



AGENDA

Wednesday, November 4, 2026

6:00 p.m.

This meeting includes in-person and virtual participation.

Calapooia Room, City Hall

333 Broadalbin St SW

<https://us06web.zoom.us/j/83068386417?pwd=clFnb3h3TWhlWlFjNHlWRTY0K3NhZz09>

Meeting ID: 830 6838 6417 Passcode: 763440

Microphones will be muted and webcams will be turned off for presenters and members of the public unless called upon to speak.

If participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off.

If disruption continues, the participant(s) will be removed from the meeting.

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. August 5, 2026

5. SCHEDULED BUSINESS

a. Discussion Items

- 1) Citizen Advisory Group Youth Pilot Program – Kim Lyddane
- 2) Albany Development Code Tree Protection regulations update discussion – Anne Catlin, Jay Sharpe
- 3) Strategic Plan Overview- Kim Lyddane

b. Action Items

- 1) None

c. Reports and Updates

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

6. BUSINESS FROM THE COMMISSION

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



7. NEXT MEETING DATE: Wednesday, February 3, 2027 - Virtual
8. ADJOURNMENT

This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: Debbie.little@cityofalbany.net or call 541-917-7778

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MINUTES

Wednesday, August 5, 2026

6 p.m.

Hybrid

Approved: Draft

CALL TO ORDER: Meeting called to order at 6:00 p.m.

Members present: Sharon Konopa, Jill VanBuren, Joyce Thompson Graham, Bill Stonerod, Anna Roller Gabrielle Roesch-McNally (615 p.m.)

Members absent: Nick Anderson

Staff present: Tommy Reeder, Parks & Open Manager; Jay Sharpe, City Forester; Debbie Little, Administrative Services Coordinator

Guest present: Rolf Herstad, Seth Kretser

Business from the Public

6:01 p.m.

- 1) Herstad presented information regarding a tree on a neighboring property he believes to be dangerous and requested the commission to require the property owner to remove it. Sharpe noted that he has not seen a formal tree risk assessment. The property owner was notified by certified mail about the meeting, but no response was received. Brief discussion followed. Next steps.
 1. Sharpe will consult with the City Attorney regarding the process to require the property owner to conduct a tree risk assessment and provide the information to the commission.
 2. Sharpe will reach out to the property owner again
- 2) Kretser is an undergrad at OSU and is interested in collaborating to get more native trees into the city's tree canopy and expanding the approved street tree list and creating a city-wide urban forestry plan. Sharpe will follow up with Kretser. Brief discussion followed.

APPROVAL OF MINUTES

6:51 p.m.

May 6, 2026

MOTION: Konopa moved to adopt the minutes. Thompson Graham seconded the motion, which passed 6-0.

DISCUSSION ITEMS

- a. None

ACTION ITEMS

- a. None

REPORTS AND UPDATES

6:52 p.m.

- a. Capital Projects

Reeder reviewed the project report included in the agenda packet.

STAFF REPORTS

Reeder provided an update for the department

- River Rhythms has two remaining concerts
- Northwest Art & Air Festival is August 28-29, 2026.
- Summer camps have been full and will finish the week of August 17th.
- Air quality due to forest fires has resulted in some closures at Cool Pool and the cancellation of one Fun in the Park.

Brief discussion followed

BUSINESS FROM THE COMMISSION

6:57 p.m.

Konopa thanked staff for getting the Waverly Lake Duck restored and back in the water along the paddle boats and aquatic harvesting that helped clean the lake. Gabrielle Roesch-McNally agreed with the comments noting the duck and the paddle boats look great.

Konopa additionally thanked staff for cleaning up the street landscaped areas and knocking down the weeds.

Roller inquired if volunteers are still needed for the Northwest Art & Air Festival. Little replied that volunteers are still needed.

NEXT MEETING DATE: Next meeting will be Wednesday, October 7, 2026. This meeting will be virtual.

ADJOURNMENT

The meeting was adjourned at 6:59 p.m.

Submitted by,

Reviewed by,

Debbie Little
Administrative Services Coordinator

Kim Lyddane
Parks & Recreation Director

*Documents discussed at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing cityrecorder@albanyoregon.gov



TO: Albany Parks, Recreation, and Tree Advisory Commission

VIA: Kim Lyddane, Parks and Recreation Director

FROM: Anne Catlin, Comprehensive Planning Manager

DATE: October 23, 2026, for November 4th, Albany Parks, Recreation, and Tree Advisory Commission (PRTAC) Meeting

SUBJECT: Tree Protection Updates

Purpose:

Provide input on potential changes to the Albany Municipal Code and Albany Development Code related to tree removal and protection.

Background/Discussion:

Following the March PRTAC meeting, staff shared the 2025 tree survey results with the Planning Commission and City Council in April and sought initial direction on how to update the city's tree standards. Staff shared draft tree retention and mitigation concepts with the two bodies in October.

At the November 4 meeting, staff will present proposed changes to strengthen tree protections through tree retention and mitigation in both the Albany Municipal Code and Development Code as outlined in the attached presentation. We look forward to your input and guidance on these proposals.

Attachments (2):

1. DRAFT Proposed Change to AMC 7.98
2. DRAFT PowerPoint presentation



November 4, 2026

Parks, Recreation, and Tree Advisory Commission Tree Standards Discussion



Municipal Code Definition Updates & Additions:

(9) “Significant Tree” means: [updates in blue]

- (a) ~~Heritage~~, A rare, threatened or endangered trees of any size, as defined under state or federal law, **and Oregon white oak (*Quercus garryana*) with a DBH of 12-inches or more (locally significant).**
- (b) A **Heritage tree** and other trees designated significant by the PRTAC.
- (c) **ADD:** Noninvasive trees with a DBH of 20-inches or more [**Q: Same size for native and non-native?**]
- (d) **ADD:** A tree grove that is relatively mature, is one half acre in size or more, and one of the following exists:
 - 1. Includes locally significant tree(s) or trees of an unusual nature; or
 - 2. Has a crucial functional and/or aesthetic relationship to a natural resource; or
 - 3. Is identified as significant in any adopted City plans, including area plans; or
 - 4. Has a documented association with a historic figure, property, or significant historic event.

ADD these definitions:

(14) “**Tree grove**” means a group of **five or more** trees in a healthy growing condition, typically of the same species, growing closely together, without many shrubs, bushes or other plants underneath, **with a minimum canopy of 10,000 square feet.**

(15) “**Tree suitable for preservation**” means the health of the tree is such that it is likely to survive development



Tree Removal - When permits required

Albany Municipal Code - Removal or damage to the following on any property:

1. Street trees and public trees
2. Trees 20 inches or more in diameter at DBH
3. **ADD:** Significant trees –includes heritage trees and all rare, threatened, endangered, Oregon White Oaks with DBH of 12 inches or more and Significant tree groves

Albany Development Code:

1. On Sites over 20,000 SF when felling
 - a. Trees **6”8”** DBH or greater (**remove** “5 or more trees”)
 - b. **ADD:** Trees on sites with slopes 25% or greater
 - c. Trees within a tree grove



ADC Tree Retention Proposals (new!)

Clear and Objective Options:

1. **Retain 30%** of the DBH of all healthy trees 6” DBH or larger.
 - a. Sites with land in the Hillside Development overlay district, 75% of the DBH” of trees on land with slopes of 25% or more must be retained and may count towards the site’s overall 30% retention requirement.
 - b. Sites with tree groves, all trees within significant riparian and wetland overlays and within 150 feet of a water body, river, creek or tributary must be retained and may count towards the site’s overall 30% retention requirement.
2. When a **site has less than 5 trees** 6” DBH or larger, **retain all** trees 6” DBH or larger or mitigate with replacement/fee in lieu schedule

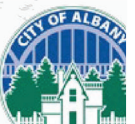
Discretionary Options:

1. On sites without tree groves, retain 10% of DBH” of trees 6” DBH+ on-site or with replanting/mitigation
2. On sites with tree groves, retain 20% of the tree grove canopy + mitigation
3. Must satisfy one or more review criteria (to construct collector/arterials, utilities, meet block length standards, site topography/grading needs, or in the HI or LI zones)

Both Options:

- Oregon White Oaks with DBH of 12-inches or more must be retained on-site or replanted on-site unless City Forester approves removal, then a fee in lieu is required.

➤ **Question: Add trees 20-inches DBH or more?**



Mitigation Schedule – AMC & ADC:

AMC: Applies when trees approved for removal for building activity and heritage trees— **any other situations?**

ADC: Applies to each tree removed that reduces below 30% DBH, or any tree removed on sites with 5 or fewer trees with 6" DBH

<u>Removed Tree Size:</u>	<u>Replacement Trees/Fee (per required tree):</u>
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6" to 12" DBH	1 tree
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>12" to 18" DBH	2 trees
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>18" to 24" DBH	3 trees
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>24" to 30" DBH	4 trees
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> 30" DBH	5 trees
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- Oregon White Oaks must be replaced with Oregon White Oaks
- On site replacement trees must be on the City Forester's Preferred Tree list.
- For **ADC permits**, 50% of street trees may count towards replacement trees when the trees are at least 25 feet tall and 20 feet wide at maturity and the planter strip is at least 6 feet wide



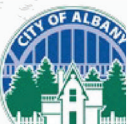
Tree Preservation Considerations

Fee in Lieu – Planting Program (strategically plant preferred trees)

- Partner with Calapooia Watershed Council to plant trees
- Public property, within 150 feet of riparian corridors, wetlands and creeks, in easements, and other identified receiving zones Council sets fee, estimate \$500/tree

Should the city:

- Allow less on-site tree retention or mitigation/fee in lieu for affordable housing developments?
- Require a mix of tree species – example, no more than 30% from any one species, genus or family?
- Require more mitigation (# of trees) when trees are proposed to be removed outside of construction zone? Other situations?
- Prohibit removal of trees over 30" DBH that are not part of a tree grove?



Questions?

Next Steps



CHAPTER 7.98 TREE REGULATIONS

§ 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. 5096 § 2, 1993; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

§ 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~~ cracked, split, leaning, has a dead top or a large dead limb high on the crown, or is otherwise physically damaged or completely dead, to the degree that it is likely to fall and cause physical harm or damage to persons or property as determined by the City Forester or a licensed certified arborist pursuant to ORS 671.560 and certified by the International Society of Arboriculture. See AMC 7.98.140 for procedures. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous.

(5) **“Invasive Vegetation”** means plant species that are typically not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive by the City on the Oregon Department of Agriculture’s list of invasive vegetation and the City’s Invasive Tree List.

(56) **“Person”** means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns.

(67) **“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.

(78) “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.

(89) “Remove” or “removal” means to cut down a tree or remove ~~40-30~~ 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.

(10) “Riparian Corridor” means (place holder)

(910) “Significant tree or grove” means:

(a) Any ~~heritage~~, rare, threatened, or endangered tree of any size as defined or designated under state or federal law and Oregon White Oaks of 12 inches or more in diameter at breast height; or

(b) Any tree designated as a heritage tree or significant tree by the Parks, Recreation, and Tree Advisory Commission by virtue of heritage parameters or size in § 7.98.120.

(c) Any healthy non-invasive trees that are 5.25 feet in circumference (20 inches in diameter) at breast height (DBH).

(d) A tree grove that is relatively mature with a canopy coverage of 20,000 square feet or more, and has one or more of the following features:

1. Includes trees that are rare, threatened or endangered or unusual in nature; or
2. Has a crucial functional and/or aesthetic relationship to a natural resource; or
3. Is identified as a significant grove or habitat in any adopted City plans, including area plans and the Albany Comprehensive Plan; or
4. Has a documented association with a historic figure, property, or significant historic event as determined by the Parks, Recreation, and Tree Advisory Commission.

(110) “Street trees” means trees located in public rights-of-way within the City.

(124) “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.

(132) “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.

(14) “Tree, DBH” means a tree’s diameter at breast height, which is measured as the width of a standing tree at four and one-half feet above the ground on the uphill side.

Commented [AC1]: “Significant tree” additions: Oregon White Oaks with DBH 12” and larger and trees with DBH 20” and larger. And significant tree groves. PRTAC input.

(15) “Tree grove” means a group of five or more trees in a healthy growing condition, typically of the same species, growing closely together, without many shrubs, bushes or other plants underneath.

(Ord. 5096 § 2, 1993; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022; Ord. 6041 § 1 (Exh. A), 2024)

Commented [AC2]: Is 5 the right number, or 3?

§ 7.98.030 Prohibited activities.

(1) Public Trees. It shall be unlawful for any person to:

(a) remove, destroy, break, or injure any street tree or public tree.

~~(2b)~~ 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.

~~(c) use concrete, asphalt, brick, or impervious material that may cause injury or damage to a street tree or public tree, tree stake or tree guard.~~

~~(3d)~~ 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.

~~(4e)~~ 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.

~~(5f) Keep or store.~~ At building material or other supplies or debris shall be kept at least within four feet from any street tree or public tree, and may not damage the tree, tree stake, or tree guard.

(2) Significant trees. Unless removal is expressly authorized by a land use action or approval issued by the City of Albany or City Forester, it shall be unlawful to remove any Significant tree or portions of a Significant tree grove as defined in § 7.98.020, 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.

(3) Native trees and vegetation in riparian corridors. No person shall remove a native tree or native vegetation in a riparian corridor unless the removal is undertaken pursuant to a removal permit or as expressly authorized by a land use action or approval issued by the City of Albany. Roots, trunks and branches of trees removed in riparian corridors shall remain within the corridor, unless determined to be a potential hazard or impediment to stream flow by the City of Albany.

(Ord. 5096 § 2, 1993. Formerly 7.98.120; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

Commented [AC3]: Slight re-organization and clarifying native tree removal in riparian corridors requires a permit either with development or not.

Commented [AC4]: Adding this here to double cover with ADC.

Commented [SJ5R4]: Should riparian corridor be defined in definitions?

Commented [CA6R4]: Sure. We could come up with one specific to these regulations. The ADC uses a zoning overlay, but the distance is currently minimal.

Commented [SJ7R4]: Good news here, the Stormwater Dept is currently doing a riparian inventory, so I imagine we'll have a better overlay to use soon

§ 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; contained in AMC 7.98.180 in the following situations:

(a) **Public Trees:** before planting, pruning, removing, or otherwise affecting a street tree or public tree and the associated critical root zone. With a permit, adjacent property owners may plant street trees on adjacent property so long as the selection, location, planting strip width, and planting of such trees is in compliance with the City of Albany's Approved Street Trees and approved by the City Forester in accordance with this chapter and the standards in AMC 7.98.050.

(b) **Significant Trees Citywide:** Before the removal of individual trees equal to or greater than five and one-quarter feet in circumference a Significant tree or trees in a Significant tree grove or affecting the critical root zone of significant trees on all property within the city limits of the City of Albany unless removal has been expressly authorized by a land use action or approval issued by the City of Albany or City Forester.

(c) **Tree in Riparian Corridors:** before removing or otherwise affecting trees in Riparian Corridors, including non-native trees.

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

(42) 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.

(53) Permits shall be valid for a period of 180 days following the date of issuance.

(Ord. 5096 § 2, 1993. Formerly 7.98.090; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022; Ord. 6041 § 1 (Exh. A), 2024)

§ 7.98.4050 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) **Removal of trees planted as an agricultural crop including tree farms, fruit and nut trees planted and grown for produce, and trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry.**

(3) 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. 5096 § 2, 1993. Formerly 7.98.150; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

Commented [AC8]: After evaluating the review criteria in 7.98.180, it looks like permits are required for removing non public trees on private property - including dangerous and invasive trees. As you noted you want to verify the condition of the trees before they are removed. There can be different levels of review under "permit required" so that some permits are a simple approval, and free or low-cost.

Commented [AC9]: If we put 20" tree as significant, then we can remove here.

Commented [AC10]: Jay do you want to require a permit for street trees? I guess these could be the free or super low cost permits.

Commented [SJ11R10]: This is something I usually work on with homeowners and give permission but don't do a permit. I think the way we do it now is fine.

Commented [CA12R10]: Ok, we can modify the existing language - but we can have different levels of permits with different fees, or some free, as a way to ensure they talk to you first - and track that? Have to think of the language for long term - or future staff...

§ 7.98.0650 Street trees – Classification, and spacing, and location.

(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. 5096 § 2, 1993. Formerly 7.98.030; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

~~§ 7.98.060~~ (3) 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. 5096 § 2, 1993; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

~~§ 7.98.070~~ (4) 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. 5096 § 2, 1993; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

~~§ 7.98.080~~ (5) 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. 5096 § 2, 1993. Formerly 7.98.130; Ord. 5495 § 1, 2001; Ord. 5841 § 2, 2014; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

§ 7.98.090 Tree topping.

It shall be unlawful for any person to top any street tree, public tree, or heritage or significant 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. 5096 § 2, 1993. Formerly 7.98.140; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

§ 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

Commented [AC13]: Add significant tree here.

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. 5096 § 2, 1993. Formerly 7.98.040; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

§ 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. 5096 § 2, 1993. Formerly 7.98.050; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

§ 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. 5096 § 2, 1993. Formerly 7.98.080; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

§ 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. 5096 § 2, 1993. Formerly 7.98.1100, 7.98.110; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

§ 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. 5181 § 1, 1995. Formerly 7.98.105; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

Commented [AC14]: Locate at the end? Modify this at all?

§ 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. 5096 § 2, 1993; Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

§ 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. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

§ 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;

(d) When necessary pursuant to a building permit for an improvement for which a site plan approval is not required and the trees are smaller than 20 inches DBH; or

(e) Trees are not native and located within the city's Riparian Corridor Overlay District per the Albany Development Code.

Commented [AC15]: A building permit should not permit removal of significant trees.

~~(f) (iii) The tree is invasive and not approved for planting in the subject location and may be causing significant negative impact to surrounding vegetation.~~

Commented [AC16]: Move this out of the variance clause section. Invasives should be easier to remove...ok?

(eg) 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. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

§ 7.98.20190 Conditional permit approval and mitigation.

The City Forester may specify conditions to the approval of tree removal and require mitigation. 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.

(1) When Mitigation is Required PROPOSAL:

- a. Removal is requested for new construction, [7.98.180 (d)]
- b. Permits approved with a variance clause, or [7.98.180 (g)]
- c. Removal of Oregon White Oaks with a DBH of 12 inches or greater or trees with a DBH of 20 inches or greater

Commented [AC17]: PRTAC/Jay: When to require mitigation.. Suggest removal for buildings and maybe variance... other situations?

(2) Mitigation shall be through on-site tree replacement based on the ratios below using the DBH of the tree(s) approved to be removed or paying a fee in lieu of planting on site. The number of replacement trees is determined by the size of the removed tree using the DBH. The fee in lieu for each tree is set by the Albany City Council.

Tree Replacement Requirements

Removed Tree DBH	Number of trees to be planted/pay fee in lieu
6” to 12”	1 tree
>12” to 18”	2 trees
>18” to 24”	3 trees
>24” to 30”	4 trees
Greater than 30”	5 trees

- d. Oregon White Oaks must be replaced with Oregon White Oaks.
- e. All other replacement trees must be trees on the City Forester’s Preferred Tree list.
- f. Deciduous trees must be at least 2 inches in caliper measured 6 inches from the ground; conifers must be at least 6 feet tall.

(Ord. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020)

§ 7.98.190 Payment in Lieu of Tree Preservation PROPOSAL:

- (1) A payment in lieu of tree preservation must be made for each replacement tree required in 7.98.180 but not planted on site. The payment will be established in the City's fee resolution.
- (2) The applicant must make a payment in lieu of tree preservation prior to issuance of a tree removal permit, building permit or land division final plat approval, whichever occurs first.
- (3) The payment in lieu of tree preservation is a one-time payment deposited into a dedicated city fund. The funds must be spent on costs directly related to planting new trees and the maintenance of existing trees in the public right-of-way or other City-owned property, in city owned or conservation easements, or to increase Albany's urban tree canopy city-wide.

§ 7.98.205 Permit fees.

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

§ 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. 5495 § 1, 2001; Ord. 5948 § 1 (Exh. A), 2020; Ord. 6006 § 1, 2022)

§ 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. 5096 § 2, 1993. Formerly 7.98.170; Ord. 5495 § 1, 2001; Ord. 5712 § 1, 2009; Ord. 5948 § 1 (Exh. A), 2020)

LET'S PLAN!



RELIABLE & SUSTAINABLE INFRASTRUCTURE

3 GOALS AND 17 OBJECTIVES

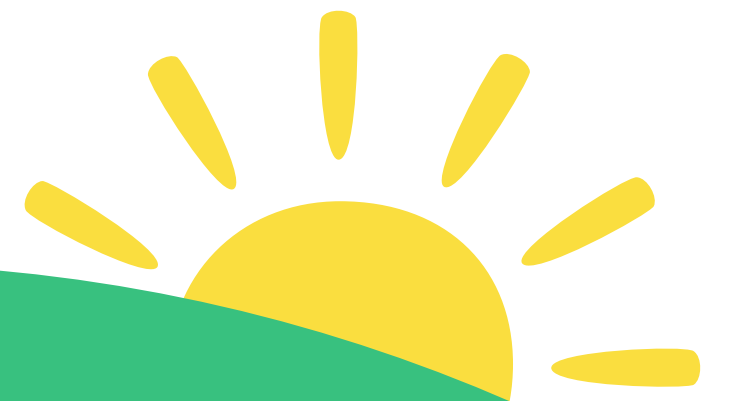
Develop a Cohesive Vision & Identity for Albany's Build Out

- Update the Transportation System Plan (Support)
- Leverage surplus properties for targeted development (Support)

Ensure Safe, Reliable, and Well-Maintained Infrastructure

- Complete the facilities assessment to identify outstanding and ongoing liabilities (Lead- in progress with presentation to Council in December)

Establish a Strategic, Sustainable Infrastructure Plan



HEALTHY ECONOMY

5 GOALS AND 17 OBJECTIVES

Strengthen Albany's Economic Base by Attracting & Retaining a Diverse Mix of Industries

- Investigate feasibility of Sports Tourism Facility (Lead with CD- Begin January 2027)
- Define and Enhance Economic Development Tools and Incentives to Attract Targeted Employers and Support Major Investments (Support)

Create an Environment Where Small Business Can Start, Grow, and Thrive

Expand Housing Opportunities to Support Economic Growth

Downtown is a Vibrant Hub for Economic and Social Activity

- Encourage Ongoing Activation of Monteith Riverpark and Waterfront Plaza (Lead- in progress)
- Explore Opportunities to Incorporate Public Art into the Downtown (Lead- in progress)

Advance Albany's Role as a Regional Economic Hub to Support Innovation, Strategic Opportunities and a Sustainable, Skilled Workforce



CONNECTED & ENGAGED COMMUNITY

4 GOALS AND 18 OBJECTIVES

Create Vibrant Places & Opportunities Where People Gather

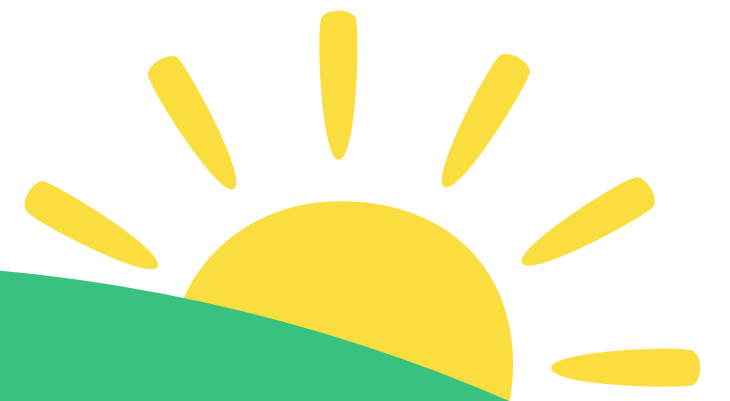
- Pilot “We’re On the Move” recreation and cultural programming (Lead- completed)
- Encourage Placemaking and Urban Design through Comp Plan & Area Updates (Support)
- Update Parks, Recreation & Cultural Master Plan (Lead - next September start)

Foster Pride & a Strong Sense of Place in Albany

- Evaluate Opportunities to Expand Volunteer Programs in our Parks (Lead- in progress)
- Develop Park Maintenance Standard and Priorities (Lead- in progress)

Strengthen Civic Engagement

Promote an Inclusive & Welcoming Community



SAFE & RESILIENT COMMUNITY

5 GOALS AND 26 OBJECTIVES

Enhance the Security & Resilience of Albany's Information and Technology Systems to Protect Residents and Operations

Implement Proactive Hazard Mitigation & Emergency Management Strategies

- Develop a Resilience- Focused Natural Areas and Urban Forest Master Plan (Lead- next September)
- Identify, Prioritize & Run Table-Top Exercises and Trainings with All Departments (Support)
- Identify Hazard Areas and Develop Sustainable Solutions for Wildfire Fuel Reduction & Defensible Space (Support)

Enhance Community Safety Through Strategic Implementation of Technology Best Practices

Ensure Parks, Neighborhoods, and Public Spaces are Designed & Maintained to Support Safety & Well-Being

- Increase the Number of Security Cameras in Parks and Along Trails (Lead- In progress)
- Identify & Prioritize Lighting Gaps along Trails and Sidewalks, and Design a Strategy for Installing Additional lighting (Support)



SAFE & RESILIENT COMMUNITY

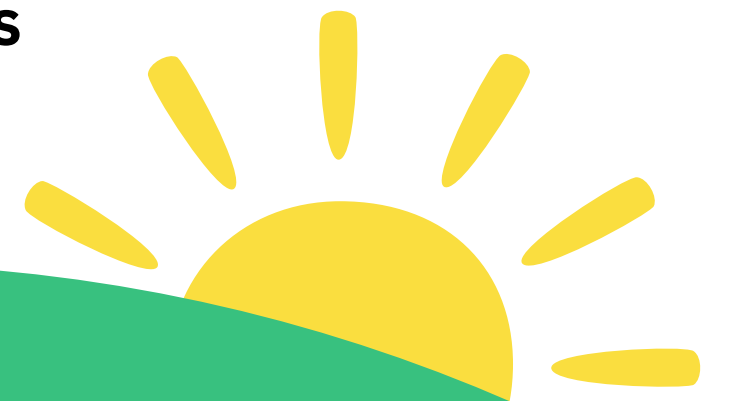
5 GOALS AND 26 OBJECTIVES

Ensure Parks, Neighborhoods, and Public Spaces are Designed & Maintained to Support Safety & Well-Being

- Increase the Number of Security Cameras in Parks and Along Trails (Lead- In progress)
- Identify & Prioritize Lighting Gaps along Trails and Sidewalks, and Design a Strategy for Installing Additional lighting (Support)
- Educate the Community on the City's Available Enforcement Actions & How to Report Concerns (Support)
- Explore Opportunities to Facilitate Crime Prevention through Environmental Design of Parks & Trails (Lead- in progress)
- Consider Options for Future Maintenance of Street Trees (Lead -in progress)

Partner with the Community to Improve Safety in Private & Public Spaces, and Neighborhoods

- Explore Options to Expand Park Ranger Program (Support- April)



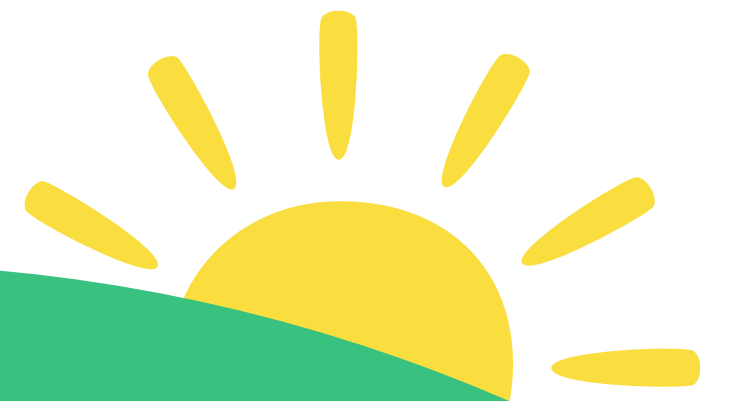
HIGH PERFORMING GOVERNMENT

6 GOALS AND 34 OBJECTIVES

The City Optimizes Organizational Resources Through Collaboration & Shared Solution-Development

- Establish a Strategy for Implementing the Results of the City Hall Space Study (Support- in progress)
- Explore Opportunities for a Shared Operations Campus Between Public Works, Parks & Facilities (Support- July)
- Complete a Citywide Fleet Assessment to Determine Liabilities, Needs, & Future Management Structures (Support- July)
- Develop a Plan for the Long-Term Use of the City's Transit Facilities (Support- July)

Equip Staff with Modern Technologies & Tools to Deliver Efficient, Responsible and Accessible Services



QUESTIONS?

