

TO: Albany City Tree Commission
FROM: Tari Hayes
DATE: August 11, 2008
SUBJECT: Tree Commission Meeting Packet

Enclosed you will find the following for your review prior to the Tree Commission meeting on Thursday, August 21, 2008 at 3:00 pm in the Willamette Room at City Hall:

- Agenda for August meeting
- Minutes from June meeting
- Minutes from July meeting
- David Smith comments on proposed code changes
- Tom Krupicka comments on proposed code changes
- Copy of Gurezynski permit request from June meeting

If you have any questions I can be reached at 541-917-7778.

TH
Enclosures



NOTICE OF PUBLIC MEETING

CITY OF ALBANY
TREE COMMISSION
Albany City Hall, Willamette Room
333 Broadalbin Street SW

**Thursday, August 21, 2008
3:00 p.m.**

AGENDA

- | | | |
|-----------|---|--------------|
| 3:00 p.m. | 1. CALL TO ORDER | Tom Krupicka |
| | 2. ROLL CALL | |
| | 3. COMMENTS FROM THE PUBLIC | |
| | 4. APPROVAL OF MINUTES | |
| 3:15 p.m. | 5. Scheduled Business | |
| | a) Tree Code Revision Discussion | All |
| 4:00 pm | 6. BUSINESS FROM THE COMMISSION | |
| | 7. NEXT MEETING DATE – Thursday, September 18, 2008 | |
| 4:30 p.m. | 8. ADJOURNMENT | |

PLEASE BRING YOUR COPY OF:

- Urban Forestry Management Plan

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 917-7501.

**CITY OF ALBANY
TREE COMMISSION
Albany City Hall, Calapooia Room**

Thursday, June 19, 2008
3:00 p.m.

MINUTES

Commission members present: Tom Krupicka, Dick Miles, Mark Azevdo,
Barb Bolden, David Smith

Commission members absent:

Staff present: Craig Carnagey, City Forester

Others present: Jim and Leslie Hogan, Beverly Miles, Tom and
Linda Capel, Cathy Cook

1. CALL TO ORDER

Tom Krupicka called the meeting to order at 3:03 pm.

2. ROLL CALL - All present

3. COMMENTS FROM THE PUBLIC - None

4. APPROVAL OF MINUTES – Approved

5. SCHEDULED BUSINESS

a. Outstanding Tree Issues

201 Daffodil LN - Maple Trees - Private Trees – Homeowner's are requesting to have 2 Maples reevaluated for removal. An original request was made in June 2007 and removal of 1 of 3 Maple trees was approved. The homeowner is now asking for the removal of the 2 remaining trees due to rot and safety concerns. Members of the Commission reviewed the trees and charged the City Forester with monitoring the trees and making a final decision regarding their removal and/or maintenance. The City Forester will notify the Tree Commission if any decision is made in the future.

b. Urban Forestry Management Plan (UFMP) Review

The Urban Forestry Management Plan was briefly reviewed. The commission felt that the plan was almost ready to be sent to the City Council for approval. The plan will need to be updated to reflect any changes in the Albany Municipal Code (AMC) and Albany Development Code (ADC) once code review is completed.

Commission members will continue to review the manual while code changes are being discussed, and the manual will be forwarded to the Council with the code changes.

The Commission will work on an “Unacceptable /Nuisance Species Tree List” (referenced on pg. 49 in UFMP) to be added to the UFMP in the future. This list would apply to public property and right-of-way street trees, not trees on private property. There is some concern that this list could be quite lengthy and narrowing it down could be difficult and time consuming (what to put on, what to leave off).

c. Tree Code Revision Review

The commission reviewed the changes proposed for the Albany Municipal Code (AMC) and the Albany Development Code (ADC).

Azevedo added groves of trees to the codes for protection and consideration. He asked the commission to review the wording.

Definitions for hazardous and nuisance trees were discussed. Some commission members felt that their definitions were similar; some felt that wording for both needed to be used concurrently in the codes.

Azevedo added the definition of significant trees to the codes. Discussion followed on the definition of a significant tree.

Azevedo added the definition of Critical Root Zone” and”City Forester” to the codes.

The full commission had not received copies of Azevedo’s proposed changes in time to adequately review before today’s meeting. City staff will provide the commission with copies of Azevedo’s changes, with page numbers in advance of the July meeting. Code review discussion will continue at the July commission meeting.

ACTION ITEMS:

- The City Forester will meet with the City Attorney to discuss the legal definitions of hazardous and dangerous trees and ask the City Attorney if one definition is preferable.
- Krupicka and Azevedo will further discuss their definitions of nuisance and significant trees over the next month and bring back suggestions to the commission in July.
- Tari will provide the commission with copies of the Original ADC and AMC, proposed changes and Mark’s suggestions, with page numbers, in advance of the July commission meeting.

Tree Commission members will continue their discussion at the July commission meeting, after which, a final draft will be presented to City Council for review.

6. BUSINESS FROM THE COMMISSION

Azevedo asked the City Forester to look at some dead trees in the 800 block of 4th St. SE as well as some dead trees on Scenic Dr. near West Thornton Lake Dr.

7. NEXT MEETING DATE

The next meeting of the Tree Commission is scheduled for Thursday, July 17, 2008 at 3:00 p.m. in the Willamette Room in Albany City Hall.

8. ADJOURNMENT

The meeting adjourned at 5:00 p.m.

Submitted by

Craig Carnagey
City Forester

Tari Hayes
Parks and Recreation Administrative Assistant

**CITY OF ALBANY
TREE COMMISSION
Albany City Hall, Calapooia Room**

Thursday, July 18, 2008
3:00 p.m.

MINUTES

Commission members present: Dick Miles, Mark Azevdo,
Barb Bolden, David Smith, Tom Krupicka

Commission members absent:

Staff present: Craig Carnagey, City Forester

Others present: Cathy Cook, Bodie Dickerson

1. CALL TO ORDER

Mark Azevdo called the meeting to order at 3:03 pm.

2. ROLL CALL - Tom Krupicka arrived later in the meeting.

3. COMMENTS FROM THE PUBLIC

Bodie Dickerson asked the City Forester if the trees removed by Central School were permitted for removal, specifically a large Elm and a large Black Walnut. The large elm had Dutch elm disease and was permitted. The black walnut was not permitted; it did have die back in the canopy and was not of the size requiring a permit.

It appears to Ms. Dickerson that construction workers are scraping close too close/deep to the roots of two additional black walnuts, east of the school and east of the two that were removed.

ACTION ITEM:

The City Forester will visit the site; verify that the removed Walnut didn't need to be permitted as well as inspecting the construction impacts on existing trees.

Ms. Dickerson also asked if the City Forester had any additional follow up on the Fairmont School tree issue. He had no additional information that what was featured in a recent newspaper article. The City Planning Department would be the contact for information at this point.

4. APPROVAL OF MINUTES

Additional detail is needed, corrections will be made and approval was tabled for the August meeting.

5. SCHEDULED BUSINESS

a. Outstanding Tree Issues

125 Pine St. SE – Cedar Tree - Private Tree – Property owner is requesting removal of a cedar tree located in front of 125 Pine St. SE. According to a report from a local tree service, the tree is uplifting the sidewalk, driveway and foundation of the home. It is the opinion of the tree service that some of the stems may have formed weak attachments. Neither the property owner, nor representative from the tree service attended the meeting. Commission member Smith had driven by the tree and provided pictures for the Commission. The homeowner is in the process of replacing the sidewalk; construction is in close proximity to the tree roots.

The Commission discussed the request and would like the property owner to provide additional information to back their claims. Additional information is to include receipts and/or estimates for damages caused by the tree to any property, pictures, if possible, of where the tree roots are affecting the foundation and water lines. They would like to see more detail from the arborist report. The Commission will discuss this again at the August Commission meeting.

ACTION ITEMS:

The City Forester will contact the property owner with the Commission's request. Commissioners who have not visited the site will do so before the August meeting.

1318 Elm St. SW – Private Tree – The City Forester received a request to inspect a tree at this location from someone who wished to remain anonymous. The Forester inspected the tree, did not see any issue for concern at this time and instructed the requestor to work with the property owner as the first step in addressing concerns with trees on privately owned property.

Follow up from June meeting: the dying oak tree at Scenic Dr. and West Thornton Lake Dr. has been removed.

b. Urban Forestry Management Plan (UFMP) Review

The City Forester would like to add wording to the UFMP regarding tree succession prior to removal as previously discussed in Commission meetings. The Forester will bring wording back to the Commission in August. It was reiterated that the UFMP will be updated with the changes to the Albany Development Code and Albany Municipal Code, when those changes are agreed upon and approved by Council.

ACTION ITEM:

The City Forester and Mark Azevedo will craft succession wording and bring it to a future Commission meeting for review.

c. Tree Code Revision Review

As requested, the Commission was presented with three versions of each code; the original codes as they stand now, the proposed changes so far, and the proposed changes by Mark Azevedo. Due to the lateness of receiving the materials the Commission has not reviewed these documents, although they remain unchanged from what was presented at earlier meetings. It was thought that Azevedo's copy contained the proposed changes as well as changes Azevedo is suggesting. However, Krupicka found some differences and urged the Commissioners to review all three copies carefully. The Commission will continue code change discussion at the August meeting. The Commission and the City Forester would like to have something to present to Council by October or November.

ACTION ITEM:

Tari will consolidate the documents into one and send it out to the Commission as quickly as possible.

6. BUSINESS FROM THE COMMISSION

Dick Miles voiced a concern with the preservation of the White Oaks on the Dave Clark path along the river in downtown Albany. His fear is that they will be removed or damaged by development along the water front. The City Forester assured the Commission that the property between the path and the river is owned by the City and no tree removal or pruning would be allowed without the knowledge and approval of the City Forester. Pruning has been done to some trees in the past under the supervision of the City. The City intends to preserve the White Oaks along the path.

The City Forester informed the Commission of the addition of John Burgess, in a Park Maintenance III position, to the Urban Forestry Program.

The City Forester let the Commission know that the request for street tree planting program started taking applications on July 1, 2008. Requests will be taken until November 1, 2008.

7. NEXT MEETING DATE

The next meeting of the Tree Commission is scheduled for Thursday, August 21, 2008 at 3:00 p.m. in the Willamette Room in Albany City Hall.

8. ADJOURNMENT

The meeting adjourned at 4:30 p.m.

Submitted by

Tari Hayes
Parks and Recreation Administrative Assistant

ALBANY MUNICIPAL CODE
Chapter 7.98
TREE REGULATIONS

General Comments:

It seems to me that there is no meaningful difference between the words “hazardous” and “dangerous” as spelled out in section 7.98.020 – Definitions. In my review the two words seem to be used inter-changeably. It seems to me if there is some meaningful difference intended then they should be defined separately. Otherwise, I believe only one of these two words should be used, as it confused me to see both terms. I kept wondering if there was a difference and I had missed what that difference was.

Specific Comments:

CHAPTER 7.98.020 Definitions.

(As Written) (4) “Hazardous or dangerous tree” means a tree that is classified as a hazardous or dangerous tree by the City Tree Commission.

(As Changed) (4) “Hazardous or dangerous tree” means a tree that is classified as a hazardous tree as defined by ISA standards or City Forester.

Comments: Why was “dangerous” left in first line and removed from second line?

(As Written) (13) Nuisance Tree- Any dead, dying, diseased, or hazardous tree on private or public property that may pose a health or safety threat to other life or property.

(As Changed) (13) Nuisance Tree – Any dead, dying, or diseased tree on private property that may pose a health or safety threat to other life or property as determined by the City Forester.

Comments: Why was “hazardous” removed?

CHAPTER 7.98.120 Heritage trees.

(Next to last sentence as written) Once a tree is designated as a heritage tree, it will remain so unless it becomes necessary to classify it as a dangerous tree and removed as such.

Comments: The word “dangerous” was removed from section 4 of Chapter 7.98.020 Definitions, so why was it used here instead of the word “hazardous.”

ALBANY MUNICIPAL CODE
Chapter 7.98
TREE REGULATIONS

Continued:

CHAPTER 7.98.130 Pruning, corner clearance.

(Second sentence) Said owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public.

Comments: Same as **Heritage trees** comment.

CHAPTER 7.98.140 Dead or dangerous tree removal on private property.

Comments: The word “dangerous” is used in the chapter title and three times in the general narrative.

In subsection (1) Deadline to Remove Dead or Dangerous Trees, “dangerous” is used in the subsection title and once in the narrative.

In subsection (3), (4), and (5) “dangerous” is used once in the narrative of each subsection.

CHAPTER 7.98.180 Tree removal permit criteria

In subsection (1) (a) both “hazardous” and “dangerous” are used

ALBANY DEVELOPMENT CODE
ARTICLE 9
ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

TREE FELLING

9.208 Tree Felling Criteria

(5) (c) During the construction stage of development the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvent, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.

(d) No damaging attachment, wires, signs or permits may be fastened to any protected tree.

Comment: Why were these two subsections omitted?

8-10-08

Tom Krupicka comments on Azevedo proposed changes

Marks proposed AM C changes:

7.98.010 last paragraph

These standards are intended to balance the preservation of trees as a benefit to the community with the (individual's) right to use and enjoy property.

Where is it that a third party's rights over ride a property owners rights to do with their property (trees) as they wish?

7.98.020 #9

"Significant Tree"

The definition of "Significant" as is worded in this paragraph leaves all avenues open to the possibility of an argument by any third party as to what constitutes significance to themselves and puts undue burden on a private property owner.

The word "Grove"

We have always in the past look at trees on an individual basis and may leave the interpretation of grove up to a third party and may cause unintended consequences to a private property owner.

"Significant Tree" means a tree or grove of trees that has special significance to the Citizens of Albany.

This sentence alone would take any and all rights away from a private property owner on the whim of a third party.

It's significance may be but is not limited to its distinctive size or age or species or its exceptional beauty or that it is a functional part of a natural resource such as trees along drainage ways, in groves on hilltops or that it is associated with a historic person, place or event in Albany.

This entire sentence personal property owner's rights and places too much power on the opinion of a third party and would turn our planners into full time historians having to research the history of every tree.

I would recommend that we leave the last original draft as is.

7.98.020 #13

"Nuisance Tree" has been removed completely from this paragraph.

The word "stubs" is open to interpretation and should be removed and refer to the specific diameter of the limbs.

Also #13 should reference 7.98.090 which states "no" topping of street trees is allowed.

7.98.050 #1 first line

"The City Tree Commission" should say the City Forester and may wanted to insert "in cooperation of the City Tree Commission"

7.98.050 #2 the first line

“The City Tree Commission” Here again this should say “The City Forester” and may want to insert “with the cooperation of the City Tree Commission”.

We the Tree Commission members have no power, we are and advisory body to the City Forester and should stay that way.

7.98.070 first line

“The City Tree Commission”

Here again it should be “The City Forester” with the cooperation of the City Tree Commission for the same reasons I have previously stated.

7.98.120 first line

“The City Tree Commission”

Should say “The City Tree Commission may recommend to the City Forester” or “The City Forester in cooperation with The City Tree Commission”.

7.98.120 entire paragraph

References “grove or groves” in which, as stated above, has never been a consideration for “Heritage tree”

I am not against the addition or the possibility of designating a “Grove of tree” as heritage but believe the group ought to discuss it.

Marks proposed ADC changes:

9.206 #3

“nuisance tree”

Nuisance tree has been removed completely from this paragraph.

9.206 #5

“Grove”

Here again in this paragraph 9 C grove of trees has been inserted when as listed earlier has never been in the ADC or the AMC.

The entire

9.206 #5

“Significant tree(s) means a tree or grove of trees that have special significance to the Citizens of Albany. Its significance may be but is not limited to its distinctive size or age or species or its exceptional beauty or that it is a functional part of a natural resource such as trees along drainage ways, in groves on hilltops or that it is associated with a historic person, place or event in Albany.”

This paragraph as mentioned in the AMC would just about strip any personal property rights a person might have by any abjection from a third party and is way too broad. This paragraph would also turn the City’s Planners into full time researchers & historians.

I would suggest deleting this entire paragraph.

9.207 #1 first line

The action of any official “as authorized by the city manager or public utility”

Does this mean that in a case of emergency any/all person must get authorization from either the City Manager or any public utility before he or she is able to assist?

Does this mean that fire & rescue first need to get authorization?

I would suggest that “as authorized by the City Manager” be removed.

9.206 #2

“Nuisance” has been removed?

9.206 #3

Any felling necessary to maintain streets or public or private utilities within a public right of way or utility easement provided the “Tree Commission and/or City Forester” approve the proposed tree felling.

The City Tree Commission here again is an advisory body to the City Forester, we vote as a group to make recommendations to the City Forester and believe the words “Tree Commission and or” need to be removed.

9.208 #2

3rd line

Development Director “and the” City Forester

I believe that it should read “Development Director with assistance by the City Forester

9.208 #2b

The proposed felling is consistent with States standards, City ordinances, “and the proposed does not negatively impact the environmental quality of the area” including but not limited to the protection of nearby trees windbreaks,” natural vegetation wildlife corridors and habitat” erosion, soil retention and stability, volume of water runoff and water quality of seasonal and year round waterways “scenic quality and geologically significant sites”

The underlined segments of this paragraph are too vague and can leave interpretations wide open to third party non property owners, who determines a private property owners own idea of the environmental quality, one can argue that we should cut down old trees to replant new young ones as young faster growing trees produce significantly more oxygen than slower growing old trees, also natural vegetation could be poison Oak / Ivy in which these plants growing could be used as a means of stalling a private property owner’s progress. The same goes for the scenic quality of a private land owner and who determines geologically significance?

This paragraph goes way too far and recommends striking the underlined portions.

9.208 #2c

3rd line

The word “shall” leaves no options and would suggest the word “may”

I think this just about covers my concerns, here are a few more definitions that I think we need to look at but these are my main areas of concern.

Thank you

Tom Krupicka



For Notebooks

FACSIMILE TRANSMITTAL SHEET

TO: Craig Carnagey, City Forester	FROM: Jannai Cornett
COMPANY: City of Albany	DATE: June 20, 2008
FAX NUMBER: (541) 917-7776	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: (541) 704-2303	PHONE: (503) 540-9038
REGARDING: Tree Removal Permit	FAX: (503) 540-9039

- URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Hi Craig,

Please see attached permit application to remove a tree at 125 Pine St SE for Hank Gureczynski.

Notes f/Robert:

"Cedar tree approximately 90' tall, 40' spread with a dbh of 36" located in front of 125 Pine St SE is uplifting sidewalk, driveway and foundation of home. The tree also has multiple co-dominant stems which have formed weak attachments. Strongly recommend removing this tree."

Please call/email if you have questions.

Have a great weekend,

Jannai

AMC
7.98



City of Albany Application for Tree Removal Permit

Application is hereby made to the City of Albany pursuant to the provision of Albany Municipal Code (AMC) 7.98 for a tree removal permit for the property herein described.

Owner of Record

Hank Gurczynski
Name

125 Pine st SE
Address

Albany OR 97321
City State Zip

(503) 559-3548 hkgski@comcast.net
Phone e-mail

Authorized Agent

R & R Tree Service, Inc.
Name

1710 Commercial st NE
Address

Salem OR 97301
City State Zip

(503) 540-9038 Sales@rrtreeservice.com
Phone e-mail

Applicant is: (check one)

- Owner of Record
- Purchasing the Property
- Agent Authorized by Owner

Property Information

Location	Size	Parcel Number

Permit Type

- Proposed tree removal is part of a project which will require a building permit.
- Proposed tree removal is *not* part of a project which will require a building permit.

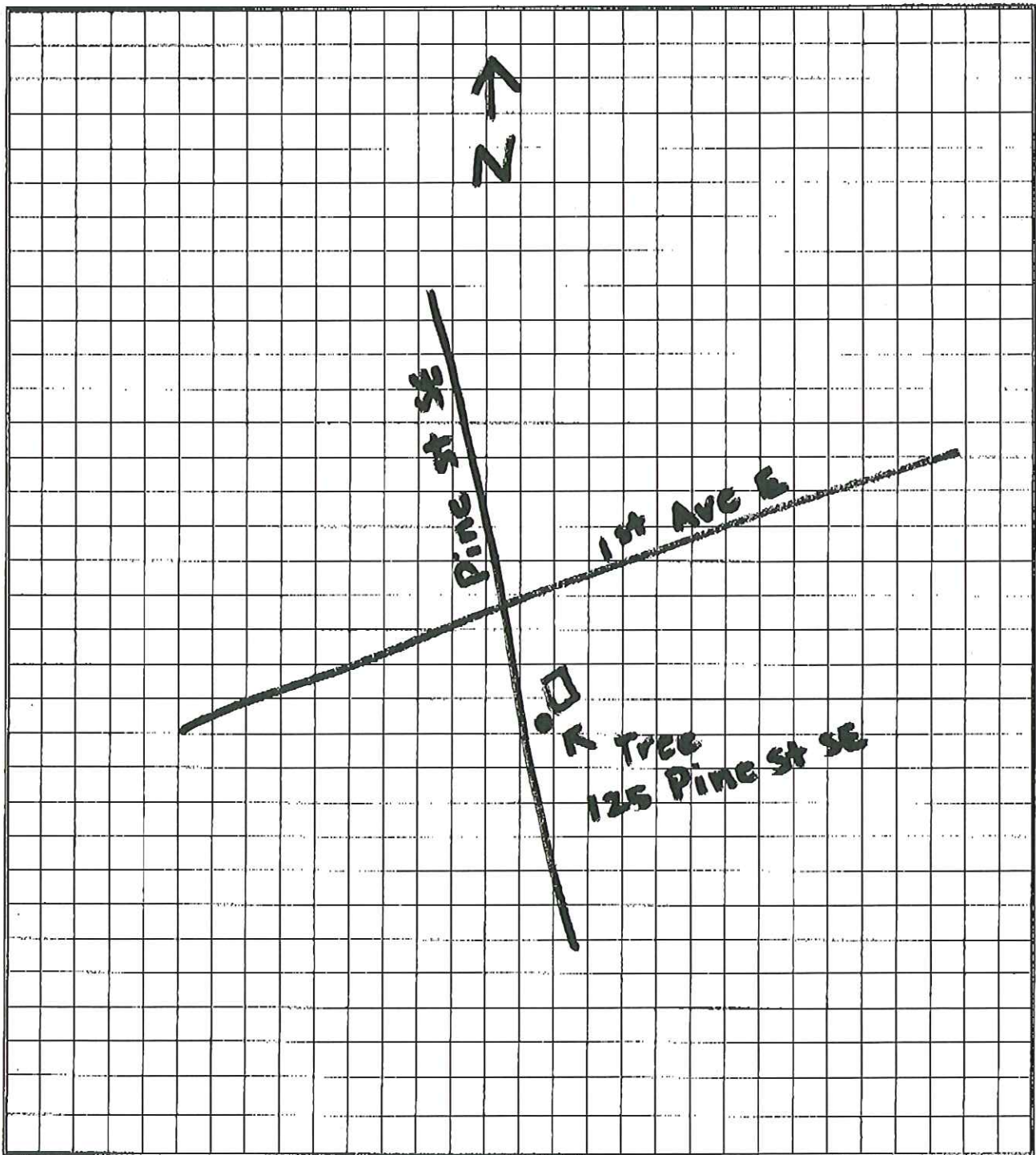
Submittal Requirements

- A list of each species, size, and location of the tree(s) proposed for removal. (*Diameter is measured 4½ feet above the junction of the root and trunk sections.*)
- A statement of the reason for the proposed tree removal.
- A written recommendation by a licensed tree care professional and or ISA certified arborist concerning the health and quality of the tree(s) in question and possible alternative actions (if applicable).
- Pictures that support the reason for removal permit request.
- Map of property that diagrams locations of each tree requested for removal.

Tree Location Site Plan

Prepared by: Jannai Cornett for R & R Tree Service, Inc.

Plot existing or proposed structure(s) and all proposed trees for removal. If trees are to be retained near any trees proposed for removal, please annotate which are to be removed and which are to be retained. Show dimensions from the property lines and existing structures. Show North arrow.



Carnagey, Craig

From: R & R Tree Service Inc [sales@rrtreeservice.com]
Sent: Friday, July 11, 2008 1:46 PM
To: Carnagey, Craig
Subject: FW: tree @125 pine st

Hi Craig,

Additional information on the tree permit for 125 Pine St is noted below in an email from the homeowner. Hopefully Robert can make it to the Tree Commission mtg on the 17th; he has several things going on that day so we'll see. In the meantime could I get you to print the information below and share with the members?

Have a great weekend and we'll talk soon,
Jannai

From: hjgski@comcast.net [mailto:hjgski@comcast.net]
Sent: Sunday, July 06, 2008 6:21 PM
To: R & R Tree Service Inc
Subject: tree @125 pine st

Jannai

i will be out of town on the 17th, i believe you said Robert could go for me?
Julie will be available if that is not a time when she has class?

My biggest concern on the tree is one of safety. last winter a pretty good size branch came down and went thru the roof of the shed. a few more feet farther and it could of hit the house.

The trees roots have under-mined the side walk, are going under the driveway and going under the house at 1405 2nd for sure.

I had to have a sewer and drain company come in and roto rooter the sewer pipes several times since i purchased the property. than last year they scoped the lines and found where the roots had broken the pipe at a joint, so we had to dig up and repair about 15' of line. their recommendation at that time was also to remove the tree.

while getting bids on removing this tree both companies agreed that removal was the best fix.

I will gladly re-plant another tree to replace this one based on arborist recommendations, but this tree is unsafe and a nuisance

thank you

--

Hank Gurczynski
Lindsay Forest Products
Office 503-331-0783
FAX 503-335-0075
Cell 503-559-3548

