

#### 12.08.040 - Heritage Trees and Groves.

- A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.
1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
  2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

#### Tree Eligibility based on Size

Species	Common Name	Size (d.b.h)
Quercus garryana	Oregon white oak	8"
Pseudotsuga menziesii	Douglas-fir	18"
Thuja plicata	Western red cedar	12"
Pinus ponderosa	Ponderosa pine	12"
Taxus brevifolia	Western yew	6"
Other deciduous and horticultural tree species		20"
Other evergreen and conifer trees		18"

- B. Recommendation.
1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than city property or public right-of-way under city jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director; if the recommendation is consented to by the city, the community development director shall submit the recommendation to the city commission.
  2. Recommendation shall be made on such form as required by the community development director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove status pursuant to the definition in subsection 1. and the written consent of the property owner as described in subsection 1., of this section.
- C. Review Process.

1. The city commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under city jurisdiction, in which event notice shall be given to the community development director), the chair of any recognized neighborhood association in which the tree or grove is located, and the parks and recreation advisory committee (PRAC), if applicable.
2. Staff shall prepare a report for the city commission analyzing whether the tree or grove complies with the requirements for designation.
3. After considering the staff report and any testimony by interested persons, the city commission shall vote on the recommendation.
4. Following approval by the city commission:
  - a. If the tree or grove is located on private property, the designation shall be complete upon the property owner's execution of a covenant running with the land suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.
  - b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the city Heritage Tree and Grove records.
  - c. If the tree or grove is located on the public right-of-way, the city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with subsection a., above, which shall be recorded by the city upon the vacation of the right-of-way.

D. Criteria.

1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:
  - a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or
  - b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or
  - c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and
  - d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.
2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:
  - a. View obstruction;
  - b. Routine pruning, leaf raking and other maintenance activities; and

- c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.
- 3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.
- 4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.
- F. Recognition of Heritage Trees and Groves.
  - 1. A Heritage Tree plaque may be designed and furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city official, of a designated Heritage Tree or Grove. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.
  - 2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.
- G. Removal of Heritage Tree or Grove Designation.
  - 1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the city shall record a document extinguishing the covenant.

(Ord. No. 08-1014, 7-1-2009)