

IN THE HACSA BOARD OF COMMISSIONERS

ORDER

97-10-1-1H

In the Matter of Authorizing the Executive Director or Deputy Director to Execute an Intergovernmental Agreement With the City of Eugene and Lane County With Regard to the Planting and Maintenance of Road-fund Eligible Street Trees for the Jacob's Lane Housing Project

WHEREAS, HACSA has entered into an Intergovernmental Agreement to participate in an effort with the City of Springfield, the City of Eugene, and Lane County to coordinate local resources in addressing the housing needs of Lane County;

WHEREAS, in this Agreement, Lane County agreed to consider requests for Lane County road funds for eligible improvements that could assist in the development of additional low-income housing.

WHEREAS, the Housing Policy Board – the intergovernmental body for overseeing joint housing development initiatives between jurisdictions in Lane County – has expressed its support for the Jacob's Lane Affordable Housing Development by allocating \$220,000 in Road Funds for eligible improvements;

WHEREAS, it is necessary to specify the cooperative arrangement which specifies the responsibilities of the Lane County, the City of Eugene, and HACSA in the planting and maintenance of road-fund eligible street trees;

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the Executive Director or the Deputy Director Is Authorized to Execute the Intergovernmental Agreement (Substantially Similar to the Document Contained in Attachment 1 and Hereby Incorporated by this Reference) with Lane County and the City of Eugene for the Planting and Maintenance of Road-fund Eligible Street Trees Involved with the Use of Road Funds for the Jacob's Lane Affordable Housing Development in Eugene, Oregon.

DATED this 1st day of October, 1997.

Cindy Weeldreyer
Chair, HACSA Board of Commissioners

FILED

OCT 09 1997

COUNTY CLERK
BY M. Bunting

APPROVED AS TO FORM

Date 9/23/97
[Signature]

In the Matter of Authorizing the Executive Director or Deputy Director to Execute an Intergovernmental Agreement With the City of Eugene and Lane County With Regard to the Planting and Maintenance of Road-fund Eligible Street Trees for the Jacob's Lane Housing Project

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INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT entered into by and between Lane County, a political subdivision of the State of Oregon (COUNTY), the City of Eugene (CITY), a political subdivision of the State of Oregon, and the Housing Authority and Community Services Agency (HACSA), a public corporation of the State of Oregon.

RECITALS

WHEREAS, Lane County, the City of Eugene, and HACSA have entered into an Intergovernmental Agreement to coordinate local resources in addressing the affordable housing needs in Lane County and the City of Eugene;

WHEREAS, through this agreement, Lane County has agreed to consider requests for County road funds for eligible improvements that assist the development of additional low income housing; and

WHEREAS, through adoption of the amended FY 96/97 through FY 00/01 Capital Improvement Program, the Board of County Commissioners designated \$1,000,000 for roads for assisted housing projects; and

WHEREAS, HACSA has requested \$220,000 of County Road Funds for construction of street and road fund eligible improvements to assist the Jacobs Lane Affordable Housing Project- the construction of approximately 83 units of permanent rental housing within the City of Eugene. Street and road fund eligible improvements for Jacobs Lane will hereinafter be referred to as PROJECT.

WHEREAS, the Lane County Board has authorized the expenditure of \$220,000 of County road funds for PROJECT construction costs; and

WHEREAS, PROJECT is scheduled for construction summer and fall of 1997. Street design, preparation of plans for bid and contract award will need to occur prior to that time.

WHEREAS, planning for PROJECT includes obtaining an approved Street Tree Plan that complies with the City of Eugene Street Tree Program (Eugene Code 7.280);

WHEREAS, compliance with the City of Eugene Municipal Code 7.280 and Administrative Rule R-7.280 will require coordination between the City, County and HACSA;

NOW, THEREFORE, the parties agree as follows:

A. Agreement Date and Term

This Agreement becomes effective on the date of the execution of said Agreement by all parties and remains in effect throughout the term of the Agreement unless extended with the written concurrence of all parties.

The term of this Agreement shall be a period of three years from the date of the last signature to this Agreement. This Agreement may be extended for a period of an additional three years if the responsibilities of any jurisdiction shall not have been fulfilled.

B. Responsibilities

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The responsibilities of the participating jurisdictions shall be as follows:

County shall:

1. Provide for installation of street trees according to the Street Tree Plan and Schedule provided in Attachment "A" and as prescribed in the City of Eugene Administrative Rule 7.280-C and 7.280-D (Attachment "B").
2. Ensure maintenance, protection, watering and initial structural pruning (as appropriate) for a period of one (1) year from initial installation. These activities and their documentation will comply with the requirements contained in the City of Eugene Administrative Rule 7.280-E (Attachment "B").

HACSA shall:

1. Provide acceptable Street Tree Plan and Schedule of Species (Attachment "A").
2. Assume responsibility for the maintenance, protection, watering and initial structural pruning for the following two years or for an extended period as necessary. These activities and their documentation will comply with the requirements contained the City of Eugene Administrative Rule 7.280-E (Attachment "B").

CITY shall:

1. Provide assistance as necessary in the review and approval of Street Plan and its components.
2. Assume responsibility for street trees after three year from the date of the initial planting, or after an extended period of time as determined by the City of Eugene Administrative Rule 7.280-E (Attachment "B").

C. Miscellaneous Provisions.

1. The applicable provisions of the Lane Manual setting forth standard provisions for public contracts (LM 21.130) are incorporated by this reference as it is fully set forth.
2. Each of the parties hereto agrees to indemnify and save the other harmless from any claim, liability or damage resulting from any error, omission or act of negligence on the part of the indemnifying party, its officers, agents or employees in the performance of its responsibilities under this agreement.
3. No amendment to this Agreement shall be effective unless made in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year last below written.

HACSA

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LANE COUNTY

By: _____

Chris Todis
Title: Executive Director

Date: _____

By: _____

William Van Vactor
Title: County Administrator

Date: _____

CITY OF EUGENE

By: _____

Vicki Elmer
Title: City Manager

Date: _____

ATTACHMENT "B"
STREET INTERGOVERNMENTAL AGREEMENT

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**STREET TREE PROGRAM
ADMINISTRATIVE RULE R-7.280**

R-7.280-A Street Tree Program - Policy.

In order to create attractive and healthy neighborhood environments no approval shall be granted for a development that involves the creation of a street unless the applicant has submitted and received approval of a Street Tree Plan pursuant to R-7.280-B.1 or executed an agreement with the City pursuant to R-7.280-B.2 that ensures street trees will be planted and established in accordance with the standards and procedures provided for in these rules and the adopted policies of the Urban Forest Management Plan. Street trees shall be planted as each lot or area is developed and shall be required on that portion of street right-of-way that abut lots within the development as well as on new streets within the development site.

As used in these rules, an "approved Street Tree Plan" is:

- a) A plan prepared and submitted by an applicant, that meets the requirements of these rules, and is accompanied by all required fees and/or security deposits, or;
- b) An agreement entered into by the applicant and the City whereby the City assumes responsibility for the purchase, installation, and establishment of street trees in accordance with the standards set forth in these rules.

R-7.280-B Street Tree Plan - Application.

1. An application for approval of a Street Tree Plan (Plan) shall be submitted to the City, together with the application processing and review fees established by the City Manager pursuant to Section 2.020 of the Eugene Code, 1971. The City's Urban Forester shall review the Plan and approve or deny the application based on the Plan's compliance with the requirements and standards established in these rules.

2. As an alternative to the requirements of subsection 1 of this section, upon payment of the applicable fees, an applicant may enter into an agreement with the City whereby the City assumes responsibility for the purchase, installation, and establishment

of street trees in accordance with the standards set forth in these rules.

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3. No final approval shall be granted for a final subdivision plat, planned unit development, partition, or development plan for which a Street Tree Plan is required until the Plan has been approved pursuant to subsection 1 of this section, or, the applicant has entered into an agreement with the City pursuant to subsection 2 of this section.

R-7.280-C Street Tree Plan - Requirements.

A Street Tree Plan shall:

1. Reflect the spacing of trees, which shall average 30 curb feet on center along all existing and newly created streets within or abutting the development site while meeting the location standards of these rules. At the request of the developer, the Urban Forester may exempt specific areas from required tree planting where the terrain or existing trees make the planting of new trees impracticable. Examples include, but are not limited to:

1.1 Where the finish grade slope in the planting area between the top back of the street curb and the property line is in excess of 30 percent.

1.2 Where bedrock is encountered within 30 inches of finish grade in the planting area between the top back of the curb and the property line.

1.3 Where existing healthy trees that are shown to be preserved within the right-of-way are in such close proximity as would prevent a new tree from establishing a full canopy when mature.

2. Identify the species of trees to be planted, which must be selected from the Approved Street Tree Species List attached as Appendix A hereto or otherwise approved by the Urban Forester.

3. Detail the method(s) the applicant proposes to utilize to meet the species diversification and native species goals contained in Urban Forest Management Plan (UFMP) Policies 1.0 and 2.0.

4. Identify the size and quality of trees, which must meet or exceed the standards adopted in these administrative rules.

5. Indicate the location of all driveways, sidewalks, and public and private utilities within the proposed development. As used herein, "utilities" includes:

Water
Electrical
Natural gas
Telephone
Cable TV
Street lights
Sanitary sewers
Storm sewers

5.1 Estimated location of utilities graphically depicted within the Street Tree Plan is acceptable if accompanied by a letter from each of the planned utilities which states agreement that their facilities can be located outside the area reserved for trees.

5.2 Estimated location of driveways graphically depicted within the Street Tree Plan is acceptable if accompanied by a proposal, acceptable to the Urban Forester, describing the methods the developer will use to ensure new street trees will not conflict with future driveways within the tree establishment period.

6. Describe the method(s) the applicant will utilize to track development of each individual lot that will ensure the required street trees are planted.

7. Describe the method(s) the applicant will implement to ensure maintenance, establishment, protection, watering and initial structural pruning of the trees takes place. For applicants electing to proceed under Eugene Code 7.280(3)(b), and R-7.280-B(1) of these rules, the method(s) shall include:

7.1 A three-year schedule of maintenance to be provided, including the name of the maintenance company or provider, name of the employee responsible for providing maintenance, contact number, and the dates, times and amount of water scheduled to be provided to each tree.

7.2 A schedule of the initial structural pruning to be provided, including the name of an International Society of Arboriculture certified arborist or an equivalent approved by the City's Urban Forester who will be performing the work, their contact number, and the date the work is scheduled to be provided for each tree.

7.3 Annual provision of records to the Urban Forester documenting performance of initial structural pruning and maintenance, showing who performed the work, the dates, times and amount of water provided each tree.

8. Contain such other information as may be required to reflect how the Plan addresses the remaining policies within the UFMP.

1. **Compliance.** The standards contained in this section shall be utilized in the development of a Street Tree Plan in order to ensure that new trees planted on public land and along street rights-of-way are of the highest quality, require low maintenance, and do not interfere with public safety.

2. **Tree Selection Standards.** The species of trees to be planted must be selected from the Approved Street Tree Species List attached as Appendix A hereto and incorporated herein by reference, or be otherwise specifically approved by the Urban Forester.

3. **Street Tree Quality Standards at Time of Planting.**

3.1 The tree shall have a straight trunk perpendicular to the ground with a minimum branching height at 4' above the ground for trees 1.5" in caliper to a minimum of 6' above the ground for trees 2" in caliper.

3.2 Trees shall be grown to the standards and specifications of the American Association of Nurserymen, American Standard for Nursery Stock, currently in use.

3.3 Trees shall be provided reasonably free, as defined by nursery industry standards for street trees, from insects and disease, decay, major structural defects, and damage to the trunk, branches and root system.

3.4 Trees structural scaffold branches shall be well proportioned where they attach to the main trunk, with an average spacing of at least six inches.

4. **Street Tree Size Standards at Time of Planting.**

4.1 Trees for residential classed streets shall be a minimum of 1.5" in caliper, measured 6" above mean ground level, 8'-10' in height.

4.2 Trees for collector or arterial streets less than 2" caliper, but not less than 1-1/2" caliper, may be planted using the developer plant and option in R-7.280-B.1. If less than 2" caliper trees are used, the establishment period shall be the greater of either the standard three years or until the tree has reached 2" in

caliper.

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4.3 Notwithstanding 4.1 and 4.2, trees for all streets abutting commercially zoned properties shall be a minimum of 2" in caliper, measured 6" above mean ground level, 10'-12' in height.

5. **Tree Condition at Time of Planting.** Trees may be provided in the following conditions at the time of planting:

5.1 Balled and burlapped and in wire baskets, providing:

5.1.1 Trees shall have a sound ball with a firm attachment of the trunk with the root ball. The trunk shall not be loose but firmly held within the root ball.

5.1.2 Root balls shall conform to the standards and specifications of the American Association of Nurserymen, American Standard for Nursery Stock, currently in use for size and condition.

5.1.3 Root balls of trees shall not be allowed to dry out at any time from the nursery to final planting.

5.1.4 Trees shall have a well developed root system and not be root bound or have circling /girdling roots.

5.2 In a container, providing:

5.2.1 The trees are free of circling, girdling roots.

5.2.2 The trees have been grown in the container for a maximum period of one year.

5.3 Bare root, providing:

5.3.1 Trees in a bare root condition do not exceed 1.5" in caliper, measured 6" above mean ground level.

5.3.2 The roots are not allowed to dry out and are kept moist at any time from the nursery to final planting.

5.3.3 The roots are well-established, full of live and vigorous fibrous roots, along with the larger structural roots.

6. **Street Tree Planting Location Standards.**

6.1 **General.** On public streets without sidewalks, trees shall be located so as to accommodate future sidewalk placement and with regard to current and future utility line corridors. Trees and shrubs (which attain a height of eighteen inches (18") or more) that may form a hedge or screen shall not be allowed within the "Vision Clear Zone" of a street, alley, or driveway intersection so as to obscure required traffic sight distances. Curves in the road, hills, and other site specific factors may require extensions of these dimensions. For more information on Vision Clear Zones, see the Vision Clear Zone Brochure.

6.2 **Minimum street tree planting clearances:**

Feature	Minimum Distance from Feature		
	Small (up to 35' ht.)	Medium (up to 60' ht.)	Large (over 60' ht.)
Alleys	15 feet	15 feet	15 feet
Courtesy walks/sidewalks	2 feet	3 feet	4 feet
Driveways	5 feet	5 feet	10 feet
Fire hydrants	5 feet	5 feet	5 feet
Intersections	35 feet	35 feet	35 feet
Manholes and Catch basins	5 feet	10 feet	10 feet
Water meters	5 feet	5 feet	5 feet
Utility boxes	5 feet	5 feet	5 feet
Utility poles	5 feet	10 feet	10 feet
Street lights	10 feet	20 feet	30 feet
Stop signs	At least 35 feet or more if necessary		
Regulatory signs	Not to block sign		

6.3 **Minimum distance from sidewalks and curbs:** Trees should be centered in the planting strip between the sidewalk and the street curb. If centering within the planting strip is not possible, or desirable due to design considerations, the tree must be located at least two feet from the sidewalk edge or the curb edge.

6.4 **Minimum distance from buried utility lines that traverse the planting strip:**

8" - 10" water & sewer	10 feet
12" - 16" water & sewer	15 feet
18" + water & sewer	20 feet
All other services	10 feet

6.5 Overhead utility lines: No tree with the potential of reaching a mature height of more than thirty-five feet (35') shall be planted in the right-of-way under "primary" overhead wires.

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6.6 Minimum distance from buildings:

Small trees (potential growth of up to 35' ht.)	5 feet
Medium trees (potential growth of up to 60' ht.)	10 feet
Large trees (potential growth of over 60' ht.)	15 feet
Shrubs	3 feet

Any tree planted ten feet (10') or closer to a building shall have an impenetrable root barrier installed near the building. The root barrier shall run the length of the planting area or the structure, and reach a depth of at least eighteen inches (18").

6.7 Vehicular area: Provisions shall be made to prevent any parts of the vehicles from touching trees.

6.8 Shrubs planted in the street side right-of-way: Shrubs shall follow the minimum distance requirements for trees for curbs, sidewalks, and utilities. No shrub shall be planted within three feet (3') of a building.

6.9 Linear spacing: Trees shall be placed an average of every thirty feet (30'). Depending upon the size, species, and variety, the Urban Forester may approve planting distances which may be as close as ten feet (10') and as far as forty feet (40') to fifty feet (50') based on the size and growth habit of the tree.

6.10 Width of planting area within City right-of-way (i.e., distance between the curb and sidewalk):

6.10.1 No tree shall be planted where the rooting space is less than four feet (4') in width without prior approval of the Urban Forester.

6.10.2 The minimum width of a planting site for each tree shall be governed by the approved street tree list.

6.10.3 No trees that commonly produce a large buttress root system shall be planted in a site less than eight feet (8') wide (i.e., *Quercus phellos*, *Acer macrophyllum*, *Liquidambar styraciflua*).

6.11 Width of medians: No tree shall be planted in any median that is less than ten feet (10') in width. On State rights-of-way, Oregon Department of

Transportation's "Guidelines for Planting Within Highway Right-of-Way" apply.

6.12 Exemptions to the tree location standards: Where special conditions exist, the Urban Forester may waive these tree planting location standards. Such a waiver shall be on a case by case basis.

7. Street Tree Planting Standards.

7.1 Planting Season. Bare root trees may be planted only between October 15th and March 15th unless otherwise approved by the Urban Forester. Balled and burlapped or container grown trees may be planted only between September 15th and April 15th unless otherwise approved by the Urban Forester.

7.2 Site preparation.

7.2.1 Balled and burlapped and container grown trees:

7.2.1.1 Dig a shallow, broad tree planting hole at least 1-1/2 times the diameter of the root ball and to a depth that will allow the trunk flare to be level with existing ground. (See Appendix B.)

7.2.1.2 Score the edge of the hole to leave the edges rough and not smooth. This will encourage rooting into the existing native soil.

7.2.2 Bare-root stock:

7.2.2.1 Dig tree-planting holes 1' wider than the spread of the roots to allow the roots sufficient area. The hole shall have sufficient depth to allow the trunk flare to be level with the existing ground. (See Appendix B.)

7.2.2.2 Leave a mound in the center of the hole to drape and spread roots in their natural position over the mound. (See Appendix B.)

8. Planting General Conditions.

8.1 Balled and burlapped trees:

8.1.1 Trees shall have a sound ball that has not been allowed to dry

out at any time.

8.1.2 The root ball shall be firmly attached to the trunk.

8.1.3 Except as provided in 8.1.5, only materials that are untreated and biodegradable may be left around root ball after planting.

8.1.4 When planting, the tie material must be removed and the burlap peeled back to expose soil on at least the top 1/3 of the root ball.

8.1.5 Wire baskets are to be cut off to a depth of at least 18" from the top of the root ball.

8.2 Container grown tree:

8.2.1 Remove the tree from the container and softly loosen root mass.

8.2.2 Inspect roots for a girdling or circling condition. If girdling or circling roots are present, the tree shall not be planted.

8.2.3 Trees shall have been grown in the container for a maximum of one year.

8.3 Bare root trees:

8.3.1 Roots shall not be allowed to dry out at any time.

8.3.2 All dead, damaged, broken or frayed roots shall be pruned off prior to planting.

9. Planting Procedures.

9.1 Set the tree on undisturbed solid ground in the center of the hole so that the upper surface of the root ball or trunk flare is slightly above the surrounding soil.

9.2 Set tree plumb, upright, and faced for best appearance. Prune to remove any broken branches.

9.3 Gently backfill the hole ½ full with original soil and flood hole with water to remove any air pockets.

9.4 Continue to backfill the hole and when completed thoroughly saturate the planting area with water to remove any remaining air pockets.

9.5 Apply 2"-4" of mulch around tree. Maintain a mulch free area within 2 inches of trunk.

10. **Watering Basin.** Create a continuous 3" high raised berm around the hole to direct water to roots, remove the berm after one year.

11. **Staking.** Trees shall be planted and established with a straight trunk, perpendicular to the ground. This can be accomplished through proper planting and staking.

11.1 Stakes shall be one or two hardwood stakes driven firmly into the ground outside of the hole to prevent root damage.

11.2 Attach the tree to the stakes at knee height using nonbinding tree ties or tree ties that are at least 1" wide to prevent damage to the tree trunk.

11.3 Attach the ties to the tree in a manner that allows the tree to move but still be held firmly in place. This will help develop trunk taper and add strength to the tree.

R-7.280-E Establishment Standards.

1. **Period.** The establishment period for an original tree or replacement tree shall begin on the date that the tree is initially installed, or the date it is replaced, and extend for a three year period from that date.

2. **Watering.** During the establishment period, each tree shall receive 15 gallons of water per week during the growing season from April 15th through October 15th. Water shall be provided in a manner that allows penetration into the soil around the tree.

3. **Staking.** Stakes and ties shall be maintained during the establishment period in a safe and effective manner. Stakes and ties shall be removed after the first growing season or one year after installation.

4. **Mulching.** During the establishment period a minimum 3 ft. x 3 ft. planting area around each tree shall be maintained with a layer of bark mulch 2-4 inches in depth. The mulch shall be kept at least 2 inches away from the trunk of the tree, and the mulched

planting area around the tree shall be kept free of weeds.

5. Pruning.

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5.1 Dead, broken or split branches shall be pruned at the time of planting.

5.2 Trees shall be pruned to remove branches that are crossing, damaged, diseased, broken, or have included bark.

5.3 Trees shall not be topped or reduced in height without prior approval of the Urban Forester.

5.4 Trees shall be pruned so at least two thirds of the tree's height is canopy with one third of the height being the trunk.

5.5 The lower limbs shall be pruned off or tipped back to meet compliance with the requirements for clearance over sidewalks and streets as contained in the Eugene Code, 1971.

5.6 Initial structural pruning shall be performed at the end of the three year establishment period. A strong scaffold branch structure shall be developed by pruning to select the primary scaffold branches.

5.7 Pruning shall be performed according to the approved Urban Forestry pruning standards and specifications.

6. Tree Replacement. Any tree that falls under one or more of the following conditions shall be replaced by the developer during the next approved planting season after receipt of the notice of the need to replace the tree.

6.1 Dead tree. This shall include any tree that has no live growth originating in the scaffolding branches.

6.2 Stressed tree. This shall include any tree that has lost a minimum of 50% of its total foliage or, has a reduction of 50% of normal leaf size for that species.

6.3 Non-approved tree. This shall include any variety of tree that is not listed on the Approved Street Tree Species List, or that has not been approved by the Urban Forester.

7. Tree Protection. Trees shall be protected during the establishment period

by the use of the following measures:

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7.1 Installation of bark mulch in the drip line, which is the area directly below the tree's branches, 2-4 inches in depth and a minimum of 3 ft. x 3 ft.

7.2 No construction or human activity shall take place within the tree's critical root zone.

7.2.1 The critical root zone for trees 3" or smaller in caliper shall be an area with a radius of at least 3' from the trunk.

7.2.2 The critical root zone for trees over 3" in caliper shall be an area with a radius of at least 1'.5" from the trunk for every 1" of caliper size.

7.3 No soil grade changes shall take place within the critical root zone.

7.4 No storage of material shall be allowed within the critical root zone or protected area of the tree.

7.5 If construction or landscaping has not been completed on the abutting property, the following conditions shall also apply:

7.5.1 The critical root zone or tree protection zone shall have a protective fence installed at it's perimeter.

7.5.2 The protective fence shall be at least 4' in height and made of orange plastic material or approved equivalent.

7.5.3 The protective fencing shall be installed prior to any construction/landscaping activity around the tree and be maintained in place during the construction/landscaping activities and removed only when the final construction is completed.

R-7.280-F Procedure for Planting and Establishment of Trees by City.

1. An applicant may enter into an agreement with the City wherein the City purchases, installs and establishes the street trees and the applicant pays to the City a fee established by the City Manager pursuant to section 2.020 of the Eugene Code, 1971, that is equal to the cost of the purchase, installation, and establishment of the required street

trees. The fees shall be computed in accordance with Subsection 2 of this Section. The City shall thereafter assume responsibility for the purchase, installation, and establishment of the street trees.

2. The fee for street trees shall be established by administrative order of the City Manager pursuant to Section 2.020 of the Eugene Code, 1971..

3. The City will track lot development, negotiate species with new home owners, plant the new trees, and ensure they become established. The City will be responsible for replacement of any trees that fail to survive the establishment period.

R-7.280-G Foliage - Prohibitions, Trimming, Pruning, or Removal.

1. **Prohibited Trees.** In addition to the requirements of Section 7.280 of the Eugene Code, 1971 and these Rules for development that involves the creation of a street, no person shall plant, or cause to be planted within the City, any species of tree within the right-of-way of a street, avenue, highway or alley, pedestrian right-of-way or pedestrian easement, which is not listed in the approved street tree species list attached as Appendix A hereto, unless planting of the proposed species is specifically authorized in writing by the City's Urban Forester. Any tree existing within a public right-of-way prior to September 5, 1996, shall be considered an approved tree.

2. **Trimming, Pruning, or Removal.** Except for EWEB when trimming or pruning is necessary to protect its lines or crews, no person shall trim or prune a tree growing within the public right-of-way in a manner not in compliance with the standards set forth in Subsection 3 of this Section, which are designed to ensure trees are not trimmed or pruned in a manner that causes damage to the tree or diminishes its health.

3. **Tree Pruning Standards.**

3.1 All trees shall be pruned according to the guidelines published by the International Society of Arboriculture current edition or the pruning standards and specifications of the National Arborist Association current edition unless modified herein.

3.2 All tree work shall be performed following Oregon Safety and Health Administration regulations and following the American National Standards Institute, A.N.S.I. Z133.1, 300, or current version.

3.3 Pruning shall be deemed necessary when such action is to:

3.3.1 Correct structural problems, remove deadwood and decayed parts,

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3.3.2 Enhance the tree's natural beauty and develop its natural shape,

3.3.3 Comply with the Eugene Code, 1971,

3.3.4 Correct a safety or health problem,

3.3.5 Clear the vision of regulatory signs, or

3.3.6 Maintain clearance around electrical lines.

3.4 All tree work performed near electrical lines shall conform to American National Standards Institute C2, National Electrical Safety Code, and the Oregon Public Utilities Commission Tree Clearance Policy, current edition.

3.5 Trees pruned for electrical line clearance shall follow the pruning guidelines contained within the publication of Dr. Shigo entitled "Pruning Trees Near Electrical Lines" current edition and be performed in accordance with the written agreement between the Eugene Water & Electric Board (EWEB) and the City.

3.6 Unless otherwise required herein, young trees shall be pruned leaving at least two-thirds (2/3) of the height of the tree in foliage and canopy.

3.7 Mature trees shall be pruned in a manner that retains well-spaced, inner lateral branches so as to allow the trunk taper to be developed as needed for the strength of the branch attachment.

3.8 No tree shall have more than 20% of its canopy removed in any one pruning or any one year unless approved in writing by the Urban Forester.

3.9 Street trees shall be pruned to allow clearance 9' above the sidewalk and 16' above the street. Limbs may be pruned back from the sidewalk and street or removed at the trunk to meet these clearances if two-thirds (2/3) of the height of the tree remains in canopy.

3.10 No hooks, spikes, or climbing gear which pierces the trunk of a tree shall be used unless approved in writing by the Urban Forester.

4. **Tree Removal.** No person shall remove a street tree without first obtaining

a permit from the City, specifically authorizing removal of the street tree. The Urban Forester shall review the permit application and may condition approval upon replacement of the street tree with another tree pre-approved by the Urban Forester, or a requirement to pay to the City an amount sufficient to fund the planting and establishment by the City of a replacement tree of similar value. The value of the existing street tree to be removed shall be calculated using the methods set forth in the edition then in effect of the Guide for Plant Appraisal published by the International Society of Arboriculture Council of Tree Landscape Appraisers. No person shall remove a heritage tree from within the public right-of-way unless the Urban Forester has authorized its removal as being necessary to protect the public health, safety, or welfare.