



**PLANNING COMMISSION WORK SESSION AGENDA**

**Monday, May 13, 2019 - 6:00 PM**

**City Hall, Conference Room A, 169 SW Coast Hwy, Newport, OR 97365**

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The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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1. CALL TO ORDER
  
2. UNFINISHED BUSINESS
  
- 2.A Continued Discussion on the Draft Tree Manual and Pruning/Tree Removal Ordinance  
[Staff Memo and Materials.pdf](#)
  
3. NEW BUSINESS
  
4. ADJOURNMENT

# Memorandum

To: Planning Commission/Commission Advisory Committee  
From: Derrick I. Tokos, AICP, Community Development Director   
Date: May 10, 2019  
Re: Draft Tree Manual and Pruning/Tree Removal Ordinance

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Enclosed is an updated copy of a draft tree manual (the "Tree Plan") and ordinance for your review. Associate Planner, Rachel Cotton, amended the documents based upon feedback received at the April 8, 2019 Planning Commission work session and summarized the key changes in an April 24<sup>th</sup> email (enclosed). The tree manual is intended to be a guide for acceptable plantings within the public right-of-way and will be put into a finished, visually pleasing format for distribution to the public.

The ordinance sets out a permitting process for pruning and removing trees from the public right-of-way, and establishes that street trees installed with new subdivisions must adhere to the tree plan. The Parks and Recreation Committee will serve as the City's "Tree Board" to adjudicate requests to remove trees.

The Ordinance and Plan fulfill a commitment the City made when it obtained a "Tree City USA" designation, and it is our intent to move this forward at the same time the Parks System Master Plan is being adopted, given that the Master Plan contains planting recommendations for city owned properties.

If the revised documents are acceptable, then it would be appropriate for the Commission to initiate the legislative ordinance amendments, by motion, at its regular session.

#### Attachments

- Rachel Cotton email summarizing key changes, dated April 24, 2019
- Draft Tree Manual
- Appendix B to the Park System Master Plan, City of Newport Acceptable Species for Planting
- Draft Pruning/Tree Removal Ordinance

## Derrick Tokos

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**From:** Rachel Cotton  
**Sent:** Wednesday, April 24, 2019 1:28 PM  
**To:** Derrick Tokos  
**Subject:** Tree Plan updated docs  
**Attachments:** Draft Tree Manual Ordinance.docx; City of Newport - Tree Manual Draft.docx; Newport plant List compiled.pdf

Derrick,

See attached for updated versions of these documents for the planning commission work session on the 13th that incorporate their feedback from the previous work session.

A summary of major changes:

- Added viburnum and removed Silver Dollar Gum from species list
- Added clear vision area and spacing requirement diagrams
- Made edits to text recommended by Planning Commissioners at last work session
- Added definition for public trees and edited the ordinance document to incorporate it, rather than repeating forms of "trees within public rights of way and on city properties..." throughout
- Removed "certified arborist" requirement and replaced with defined "tree care professional"
- Provided some examples of language addressing stumps from other tree codes
- Provided some examples of replacement requirements from other tree codes

One topic for conversation is if the Tree Board should give a final decision as opposed to a recommendation.

Let me know if you'd like any changes.

**Rachel Cotton**

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## CITY OF NEWPORT - TREE MANUAL DRAFT

*“There is ample opportunity to “retrofit” communities with more sustainable landscapes through strategic tree planting and stewardship of existing trees. Accelerating urbanization hastens the need for landscapes that reduce stormwater runoff, conserve energy and water, sequester CO<sub>2</sub>, attract wildlife, and provide other aesthetic, social, and economic benefits in new development.” -Western Washington and Oregon Community Tree Guide: Benefits, Costs and Strategic Planting*

### ACCEPTABLE SPECIES AND REGULATIONS

**Street Trees** are herein defined as any tree planted by the City or authorized to be planted by another party in a Right of Way and designated as such. Street Trees do not include existing native or non-native trees or new plantings that are not authorized by the City.

**Public Plantings** are herein defined as trees, shrubs, bushes, forbs/herbs, grasses and all other woody vegetation in all areas owned by the City to which the public has free access, including public parks having individual names.

The following list constitutes the official **Acceptable Street Trees for Planting List** for Newport, Oregon:

**TABLE 1 – ACCEPTABLE STREET TREES FOR PLANTING**

<b>SMALL TREES</b>	<b>MEDIUM TREES</b>	<b>LARGE TREES</b>
Flowering Crabapple Japanese Flowering Cherry	European Hornbeam Ginkgo Biloba Golden Raintree Japanese Snowbell Japanese Zelkova Washington Hawthorn	Douglas-Fir (n) Grand Fir (n) Holly Oak* Japanese Black Pine* Pacific Madrone (n)*

\*Suitable West of Highway 101, in high wind and close to the ocean; (n) denotes native species

For a list of acceptable public plantings in Newport, see **Appendix B: City of Newport Acceptable Species for Planting**.

### SPACING

In accordance with the three species size classes listed in Table 1, no trees should be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

### DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curblines and sidewalks should be in accordance with the three species size classes listed in Table 1. No trees should be planted closer to any curb or sidewalk than the following: Small Trees, three feet; Medium Trees, four feet; and Large Trees, six feet.

**DISTANCE FROM STREET CORNERS, HYDRANTS, STREET LIGHTS, SIGNS, AND VISION CLEARANCE**

No Street Tree should be planted within the clear vision area closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs, curb lines, or edge of pavement (see Figure 1). Existing trees located within a clear vision area should have their branches and foliage removed to the height of eight feet above the grade. No Street Tree should be planted closer than 25 feet from any street light. No Street Tree should be planted closer than 20 feet from any stop or yield sign. No Street Tree should be planted closer than 10 feet of any fire hydrant.

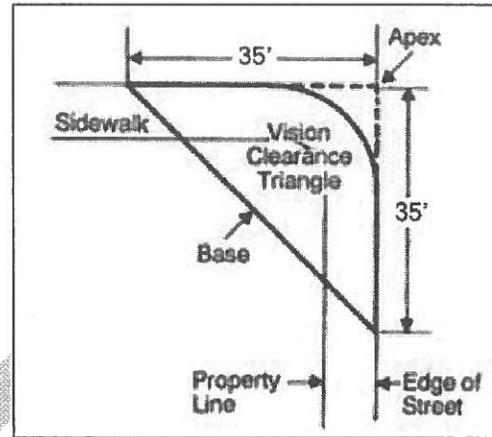
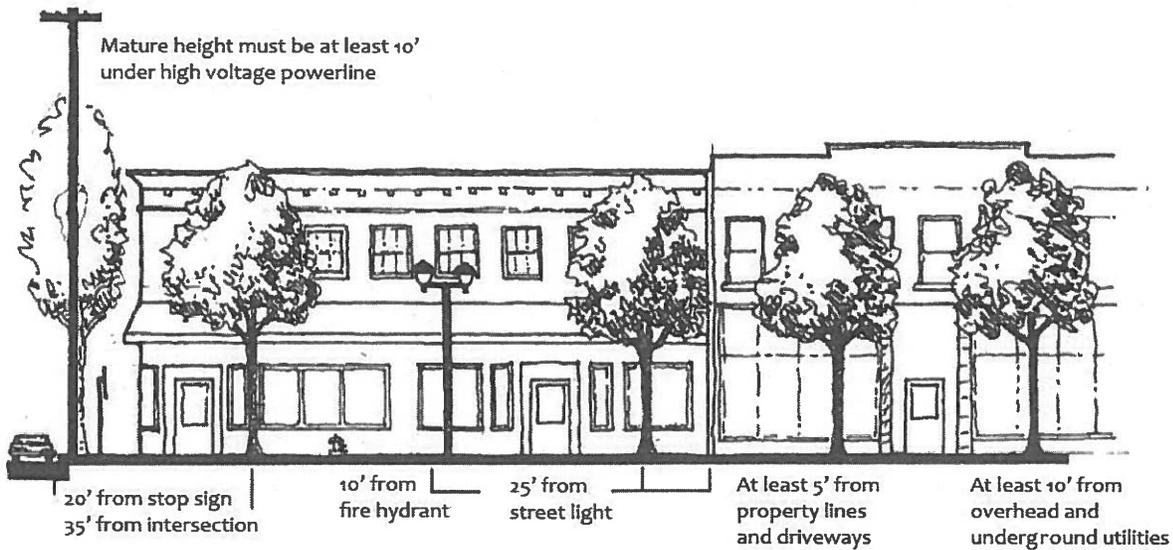


Figure 1. Clear Vision Area

**UTILITIES**

No Street Trees other than those species listed as small trees, forbs/herbs, shrubs, and grasses in **Appendix B: City of Newport Acceptable Species for Planting** may be planted under or within 10 lateral feet of any overhead utility wire, underground water line, sewer line, transmission line or other utility.



**HOW TO PLANT**

Pick your site first and species second. For instance, if you have ample space, it does not make sense to plant a small ornamental tree. Likewise, if you have a narrow space with overhead utilities present, it does not make sense to plant a large conifer.

**WHERE TO PLANT**

Planting the right tree in the right place is essential if you want to maximize the benefits of trees and avoid future interference with foundations, sidewalks, driveways, and fences. Planting should always be done with consideration for underground and overhead utilities, street signage, street lights, driveways

and other infrastructure. Call: 1-800-332-2344 (or 811) before you dig. See Section X.1 for more information on approved species and required spacing.

## WHAT TO PLANT

When planting, it is essential to consider the future size of trees at maturity, rather than their size at planting. Plant tall columnar trees in narrow open spaces. Smaller rounder trees are the only ones appropriate to plant near overhead utility wires. To maximize benefits such as energy savings, overall tree canopy, and wildlife habitat, plant large trees such as Northwest natives when space is available. See **Appendix B: City of Newport Acceptable Species for Planting** for detailed information about different sizes of climate appropriate species for planting.

## MAXIMIZE THE BENEFITS OF YOUR TREE

To provide effective shading of your home, trees should be planted within 30 feet of the home, on the south and west sides. Plant at least five feet from property lines and five feet from driveways. On the Oregon Coast persistent wind comes out of the north in summer. Strong gusty winds come out of the southwest in winter. Consider planting a windbreak, such as a row of conifers, to shield more vulnerable trees and plantings. Before planting, take time to observe the patterns of the wind, the sun, the shade and drainage on your site. Remember that trees and their roots and branches do not mix well with buildings and pavement.

## ENVIRONMENTAL FACTORS

It is a good idea to think about factors such as soil, water and sunlight requirements as well as exposure to salt and wind in certain areas of Newport. In addition to **Appendix B: City of Newport Acceptable Species for Planting**, local nurseries and arborists, books, and online resources are great sources for specific tree and site-related information. There are several online references listed in Appendix A of this plan.

## PROHIBITED SPECIES

The following tree species are prohibited from use as street trees for one or more of the following reasons: 1) their roots cause injury to sewers or pavements; 2) they are particularly subject to insects or disease; 3) they cause safety and visibility problems along streets and at intersections; 4) they create messy sidewalks and pavements.

### Fruit and Nut Trees

Ailanthus (Tree of Heaven)

Aspens

Black Locust

Cottonwoods

Goldenchain

Norway Maple

Osage-Orange

Palms

Poplars

Sweetgum

Sycamore Maple

Willows

The following species should not be planted and should be controlled within the City of Newport due to their invasive nature:

Butterfly Bush (*Buddleia davidii*)  
 Cotoneaster (*Cotoneaster franchetii*, *Cotoneaster lacteus*)  
 English Hawthorn (*Crataegus monogyna*)  
 English Holly (*Ilex aquifolium*)  
 English Ivy (*Hedera helix*)  
 English Laurel (*Prunus laurocerasus*)  
 European Beachgrass (*Ammophila arenaria*)  
 Evergreen Clematis (*Clematis vitalba*)  
 False Brome (*Brachypodium sylvaticum*)  
 Field Bindweed/Morning Glory (*Convolvulus arvensis*)  
 Gorse (*Ulex europaeus*)  
 Himalayan Blackberry (*Rubus armeniacus*, *Rubus discolor*)  
 Irish Ivy (*Hedera Hibernica*)  
 Japanese Sedge (*Carex kobomugi*)  
 Pampas Grass (*Cortaderia jubata*, *Cortaderia sellowana*)  
 Portuguese Broom (*Cytisus striatus*)  
 Purple Loosestrife (*Lythrum salicaria*)  
 Scotch Broom (*Cytissus scoparius*)  
 Spurge Laurel (*Daphne laureola*)

#### GENERAL GUIDELINES

- Avoid planting trees under overhead wires and above under-ground utilities.
- Do not plant trees near building foundations or walls.
- Do not plant trees that produce nuts or large fruit in pedestrian areas.
- A tree's mature size and shape must be of the proper scale to fit the site and surrounding buildings.
- Trees have roots. Roots spread beyond the branch area of the tree. Most roots are found in the top 18" of soil; most absorbing roots are found in the top 6" of soil.
- Trees crowded in small street spaces may crack sidewalks and paved areas.
- Determine the necessary root growth space for the species you select. Think of clustering trees in a park setting or a parking lot to provide larger soil volumes for safe root growth. Grouping spaces as contiguous pits to provide shared soil volumes is recommended, rather than digging several individual pits. Groupings create their own small environments and may survive better.
- Identify legal restrictions for planting for both public and private property.

#### PLANTING A BALLED & BURLAPPED TREE

- Prior to placing it in the planting hole, while the burlap is in place, tilt the tree and prune off crossed/broken branches, and smaller branches that may contribute to long-term poor form. You do not need to "balance" the tree crown with the root loss. Keep pruning very light and minimal.
- Carefully remove any wire basket, and unwrap the tree's burlap, leaving it underneath the tree. (You will use the unwrapped burlap to lift and move the tree.)
- Gently remove extra soil from around the top of the root ball until you find the root flare of the highest major root. Protect the root ball from falling apart during this process.

- Dig the planting hole the same depth as the root ball but 2-3 times the width.
- Score the sides of the hole.
- Gently lift the tree using the burlap and lower it into the middle of the hole. The root flare—highest major root—should be level with the soil surface.
- Rock the tree gently to one side while tucking the burlap beneath the tree. Rock the tree gently to the opposite side, enabling you to pull out the burlap from the bottom of the hole. Support the root ball to keep it intact throughout the process.
- Stabilize and straighten the tree with backfill, being careful not to crack or damage the root ball. Double check to ensure the highest major root is even with the soil surface.
- Add the rest of the soil back into the hole, gently pressing down as you go to avoid air pockets, but not so hard as to heavily compact the soil.
- After planting, water the tree thoroughly to settle the soil and remove air pockets.

### **PLANTING A CONTAINERIZED TREE**

- Massage the container to loosen the root ball from the pot.
- Massage the roots and loosen up the root ball soil.
- If any roots are circling, lay the root ball on its side and prune the root at the point where it begins to circle.
- Gently remove extra soil from around the top of the root ball until you find the root flare of the highest major root.
- Gently lift the tree by the root ball with a partner and lower it into the middle of the hole. The root flare—highest major root—should be level with the soil surface.
- As with all trees...
- Stabilize and straighten the tree with back fill
- After planting, water the tree thoroughly.
- If you have mulch, spread it around the base of the tree, keeping it 2-4" away from the trunk.

### **STAKING**

- Newly-planted trees do not need to be staked if they are in a safe, gust-free location. Trees should be staked for one year only, loose enough to allow for movement in the wind, if they are in a location where they experience gusts or constant wind or are in any other location where they could be damaged by vehicles or pedestrians.

### **APPENDIX A – RESOURCES**

#### **Arbor Day Foundation - Trees**

<https://www.arborday.org/trees/>

#### **Friends of Trees - Browse Trees**

<https://friendsoftrees.org/browse-trees/>

#### **GardenSmart Oregon Guide to Non-Invasive Plants**

[https://www.invasive.org/gist/products/outreach/gardensmart\\_oregon\\_reduced.pdf](https://www.invasive.org/gist/products/outreach/gardensmart_oregon_reduced.pdf)

## Appendix B: City of Newport - Acceptable Species for Planting

Common Name	Botanical Name	Native	Height / Width	Wind Tolerance	Street Tree	Water	Sun / Shade	Evergreen / Deciduous
<b>TREES</b>								
<i>Large</i>								
Sitka Spruce	<i>Picea sitchensis</i>	X	150' / 30'	H		M	Full sun	E
Grand Fir	<i>Abies grandis</i>	X	100' / 20'	L	X	M	Sun/Shade	E
Coast Redwood	<i>Sequoia sempervirens</i>	CA Native	100' / 25'	H		M	Full sun	E
Douglas Fir	<i>Pseudotsuga menziesii</i>	X	80' / 20'	L	X	M to H	Full sun	E
Norway Spruce	<i>Picea abies</i>		80' / 30'	H		L	Full sun	E
Holly Oak	<i>Quercus ilex</i>		70' / 60'	H	X	M	Sun/Shade	E
Western Red Cedar	<i>Thuja plicata</i>	X	70' / 25'	H		M	Sun/Shade	E
Shore Pine	<i>Pinus contorta</i>	X	60' / 25'	H		L	Full sun	E
Tuliptree	<i>Liriodendron tulipifera</i>		60' / 30'	L		M	Full sun	D
Western Hemlock	<i>Tsuga heterophylla</i>	X	60' / 20'	M		M	Sun/Shade	E
Bigleaf Maple	<i>Acer macrophyllum</i>	X	50' / 30'	L		M	Sun/Shade	D
Japanese Black Pine	<i>Pinus thunbergii</i>		50' / 20'	H	X	M	Full sun	E
Pacific Madrone	<i>Arbutus menziesii</i>	X	50' / 30'	H	X	L	Full sun	E
<i>Medium</i>								
European Hornbeam	<i>Carpinus betulus 'Fastigiata'</i>		45' / 20'	M	X	M	Sun/Shade	E
Ginkgo	<i>Ginkgo biloba</i>		45' / 35'	M	X	M	Sun/Shade	D
Japanese Zelkova	<i>Zelkova serrulata</i>		45' / 30'	M	X	M	Sun/Shade	D
Bitter Cherry	<i>Prunus emarginata</i>	X	40' / 30'	M		M	Part shade	D
Cascara	<i>Rhamnus purshiana</i>	X	40' / 12'	M		L	Sun/Shade	D
Leyland Cypress	<i>Cupressocyparis leylandii</i>		40' / 10'	H		M	Full sun	E
Scotch Pine	<i>Pinus sylvestris</i>		40' / 35'	M		M	Full sun	E
Goldenrain Tree	<i>Koelreuteria paniculata</i>		30' / 30'	M	X	L	Sun/Shade	D
Japanese Snowbell	<i>Styrax japonica</i>		30' / 30'	M	X	M	Sun/Shade	D
Monterey Cypress	<i>Cupressus macrocarpa</i>	CA Native	30' / 8'	H		M	Full sun	E
Strawberry Tree	<i>Arbutus unedo</i>		30' / 15'	M		L	Full sun	E
Washington Hawthorn	<i>Crataegue phaenopyrum</i>		30' / 30'	M	X	L to M	Full sun	D

## Appendix B: City of Newport - Acceptable Species for Planting

Common Name	Botanical Name	Native	Height / Width	Wind Tolerance	Street Tree	Water	Sun / Shade	Evergreen / Deciduous
<b>Small</b>								
Flowering Crabapple	<i>Malus 'Liset'</i>		25' / 20'	M	X	M	Full sun	D
Pacific Wax Myrtle	<i>Myrica Californica</i>	X	25'/20'	H		L	Full sun	E
Flowering Cherry	<i>Prunus serrulata</i>		20' / 20'	M	X	M	Sun/Shade	D
Japanese Maple	<i>Acer japonicum</i>		20' / 15'	M		M	Sun/Shade	D
Pacific Crabapple	<i>Malus fusca</i>	X	20' / 20'	M		M	Full sun	D
Star Magnolia	<i>Magnolia stellata</i>		15' / 10'	M		M	Sun/Shade	D
Vine Maple	<i>Acer circinatum</i>	X	15' / 10'	M		M	Sun/Shade	D

## Appendix B: City of Newport - Acceptable Species for Planting

Common Name	Botanical Name	Native	Evergreen / Deciduous	Height / Width	Water	Sun / Shade
<b>SHRUBS</b>						
Barberry	<i>Berberis sp.</i>		E	6' / 6'	L to M	Sun/Shade
Blackhaw Viburnum	<i>Viburnum prunifolium</i>		D	12' / 12'	M	Sun/Shade
Bloodtwig Dogwood	<i>Cornus sanguinea</i>	X	D	6' / 6'	M	Sun/Shade
Blue Blossom	<i>Ceanothus thyrsiflorus</i>	X	E	5' / 5'	M	Sun/Shade
Blue Pacific Shore Juniper	<i>Juniperus conferta</i>		E	1.5' / 8'	M	Full sun
Blueberry	<i>Vaccinium corymbosum</i>		E	12' / 12'	M to H	Sun/Shade
Ceanothus	<i>Ceanothus griseus horizontalis</i>		E	3' / 8'	L	Sun/Shade
Coyote Bush	<i>Baccharis pilularis</i>	X	E	4' / 10'	L to M	Sun/Shade
Creeping Juniper	<i>Juniperus horizontalis</i>	Northern US	E	1.5' / 8'	M	Full sun
Creeping Mahonia	<i>Mahonia repens</i>	X	E	2' / 4'	M	Sun/Shade
Creeping Rosemary	<i>Rosmarinus prostratus</i>		E	2' / 3'	L	Full sun
Dwarf Oregon Grape	<i>Mahonia nervosa</i>	X	E	7' / 7'	L	Part shade
Escallonia	<i>Escallonia sp.</i>		E	8' / 6'	M	Sun/Shade
Flowering Quince	<i>Chaenomeles japonica</i>		D	3' / 6'	M	Sun/Shade
Hairy Manzanita	<i>Arctostaphylos columbiana</i>	X	E	10' / 10'	L	Full sun
Hawthorn	<i>Crataegus spp.</i>		D	30' / 30'	L to M	Full sun
Heath (many species)	<i>Erica sp.</i>		E	12' / 6'	M	Sun/Shade
Hopseed	<i>Dodonaea viscosa</i>		E	12' / 8'	M	Full sun
Huckleberry	<i>Vaccinium ovatum</i>	X	E	8' / 10'	L	Sun/Shade
Hybrid Rhododendron	<i>Rhododendron sp.</i>		E	8' / 8'	M	Part shade
Hydrangea	<i>Hydrangea sp.</i>		D	5' / 5'	M	Part shade
Japanese Honeysuckle	<i>Lonicera japonica</i>		D	30' / 6'	L to M	Sun/Shade
Japanese Umbrella Pine	<i>Sciadopitys verticillata</i>		E	25' / 15'	M	Full sun
Kinnikinnick	<i>Arctostaphylos uva-ursi</i>	X	E	12" / 15"	L	Full sun
Lavender	<i>Lavandula sp.</i>		E	3' / 4'	L to M	Full sun
Lilly of the Valley	<i>Pieris sp.</i>		E	7' / 7'	M	Sun/Shade
Mahonia	<i>Mahonia aquifolium</i>	X	E	5' / 5'	L	Part/Full Shade

## Appendix B: City of Newport - Acceptable Species for Planting

Common Name	Botanical Name	Native	Evergreen / Deciduous	Height / Width	Water	Sun / Shade
Mediterranean Fan Palm	<i>Chamaerops humilis</i>		E	15' / 20'	M	Sun/Shade
Mexican Orange	<i>Choysia ternata</i>		E	8' / 8'	M	Part/Full Shade
Ninebark	<i>Physocarpus capitatus</i>	X	D	8' / 8'	L to M	Part/Full Shade
Nootka Rose	<i>Rosa nutkana</i>	X	D	4' / 4'	L	Sun/Shade
Oceanspray	<i>Holodiscus discolor</i>	X	D	10' / 8'	M	Part shade
Osoberry / Indian Plum	<i>Oemleria cerasiformis</i>	X	D	15' / 10'	M	Part/Full Shade
Pacific Rhododendron	<i>Rhododendron macrophyllum</i>	X	E	8' / 8'	L	Part shade
Point Reyes Ceanothus	<i>Ceanothus gloriosus</i>		E	6' / 6'	L to M	Sun/Shade
Prickly Currant	<i>Ribes lacustre</i>	X	D	7' / 5'	L	Part/Full Shade
Pussy Willow	<i>Salix discolor</i>		D	15' / 12'	M to H	Sun/Shade
Red Elderberry	<i>Sambucus racemosa</i>	X	D	12' / 15'	M to H	Sun/Shade
Red Flowering Currant	<i>Ribes sanguineum</i>	X	D	13' / 7'	L	Part shade
Rosemary	<i>Rosemarinus sp.</i>		E	6' / 4'	M	Full sun
Salal	<i>Gaultheria shallon</i>	X	E	6' / 8'	M	Sun/Shade
Silktassel	<i>Garrya elliptica</i>	CA Native	E	12' / 8'	L	Sun/Shade
Smokebush	<i>Cotinus coggygria</i>		D	15' / 15'	M	Full sun
Snowberry	<i>Symphoricarpos albus</i>	X	D	6' / 6'	L	Sun/Shade
Spreading Gooseberry	<i>Ribes divaricatum</i>	X	D	10' / 3'	L	Sun/Shade
Twinberry	<i>Lonicera involucrata</i>	X	D	10' / 10'	M	Sun/Shade
Viburnum	<i>Viburnum edule</i>	X	D	5' / 5'	M	Sun/Shade
Wax Myrtle	<i>Myrica californica</i>	X	E	20' / 15'	L to M	Sun/Shade
Western Hazelnut	<i>Corylus cornuta ssp. californica</i>	X	D	4' / 8'	M	Sun/Shade
Western Spirea	<i>Spirea douglasii</i>	X	D	7' / 4'	M to H	Sun/Shade
<b>FORBS/HERBS</b>						
Ajuga	<i>Ajuga reptans</i>			0.75' / 1'	M	Sun/Shade
Aster	<i>Aster chilensis</i>	X		3' / 3'	L	Sun/Shade
Beach Aster / Fleabane	<i>Erigeron glaucus</i>	X		1' / 2'	L	Sun/Shade
Beach Pea	<i>Lathyrus japonicus</i>				M	Full sun

## Appendix B: City of Newport - Acceptable Species for Planting

Common Name	Botanical Name	Native	Evergreen / Deciduous	Height / Width	Water	Sun / Shade
Beach Strawberry	<i>Fragaria chiloensis</i>	X		1' / 4'	L	Sun/Shade
Bishop's Hat	<i>Epimedium sp.</i>			1' / 1.5'	L to M	Part/Full Shade
Bracken Fern	<i>Pteridium aquilinum</i>	X		1.5' / 2'	L	Sun/Shade
California Poppy	<i>Eschscholzia californica</i>	CA Native		2' / 2'	L	Full sun
Candy Tuft	<i>Iberis sempervirens</i>			1' / 1.5'	M	Full sun
Checkerbloom	<i>Sidalcea oregana</i>	X		4' / 4'	M to H	Part shade
Common Camas	<i>Camassia quamash</i>	X		2' / 1'	M to H	Sun/Shade
Day Lily (many species)	<i>Hemerocallis sp.</i>			1' / 1'	M	Sun/Shade
Deer Fern	<i>Belchnum spicant</i>	X		3' / 2'	M to H	Part/Full Shade
Douglas Iris	<i>Iris douglasiana</i>	X		2.5' / 3'	L	Sun/Shade
Dragon's Blood Sedum	<i>Sedum spurium</i>	X		0.5' / 1.5'	L to M	Full sun
Drops-of-gold	<i>Prosartes hookeri</i>	X		3' / 3'	M to H	Part shade
Fairy Bells	<i>Prosartes smithii</i>	X		3' / 3'	M to H	Full shade
Fringecup	<i>Tellima grandiflora</i>	X		3' / 2'	M to H	Part/Full Shade
Fuschia	<i>Fuchsia magellanica</i>			2' / 2'	M	Part/Full Shade
Goat's Beard	<i>Aruncus dioicus</i>	AK Native		6' / 4'	M to H	Sun/Shade
Goldenrod	<i>Solidago canadensis</i>	X		5' / 3'	L	Full sun
Gumweed	<i>Grindelia integrifolia</i>	X		1' / 1'	L to M	Full sun
Heater (many species)	<i>Calluna sp.</i>	X		2' / 2'	M	Sun/Shade
Heuchera	<i>Heuchera micrantha</i>	X		3' / 1'	M to H	Part/Full Shade
Ice Dance' Sedge	<i>Carex morrowii</i>			1.5' / 2'	M to H	Part/Full Shade
Indian Rhubarb	<i>Darmera peltata</i>	X		5' / 5'	L	Part/Full Shade
Inside-Out Flower	<i>Vancouveria hexandra</i>	X		1.5' / 1.5'	M	Part/Full Shade
Lady's Mantle	<i>Alchemilla mollis</i>			1.5' / 2.5'	M	Sun/Shade
Large Camas	<i>Camassia leichtlinii</i>	X		1' / 1'	M to H	Part shade
Lenten Rose / Hellebore	<i>Helleborus sp.</i>	X		1.5' / 1.5'	L	Part shade to full shade
Licorice Fern	<i>Polypodium vulgare</i>	X		1' / 1'	M	Part/Full Shade
Lithodora	<i>Lithodora diffusa</i>			1' / 25'	M	Sun/Shade

## Appendix B: City of Newport - Acceptable Species for Planting

Common Name	Botanical Name	Native	Evergreen / Deciduous	Height / Width	Water	Sun / Shade
Maiden Fern	<i>Adiantum pedatum</i>	X		2.5' / 1.5'	M	Part/Full Shade
Matilija Poppy	<i>Romneya coulteri</i>	CA Native		10' / 20'	L	Full sun
Phlox	<i>Phlox subulata</i>	US Native		0.5' / 2'	M	Full sun
Piggy-Back Plant	<i>Tolmiea menziesii</i>	X		0.5' / 0.5'	M to H	Part/Full Shade
Purple Leaf Winter Creeper	<i>Euonymus fortunei</i>			0.75' / 3'	M	Sun/Shade
Santolina	<i>Santolina chamaecyparissus</i>			2' / 3'	L to M	Full sun
Sea Pink	<i>Armeria maritima</i>			1' / 1'	L	Full sun
Sea Watch	<i>Angelica lucida</i>	X				
Seashore Lupine	<i>Lupinus littoralis</i>	X		1' / 1'	L to M	Full sun
Shasta Daisy	<i>Leucanthemom x superbum</i>			4' / 4'	L to M	Full sun
Silver Lace Vine	<i>Polygonum aubertii</i>			25' / 25'	M	Sun/Shade
Silverweed	<i>Potentilla anserine ssp.</i>	X		1' / 3'	M to H	Full sun
Slough Sedge	<i>Carex obnupta</i>	X		2' / 2'	M to H	Full shade
Snow in Summer	<i>Cerastium tomentosum</i>			1' / 1'	L	Full sun
Stream Violet	<i>Viola glabella</i>	X		0.5' / 0.5'	M	Part shade
Sweet Woodruff	<i>Galium odoratum</i>			1' / 1.5'	M to H	Part/Full Shade
Sword Fern	<i>Polystichum munitum</i>	X		5.5' / 3'	L to M	Full shade
Thimbleberry	<i>Rubus parviflorus</i>	X		8' / 8'	M to H	Part shade
Trillium	<i>Trillium ovatum</i>	X		2' / 1.5'	M to H	Part/Full Shade
Voilet	<i>Viola adunca</i>	X		1' / 1'	M to H	Sun/Shade
Western Geranium	<i>Geranium oreganum</i>	X		3' / 2'	M	Part shade
Wild Ginger	<i>Asarum caudatum</i>	X		0.5' / 1.5'	M	Part/Full Shade
Wood Fern	<i>Dryopteris arguta</i>	X		2' / 2'	L	Sun/Shade
Wooly Thyme	<i>Thymus pseudolanuginosus</i>			0.25' / 1'	L to M	Full sun
Woundwort	<i>Prunella vulgaris</i>	X		2' / 0.75'	M to H	Sun/Shade
Yarrow	<i>Achillea millefolium</i>	X		3' / 1.5'	L	Sun/Shade

## Appendix B: City of Newport - Acceptable Species for Planting

Common Name	Botanical Name	Native	Evergreen / Deciduous	Height / Width	Water	Sun / Shade
<b>GRASSES</b>						
Blue Oat Grass	<i>Helictotrichon sempervirens</i>			3' / 2.5'	L to M	Full sun
Blue Wild Rye	<i>Leymus racemosus</i> 'Glaucus'	CA Native		2' / 2'	L to M	Full sun
Blue-Eyed Grass	<i>Sisyrinchium idahoense</i>	X		1.5' / 1.5'	M	Full sun
Feather Reed Grass	<i>Calamagrostis acutiflora</i> 'Karl Forester'			5' / 2.5'	M to H	Full sun
Maiden Grass	<i>Miscanthus sinensis</i> 'Gracillimus'	X		7' / 6'	M	Sun/Shade
Orgen Tufted Hair Grass	<i>Deschampsia cespitosa</i>	X		3' / 3'	M to H	Sun/Shade
Variiegated Japanese Silver Grass	<i>Miscanthus sinensis</i> 'Variegatus'			9' / 5'	M	Sun/Shade

## DRAFT TREE MANUAL ORDINANCE

### THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

**Section 1.** The above findings are hereby adopted as support for the Council’s following amendments.  
(TBD)

**Section 2.** Section 2.05.040(D)(2) of Ordinance No. 1951, codified under Chapter 2.05, Boards and Commissions, of the Newport Municipal Code is hereby amended to read:

2. To serve as the City’s “Tree Board,” with authority to recommend approval or denial of requests for public tree removal pursuant to Chapter 9.10 (Right-of-Way-Permits) and with the responsibility to study, investigate, develop and periodically update a written manual for the care, preservation, pruning, planting, replanting, removal and disposition of trees and plantings in parks, along public streets, and in other public places.

- a. As part of this manual, a list of acceptable species shall be developed and maintained for planting trees along public streets. The list shall provide spacing and planting details for each species, and divide trees into three classes based upon mature height: small (under 30 feet); medium (30 to 50 feet) and large (over 50 feet);
- b. The manual may include criteria for determining, and standards for protecting, heritage trees within the city. The purpose of the heritage tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. Criteria may include such things as species rarity, age, size, quality, association with historical events or persons, or scenic enhancement;
- c. A draft of the manual and any amendments thereof shall be presented to the City Council and, upon Council acceptance and approval, will constitute the official Tree Manual for the city. Adoption by the City Council shall be by resolution; and
- d. The manual shall be reviewed at least once in every three-year period after initial approval.

**Section 3.** Sections 9.10.010, 9.10.020, 9.10.030, 9.10.040 and 9.10.060 of Ordinance No. 1949, codified under Chapter 9.10, Right-of-Way Permits, of the Newport Municipal Code, are hereby amended to read:

#### 9.10.010 Definitions

~~**Arborist, certified** means a licensed tree care consultant, who is certified as an arborist by the International Society of Arboriculture, or other arborist approved by the City.~~

**Cut** means to fell or remove a tree or to do anything that has the natural result of causing the death or substantial destruction of a tree, including girdling and topping.

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**D.B.H. (diameter at breast height)** means the tree trunk's diameter as measured at four and one-half feet above the ground; for multi-trunked trees, the diameter of the two largest trunks combined.

**Drip line** means the area under a tree's canopy as defined by an imaginary vertical line extending downward from the outermost tips of a tree's natural length branches to the ground.

**Girdling** means the cutting or removal of the outer bark and conducting tissues of a tree, potentially causing death by interrupting the circulation of water and nutrients.

**Hazardous Growth Habit** means the development of a tree that, due to a combination of structural defect, disease, or existing disturbance, is subject to a high probability of failure; and such failure would result in a threat to persons or improved property.

**Minor pruning** means the removal of living parts in an amount of 20% or less of the tree's mass within a five-year period.

**Mitigation tree** includes any tree required by this chapter as a replacement for a tree removed.

**Pruning** means normal, seasonal maintenance pruning, trimming, shaping or thinning of a tree necessary to its health, growth and view maintenance. Foliage reduction should not exceed one quarter of the total tree foliage.

**Public Trees** means park trees, street trees or other trees on City owned or controlled property.

**Removal** means cutting or removing 50 percent or more of the crown, trunk or root system of a tree, or any action that results in the loss of aesthetic or physiological viability or causes the tree to fall or be in immediate danger of falling. Removal includes topping and girdling, but shall not include pruning performed to applicable standards.

**Topping** means the severe cutting back of the tree's crown limbs to stubs to such a degree so as to remove the natural canopy and disfigure the tree.

**Tree** means City-planted trees of any size, or a perennial woody plant, of eight feet or more in height, measuring four inches D.B.H. or larger, with a single main stem (the trunk or bole), or in some cases, multiple trunks, from which branches and twigs extend to form a characteristic crown of foliage.

**Tree care professional** means a licensed tree care consultant, who is certified as an arborist by the International Society of Arboriculture, or other tree care professional approved by the City.

#### **9.10.020 Applicability**

The requirements of this chapter shall apply to all rights-of-way controlled or administered by the City of Newport, whether as a result of a dedication by plat or deed or agreement with Lincoln County or the State

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of Oregon. This chapter shall further apply to the pruning and removal of **public trees** ~~within parks, rights-of-way and other City-owned or controlled properties.~~

### 9.10.030 Permit Required

- A. No person may cut, break, dig up, damage in any manner, undermine or tunnel for any purpose in any developed portion of a right-of-way, or obstruct any developed portion of right-of-way, without obtaining a right-of-way permit under this chapter. Developed portions of rights-of-way include all streets, sidewalks and any other paved or improved area. No person may cut, break, dig up, damage in any manner, undermine or tunnel within any portion of a right of way to place, modify, repair or maintain any utility facility without obtaining a right-of-way permit. No person may construct any street, sidewalk, trail or path within any right-of-way without a right-of-way permit. Application for permits shall be in the form prescribed by the city. Permits shall be issued for a limited time and shall specify the extent of the authority granted by the permit. No permit shall be issued unless the applicant has complied with or is not subject to Chapter 9.05.
- B. Any person who cuts, breaks, digs up, damages in any manner, undermines or tunnels under any unimproved portion of a right-of-way for non-utility purposes must obtain an encroachment permit pursuant to Chapter 9.15
- C. No person shall prune or remove a **public** tree ~~within public rights-of-way, public easements, or on City-owned property~~ without obtaining a right-of-way permit. Minor pruning of street trees in the City's right of way directly abutting private property to maintain minimum sidewalk and road clearance as described in NMC Chapter 14.17, Clear Vision Areas, shall be deemed exempt from this permitting requirement.

### 9.10.40 Permit Applications

- C. Applications for right-of-way permits for pruning and removing trees shall be accompanied by the following:
    - 1. The number, diameter and species of trees requested to be pruned or removed;
    - 2. A site plan identifying the size, location and species of the tree(s) to be pruned or removed. Applicants may use aerial maps as a site plan.
    - 3. **For pruning, a statement from a certified arborist tree care professional indicating that the proposed pruning measures will not foreseeably lead to death or permanent damage to the tree(s).**
    - 4. For removals:
      - a. Reasons justifying the removal, referencing the criteria in Section 9.10.035;
      - b. A description of the proposed tree replacement with a detailed explanation including the number, size, species and cost.
      - c. After clearly marking the tree(s) on the property with brightly colored tape, the applicant shall take and include with the application photograph(s) of the tree(s) to be removed and the surrounding area.
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- d. The applicant may, at their discretion, submit a report by ~~an arborist~~ a tree care professional on the health and structure of the tree(s) to be removed and the impact of such removal upon surrounding trees. In no way should this be construed to mean that the City requires such a report, except as noted in subsection (e) below. Reports from other professionals (engineers, appraisers, etc.) may also be included in the application but are not required.
- e. If the application is being made on the criteria in Section 9.10.035(A)(1-4) then a formal report from a ~~certified arborist~~ tree care professional is required establishing that one or more of the criteria for removal are being met.
- f. If the application is being made on criteria other than those in Section 9.10.035(A)(1-4), names and addresses of property owners within 200 feet of the subject property (or outline of property that is held in common), as shown in the records of the County Assessor. If the property is within a homeowners association, then contact information for the association shall also be provided.

#### **9.10.060 Permit Issuance**

- A. Upon a determination that the application and supporting information complies with the requirements of this chapter, the city engineer shall issue a permit authorizing construction in the rights-of-way or pruning or removal of public trees, subject to conditions that the city engineer deems appropriate to ensure compliance with this chapter. In order to minimize disruption to transportation and to coordinate work to be performed in the right-of-way, the permit may specify a time period within which all work must be performed and require coordination of construction activities. The city engineer may impose conditions regulating the time, place and manner of performing the work as the city engineer may deem reasonably necessary.

**Section 4.** Section 9.15.010, Encroachment Permits, of the Newport Municipal Code, is hereby amended to read:

#### **9.15.010 Permit Requirement**

A. The following actions are prohibited within undeveloped portions of rights-of-way or on city property except as authorized by the city by a temporary encroachment permit:

1. Placing or maintaining a structure.
2. Excavation or fill, including placing of rocks or other landscaping materials.
- ~~3. Planting a tree.~~
4. Landscaping activities, other than in the portion of the right-of-way immediately adjacent to property owned, controlled, or possessed by the person.

**Section 5.** The following language is hereby added as Section 9.10.035 to Ordinance No. 1949, codified

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under Chapter 9.10, Right-of-Way Permits, of the Newport Municipal Code:

### 9.10.035 Tree Removal Requests and Authority

A private property owner may request permission from the City to remove public trees.

A. The City shall have authority to approve or deny permits for removal of public trees fitting the following criteria:

1. The tree is diseased, blighted, or insect infested.
2. The tree is determined to be dead, or dying and not recoverable
3. The tree is determined to have a significantly damaged root structure that will adversely impact the health and stability of the tree.
4. The tree is determined to exhibit a hazardous growth habit.

B. The Parks and Recreation Committee, serving as the City's "Tree Board," shall have authority to recommend approval or denial of requests for removal of public trees not fitting the criteria in Section 9.10.035(A)(1-4). In making a recommendation on whether to grant a Removal Permit, the Tree Board shall consider the criteria listed below. The decision shall include findings that cite each of these criteria. These criteria are meant to be guides, and the varying importance or weight of each in determining the appropriateness of tree removal shall be as expressed in the findings:

1. Any of the following criteria shall be considered as aspects ~~likely to that may~~ warrant approval of a tree removal permit:

- a. The tree encroaches in the public right-of-way so as to cause damage to improvements within the public right-of-way such as street pavement and sidewalks.
- b. The tree is causing structural damage that includes, but is not limited to, foundations, water lines and sewer lines.
- c. An existing building footprint lies within the drip line of the tree.
- d. Removal of trees is being done for thinning purposes to enhance the health of other trees.
- e. The removal would allow solar access for an otherwise extremely shaded property.
- f. In the absence of **potential** denial criteria listed below, removal is for the owner's landscape improvement but does not jeopardize the aesthetics of the neighborhood.

2. Any of the following criteria shall be considered as aspects ~~likely to that may~~ warrant denial of a tree removal permit:

- a. The tree is visually prominent.
- ~~b. The tree is generally healthy and of sound structure.~~
- c. The tree is of significant size.
- d. The tree is part of a larger grove or grouping of trees and its removal will adversely affect the health and safety of the remaining trees within the grove or grouping.
- e. The tree is on land that is sloped and removal of the tree may exacerbate erosion or soil slumping in the vicinity of the tree.
- f. The tree acts as a privacy barrier for adjacent properties.

C. A decision of the Tree Board becomes final 10 business days after the decision is issued. If the decision is to ~~grant~~ **recommend granting** the permit, the permit shall be issued only after the decision becomes final. If there is no appeal filed, the decision of the Tree Board becomes final 10 business days after it (the decision) is issued. The permit to remove the tree(s) will not be issued until the decision

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becomes final.

**Section 6.** The following language is hereby added as Section 9.10.037 to Ordinance No. 1949, codified under Chapter 9.10, Right-of-Way Permits, of the Newport Municipal Code:

**9.10.37 Appeal Procedure**

- A. Decisions of the Tree Board may be appealed to the City Council in writing within 10 calendar days of the date of the decision.
- B. The City Council shall set a time and place for a hearing on the appeal within thirty (30) calendar days after receiving the appeal. Notice of the appeal hearing shall be mailed to the appellant at least ten (10) calendar days prior to the hearing. During the hearing, the appellant shall have an opportunity to present in writing or orally the grounds for the appeal. The decision and order of the City Council on such appeal shall be final and conclusive.

**Section 7.** The following language is hereby added as Section 9.10.045 to Ordinance No. 1949, codified under Chapter 9.10, Right-of-Way Permits, of the Newport Municipal Code:

**9.10.045 Notice of Tree Removal Requests**

The City will determine the level of notification needed based on the approval criteria in section 9.10.035.

- A. If approval criteria Section 9.10.035 (A)(1-4) apply, then no notification is needed.
- B. For all other trees the City shall notify all property owners within 200 feet of the property for which the permit is being requested. The notice shall be sent via US Mail prior to the next Tree Board meeting and shall include the following:
  - 1. The address (or legal description) of the property
  - 2. A copy of the applicant's site plan
  - 3. A description of the trees to be removed including the diameter and species
  - 4. The reasons stated by the property owner justifying the removal
  - 5. The expected Tree Board's decision date
  - 6. How to request a copy of the decision
  - 7. The appeal rights and process
  - 8. The address and contact information of City staff for questions and comments

**Section 8.** The following language is hereby added as Section 9.10.065 to Ordinance No. 1949, codified under Chapter 9.10, Right-of-Way Permits, of the Newport Municipal Code:

**9.10.065 Tree Removal and Replacement**

- A. If permission for removal is granted, all costs of removal, cleanup and replacement shall be borne by the person requesting the removal.
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## I. Stumps

### Portland:

The tree must be removed, the stump ground, and the debris cleared.

### La Grande:

Trees are to be removed at least flush with ground level, stumps shall be ground, and all debris removed.

### Hood River:

In addition to the standards of the National Arborist Association, when a tree is cut down, the stump shall be removed to a depth of 6 inches below the surface of the ground.

### Tualatin:

When trees are cut down, the stump must be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.

## II. Tree replacement specifications

### *Draft Language:*

B. Any person granted a tree removal permit shall replace each removed tree with at least one mitigation tree on the same property, or an approved alternate public property in the City. Removed trees under 20" D.B.H. shall be replaced on a tree for tree basis within 9 months of removal. Trees measuring 20" D.B.H. and larger in diameter must be replaced on an inch for inch basis within 9 months of removal. Mitigation trees shall be at least 1" in diameter at 4' above ground level and of a species suitable for the location as determined by the City's Tree Manual and approved by the City.

### Portland:

#### 1. **Quantity.** Specific tree replacement requirements:

- a. Removal of any regulated tree that is dead, dying, or dangerous – tree for tree
- b. Less than 20" in diameter – tree for tree
- c. 20" and larger in diameter – inch for inch

2. **Payment into Tree Planting and Preservation Fund.** When the City Forester determines that there is insufficient or unsuitable area to accommodate some or all of the replacement trees within the street planting area or site, the City Forester may require payment into the Tree Planting and Preservation Fund instead of requiring replacement trees. Payment is based on the adopted fee schedule.

3. **Waivers.** The City Forester may waive or reduce the replacement requirement when the City Forester determines:

- a. The abutting right-of-way and site already meet the tree density standards of Chapter 11.50; or
- b. That the full mitigation required by this Chapter would impose an unreasonable burden on the applicant.

### Hood River:

1. The City may condition approval of the permit with a requirement to replace the tree(s) removed with a tree recommended in the Tree Selection Guide. No additional permits are required for those replacement trees.

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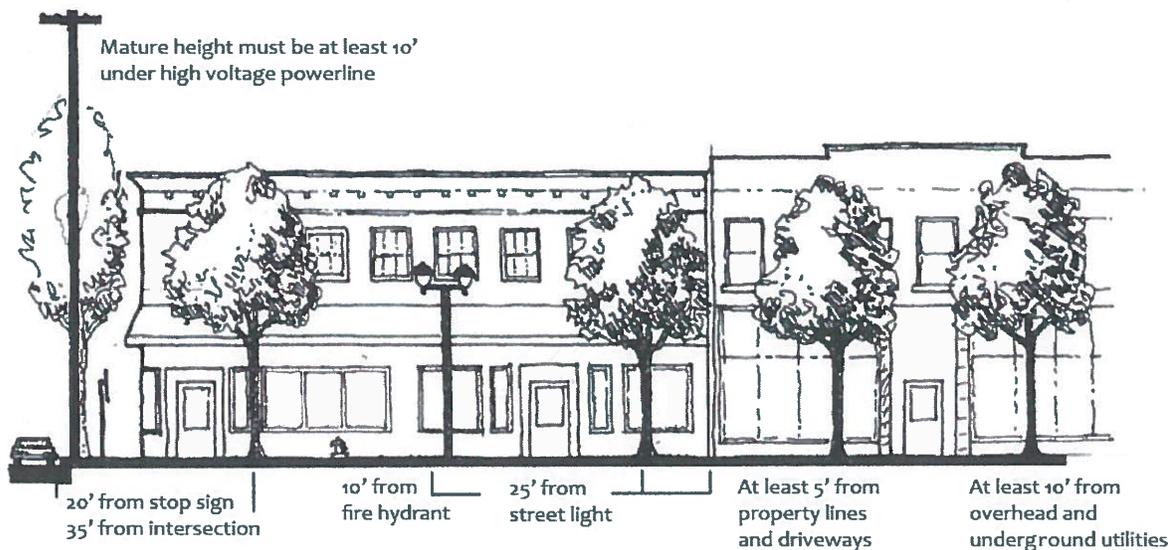


**Section 8.** The following language is hereby added as Section 9.10.130 to Ordinance No. 1949, codified under Chapter 9.10, Right-of-Way Permits, of the Newport Municipal Code:

**9.10.130 Planting, Maintenance and Removal of Trees**

A. ~~The planting of trees~~ Public plantings shall adhere to the following standards:

1. Only those species identified in the City's adopted Tree Manual may be planted along public streets;
2. Spacing between trees shall be in accordance with recommendations contained in the adopted Tree Manual;
3. Only those trees listed as small trees, forbs/herbs, shrubs and grasses in the adopted Tree Manual may be planted under or within 10 lateral feet of any overhead utility wire, underground water line, sewer line, transmission line or other utility;
4. Trees shall be set back from curbs and sidewalks by the size classification in the adopted Tree Manual, as follows: small trees, three feet; medium trees; four feet; and large trees, six feet;
5. No Street Tree shall be planted closer than 35 feet from a street corner, measured from the point of nearest intersecting curbs, curb lines, or edge of pavement; and
6. No Street Tree shall be planted closer than 25 feet from any street light. No Street Tree shall be planted closer than 20 feet from any stop or yield sign. No Street Tree shall be planted closer than 10 feet from any fire hydrant.



B. Removal of trees is allowed without a permit if performed by a utility or by the City or its authorized agent to remove vegetation and trees that present a danger to life or property, to restore utility services, or to reopen a public thoroughfare to traffic.

C. Removal of trees is allowed without a permit if performed by the City or its authorized agent to remove trees that are deemed nuisances under Chapter 8.10 NMC, Nuisances, or to remove trees necessary to install or maintain improvements on parklands, streets, sewers, or utilities within publicly owned and dedicated rights-of-way or public utility easements.

~~C. Persons performing activities described in subsections (B) and (C) shall not be required to obtain a permit provided a written statement is filed with the Public Works Department confirming that they have reviewed and will follow applicable provisions of the city's adopted tree plan. Such statements shall be current within 12 months of the date work is to be performed.~~

D. City Manager may order the removal of any tree, or part thereof, irrespective of the adopted Tree Manual, upon a determination that such action is necessary to resolve an unsafe condition or prevent damage to public improvements.

E. No person shall remove or injure any tree public tree, except in accordance with the provisions specified in this Chapter.

**Section 9.** The following language is hereby added to Section 13.05.015 of Ordinance No. 1990, codified as the Newport Subdivision Ordinance:

M. Street Trees. Trees may be installed within proposed or existing rights-of-ways provided the plantings conform to the City's Tree Manual adopted pursuant to XXXXXXXX.

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