

Chapter 16.95 HERITAGE TREES

16.95.000 Purpose

The purpose of this ordinance is to recognize, foster appreciation and provide for voluntary protection for Heritage Trees. For the purpose of this section, a “Heritage Tree” is a tree or stand of trees that is of landmark importance due to age, size, species, horticultural quality or historic importance.

16.95.005 Definitions

Heritage Tree - Heritage trees are those individual trees and/or groups of trees that have been designated as significant on the basis of their importance in national, state, regional or local history. They are often acknowledged due to their involvement or inclusion in the development of landscape architecture, forestry, city planning, and culture. They possess integrity of location, setting, or design, and represent historical events. For a tree to be considered for designation as a Heritage Tree, it must satisfy at least one of the following criteria:

1. The tree (or group of trees) is associated with events that have made a significant contribution to the broad pattern of our history.
2. The tree (or group of trees) is associated with the life of a person or group of historic significance.
3. The tree (or group of trees) represents a significant and distinguishable entity within a community or location.
4. The tree (or group of trees) has age, size, or species significance that contributes to its heritage status.

16.95.010 Nomination

1. Any person may nominate, with the owners consent, a particular tree or group of trees as a Heritage Tree. If the proposed Heritage Tree is located on City property or public right-of-way under City or County jurisdiction, the nomination shall be submitted to the City Manager, or County Administrator, as appropriate. If the nomination is consented to by the City or County, the City Manager or County Administrator shall submit the nomination to the Planning Commission.
2. Nomination shall be made on such form as required by the City Manager. The nomination form shall include a narrative explaining why the tree qualifies for Heritage Tree status pursuant to the description in Section

16.95.005 And the written consent of the property owner as described in subsection 1 of this section.

16.95.015 Review Process

1. The Planning Commission shall review all Heritage Trees nominations at a public meeting. Notice of the meeting shall be provided to the nominating applicant, the property owner (unless the nominated tree is located on public right-of-way under City or County jurisdiction), in which event notice shall be given to the City Manager or County Administrator.
2. Staff shall prepare a report for the Planning Commission analyzing whether the tree complies with the requirements for designation.
3. After considering the staff report and any testimony by interested persons, the Planning Commission shall vote on the nomination. The Planning Commission may designate a tree as a Heritage Tree if the Commission determines that the following criteria are met:
 - a. The tree or stand of trees is of landmark importance due to age, size, species, horticultural quality or historic importance; and
 - b. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard.
4. Following approval of the nomination by the Planning Commission:
 - A. If the tree is located on private property, the designation shall be complete upon the Property Owner's execution of a covenant running with the land suitable for recordation by the City. The covenant shall describe the subject property, generally describe the location of the Heritage Tree, and covenant that the tree is protected as a "Heritage Tree" by the City of North Plains and is therefore subject to special protection as provided by Section 16.95.015.

B. If the tree is located on public right-of-way, the designation shall be complete upon the staff's listing of the tree on the City Heritage Tree records.

5. If the tree is located on the public right-of-way, the City or County, as appropriate, shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with Section 4 above, which shall be recorded by the city upon the vacation of the right-of-way.

16.95.020 Protection of Heritage Trees

1. A permit to remove a designated Heritage Tree shall be required.
2. If an application to remove a Heritage Tree is sought, the applicant shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under City or County jurisdiction, then the burden imposed on the respective City or County by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following impacts shall not be considered unreasonable burdens on the property owner, or if appropriate the City or County:
 - A. View obstruction;
 - B. Routine pruning, leaf raking and other maintenance activities; and
 - C. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.
3. Unless the permit is to remove a dead or hazardous tree, the applicant requesting to remove the heritage tree shall be required to mitigate for the loss of the tree by planting one tree of the same species, with a minimum size of a two inch diameter trunk at a point three feet above the root ball, for each tree removed. If the applicant asserts that the tree is dead or in hazardous condition, the applicant shall have such determination made by a licensed arborist.

4. Any person who removes a Heritage Tree without the proper permit shall be subject to penalties as established by Chapter 1.01 of the Municipal Code.

16.95.025 Recognition of Heritage Trees

1. A Heritage Tree plaque shall be designed by, and furnished by the City to the property owner, or if the tree is in the public right-of-way, to the appropriate City or County official, of a designated Heritage Tree. The City may charge a fee to cover the costs of providing the plaque. The plaque shall be posted at a location at or near the tree and, if feasible, visible from a public right-of-way.
2. The Planning Department shall maintain a list and map of designated Heritage Trees.

16.95.030 Removal of Heritage Tree Designation

A Heritage Tree shall be removed from designation only if it dies or is removed pursuant to Section 16.95.020. If removed from private property, the City shall record a document extinguishing the covenant.