

HAZARD TREE EXAMPLES



EMERGENCY ABATEMENT

If the city has reason to believe a hazard tree poses an immediate danger and there is not enough time to complete the Hazard Tree Evaluation and Abatement procedure, the city may choose to take immediate action as defined in TMC section 1.16.150.

For more information about the Hazard Tree Evaluation and Abatement process visit www.tigard-or.gov/trees or contact the Tigard Community Development Department at 503-718-2421.

The instructions contained within this brochure are not intended to replace the regulations found in the Community Development Code. Tree removal regulations may be found on the city website (www.tigard-or.gov/trees) or may be obtained at the Planning Counter.



City of Tigard

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Hazard Tree Evaluation and Abatement Program



Trees provide significant benefits to our homes and cities, but when trees fall and injure people or damage property, they can become liabilities. Taking care of tree hazards makes your property safer and prolongs the life of your trees.

It is important to recognize that trees are massive living organisms within the urban environment. Trees can sometimes quickly change from healthy specimens to weak, dead or unstable hazards to people or property around them.

Tigard's new process for resolving hazard tree conflicts aims to be more equitable, objective and efficient. While neighbors are encouraged to work out their issues amicably, a third party arborist could be hired to provide an objective voice and a path toward resolution.

WHAT CONSTITUTES A HAZARD TREE?

The definition of "hazard tree" is now consistent with the standardized rating system developed by the International Society of Arboriculture. This helps to remove subjectivity during the hazard tree evaluation process by using industry-standard methods and terminology.

WHO CAN FILE A HAZARD TREE CLAIM?

Individuals or organizations who can demonstrate that their life, limb or property is at risk by a tree in question have the right to file a hazard tree dispute resolution application. This is intended to limit the concern that people could use the hazard tree process as a means of harassment or intimidation.

EVALUATION AND ABATEMENT PROCESSES: INFORMAL RECONCILIATION VS. FORMAL RECONCILIATION

The Hazard Tree Evaluation and Abatement procedures include two options: 1) informal reconciliation, between parties without city involvement; or 2) formal reconciliation, where the claimant submits an application, provides information and pays fees to the city. City will accept the application for formal reconciliation only after the informal process has been completed.

INFORMAL RECONCILIATION

The claimant may first try to contact the respondent personally regarding a potential hazard tree. If this is unsuccessful, the claimant should follow these steps:

1. Contact the respondent by sending both a regular and certified letter, either directly or through a third party mediator, that:
 - a. Explains why they believe a hazard tree exists on the respondent's property;
 - b. Demonstrates how the claimant's life, limb or property may be impacted by said tree;
 - c. Offers to negotiate a solution in compliance with all applicable rules and regulations;
 - d. Cites Tigard Municipal Code (TMC) sections 8.06.020 and 8.06.030; and
 - e. Explains the respondent's response deadlines. Documentation from a tree risk assessor supporting the claim is encouraged.
2. Give the respondent seven calendar days or less from receipt of the certified letter, or 14 calendar days or less from the postmarked date of the regular letter (whichever is sooner) to respond to the proposal in writing by both regular and certified mail.
3. If the claimant is unsatisfied with the result of the informal reconciliation, or there has been no response for at least 21 calendar days since the letters were sent, pursue the formal reconciliation process as necessary.

FORMAL RECONCILIATION

Formal reconciliation begins when a resident who has attempted informal reconciliation submits a Hazard Tree Dispute Resolution Application, pay all applicable fees (currently \$165 for one tree + \$55 for each additional tree) and provides documentation of informal reconciliation described above. The City of Tigard will conduct a tree risk assessment and make a determination. The Tree Risk Assessment form can be found in Appendix 1 of the City of Tigard Urban Forestry Manual.

If the city determines that the tree does not meet the definition of a hazard tree, a letter will be sent to both the claimant and the respondent explaining that the definition of a hazard tree has not been met, and the case will be closed.

If the hazard tree definition is met, the city will send a letter to the respondent explaining that the hazard tree definition has been met, and also describe any abatement procedures required. The city will also bill the respondent for all applicable hazard tree dispute resolution fees and refund the claimant's previously deposited fees.

If the respondent fails to abate within the required timeframe, the city is authorized to abate the hazard tree and bill the respondent for the costs.