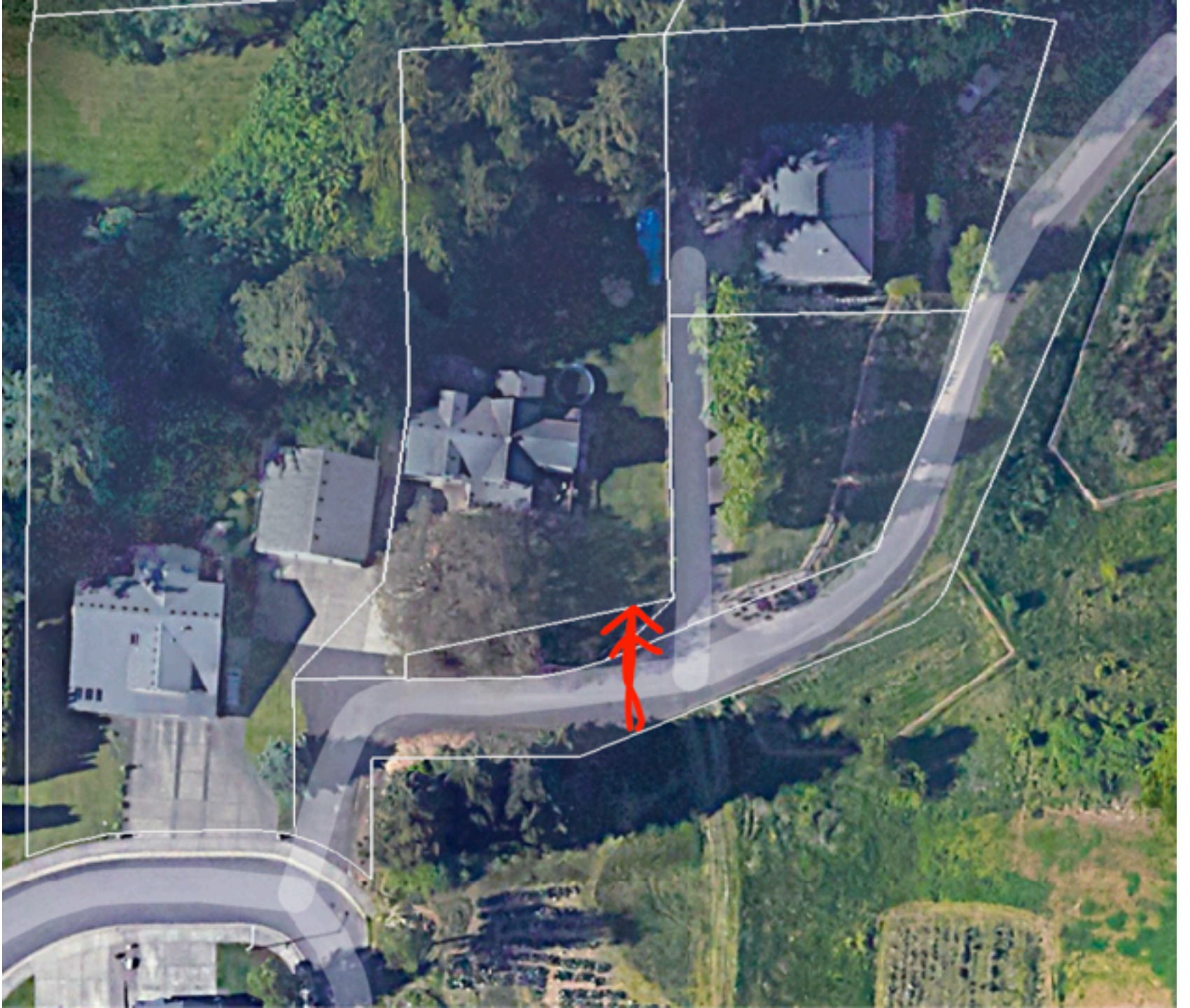




# The Law of Trees









# What We'll Cover

- Liability for tree & roots
- Boundary trees
- City & county ordinances
- Hypotheticals
- Tree identification

**(3)** A buyers agent owes the buyer involved in a real estate transaction the following affirmative duties:

- (a)** To exercise reasonable care and diligence;
- (b)** To account in a timely manner for money and property received from or on behalf of the buyer;
- (c)** To be loyal to the buyer by not taking action that is adverse or detrimental to the buyers interest in a transaction;
- (d)** To disclose in a timely manner to the buyer any conflict of interest, existing or contemplated;
- (e)** To advise the buyer to seek expert advice on matters related to the transaction that are beyond the agents expertise;
- (f)** To maintain confidential information from or about the buyer except under subpoena or court order, even after termination of the agency relationship; **and**
- (g)** Unless agreed otherwise in writing, to make a continuous, good faith effort to find property for the buyer, except that a buyers agent is not required to seek additional properties for the buyer while the buyer is subject to a contract for purchase or to show properties for which there is no written agreement to pay compensation to the buyers agent.

# Mycelium





# FINDING THE MOTHER TREE

Discovering the  
Wisdom of the Forest

SUZANNE SIMARD

















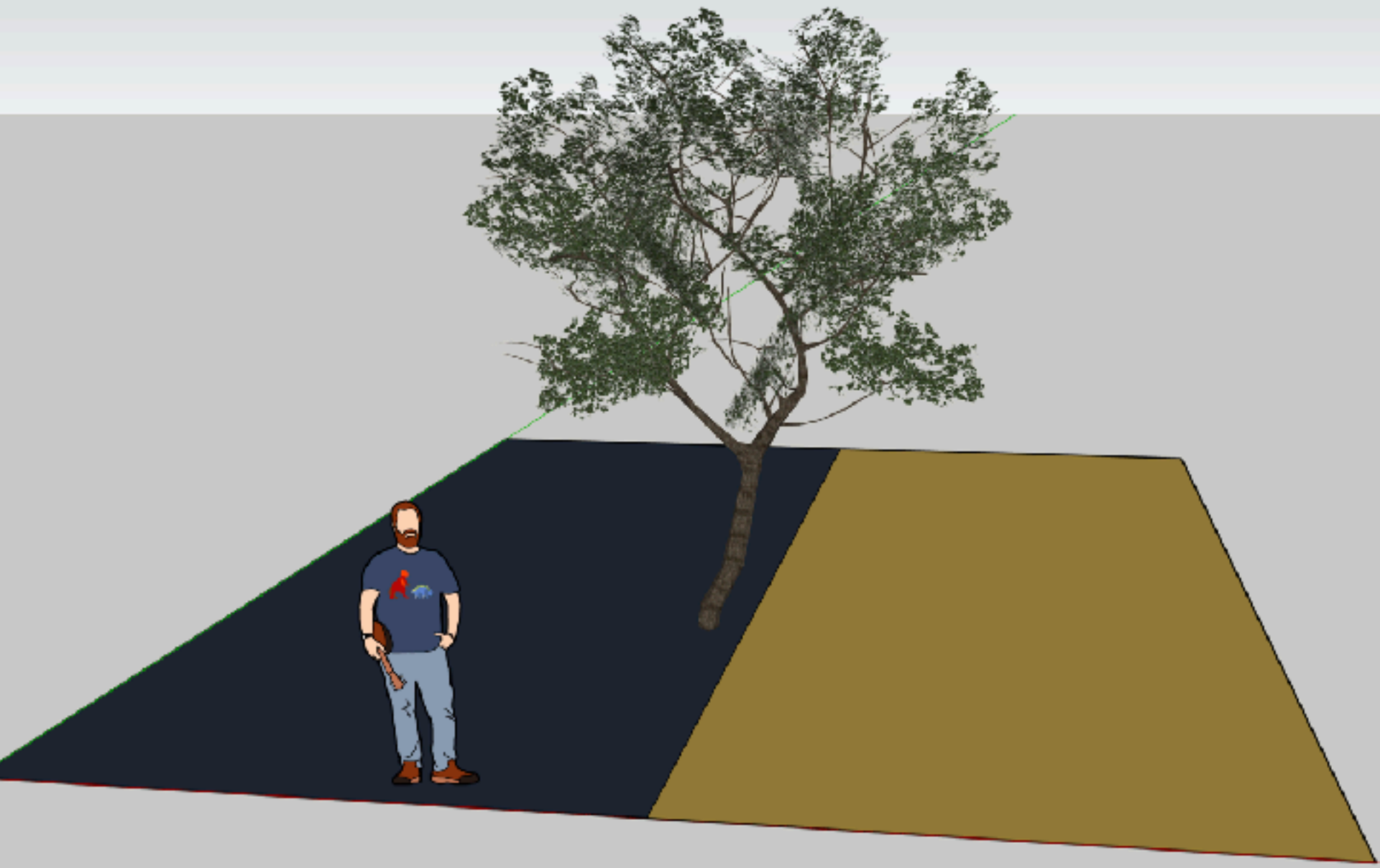


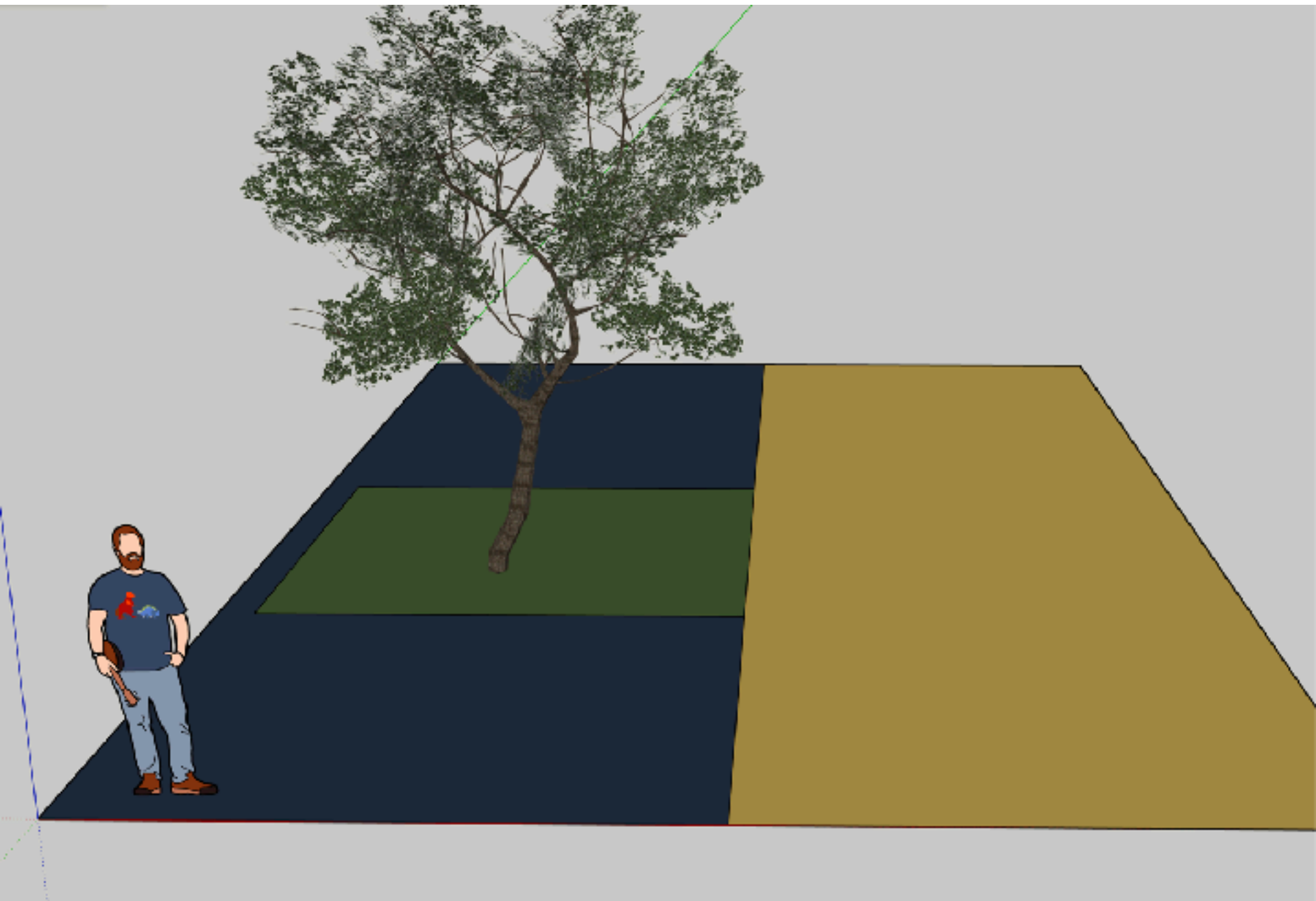






# Determining Ownership







LEAF



MATURE



YOUNG



BARK



CONE



SEED



VARIETY OF LEAF



# CEDAR

## THUJA PLICATA

A conical coniferous tree, growing up to 215 ft. tall, that can live for over 1,000 years.

## HOW TO RECOGNIZE IT

Flat sprays of shiny, green, scaly leaves are aromatic and smell like pineapple when crushed. The female seed-bearing cones are resinous and grow upright on younger shoots at the ends of branches. When ripe, they fall apart to release the small-winged seeds leaving only the bare, central spine of the cone called a rachis.

## WHERE TO FIND IT

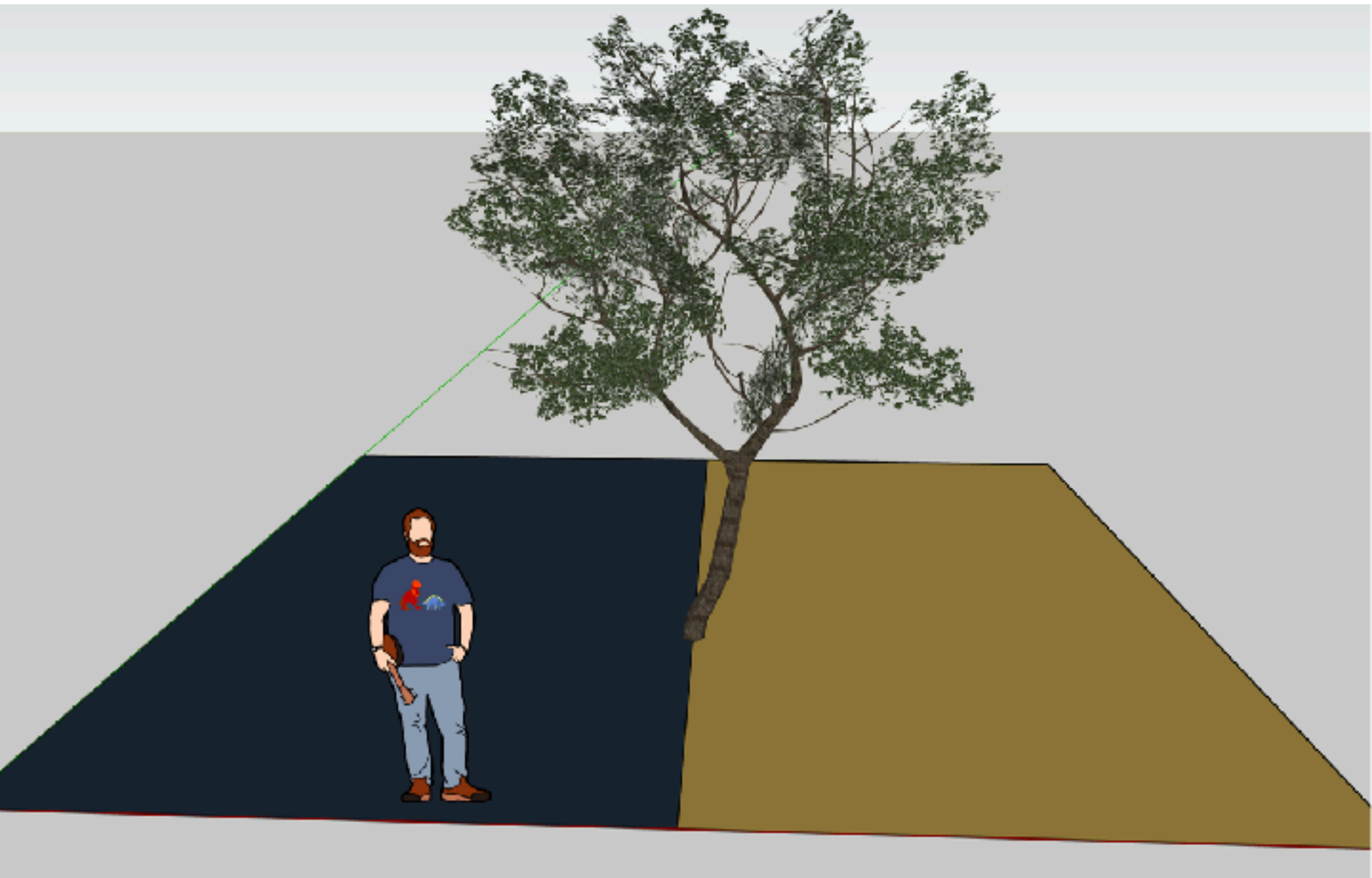
The western red cedar is native to the western United States of America and Canada.

## HOW WE USE IT

The wood is resistant to decay so has many uses, such as in construction. The bark and roots were used by native Americans, known as the 'people of the red cedar', to make ropes, mats, and clothing.

A landscape photograph of a rural field. In the foreground, a wooden fence runs diagonally across the frame. The field is filled with tall grasses. In the background, there are trees and a range of mountains under a cloudy sky. The text "Boundary Trees" is overlaid in the center in a large, white, bold font.

# Boundary Trees







LEAF



MATURE



YOUNG



BARK



CONE



SEED

# SPRUCE

PICEA GLAUCO

A large evergreen conifer with a narrow conical crown, it grows to 130 ft. and can live for several hundred years.

HOW TO RECOGNIZE IT

Orange-brown, papery bark on the trunk turns gray-toned with age. Short, sharp needles are blue-green on the upper surface and whiter underneath. Pale brown cones, up to 4 in. long, hang pendulously from the branchlets and release small, winged seeds in spring.

WHERE TO FIND IT

Native to the northern forests of North America, from Montana to Maine, spruce is the state tree of South Dakota.

HOW WE USE IT

Spruce was one of the most popular Christmas trees before needle-leaf conifers like fir. The timber is harvested for the construction industry and for paper making. Young needles, high in vitamin C, are used to make spruce beer and a tea said to be a natural cold remedy.

110' W of SELLWOOD  
3009.49

LOT 12

1.6'

S 90°00'00" E 100.00 (P) & HELD

44750' DIA  
AT GROUND LEVEL

N 00°00'00" E 30.00' (P) & HELD

LOT 11

S 00°00'00" E 30.00'

N 90°00'00" W 100.00'

LOT 10

# Owner's Duties

- Natural v. Artificial
- Urban v. Rural
- Knowledge of Tree Condition

# Liability Analysis

- Who owns the tree?
- What caused damage?
- Did owner know of tree's condition?



LEAF



MATURE



YOUNG



BARK



MALE  
FLOWER



FEMALE  
FLOWER



SEED



VARIETY  
OF CONE



VARIETY  
OF LEAF

# PINE

## PINUS PONDEROSA

A large evergreen conifer with a clean, straight trunk reaching heights of up to 130 ft. when fully mature.

## HOW TO RECOGNIZE IT

The bark of mature trees is made up of broad, orange-red plates with black crevices. The needles are long, green, and stout and grow in pairs or threes on the branch ends. The female flowers are pollinated by wind and mature into large gray-brown cones with prickles on the tips of the scales.

## WHERE TO FIND IT

It is grown in 16 western states of the United States of America and into Canada and is the state tree of Montana.

## HOW WE USE IT

A strong softwood, the timber is used in the construction industry and for the production of pulpwood. The resin is harvested to make rosin for treating string-instrument bow hair and making oil of turpentine. Dried cones can be used for kindling.



# Timber Trespass





# Valuation

- Stumpage value - value before cut
- Estimated board feet
- Difficulty of terrain
- All associated costs
- Owner obligated to mitigate damages
- Add another list item here



**LEAF**



**SUMMER**



**WINTER**



**FALL  
LEAF**



**BARK**



**WINTER  
TWIG**



**MALE  
FLOWERS**



**FRUIT**



**SEED**

# PECAN

CARYA ILLINOINENSIS

A deciduous broadleaved tree reaching 130 ft. with a rounded, spreading crown.

HOW TO RECOGNIZE IT

Bark is gray-brown and fissured. Leaves are pinnate, with up to 17 pointed leaflets, and turn from pale green to yellow in fall. Male flowers are green catkins. Female flowers grow on a short spike and split into four sections in fall to expose an edible nut inside a thin husk.

WHERE TO FIND IT

Pecans are native to northern Mexico and the southern USA, specifically the Mississippi River valley. Several cultivars are grown as a commercial crop for the production of pecan nuts. It is also planted as an ornamental shade tree on large residential plots.

HOW WE USE IT

Timber is hard, coarse-grained, and used for firewood and for smoking foods. It is extremely valuable as a commercial nut tree, with 75 percent of the world's crop grown in Georgia, Texas, and New Mexico.

# Tree Damage & Insurance

- Must be caused by covered peril
- Generally does NOT cover removal of tree or debris if no structures are damaged
- No coverage if tree was obviously unhealthy or owner has knowledge of condition
- Add another list item here



# Street or Private Tree?

- Street trees grow in ROW - adjacent land owner responsible
- Private trees on lot and not in ROW

# Tree Permits

- Completely on private property?
- Environmental overlay?
- Heritage tree?
- More than 12" in DBH
- Add another list item here



## Private Residential Tree Permits

Milwaukie's residential private tree code went into effect on May 19, 2022.

Read the full tree code [here](#)!

**APPLY FOR A TREE REMOVAL PERMIT BY CLICKING HERE!**



### What does this mean?

Trees over 6" DBH (diameter at breast height) on private property now require approved removal permits from the city prior to work being done. Diameter at breast height, or DBH, is the standard for measuring trees. DBH refers to the tree diameter measured at 4.5 feet above the ground. You can learn how to measure tree DBH [here](#)!

Approved permits are not required for the removal of screening hedges, shrubs, or commercial fruit/horticultural trees. Pruning, stump grinding or other tree maintenance on private property will not require permits. Trees over 2" DBH on public property are still covered by the public tree code and require a permit for major pruning or removal.

### What will this cost?

Type 1 removal permits are free. Type 2 removal permits will incur fees outlined in the master fee schedule.

Type 1 permits are removals of dead, dying, and hazardous trees, invasive trees (as defined by the [Oregon Noxious Weed List](#)) or trees causing unmitigable infrastructure impact (cannot be reasonably fixed or prevented) or posing fire hazards. The applicant must provide supportive documentation to qualify for a Type 1 permit. One healthy tree under 12" in diameter at breast height per year also qualifies as a Type 1 removal permit. There are no fees for Type 1 removal permits.

Type 2 Permits are elective removals of healthy trees that do not meet the Type 1 standards. Type 2 permits will incur removal fees that are scaled to the diameter of the tree. The larger the tree, the more the removal fee will be.

For current removal fees, please review the adopted master fee schedule [here](#)!

### Where will I apply for a permit?

Tree removal permit application forms can be found [here](#). These forms are temporary as the city is working on a new online permit system that will be easy for all users. Community members can also apply in person at the Johnson Creek Public Works facility at 6101 SE Johnson Creek Blvd.

## Featured content



INFORMATION

**Do I Need a Tree Permit?**



INFORMATION

**Check a Tree Permit Status**



INFORMATION

**Apply for a Tree Permit**



CITY OF PORTLAND WEBSITE

**Trees and Development**



INFORMATION

**Tree Concerns and Problems**



INFORMATION

**Tree Care and Resources**



INFORMATION

**Trees - Forms and**



INFORMATION

**Approved Street Tree**



INFORMATION

**Programmatic Permits**



# Overlay Zone or Plan District for Tree Permits

Information



Determine if your tree is in a specially regulated Overlay Zone or Plan District. If your property falls into one of the overlay zones or plan districts listed below, call 503-823-TREE (8733) to find out tree requirements for that area.

## Overlay Zones and Plan Districts

**Overlay zones** consist of regulations that address specific subjects in particular areas in the City. Several overlay zones have different tree requirements than regulations of the base zones.

Some sites within the City of Portland are located within **plan districts**. Some plan districts have alternative tree requirements to the **base zone** or overlay zone.

## Why are these overlay zones and plan districts special?

Certain areas of the city have significant natural resources or are environmentally or culturally

### Contact

#### Urban Forestry

Manager of our urban forest infrastructure

✉ [trees@portlandoregon.gov](mailto:trees@portlandoregon.gov)

☎ 503-823-8733

### Related

[Overlay Zones](#)

[Tree Permits and Regulations](#)

[Qualifying for a Tree Removal and Replanting Permit](#)

[Check a Tree Permit Status](#)

[Do I Need a Tree Permit?](#)

[Do I Need a Permit to Remove Trees on Private Property?](#)

[Tree Concerns and Problems](#)

[Tree Care and Resources](#)

[Trees and Development](#)



LEAF



SUMMER



WINTER



BARK



FALL LEAF



WINTER TWIG



FLOWERS



FRUIT



VARIETY OF LEAF



VARIETY OF LEAF



# MAPLE

ACER SACCHARUM

A medium-sized broadleaved deciduous tree growing up to 115 ft. tall. Bark is gray-brown and vertically fissured.

HOW TO RECOGNIZE IT

Leaves are typically palmate with five lobes bearing pointed tips in opposite pairs. Maple is one of the best trees for fall colour, turning bright yellow then orange and red through the season. Winged fruits called samaras are spread by the wind like mini helicopters.

WHERE TO FIND IT

Growing naturally in broadleaved forests from Eastern Canada down to northern states of the Eastern USA.

HOW WE USE IT

The timber is highly prized, particularly if it is well marked, such as birdseye maple. It is tapped in spring for the sap which has a high sugar content and is used to make maple syrup.

A photograph of a residential street lined with large, mature trees. The trees are lush green and cast shadows on the asphalt road. In the background, there are houses with brown roofs and white walls. The overall scene is bright and sunny.

# Trees in HOAs

Click to add more text here



..... MATERIALS WHICH ARE NOT ALLOWED.

7.13 HOUSE NUMBERS. House numbers must be clearly readable from the street and compatible with the overall design of the structure but not so large as to be out of proportion to the structure.

7.14 EXTERIOR LIGHTING. Type of placement of exterior lighting devices must be approved by the ACC. Lighting fixtures shall eliminate glare and annoyance to adjacent Lot Owners and residents.

7.15 TREE REMOVAL. No trees shall be removed from a Lot without the prior written approval of the Architectural Control Committee.

7.16 DECK AND PATIO COVERS. All covers for decks and patios must be of complimentary design and be constructed of the same materials as the Living Unit.

Homeowners Association. Appropriate security for completion may be required. All landscaping shall conform to the general pattern of others in the plat as established in the sole discretion of the Declarant or Homeowners Association and as selected and approved from a landscaping list prepared by the declarant's representative. A copy of this landscape list is attached hereto as Exhibit "C" and incorporated herein by reference. All yards and growth thereof shall be maintained, cultivated, and kept free from insects and diseases. All trees and shrubs or landscaping of any kind shall be kept neat and orderly and trimmed so as not to obstruct another lots view and shall be consistent with the preferred list of plants and materials attached hereto as Exhibit "C", provided that landscaping necessary for the wetlands shall not be subject to this section.

5.11 Easements. Easements for utilities, drainage facilities and shoreline public access have been reserved to the Declarant and Homeowners Association, as shown on the recorded plats and as recorded in the Clark County Auditor's office. Within the easements for utilities and drainage, no structure shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction and flow of drainage channels in



LEAF



MATURE



YOUNG



FLOWERS



BARK



FRUIT

# MADRONE

ARBUTUS MENZIESII

An evergreen medium-sized broadleaved tree growing to 80 ft. tall with a wide, spreading crown.

HOW TO RECOGNIZE IT

Smooth orange-red bark peels away in thin sheets to reveal new green bark with a satiny sheen as it matures. The thick, oval-shaped leaves have a shiny green top and grey-green underside. Small, white, bell-shaped flowers hang from young twigs and are followed in fall by red berries that dry on the tree.

WHERE TO FIND IT

Madrone grows naturally along the Pacific Coast from British Columbia, including Vancouver Island, to California.

HOW WE USE IT

The pale red-brown wood is hard, heavy, and durable with a fine grain. It is used for furniture, flooring, panelling, and veneer. The berries were used by native Americans for making necklaces, decorations, and fishing lures. It is also a valuable firewood as it burns hot.



Kevin Harker · January 27, 2022

Here are some resources for tree identification and local tree ordinances:

[City of Portland](#)

[Beaverton](#)

[Clackamas County](#)

[Tree identification iphone app - Picture This](#)

[Oregon State University - Common PNW Trees](#)

[Northwest Trees, Identifying and Understanding by Stephen Arno](#)

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[Older Post](#)

[Architectural Guidelines in Oregon & Washington HOAs](#)



NORTHWEST TREES ANNIVERSARY EDITION

STEPHEN F. ARNO & RAMONA P. HAMMERLY

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Cesare Leonardi - Franca Saggi

# THE ARCHITECTURE OF TREES





LEAF



MATURE



YOUNG



FRUIT



FLOWER



VARIETY OF TREE



VARIETY OF BARK



VARIETY OF LEAF



# JUNIPER

JUNIPERUS OSTEOSPERMA

A slow-growing large evergreen shrub or small tree reaching up to 20 ft. tall with a very distinctive, charismatic form.

HOW TO RECOGNIZE IT

Bark is gray-brown and peels off the branches in long strips. The young needles thicken and turn dark green and scaly in maturity. Blue, berry-like cones measuring up to  $\frac{1}{2}$  in. have a waxy covering and contain single seeds which are dispersed by feeding birds.

WHERE TO FIND IT

Juniper is native to southwestern areas of the United States of America including Utah, Nevada, and Arizona.

HOW WE USE IT

Juniper wood is golden-brown and aromatic and is used for turning and carving, as well as smoking fish and meats. Juniper berries are a key ingredient in gin and are used to flavor food and liqueurs.

An arborist wearing a red helmet, dark shirt, and safety harness is climbing a tree trunk. The arborist is using ropes and gear to ascend. The background shows a blurred forest scene with trees and foliage.

# Tips

- Verify ownership of tree
- Always rely on certified arborist
- Don't remove a tree w/o permit (if required)



# Kevin Harker

[kevin@harkerlepore.com](mailto:kevin@harkerlepore.com)