



## Oregon City Municipal Code

### Chapter 12.08 Public and Street Trees

*Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.*

#### 12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air quality; and
- E. Increase the community tree canopy and resource.

#### 12.08.015 - Street tree selection, planting and maintenance requirements.

All development ~~new construction or major redevelopment~~ shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- A. One street tree shall be planted for every ~~thirty-five~~ 35 feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to the extent practicable given the clearance distances required in subsection (B) below. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
- B. The following clearance distances shall be maintained when planting trees:
  - 1. ~~Fifteen~~ 15 feet from streetlights;
  - 2. ~~Five~~ 5 feet from fire hydrants;
  - 3. ~~Twenty~~ 20 feet from intersections;
  - 4. Five 5 feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);

~~54. A minimum of five feet (at mature height) below power lines.~~

- C. All street trees planted in new development shall be a minimum of ~~two~~ 2 inches in caliper at ~~six~~ 6 inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.
- E. All trees planted within the right-of-way shall be planted with root barriers at least 18 inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
- F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location and identified on the Oregon City adopted street tree list, a certified arborist, or on an approved street tree list for a jurisdiction in the metropolitan region. In addition, the trees shall be approved from the associated any franchise powerline utility company.

#### ~~12.08.020 – Street tree species selection.~~

~~The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present. Street tree species shall be identified as appropriate for the planning location on an adopted street tree list for Oregon City, approved by a certified arborist, or on approved street tree lists for nearby jurisdictions as approved by the Community Development Director. Street tree species shall be selected based on what is appropriate for the location and is identified on the Oregon City adopted street tree list, approved by a certified arborist, or on an approved street tree list for a jurisdiction in the metropolitan region.~~

#### 12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is ~~permitted only~~ prohibited unless under recommendation of a certified arborist, or other qualified professional, ~~if required by city staff~~. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks, eight-foot clearance in clear vision areas pursuant to Chapter OCMC 10.32, and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

#### 12.08.030 - Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The ~~natural resources~~

~~committee~~ Public Works Department and Parks and Recreation Department may recommend to the ~~C~~community ~~D~~development ~~D~~irector the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of the Chapter OCMC 17.49 - Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.

#### 12.08.035 - ~~Public~~Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during ~~construction~~ development unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, ~~as approved by the community development director~~ in accordance with Section OCMC 17.41. Tree removal shall be mitigated by the following:

- A. A diseased or hazardous street tree, as determined by a registered arborist and ~~verified~~ approved by the City, may be removed, if replaced with one new tree for each diseased or hazardous tree. Hazardous trees which have raised the adjacent sidewalk 0.5 inches or greater may be removed and replaced without approval of an arborist.
- B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All ~~new replaced~~ replaced street trees ~~will~~ shall have a minimum ~~1.5~~ two-inch caliper trunk measured ~~six~~ 6 inches above the root crown. ~~The Ccommunity Ddevelopment Ddirector may approve off site installation of replacement trees where necessary due to planting constraints. If sufficient location to replant the tree is not available the community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees and tree education in Oregon City, or a tree may be planted or designated on the abutting property within ten feet of the right of way with a recorded covenant identifying the tree(s) as subject to the protections and requirements in this chapter in accordance with Oregon City Municipal Code 12.08.~~

**Table 12.08.035**

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees

		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

- C. For the purposes of this chapter, trees removed from the right-of-way and on public property shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under section OCMC 12.08.015(B). If a sufficient location to replant the tree is not available the Community Development Director may allow:
1. Off-site installation of replacement trees within the right-of-way or on public property in accordance with the requirements in section B.
  2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way. Designated trees shall be a minimum of 2 inches in caliper and planted trees shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter.
  3. A fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees and tree education in Oregon City. If a sufficient location to replant the tree is not available the ~~Ce~~community ~~De~~velopment ~~Di~~rector may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees and tree education in Oregon City.
- D. ~~Fee in-Lieu. If a sufficient location to replant the tree is not available, the community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees and tree education in Oregon City.~~
- E. Trees that are listed as invasive or nuisance species as defined in OCMC-section 17.04.605 may be removed without replacement.

~~12.08.040 – Reserved.~~

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. The ~~Ce~~community ~~De~~velopment ~~Di~~rector may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The ~~Ce~~community ~~De~~velopment ~~Di~~rector may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the ~~Ce~~community ~~De~~velopment ~~Di~~rector. A separate

fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

12.08.050 - Violation—Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of ~~Chapter~~ OCMC 1.16 and/or ~~Chapter~~ OCMC 1.20.