

APPENDIX 14.000

SIGNIFICANT TREES

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General

A14.001 Purpose

The City has developed standards and procedures to protect trees that have been determined to be of significant value to the community because of their exceptional beauty, distinctive size or shape, association with an historic person or event, or a functional aesthetic relationship to a visual or natural resource.

The following provisions are intended to help protect the natural beauty of the City for future generations and to enhance the long-term value of those trees that meet the criteria for inclusion in the Significant Tree Inventory.

Procedures

A14.002 Procedures for Designating, Maintaining, and De-Listing of Significant Trees and Groves

- A. The City has developed a list of Significant Trees, which shall be updated by the Hearings Officer on at least an annual basis.
- B. The Significant Tree designation may be applied to a tree or a grove of trees and may be nominated by any person, agency, or group, with property owner's consent.
- C. The Significant Tree list shall be reviewed by the Tree Preservation Committee at least annually to consider modifications. The annual review shall address any potential new candidates and may include a consideration criterion for inclusion on the list.

- D.** The Tree Preservation Committee shall complete the following steps as part of the annual review and update:
1. Solicit Significant Tree nominations.
 2. Make a physical evaluation of each potential new nominee.
 3. Develop findings that evaluate the new candidates for conformance with the criteria found in **Section A14.003**.
 4. Solicit written consent from affected property owners for the proposed final recommendations.
 5. Develop a list of recommended Significant Trees, to include any potential new candidates. The recommended list may also address the potential de-listing of any Significant Trees that no longer meet standards for inclusion on the list (see also emergency removal provisions below).
 6. The Committee's recommendations shall be submitted to the Hearings Officer for review and approval pursuant to the Type III procedures.
 7. In the event that a property owner wishes to remove a tree from the Significant Tree List at any time other than during the annual review, the property owner shall be subject to a Type III procedure unless one of the following occurs:
 - a. A majority of the Tree Preservation Committee determines that the tree has become a hazard in need of immediate removal, in which case the tree will automatically be de-listed at the next Significant Tree update; or
 - b. The tree meets the criteria for immediate removal as an imminent hazard under the provisions of **Section A14.006**.
 8. To ensure that trees are qualified to remain on the list once designated, the Tree Preservation Committee shall make a partial physical inventory and review of all trees on an annual basis, with each Tree and Grove to receive an on-site visit and analysis at least every four years.

Standards

A14.003 Criteria for Designation of Significant Trees

- A.** An individual tree may be considered Significant if it is apparently in a healthy growing condition and one of the following exist:
1. The tree has a distinctive size, shape, or location, or is of a distinctive species or age which warrants a Significant status; or
 2. The tree possesses exceptional beauty which warrants a Significant status; or
 3. The tree is Significant due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or trees located along ridgelines; or
 4. The tree has a documented association with a historical figure, property, or significant historic event.
- B.** A grove may be considered Significant if it is apparently in a healthy growing condition and one of the following exist:

1. The grove is relatively mature and evenly aged and has a purity of species composition or is of a rare or unusual nature; or
 2. The grove has a crucial functional and/or aesthetic relationship to a natural resource; or
 3. The grove has a documented association with a historic figure, property, or significant historic event.
- C. In addition to **subsections (A) and (B)** above, the designation of the tree or grove of trees as Significant will not unreasonably interfere with the use of the property upon which it is located.

A14.004 Criteria for Removal of a Significant Tree

- A. Except for emergency removal under **Section A14. 006** or in conjunction with development as provided by **Section 9.1013**, no person may cut down or remove a Significant Tree without first obtaining a development permit. The development permit for removal of a Significant Tree shall be reviewed under the Type III procedure and shall be approved if one of the following criteria is satisfied:
1. The tree needs to be removed to construct proposed improvements and no practical alternative exists without significantly increasing cost or inconvenience, or reducing safety.
 2. The tree cannot be maintained because of its health and has become a hazard to public safety, to the subject property or adjacent property, to personal property, and to any improvements.
 3. The tree has lost its significance as a Significant Tree due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of historic or natural significance.
 4. The tree needs to be removed to accomplish a public purpose and no practical alternative exists.
- B. When a development is proposed for property that contains a Significant Tree or Trees, the property owner shall have a Tree Preservation Plan prepared by a Qualified Arborist which demonstrates how the Significant Tree or Trees can be preserved. The Significant Tree or Trees shall be preserved unless it is determined under the Type III procedure that the tree may be removed based on the criteria for removal found in **Section A14.004(A)** and one or more of the following additional criteria:
1. The tree needs to be removed to be consistent with good forestry practices.
 2. The tree needs to be removed to provide access for construction equipment immediately around a proposed structure.
 3. The tree needs to be removed to provide access to the building site for construction equipment.
 4. The tree needs to be removed because of an essential grade change. Essential grade changes are those that are needed to implement standards common to standard engineering or architectural practice.
 5. The tree needs to be removed because driveways, buildings, or other permanent improvements will be located where the trees are located and there is no practical alternative without increasing the cost of development by more than 5%.
 6. The tree needs to be removed in order to install solar energy equipment.
 7. The tree needs to be removed so that other provisions of the Gresham Community Development Plan or the Gresham Revised Code can be satisfied.

8. The tree cannot be maintained because of its health and has become a hazard to public safety, to the subject property or adjacent property, to personal property, and to any improvements.
9. The tree has lost its significance as a Significant Tree due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of historic or natural significance.
10. The tree needs to be removed to accomplish a public purpose and no practical alternative exists.

A14.005 Pruning of a Significant Tree

- A. In any 12-month period, no Significant Tree may be pruned by removing over 20 percent of the tree's limb structure or disturbing over 10 percent of the root system without first obtaining a development permit. The development permit application shall be reviewed under the Type II procedures.
- B. Major or Minor Pruning of up to 20 percent of the tree's limb structure shall not require a Type II development permit, but may be subject to review and recommendations of the Tree Preservation Committee.
- C. All approvals for removal and pruning shall contain the following conditions:
 1. The protected tree shall be removed or pruned following acceptable arboricultural standards as adopted by the City.
 2. The trees shall be removed or pruned in a manner that ensures safety to individual and public and private property.
 3. Any other conditions necessary to ensure compliance with the requirements of the Community Development Code.

A14.006 Emergency Cutting or Removal of a Significant Tree

- A. The entire Significant Tree List shall be reviewed periodically by the Tree Preservation Committee so that each tree (and/or grove) is physically inspected at least every four years to ensure that it still meets the criteria for inclusion on the Significant Tree List.

A tree that no longer meets the criteria shall be recommended for de-listing during the next annual Significant Tree List Update.

- B. It is the property owner's responsibility to notify the City of any changes to a Significant Tree that might necessitate a non-routine review so that it may be de-listed during the annual review if it no longer meets the criteria for inclusion, as determined by the Tree Preservation Committee.
- C. A Significant Tree may automatically be removed from the Significant Tree list (after pruning beyond 20% or being cut down without prior permit) if the tree presents a clear and present threat to persons or property that cannot be corrected through standard arboricultural practices. For example, the tree has fallen or is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit could be obtained through the non-emergency process.
 1. In such an emergency circumstance, the property owner shall notify the Manager within 2 business days that the Significant Tree has been removed (or has received major pruning) under the emergency provisions of this section and shall provide the required documentation of the emergency.

2. Documentation of the emergency shall be by signature of the City of Gresham Police Chief, Fire Marshal, Public Works Director, or consulting arborist as defined in **Section 3.0100** called to the scene of the emergency.

When documentation is provided by an arborist not acting on behalf of the City, a photograph of the emergency and analysis of the imminent hazard is required. A property owner's failure to document the emergency would require a Type III public hearing, if in the determination of the Tree Preservation Committee, there was no emergency.

3. It will be the Manager's responsibility to notify the Tree Preservation Committee prior to the next regularly scheduled meeting so that the tree can be taken off the official Significant Tree List at the next routine inventory sent to the Hearings Officer.

Education and Promotion

A14.007 Education and Promotion

The Council may establish public information and education programs to encourage the protection of trees. At a minimum, the City shall review its inventory of Significant Trees and notify property owners at four-year intervals by first class mail of the existence of a Significant Tree or Trees on their property. The notice shall include a description of the tree preservation regulations and suggested maintenance standards for the tree or trees.

Although not mandatory, owners of Significant Trees or Groves are encouraged to file a document with Multnomah County Deed Records that identifies the presence of the Significant Tree or Trees on their property.

The City's updated annual list of Significant Trees and Groves shall be maintained on-line and shall also be available to the public in printed form.

