" means the area around a tree where roots are critical to a tree's survival. The critical root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius; where all tree measurements are consistent with those for establishing tree circumference. For example, a tree with a tree circumference of 6.5 feet would have a trunk radius of 1 foot and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1 ft + (25 in * 1 ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.
- (4) "Hazardous or dangerous tree" means a tree that is classified as a hazardous or dangerous tree by the Parks, Recreation, and Tree Advisory Commission.
- (5) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns.
- (6) "Public trees" means trees located on property designated as a public park and trees located in public right-of-way not defined as street right-of-way.
- (7) "Parks and Recreation Director" means the person designated by the City Manager to supervise the Parks and Recreation Department and who is charged with certain duties and responsibilities by this chapter, or the duly authorized representative.
- (8) "Remove" or "removal" means to cut down a tree or remove 40 percent 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 or die. The term "removal" includes,

but is not limited to, topping, 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. The term "removal" does not include normal trimming or pruning of trees.

(9) "Significant tree" means:

(a) Any heritage, rare, threatened, or endangered tree of any size as defined or designated under state or federal law; or

(b) Any tree designated as significant by the Parks, Recreation, and Tree Advisory Commission by virtue of heritage parameters or size.

(10) "Street trees" means trees located in public rights-of-way within the City.

(11) "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 15 feet or higher.

(12) "Tree circumference" means the distance measured around the trunk of a tree at four and one-half 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. (Ord. 6041 § 1 (Exh. A), 2024; Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993).

7.98.030 Prohibited activities.

(1) It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree.

(2) It shall be unlawful for any person to attach or keep attached to any street or public tree or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device whatsoever, except as a support for such tree.

(3) During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any street tree or public tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.

(4) Excavations shall not occur within 10 feet of any street tree or public tree without approval of the City Forester, applying criteria developed by the Parks, Recreation, and Tree Advisory Commission. Utility pole installations are exempted from the requirements set forth in this subsection. During such excavation or construction, any such person shall guard any street tree or public tree within 10 feet thereof.

(5) All building material or other debris shall be kept at least four feet from any street tree or public tree.

(6) Unless removal is expressly authorized by a land use action or approval issued by the City of Albany, it shall be unlawful to remove any tree larger than or equal to 6.5 feet in circumference (approximately 25 inches in diameter), public or private, within the City of Albany city limits without first making application to the City of Albany and obtaining a permit or as otherwise authorized by this code. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.120).

7.98.040 Permits required.

(1) A permit shall be obtained from the City Forester, applying criteria developed by the Parks, Recreation, and Tree Advisory Commission, before planting, pruning, or otherwise affecting a street tree.

(2) A permit shall be obtained from the City Forester, applying criteria contained in AMC [7.98.180](#), for the removal of individual trees equal to or greater than five and one-quarter feet in circumference on all property within the city limits of the City of Albany.

(3) With a permit, adjacent property owners may plant street trees so long as the selection, location, and planting of such trees is in accordance with this chapter.

(4) Any street tree planted that does not comply with this chapter may be removed by the City at the direction of the Parks, Recreation, and Tree Advisory Commission. The cost of such removal will be borne by the person or persons who planted the tree.

(5) Permits shall be valid for a period of 180 days following the date of issuance. (Ord. 6041 § 1 (Exh. A), 2024; Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.090).

7.98.050 Street trees – Classification and spacing.

(1) The Parks, Recreation, and Tree Advisory Commission shall develop and maintain a list of approved trees for planting along streets. The trees will be listed in three size classes based on mature height: small (under 30 feet); medium (30 to 50 feet); and large (over 50 feet). Lists of trees not suitable for planting will also be created by the Parks, Recreation, and Tree Advisory Commission.

(2) The Parks, Recreation, and Tree Advisory Commission shall develop criteria on the spacing of street trees. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.030).

7.98.060 Distance between curb and sidewalk.

The distance street trees may be planted from curbs or curblines and sidewalks will be in accordance with the three size classes listed in AMC [7.98.050](#)(1). No tree may be planted in a planting strip with a width of less than the following: small trees, three feet; medium trees, five feet; and large trees, eight feet. The exception to this rule shall be when curb and sidewalk are protected by a chemical or mechanical barrier approved by the City Forester. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993).

7.98.070 Distance from street corners and fire hydrants.

The Parks, Recreation, and Tree Advisory Commission shall establish standards for planting street trees in vision clearance areas. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993).

7.98.080 Planting in roadways having no gutter or curb.

No trees, shrubs, or plantings more than 18 inches in height above the adjacent grade shall be planted in the public right-of-way abutting roadways having no established curb or gutter, unless approved by the City Engineer. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5841 § 2, 2014; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.130).

7.98.090 Tree topping.

It shall be unlawful for any person to top any street tree, public tree, or heritage tree. Topping shall be defined as the cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal top. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the City Forester. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.140).

7.98.100 Exemptions.

(1) In the event of a storm, freeze, or other environmental event resulting in damage to street and public trees, the City Manager may declare an emergency suspension of the permit requirements for the removal and pruning of trees set forth in this chapter. Such declaration shall prescribe dates during which permits are not required, but in no event may any single declaration exceed 21 days.

(2) Additional tree removal permits are not required for any trees that have been authorized for removal in an approved site plan review processed in accordance with the Albany Development Code. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.150).

7.98.110 Private utility tree policy.

Upon obtaining a permit from the City Forester, a private utility maintaining its utility system in a street may prune or cause to be pruned, using proper arboricultural practices in accordance with said permit, any tree located in or overhanging the street that interferes with any light, pole, wire, cable, appliance or apparatus used in connection with or as a part of the utility system; but no tree shall be pruned without the consent of the abutting owner until the utility shall have given a written, printed, or verbal notice to the owner or occupant of the premises. The City Forester must be notified before any work proceeds. In cases of emergency, the consent of the abutting property owner may not be required, but notification of any work completed must be reported to the City Forester. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.040).

7.98.120 Heritage trees.

The Parks, Recreation, and Tree Advisory Commission may designate certain trees as "heritage trees" within the City with the consent of the owner(s) of record. The purpose of the heritage tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. The Parks, Recreation, and Tree Advisory Commission shall have the authority to determine, select, and identify such trees that qualify as heritage trees. Once a tree is designated as a heritage tree, it will remain so unless it becomes necessary to classify it as a dangerous tree and removed as such. Heritage trees may not be removed without the express consent of the Parks, Recreation, and Tree Advisory Commission. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.050).

7.98.130 Pruning, corner clearance.

Every owner of any tree, located on private property, overhanging any street or right-of-way within the City shall prune the branches so the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, traffic sign, or traffic control device, and so that there shall be a clear space of 14 feet above street surface, and eight feet above the sidewalk surface. Said owner shall remove all dead, diseased, or

dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the light from any street lamp, or interferes with visibility of any traffic control device or sign or vision clearance area at intersections and driveways. Tree limbs that grow within 10 feet of high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements and AMC [7.98.110](#), Private utility tree policy. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.080).

7.98.140 Dead or dangerous tree removal on private property.

The Parks, Recreation, and Tree Advisory Commission shall have the right to cause the pruning or removal of any dead or dangerous trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute an imminent threat to other trees within the City. The City Manager or his designee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 30 days after the date of service of notice. The failure of the property owner to prune or remove said dead or dangerous tree within 30 days of the delivery of notice shall be deemed a violation of the Albany Municipal Code, and, in addition to prosecution of said violation, the City Manager or his authorized representative may at any time thereafter prune or remove said dead or dangerous tree and assess the cost against the property as provided hereafter.

(1) **Deadline to Remove Dead or Dangerous Trees.** Within 30 days after the date of service of the notice, the owner of the property shall cause the tree determined to be dead or dangerous to be removed.

(2) **Requested Removal by City.** At the request of the owner, the City Manager or his/her designate will cause said dead or dangerous tree to be removed for a fee sufficient to cover the direct cost plus 30 percent for administrative overhead with a minimum fee.

(3) **Removal by City.** The City Manager or his/her designate may cause to be removed any tree determined to be dead or dangerous at any time following the deadline for removal set forth at subsection (1) of this section. The cost of the removal of said dead or dangerous tree shall be as calculated in subsection (2) of this section and will be a charge to the owner of the property and will become a lien against the property.

(4) **Right to Enter.** In the event that it becomes necessary for the City Manager or his/her designate to undertake the removal of the said dead or dangerous tree from any private property within the City, the designate of the City Manager shall have the right at reasonable times to enter into or upon said property to remove said dead or dangerous tree.

(5) **Cost to Become a Lien.** Upon completion of the removal of a dead or dangerous tree under these provisions and in the event that the fee is not paid within 30 days thereafter, the City Manager or his/her designate shall file with the City Recorder and thereafter present to the City Council an itemized statement of the cost thereof. After providing the notice and hearing set forth below, the City Council shall, by ordinance, determine the reasonableness of said statements of costs and adjust the same, and thereupon the amount of said statements as approved by the City Council shall be an obligation owed to the City of Albany by the owner or owners of the real property involved, and the City shall have a lien upon said real property for such sum and the lien shall be entered in the lien docket and enforced against said property in the same manner provided for the enforcement of City liens.

(6) **Notice and Hearing.** Prior to the adoption of the ordinance referred to in subsection (5) of this section, the City Manager or his/her designate shall cause a notice to be mailed by registered or certified mail, postage prepaid, to the record owner or owners of any real property upon which the City proposes to impose a lien for the costs of the removal of a tree determined to be dead or dangerous. This notice shall be mailed to the owner or owners of the real property in question at the address designated on the Linn or Benton County real property tax assessment rolls. An error in the name of the property owner or owners shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void and any lien imposed pursuant to this section shall be a valid lien against the property. The notice shall contain a summary of the costs which are proposed to be assessed against the owner's property and shall advise of the City's intent to assess said costs against the real property upon which the work was performed and shall further advise the owner or owners of their right to a hearing before the City Council concerning the proposed assessment and the date and time of said hearing.

(7) **Summary Abatement.** The procedure provided in this section is not exclusive but is in addition to abatement procedure provided by other ordinances. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.1100, 7.98.110).

7.98.150 City's power and authority is permissive, not mandatory.

Under no circumstances shall this chapter obligate the City of Albany, or any employee or agent thereof, to undertake any particular action to enforce any of the terms of this chapter. All authority granted to the City, its agents and employees, shall be permissive and not mandatory, and the City, its agents and employees shall have complete discretion to determine whether or not enforcement action of any type should be undertaken and

if so, the nature of the enforcement action itself. The remedies provided in these regulations shall be cumulative and in addition to any and all remedies available at law or equity. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5181 § 1, 1995. Formerly 7.98.105).

7.98.160 Arborist certification.

A tree contractor shall have on staff an arborist certified by the International Society of Arboriculture to be qualified to prune, treat, or remove street or public trees within the City. The certified arborist must oversee all pruning work and certify that all work meets the City's pruning specifications. If a certified arborist is not on the staff of the contractor, the City Forester, applying criteria developed by the Parks, Recreation, and Tree Advisory Commission, must approve the tree service contractor before the work begins. In cases where the professional opinion of a certified arborist differs from that of the City Forester, the City Forester may refer the matter to the Parks, Recreation, and Tree Advisory Commission for a decision. Nothing in this section shall prevent the employees of public agencies who are not certified arborists from pruning trees on the grounds of those public agencies. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993).

7.98.170 Permit approval.

The Parks and Recreation Director or designee shall approve or conditionally approve permits when it has been demonstrated that one or more criteria in AMC [7.98.180](#) have been met. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001).

7.98.180 Tree removal permit criteria.

(1) Tree removal will be approved when:

(a) It has been determined by the City Forester or by a certified arborist, without objection from the City Forester, that a tree is hazardous, dangerous, or significantly impacted by aggressive pests or pathogens, with a potential to spread and no other viable options are reasonably available to minimize hazard or alleviate risk of pest or pathogen to spread; or

(b) A logging permit issued by the Oregon Department of Forestry has been submitted to the City Forester; or

(c) Trees are overcrowded and it is determined by the City Forester that removal will have a positive impact on the overall site and will not compromise the health of residual trees; or

(d) When necessary pursuant to a building permit for an improvement for which a site plan approval is not required; or

(e) Variance Clause. When unique circumstances specific to the applicant's situation have been expressed in writing with the application and the Parks, Recreation, and Tree Advisory Commission has approved removal. Unique circumstances that could allow for a variance may include but are not necessarily limited to:

(i) A tree that is causing significant negative impacts to improvements or personal property;

(ii) Personal health reasons such as severe allergic conditions; or

(iii) The tree is invasive, having significant negative impact to surrounding vegetation.

(2) In all other cases, a tree removal permit shall be denied. (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001).

7.98.200 Conditional permit approval.

The City Forester may specify conditions to the approval of tree removal. Such conditions may include, but not necessarily be limited to, the methods for protecting residual trees identified in AMC [7.98.215](#) and/or a requirement for certified arborist oversight during construction activities, specific construction methods such as critical root zone protection and protective fencing, post-removal site cleanup, maintenance of replacement trees, and/or post-construction evaluation of tree health. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001).

7.98.205 Permit fees.

Permit application fees for removal permits shall be established by Council resolution. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001).

7.98.210 Appeals.

Any person who is denied a permit or is granted a permit with conditions may appeal the denial or imposition of condition by filing a written notice of appeal to the City Forester. The notice must be received within 15 calendar days of the date of denial or the date of issuance of the permit with conditions imposed. The appeal must describe in writing the specific basis upon which the appellant asserts that the decision was in error. The specific basis may include but not necessarily be limited to private need, which is unique to the property owner's circumstances as stated in AMC [7.98.180](#)(1)(e). The Parks, Recreation, and Tree Advisory Commission

will review all appeals. Appeals of decisions made by the Parks, Recreation, and Tree Advisory Commission are made to the city council in accordance with AMC [2.21.040](#) (formerly 2.23.060). (Ord. 6006 § 1, 2022; Ord. 5948 § 1 (Exh. A), 2020; Ord. 5495 § 1, 2001).

7.98.215 Protecting residual trees.

When removing trees under a permit or site plan approval, precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees:

(1) Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.

(2) Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of four feet tall, secured with metal T-posts, no closer than six feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris, or fill within the fenced tree protection zone.

(3) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.

(4) No damaging attachment, wires, signs, or permits may be fastened to any protected tree.

(5) Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way, and utility easements may be “ribboned off,” rather than erecting protective fencing around each tree as required in subsection (2) of this section. This may be accomplished by placing metal T-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.

(6) The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the table below.

Auger Distances for Installation of Utilities

Tree Diameter at Breast Height (inches)	Auger Distance from Face of Tree (feet)
8 – 9	5
10 – 14	10
15 – 19	12
Over 19	15

(Ord. 5948 § 1 (Exh. A), 2020).

7.98.220 Penalties.

Any person violating any of the provisions of this code relating to the planting, pruning, trimming, or removal of trees shall be strictly liable for such violations and punished under the general penalty provided for in Chapter [1.04](#) AMC. Proof of a specific criminal intent shall not be required. Any violation of this chapter which affects an individual tree shall be a separate offense. (Ord. 5948 § 1 (Exh. A), 2020; Ord. 5712 § 1, 2009; Ord. 5495 § 1, 2001; Ord. 5096 § 2, 1993. Formerly 7.98.170).

Capital Projects Report

PROJECT	STATUS	PROJECTED COMPLETION DATE	NOTES
Timber Linn Park soccer field improvements	Phase II complete. Phase III bids came in 2-4X budgeted amount. Project paused.	TBD	Partnership with AYSO
East Thornton Lake Natural Area development Ph 1	Design pending. Cost for a 10 car parking lot on the west side of the property estimated at \$400,000.	Development indefinitely delayed, pending O&M funding plan	SDCs, donations, State grant
Henderson Park Playground Replacement		Completed	
Deerfield Park Playground Replacement	Construction has started, with targeted completion mid-October.	10/15/2025	