

RESOLUTION NO. 20-33

**A RESOLUTION ADOPTING A POLICY FOR ADDITIONAL PERMITTING, NOTIFICATION
AND OTHER REQUIREMENTS FOR REMOVAL OF SIGNIFICANT CITY TREES**

WHEREAS, the City recognizes the importance of preserving significant trees located on City property or within the public right-of-way; and

WHEREAS, the City has regulations in the Oregon City Municipal Code regarding tree removal; and

WHEREAS, the City does not have an internal policy with the process for considering if significant trees should be removed; and

WHEREAS, the City does not have a process for public notification for the removal of large trees; and

WHEREAS, the City does not have a process for reuse of large timber; and

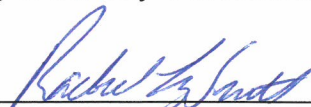
WHEREAS, the proposed Policy for Additional Permitting, Notification, and Other Requirements for Staff Removal of Significant City Trees clearly articulates an internal process for removal of significant trees which includes public notification, and other requirements important to the City Commission.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Oregon City Commission hereby adopts Exhibit A, Policy for Additional Permitting, Notification, and Other Requirements for Staff Removal of Significant City Trees.

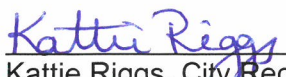
Section 2. This resolution shall become effective 30-day after adoption in order to allow sufficient time to alter the City's website to effectuate notice as set forth in the Policy.

Approved and adopted at a regular meeting of the City Commission held on the 4th day of November 2020.



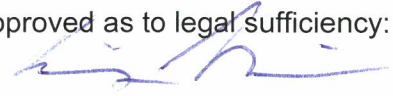
RACHEL LYLES SMITH,
Commission President

Attested to this 4th Day of November 2020



Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney

Exhibits:

- A. Policy for Additional Permitting, Notification, and Other Requirements for Staff Removal of Significant City Trees



ADDITIONAL PERMITTING, NOTIFICATION AND OTHER REQUIREMENTS FOR STAFF REMOVAL OF SIGNIFICANT CITY TREES

The purpose of this policy is to reduce unnecessary tree removal by the City and provide public notification and other best practices when such removal occurs.

Step 1. Determine Applicability of the Policy

This policy applies to City removal of trees:

- On City or Urban Renewal owned property; or
- Within the right-of-way.

The process does not apply to the public removal of City trees, such as street trees.

The following policy is limited to trees which meet or exceed the minimum size in the table below. The policy does not apply for trees which do not meet these minimum size thresholds.

Common Name	Species	Minimum Size (d.b.h)*
Oregon White Oak	Quercus garryana	8"
Fir	Pseudotsuga menziesii	18"
Western Red Cedar	Thuja plicata	12"
Ponderosa Pine	Pinus ponderosa	12"
Western Yew	Taxus brevifolia	6"
Douglas Pacific Dogwood	Cornus nuttallii	5"
Coastal Redwood	Sequoia sempervirens	12"
Giant Sequoia	Sequoiadendron giganteum	12"
Pacific Madrone	Arbutus menziesii	5"
Other deciduous tree species		20"
Other evergreen trees		18"

**d.b.h = Diameter at breast height, means a measurement of the trunk or stem diameter of a mature tree at a height four and one-half feet above the ground level at the base of the tree.*

Step 2. Exemptions

Trees which meet any of the following situations are exempt from the policy:

1. Trees within habitat restoration areas. The habitat restoration project must have been approved by the Planning Division through the appropriate land use process.
2. Trees within or abutting water quality facilities.
3. Trees which are on the [Oregon City Nuisance Plant List](#) or otherwise classified as invasive or problem species in the region¹.

¹ Includes official noxious weed priority list as designated by the Oregon State Weed Board (OSWB) or the Clackamas Soil and Water Conservation District WeedWise Program.

4. **Imminent Hazard Trees.** Imminent hazard trees, as defined in OCMC 17.04.1370 may be removed without notification before a permit is obtained due to the necessity to respond to the hazard and restore public safety as soon as possible. Examples include if the tree has fallen across the roadway or if it is leaning significantly due to a heavy windstorm and likely to fall within the next 72 hours, or when a tree is damaged by a vehicle collision. A determination of imminent hazard is made in the field by the City of Oregon City Public Works, or emergency personnel, a forester, or a certified arborist. Permits shall be obtained after the imminent hazard has been removed and any applicable replacement requirements shall be followed. The responding personnel shall provide details of the tree species, size and condition to the extent practicable. Photos and documentation of the hazardous conditions shall be provided with the permit application for tree removal to verify the tree was hazardous, but arborist reports would not be required.

17.04.1370 - Tree, imminent hazard.

"Imminent hazard tree" means a hazardous tree as defined in OCMC 12.32.020, all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed.

Step 3. Consideration of Alternatives to Removal

The department most responsible for the tree shall document the tree location, size, and species (if known), the reason for removal, and alternatives considered in a written justification memo. The memo will be reviewed by a department manager, who will send the memo to a third party (an arborist or a staff assessment team) for review. All trees over 40 inches d.b.h must be reviewed by a certified arborist. For trees 40 inches d.b.h or smaller, the department may choose to send the justification memo to either:

- **Option #1: A Certified Arborist**
A certified arborist will analyze each tree proposed for removal and document the findings in a written report. The report will contain an analysis of alternatives to removal including a rough estimate of approximate general cost and practicality of each alternative.
- **Option #2: Staff Assessment**
A group of staff including a minimum of two people from Public Works and Parks and one person from Planning who will analyze each tree proposed for removal and document the findings in a written conclusion memo. Staff with experience or an educational background in forestry or tree management is preferred. The memo must be authored by a staff member not in the department responsible for the tree and will contain an analysis of alternatives to removal including a rough estimate of approximate general cost and practicality of each alternative.

Step 4. Submit a Permit for Removal of a Public Tree

A permit is generally always required to assure adequate mitigation for any tree the City is going to remove. However, if the tree meets the specifications of this policy, additional public notice will be required. The purpose of the notice is to inform the public of the proposal and direct them to a city website where they may review the application, arborist report or internal conclusion memo, and contact the applicant with any questions or concerns. Permits for public tree removal will not be issued until the notice period is complete.

Step 5. Notice of Tree Removal

Upon receipt of a permit application in Step 4, the Planning Division will administer the following notices:

- **Website Notice**
Notice of all proposed removal of heritage eligible trees will be posted to a city website. The public as well as the City Commission, PRAC, NRC, CIC, Neighborhood Associations, etc. will have the ability to subscribe to the website to receive notifications each time a new posting occurs. The website notice will include copies of the permit application form, the arborist report (if applicable), and the internal panel memo.
- **Physical Notice**
A physical notice is also required to be posted on the tree proposed for removal for a minimum of 14 calendar days. This period is intended to provide an opportunity for the public to contact the applicant with questions and comments about the proposed tree removal. Notices shall be provided by the Planning Division on 8.5 X 11 laminated paper with the words "NOTICE OF PROPOSED TREE REMOVAL" in bold, 48-point font and the website where the public may download the permits, arborist reports and associated documentation. Notices shall be tied to the tree with twine or wire. No screws or nails shall be used. The notice will be created by the Planning Division, but will be placed and monitored by the department proposing removal.

If there remain unresolved questions or concerns regarding the proposed tree removal after the public notice, the removal shall be referred to the City Manager for further review. The City Manager may decide to move forward with the tree removal or cease the tree removal process.

City Commission Approval for City Owned Trees Over 40 inches D.B.H

Trees greater than 40" d.b.h. shall be placed on a City Commission consent agenda and notification will be sent to the Natural Resources Committee, Parks and Recreation Committee, and the Transportation Advisory Committee. The City Commission may decide to move forward with the tree removal or cease the tree removal process.

Additional Requirements

The following shall also apply.

- **Reuse of the Wood for City-Owned Trees 25 Inches or Greater**
Trees proposed for removal which are subject to this policy, free from infestation, and 25 inches d.b.h. or greater, shall be repurposed for use by the City and/or public if feasible. Depending on the quality of the wood, it may be utilized for environmental enhancement, furniture or crafts. The Natural Resources Committee recommends that in natural areas and next to streams, leaving large woody debris in place may help to improve fish and wildlife habitat, and that the use of wood for firewood should be allowed only if the wood cannot be repurposed any other way (e.g. cottonwood).
- **Large Tree Mitigation.**
Trees proposed for removal that are 50 inches or greater d.b.h. shall be mitigated with tree plantings within the city limits. No fee-in-lieu is allowed.
- **Establishment of an Annual Budget for Supporting Fund**
The policy above includes provisions which will have unfunded financial impacts to the City. A fund dedicated to arborist reports, supporting tree retention with use of alternatives to tree

removal (such as meandering a sidewalk) and putting the wood of a removed tree to use will be established for the Parks and Recreation Department as well as Public Works.