



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

December 26, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sisters Plan Amendment
DLCD File Number 002-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 7, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Mark Radabaugh, DLCD Regional Representative
Laura Lehman, City of Sisters

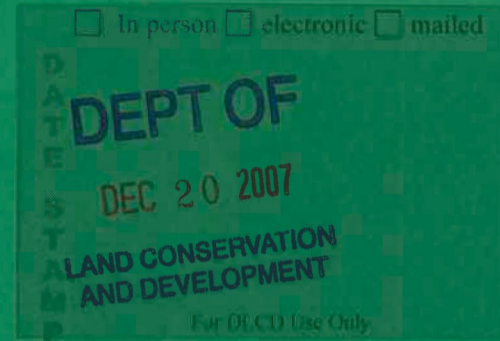
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PROP **2**

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Sisters**

Local file number: **CP07-03**

Date of Adoption: **12/13/2007**

Date Mailed: **12/17/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/12/2007

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input checked="" type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend development code Chapter 3.2 to add a new section, 3.2.600 Urban Forestry. This section will establish an urban forestry board responsible for developing an urban forest management plan and clarify requirements for adjacent property owners and other parties in the care of street trees as well as clarifying prohibited actions with regard to street and publicly owned trees and establish penalties and an appeals process.

Does the Adoption differ from proposal? **No, no explanation is necessary**

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

002-07 (16467)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Transportation.

Local Contact: **Laura Lehman**

Phone: **(541) 549-6022** Extension: **214**

Address: **PO Box 39**

Fax Number: **541-549-561**

City: **Sisters**

Zip: **97759-**

E-mail Address: **llehman@ci.sisters.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 376

SENT

DEC 14 2007

AN ORDINANCE OF THE CITY OF SISTERS, OREGON ADOPTING CHANGES TO
THE CITY OF SISTERS DEVELOPMENT CODE TO MODIFY STREET TREE
MAINTENANCE PRACTICES, ESTABLISH AN URBAN FOREST BOARD AND
REGULATIONS (Tree City USA)

WHEREAS, the City of Sisters has applied for and desires to obtain the designation of Tree City USA; and

WHEREAS, to qualify for Tree City USA designation, the city must adopt an Urban Forestry Ordinance establishing an Urban Forestry Board and guidance for planting, maintaining and removing trees from streets, parks and other public places; and,

WHEREAS, the Sisters City Council finds that trees are a valuable resource for the community in that trees reduce erosion of topsoil by wind and water, reduce heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, the Sisters City Council further finds that trees are a renewable resource giving us paper, wood for our homes, and fuel for our fires; and

WHEREAS, the Sisters City Council further finds that Ponderosa pines and other trees are an important part of the unique character of Sisters, and trees in Sisters increase property values, enhance the economic vitality of business areas, and beautify our community, and;

WHEREAS, the City Council held a public hearing on November 29, 2007 on the proposed Development Code amendment and determined that the amendment meets all applicable approval criteria, including all notice requirements, and that the ordinance will benefit the City of Sisters.

NOW, THEREFORE, the City of Sisters ordains as follows:

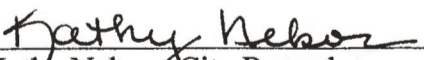
The Sisters Development Code is amended as provided in the attached Exhibit A, which is incorporated into this Ordinance by reference.

PASSED by the Common Council of the City of Sisters this 13th day of December, 2007, and APPROVED by the Mayor of the City of Sisters.



Brad Boyd, Mayor

ATTEST:



Kathy Nelson, City Recorder

ORDINANCE NO. 376 – Sisters Development Code Amendment

Proposed development code text is shown following the commentary and directions in text boxes below. The text formatting shown such as bold, underline, caps, etc. of the new development code text is also adopted. Deletions of existing development code text are shown as ~~strikethrough~~.

Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

- 3.2.100 Purpose**
- 3.2.200 Landscape Conservation**
- 3.2.300 New Landscaping**
- 3.2.400 Street Trees**
- 3.2.500 Fences and Walls**
- 3.2.600 Urban Forestry**

3.2.100 - Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

The chapter is organized into the following sections:

Section 3.2.200- Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas. This section cross-references Chapter 3.7, which regulates development of sensitive lands.

Section 3.2.300 -New Landscaping sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Chapter 2 - Land Use Districts, for specific types of development.

Section 3.2.400 - Street Trees sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes.

Section 3.2.500 - Fences and Walls, sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

Section 3.2.600 - Urban Forestry, provides standards for the care and maintenance of public trees (tree located on City property or within City right-of-way) and establishes an Urban Forestry Board.

3.2.2 - Landscape Conservation

A. Applicability. All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development [and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 3.7)]. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. “Significant Vegetation” means:

1. Significant Trees and Shrubs and Flora. Individual Ponderosa Pines with a trunk diameter of 12 inches or greater, as measured 4 feet above the ground (DBH), and all plants within the drip line of such trees, shall be protected whenever practical. All measures shall be taken to protect significant/endangered vegetation. Other trees may be deemed significant, when nominated by the property owner and designated by the City Council as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.)
2. Sensitive Lands. Trees and shrubs on sites that have been designated as “Sensitive Lands”, in accordance with Chapter 3.7 (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
3. Exception: Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Deschutes County.

C. Mapping and Protection Required. Significant vegetation shall be mapped as required by Chapter 4.2 – Development Review and Site Design Review [and Chapter 3.7 - Sensitive Lands]. Significant trees shall be mapped individually and identified by species and size (diameter at 4 feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:

1. Protection of Significant Trees (Section B.1) Significant trees identified as meeting the criteria in Section B.1 shall be retained whenever practical. Preservation may become impractical when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
2. Sensitive Lands (Section B.2). Sensitive lands shall be protected in conformance with the provisions of Chapter 3.7.
3. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees and natural rock outcroppings.

E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 3.7 - Sensitive Lands.

F. Exemptions. The protection standards in "D" shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the City Administrator or designate. The City Administrator shall prepare a notice or letter of decision within 7 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

3.2.3 - New Landscaping

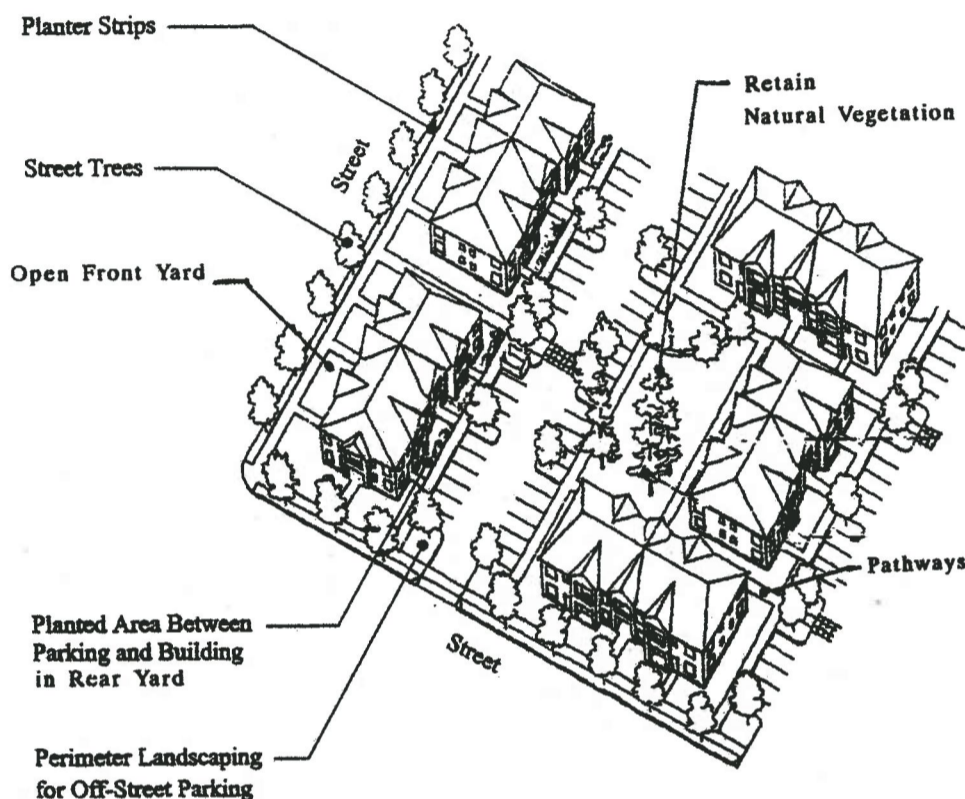
- A. Applicability.** This Section shall apply to all developments requiring Site Design Review, and other developments with required landscaping.
- B. Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.5 Section 5. Landscape Plan.
- C. Landscape Area Standards.** The minimum percentage of required landscaping equals:

1. Residential Districts. 20 percent of the site shall be landscaped.
2. Commercial District. 10 percent of the site shall be landscaped.
3. Industrial District. 20 percent of the site shall be landscaped.
4. Public Facility District: 20 percent of the site shall be landscaped.

D. Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practical.
2. Plant Selection. A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, **drought-tolerance**, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
3. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 30 percent of the required landscape area; except in the Commercial District where hardscape features may cover up to 50 percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
4. Non-plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after 2 years of growth, whichever comes sooner.
5. Tree Size. Trees shall have a minimum caliper size of 2 inches or greater measured 4 feet above grade.
6. Ground Cover Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 75 percent of the underlying soil within 5 years.
7. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

Figure 3.2.3 - Landscape Areas in a Multiple Family Development (Typical)



E. Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter (Sections 3.2.1 through 3.2.5). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks, as appropriate;
 - c. Retain natural vegetation, as practical;
 - d. Define pedestrian pathways and open space areas with landscape materials;
 - e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
 - f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;

- g. Use a combination of plants for year-long color and interest;
 - h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.
2. Parking areas. A minimum of 5 percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 4 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.
3. Buffering and Screening Required - Buffering and screening are required under the following conditions:
- a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.
 - b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.
 - c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see through fence, or a similar feature that provides a non-see through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian

circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.5 for standards related to fences and walls.)

- F. Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them **in consultation with the Planning Director or designee.** ~~with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.).~~ All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Irrigation systems connected to the City water system shall have a back-flow prevention device installed as required by City Code. See City Code Chapter 13.40 for standards.
- G. Additional Requirements.** Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Chapter 4.4).

3.2.4 - Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Chapter 3.4.1 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

- A. Street Tree Standards.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following applies to street tree planting and selection:
1. Street trees shall be planted between 5' and 15' of the curb, wherever possible.
 2. Street trees shall be placed at an average of 45' maximum distance apart from one another. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
 3. An approved tree grate or other surface treatment acceptable to the Planning Director or designee shall be used for street trees planted in paved or concrete areas.
 4. ~~Street trees shall be pruned to maintain a minimum clearance of 8 feet above sidewalks, and 14 feet above streets, alleys, and other rights-of-way.~~ **Except for immature trees of insufficient height to prune and retain a crown that is at least 2/3 the height of the tree, street trees that are overhanging city property and public rights-of-way shall be pruned to maintain at a minimum a clearance height of 8' over public sidewalks and a clearance height of 14' over arterial and collector streets. No person shall remove more than 20% of the crown of a tree located on city property or on public rights-of-way without authorization from the Planning Director or designee.**
 5. Existing trees may be used as street trees if they are not killed or damaged ~~from any new~~ **during or as a result of development.** Sidewalks of variable width and elevation may be used

- to save existing street trees.
6. Existing street trees removed as the result of development shall be replaced by the developer with trees ~~approved for specie type as described herein~~ **of a species appropriate to the site, as determined by the Planning Director or designee.**
 7. Low-growing trees shall be required for spaces under utility wires.
 8. Narrow or “columnar” trees may be used where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 9. Trees that are susceptible to insect damage shall be avoided.
 10. Trees that produce excessive seeds or fruit are prohibited as street trees.
 11. Street trees shall be those species suitable for the location in which they are placed. ~~Approved~~ **Recommended** tree species include the following tree types, and within these, consideration should be given to those that are most drought-resistant:

Small trees (under 25 feet at maturity)

- a. Canada Red Cherry (*Prunus Virginiana* 'Shubert')
- b. Flowering Crabapple (*Malus* 'variety')
- c. Hawthorn (*Crataegus* 'variety')
- d. Japanese Lilac (*Syringa reticulata*)
- e. Serviceberry (*Amelanchier*)
- f. Honey Locust (*Gleditsia tricanthos* 'variety')

Medium trees (30 to 45 feet at maturity)

- g. Flowering Plum
- h. American Hornbeam (*Carpinus caroliniana*)
- i. Callery Pear (*Pyrus calleryana*)
- j. Hedge Maple (*Acer campestre*)
- k. Mountain Ash (*Sorbus acuparia* 'variety')

Tall trees (over 50 feet at maturity)

- l. Birch (*Betula pendula* 'variety')
- m. Green Ash (*Fraxinus pennsylvanica*)
- n. Honey Locust (*Gleditsia tricanthos* 'variety')
- o. Littleleaf Linden (*Tilia cordata*)
- p. Norway Maple (*Acer platanoides* 'variety')
- q. Pin Oak (*Quercus palustris*)
- r. Red Maple (*Acer rubrum* 'variety')
- s. Red Oak (*Quercus rubra*)

B. Caliper Size. The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.

C. Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.

D. Street Tree Maintenance. ~~The adjacent property owner shall be responsible for ongoing irrigation~~

~~and tree maintenance after planting, including replacement as necessary.~~

1. **Except for trees located in medians within public rights-of-way, which shall be maintained by the City, it shall be the continuing duty and routine obligation of property owner(s) of land abutting public rights-of-way to perform activities required to maintain trees located within the abutting right-of-way in good health and vigor. Activities may include watering, pruning, protection against damage, and replacement if necessary.**
2. **Street tree removal and planting shall be the obligation of the adjacent property owner(s).**
3. **All maintenance activities shall be conducted in accordance with the City of Sisters Urban Forestry Ordinance and City of Sisters Public Works Standards document.**

- E. **Assurances.** The developer shall install all required landscaping prior to the occupancy of the development. In the event that installation needs to be delayed, the City shall require the developer to provide an estimate of landscaping improvement costs to the City. Upon acceptance of this amount, the City shall require a performance bond in the amount of 120 percent of the accepted estimate from the owner/developer. When all landscaping improvements are finished, 90 percent of the bond is then released to the owner or provider of the bond, and 10 percent is retained by the City.

3.2.5 - Fences and Walls

The following standards shall apply to all fences and walls:

- A. **General Requirements.** All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.2 - Conditional Use Permits or Chapter 4.4 - Site Design Review. Walls built for required landscape buffers shall comply with Section 3.2.3.
- B. **Dimensions.**
1. The maximum allowable height of fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence. Retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 4 feet in height, in conformance with the Uniform Building Code.
 2. The height of fences and walls within a front yard setback shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.
 2. Walls and fences to be built for required buffers shall comply with Section 3.2.3.
 4. Fences and walls shall comply with the vision clearance standards of Section 3.1.2.

- C. Materials.** In the areas within the Western Frontier Architectural Design Theme, only wood or ornamental iron details appropriate to the period shall be used. See The Western Frontier Architectural Design Theme Chapter 2.7.1.
- D. Maintenance.** For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.

3.2.600 - Urban Forestry

- A. Purpose.** The purpose of the Urban Forestry section is to:
 - 1. Promote a diverse, healthy and sustainable urban forest;
 - 2. Enhance the livability of the City of Sisters and maintain the City's unique character;
 - 3. Promote public health and safety; and
 - 4. Provide for the general welfare of Sisters' citizens;by effectively managing, maintaining, conserving and enhancing the City of Sisters' existing and future trees located on city property or public rights-of-way; by providing ongoing education on proper tree planting, maintenance, removal and protection techniques and the benefits of trees and of Sisters' urban forest. This ordinance further implements the policies and goals of the City of Sisters Comprehensive Plan.
- B. Intent.** It is the intent of the City by this section to promote:
 - 1. The effective management of the urban forest resource;
 - 2. The planting, maintenance, restoration and survival of desirable trees within the City;
 - 3. The protection of community residents from personal injury and property damage; and
 - 4. The protection of the City from property damage caused or threatened by the improper planting, maintenance, or removal of trees located in and upon public areas and rights-of-way within the City.
- C. Definitions.** For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein.

City - City of Sisters, State of Oregon.

City Property - Real property owned or controlled by the City either within or outside the City limits.

Crown - The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

Damage - Injury to a tree that compromises its health or longevity, or causes its death, including direct or indirect injury caused by insect, disease, human or animal.

Disease - Any tree disease or insect that compromises its health or longevity and is capable of

being transmitted to other trees.

Hazardous Tree - A tree or tree part that has a high potential to fail and cause damage or injury to people or property.

Major Prune - The selective removal of 20% or more of a tree's crown.

Person - Any person, firm, partnership, association, corporation, company, or organization of any kind.

Pruning - The selective cutting and removal of plant parts to meet specific goals and objectives.

Public Areas - shall include all property owned by the city, city property, public rights-of-way.

Public Rights-of-Way - The portion of land acquired for construction of a roadway and supporting utilities falling under the jurisdiction of public entities.

Public Tree - Any tree located on City of Sisters property or in a public right-of-way over which the City of Sisters has jurisdiction.

Topping - An inappropriate technique to reduce tree size; cutting a stem more than 2 years old at an indiscriminate location or back to a lateral branch too small to keep the cut stem vital (typically less than 1/3 the diameter of the cut stem); a type of pruning cut that destroys tree architecture and serves to initiate discoloration and perhaps decay in the cut stem.

Tree - A woody perennial, usually with one main trunk, that is or will attain a height of at least six feet or a trunk diameter of at least 2 inches at 4.5 feet above natural grade.

Urban Forest Management Plan - A document that guides the work of the City's urban forestry program and envisions a long range plan for the preservation and improvement of the Sisters urban forest. The Plan shall provide a 10-year outline for achieving urban forestry administrative, policy, educational and management goals and may contain such data as deemed necessary by the Planning Director or designee, with advice from the City Urban Forestry Board, to carry out its legal mandate. This Plan will further implement the policies and goals of the City of Sisters Comprehensive Plan. The initial Plan and subsequent updates are subject to the approval of the City Council.

Urban Forestry - The planting, management and maintenance of trees and related vegetation growing within the city's urban growth boundary for the present and potential positive benefits and contributions to the health and livability of the city.

D. Applicability and Jurisdiction.

1. The provisions of this ordinance shall apply to trees located now and hereafter on city property and public rights-of-way.
2. The City of Sisters shall have jurisdiction of all trees located now and hereafter on city property and public rights-of-way and shall have the authority to regulate the protection, planting, maintaining, removing and replacing of such trees.
 - a. The Planning Director or designee is authorized to:
 - i. Supervise the urban forestry program and implement the provisions of this ordinance.
 - ii. With assistance from the City Urban Forestry Board, develop an Urban Forest Management Plan within three (3) years of the adoption of this ordinance and, thereafter, periodically update the Plan.
 - iii. Implement the approved Urban Forest Management Plan.
 - iv. Develop and update code provisions establishing standards for planting, protection, maintenance and removal of public and private trees.
 - v. Review development applications to insure compliance with Sisters' City Code provisions concerning street trees and other trees located on city property or public rights-of-way.
 - vi. Implement and enforce code provisions concerning both public and private trees.
 - vii. Be the city staff liaison to the City Urban Forestry Board.

E. Designation of Planning Commission as the Urban Forestry Board.
The Sisters Planning Commission is hereby designated as the City Urban Forestry Board and shall function as an advisory body to the City with respect to this ordinance and urban forestry matters generally. Section 2.28.060 of the Municipal Code - Planning Commission Powers and Duties - is hereby referenced.

- F. Removal, Major Pruning, Planting, or Attachment of Seasonal Holiday Lights to Public Trees.**
1. Requires City Authorization. Written authorization by the Planning Director or designee is required for the removal, major pruning, or planting of public trees or the attachment of seasonal holiday lights to public trees.
 - a. Request for written authorization shall be made at least 3 working days before the intended activity.
 - b. The Planning Director or designee shall base their written authorization on the standards, goals, and objectives set forth in this section and the Urban Forestry Standards and Specifications.
 - c. Work done under such written authorization shall be performed in accordance with the provisions of this section and the Urban Forestry Standards and Specification, unless otherwise authorized by the Planning Director or designee.
 - d. No such written authorization shall be valid for a period greater than 90 days after the date of issuance.
 - e. The written authorization to remove trees may include a provision requiring the replacement of the tree(s) removed with tree(s) appropriate to the site conditions, as determined by the Planning Director or designee.

- f. **If the Planning Director or designee determines that a tree is hazardous, he/she may authorize immediate emergency removal or pruning of such tree. Work shall be done in accordance with the urban Forestry Standards and Specifications, unless otherwise authorized by the Planning Director or designee.**
- 2. **Work Standards and Specifications.**
 - a. **Activities on and near trees located on city property and public rights-of-way shall be performed in accordance with the provisions of this ordinance and the Urban Forestry Standards and Specifications.**
 - b. **The Planning Director or designee shall develop specifications and standards for activities affecting trees located on city property and public rights-of-way, called Urban Forestry Standards and Specifications, including planting, maintenance, protection and removal of trees within the *City of Sisters Public Works Standards*.**
 - i. **The Urban Forestry Standards and Specifications shall include a Tree Selection Guide; a list of tree species, varieties and cultivars thereof, approved for planting as well as those prohibited from planting on city property and public rights-of-way. Tree species, varieties and cultivars thereof, not included in the Tree Selection Guide as approved for planting may be considered and approved by the Planning Director or designee for planting. Approval shall be based upon the suitability and appropriateness, including drought-tolerance, of the tree species, variety or cultivar for the planting site.**
 - ii. **The Planning Director or designee shall maintain and update as necessary these standards and specifications. The initial standards and specifications and subsequent updates are subject to the approval of the City Council.**
 - c. **The City recognizes the American National Standards Institute A-300 Standards for Tree Care Operations, most recent version, as the appropriate standard for tree care. ANSI A300 Standards shall apply to any person or entity repairing, maintaining, or preserving trees on city property or on public rights-of-way. The City shall incorporate by reference the most recent version of the ANSI A300 within the Urban Forestry Standards and Specifications and maintain the most recent version of the ANSI A300 for public review.**
 - d. **Trees located on city property and public rights-of-way with trunk, branches and/or roots located 15 feet or less from any excavation, grading, demolition or construction site, include the erection, repair, alteration, or removal of any buildings, structures, street, utilities or landscaping, shall require protection from harm and injury, as determined by the Planning Director or designee. Protection measures shall be conducted in accordance with the Urban Forestry Standards and Specifications.**
- 3. **Activities Prohibited. Unless specifically authorized in writing by the Planning Director or designee:**
 - a. **No person shall top a tree located on city property or on public rights-of-way. Authorization by the Planning Director or designee to top a tree shall be based upon their determination that topping is necessary to alleviate a dangerous condition,**

- including electric service interruptions, which pose an imminent threat to the public or property.
- b. No person shall attach or keep attached to any trees located on city property or on public rights-of-way any ropes, wires, nails, chains, or other device whatsoever, except that which is within the Urban Forestry Standards and Specifications as approved for tree support or protection.
 - i. Seasonal holiday lights attached in accordance with the Urban Forestry Standards and Specifications is permissible for a period not to exceed 90 days, unless otherwise approved by the Planning Director or designee.
 - c. No person shall damage any public tree; allow any gaseous liquid or solid substance which is harmful to trees to come in contact with them; cut or carve, attach advertising posters or other contrivance; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any public tree.
 - d. No person shall major prune, plant, remove or attach seasonal holiday lights to a public tree without authorization from the Planning Director or designee.
4. Requirements of City Personnel.
- a. City personnel on official business shall ~~coordinate with~~ notify the Planning Director or designee ~~prior to commencing~~ of all activities affecting public trees.
 - b. City personnel on official business are exempt from the written authorization requirement of this section.
 - c. City personnel on official business shall conduct all activities in accordance with the provisions of this section and the Urban Forestry Standards and Specifications.
5. Requirements of Public Utility Companies.
- a. Public utility companies and their affiliates shall ~~coordinate with~~ notify the Planning Director or designee ~~prior to commencing~~ of all activities affecting public trees within city limits.
 - b. Public utility companies holding a current franchise agreement with the City are exempt from the written authorization requirement of this section.
 - c. All activities shall be conducted in accordance with the provisions of the current franchise agreement.
- G. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance or who fails to comply with any notice issued pursuant to said provisions, upon being found guilty of violation, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each separate offense; each day during which any violation of the provisions of these sections shall occur or continue shall be a separate offense. If, as the result of the violation of said provisions, the injury, mutilation, or death of a tree located on city property or the public right-of-way is caused, the cost of repair or replacement of such tree, of similar size, shall be borne by the party in violation. The replacement value of trees shall be determined by the city in accordance with the latest edition of *Guide for Plant Appraisal*, authored by the Council of Tree and Landscape Appraisers.

H. Appeals. Any action related to this code section by the Planning Director or designee may be appealed to and heard by the City Urban Forestry Board. To be effective, an appeal shall be filed within fourteen (14) working days after the decision of the Planning Director or designee. The appeal shall be in writing and shall be filed with the City Recorder for placement on the City Urban Forestry Board's agenda. The appeal shall clearly specify the reasons for which a hearing is requested. After a hearing, the City Urban Forestry Board shall render its decision, which shall be final unless appealed to the City Council. To be effective, an appeal to the city council must be in writing, state the reasons for the appeal, and must be filed with the City Recorder within fourteen (14) working days after notice of the decision of the City Urban Forestry Board is mailed to the applicant. The decision of the City Council shall be final.

CITY OF SISTERS
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SISTERS, OR 97759



Attention: Plan Amendment Specialist
Department of Land Conservation : Development
635 Capitol Street NE, Ste 150
Salem, OR 97301-2540