

Chapter 17.104

STREET TREES

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17.104.010 Purpose. The purpose of this chapter is to foster retention of the overall tree canopy in the city and require the planting of street trees in order to enhance the environment of the city through the use of plant materials as a unifying element and to protect the health, safety and welfare of the public by using trees to mitigate the negative effects of impervious surfaces and vehicular traffic including increased temperatures, airborne particulates, carbon dioxide, noise and stormwater runoff. (Ord. 659 §3(part), 1997)

17.104.020 Applicability. A. The provisions of this chapter shall apply to all development as defined in Scappoose Municipal Code Chapter 17.26, Definitions, except a building permit to add to or remodel an existing singlefamily residence.

B. All development shall be required to plant street trees. Street trees shall be defined as trees located on land lying between the property lines on either side of all streets, avenues or public rights-of-way within the city or within easements defined on a recorded plat as street tree easements.

C. All street trees required under this chapter shall be subject to the requirements of Scappoose Municipal Code Chapter 17.140 Public Land Tree Removal. (Ord. 659 §3 (part), 1997)

17.104.030 Approval process. A. The applicant shall submit two copies of a site plan, drawn to an acceptable scale, which includes:

1. North arrow and map scale;
2. Name and phone number of contact person;
3. Location of all permanent structures including signs;
4. Location of right-of-way and all utilities including underground and aboveground;
5. Location, type, size and species of proposed street trees.

B. Where the development does not require approval by the planning commission, the plan shall be submitted to the planner for determination of completeness. When the plan is determined to be complete, the planner shall send one copy to the public works director for review and comment and shall allow five days for public works comments. The planner shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter within ten business days of determining the plan to be complete. No additional public notice shall be required.

C. If no other approvals are required by the project, there shall be no fee for approval of the plan required by this section.

D. If the project requires other approvals, the following shall apply:

1. Approval of the plan required by this section shall be consolidated with all other required approvals and shall be processed pursuant to the requirements of the other approvals; and

2. One percent of the total fee for all other approvals shall be placed in a dedicated fund for the planting and maintenance of street trees; and

3. All required information may be combined with plans required by other approvals.

E. Certificates of occupancy shall not be issued unless the street tree requirements have been met or a bond has been posted with the city to insure the plantings. (Ord. 659 §3(part), 1997)

17.104.040 Standards for street trees. A. Street trees shall be selected from the approved street tree list on file with the Planning Department.

B. At the time of planting, street trees shall not be less than ten feet high for deciduous trees and five feet high for evergreen trees.

C. Spacing and minimum planting areas for street trees shall be as follows:

1. Street trees under twenty-five feet tall and less than sixteen feet wide at maturity shall be spaced no further than fifteen feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;

2. Street trees under twenty-five feet tall and greater than sixteen feet wide at maturity shall be spaced no further than twenty feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;

3. Street trees between twenty-five feet to forty feet tall and less than twenty-five feet wide at maturity shall be spaced no greater than twenty-five feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;

4. Street trees between twenty-five feet to forty feet tall and greater than twenty-five feet wide at maturity shall be spaced no greater than thirty feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;

5. Street trees greater than forty feet tall at maturity shall be spaced no greater than forty feet apart in planting areas containing not less than thirty-six square feet of porous surface and not less than eight feet wide.

D. Street trees located under or within ten feet of overhead utility lines shall be less than twenty-five feet tall at maturity.

E. Street trees shall be planted in accordance with the requirements of Scappoose Municipal Code Section 13.28.020(C). (Ord. 875, 2018; Ord. 659 §3(part), 1997)

17.104.060 Maintenance of street trees. A. The adjacent owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all street trees which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and tree wells shall be kept free from refuse and debris.

B. All street trees shall be controlled by pruning to National Arborist Association Pruning Standards for Shade Trees included as Appendix B of the Scappoose Comprehensive Urban Forestry Plan.

C. Every owner of any tree overhanging any street or right-ofway within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet above street surface or eight feet above the sidewalk surface. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic-control device or sign or sight triangle at intersections as defined in Scappoose Municipal Code 12.10, Visual Clearance Areas. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.

D. The city shall have the right to plant, prune, and otherwise maintain trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

E. It is unlawful as a normal practice for any person, firm or city department to top any street tree. Topping is defined as the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city manager after consultation with a registered arborist or certified forester. (Ord. 820 §7, 2012; Ord. 659 §3(part), 1997)

17.104.070 Excavation approval required. Written approval of the city manager is required prior to any excavation within the dripline of a street tree. (Ord. 659 §3(part), 1997)

17.104.080 Penalties for damage or removal of street trees. Any activity that results in injury, mutilation or death of a street tree is prohibited. If such injury, mutilation or death of a street tree shall occur, the cost of the repair or replacement shall be borne by the party performing the activity. The replacement value of street trees shall be determined in accordance with the latest revision of the Council of Tree and Landscape Appraisers evaluation method. (Ord. 659 §3 (part), 1997)