

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 4-90

FILED

AT _____ O'CLOCK _____ M

MAY 02 1990

-) IN THE MATTER OF AMENDING CHAPTER 9
-) OF LANE CODE TO ADD A PROVISION
-) REQUIRING PERMITS FOR TREE CUTTING
-) ON PROPERTY LOCATED BETWEEN THE CITY
-) LIMITS OF EUGENE AND THE METRO
-) AREA GENERAL PLAN URBAN GROWTH
-) BOUNDARY (LC 9.900 - LC 9.960) AND
-) DECLARING AN EMERGENCY AND SETTING A
-) SUNSET DATE OF AUGUST 1, 1990

County Clerk
For Lane County, Oregon

The Board of County Commissioners of Lane County ordains as follows:

Chapter 9 of Lane Code is hereby amended by adding the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

9.900 - 9.930(2) to
9.960(1) - 9.960(4),
i.e. 9-50a to 9-50c
(a total of three new pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these additions is to add a provision requiring permits for tree cutting on property located between the city limits of Eugene and the Metro Area General Plan Urban Growth Boundary (LC 9.900 - LC 9.960) and declaring an emergency.

An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately upon adoption.

Unless further amended by the Board, this ordinance shall expire and be of no legal effect on August 1, 1990.

Enacted this 25 day of April, 1990.

APPROVED AS TO FORM

Date 4/25/90 lane county

Willard
OFFICE OF LEGAL COUNSEL

Bill Rogers
Chair, Lane County Board of Commissioners

Judy Waldman
Recording Secretary for this Meeting of the Board

1 - IN THE MATTER OF AMENDING CHAPTER 9 OF LANE CODE TO ADD A PROVISION REQUIRING PERMITS FOR TREE CUTTING ON PROPERTY LOCATED BETWEEN THE CITY LIMITS OF EUGENE AND THE METRO AREA GENERAL PLAN URBAN GROWTH BOUNDARY (LC 9.900 - LC 9.960) AND DECLARING AN EMERGENCY AND SETTING A SUNSET DATE OF AUGUST 1, 1990 bcj/3674

9.900

Lane Code

9.930(1)

Tree Cutting

9.900 Purpose. The purpose of this regulation is to treat tree-covered parcels between the City Limits of Eugene and the urban growth boundary in a manner consistent with the policies within the Metropolitan Area General Plan.

Definitions. As used in section of this Code, the following definitions apply:

Fell. To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not apply in any context to include normal trimming, pruning, or topping of trees.

Occupied Parcel. Real property within the boundaries of an ad valorem tax lot descriptions found in the Lane County ad valorem tax records with one or more dwellings, thereon, or a parcel which has been approved for a dwelling, which lies between the city limits of Eugene and the Metropolitan Area General Plan Urban Growth Boundary.

Parcel. Real property within the boundaries of an ad valorem tax lot description as found in the Lane county, Oregon, ad valorem tax records, lying between the city limits of Eugene and the Metropolitan General Plan urban grown boundary.

Parks, Recreation and Cultural Services Department. The Parks, Recreation and Cultural Services Department of the City of Eugene and any successor department with responsibility for administrating the city's tree preservation ordinance.

Tree. A living, standing, woody plant having a trunk 25 inches in circumference (or approximately eight inches in diameter) at a point 4-1/2 feet above mean ground level at the base of the trunk.

Tree Appeal Board. That government appeal board created by Eugene Code Section 6.315.

9.920 Tree Felling Prohibition.

(1) Except as provided in LC 9.960, no person may fell more than five trees within a single calendar year from a parcel of private property consisting of 20,000 or more square feet of area without a permit.

(2) Except as provided in LC 9.960, no person may fell a tree from a parcel of private property consisting of less than 20,000 square feet of area without a permit.

9.930 Procedure for Obtaining Tree Felling Permit.

(1) Application for a permit to fell a tree or trees shall be filed with the Department on a form prescribed by and available in that department containing:

(a) Date, name, address and telephone number of the applicant; species or other description of the tree(s), their location on the property, and the reason for felling; and plot plan showing trees to be removed and sizes; and

(b) A brief description of any plan to replace, landscape, or otherwise reduce the effect of the felling if one is proposed.

(2) Within ten business days after an application is filed, the parks department shall:

(a) Issue the permit if the criteria of LC 9.320 above have been met; or

(b) Deny the permit and provide the applicant a written statement containing the basis of the denial.

(3) If issuance of the permit is conditioned upon the applicant's proposed plan to replace the trees, landscape, or otherwise reduce the effects of felling, the time within which the plan is to be completed shall be set forth on the permit.

(4) Failure to comply with a condition of a permit within the designated time is a violation of this section.

9.940 Criteria. In determining whether a proposed felling is consistent with sections 9.900-9.960, the Parks Department and the Tree Appeal Board, as the case may be, shall base their decision on one or more of the following:

(a) The condition of the trees with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular traffic safety.

(b) The topography of the land and the effect of felling on erosion, soil retention, stability of earth, flow and character of surface waters and streams, protection of nearby trees and windbreaks.

(c) The necessity to remove trees in order to construct proposed improvements, or to otherwise utilize the applicant's property in a reasonable manner.

(d) The effect the trees' removal has on the environmental quality of the area.

(e) The adequacy of the applicant's proposals, if any, to plant new trees or vegetation as a substitute for the trees to be felled.

(f) That the felling would be compatible with generally accepted practices of horticulture, silvaculture or landscape architecture.

(g) The felling is within the guidelines set forth in the Field Guide to Oregon Forestry Practices Rules published by the State of Oregon, Department of Forestry, as they apply to the northwest Oregon region, or the corresponding future publication of the State of Oregon Department of Forestry.

(h) The felling is consistent with the Metropolitan Area General Plan.

9.950 Appeal from Parks Department Denial.

(1) An applicant may appeal a Parks Department permit denial to the Hearings Official pursuant to Chapter 14 of the Lane Code by filing a written notice of appeal with the parks department within 30 business days from the date of the denial.

9.950(2)

Lane Code

BOOK 144 PAGE 0220
9.960(4)

(2) The appellant shall carry the burden of proving the proposed felling is consistent with the criteria of LC 9.940 of the Code and wherein the Parks Department erred in the denial.

9.960 Trees, Felling - Exceptions. The requirements and restrictions of LC 9.900-9.960 of this code do not apply to:

(1) The action of any County or city officer or employee or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service; or to reopen a public thoroughfare to traffic.

(2) An occupied parcel of private property consisting of less than 20,000 square feet of area.

(3) Felling of trees that are nuisances which threaten persons or property.

(4) Any felling necessary to install or maintain improvements such as streets and sewers within publicly owned and accepted rights-of-way or utility easements.