

Chapter 17.140

PUBLIC LAND TREE REMOVAL

Sections:

- 17.140.010 Purpose.
- 17.140.020 Permit required/applicability.
- 17.140.025 Administration and approval process.
- 17.140.030 Criteria for issuance of permits.
- 17.140.031 General provisions.
- 17.140.035 Expiration of approval.
- 17.140.040 Emergencies--Authority.
- 17.140.050 Application submission requirements.

17.140.010 Purpose. The city is now benefitted by large numbers of trees which add to the aesthetic beauty of the community, help clean the air and provide visual and noise barriers. The purpose of this chapter is to prohibit the unnecessary removal of trees on publicly owned land without opportunity for public input while allowing removal of trees in specific instances. (Ord. 817, Exh. A (part), 2011; Ord. 634 §1 Exh. A (part), 1995)

17.140.020 Permit required/applicability. A. The provisions of this chapter shall apply to all publicly owned or maintained properties and to street trees as regulated by Chapter 17.104.

B. No person shall cut a tree upon these properties without first obtaining a permit from the city.

C. For the purpose of this chapter, tree removal shall not include tree topping and pruning under power and utility lines, or pruning of trees located with visual clearance areas, Chapter 12.10.

D. For the purpose of this chapter, tree removal permits shall be required for all trees having a trunk six inches or more in diameter, measured four feet above the ground level. (Ord. 820 §10, 2012; Ord. 817, Exh. A (part), 2011; Ord. 634 §1 Exh. A (part), 1995)

17.140.025 Administration and approval process. A. Applications shall be processed according to Chapter 17.162.

B. The planning commission shall be the approval authority for requests associated with timber harvesting and clearing from designated public recreation areas. Timber harvesting shall also comply with the provisions of Chapter 9.22, Timber Harvesting and Exporting Rules.

C. The planner shall be the approval authority for all

other requests. (Ord. 817, Exh. A (part), 2011)

17.140.030 Criteria for issuance of permits. A. The planner may approve, approve with conditions, or deny an application for a tree cutting permit based on the criteria below. A permit for tree removal may be granted if any of the following criteria apply:

1. The trees are unsafe, dead, or diseased as determined by a Certified Arborist and there is a danger the trees may fall on

CHAPTER 17.140 PAGE 1

(Scappoose 6/12)

17.140.030--

17.140.035

existing or proposed structures;

2. The trees conflict with public improvements or interfere with utility services or traffic safety;

3. The proposed removal is part of an approved development project, a public improvement project, or a street tree improvement program; or

4. The trees are causing repeated and excessive damage to sidewalks or other public or private improvements or structures.

B. The planning commission may approve, approve with conditions, or deny an application for a tree cutting permit associated with timber harvesting and clearing from designated public recreation areas based on the following criteria:

1. The recreational purposes of the site are protected to the extent possible;

2. A certified forester has prepared a timber harvesting and reforestation plan identifying the location, species, size, and number of trees to be removed and replanted;

3. The proposal is for selective cutting rather than clear cutting;

4. The plan provides adequate buffers for adjoining properties and riparian corridors; and

5. Evidence has been submitted to demonstrate appropriate erosion control measures and other protective steps to maintain soil and slope stability and water quality.

(Ord. 817, Exh. A (part), 2011; Ord. 634 §1 Exh. A (part), 1995)

17.140.031 General provisions. A. The applicant shall be responsible for all costs associated with the tree removal and shall ensure that all work is done in a manner which maintains safety to individuals and public and private property.

B. The applicant shall replace each removed tree on a one-

for-one basis within one year of approval. Replacement trees for all permits other than timber harvesting and clearing shall comply with the standards of Section 13.28.020 (Public Tree Standards). If site conditions do not allow replacement near the location of the trees removed, the approval authority may authorize replanting at other locations.

C. For all permits other than timber harvesting and clearing, the applicant shall remove or grind stumps and surface roots at least six inches below grade.

D. Following removal of the tree(s), the applicant shall perform erosion control, slope stability measures, and seeding to restore the surface. (Ord. 817, Exh. A (part), 2011)

17.140.035 Expiration of approval. A. Approval of a tree removal permit shall be effective for a six-month period.

B. The approval authority may renew the permit for a maximum period up to one year upon finding that:

1. All of the conditions of approval have been satisfied;
2. There has been no change in the original approved application ;
3. The applicable approval criteria in Section 17.140.030

CHAPTER 17.140 PAGE 2

(Scappoose 10/11)

17.140.035--17.140.050

are satisfied;

4. The applicant certifies that he/she is complying with the conditions of approval and agrees to comply in the future.

C. The planner may revoke a tree removal permit if the conditions are not satisfied as required by the original permit. (Ord. 817, Exh. A (part), 2011; Ord. 634 §1 Exh. A (part), 1995)

17.140.040 Emergencies--Authority. In the event of emergency conditions requiring the immediate cutting or removal of trees in order to avoid damage to persons or property, a permit shall not be required. However, only the trees constituting an actual threat to life or property shall be removed without the issuance of a permit. The planner shall be notified the number of trees removed and their location. The applicant shall be required to complete necessary slope stability measures as outlined by Chapter 17.86 if site warrants. (Ord. 634 §1 Exh. A (part), 1995)

17.140.050 Application submission requirements. A. All applications shall be made on forms provided by the planner and shall be accompanied by the site plan and narrative.

B. The site plan and narrative shall include:

1. The specific location of the property by address and assessor map number and tax lot and a scaled site plan indicating parcel dimensions and structure locations;

2. The number, size, species and location of the trees to be cut and an assessment of tree health by a Certified Arborist if health is the basis for the request;

3. The time and method of cutting or removal and the reason for the tree removal;

4. The number, size, species and location of the replacement trees to be planted; and

5. A narrative as to how the criteria in Sections 17.140.030 and 17.140.031 are satisfied. (Ord. 817, Exh. A (part), 2011; Ord. 634 §1 Exh. A (part), 1995)