

BEFORE THE BOARD OF COMMISSIONERS
HOOD RIVER COUNTY, OREGON

IN THE MATTER OF AUTHORIZING THE)
HOOD RIVER COUNTY DEPARTMENT)
OF PUBLIC WORKS TO IMPLEMENT A)
STANDARD POLICY REGARDING TREE)
TRIMMING AND REMOVAL FROM)
WITHIN COUNTY ROADWAYS)

RESOLUTION # 2211

WHEREAS, the Hood River County Department of Public Works is responsible for the maintenance of accepted County roads and bridges, including the maintenance of trees and other vegetation within the County Right-of-Way that may hinder roadway operations or pose a threat to roadway safety, and;

WHEREAS, the Department is routinely requested to trim or remove trees within a County Right-of-Way that are not the property of the County nor pose a threat to roadway safety, and;

WHEREAS, the Department lawfully and routinely trims or removes trees within the County Right-of-Way that do pose a threat to roadway safety, with or without the tree owners consent, and;

WHEREAS, it is in the best interest of the County and public safety to implement a standard Tree Trimming and Removal Policy in order to perform consistent tree trimming and removal practices, and;

WHEREAS, the Department has historically followed tree trimming and removal policies similar to those practiced by other Oregon county road departments, and;

WHEREAS, the county road official recommends the County Board of Commissioners affirm a formal tree trimming and removal policy which considers available resources and operational needs;

THEREFORE, BE IT RESOLVED that the Hood River County Department of Public Works shall implement the following Tree Trimming and Removal Policy as stated herein:

Adopted this 20th day of February, 2018



CHAIR, RON RIVERS



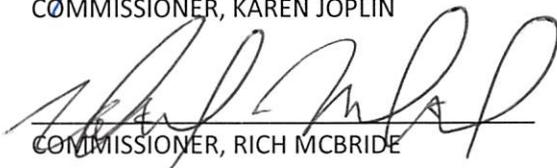
COMMISSIONER, ROBERT BENTON



COMMISSIONER, KAREN JOPLIN



COMMISSIONER, LES PERKINS



COMMISSIONER, RICH MCBRIDE

Hood River County Public Works Tree Trimming and Removal Policy

BACKGROUND

The Public Works Department frequently receives requests to trim or remove trees that are within either a public or county road Right-of-Way. In most cases, the County only has a Right-of-Way (i.e., “right-to-use”) and does not own fee title to the underlying land; therefore the trees are legally the property of the adjacent property owner. Having a Right-of-Way allows the County to trim or remove any tree, bush or plant (herein “tree”) within it for roadway purposes but does not provide the authority to trim or remove trees for other reasons. Roadway purposes include, but are not limited to; general road maintenance or new road construction, installing or cleaning culverts, improving driver sight distance, and removing hazardous trees or limbs that endanger the driving public. For example, the County may trim a tree within a Right-of-Way to improve visibility for drivers but may not trim the same tree to provide better scenic views for the property owner. Utility providers generally also have the same rights to be in a public or county road Right-of-Way and to trim or remove any tree(s) as necessary to install, operate, maintain or otherwise protect their facilities.

If a tree within a Right-of-Way poses a hazard to an adjacent property, the County is under no obligation to correct the hazard nor is it liable for any damage caused by the tree unless it performed an action that created the hazard. Unless the County performed such action, all responsibility for the hazard lies with the adjacent property owner whom is the tree’s legal owner. Historically, trees that have fallen in the roadway have rarely resulted in vehicle damage or injury to drivers.

POLICY

Hazard Trees

When notified of a potential hazard tree within a County Right-of-Way, the Public Works Director or their designee (herein “Department”) will inspect the tree to determine, at their sole discretion, if any evidence of deterioration exists that would make it an imminent hazard to the traveling public (road hazard). If determined to be a road hazard, the Department will attempt to work cooperatively with the property owner to either (1) resolve all road safety issues caused by the tree, or (2) remove the tree to the department’s satisfaction. If the tree is not determined to be a road hazard the Public Works Department will not trim, remove or otherwise alter it other than for reasons of general road maintenance.

Sight-Distance and Overhanging Limb Hazards

Trees within a County Right-of-Way may lawfully be trimmed or removed, regardless of their health, if they inhibit road maintenance or are determined to be a hazard to the traveling public. This may include trees that appear acceptable under normal conditions yet may become a hazard when weighted by snow or ice. The Department, at its sole discretion, will determine the need for either trimming or removing any tree and may do so beyond the immediate needs in order to prevent the need for persistent maintenance, with or without the owner’s consent.

Disposal of Woody Debris

When the Department removes a tree from a County Right-of-Way, the downed tree remains the property of the adjacent property owner and any large wood sections will be left as close to the original location as practical unless doing so would create additional hazards. At the Department’s discretion, small wood debris may be chipped, removed or left at the location.

Tree Removal by Property Owner

A property owner may voluntarily trim or remove trees within a County Right-of-Way when adjacent to their property. The Department does not have a permitting process for a property owner to work on their own trees within a County Right-of-Way but advises the following:

If the work requires personnel or equipment to be within the roadway, or creates the potential for branches or trees to fall within the roadway, the property owner should contact the Department at (541) 386-2616 before beginning work to ensure it is done in a safe manner.

If the work is to be on an urban street tree (e.g., a tree within a planter strip or otherwise part of developed landscape improvements) the property owner should contact the Department before beginning to ensure there are no conditional tree requirements.

Exposed stumps should not be left within the Right-of-Way. Stumps should either be removed completely or the tree should be cut off as close to ground level as possible. The owner should notify the Department of any remaining stumps.

All underground work (e.g., stump removal) or work near overhead utility lines must be coordinated with local utility providers. Before digging, the owner should contact the Oregon Utility Notification Center at 1-800-332-2344 and wait the necessary time required for providers to mark any utility conflicts.

If any work is to be done within a riparian area the property owner should contact the Hood River County Community Development Department and verify any permitting requirements.

If the property owner intends to sell any salvaged wood material they should contact the Oregon Department of Forestry and verify any permitting requirements.