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Exhibit A

Title 11, Trees – Proposed Code

See Citywide Tree Policy Review Volume 3

Exhibit B

Amendments to Titles 3, 8, 14, 16, 20, 24, 31

See Citywide Tree Policy Review Volume 3

Exhibit C

Customer Service and Community Access

The proposals presented in this section are critical components of the overall Citywide Tree Project recommendation package. Proposals for future projects to develop a Community Tree Manual and to establish a single point of contact for tree related inquiries were strongly supported by the project Stakeholder Discussion Group, along with a proposal to develop a 24-hour Tree Hotline. There was also significant interest in exploring ways to plan for and manage trees at a neighborhood scale, rather than site by site. During their work sessions, the Planning and Urban Forestry Commissions also expressed a desire to allow public access to tree permit records and activity through an on-line portal such as PortlandMaps. These proposals are presented below for consideration.

Community Tree Manual

The Citywide Tree Project Stakeholder Discussion Group, the Planning Commission, and the Urban Forestry Commission strongly supported the development of a "Community Tree Manual" (or "Tree Manual") to complement the tree regulations.

Initially the Tree Manual was envisioned primarily as a document that translates the tree regulations into "plain English." Development community representatives expressed interest in placing technical specifications in the Tree Manual as administrative rules, which can be more readily updated than the code. While there is still interest in converting some of the technical standards and specifications to administrative rule, the Tree Manual concept has evolved to focus on providing a community educational and informational resource rather than a regulatory document.

Neighborhood representatives warmed to the Tree Manual concept as a tool to provide information about the benefits of urban trees, tree care, and best management practices. There is also interest in creating a tool to educate children about the importance of trees, and foster their appreciation and understanding of trees in their neighborhoods and schools.

City staff and stakeholders also want the Tree Manual to be a "living resource" that would be housed and maintained on a new Tree Website. While there will likely be specific printed products, the primary focus will be on the development of user-friendly on-line products and tools.

As a community resource the Tree Manual will help support and complement other public initiatives and investments. For example, through the Grey to Green Initiative, the City initiated an aggressive rethink of its infrastructure policy, and has begun investing millions of dollars in green infrastructure facilities. In addition to the existing urban forest canopy that faces the pressure of development, 50,000 street trees and 33,000 yard trees will be planted by the city over a several year period. Providing information to help Portlanders maintain existing tree assets is important to protect this investment in planting new trees.

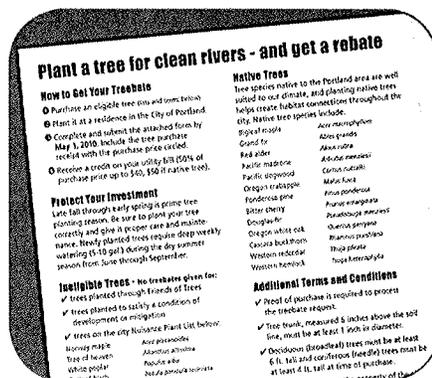
As envisioned, the Tree Manual will serve the following purposes and goals;

1. Raise community awareness of trees and benefits of Portland’s urban forest
2. Provide information and case examples to assist Portland residents, arborists and developers in selecting, planting, caring for, and preserving/protecting trees
3. Provide simple and illustrative information to help property owners and developers understand and work with City tree regulations (graphics, standard operating procedures, example site plans and applications, etc.)

The Tree Manual will address the following topics:

Portland’s Trees, Tree Programs and Benefits of Trees

The Community Tree Manual would provide information on Portland’s urban forest and the ecological, social and economic benefits of trees in the city. It would describe the functions of trees and how they contribute to public, economic, and watershed health and welfare. The manual would also provide information on special trees and programs such as the City’s Heritage Tree program and native trees in environmental zones. The manual would also identify City bureaus that implement urban forestry and other tree-related programs, and provide program information and appropriate links. The manual would provide information on community organizations such as Friends of Trees and local watershed councils, and ways citizens can participate in tree related community programs or events.



Tree Care and Topics of Interest

The Tree Manual would provide basic information to help Portlanders understand how trees work and how to care for their trees. The manual would also provide information

and guidance on particular topics of interest. The format would rely on photos and graphics to help illustrate key points and encourage tree planting and maintenance.

- Basic tree care – planting, mulching and watering, pruning, removal, preventing hazards
- Trees and utilities
- Fire resistant trees and/or landscapes
- Trees and solar access
- Trees and stormwater
- Food bearing trees and edible landscapes
- Trees and wildlife – native trees; habitat trees, providing food and cover, preventing hazards
- Trees and views
- Alternative sidewalk and building construction to preserve trees
- Trees and groves – preservation in the long term – easements, tracts, neighborhood agreements
- Neighborhood tree plans

Tree Code Primer – “Tree Rules Made Simple”

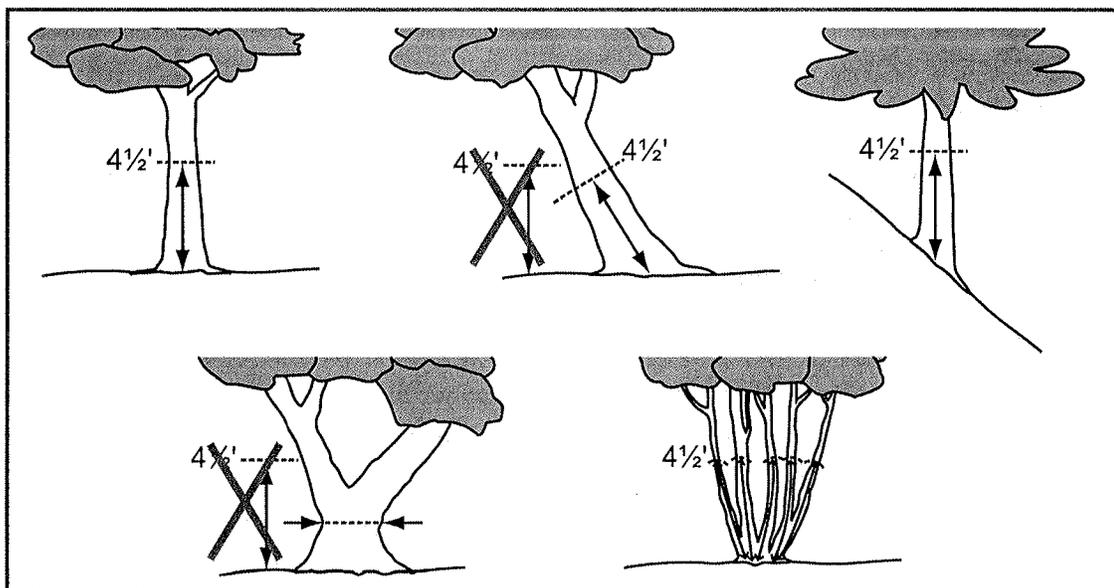
The Tree Manual would present user-friendly information, instructions, and examples to help people understand and comply with the tree regulations. The manual would outline City and property owner roles and responsibilities. The Tree Manual could provide updated forms and worksheets, and tips or example site plans with required tree information to assist in meeting development application submittal requirements.

The manual could also contain information and potentially technical specifications relating to tree protection, replacement, etc. Like the City’s Stormwater Management and Erosion Control Manuals, the Tree Manual would feature ‘lay language’ information, diagrams and illustrations to foster creative site design and construction methods. The Tree Manual could potentially integrate information and guidelines contained in the City’s existing “Tree and Landscaping Manual”. The Tree Manual could be readily updated to reflect the ongoing evolution in urban forestry management guidance and technologies. The contents might look something like this:

City tree regulations - how to stay out of trouble!

- Tell me what I can (and can’t) do – allowances, prohibited activities such as topping or harming active migratory bird nests

- When do I need a permit? - in development and non-development situations; trees on public, city and private property;
- What's a Tree Plan? - tips and examples for producing Tree Plans and producing complete project applications
- When should I hire an arborist? - to plant, prune and remove trees; to prepare tree reports when development is proposed
- Designing with Trees - innovative examples and approaches to integrate trees into proposed development and the payoff
- Measuring Trees - dealing with straight trunk; trunks on angle or slope, split trunk; canopy density



- Protecting Trees - fencing requirements; avoiding compaction in the root zone; alternative methods for root protection; subsurface root protection
- Tree planting requirements - tree canopy size, tree spacing, tree replacement and mitigation, recommended species
- Tree appraisal methods
- Standards and specifications - distance from utilities, clearance and visibility
- Forms

Potentially the Tree Manual could incorporate elements of the Tree and Landscaping Manual and, along with potential future administrative rules relating to trees, could complement other City manuals including:

- Water Bureau Developer's Manual - ARB UTL-4.02
- BES Stormwater Management Manual - ARB ENB-4.01
- BES Sewer and Drainage Facilities Design Manual - ARC ENB-4.14
- BDS Erosion and Sediment Control Manual - ARB ENB-4.10
- PBOT Design Guide for Public Street Improvements - ARB TRN-1.10
- Fire and Rescue - Design Manual for Fire Protection Systems and Processes - ARB FIR-2.01

A basic project work plan is presented below. Currently, it is envisioned that the project will be coordinated by the Urban Forestry program staff, in close collaboration with the Bureaus of Development Services and Environmental Services. The bureaus of Planning and Sustainability, Transportation, and Water will also be called on to assist or review draft products. The existing Urban Forest Action Plan Coordinating Committee will be consulted during the project.

Tasks and Products by Fiscal Year (FY)	
1	FY 2010 - 2011
1a	<p>Hone project work plan</p> <p>Products:</p> <ul style="list-style-type: none"> - Tasks, timelines, products - Stakeholder input - ID partners and other funding sources
2	FY 2011 - 2012
2a	<p>Project Management</p> <p>Products:</p> <ul style="list-style-type: none"> - Work plan (tasks/timeline)/budget - Project website development and maintenance - Interbureau coordination - Stakeholder involvement strategy development/coordination - Grant and contract management
2b	<p>Tree Benefits – Ecosystem Services/Watershed Health</p> <p>Products:</p> <ul style="list-style-type: none"> - chapters/brochures and website: - video?
2c	<p>Tree Care ‘module’</p> <p>Products:</p> <ul style="list-style-type: none"> - chapters/brochures and website: <ul style="list-style-type: none"> - tree planting and establishment - tree maintenance (pruning, etc.) - root protection methods
2d	<p>Tree ‘Topics of interest’</p> <p>Products:</p> <ul style="list-style-type: none"> - chapters/brochures and website <ul style="list-style-type: none"> - trees and wildlife/habitat - fruit and nut trees - trees and solar energy systems
2e	<p>Tree Code Primer</p> <p>Products:</p> <ul style="list-style-type: none"> - handouts explaining tree codes for development and non-development situations (scenarios, guidance) - forms w/ examples of complete permit applications, supporting documentation, trees on site and tree plans, etc. - instructions for accessing tree permit information
3	FY 2012 - 13
3a	<p>“Designing with trees”</p> <p>Products:</p> <ul style="list-style-type: none"> - case studies - illustrations - land divisions, developments, small sites

Proposed Tree Manual Products and Budget

City staff have started compiling information to produce the Tree Manual. The Tree Manual will be primarily maintained on-line, with targeted printed products. Other types of products may include videos or K-12 grade curriculum. The Tree Manual would be produced in a manner that supports City sustainability and waste reduction goals, and that makes the information accessible to the public at little to no cost. The manual will be readily accessible on-line as an interactive hyperlinked document. People seeking information would be able to get answers to questions on line, or could print the pertinent sections of the manual rather than purchasing a complete document.

The estimated cost and time needed to produce the Community Tree Manual will vary depending on staffing, funding availability and the extent of community involvement. Staffing is needed to coordinate the project, including coordination with bureaus, stakeholder involvement, contract and grant management, and product development. Staffing or other professional services are needed to develop the technical products, including producing text and graphics, creating and maintaining an interactive website, video production, and translation of materials for non-English speakers.

The proposed budget in the Recommended Draft to Council (December 2010) for the Tree Manual included the following one-time allocations from the general fund in FY 2011-12:

- \$48,000 for 0.5 Botanical Specialist II in the Bureau of Parks and Recreation
- \$47,000 for 0.5 City Planner II in the Bureau of Development Services
- \$40,000 professional services contract(s) to assist in website development, graphics, etc.
- The Bureau of Environmental Services intends to staff the project using existing staff resources.

The bureaus have since agreed that they could produce key initial elements of the Community Tree Manual without additional budget resources.

In order to hone the project scope and foster public acceptance and “ownership” of the Community Tree Manual, the next step is to engage City bureaus and community stakeholders in the project scoping process. This collaboration would help hone the scope of the Tree Manual, identify key audiences and users of the products, identify potential partnership and funding opportunities.

SINGLE POINT OF CONTACT AND 24-HOUR TREE HOTLINE PILOT PROJECT

Overview

To complement the adoption of the new, consolidated tree code (Title 11) and updates to the Zoning Code (Title 33), the project recommendations include the establishment of a single point of contact to field public inquiries, answer basic questions, and direct people to the appropriate City program staff, for various tree related regulations and procedures. This position will also help administer tree permits, including providing information to applicants, initial permit screening and logging into the permit tracking system, and reviewing applications for completeness. This position may be authorized to issue Type A permits or pruning permits where documentation from a qualified professional is included with the application.

Given these important functions, the single point of contact position will serve as a bridge between Urban Forestry and Development Services for customers and the public, to seamlessly integrate tree requirements for both development and non-development situations and negate the need to navigate through two separate bureaus to obtain tree information. Since a majority of inquiries will be coming in via the phone and the new tree website, the physical location of the staff fulfilling the screening function is not critical. Currently an Office Support Specialist II (OSSII) at Urban Forestry field public inquiries determines if they need to talk to BDS or Urban Forestry staff. The proposal is to add a Botanic Specialist I to work closely with the OSSII at Urban Forestry staff at Delta Park to answer the more complicated and difficult questions, help develop informational materials, and assist in tree permit research and administration.

In addition, the proposal includes establishing a 24-hour hotline to field questions and reports of tree cutting after normal City business hours and on weekends. Tree cutting after normal business hours and on weekends was a key concern outlined in the Southwest Tree Committee report, and was also raised during Citywide Parks Team meetings and other forums.

The Citywide Tree Project Stakeholder Discussion Group strongly supported establishing the single point of contact to assist the public by connecting them with the right bureau and expertise for their questions. Strong support was also voiced for the 24-hour hotline to improve customer service, help prevent inadvertent or intentional tree cutting violations, and to provide information during non-business hours. The Inter-bureau Project Team worked together to develop the following proposal and cost estimates.

OBJECTIVES

- The Single Point of Contact (SPoC) will be readily accessible to the public, providing prompt responses to questions on the full range of City tree programs. The SPoC will be well versed in City programs and regulations various tree-related permitting issues. The SPoC will have the ability to refer citizens to tree care and permit related information.
- The 24-Hour Tree Hotline pilot project will utilize the Bureau of Environmental Services' 24-hour Spill-Response line to facilitate processing of citizen complaints, confirm existence of a permit for a subject property, and collect information at the site when active tree cutting may be in violation of City regulations. Public awareness about the hotline after hours staff response should help deter egregious illegal tree cutting activities. It should be noted that the effectiveness of the tree hotline will likely depend on the establishment of the standardized tree removal permit system and upgrade of the tree permit information into TRACS.

These two services in combination will achieve the following benefits:

- Coordinated cross-referral with existing after hours phone lines and services
- Increased efficiency of City staff by utilizing automated telephone routing technology to help direct citizens to the appropriate City program.
- Improved customer service by providing automated responses acknowledging submittal of an inquiry. Automated responses may be programmed to be multi-lingual as well to reach a wider audience. Standard operating procedures may be later developed to establish timelines to respond to these inquiries.
- Enhanced routing of calls to the responsible bureau and program. Urban Forestry would be the entry point for questions about trees and tree permit requirements when no development is occurring, while BDS would be the entry point for tree requirements during development.
- Efficient technical and administrative support to ensure that tree permits are processed consistently and in a timely manner, and to support and facilitate the work conducted by City tree inspectors.
- Enhanced data and evidence collection on after-hours illegal cutting.
- Increased opportunities to raise public awareness of trees in neighborhoods, to deter violations, and to educate citizens about how they can access tree permitting information.

Portals - Tree Phone Line and Website

Tree Telephone Contact Line. A telephone contact line will be established provide an entry point for public inquiries and tree complaints. During normal work day hours, the single point of contact will field questions relating to tree programs, or route calls and emails to appropriate bureaus. This will be a live response. The single point of contact will be available by phone, email, or in person. Permit applications can be picked up at either the DSC or Delta Park Urban Forestry office, and returned by mail or in person to Delta Park or by email. It is also envisioned that permits may one day be applied for online.

At the conclusion of each workday, the daytime telephone line would shift to "after hours mode". The system could route calls by using a touchtone menu operating system, for example the system could route callers as follows:

- For emergencies "hang up and dial 911."
- For trees obstructing or threatening to fall into the street, "press 1". The caller would be routed to the existing Bureau of Parks and Recreation Urban Forestry response crews called out by Stanton Yard.
- Callers concerned about possible illegal tree removal currently taking place, "press 2," to be routed to an after hours voicemail message.

The caller could leave a detailed message including the site address, whether the tree is on private property or in the planting strip or other public property, the type of tree removal activity, and questions/concerns. Callers would also be asked to leave their name and contact number so that a staff person can return the call "within the next 30 to 60 minutes."

For the duration of the pilot project, these after-hours calls will be automatically routed to the existing Bureau of Environmental Services (BES) Spill Response Hotline, 823-7180. BES staff would verify through the City's permit tracking system whether a tree removal permit has been issued or if a Tree Plan has been approved as part of a development proposal.

If there is no permit on record and there is a reasonable chance of stopping the tree cutting, staff could conduct a site visit to inquire whether the responsible party had the proper permits or to collect documentation of the potentially illegal cutting (e.g., photos). If there is not a reasonable chance of stopping the illegal tree cutting, the caller would leave information for subsequent follow up. All confirmed unpermitted or otherwise illegal tree cutting activities would be routed to Urban Forestry or BDS staff for enforcement.

Callers inquiring about general permit requirements or other general tree questions could automatically obtain additional information regarding the permit

program and office hours would be played, and the caller could leave a message, which would be returned during the next 24 to 48 hours.

Tree Website

In addition to the telephone line portal, the bureaus plan to create a new City website specifically for trees. The website would provide the following types of functions:

- Access for the public to apply online for a tree permit (rather than making a trip to Delta Park or BDS)
- Prompts to help users determine which permits are needed
- Phone numbers to call with questions during and after normal business hours
- Links to BDS brochures regarding the tree regulations
- Resources and links to the community tree manual and information to learn more about trees and tree care, how to preserve trees through the development process, selecting the right tree for the right location, the value of trees, etc.

Program Monitoring

The 24-Hour Tree Hotline pilot project will last one to two years. During this period staff will monitor activity, evaluate the demand for the service, and determine if the program should be continued, modified or terminated. The following information should be collected and assessed:

- Number of complaint calls, number of calls resulting in an enforcement case, and number of site visits made to address after hours illegal tree cutting.
- Effectiveness of technology used to route and process different tree-related situations.
- Satisfaction of callers using the Single Point of Contact and automated phone system.
- Additional resources needed to support continuing these customer services, especially after-hours efforts.

Costs

- Single Point of Contact - This position would be staffed by a Botanical Specialist I, Forestry Specialty at 1 FTE. BDS and Parks will further develop the job description in preparation for the fiscal year 2012-13 budget process. The ongoing cost range

for this position at the top of the payscale and with benefits would be approximately \$90,000.

- Phone Tree System Install – BTS estimates that this request is within the existing calling system. Assume \$1,000 for any incidental line costs and up front work.
- After Hours Response – Assume 3 after hours calls a week, on-call fees already being paid by BES, and ½ hour of research per tree call. Assume every 4th call needs a site visit which takes 2 hours. Assume overtime rate 1.5 at the top of the Environmental Tech II wage rate ($\$30.72 \times 1.5 = \46.08) and 15% overhead.

156 calls x ½ hour x \$46.08 =	\$3,594
39 site visits x 3 hours x \$46.08 =	\$5,391
Overhead =	<u>\$1,348</u>
TOTAL	\$10,333

PERMIT TRACKING SYSTEM & PUBLIC ACCESS TO PERMIT INFORMATION

Overview

The City currently maintains a permit tracking software system (TRACS) that was established for development and land use-related case activity. This system has since been expanded to track public works permits, property nuisance abatement, and more recently Urban Forestry's tree permits.

The current tree permit tracking system has been designed primarily to respond to City and Street tree permit activity, not to track permits for trees on private property. Due to budget limitations the current system is not set up to process fees or to involve other bureau reviewers.

The proposal is to upgrade the City's permit tracking system to support the City tree permit system as proposed by the Citywide Tree Project before the updated tree permit regulations go into effect. Updating the permit tracking system will require revising forms and letters to reflect new code citations and requirements. Type A permits, Type B permits and Programmatic Permits will need to be incorporated into the types of Urban Forestry permits that TRACS handles. Additional information fields will help streamline the permit reviews and make reporting more meaningful. The system will also need a field so that reviewers can confirm that the proposed tree removal will not violate any zoning requirements or land use conditions.

In addition to process and reporting efficiencies gained, the Permit Tracking system allows posting of information online at PortlandMaps. Applicants, neighbors, and others can obtain information on the status of permit applications or enforcement

actions in the area. This tool will help the City investigate complaints as well. Future improvements to PortlandMaps may even allow the system to notify individuals when tree permits are applied for in their neighborhood. At present the tree permit system is designed for internal city use, making it difficult for the public to access the information. The system needs to be set up to process permit fees, and to allow the public to access information on the status and scope of tree permit applications via PortlandMaps

OBJECTIVES

- The proposed upgrades to the Permit Tracking system will coordinate and speed tree permit reviews, enable faster payment processing, allow payment by cash, check, or credit card.
- Make the permit system more transparent and accessible to permit applicants and the public. Applicants will be able to obtain real-time information on their application status. Interested parties can research tree-related activity in their neighborhoods, information on posted public notice of pending tree removals, and confirm that permits were obtained before calling in a complaint.
- Changes to the tree permit system will enable remote access to this information which is essential for the after-hours tree hotline to function.
- Provide the ability to track and analyze trends in tree removal and replacement citywide.

PROPOSAL

The Bureau of Development Services recently received City Council approval to convert TRACS to a new permitting software system (Accela). The conversion is expected to take two years or longer to complete. While tree permit tracking system improvements could potentially be integrated into the system-wide conversion to Accela, the new system might not be ready before the Title 11 regulations become effective.

To avoid this problem, the proposal is to contract for services to complete the necessary improvements to TRACS during FY 2011-12 to ensure that the system is ready by the time the new regulations go into effect. This upfront investment should offset costs to the Accela conversion project by readying the TRACS Tree Permits for the conversion as opposed to trying to integrate these system improvements concurrent with the conversion process.

Program Monitoring

With the permit tracking system the City can track:

- Number of permits

- Number of enforcement cases
- Number and size of trees removed
- Type of tree removed – evergreen vs. deciduous
- Number of mitigation inches planted
- Number of mitigation inches paid in lieu of planting
- Number of appeals

Costs

- The cost to upgrade TRACS for Tree Permits will depend on the amount of time required to program and test the changes to the system. Initial Bureau of Technology (BTS) Services staff believe that the following estimates are conservative based on their familiarity with TRACS programming for other types of permits. Since BTS will be largely occupied with the Accela conversion, this work will need to be contracted to a qualified service provider.

Assume 320 hours at \$100 per hour.

$$320 \text{ hours} \times \$100 = \$32,000$$

- The costs for adding Tree Permit information to PortlandMaps should be negligible and can be addressed as part of future work assignments with the Accela conversion project. No additional cost is assigned to this task.

NEIGHBORHOOD TREE PLAN

Introduction

The Bureau of Parks and Recreation Urban Forestry Program is interested in advancing the concept of a Neighborhood Tree Plan. The Neighborhood Tree Plan concept was also supported by the Citywide Tree Project Stakeholder Group.

The Neighborhood Tree Plan would provide a mechanism for the City and community to work as partners in setting priorities for trees in specific neighborhoods or areas of the city. The plan could be entirely non-regulatory, providing a “vision,” goals and set of priority projects and timelines. The Neighborhood Tree Plan could also potentially be “endorsed” by the City Council, providing a tool to use in seeking public or private funding for implementation.

The Neighborhood Tree Plan could also serve as a kind of “master plan,” like the current Natural Resource Management Plans, with the purpose of to allowing tree related activities or projects with lesser or more streamlined permitting requirements.



Tree planting

Benefits

The Neighborhood Tree Plan offers unique benefits that cannot be obtained through individual tree permits and site-by-site tree preservation, maintenance and replacement. Benefits include the ability to:

- Establish tree preservation and planting goals for large sites or specific areas or neighborhoods
- Promote protection and enhancement of tree groves or corridors spanning larger areas or multiple properties
- Integrate objectives and activities for trees on public and private property, within and outside environmental resource areas (e.g., environmental and greenway overlay zones), and in development and non-development situations
- Focus tree planting on tree-deficient areas and community spaces (e.g., schools)
- Improve diversity of tree ages and species, and foster removal and replacement of nuisance trees, over time
- Generate opportunities to address other goals for stormwater management, traffic calming, solar access for energy systems and community or private gardens, integration of fruit and nut trees, etc.
- Opportunity to reduce conflicts between utility location and public works projects, and trees

- Leveraging funds and provide economies of scale (e.g., community tree planting projects)
- Fostering partnerships among neighbors

If the Neighborhood Tree Plan were adopted like a master plan, benefits might include:

- Offering 'tree credits' or 'advance mitigation credits' for proactive tree planting to increase ecosystem services
- Reducing the public and private costs associated with administering individual tree removal permits

Questions

While staff and stakeholders support this approach, the following questions should be considered:

- How should the Neighborhood Tree Plan be administered, including tracking tree preservation, removal, planting and maintenance activities over time?
- How would the Neighborhood Tree Plan be integrated with regulations pertaining to vegetation removal and planting in resource overlay zones or plan districts where tree removal and/or planting is governed by the Zoning Code?
- How would the Neighborhood Tree Plan interface with rules pertaining to trees in development and non-development situations?
- Which persons or entities would be responsible for implementing Neighborhood Tree Plans?
- What kind of agreements might be helpful, given that the plan would address multiple properties and a mix of public and privately owned land?
- What are some approaches to develop Neighborhood Tree Plans? Should they be endorsed by City Council? Used as a framework to allow future projects without permits or with more streamlined permitting?

Demonstration Projects

It is recommended that the City continue to pursue funding for Neighborhood Tree Plans. It would be beneficial to develop one or two demonstration projects, and in the process develop a general approach and protocol that could be used in future projects. The protocol could be included as a section in the City's Community Tree Manual.

The Urban Forestry Program would collaborate with other bureaus and Neighborhood Coalitions to identify one or more potential "demonstration neighborhoods." It might be

possible to involve students, such as students in planning or landscape architecture fields, in partnership with the City and a 'demonstration neighborhood.'

The demonstration project would involve:

- Developing tree related goals and priorities for the neighborhood, including priorities for preservation or enhancement of trees, groves, and corridors, canopy quantity, quality, and distribution, tree age and species diversity, stormwater management, food source, habitat, solar access or other objectives as appropriate
- Generating an implementation plan, and identifying one or more entities that would be individually or collectively responsible for monitoring and tracking plan implementation
- Identifying allowed and required tree removal, planting and maintenance activities, clearly describing how these allowances and requirements would supersede and/or interface with other relevant regulations for development and non-development situations, and on public and private property

Funding

It is recommended that the City further develop the project scopes and explore potential grant or other funding options to carry them out. The City should seek potential partners including local academic institutions and public utilities to participate in the projects.

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Exhibit D

Tree Canopy Benefits, Financial Impacts and Budget Proposal

The previous sections of this chapter present the Citywide Tree Project proposal to update, refine, and strengthen existing City tree regulations and related programs and customer service activities.

This section presents the estimated tree canopy benefits and costs to implement the project, and the current budget proposal. Additional information about the financial impacts of the project is provided in the Financial Impact Statement (exhibit to the ordinances)

Tree Canopy Benefits

Introduction

As described in previous chapters, implementing the Citywide Tree Project Recommended Draft proposal will enhance the quantity and the quality of Portland's trees and associated canopy, and helps ensure that current and future tree canopy is distributed and sustained throughout the city.

Specifically, new Title 11 Tree Preservation and Tree Density Standards will encourage preservation of large healthy trees through new development standards and the updated tree permit system. Preserving existing trees will contribute to the management of this important City asset and help protect and reinforce City and community investments in tree planting. Title 11 will also ensure that a baseline amount of trees is maintained through preservation or planting on development sites.

Title 33, Planning and Zoning updates will now emphasize preserving healthy, high quality trees, native trees, and tree groves, and preserving a minimum amount of trees on land division sites. Title 33 amendments will also prompt consideration of tree preservation in the context of Design Reviews and certain Conditional Uses, where appropriate. Title 33 amendments will also ensure that tree protection and tree replacement are addressed more consistently in existing environmental resource overlay zones and specified plan districts.

In non-development situations, the standardized tree permit system will continue to encourage retention of large healthy trees, while providing for more consistent tree replacement across the city. The new prohibition on planting invasive tree species on City property and rights-of-way will support City and community investments in managing invasive plants and adds consistency with existing prohibitions on planting these trees in required landscaping or natural resource areas.

Canopy estimating approaches are described below for the following project recommendations:

- Standardized tree permit system for trees on private property
- Tree preservation and tree density standards applied to development permits
- Trees and land use reviews
- Trees replacement in environmental zone transition and resource areas

In some instances the estimates are for acres of tree canopy preserved *or* tree canopy planted to replace or mitigate for trees removed or tree standards not met. In these situations, tree preservation and tree planting are inversely correlated. One can see that the future canopy of trees planted will be greater than the area of canopy generated from trees preserved today. This reflects the proposal to give "extra credit" for preserving existing healthy trees, and to require more than a 1:1 tree replacement ratio. This account for the loss of that asset and the time needed for new trees to provide similar benefits to larger trees. Staff has taken an average of preservation and planting to come up with an overall number to use in project discussions.

Like estimates for the financial impacts of the Citywide Tree Project, the tree canopy estimates have been refined as the project proposal has evolved through the Planning Commission and Urban Forestry Commission hearings process.

Approach

The following describes the general methodologies used to estimate incremental increases in tree canopy associated with the different components of the Citywide Tree Project. Changes in tree canopy would occur due to 1) increased preservation of existing trees, and 2) generation of future canopy through increased tree planting to replace existing trees or meet other requirements.

The scenarios developed to estimate the tree canopy generated each year are intended to be both plausible and conservative, to avoid over-estimating the projections. Therefore, the actual incremental tree canopy increases may be greater than the estimates. Relevant assumptions are also consistent with the assumptions used to evaluate potential financial impacts of the proposal (e.g., future development permit activity).

More Standardized Permit System for Trees on Private Property (Absent Development)

Permit System	Acres Preserved	Future Acres Planted
Single Family Lots		3.4
Currently Regulated Lots	0.35	3.59

Single Family Lots Eligible for the Homeowner Permit

As directed by Council, the more standardized permit system will apply to trees on most lots in the city, including many of the single family lots that are currently exempt

from tree permit requirements. Council has replaced this exemption with a different exemption for lots less than 5000 square feet. As a result, the permit system will address trees on approximately 55 percent more lots than addressed by current system.

Currently the public is relatively unaware of the City's permit requirements for trees on private property. Only about 120 permits per year are filed with the City, while several thousand permits per year are filed for activities related to street trees. If private tree permit applications increased by 2 to 4 times given the additional lots and proposed "call before you cut" outreach campaign, the City would process about 500 permits per year, or 380 more permits than the 120 permits currently processed. (The City of Lake Oswego processes roughly 750 tree permits per year.)

The more standardized permit system will establish a streamlined permit for homeowners, requiring replacement of any tree that is least 20 inches in diameter with another tree. If half of the total permit applications were for trees on these homeowner lots, the updated permit system would require replacement of 250 additional trees per year. If these replacement trees were, on average, medium canopy type trees providing about 600 s.f. of canopy at maturity, this would generate 3.4 additional acres of canopy in the future.

$$\begin{aligned} & (250 \text{ trees planted/year} \times 600 \text{ s.f./tree}) / 43,560 \text{ s.f. per acre} \\ & = 3.4 \text{ future canopy acres planted per year} \end{aligned}$$

Currently Regulated Lots

The more standardized permit system will streamline current requirements by requiring 1:1 tree replacement for dead, dying and dangerous trees, and nuisance species trees, and up to 4 healthy trees per year between 12 inches and 20 inches in diameter. The City will continue to require up to inch-for-inch replacement for trees larger than 20 inches in diameter and requests to remove more than 4 healthy trees at least 12 inches in diameter.

UF staff reports that currently ~80 percent of the tree removal permit applications are for trees that are dead, dying or dangerous (DDD). If half of the total permit applications were for trees on the currently regulated lots, and 80% of those applications were for removal of DDD trees, the updated permit system would require replacement of 200 unhealthy trees per year. If these replacement trees were, on average, medium canopy type trees providing about 600 s.f. of canopy at maturity, this would generate 2.75 additional acres of canopy in the future.

$$\begin{aligned} & (200 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ & = 2.75 \text{ future canopy acres planted/year} \end{aligned}$$

For the remaining 50 healthy trees, we assume that most of these trees are large trees that are no longer wanted. If half (25) of the trees are less than 20 inches in diameter and qualify for the 1:1 tree replacement, this would generate an additional 0.34 acres.

$$\begin{aligned} & (25 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ & = 0.34 \text{ future acres planted/year} \end{aligned}$$

If the other half (25) of the remaining healthy trees are at least 20 inches in diameter, the City would require somewhere between one replacement tree and an inch-to-inch replacement. Based on City experience the inch-for-inch replacement requirement often acts as an effective deterrent to tree removal. If City required half of the 25 trees to be replaced with 3 trees (12x3=36 replacement trees), and half to be replaced inch for inch which in effect deterred their removal, and the canopy of those existing trees was on average 1,200 s.f., the canopy effect would be:

$$(36 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ = 0.5 \text{ future acres planted/year}$$

$$(13 \text{ trees preserved/year} \times 1,200 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ = 0.35 \text{ canopy acres preserved/year}$$

Tree Preservation and Density Standards (Applied Through Building Permits)

Development	Acres Preserved	Future Acres Planted
Tree Preservation	60	
Tree Density		121

New Title 11 Tree Preservation Standards will apply to all development permits where site disturbance will occur and trees 12 or more inches in diameter are present, with some exceptions for small lots and additions on single family lots less than 10,000 sq. ft..

Consistent with assumptions used to estimate fiscal impact these standards will address approximately 2,250 permits per year. If on average 1 large healthy tree were preserved on these sites, an additional 2,250 trees would be preserved. If the average canopy of an established mature tree was 1,200 square feet, the proposed standards would preserve an additional 62 acres of canopy per year.

$$(2,250 \text{ sites/year} \times 1,200 \text{ s.f. preserved per tree}) / 43,560 \text{ s.f./acre} = 62 \text{ acres preserved}$$

Given the City Council's direction to increase the small lot exemption from lots up to 3,000 sq. ft. to lots less than 5,000 sq. ft., this estimate could be reduced slightly since the standards would apply to fewer lots during permitting. Given that less than 3% of the existing canopy is located on lots less than 5000 sq. ft., and the percentage of lot area in the city is less than 5 percent, than the impact of this change should be limited. It was projected for fiscal impact assessment the new Tree Density Standards will apply to 4,400 development permits per year. The standards will vary by development type. Across the development types (excluding open space zones), the tree density standards are projected to establish and maintain canopy coverage for distinct urban land elements (ULE's).

One medium canopy tree will generally be required for each 500 square feet of site area not occupied by buildings. If on average, each of the 4400 permits where tree density standards are applied results in planting two medium canopy trees, the net result would be 121 acres of future canopy.

$$\begin{aligned} & (4400 \text{ permits/year} \times 2 \text{ trees planted} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ & = 121 \text{ future acres planted/year} \end{aligned}$$

The City Council has directed an exemption from the tree preservation standards and tree density standards for industrial, employment and commercial zones that do not have existing landscaped area standards (i.e., IH, IG1, EX, CX, CS, and CM). Currently, these zones contain only 2.8% of the existing tree canopy in the city. It is not possible at this time to estimate the annual impact of on future canopy of this exemption, however over time the tree density standard would have generated additional canopy on these sites or in the watershed where development takes place, equivalent to about 4.5% of the 34 percent tree canopy target. If land in these zones is fully developed this increment of canopy loss would need to be generated elsewhere in the city.

Tree Preservation and Land Use Reviews

Land Use Reviews	Acres Preserved	Future Acres Planted
Tree Preservation Criteria	5	
<ul style="list-style-type: none"> Plus improved quality preservation on 200 sites per year 		

The proposed new land division criteria should significantly improve the quality and quantity of tree preservation on more than 165 sites per year. The focus will be on preserving large healthy trees, tree groves and native trees. Additionally, trees on property lines will now be counted toward meeting preservation requirements.

The proposal includes establishing new tree preservation considerations for certain conditional use/master plan and design reviews. It is estimated that this would provide opportunities to preserve trees during an additional 35 reviews per year.

If 2 additional trees were preserved on half of the land division sites (2 trees x 0.5 x 165 sites = 165 trees), and 1 additional tree was preserved on half of the conditional use and design review cases (1 tree x 0.5 x 35 sites = 17 trees), an additional 182 trees would be preserved each year. Preserving these trees would also help applicants meet the preservation and density standards at time of building permit. If the average canopy of an established mature tree was 1200 square feet, this would preserve an additional 5 acres of canopy per year.

$$\begin{aligned} & (182 \text{ trees preserved/year} \times 1,200 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ & = 5 \text{ acres tree canopy preserved/year} \end{aligned}$$

Tree Replacement in Environmental Zones

Environmental Zones	Acres Preserved	Future Acres Planted
Replacement requirements		4.4
<ul style="list-style-type: none"> Plus conversion of nuisance trees to native tree species 		

The proposal will clarify that trees in environmental overlay zone transition areas (~1,400 acres) must be replaced with native or non-nuisance species trees. This would apply to trees 6 inches or more in diameter, in both development and non-development situations. Currently these trees are not required to be replaced so the potential impact on tree canopy could be substantial over time.

Assuming only 1 tree per 10 acres of transition area received a permit each year, with requirements to replace with another tree, and the replacement trees were medium canopy type trees (on average), the additional replacement would generate almost 2 more acres of future canopy annually.

$$\begin{aligned} & (1400 \text{ acres}) \times (1 \text{ tree planted/year/ per } 10 \text{ acres}) \\ & = 140 \text{ trees planted/year} \\ & (140 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f. /acre} \\ & = 1.9 \text{ acres future canopy planted/year} \end{aligned}$$

Moreover, the proposal clarifies that in the resource areas of environmental zones, replacement trees are required for non-native trees, as well as dead, dying and dangerous trees, and trees located adjacent to structures. These trees are presently exempt from replacement requirements. Replacement trees planted in the resource areas are required to be native species.

Assuming only 1 tree per 100 acres of resource area received a permit each year, with requirements to replace with another tree, and the replacement trees were medium canopy type trees (on average), the additional replacement would generate almost 2.5 more acres of future canopy annually.

$$(18,000 \text{ acres}) \times (1 \text{ tree replaced per } 100 \text{ acres}) = 180 \text{ trees replaced/year}$$

$$\begin{aligned} & (180 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f. /acre} \\ & = 2.5 \text{ acres future canopy planted/year} \end{aligned}$$

Summary of Estimated Canopy Benefits from Tree Project Proposal*

	Acres Preserved	Future Acres Planted
Tree Permits	0.35	7
Development	62	60-121**
Land Use Reviews	5	
Environmental Zones		4.4
TOTAL	67.35	72.4 - 132.4

* These estimates may change to a limited extent based on amendments approved by the City Council. The estimates should be updated after Council takes final action.

**The City's current landscaping standards also generate additional tree canopy, however the Tree Density Standards provide assurances that baseline tree capacity is maintained even if landscape standards do not apply or are modified or waived. Trees planted to meet Tree Density Standards may also be used to meet Zoning Code landscaping standards so these rules are complementary and reinforcing. If it is assumed that only half of the additional tree canopy is attributable solely to the Tree Project proposal then the total annual net increase in tree canopy for development would be about 60 acres.

Comparing Tree Canopy Generated By the Tree Project Proposal with Canopy Generated By Tree Planting Alone

	Acres Preserved	Future Acres Planted
Tree Project Proposal (net)	67.35	72.4
City Tree Planting Alone		12.3

During the Planning Commission and Urban Forestry Commission hearings process stakeholders asked how much tree canopy benefit would be generated if the City invested the equivalent of the project implementation costs solely on planting trees.

The ongoing implementation costs of the project proposal are estimated to be \$535,000 to support the staffing necessary put these programs into action.

According to Urban Forestry staff, the per tree cost of planting and establishing a 2 inch tree is estimated to be \$600:

Tree cost	each/incl. acquisition and delivery	\$175
Volunteer planting	1 hr coordinator	\$60
<u>Establishment</u>	<u>20 visits X .25 hr for 2 seasons</u>	<u>\$375</u>
	Total	\$600

By applying the ongoing implementation costs to plant trees instead of administering the proposed regulations, the City could plant approximately 892 trees per year. Assuming the trees were medium canopy type trees (on average), this planting effort would generate approximately 12.3 acres of future canopy annually. However, no trees would be preserved through this approach.

$$(\$535,000 / \$600 \text{ per tree}) = 892 \text{ trees}$$

$$(892 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ = 12.3 \text{ acres of future canopy planted/year}$$

Considering that the project proposal would generate a total of almost 200 acres of current and future tree canopy, the proposed regulatory programs would achieve over 16 times the amount of tree canopy than City planting efforts alone.

$$(199.75 \text{ acres gross} / 12.3 \text{ acres}) = 16.24 \text{ times more canopy}$$

Accounting for the fact that existing landscaping requirements of the Zoning Code also generate additional tree canopy that could be reflected in the acres planted through development, the net tree canopy that is solely attributable to this proposal remains well over 130 acres per year and more than 10 times the canopy that would be generated than had the City invested an amount equivalent to the project costs to plant trees only. Moreover, City tree plantings tend to be public property, while the proposal will foster equitable distribution of trees on public and private land throughout the city.

$$(139.75 \text{ acres net} / 12.3 \text{ acres}) = 11.36 \text{ times more canopy}$$

Costs and Budget Proposal

Introduction

Although the Citywide Tree Project proposal is intended to streamline and standardize current City programs the proposal also increases the level of service provided by the City and will require a net additional investment to achieve desired benefits.

Together the City bureaus estimated the cost to implement the Tree Project, including changes in workload, staffing, equipment, and professional services. Staff also identified likely funding sources for each element of the proposal.

Approach

Staff assessed the financial impact for:

- Tree Permits in Non-Development Situations
- Trees in Development Situations and Land Use Reviews
- Customer Service and Community Education Projects

First staff itemized the main tasks for these program areas. Additional tasks and/or time associated with the tasks were noted. The additional time was then multiplied by the estimated number of permits or cases to arrive at a total additional time and associated staffing needs per task. FTE (Full Time Equivalents) were translated into salary using appropriate job classifications. Benefits were included at a rate of 40% of salary. Staff was advised that the level of recommended staffing increases should not trigger additional overhead, however, vehicles and technical services costs were accounted for separately.

Land use review, building permit, and tree permit activity assumptions were generally based on historical data provided by BDS and Urban Forestry, and some assumptions as to how this activity could change based on proposed code updates.

The estimates represent the project incremental changes in time spent on tasks affected by the proposal - not the full time spent on that task. For example, BDS land use review staff currently spend time evaluating tree preservation standards and writing findings. An incremental increase in time is estimated only for staff to apply new and updated tree preservation criteria. . Any current deficiencies in staffing are not captured or addressed by this analysis.

Trees in Non-Development Situations

The proposal includes recommendations to update the City's tree permit system for City, Street and Private trees when no development is occurring. The proposal will streamline the system overall by creating the Type A and Type B permits. The addition of a minimum 3 inch diameter threshold for permitting City and Street Trees will also streamline the system. Other recommendations are not expected to increase permit system staffing costs for City and Street Trees.

For private tree removal permits the proposal to extend City permitting authority to all properties in the city, including currently exempt single family lots, will increase staffing needs.

The staffing estimates for the proposed private tree removal permit program reflect an assumed number of permits each year. A range of potential permitting activity was considered to account for uncertainty. The staff and budget estimates summarized below reflect the high end of the range to ensure that fiscal impacts are not underestimated. An increase in permitting activity is expected as the tree removal permit program will apply to more properties. Public outreach is proposed to occur before and after updated requirements become effective, which will increase awareness of the permit program. The staffing estimates do not reflect program efficiencies and economies of scale that are expected as the number of tree permit applications increase and procedures are become routine.

Currently, this City's tree permit system is paid for with general fund dollars. The \$35 application fee is charged does not cover the City's to administer the permit, inspect trees, deal with appeals, etc. The proposal is to continue charging a nominal fee for the permit to encourage compliance so the program would not be fee-supported.

Trees in Development Situations

The proposal includes a number of recommendations to better address trees in development situations. Additional staff time will be needed to review, inspect and enforce the proposed standards and criteria related to trees. The proposal will also expand the role of Urban Forestry to provide technical assistance.

Land Use Reviews and Private Development Permits

Staff initially used an annual average case load based on the years 2000 to 2008 for land use reviews and 2004 to 2009 for development permit activity. The data from these higher development years were used to ensure that the fiscal impact is not underestimated if and when development activity increases. Staff also used caseloads from 2009 to 2010 to estimate changes staff needs and costs during a period of lower development activity. The bureaus estimated the percentage of cases that would be affected by the proposal and additional time spent on individual tasks.

Additional costs are associated with increased Urban Forestry staff review and consultation and increased BDS staff time to apply updated standards and criteria related to trees, and to inspect for compliance with tree-related preservation, planting and protection requirements.

These activities will be funded through modest increases in land use review and development fees. Potential fee increases were estimated by applying the cost of the program across affected permit/case types. The projected fees include staff salaries, benefits and overhead. Some fees could be pro-rated based on project value or procedure type so that simpler projects pay a lower fee and more complicated projects pay a higher fee. Preliminary estimates of development fees

show ranges between \$50 and \$60 for building permits. For land use reviews, fees could range from \$60 to \$70, to several hundred dollars, depending on how they are applied across cases. BDS and Parks will propose specific fees for City Council adoption.

Capital Improvement Projects and Public Works

The Citywide Tree Project proposal standardizes current infrastructure bureau practice for involving Urban Forestry when public projects are likely to affect trees. Staff estimated the costs for more routine and frequent coordination between Urban Forestry and the infrastructure bureaus on more projects. Costs were also estimated for additional surveying and CADD time to identify trees within and adjacent to the project area on plan sheets. When considered in relation to the overall budget for capital projects, the increase is expected to be minor.

Infrastructure bureau staff also noted that the proposal could result in increased construction costs for City projects in order to avoid impacting trees. These potential costs should be acknowledged, but because they would not be routine and would be very difficult to anticipate or quantify, they have not been estimated in this fiscal impact assessment.

Required mitigation for tree removal could also increase the cost of some CIP projects. However, mitigation requirements are generally equal to or less than current requirements. The proposal will also allow City projects to plant replacement trees on another site in the same watershed, rather than requiring payments for required mitigation. This flexibility should make it possible for most City projects to mitigate without significant cost increases.

Customer Service and Community Education

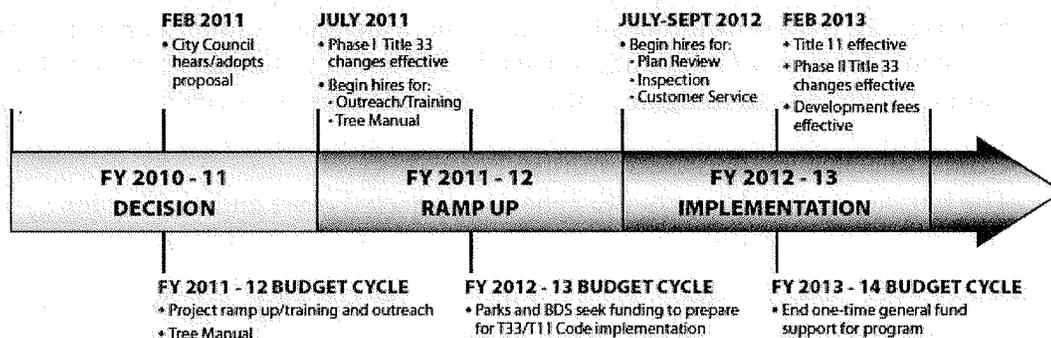
The bureaus worked together to generate projected costs and staffing for customer service improvements as described in previous report sections.

To summarize, the primary implementers of the Tree Project proposal, the Bureau of Development Services (BDS) and the Urban Forestry Division of Portland Parks and Recreation will need additional staff resources to administer and enforce the new tree regulations and provide a single point of contact for the public. There are also additional one-time costs for staffing and services to upgrade the TRACS permitting system, pilot a 24 hour Tree Hotline, and pay for new permit review and inspection staff until sufficient development fee revenue has accrued to allow the BDS to shift to fee-based funding. Other infrastructure bureaus (Water, BES and PBOT) will also experience relatively minor cost increases to address trees more systematically in conjunction with City capital improvement and public works projects.

During the Planning Commission and Urban Forestry Commission hearings the Citywide Tree Project proposal was revised to reduce complexity and implementation costs. Ongoing costs were reduced by 43 percent, and total costs by 33 percent. For example the commissions approved the use of spot-check approach for tree-related inspections to reduce costs, at least for the near term.

In addition, the commissions approved a phased project implantation strategy and funding strategy. The phased approach will provide time to prepare for the new codes to go into effect, including development of informational materials for staff and the public, conducting public outreach, upgrading the TRACS tree permit tracking system, and producing the community tree manual. This approach also allows the initial start up costs to be gradually spread over a longer period, reducing the burden on annual budget. The phased project implementation strategy is outlined below, followed by the three sets Budget Proposal Summary Tables. The first set of tables was submitted to Council in the Recommended Draft to Council (December 2010). The second and third sets of tables represent 2 updated budget estimates that are also provided as attachments in the updated Financial Impact Statement (Exhibit E). Both reflect reduced costs for FY 11-12 and FY 12-13 relative to the December 2010 proposal. Cost reductions are based eliminating funding for the tree manual in FY 11-12 and scaling staffing costs to reflect anticipated mid-year hiring in FY 12-13. Additional costs reductions could be achieved by deferring portions of the tree permit program as shown in Option 2. Note that in each of these scenarios, much of the one-time funding needed for projects and ramp up activities in the first two fiscal years will end or shift to fee supported funding for ongoing program implementation.

- **Decision (spring 2011) - City Council adopts the project proposal** and implementation strategy; directs the bureaus to budget for Phase I program activities.



- **Phase I (Fiscal Year 2011-12) – “Ramp Up”, Tree Manual , Phase I T33 Improvements**
 - City Council approves one-time general funds for project “ramp up” activities, i.e., permit tracking system upgrades, staffing in the Bureaus of Parks and Recreation and Development Services to develop administrative procedures and information on the new development standards and tree permit requirements
 - Cost-neutral Title 33, Planning and Zoning amendments effective July 2011
- **Phase II (Fiscal Year 2012-13) - Implementation “Transition”**
 - City Council approves increases in development and land use review fees and allocates general fund for staff to administer Title 11, Trees and remaining Title 33, Planning and Zoning improvements, to purchase vehicles for new tree inspectors, to hire the single point of contact, and to launch 24-hour tree hotline pilot project.
 - In this first year of implementation, fees will need to accrue before fee supported staff can be hired. For this reason, the proposal reflects one time support of these positions through the general fund, the Urban Forestry Fund, or another alternate source. After this first year, sufficient reserves should be available to support the required staffing.

- c. Title 11, Trees, and remaining amendments to Title 33, Planning and Zoning and other City titles are effective February 1, 2013, unless deferred based on funding availability
- d. Code and program monitoring begins.

- **Phase III (Fiscal Year 2013-14 and future) - Ongoing Program Implementation**

- a. One-time general fund allocations are terminated
- b. Code and program monitoring continues

Budget Proposal Summary Table – Recommended Draft to Council (Dec, 2010)

FY 2011 - 2012

Program Start Up	Use of Funds			Total	Source of Funds				
	Bureau	Use	FTE		GF - OG	time	Fees	CIP	UF Fund
Program Organization and Start-up									
PPR Functions	Parks	Botanic Spec II	0.5	\$48,000		\$48,000			
BDS Functions	BDS	Planner II	0.5	\$47,000		\$47,000			
TRACS upgrade – Tree permits									
PTE	Parks	Contract		\$32,000		\$32,000			
Tree Manual									
Project manager	Parks	Botanic Spec II	0.5	\$48,000		\$48,000			
"Code Made Easy" Content	BDS	Planner II	0.5	\$47,000		\$47,000			
"Watershed Services" Content	BES	Program Specialist	0.5	\$0					
PTE, M&S	Parks	Contract		\$40,000		\$40,000			
TOTAL			2.5	\$262,000		\$262,000			

FY 2012 - 2013

Year 1 of Full Program	Use of Funds			Total	Source of Funds				
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	UF Fund
Land Use Reviews									
Application Review	BDS	Planner II	0.5	\$0					
Arborist Consultation	Parks	Tree Inspector	0.2	\$17,000			\$17,000		
Building Permits									
Plan Review	BDS	Planner II	1.0	\$95,000		\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.0	\$85,000					\$85,000
Capital and Public Works Projects									
CIP/PW Plan Preparation	Water, BOT, BES	Survey/CADD	0.5	\$90,000				\$90,000	
CIP/PW Review/Inspection	Parks	Tree Inspector	0.3	\$25,000				\$25,000	
Tree Permit Program									
Tree Permit Inspector	Parks	Tree Inspector	1.0	\$85,000	\$85,000				
Vehicles and Equipment									
Single Point of Contact/Permit Assistance				\$60,000		\$60,000			
Delta Park Location	Parks	Botanic Spec I	1.0	\$91,000	\$91,000				
24 hour Hotline (pilot)									
Spill Response Line	BES	Overtime (existing staff)		\$10,000		\$10,000			
TOTAL			5.5	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000

FY 2013 - 2014 and future years ongoing

On-going of Full Program	Use of Funds			Total	Source of Funds				
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	UF Fund
Land Use Reviews									
Application Review	BDS	Planner II	0.5	\$47,000			\$47,000		
Arborist Consultation	Parks	Tree Inspector	0.2	\$17,000			\$17,000		
Building Permits									
Plan Review	BDS	Planner II	1.0	\$95,000			\$95,000		
Building Permit Inspection	BDS	Tree Inspector	1.0	\$85,000			\$85,000		
Capital and Public Works Projects									
CIP/PW Plan Preparation	Water, BOT, BES	Survey/CADD	0.5	\$90,000				\$90,000	
CIP/PW Review/Inspection	Parks	Tree Inspector	0.3	\$25,000				\$25,000	
Tree Permit Program									
Tree Permit Inspector	Parks	Tree Inspector	1.0	\$85,000	\$85,000				
Single Point of Contact/Permit Assistance									
Delta Park Location	Parks	Botanic Spec I	1.0	\$91,000	\$91,000				
TOTAL			5.5	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0

Attachment 1 - Modified Tree Project Budget Proposal #1

184522

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Project Ramp Up; absorb/scale Initial Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Program Organization and Start-up										
PPR Functions	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
BDS Functions	BDS	Planner II	0.50	\$47,000		\$47,000				
TRACS upgrade - Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specialis	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
12/2010 Draft Budget			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date & Feb 2013 effective date for T11, Phase 2 T33 amendments, 24-hr hotline]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II (Jan.)	0.25	\$0						
Arborist Consultation	Parks	Tree Insp. (Feb.)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500			\$85,000	
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE S	Survey/CADD(Feb.)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb.)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Insp (Jan.)	0.50	\$42,500	\$42,500					
Vehicles and Equipment (2 vehicles BDS & UF)										
				\$60,000		\$60,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Bot. Spec I (Jan.)	0.50	\$45,500	\$45,500					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$10,000				\$4,000
TOTAL			2.50	\$276,460	\$88,000	\$150,000	\$4,250	\$30,200	\$0	\$4,000
12/2010 Draft Budget			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Remaining 1-time adds shift to ongoing and fees, 24-Hour Pilot extended 1 year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE S	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$545,500	\$176,000	\$0	\$244,000	\$115,500	\$0	\$10,000
12/2010 Draft Budget			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0

Attachment 2 - Modified Tree Project Budget Proposal Scenario

184522

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Defer/absorb Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Program Organization and Start-up										
PPR Functions	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
BDS Functions	BDS	Planner II	0.50	\$47,000		\$47,000				
TRACS upgrade - Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specials	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
<i>12/2010 Draft Budget</i>			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date, permits for SFR lots <10,000s.f. and SPoC deferred to July 1, 2013]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II (Jan.)	0.25	\$0						
Arborist Consultation	Parks	Tree Insp. (Feb)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500		\$85,000		
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE	Survey/CADD (Feb)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for BDS Insp.)				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$40,000				\$4,000
TOTAL			1.50	\$168,450	\$0	\$120,000	\$4,250	\$30,200	\$0	\$4,000
<i>12/2010 Draft Budget</i>			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Homeowner Permit and SPoC are implemented, 24-Hour Pilot extended for full year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for UF Insp.)				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$575,500	\$176,000	\$30,000	\$244,000	\$115,500	\$0	\$10,000
<i>12/2010 Draft Budget</i>			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0

EXHIBIT E

184522

City of Portland, Oregon

FINANCIAL IMPACT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Roberta Jortner		2. Telephone No. 503.823.7855	3. Bureau/Office/Dept. Planning & Sustainability
4a. To be filed (date)	4b. Calendar (Check One) Regular Consent 4/5ths X <input type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to FPD Budget Analyst:

1) Legislation Title: Citywide Tree Policy Review and Regulatory Improvement Project

Amend and consolidate existing tree regulations into new Code Title 11, Trees, adopt companion amendments in other Titles, and direct the establishment of customer service improvements and implementation funding (Ordinance; add Code Title 11 and amend related Titles)

2) Purpose of the Proposed Legislation: Create clear, consistent, cohesive regulatory framework to address trees in Portland and to protect and enhance the urban forest by:

- SUBJECT OF THIS ORDINANCE:** Updating City regulations relating to the Urban Forestry Program and trees in development and non-development situations, and consolidating these regulations into a new City code title – Title 11, Trees. Title 11 contains provisions to authorize the City’s Urban Forestry Commission and Urban Forestry Program, standardizes the City’s tree permit system and enforcement procedures, establishes new tree preservation and tree density standards that apply through development permits, and establishes technical specifications and definitions. Title 11 clarifies that trees on the City’s Nuisance Plants List may not be planted on City property or rights of way.
- TO BE ADOPTED THROUGH SEPARATE ORDINANCE:** Amendments are proposed to the existing Intergovernmental Agreement to Transfer Land Use Planning Responsibilities between the City of Portland and Multnomah County, to address the administration of tree-regulations that apply in situations requiring a development permit.
- TO BE ADOPTED THROUGH SEPARATE ORDINANCE:** Updating City land use regulations in Title 33 to improve tree preservation and tree planting in land divisions and other specified land use reviews, to encourage tree preservation through new flexible development standards, and improving consistency of tree regulations in specified overlay zones and plan districts. Amendments to the Ladd’s Addition Conservation District Guidelines are proposed to clarify that the prohibition on planting nuisance species trees applies and that the street plan guidelines will inform the selection of species to replace nuisance species street trees in the future.
- SUBJECT OF THIS ORDINANCE:** Taking actions to improve customer service and access to tree-related information including upgrading the City’s tree permit tracking system and establishing a single point of contact to assist the public, a 24-hour tree hotline pilot project, and a community tree manual.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source. While intended to improve program efficiency and cost-effectiveness, this legislation does not, in itself generate or reduce current or future revenues for the City. Portions of the program are envisioned to be funded by increases in tree permit, development and land use fees, however changes to fee schedules would be done through separate legislation

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)

The estimated costs to prepare for and implement the project proposal are shown in Attachments 1 and 2. The attachments represent two potential cost and funding scenarios, both showing changes in cost compared to the Financial Impact Statement submitted as an exhibit to ordinances contained in Volumes 3 and 4 of the Recommended Draft to Council (December 2010). In addition, these costs do not reflect amendments that City Council has approved 'in concept' on March 9, 2011, and that have the potential to affect workload. These amendments are listed below, with an initial estimate of the general direction of impact on workload.

Council Tentative Direction on 3/9/11Tree Permits

1. New exemption for lots less than 5,000 sq. ft. - workload reduction
2. Eliminating the street tree pruning permit - workload neutral (shift resources to monitoring/enforcement)
3. Adding a programmatic permit option where the City may allow removal of trees larger than 6" diameter with opportunity for public appeal - workload increase

Development Situations

4. Counting street trees toward on-site tree density requirements on lots <3,000 sq. ft. - workload neutral
5. Increasing tree preservation lot size exemption from 3000 to <5000 sq. ft.; changing building coverage exemption from 90% to 85% - both workload reductions
6. Adding tree preservation exemption for sites in several industrial, commercial and employment zones - workload reduction
7. Establishing Comprehensive Natural Resource Management Plans - workload redistribution/reduction

Two scenarios are provided to reflect the fact that certain decisions for staffing and funding will be best made closer to the proposed implementation date.

Attachment 1 outlines the services and cost as follows:

- a. FY 2011-2012 – Funding for tree permit tracking system upgrades, “ramp up” for new code, and – Source: one-time general fund. (Cost for the Community Tree Manual will be absorbed and the project scaled to comport with existing staff resources.)
- b. FY 2012-13 – Funding to staff and implement Title 11, phase 2 Title 33 amendments, vehicles purchase, single point of contact, 24-hour hotline pilot; amendments to Ladd’s Addition Conservation District Guidelines – mix of one-time and ongoing general fund, development and land use review fees, capital improvement project dollars, Urban Forest fund
- c. FY 2013-14 – Funding for ongoing program activities (code administration and enforcement) – ongoing general fund, capital improvement project dollars, development and land use review fees

Attachment 2 reflects a scenario where the costs for the single point of contact and an additional tree inspector (and vehicle) needed to implement the updated Private Tree Removal permit system are deferred to 2014. In actuality, before the FY 12-13 budget process the Bureau of Parks and Recreation (Parks) will determine whether additional General Fund is needed to support these services in FY 12-13, or whether these costs can be deferred to FY 13-14 or covered by an alternative funding source. Parks consider potential savings associated with streamlining of permitting procedures and any potential increases in efficiency or funding opportunities identified during an upcoming discussion of implementation issues and opportunities. If insufficient funding is available Parks could elect to defer program elements such as the new permit requirement for single family zoned lots. Similarly the Bureau of Development Services will consider its funding availability. If insufficient funding is available BDS might need to scale back services such as inspections for the Title 11 tree preservation and density standards.

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.) - None.

6) Will positions be created or eliminated in future years as a result of this legislation? - Positions proposed to be created in future years, and budget proposal, are shown in Attachments 1 and 2 (see explanation in 4) above.

Complete the following section if you are accepting and appropriating a grant via ordinance. This section should only be completed if you are adjusting total appropriations, which currently only applies to grant ordinances.

7) **Change in Appropriations** (If the accompanying ordinance amends the budget, please reflect the dollar amount to be appropriated by this legislation. If the appropriation includes an interagency agreement with another bureau, please include the partner bureau budget adjustments in the table as well. Include the appropriate cost elements that are to be loaded by the Grants Office and/or Financial Planning. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

APPROPRIATION UNIT HEAD (Typed name and signature)

Attachment 1 - Modified Tree Project Budget Proposal #1

184522

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Project Ramp Up; absorb/scale initial Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Program Organization and Start-up										
PPR Functions	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
BDS Functions	BDS	Planner II	0.50	\$47,000		\$47,000				
TRACS upgrade - Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specials	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
12/2010 Draft Budget			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date & Feb 2013 effective date for T11, Phase 2 T33 amendments, 24-hr hotline]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II (Jan.)	0.25	\$0						
Arborist Consultation	Parks	Tree Insp. (Feb.)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500			\$85,000	
Capital and Public Works Projects										
CIP/PW Plan Preparation	BOT, BE	Survey/CADD (Feb.)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb.)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Insp (Jan.)	0.50	\$42,500	\$42,500					
Vehicles and Equipment (2 vehicles BDS & UF)				\$60,000		\$60,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Bot. Spec I (Jan.)	0.50	\$45,500	\$45,500					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$40,000				\$4,000
TOTAL			2.50	\$276,450	\$88,000	\$160,000	\$4,250	\$30,200	\$0	\$4,000
12/2010 Draft Budget			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Remaining 1-time adds shift to ongoing and fees, 24-Hour Pilot extended 1 year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	BOT, BE	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$545,500	\$176,000	\$0	\$244,000	\$115,500	\$0	\$10,000
12/2010 Draft Budget			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0

Attachment 2 - Modified Tree Project Budget Proposal Scenario

184522

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Defer/absorb Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
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TRACS upgrade - Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specialis	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
12/2010 Draft Budget			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date, permits for SFR lots <10,000s.f. and SPoC deferred to July 1, 2013]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
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Arborist Consultation	Parks	Tree Insp. (Feb)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500			\$85,000	
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE S	Survey/CADD(Feb)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for BDS Insp.)										
				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$40,000				\$4,000
TOTAL			1.50	\$158,450	\$0	\$120,000	\$4,250	\$30,200	\$0	\$4,000
12/2010 Draft Budget			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Homeowner Permit and SPoC are implemented, 24-Hour Pilot extended for full year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE S	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for UF Insp.)										
				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$575,500	\$176,000	\$30,000	\$244,000	\$115,500	\$0	\$10,000
12/2010 Draft Budget			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0

Title 11 Trees – Additional Substantive Amendments

1. Eliminate Lot Size Exemption for Private Tree Removal Permits

Code Ref.	Description	Proposed Revision
<p>11.40.030 A (Refer to Discussion Item Amendment 3.B.)</p>	<p>Eliminate proposed lot size exemption for Tree Permits (No Development). On March 9, City Council provided direction to develop a lot size exemption for the Private Tree Permit system. This would exempt lots less than 5,000 square feet in any zone. This exemption would apply to nearly 43,000 lots in the city.</p> <p>This amendment would remove the lot size exemption in favor of a more standardized permit requirement, eliminating disparities between different sized lots, and reducing confusion as to when the permit requirement applies. Lots less than 5,000 square feet would continue to be exempt from the Title 11 Tree Preservation Standards in development situations.</p> <p>No change to Dec. 2010 Recommended Draft Commentary. Omit first paragraph in Commentary for Discussion Item 3.B. from the March 31, 2011 Title 11 amendment package as follows:</p> <p>Private Tree removal permits are not required for lots smaller than 5,000 square feet. This is intended to target use of staff resources to larger lots with the bulk of the tree canopy in Portland. This exemption applies to all lots in all zones and departs from the current exemption which applies to built single family "non-dividable lots". The threshold is set at less than 5,000 square feet to ensure that permits are required to remove trees on the many lots that are platted at exactly 5,000 square feet.</p>	<p>Revisions to the Dec. 2010 Recommended Draft that add language are shown with <u>underline</u>. Language that is being deleted is shown with strikethrough. Revisions that delete text from proposed March 31, 2010 amendments are strikethrough and underline. New proposed language is shown with <u>underline and shaded</u>.</p> <p>(This amendment would replace the language proposed for Section 11.40.030 in Discussion Item Amendment 3.B., page 4 of the March 31, 2011 Title 11 Amendment Package)</p> <p>11.40.030 Exemptions. The following are exempt from the requirements of this Chapter:</p> <p>A. <u>Trees on lots that are less than 5,000 square feet in area.</u></p> <p>Reletter A through E as B through F</p> <hr/> <p>(This amendment would revise the language in Table 40-3 shown in Attachment A, page 29 of the Title 11 Amendment Package)</p> <p>Note [1] in Table 40-3 Summary of Permit Requirements for Private Trees <u>Note — [1] Applies to lots \geq 5,000 square feet.</u></p>

Title 11 Trees – Additional Substantive Amendments

2.A. Standard 12" Diameter Size Threshold for Private Tree Removal Permits (retains Single Family Type A Permit provision)

Standardize the tree size threshold for when private tree removal permits are required. On March 9, City Council considered alternatives for tree size thresholds at which private tree removal permits would be required. The direction was to apply a 12" diameter tree size to most lots, but address "Homesites" (single dwelling zoned lots less than 10,000 square feet with a house or duplex) with a 20" diameter tree size. Permits for these lots would also not be subject to public notice or appeal. The tree size in sensitive resource areas and specified plan districts would remain at 6" diameter.

In contrast, this amended proposal would level the tree size threshold for all lots to a uniform 12" diameter tree size. The 6" diameter size would continue to apply in resource areas and specified plan districts.

As a corollary amendment to the standardized 12" diameter tree size threshold for permitting, the proposed Tree Preservation exemption for additions on built single dwelling lots is also deleted. The disparity between the 12 inch diameter tree size applied through the Tree Preservation Standards for development, and the 20 inch diameter tree size threshold in non-development situations has been eliminated, so this Tree Preservation exemption is no longer justified.

Additionally, with the elimination of the variable lot size table, a definition for the term "Homesite" is no longer necessary, and is replaced with the statement "lots less than 10,000 square feet located in a Single Dwelling zone, and developed with a single dwelling or duplex."

Revise Dec. 2010 Draft Commentary as follows:
Private Trees - the previous tree permit applied only to trees 12 or more inches in diameter on private properties, and did not incorporate the existing smaller size thresholds for the regulated trees in some overlay zones or plan districts that are now subject to Title 11 provisions. Where Title 11 permit requirements apply, a 6 inch minimum tree size threshold is established for specified overlay zones and plan districts. ~~continue requiring a tree removal permit for most currently regulated Private Trees at 12 or more inches in diameter. There are two exceptions to this size threshold:~~

- ~~• Single Dwelling Sites (20 or more inches in diameter); and~~
- ~~• Specific Overlay Zones and Plan Districts (6 or more inches in diameter)~~

For ~~single dwelling developed~~ Single Dwelling zoned lots less than 10,000 square feet the code requires a Type A permit and replacement of regulated trees with another tree. ~~applies a 20 inch and larger tree size threshold.~~ This provision applies primarily to properties in the City that are currently exempt from tree permits. The prior exemption applied to "built single family lots in single family zones that are not dividable." The previous regulations were intended retain trees on developable sites until a land division application was submitted. However, the term "dividable" and the limitation to single family zones were problematic. The exemption caused confusion in situations where lots were seemingly exempt (i.e. single family house on a normal size lot) but due to an overlay zone, plan district, or a tree preservation requirement from a land use review, property owners would inadvertently violate tree regulations. The exemption also created disparity between one property and the next, based on factors unrelated to the trees themselves.

The Planning and Urban Forestry Commissions spent considerable time and discussion developing an approach that reduces confusion for these property owners, while limiting regulatory

(This amendment would revise the language proposed for Section 11.40.020 B.2 in Discussion Item Amendment 3.B., page 4, and Amendment #17, page 10 of the Title 11 Amendment Package)

11.40.020 When a Tree Permit is Required.

B. Private Trees.

1. Generally, Private Trees at least 12 or more inches in diameter on all lot sites and tracts not included in Paragraphs B.2 or B.3 are regulated by this chapter, except as specified in B.2 through B.3. Trees required to be preserved by a tree preservation plan, a condition of a land use review, or provision of this Title or the Zoning Code may be subject to other requirements.
2. ~~Homesites. Except as noted in subsection B.3 below, only trees 20 or more inches in diameter on single family zoned lots that are less than 10,000 square feet in area and developed with a single dwelling or duplex are regulated by this chapter. Trees on single dwelling sites. On sites that meet all of the following, only trees at least 20 inches in diameter are regulated by this chapter.~~
32. Specified overlay zones and plan districts. Trees 6 or more inches in diameter in overlay zones and plan districts are regulated as noted in Table 40-1. ~~Specific overlay zones and plan districts. Trees at least 6 inches in diameter in the following overlay zones and plan districts are regulated by this chapter:~~

[renumber references for 11.40.020 B.3. to 11.40.020 B.2.]

(This amendment would revise the language in Table 40-3 shown in Attachment A, page 29 of the Title 11 Amendment Package. The remainder of Table 40-3 as amended is unchanged.)

**Table 40-3
Summary of Permit Requirements for Private Trees [1]**

Permit Type Required	Activity	Required Replacement (See Section 11.40.060)	Public Notice Required?
A	Pruning: Native trees in c, p, or v overlay zones	n/a	No
	Removal [2]: Regulated trees that are <ul style="list-style-type: none"> • Dead, dying, dangerous • Nuisance species • Within 10' of a building or attached structure • Up to four healthy non-nuisance trees per year that are less than 20" diameter. • <u>On lots less than 10,000 square feet located in a Single Dwelling zone, and developed with a single dwelling or duplex. Any tree on "Homesites" (see 11.40.020 B.2.)</u> 	1 tree for every tree removed	No

intrusiveness and increasing equity between all properties in the city. City Council further simplified the code by establishing a <10,000 s.f. single lot size threshold on which to base eligibility for streamlined permitting on built lots in Single Dwelling zones

For sites meeting the single dwelling provision no permit is required for trees less than 20 inches in diameter. For trees at least 20 inches in diameter removal is On these lots all tree removal requests are subject to a Type A permit (no review, and no public appeal option), with a simple tree for tree replacement requirement. The message is "cut a large tree, replace a tree". People should check with the City before removing any tree at least 6 inches in diameter to reduce risk of inadvertent violations should be reduced. A "call before you cut" campaign is recommended. This approach is a non-regulatory outreach tool that can be used to connect with property owners and offer information about tree planting options and incentives like the City's Treebate program.

Specific lot size thresholds have replaced the "dividable" term in Title 20.42 to prevent confusion over which sites qualify for the Single Dwelling permit. The lot sizes represent a dividable lot based on zoning code standards. The Single Dwelling permit provision applies to trees on lots that contain single dwelling houses, and that smaller than 3,000 square feet, in non-single family zones. This is appropriate since these lots are exempt from the tree preservation standards in Chapter 11.50.

B	Removal [2]: Regulated trees that are:	Up to inch for inch replacement; determined on case-by-case basis by City Forester	Yes
	<ul style="list-style-type: none"> • Healthy non-nuisance trees ≥20" diameter • More than four healthy non-nuisance trees ≥12" diameter per site per year • Type B Permits do not apply to "Homesites" 		

(This amendment would replace the language proposed for Section 11.40.050 in Discussion Item Amendment 3.B., page 4 of the Title 11 Amendment Package)

11.40.050 Private Tree Permit Standards and Review Factors

A.2. Type A Removal Permits

- g. ~~Trees on single dwelling "Homesites". The tree is at least 20 or more inches in diameter and meets the provisions of Paragraph Subsection 11.40.020 B.2. lots less than 10,000 square feet located in a Single Dwelling zone and the lot is developed with a single dwelling or duplex.~~

(This amendment would delete the language proposed for Section 11.50.040 in Discussion Item Amendment 3.B., page 5 of the Title 11 Amendment Package)

11.50.050040 Tree Preservation Standards.

B. Exemptions. The following are exempt from the tree preservation standards of this Section:

2. Sites meeting at least one of the following:

- dc. ~~The site is a "Homesite." The site is less than 10,000 square feet, is within a Single Dwelling base zone, and is currently developed with a single dwelling or duplex; Already developed with a house and qualifies for the Single Dwelling Provision in Chapter 11.40.020 B.2;~~

(This amendment would delete the language proposed for Section 11.80.020 in Discussion Item Amendment 3.B., page 5 of the Title 11 Amendment Package)

11.80.020 Definitions and Measurements

- ~~**B.15** "Homesite" means a site less than 10,000 square feet, that is developed with a single dwelling or duplex, and located in a single dwelling zone.~~

Title 11 Trees – Additional Substantive Amendments

2.B.Standard 12" Diameter Size Threshold for Private Tree Removal Permits (removes Single Family Type A permit provision)

Standardize the tree size threshold for when private tree removal permits are required. On March 9, City Council considered alternatives for tree size thresholds at which private tree removal permits would be required. The direction was to apply a 12" diameter tree size to most lots, but address "Homesites" (single family zoned lots less than 10,000 square feet with a house or duplex) with a 20" diameter tree size. Permits for these lots would also not be subject to public notice or appeal. The tree size in sensitive resource areas and specified plan districts would remain at 6" diameter.

In contrast, this amended proposal would level the tree size threshold for all lots to a uniform 12" diameter tree size and eliminate special provisions to require only Type A permits for "Homesites". The 6" diameter size would continue to apply in resource areas and specified plan districts.

As a corollary amendment to the standardized 12" diameter tree size threshold for permitting, the proposed Tree Preservation exemption for additions on built single dwelling lots is also deleted. The disparity between the 12 inch diameter tree size applied through the Tree Preservation Standards for development, and the 20 inch diameter tree size threshold in non-development situations has been eliminated, so this Tree Preservation exemption is no longer justified.

Revise Dec. 2010 Draft Commentary as follows:

Private Trees - the previous tree permit applied only to trees 12 or more inches in diameter on private properties, and did not incorporate the existing smaller size thresholds for the regulated trees in some overlay zones or plan districts that are now subject to Title 11 provisions. Where Title 11 permit requirements apply, a 6 inch minimum tree size threshold is established for specified overlay zones and plan districts. continue requiring a tree removal permit for most currently regulated Private Trees at 12 or more inches in diameter. There are two exceptions to this size threshold:

- ~~Single Dwelling Sites (20 or more inches in diameter); and~~
- ~~Specific Overlay Zones and Plan Districts (6 or more inches in diameter)~~

~~For single dwelling sites, the code applies a 20 inch and larger tree size threshold. This provision applies primarily to properties in the City that are currently exempt from tree permits. The A prior exemption applied to "built single family lots in single family zones that are not dividable." The previous regulations were intended retain trees on developable sites until a land division application was submitted. However, the term "dividable" and the limitation to single family zones were problematic. The exemption caused confusion in situations where lots were seemingly exempt (i.e. single family house on a normal size lot) but due to an overlay zone, plan district, or a tree preservation requirement from a land use review, property owners would inadvertently violate tree regulations. The exemption also created disparity between one property and the next, based on factors unrelated to the trees themselves. The Planning and Urban Forestry Commissions spent considerable time and discussion developing an approach that reduces confusion for these property owners, while limiting regulatory intrusiveness and increasing equity between all properties in the city.~~

~~For sites meeting the single dwelling provision, no permit is required for trees less than 20 inches in diameter. For trees at least 20 inches in diameter removal is subject to a Type A permit (no review, and no public appeal option), with a simple tree for tree replacement requirement. The message is "cut a large tree, replace a tree". People should check with the~~

(This amendment would revise the language proposed for Section 11.40.020 B.2 in Discussion Item Amendment 3.B., page 4, and Amendment #17, page 10 of the Title 11 Amendment Package)

11.40.020 When a Tree Permit is Required.

B. Private Trees.

1. Generally, Private Trees at least 12 or more inches in diameter on all lot sites and tracts ~~not included in Paragraphs B.2 or B.3~~ are regulated by this chapter, except as specified in B.2 through B.3. Trees required to be preserved by a tree preservation plan, a condition of a land use review, or provision of this Title or the Zoning Code may be subject to other requirements.
2. ~~Homesites. Except as noted in subsection B.3 below, only trees 20 or more inches in diameter on single family zoned lots that are less than 10,000 square feet in area and developed with a single dwelling or duplex are regulated by this chapter. Trees on single dwelling sites. On sites that meet all of the following, only trees at least 20 inches in diameter are regulated by this chapter.~~
32. Specified overlay zones and plan districts. Trees 6 or more inches in diameter in overlay zones and plan districts are regulated as noted in Table 40-1. Specific overlay zones and plan districts. Trees at least 6 inches in diameter in the following overlay zones and plan districts are regulated by this chapter:

[renumber references for 11.40.020 B.3. to 11.40.020 B.2.]

(This amendment would revise the language in Table 40-3 shown in Attachment A, page 29 of the Title 11 Amendment Package. The remainder of Table 40-3 as amended is unchanged.)

**Table 40-3
Summary of Permit Requirements for Private Trees [1]**

Permit Type Required	Activity	Required Replacement (See Section 11.40.060)	Public Notice Required?
	Pruning: Native trees in c, p, or v overlay zones	n/a	No

~~City before removing any tree at least 6 inches in diameter to reduce risk of inadvertent violations should be reduced.~~

~~Title 11 now applies private tree removal permit requirements consistently to all lots in the city. A "call before you cut" campaign is recommended. This approach is a non-regulatory outreach tool that can be used to connect with property owners and offer information about tree planting options and incentives like the City's Treebate program.~~

~~Specific lot size thresholds have replaced the "dividable" term in Title 20.42 to prevent confusion over which sites qualify for the Single Dwelling permit. The lot sizes represent a dividable lot based on zoning code standards. The Single Dwelling permit provision applies to trees on lots that contain single dwelling houses, and that smaller than 3,000 square feet, in non-single family zones. This is appropriate since these lots are exempt from the tree preservation standards in Chapter 11.50.~~

	Removal [2]: Regulated trees that are <ul style="list-style-type: none"> • Dead, dying, dangerous • Nuisance species • Within 10' of a building or attached structure • Up to four healthy non-nuisance trees per year that are less than 20" diameter. • Any tree on "Homesites" <u>(see 11.40.020 B.2.)</u> 	1 tree for every tree removed	No
B	Removal [2]: Regulated trees that are: <ul style="list-style-type: none"> • Healthy non-nuisance trees ≥20" diameter • More than four healthy non-nuisance trees ≥12" diameter per site per year • Type B Permits do not apply to "Homesites" 	Up to inch for inch replacement; determined on case-by-case basis by City Forester	Yes

(This amendment would replace the language proposed for Section 11.40.050 in Discussion Item Amendment 3.B., page 4 of the Title 11 Amendment Package)

11.40.050 Private Tree Permit Standards and Review Factors

A.2. Type A Removal Permits

- g. ~~Trees on single dwelling "Homesites". The tree is at least 20 or more inches in diameter and meets the provisions of Paragraph Subsection 11.40.020 B.2.~~

(This amendment would delete the language proposed for Section 11.50.040 in Discussion Item Amendment 3.B., page 5 of the Title 11 Amendment Package)

11.50.050040 Tree Preservation Standards.

B. Exemptions. The following are exempt from the tree preservation standards of this Section:

2. Sites meeting at least one of the following:

- dc. ~~The site is a "Homesite." The site is less than 10,000 square feet, is within a Single Dwelling base zone, and is currently developed with a single dwelling or duplex; Already developed with a house and qualifies for the Single Dwelling Provision in Chapter 11.40.020 B.2;~~

(This amendment would delete the language proposed for Section 11.80.020 in Discussion Item Amendment 3.B., page 5 of the Title 11 Amendment Package)

11.80.020 Definitions and Measurements

- ~~**B.15** "Homesite" means a site less than 10,000 square feet, that is developed with a single dwelling or duplex, and located in a single dwelling zone.~~

Exhibit F
Amendments to Citywide Tree Project December 2010 Recommended Draft
Title 11 Trees

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Title 11 Trees - Discussion Item Amendments

Item No.	Code Ref. (Page No.)	Description	Proposed Code Revision
1.A.1	11.20.020 A (p.31)	<p>Urban Forestry Commission (UFC) Membership. Eliminate the proposal to add bureaus as ex officio members of the UFC; eliminate the existing provision establishing the Bureau of Transportation as an ex-officio member of the UFC.</p> <p>Add statement requiring women and multi-cultural representation on the UFC (Technical Amendment introduced by Commissioner Fritz 3/9/11) is included in this Discussion Item Amendment to avoid potentially conflicting amendments.</p> <p>Commentary: City Council introduced provisions requiring representation on the UFC by women and multi-cultural groups to ensure a broad and diverse selection of interests. Additionally, "ex-officio" representatives from the Bureau of Transportation and Commissioner in Charge of Parks and Recreation or their delegate are removed from Urban Forestry Commission. These changes favor of focusing the Commission's role as a <i>citizen</i> advisory body. There was concern that ex-officio members retain voting privileges and could dilute citizen input. Instead, bureaus will have stronger liaison roles, and will be expected observe and to participate when the discussion or issues are relevant to the particular bureau.</p>	<p>11.20.020 The Urban Forestry Commission.</p> <p>A. Membership. The Urban Forestry Commission consists of eleven members who have demonstrated an interest in the protection and enhancement of the urban forest, appointed by the Mayor in consultation with the Commissioner of Parks and Recreation and confirmed by the City Council. <u>Women and multi-cultural groups shall be represented.</u> At least three members shall have experience and expertise in arboriculture, landscape architecture or urban forestry. One member shall be on the board of a non-profit organization that has a demonstrated direct interest in the urban forest, who is not a City employee. The remaining seven members, insofar as possible, shall represent diverse geographic areas, interests, and expertise of the community. Representatives or their designees of the City Commissioners in charge of the Bureaus of Development Services, Transportation, Environmental Services, and Water may serve as ex-officio, non-voting members of the Commission.</p>
1.B.1	11.10.040 C. (p.19)	<p>Future Amendments to Title 11. Require the Planning and Sustainability Commission (PSC) to hold a public hearing and make recommendations to City Council regarding amendments to development related requirements of Title 11, specifically Chapters 11.50, 11.60, and 11.70.</p> <p>Commentary: The PSC has a broad charge to balance the many, varied, and sometimes conflicting goals of the Comprehensive Plan, as compared with the more targeted focus of the UFC. Since the Planning and Sustainability Commission is tasked with balancing development and other city goals, its role in amending the development related requirements of this title includes a requirement to hold a public hearing for those chapters addressing development situations and related topics. The City Council would consider the PSC's recommendations and the UFC's recommendations before making a final decision.</p>	<p>11.10.040 Amendments to this Title.</p> <p>C. Planning and Sustainability Commission (PSC). The PSC will provide advice on the proposed amendment to the UFC. The PSC may choose to <u>shall</u> hold a public hearing <u>for any proposed substantive amendments to Chapter 11.50 Trees In Development Situations, Chapter 11.60 Technical Specifications, or Chapter 11.70 Enforcement.</u></p>
2.A.1	11.50.030 B. and C. (p.93)	<p>Exemptions from Tree Preservation and Tree Density Requirements. Exempt land within industrial, employment and commercial zones that do not have existing landscaped area standards, specifically the IH, IG1, EX, CX and CM zones, from the Title 11 Tree Preservation and Tree Density Requirements, at least until land supply related issues raised by the LUBA remand on the River Plan are worked out. (The standards would apply in zones that have existing landscaped area requirements and all multi-dwelling residential zones. Applicants could meet these standards on site or pay into the Tree Fund, at their discretion.) Direct staff to return for additional discussion at a later date when issues raised by the LUBA remand have been addressed.</p> <p><i>Note that the Sections in this Chapter are being reorganized and renumbered as provided in Exhibit B, Title 11, Trees Technical Amendments</i></p> <p>Commentary: Additionally, in light of the land supply issues raised by the LUBA remand of the North Reach River Plan, portions of sites in Industrial, Employment, and Commercial zones where there are no current landscape area requirements are exempt. Staff will return to the City Council for additional discussion and evaluations as to whether to retain this exemption once these issues have been addressed or resolved.</p>	<p>11.50.050040 Tree Preservation Standards.</p> <p>B. Exemptions. The following are exempt from the tree preservation standards <u>of this Section:</u></p> <p><u>1. On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.</u></p> <p>11.50.060050 On-Site Tree Density Standards.</p> <p>B. <u>Exemptions.</u> The following are exempt from the tree density standards:</p> <p><u>1. The following dDevelopment activities are exempt from the on-site tree density standards associated with the following permits:</u></p> <p><u>d. On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.</u></p>

Item No.	Code Ref. (Page No.)	Description Notes "Page No." refers to the page number in the Title 11 portion of Volume 3 of the Dec. 2010 Recommended Draft	Proposed Code Revision Revisions to the Recommended Draft that add language are shown with <u>underline</u> . Previously proposed language that is being deleted is shown with strike through.
2.B.1	11.50.050 A. (p.97)	<p>Required Tree Preservation Percentage. To simplify the required tree preservation calculations and reduce the number of instances where the result would be a fractional number, change the preservation standard from "35% of trees ≥ 12" in diameter" to "one-third of trees ≥ 12" in diameter" on development sites.</p> <p><i>Note that the Sections in this Chapter are being reorganized and renumbered as provided in Exhibit B, Title 11, Trees Technical Amendments</i></p> <p><i>Note that botanical names are proposed to be added to the native trees listed in this section as provided in Exhibit B, Title 11, Trees Technical Amendments</i></p> <p><i>Note that the term Tree Planting and Preservation Fund is being corrected as provided in Exhibit B, Title 11, Trees Technical Amendments</i></p> <p>Revise the requirement "35%" to "one-third (1/3)" of the trees ≥ 12" in diameter on development sites in the commentary.</p>	<p>11.50.050040 Tree Preservation Standards.</p> <p>A-C. <u>Tree Preservation Requirement</u></p> <p>1. Private Trees.</p> <p>1a. <u>Tree Retention.</u> An applicant shall preserve and protect at least <u>one-third (1/3) 35 percent</u> of the trees 12 inches and larger in diameter located completely or partially on the development site. Retaining trees at least 6 and less than 12 inches in diameter that are documented in a report prepared by an arborist or landscape professional to be Garry Oak (<u>Quercus garryana</u>), Pacific Madrone (<u>Arbutus menziesii</u>), Pacific Yew (<u>Taxus brevifolia</u>), Ponderosa Pine (<u>Pinus ponderosa</u>), or Western Flowering Dogwood (<u>Cornus nuttallii</u>) species are not included in the total count of trees on the site but may be used toward meeting the <u>35 percent</u> preservation standard.</p> <p>2b. <u>Mitigation.</u> For each tree removed below the <u>one-third (1/3) 35 percent</u> requirement, payment to the Tree <u>Planting and</u> Preservation and Planting Fund is required equivalent to the cost of two trees. See Section 11.15.010.</p>
2.B.2 And 2.B.3	11.50.030 B. (p. 93)	<p>Small Site Exemption from Tree Preservation Requirement. Change the site size exemption from the proposed "less than or equal to 3,000 square feet" to "less than 5,000 square feet"</p> <p>Reflect this numeric change in the commentary</p> <p>Building Coverage Exemption from Tree Preservation Requirement. Revise the threshold at which sites are exempt from tree preservation from 90% to 85%</p> <p>Commentary: To acknowledge the difficulty of designing around existing trees on small sites and sites with high amounts of building coverage, sites less than 5,000 square feet or with at least 85% existing or proposed building coverage are exempt. The 85% threshold is consistent with building coverage limits in particular zones.</p> <p><i>Note that the Sections in this Chapter are being reorganized and renumbered as provided in Exhibit B, Title 11, Trees Technical Amendments</i></p>	<p>11.50.050040 Tree Preservation Standards.</p> <p>A. <u>Where these regulations apply.</u></p> <p>1. <u>Except when exempted by Subsection B, below, this section applies to trees within the City of Portland and trees on sites within the County Urban Pocket Areas in the following situations:</u></p> <p style="padding-left: 20px;">a. <u>On sites. Development activities with ground disturbance where there are Private Trees 12 or more inches in diameter and/or City Trees 6 or more inches in diameter and the site:</u></p> <p style="padding-left: 40px;"><u>(1) is 5,000 square feet or larger in area; and</u></p> <p style="padding-left: 40px;"><u>(2) has existing or proposed building coverage less than 85% 90%.</u></p>
2.C.1	11.50.060 C. (p.103)	<p>Crediting Street Trees toward on-site tree density requirements. Credit newly planted and existing street trees toward tree density requirement on sites less than or equal to 3,000 square feet. This amendment provides more flexibility for development on small sites.</p> <p><i>Note that the Sections in this Chapter are being reorganized and renumbered as provided in Exhibit B, Title 11, Trees Technical Amendments</i></p> <p>Commentary: Additional flexibility is provided for small sites ($\leq 3,000$ square feet) to meet the on-site tree density requirement. For these sites, street trees that are planted or retained along the site frontage may also be counted toward the on-site tree density requirement. This acknowledges the constraints of planting trees on these smaller sites.</p>	<p>11.50.060 Tree Density Standards</p> <p>C3. <u>Tree Density Credits</u></p> <p>4.d. <u>On sites less than or equal to 3,000 square feet, healthy non-nuisance species trees planted or retained in the street planting strip may be credited as described in this Subsection.</u></p>

Item No.	Code Ref. (Page No.)	Description Notes "Page No." refers to the page number in the Title 11 portion of Volume 3 of the Dec. 2010 Recommended Draft	Proposed Code Revision Revisions to the Recommended Draft that add language are shown with <u>underline</u> . Previously proposed language that is being deleted is shown with strikethrough .																
3.B	11.40.020 B.2. (p.59) And 11.40.030 A. (p.63)	<p>Private Tree Removal Permits. Revise the applicability of tree removal permits for Private Trees to exempt all lots less than 5,000 square feet. Change the eligibility criteria for the single dwelling permit option from multiple lot sizes based on different single family zones to a single lot size threshold of less than 10,000 square feet for single dwelling zoned lots developed with a single house, attached house, duplex, or manufactured home. Change term from "single dwelling permit" to provisions for tree removal permits on a defined "homesite".</p> <p><i>Note that the Sections in this Chapter are being reorganized and renumbered as provided in Exhibit B, Title 11, Trees Technical Amendments</i></p> <p>Related Technical Amendments: Sections 11.40.050 A.2.g., 11.50.030 B.2.d., and 11.80.020</p> <p>Commentary: Private Tree removal permits are not required for lots smaller than 5,000 square feet. This is intended to target use of staff resources to larger lots with the bulk of the tree canopy in Portland. This exemption applies to all lots in all zones and departs from the current exemption which applies to built single family "non-dividable lots". The threshold is set at <u>less than 5,000 square feet</u> to ensure that permits are required to remove trees on the many lots that are platted at exactly 5,000 square feet.</p> <p>Second, to facilitate the application of a simple permit process with a larger tree size threshold on typical built single family lots, the concept of a "homesite" is established and replaces the existing "dividable" factor. A homesite is defined a single dwelling zoned lot less than 10,000 square feet and that contains a single dwelling (house, attached house, manufactured home) or duplex. A Type A tree removal permit is required to remove trees at least 20 inches in diameter on a qualifying homesite. These trees will be required to be replaced with a single tree, and the application would not trigger a review, notice, or public appeal. The homesite threshold was set at 10,000 square feet to ensure that lots with more development potential are subject to tree removal permit requirements for trees 12 or more inches in diameter, consistent with the Title 11 Tree Preservation standard.</p>	<p>11.40.020 B. Private Trees</p> <p>2. <u>Homesites. Except as noted in subsection B.3 below, only trees 20 or more inches in diameter on single-family zoned lots that are less than 10,000 square feet in area and developed with a single dwelling or duplex are regulated by this chapter.</u></p> <p>2. Trees on single dwelling sites. On sites that meet all of the following, only trees at least 20 inches in diameter are regulated by this chapter.</p> <p>a. The site is already developed with a single dwelling;</p> <p>b. None of the trees that will be affected by the proposed activity are:</p> <p style="padding-left: 20px;">(1) Located in an overlay or plan district listed in Paragraph B.3;</p> <p style="padding-left: 20px;">(2) Heritage Trees; or</p> <p style="padding-left: 20px;">(3) Required to be preserved by a tree preservation plan, a condition of a land use review, or provision of this Title or the Zoning Code; and</p> <p>e. The site is not larger than the sizes listed in Table 40-1.</p> <p>Table 40-1 Maximum Site Size for Subsection 11.40.020 B.2.</p> <table border="1" data-bbox="1724 802 2688 923"> <thead> <tr> <th>Zone</th> <th>R2.5</th> <th>R5</th> <th>R7</th> <th>R10</th> <th>R20</th> <th>RF</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>Site size</td> <td>4,749 sf</td> <td>9,499 sf</td> <td>13,299 sf</td> <td>18,999 sf</td> <td>37,999 sf</td> <td>165,527 sf</td> <td>2,999-sf</td> </tr> </tbody> </table> <hr/> <p>11.40.030 Exemptions. The following are exempt from the requirements of this Chapter:</p> <p>A. <u>Trees on lots that are less than 5,000 square feet in area.</u></p> <p>[Reletter A through E as B through F]</p>	Zone	R2.5	R5	R7	R10	R20	RF	Other	Site size	4,749 sf	9,499 sf	13,299 sf	18,999 sf	37,999 sf	165,527 sf	2,999-sf
Zone	R2.5	R5	R7	R10	R20	RF	Other												
Site size	4,749 sf	9,499 sf	13,299 sf	18,999 sf	37,999 sf	165,527 sf	2,999-sf												
3.B.	11.40.050 A.2.g. (p.79)	<p>3.B. RELATED TECHNICAL AMENDMENT – Type A Private Tree Removal Permit – Change the term "single dwelling site" to "homesite" for consistency with change in 11.40.020 B.2. This subsection also includes minor corrections to use consistent expression of tree size (X or more inches in diameter), and to replace references to "paragraph" with "subsection".</p>	<p>11.40.050 Private Tree Permit Standards and Review Factors</p> <p>A.2. Type A Removal Permits</p> <p>g. Trees on single dwelling <u>"Homesites"</u>. The tree is at least 20 <u>or more</u> inches in diameter and meets the provisions of Paragraph <u>Subsection</u> 11.40.020 B.2.</p>																

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3.B.	11.50.030 B.2.d (p.93)	<p>3.B. RELATED TECHNICAL AMENDMENT - Tree Preservation Standard Exemptions. Clarify that this paragraph exempts from the Tree Preservation standards those sites that are developed with a single dwelling in single family zones on sites less than 10,000 square feet.</p> <p><i>Note that the Sections in this Chapter are being reorganized and renumbered as provided in Exhibit B, Title 11, Trees Technical Amendments</i></p> <p>Commentary: This section is intended to establish consistency with the Private Tree Permit provisions that apply to qualifying homesites. Since tree removal on these sites is subject only to a Type A permit and only for trees 20 or more inches in diameter, applying the preservation standard to these sites would create a disconnect between the development and non-development related requirements.</p>	<p>11.50.050040 Tree Preservation Standards.</p> <p>B. Exemptions. The following are exempt from the tree preservation standards <u>of this Section</u>:</p> <p>2. Sites meeting at least one of the following:</p> <p>dc. <u>The site is a "Homesite." The site is less than 10,000 square feet, is within a Single Dwelling base zone, and is currently developed with a single dwelling or duplex; Already developed with a house and qualifies for the Single Dwelling Provision in Chapter 11.40.020 B.2;</u></p>
3.B.	11.80.020	<p>3.B. RELATED TECHNICAL AMENDMENT - Define Homesite.</p> <p>Commentary: This definition reflects the properties that are subject to Private Tree Removal Permit requirements for trees at least 20" in diameter and that are addressed by exemptions in Chapters 11.40 and 11.50</p>	<p>11.80.020 Definitions and Measurements</p> <p>B.15 <u>"Homesite" means a site less than 10,000 square feet, that is developed with a single dwelling or duplex, and located in a single dwelling zone.</u></p>
3.C.1.	11.40.040 (p.67)	<p>Temporary Attachments to trees. Clarify and simplify the requirements for hanging objects on City or Street Trees.</p> <p><i>Note: This amendment was discussed as part of the Discussion Item Amendments. The City Council endorsed the language introduced in Commissioner Fritz's Technical Amendments on March 9th, which is shown here.</i></p> <p>Commentary: Clarification has been added to distinguish "temporary" from "permanent" attachments for the purposes of determining when permits would be required for City or Street Trees.</p>	<p>11.40.040 A. Standards and Review Factors for Type A Permits for City and Street Trees.</p> <p>3. Other activities. A permit is required to attach <u>permanent objects (e.g. lights, signs, or artwork)</u> to a tree <u>or its supports (e.g. guides, wires, stakes)</u>, or for any other type of activity the City Forester determines has the potential to harm a City or Street tree. In reviewing these requests, the City Forester may impose limitations on the method, location, or duration of such activities.</p>
3.C.2.	11.30.040 B. (p.47)	<p>Self Issued Street Tree Pruning Permit. Allow applicants to self-issue Street Tree pruning permits.</p> <p>Commentary: In order to increase operational efficiencies and reduce waiting time for pruning permits, new provisions allow for "self-issued" pruning permits via an online form or other means. To demonstrate that pruning will follow proper arboricultural practices, it is intended that this information be provided through the permitting process and that the applicant has acknowledged that he/she has read, understands, and agrees to conduct the appropriate pruning practices.</p>	<p>11.30.040 Procedure for Type A Permits</p> <p>B. Decision by the City Forester.</p> <p>2. The City Forester may issue the permit, deny the permit, or may apply conditions of approval to the permit to ensure the request complies with the applicable review factors and standards. <u>Type A permits may be self-issued for Street Tree Pruning. The applicant must agree that such pruning will be conducted in accordance with proper arboricultural practices. Self-issued permits are not subject to subsection B.4. and may not be appealed.</u></p>

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3.D.1	11.45.030 and 11.45.040 (p.87)	<p>Programmatic Permit. Include provisions to allow public agencies to remove healthy non- nuisance species trees larger than 6 inches in diameter, provided that public notice and an opportunity for public appeal is afforded to address City decisions relating to the removal of these larger trees.</p> <p><i>Note: A prior Technical Amendment (introduced 3/9/11) proposed revising the sections and consolidating permit limitations, as well as including a statement requiring that work conducted under a programmatic permit adheres to proper arboricultural practices (see amended subsection 11.45.030 D.3.) These changes are included as part of this Discussion Item Amendment to avoid potentially conflicting amendments.</i></p> <p>Commentary: The basic Programmatic Permit is limited to removal of dead, dying, dangerous, and nuisance species trees of any size, and limits removal of healthy non- nuisance trees to trees less than 6 inches in diameter. Programmatic permits for these activities are not subject to public appeal. This limitation was seen as too restrictive for some public agencies where thinning or removing larger trees may be needed to meet their management obligations or to improve overall forest health (by promoting broader healthier canopy growth). As a result, the City may approve removal of larger healthy trees and the public will be afforded an opportunity to appeal the City's decision.</p> <p>City Council directed staff to report back within 6 to 8 months after the code has gone into effect as to whether this approach might also be suitable for golf courses.</p>	<p>11.45.030 Procedures.</p> <p>D. Permit limitationsduration.</p> <ol style="list-style-type: none"> <u>1. Time Limits.</u> The City Forester may approve a Programmatic Permit for a period of up to 5 years. An annual report from the applicant to the City Forester on activity conducted under the permit is required. <u>2. Tree Size Limits.</u> <ol style="list-style-type: none"> a. <u>The programmatic permit will not allow the removal of healthy non- nuisance species trees 6 or more inches in diameter, except as provided in Subsection D.2.b.</u> b. <u>If an applicant requests removal of healthy non- nuisance species trees 6 or more inches in diameter, an opportunity for public appeal shall be provided in accordance with Subsection 11.45.030 F.2.b.</u> c. <u>For any request, the City Forester may further limit allowed tree removal in order to meet the review factors in Section 11.45.040.</u> <u>3. Tree Work Limits.</u> <u>All work conducted under a programmatic permit must be conducted in accordance with proper arboricultural practices.</u> <p>F. Appeals. An applicant may appeal a denial, required conditions or specifications of an approval, or the revocation of a Programmatic Permit.</p> <ol style="list-style-type: none"> <u>1. Timely Filing.</u> Appeals shall be filed on forms as prescribed by the City within 14 days from the date of the written decision. Such appeals shall specifically identify in writing how the decision-maker erred in his/her decision. <u>2. Appellant.</u> <ol style="list-style-type: none"> a. <u>An applicant may appeal a denial, required conditions or specifications of an approval, or the revocation of any Programmatic Permit.</u> Appeal Hearings will be conducted as specified in Subsection 11.30.040 D. b. <u>The public may appeal an approval, required conditions or specifications of Programmatic Permits that authorize the removal of healthy non- nuisance species trees 6 or more inches in diameter. Appeal Hearings will be conducted as specified in Subsections 11.30.050 C. through E.</u> <u>3. Appeal Body Referral.</u> The Appeals Board may refer the appeal request to the full Urban Forestry Commission. <p>11.45.040 Review Factors</p> <p>B. The programmatic permit will not allow the removal of healthy non- nuisance species trees 6 or more inches in diameter. The City Forester may further limit allowed tree removal in order to meet Subsection A., above.</p> <p>[re-letter "C." to "B."]</p>

Title 11 Trees - Technical Amendments

Note: Shaded item numbers indicate a technical change to code content since the 3/9/11 hearing (not shown if change is solely renumbering, restructuring, revised references, or updated commentary.)

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1	Various	Remove References Remove references to River Environmental Zone (this zone is not in effect)	Agree. Delete references to River Environmental Overlay Zone throughout Title 11: See: 11.40.020 B.3.(p.61); 11.60.020 B.3.(p.111); 11.60.020D.3.(p.113); 11.80.020 B.19.b.(p.169)
2	Various	Correct References Ensure that all references to the "Tree Planting and Preservation Fund" are consistent. Some refer to the Tree Preservation and Planting Fund, and some to the Tree Fund.	Agree. Replace references to ensure consistent use of "Tree Planting and Preservation Fund" See: 11.40.060 (p.81); 11.50.050 A.2.(p.97); 11.50.050 B.2.(p.99); 11.50.060 C.3 (p.103); 11.70.080 B.3.(p.145)
3	11.05.010 B. (p. 3)	Additional Tree Benefits. List of tree benefits in purpose statement omits "provide oxygen" and "buffer noise." Oxygen is an important benefit of trees. While noise buffering and perceptual noise buffering qualities of trees are generally associated with large stands of trees as opposed to individual trees, this benefit nevertheless exists, and should be listed.	Agree. Revise as follows and include reference to these additional benefits in commentary: 11.05.010 B. The chapters within this title address trees in both development and non-development situations and seek to enhance the quality of the urban forest and optimize the benefits that trees provide. Desired tree benefits include: 1. <u>Providing oxygen, and</u> Capturing air pollutants and carbon dioxide; 5. <u>Providing visual screening and buffering from wind, and storms; and noise;</u>
4	11.10.010 (p.11)	Reword for clarity. Replace "not in conflict" with "consistent" so as to state the language in the positive. Since adopting admin rules may provide clarification or direction of code requirements, and are not necessarily actions that are required to comply with certain provisions of the title, the appropriate test is that such rule making is consistent with the code.	Agree. Revise first sentence of second paragraph as follows: 11.10.010 Code Administration and Duties Performed The City Forester and BDS Director are authorized to adopt, amend and repeal administrative rules, not in conflict <u>consistent</u> with the provisions of this Title, pertaining to matters within the authority or responsibility of the City Forester or BDS Director under the provisions of this Title.
5	11.10.010 A.4.a. (p.13)	Clarify budget request process. It is not clear with the proposed language who the City Forester would submit the budget request to.	Agree. Note change in commentary and revise code as follows: 11.10.010 A.4. Managing the Urban Forestry Program by: a. <u>Preparing and submitting the annual budget request for the operation of the Parks and Recreation Forestry Division to the Director of the Bureau of Parks and Recreation;</u>
6	11.10.040. F. (p.19)	Clarify the procedures for emergency amendments to Title 11. The last sentence seems to imply that a public meeting by council is not required for passage of an emergency ordinance which contradicts the City Charter (Section 2-120). Removing the last sentence in this provision and instead referring to the charter provisions will eliminate conflicting interpretation.	Agree. Note change in commentary and revise code as follows: 11.10.040 F. Declaring an emergency. City Council may declare an emergency <u>in accordance with the City Charter</u> and amend this Title and associated Administrative Rules without following the process set out in this section. Public hearings, consultations with Bureaus or Commissions, and notification are not required in an emergency under this Subsection.
7	11.10.050 (p.21)	Correct Reference. "City" agencies should be "public" agencies consistent with definition in Chapter 11.80 and to reflect broader applicability of these agreements (not limited to just city bureaus)	Agree. Note change and rationale in commentary and revise 2 nd sentence in code as follows: 11.10.050 Interagency and Intergovernmental Agreements. The City Forester or BDS Director in the course of their duties in implementing this Title may enter into agreements with other bureaus or public agencies. These interagency and intergovernmental agreements may allow the BDS Director or City Forester to delegate powers granted within this Title to or provide services to other bureaus or city <u>public</u> agencies, subject to the requirements outlined in the agreement....

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8	11.15.040 (p.29)	Fund Reporting Requirements. The Urban Forestry Fund report should include an accounting of collections in addition to expenditures, similar to the Tree Planting and Preservation Fund to represent both sides. This was an inadvertent omission.	Agree. Note change in commentary and revise code as follows: 11.15.040 Annual Report B. The Urban Forestry Fund. The report will include an accounting of <u>revenues collected and expenditures</u> .								
9	11.20.020. D. (p.33)	Urban Forestry Commission (UFC) Meeting Schedule. The requirement that the UFC meet each month is not as critical with the formation of the Appeals Board who can meet when needed to hear appeals of tree permits. The flexibility for the full Commission to meet 10 times a year versus each month will allow reasonable flexibility for the Commission to meet intensively about an issue over the course of a couple of weeks, or skip a meeting at other times of the year when a majority of the commissioners may be unavailable to meet.	Agree. Revise as follows: 11.20.020 D. Meetings. The Commission will meet at least monthly <u>ten times per year</u> and may meet more often.								
10	11.20.020 E.3. (p.33)	Add Commissioner In Charge for UFC Budget Recommendation Advice The Urban Forestry Commission should also be advising the Commissioner-in-Charge of the Bureau of Parks and Recreation on issues related to the Forestry Division budget. This was an inadvertent omission.	Agree. Note in commentary and revise code as follows: 11.20.020. E. Duties 3. Advising the City Forester, <u>the Director and Commissioner-in-Charge</u> of the Bureau of Parks and Recreation, and Citizen's Budget Advisory Committee on the preparation and contents of the annual Forestry Division budget request.								
11	11.20.030 A (p.35)	Membership Composition of the Urban Forestry Appeals Board. Ensure there is a widespread and balanced representation of the interest groups present on the full UFC on the Appeals Board.	Agree. Note change in commentary and revise code as follows: 11.20.030 The Urban Forestry Appeals Board. A. Membership. The Urban Forestry Appeals Board consists of five members <u>representing diverse interests</u> of the Urban Forestry Commission, selected by a majority of the Commission. Members will serve without compensation for terms not to exceed their membership in the general Commission and may be reappointed.								
12	11.30.020 Tbl 30-1 (p.43)	Public Notice and Appeal for Tree Permits. Replace Table 30-1 with appropriate procedural table. Tree Permit threshold information is already included in Tables 40-2, and 40-3. Remove reference assigning the activities that are subject to a Type A or B permit, as this information is in Chapter 11.40. Change the section title to more accurately reflect content which describes the Types of tree permits. The threshold for when tree permits are required is addressed in Chapter 11.40.	Agree. Note purpose of revised Table 30-1 in commentary. Revise code as follows: 11.30.020 When Tree Permits Are Required <u>Description of Tree Permits</u> B. Types of Permits There are two types of tree permits, A and B. This chapter assigns activities and sets out the procedures for each permit type, including when public notice and opportunity for public appeal are required. Table 30-1 summarizes the activities that are subject <u>public notice and appeal procedures applicable</u> to a Type A or Type B permit. [Replace the proposed Table 30-1 with the following:] Table 30-1 Applicability of Public Notice and Appeal Procedures <table border="1" data-bbox="1734 1499 2707 1649"> <thead> <tr> <th>Permit Type</th> <th>Public Notice Required</th> <th>Applicant May Appeal</th> <th>Public May Appeal</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>No.</td> <td>Yes</td> <td>No.</td> </tr> </tbody> </table>	Permit Type	Public Notice Required	Applicant May Appeal	Public May Appeal	A	No.	Yes	No.
Permit Type	Public Notice Required	Applicant May Appeal	Public May Appeal								
A	No.	Yes	No.								

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				<p>B</p> <p>Yes - for requests to remove healthy non-nuisance trees:</p> <ul style="list-style-type: none"> • ≥20" diameter; or • More than four trees ≥ 12" diam. per lot or frontage per year; • Excluding any trees subject to a Type A permit <p>No - for other Type B requests</p>	<p>Yes</p>	<p>Yes - for requests to remove healthy non-nuisance trees:</p> <ul style="list-style-type: none"> • ≥20" diameter; <u>or</u> • More than four trees ≥ 12" diam. per lot or frontage per year; • Excluding any trees subject to a Type A permit <p>No - for other Type B requests</p>
13	11.30.040 B.1. (p.47)	<p>Clarify Link Between Procedures Chapter (11.30) and Type A Permit Evaluation Factors (11.40) The City Forester's decision making process for Type A permits, described in Chapter 11.30, should make reference to the applicable consideration factors of Chapter 11.40.</p>	<p>Agree. Revise code as follows:</p> <p>11.30.040 Procedure for Type A Permits. B. 1. The City Forester's decision shall be based on an evaluation of the facts and applicable standards and review factors <u>in Chapter 11.40.</u></p>			
14	11.30.050 B.1. (p.51)	<p>Clarify Link Between Procedures Chapter (11.30) and Type B Permit Evaluation Factors (11.40) The City Forester's decision making process for Type B permits, described in Chapter 11.30, should make reference to the applicable consideration factors of Chapter 11.40.</p>	<p>Agree. Revise code as follows:</p> <p>11.30.050 Procedure for Type B Permits. B. 1. The City Forester's decision shall be based on an evaluation of the facts and applicable standards and review factors <u>in Chapter 11.40.</u></p>			
15	11.30.050 B.5 & C. (p. 52)	<p>Public Notice and Appeal for Tree Permits. Clarify that public notice and public appeals procedures are limited to trees 20 or more inches in diameter or removal of more than four trees at least 12-inch diameter per year. With the correction to Table 30-1 noted in Technical Amendment #12, the revised language will clarify that the public appeals are limited to removal of large trees and multiple trees, consistent with the intent expressed in Chapter 11.40.</p>	<p>Agree. Note in commentary and revise code as follows:</p> <p>11.30.050 B.5. If the application is tentatively approved, <u>and public notice is required per Table 30-1</u>, the City Forester shall send notice...</p> <p>11.30.050 C. Appeal. The applicant may appeal the City Forester's decision. <u>In addition, when public notice is required per Table 30-1, the neighborhood association or any other person may also appeal.</u> Appeals shall be:...</p>			
16	11.40.010 (p.59)	<p>Add "education" to the Purpose for the Tree Permit provisions. Include a statement that reinforces the importance that education is a key component of the permit system.</p>	<p>Agree. Refer to Attachment 1 for commentary. Revise code as follows:</p> <p>11.40.010 Purpose The purpose of this Chapter is to manage, conserve and enhance the urban forest when development activity is neither proposed nor occurring. The provisions of this chapter encourage preservation of high quality trees, large trees, and groves; regulate pruning and planting on City-owned and managed sites and streets to protect public safety and public infrastructure; and ensure replacement for trees that are removed. <u>The permitting procedures that are required to implement these provisions are intended to not only enforce maintenance, removal and preservation requirements but also to educate property owners about the intrinsic urban benefits of trees as well as the principles of tree care.</u></p>			
17	11.40.020 (p.59)	<p>Rename Section 11.40.020 to mirror construction of Chapter 11.50 Section 11.40.020 relates to when tree permits are required in non development situations, similar to how 11.50.020 relates to "When a Tree Plan is Required" to address trees in development situations. This amendment makes these section headers more consistent.</p>	<p>Agree. Refer to Attachment 1 for commentary. Revise code as follows:</p> <p>11.40.020 Where These Regulations Apply <u>When a Tree Permit is Required.</u> <u>Except as specified in Section 11.40.030 below, this chapter applies to trees within the City of Portland as follows: The regulations of this chapter apply to the following situations when no</u></p>			

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Reword provision relating to tree size. Revise language for a consistent use of the phrase "trees X or more inches diameter"

Reorganize and Simplify Section 11.40.020 B., Relating to Private Tree Permits. It is difficult to follow the list of areas where the 6" tree size applies in specified overlay zones and plan districts. Replacing the list with a table will make it easier to refer at-a-glance. The table is further modified to include pointers when Title 33 Planning and Zoning requirements apply.

Note: By placing the overlay and plan district information here, Tables 40-3 and 40-4 (which summarized the permit requirements for trees inside and outside these overlay zones and plan districts) are able to be consolidated, see Technical Amendment #21.

Note: the reference to Homesite provisions (11.40.020 B.2) is added by virtue of Title 11 Discussion Amendments Item #3.B. and is included here for reference to avoid potentially conflicting amendments.

~~activity requiring a development permit or land use review is proposed or occurring on the site:~~

A. City Trees and Street Trees. City and Street trees at least-3 or more inches in diameter are regulated by this chapter.

B. Private Trees.

1. Generally. Trees at least 12 or more inches in diameter on sites and tracts ~~not included in Paragraphs B.2 or B.3~~ are regulated by this chapter, except as specified in B.2 through B.3. Trees required to be preserved by a tree preservation plan, a condition of a land use review, or provision of this Title or the Zoning Code may be subject to other requirements.

2. Homesites. Except as noted in subsection B.3 below, only trees 20 or more inches in diameter on single-family zoned lots that are less than 10,000 square feet in area and developed with a single dwelling or duplex are regulated by this chapter. Trees on single dwelling sites. On sites that meet all of the following, only trees at least 20 inches in diameter are regulated by this chapter.

[delete B.2.a. through B.2.c, including former Table 40-1 (Site size table)]

3. Specified overlay zones and plan districts. Trees 6 or more inches in diameter in overlay zones and plan districts are regulated as noted in Table 40-1. ~~Specific overlay zones and plan districts. Trees at least 6 inches in diameter in the following overlay zones and plan districts are regulated by this chapter:~~

Table 40-1 Applicability of 6" Diameter Size Tree Permit Threshold

Specific Area	Overlay Symbol	What trees are regulated by this chapter [1]	What trees are regulated by the Zoning Code (Title 33)
Environmental conservation and protection overlay zones	"c" "p"	<ul style="list-style-type: none"> • Dead, Dying, Dangerous • Nuisance species • Healthy non-native non-nuisance species • Trees w/in 10' of bldg. or attached structures 	<ul style="list-style-type: none"> • Healthy Native Trees (see 33.430, or 33.508 within CS/PIC Plan District, or 33.515 within Columbia South Shore Plan District)
Greenway overlay zones	"n" "q"	<ul style="list-style-type: none"> • Dangerous • Nuisance Species 	<ul style="list-style-type: none"> • Dead, Dying • Healthy native species
Greenway overlay zones (only within and riverward of the greenway setback)	"g" "i" "r"		<ul style="list-style-type: none"> • Healthy non-native non-nuisance species (see 33.440)
Pleasant Valley Natural Resources overlay zones	"v"	<ul style="list-style-type: none"> • Dead, Dying, Dangerous • Nuisance species • Healthy non-native non-nuisance species • Trees w/in 10' of bldg. or attached structures 	<ul style="list-style-type: none"> • Healthy Native Trees (see 33.465)
Scenic Corridor (only within the minimum street	"s"	<ul style="list-style-type: none"> • Dead, Dying, Dangerous • Nuisance Species 	<ul style="list-style-type: none"> • Healthy native species • Healthy non-native non-

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			setback or the first 20 feet from the street lot line when there is no street setback)		• Trees w/in 10' of bldg. or attached structures	nuisance species (see 33.480)
			Johnson Creek Plan District (only within the Special Flood Hazard Area, South Subdistrict, or within 20 feet of lot lines abutting the Springwater Corridor)		• Dead, Dying, Dangerous • Nuisance species • Trees w/in 10' of bldg. or attached structures	• Healthy native species • Healthy non-native non-nuisance species (see 33.537)
			Rocky Butte Plan District		• Dead, Dying, Dangerous • Nuisance Species • Trees w/in 10' of bldg. or attached structures	• Healthy native species • Healthy non-native non-nuisance species (see 33.570)
			South Auditorium Plan District		• Dead, Dying, Dangerous	• All others (see 33.580)
[1] This list includes common situations where tree removal is regulated through Title 11 tree permits as distinguished from situations where trees are regulated by the zoning code. Where the zoning code exempts tree removal in specified overlay zones or plan districts, tree removal would be regulated by this chapter.						
[delete 3.a. through 3.h.]						
18	11.40.020 D. (p.63)	Hazardous Material Cleanup Orders. Clarify that tree permits are not required for activities relating to hazardous material cleanup orders. These activities are exempt from city procedural requirements but must show that they substantively meet City requirements. State Law prevents the City from imposing permit requirements on these cleanup orders.	Agree. Refer to Attachment 1 for commentary. Revise code as follows: 11.40.020 Where These Regulations Apply D. State, Federal, and court orders. Trees that must be removed or pruned by an order of a the court , or of a State or Federal <u>agency order, including hazardous material cleanup orders</u> , are not subject to the public notice and appeal procedures of Chapter 11.30 and approval standards and review factors of this chapter. However, a tree permit is required and the tree replacement requirements of this chapter shall be met. <u>E. Hazardous Material Cleanup Orders. Hazardous material cleanup orders are not subject to the permit procedures of this Title; however, a person removing a regulated tree pursuant to a Hazardous Material Cleanup Order must comply with the tree replacement requirements of this chapter.</u> [Re-letter "E." to "F."]			
19	11.40.030 (p.63)	Exemptions from Tree Permit Requirements – Clarify that tree removal associated with an approved development permit does not require a tree permit through this chapter.	Agree. Refer to Attachment 1 for commentary. Revise code as follows: 11.40.030 Exemptions. The following are exempt from the requirements of this Chapter: <u>E. Tree Removal in association with development permits addressed through Chapter 11.50, Trees in Development Situations.</u>			
20	11.40.040 Tbl 40-2 (p.65)	Removal of required trees requires permit. Clarify that Street and City Trees planted to meet a City requirement may not be removed without a permit even if they are smaller than the minimum 3 inch diameter minimum regulated size threshold. There are no other provisions in the code to protect newly planted City or Street Trees.	Agree. Refer to Attachment 1 for commentary. Add a footnote below Table 40-2 stating: <u>“Trees <3 inches in diameter that were required to be planted may not be removed without a permit from the City Forester nor cut or pruned without a permit, if a permit is otherwise required by this Title.”</u>			
21	11.40.040 A.4. (p.67)	Dead and Dying Trees. Simplify the standards for reviewing requests to remove Dead and Dying City and Street Trees. The proposed language was intended to key readers and implementers that alternatives may exist to treat diseased or damaged trees. However, this information is better conveyed by Forestry staff rather than being codified.	Agree. Refer to Attachment 1 for commentary. Revise code as follows: 11.40.040 A.4. Removal a. Dead trees. For trees that are not completely lifeless, the City Forester may recommend a treatment			

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		<p><i>Note: This language is consistent with Technical Amendment #22, below.</i></p>	<p>regimen, including fertilization or inoculation, to revitalize the tree. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life.</p> <p>b. Dying trees. The City Forester may recommend a treatment regimen, including fertilization or inoculation. For trees that are not treatable, The tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die. The City Forester may apply a condition of approval to the permit to require specific disposal methods for infected wood.</p>
22	11.40 Tbl 40-2, Tbl 40-3 & Tbl 40-4 (p.65, 71, 73)	<p>Consolidate Tables 40-3 and 40-4. Since the information pertaining to where the permits apply in Plan Districts and Overlay Zones has been formatted into an easier to reference Table 40-1 (see Technical Amendment #16), these two tables which address thresholds for Type A and Type B Private Tree permits can be consolidated</p> <p>Type A Permit allowance for trees less than 20 inches diameter. Clarify the reference for removing "up to four trees per year" The proposal is that any number of dead, dying, dangerous, or trees on the City's Nuisance Plants List may be removed through a Type A permit. The 4-tree removal limit <u>only</u> applies to healthy, non-nuisance trees less than 20 inches in diameter.</p> <p>Update Table 40-2 relating to City and Street Trees to reflect similar construction and terminology as consolidated Table 40-3.</p>	<p>Agree. Refer to Attachment 1 for the following revisions:</p> <ul style="list-style-type: none"> ▪ Replace Tables 40-3 and 40-4 with a single consolidated Table 40-3. ▪ Update references from "Tables 40-3 and 40-4" to "Table 40-3" ▪ Update Table 40-2 to use consistent layout and terminology as used in Table 40-3 ▪ Change commentary as needed to be consistent with construction and terminology
23	11.40.050 A.1.a (p.75)	<p>Add Reference to Cascade Station/Portland International Center Plan District The proposed language is silent on sites in the Cascade station/Portland International Center Plan District. This was an inadvertent omission. Both the Portland International Airport Plan District and Cascade Station/PIC areas are subject to specific FAA requirements for vertical airspace and Wildlife Hazard Management to prevent creating habitat that would attract species of concern to aviation.</p> <p><i>Note: The Airport Futures project is scheduled to be adopted by Council on April 13th, 2011. If the Airport Plan District is not adopted, then this reference will need to be replaced with a reference to "the boundaries of the Airport Conditional Use Master Plan area."</i></p>	<p>Agree. Refer to Attachment 1 for commentary. Revise code as follows:</p> <p>11.40.050 A.1.a. Private Tree Pruning Permit Exceptions (5) Crown maintenance and crown reduction of trees <u>within the Portland International Airport-Plan District or Cascade Station/Portland International Center Plan District</u> that project above or will, upon maturity project above the height limit delineated by the "h" overlay zone or are identified as attracting wildlife species of concern <u>related to air traffic safety.</u></p>
24	11.40.050 A.2. (p.77)	<p>Dead and Dying Trees. Simplify the standards for reviewing requests to remove Dead and Dying Private Trees. The proposed language was intended to key readers and implementers that alternatives may exist to treat diseased or damaged trees. However, this information is better conveyed by Forestry staff rather than being codified. This language is consistent with Technical Amendment #19, above.</p>	<p>Agree. Refer to Attachment 1 for commentary. Revise code as follows:</p> <p>11.40.050 A.2. Removal.</p> <p>a. Dead trees. For trees that are not completely lifeless, the City Forester may recommend a treatment regimen, including fertilization or inoculation, to revitalize the tree. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life.</p> <p>b. Dying trees. The City Forester may recommend a treatment regimen, including fertilization or inoculation. For trees that are not treatable, The tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die. The City Forester may apply a condition of approval to the permit to require specific disposal methods for infected wood.</p>

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25	11.40.060 B. (p. 81)	<p>Payment into the Tree Preservation and Planting Fund. Replace the term “allow” with the term “require” payment into the fund when tree planting cannot occur.</p>	<p>Agree. Refer to Attachment 1 for commentary. Revise code as follows:</p> <p>11.40.060 Tree Replacement Requirements B. Payment into Tree Preservation and Planting Fund. When the City Forester determines that there is insufficient or unsuitable area to accommodate some or all of the replacement trees within the street planting area or site, the City Forester may <u>require</u> allow payment into the Tree Preservation and Planting Fund instead of requiring replacement trees. Payment is based on the adopted fee schedule.</p>
26	11.50 (p.91-107)	<p>Reorganize Tree Preservation and Density Provisions. Clarify and reorganize exemptions to the Tree Density and Tree Preservation standards so that the reader can go to one section to see the requirements associated with each specific standard.</p> <p>Emergency Situations during development. Clarify that emergency situation provisions are included in Section 11.50.080 by adding the term to the Section title.</p> <p>Since pruning is not typically regulated for Private trees, the reference has been removed from the section header. However, the provisions addressing responding to these emergency situations continue to address both pruning and removal.</p>	<p>Agree. Reorganize sections as follows (for additional text refinements and commentary for the changes within Chapter 11.50, Refer to Attachment 2):</p> <p>Sections: 11.50.010 Purpose. 11.50.020 Where These Regulations Apply. 11.50.030 020 When a Tree Plan is Required. 11.50.040 030 Development Impact Area Option for Large Sites and Streets. 11.50.050 040 Tree Preservation Standards. 11.50.060 050 On-site Tree Density Standards. <u>11.50.060 Street Tree Planting Standards.</u> 11.50.070 Tree Plan Submittal Requirements. 11.50.080 Changes to Approved Tree Plans <u>and Emergency Tree Removal.</u></p>
27	11.50.030 A. (p.91)	<p>Tree Plans. Clarify how the tree plan would apply tree preservation for demolition permits that are followed by a subsequent construction permit. Concern that the preservation standard would apply to on-site trees during demolition (requiring retention of a portion of trees), and that for the subsequent construction, only a portion of the portion of trees remaining would be required to be retained.</p> <p>Also, clarify that trees retained to meet development standards of Title 11 are not subject to any special protections following completion of the permitted development. Once the permit is final the regular tree permitting rules apply.</p> <p><i>Note: Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25.</i></p>	<p>Agree. Refer to Attachment 2 for commentary. Revise code as follows:</p> <p>11.50.030 020 When a Tree Plan is Required. A tree plan is required in conjunction with all development permits, unless the site or activity is exempt from <u>Section 11.50.040 both Tree Preservation Standards; Section 11.50.050 On-Site Tree Density Standards; and Section 11.50.060 Street Tree Planting Standards.</u> and tree density in accordance with Subsections B. and C., below. If multiple development permits are required for a development proposal, <u>including demolitions and subsequent construction,</u> the same Tree Plan shall be included with each permit. <u>For tree removal when no development permit is required or following completion of the development permit, see Chapter 11.40.</u></p>

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28	11.50.030 C.1. (p.93)	<p>Tree Density Exemptions. Clarify the exemptions for tree density related to "alterations" and "additions". Alterations include additions, which confuses the applicability of this exemption. Distinguish between single family additions and non-single family alterations, and clarify that on-site tree density standards do not apply to projects involving only interior alterations, and that the exemptions apply if any of the situations or conditions are met. Also, this list is missing a conjunction ("and", "or") so it's unclear if all or just one of the conditions need to be met.</p> <p><i>Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25</i></p>	<p>Agree. Refer to Attachment 2 for commentary. Revise code as follows:</p> <p>11.50.060050 On-Site Tree Density Standards.</p> <p>A. <u>Where these Regulations Apply. This Section applies to sites within the City of Portland and the County Urban Pocket Areas. Unless exempted in section 11.50.050 B. the following are subject to the On-Site Tree Density Standards:</u></p> <ol style="list-style-type: none"> 1. <u>New Development;</u> 2. <u>Exterior alterations to existing development;</u> 3. <u>Additions in excess of 200 square feet to single dwelling development.</u> <p>B. <u>Exemptions. The following are exempt from the tree density standards:</u></p> <ol style="list-style-type: none"> 1. <u>The following development activities are exempt from the on-site tree density standards associated with the following permits:</u> <ol style="list-style-type: none"> d Additions less than 200 square feet; or ea. Alterations:(1) Less than \$25,000 in project value are exempt from on-site and street Tree density standards; (2) Additions or exterior alterations to existing development with a project valuation less than the non-conforming upgrade threshold noted established in Title 33, Planning and Zoning. Title 33 Planning and Zoning are exempt from the on-site tree density standards only.
29	11.50.030 C.2 (p.95)	<p>Tree Density Exemptions. Clarify the tree density exemption for sites that are subject to the Airport Landscape standard. The proposed language includes sites within the Portland International Airport Plan District, but is silent on sites in the Cascade station/Portland International Center Plan District. This was an inadvertent omission. Both plan districts are proposed to be subject to specific landscape requirements intended to prevent creating habitat that would attract species of concern to aviation.</p> <p><i>Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25.</i></p> <p><i>Note: The Airport Futures project is scheduled to be adopted by Council on April 13th, 2011. If the Airport Plan District is not adopted, then this reference will need to be replaced with a reference to "the boundaries of the Airport Conditional Use Master Plan area."</i></p>	<p>Agree. Refer to Attachment 2 for commentary. Revise code as follows:</p> <p>11.50.060050 On-Site Tree Density Standards.</p> <p>B. <u>Exemptions. The following are exempt from the on-site tree density standards of this Section:</u></p> <ol style="list-style-type: none"> 2. Sites meeting at least one of the following: <ol style="list-style-type: none"> c. The site is <u>within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District</u> and is subject to the Airport Landscape Standards; see Title 33, Planning and Zoning.
30	11.50.040 (p.97)	<p>Development Impact Area Option. Applicants utilizing the Development Impact Area Option to determine Tree Density requirements for large development sites should also have the option to pay a fee in lieu of planting. This is especially important for sites where tree planting would significantly disrupt existing improvements or operations. The fee would be tracked similar to sites meeting non conforming upgrade requirements for tree density.</p> <p><i>Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25.</i></p>	<p>Agree. Refer to Attachment 2 for commentary. Revise code as follows:</p> <p>11.50.040030 Development Impact Area Option For Large Sites and Streets.</p> <p>Where development is proposed on a site larger than one acre or where work is occurring in the street and is not associated with an adjacent development site, the applicant may choose to establish a development impact area. For sites using the development impact area option, tree preservation requirements shall be based on the trees within the development impact area and tree density will be based on meeting Option B as applied only to the area within the development impact area. Trees may be planted to meet tree density requirement elsewhere on the site. Payment in lieu of meeting the tree density standard is not allowed.</p>

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31	11.50.050 (p.97)	<p>Applicability of Tree Preservation Standards. Clarify the applicability of the development-related requirements to Heritage Trees and trees required to be preserved through a land use condition of approval. These should not be in the preservation standard, but moved to "Where these regulations apply".</p> <p><i>Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25.</i></p>	<p>Agree. Refer to Attachment 2 for commentary. Revise code as follows:</p> <p>11.50.050040 Tree Preservation Standards.</p> <p><u>A.</u> <u>Where these regulations apply.</u></p> <p><u>2.</u> Any Heritage Trees and trees required to be preserved through a land use condition of approval or tree preservation plan cannot be removed using the provisions in this Chapter, but may be counted toward the <u>following-tree preservation requirements of this Section.</u></p>																					
32	11.50.050 A.1. (p.97)	<p>Add Botanic Names to List of Native Trees. By including the botanic names, the references are much more specific and reduces potential confusion about whether hybrids or varieties qualify.</p> <p><i>Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25.</i></p>	<p>Agree. Revise code as follows:</p> <p>11.50.050040 Tree Preservation Standards.</p> <p><u>C.</u> <u>Tree Preservation Requirement</u></p> <p><u>1.</u> Private Trees. Retaining trees at least 6 and less than 12 inches in diameter that are documented in a report prepared by an arborist or landscape professional to be Garry Oak (<u>Quercus garryana</u>), Pacific Madrone (<u>Arbutus menziesii</u>), Pacific Yew (<u>Taxus brevifolia</u>), Ponderosa Pine (<u>Pinus ponderosa</u>), or Western Flowering Dogwood (<u>Cornus nuttallii</u>) species are not included in the total count of trees on the site but may be used toward meeting the 35 percent preservation standard.</p>																					
33	11.50.060 A.1. (p.99)	<p>Clarify Table 50-1 for Development Impact Area. While the provisions describing the Development Impact Area Option (11.50.040) specify that only Option B may be used to determine required tree density and that the percentage be applied only to the area of the development impact area and not the entire site, Table 50-1 does not make this clear. This may result in confusion when applying the requirement.</p> <p>Correct Typo Section 11.50.060 A.1. The Tree Density Requirement for institutional sites should be 25% as shown in the Proposed Draft to Planning and Urban Forestry Commission.</p> <p><i>Note: Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25.</i></p>	<p>Agree. Refer to Attachment 2 for commentary. Revise code as follows:</p> <p>11.50.060050 On-Site Tree Density Standards.</p> <p><u>A.1.</u> The required tree area is based on the size of the site and the type and size of proposed and existing development. The applicants may choose Option A or Option B for calculating required tree area, <u>except only Option B may be used to apply standards to a "Development Impact Area".</u></p> <p style="text-align: center;">Table 50-1 Determining Required Tree Area</p> <table border="1" data-bbox="1920 1225 2790 1830"> <thead> <tr> <th>Development Type</th> <th>Option A</th> <th>Option B</th> </tr> </thead> <tbody> <tr> <td>One and Two Family Residential</td> <td>Site area minus building coverage of existing and proposed development</td> <td>40 percent of site <u>or</u> <u>development impact area</u></td> </tr> <tr> <td>Multi Dwelling Residential</td> <td>Site area minus building coverage of existing and proposed development</td> <td>20 percent of site <u>or</u> <u>development impact area</u></td> </tr> <tr> <td>Commercial/Office/Ret ail/Mixed Use</td> <td>Site area minus building coverage of existing and proposed development</td> <td>15 percent of site <u>or</u> <u>development impact area</u></td> </tr> <tr> <td>Industrial</td> <td>Site area minus building coverage of existing and proposed development</td> <td>10 percent of site <u>or</u> <u>development impact area</u></td> </tr> <tr> <td>Institutional</td> <td>Site area minus building coverage of existing and proposed development</td> <td>35 25 percent of site <u>or</u> <u>development impact area</u></td> </tr> <tr> <td>Other</td> <td>Site area minus building coverage of existing and proposed development</td> <td>25 percent of site <u>or</u> <u>development impact area</u></td> </tr> </tbody> </table>	Development Type	Option A	Option B	One and Two Family Residential	Site area minus building coverage of existing and proposed development	40 percent of site <u>or</u> <u>development impact area</u>	Multi Dwelling Residential	Site area minus building coverage of existing and proposed development	20 percent of site <u>or</u> <u>development impact area</u>	Commercial/Office/Ret ail/Mixed Use	Site area minus building coverage of existing and proposed development	15 percent of site <u>or</u> <u>development impact area</u>	Industrial	Site area minus building coverage of existing and proposed development	10 percent of site <u>or</u> <u>development impact area</u>	Institutional	Site area minus building coverage of existing and proposed development	35 25 percent of site <u>or</u> <u>development impact area</u>	Other	Site area minus building coverage of existing and proposed development	25 percent of site <u>or</u> <u>development impact area</u>
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34	11.50.060 A.2 Tbl 50-2 (p.101)	<p>Tree Density Planting Area Requirement. Clarify that the "minimum required area per tree" provision for tree density in this table refers to the planting area for new trees. This table is intended to require a minimum amount of soil volume for each tree, to ensure reasonable permeable area exists for root growth and tree trunk development. The standard is intended to help applicants anticipate and plan for newly planted trees to grow.</p> <p>In the future, it is anticipated that this information could be potentially moved to the Tree Manual to reflect best management practice and be more easily adjusted.</p>	<p>Agree. Revise the headers in Table 50-2 as follows:</p> <p style="text-align: center;">Table 50-2 Tree Credits and Minimum Area Requirements Number of Required Trees and Minimum Planting Area</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th data-bbox="1662 419 1880 526">Canopy size category (at maturity)</th> <th data-bbox="1889 419 2191 526">Number of trees required per size of tree area</th> <th data-bbox="2200 419 2533 526">Min. required planting area per tree (min. dimension)</th> </tr> </thead> </table>	Canopy size category (at maturity)	Number of trees required per size of tree area	Min. required planting area per tree (min. dimension)
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35	11.50.060 C.3 (p.103)	<p>Tree Density Credits for Payments in Lieu. Clarify the method of calculating required payments in lieu for tree density credit. Relate to caliper size of the required tree since the fee is based on dollars per inch. Also include reference to cost of establishment in addition to planting, as well as cross reference to Section 11.15 which describes the Tree Planting and Preservation Fund.</p> <p>Note: Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25.</p>	<p>Agree. Refer to Attachment 2 for commentary. Revise code as follows: 11.50.06050 On-Site Tree Density Standards.</p> <p>3. Tree Density Credits.</p> <p>3c. <u>Payments made in lieu of planting to the Tree Fund. The applicant may pay a fee to the Tree Planting and Preservation Fund per Section 11.15.010 equivalent to the cost of planting and establishing one 1.5" caliper tree. The fee per tree shall be credited at a rate of one medium canopy size tree per tree which is equivalent to planting one medium canopy size tree.</u></p>			
36	11.50.060 B. (p. 101)	<p>Applicability of Street Tree Planting Requirement. An exemption for demolition permits should be added to clarify that street trees are not required to be planted with demolition permits. Street trees will be required with subsequent redevelopment of the site.</p> <p>Note: Note that the Sections in this Chapter are renumbered as provided in Technical Amendment Item #25.</p>	<p>Agree. Refer to Attachment 2 for commentary. Revise code as follows: 11.50.060 Street Tree Planting Standards</p> <p>B. Exemptions. The following are exempt from the Street Tree planting standards of this Section:</p> <p>1. Development activities associated with the following:</p> <p style="padding-left: 40px;">c. <u>Demolition Permits</u></p>			
37	11.50.070 B.4. (p.107) And 24.70.020 C. (p.31 in "Other Titles" of Vol.3)	<p>Geotech Report Submittal Requirement. Move the proposed geotechnical report requirement back to Title 24, Chapter 70, Clearing and Grading, and remove from Title 11. When the language relating to tree cutting permits was moved from Title 24 the associated geotechnical report requirement was also moved.</p> <p>These reports are required to address multiple site conditions addressed through the administration of Title 24, and could still be consulted if appropriate when addressing Title 11 development requirements.</p>	<p>Agree. Delete the requirement from Title 11 and replace in Title 24 as follows:</p> <p>11.50.070 Tree Plan Submittal Requirements.</p> <p>B. Narrative Requirements</p> <p>4. <u>When removing 5 or more trees on a site with an average slope of at least 20 percent, provide a geotechnical engineering report that assesses the stability of the site after tree felling and root grubbing operations. The report shall be in accordance with Chapter 24.70.</u></p> <p>24.70.020 Permits.</p> <p>C. <u>Tree Removal-cutting permit. Removal of trees six-inches and larger in diameter shall be reviewed with the clearing or grading permits as part of the Tree Plan review pursuant to Title 11. A tree cutting permit is required for tree cutting (except Christmas trees) and root grubbing operations on slopes with gradients which, in whole or in part, exceed 25%. This regulation applies when more than five trees of six inch diameter are to be cut or if the area to be cleared is greater than 2,500 square feet. This applies in all areas except those designated environmental zones under the provisions of Title 33. Tree cutting permits shall be issued in accordance with Section 24.10.070. When removing 5 or more trees on a site with an average slope of at least 20 percent, provide a geotechnical engineering report that assesses the stability of the site after tree felling and root grubbing operations.</u></p>			

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38	11.60.020 A.1. (p.109)	<p>Tree Planting Specifications - Location. The provision requiring consideration of site characteristics in choosing and siting a tree is not practical to implement or enforce and is better expressed as intent in the commentary.</p> <p>Add to Commentary: For all trees, planting locations should be suitable for the anticipated size of tree at maturity considering available soil volume and above ground clearance, and avoid conflicts with utilities, buildings or other obstructions to the extent practicable.</p>	<p>Agree. Move section 11.60.020 A.1 from code to commentary, renumber the subsequent paragraphs and reformat the text as follows: 11.60.020 Tree Planting Specifications A. Location.</p> <p>1. Generally. For all trees, planting locations shall be suitable for the anticipated size of tree at maturity considering available soil volume and above ground clearance, and avoid conflicts with utilities, buildings or other obstructions to the extent practicable.</p> <p>A.2. Prohibited Locations</p> <p>[renumber A.2.a. through A.2.c. as A.1. through A.3]</p>
39	11.60.020 B.3. (p.111)	<p>Tree Planting Specifications - Tree Size. The size requirement for native trees has been reduced for planting in natural resource areas as they are generally less accessible and typically not irrigated. The scenic corridor was inadvertently included in this list of areas, but should be removed as these areas are primarily along streets.</p>	<p>Agree. Note change in commentary. Revise code as follows: 11.60.020 B. Planting size. 3. Native tree exception. The minimum planting size for native broadleaf trees may be reduced to ½" caliper on sites when planted in an environmental (c, p), greenway (n, q or greenway setback and riverward portion of g, i, and r overlay zones), river environmental (e), scenic corridor (s), or Pleasant Valley Natural Resource (v) overlay zone.</p>
40	11.60.020 D.1. (p.113)	<p>Tree Species Diversity Requirement. Clarify the applicability of the species diversity requirement. It is not clear whether street trees are included with the site trees for this purpose. The requirement should be applied to all planted trees, but the Forester may need to have the ability to grant an exception for the street tree requirements, in order to maintain consistency with adopted street tree or landscape plans.</p>	<p>Agree. Include rationale from description in commentary. Revise code as follows: 11.60.020. D. Species requirements 1. Species diversity. On a single site, if there are fewer than 8 required trees, they may all be the same species. If there are between 8 and 24 required trees, no more than 40 percent can be of one species. If there are more than 24 required trees, no more than 24 percent can be of one species. This standard applies only to the trees being planted, not to existing trees.</p> <p><u>For Street Trees, the City Forester may make an exception to this requirement for Street Trees in order to fulfill or complement an adopted street or landscape plan.</u></p>
41	11.60.020 E.2. (p.115)	<p>Mechanisms to Defer Planting. The requirement for using Performance Guarantees to defer required planting on development sites creates a costly process for the City and applicant. This revision retains the performance guarantee language to authorize bureaus to legally establish and collect deposits to ensure compliance; however, more flexible, less costly approaches may be able to be developed administratively. This change allows flexibility for the implementing bureau(s) to establish efficient, cost-effective means to assure performance.</p> <p>Planting Timing. A notation to encourage planting trees at the appropriate times of the year has also been added.</p>	<p>Agree. Include rationale from description in commentary. Revise code as follows: 11.60.020 E. Installation and establishment 2. Timing. All trees required or approved to be planted by this Title shall be planted or payment in lieu of planting made prior to the expiration of the permit or City's final acceptance of the project, as applicable. <u>However, it is encouraged that planting occur during the wet months or as per City Forester recommendations. Planting of trees may be deferred between May 1 and September 30 upon filing a performance guarantee as provided in Section 11.10.060, or other assurance deemed acceptable by the City Forester or BDS Director, as applicable.</u></p>
42	11.60.030. B.1. (p.115)	<p>Applicability of Root Protection Requirements. Clarify that these tree root zone protection requirements apply not only through Chapter 11.50 but also to meet other city code requirements, such as Title 33 Tree Preservation requirements for land divisions.</p>	<p>Agree. Revise code as follows: 11.60.030 B. Applicability. These standards apply to any tree that is required to be retained on site or in the street during a development activity subject to Chapter 11.50.</p>

Item No.	Code Ref. (Page No.)	Description Note "Page No." refers to the page number in the Title 11 portion of Volume 3 of the Dec, 2010 Recommended Draft	Staff Response Revisions to the Recommended Draft that add language are shown with <u>underline</u> . Previously proposed language that is being deleted is shown with strikethrough .
43	11.60.060 (p.123)	Tree Permits for City Ordered Actions. To ensure that tree removal is tracked and to facilitate responses to complaints and inquiries when trees are removed, this provision requires that permits be obtained, as applicable. This also allows the Forester to evaluate the extent of required work, and prescribe alternatives that may not necessitate removal. However, when removal is required, these dangerous trees should be subject to a Type A permit. This revision clarifies this intent and prevents these situations from being delayed by public notice and possible appeal. Additionally, provisions to allow fee waivers when the City Forester has ordered that the work be done is also included.	Agree. Include rationale from description in commentary. Revise code as follows: 11.60.060 A. General 1. Permits required. Any person pruning, removing, or conducting any other work on any Street Tree or City Tree and any person removing any regulated Private Tree in order to comply with the requirements of this Section, shall first obtain a <u>Type A</u> tree permit in accordance with the provisions of Chapter 11.3040. <u>The application fee may be waived when the City Forester has directed the work to be done.</u>
44	11.60.060 (p.129)	Correct sentence structure. Insert a break at number "2", renumber following paragraph from "2" to "3".	Agree. Revise accordingly.
45	11.70.020 B. (p.131)	Typo. Section references are incorrect. <i>Note: The term "County urban pockets" will be replaced with "County Urban Pocket Areas" per Technical Amendment #45. The last sentence in this paragraph is redundant with the definition and is not needed.</i>	Agree. Revise as follows: 11.70.020 Where These Regulations Apply B. County urban pockets. Trees in the "County urban pockets" are subject to all regulations of this Chapter except Subsections 11.70.050040 A. through C. and E. through G. (some Subsections of Prohibited Actions); 11.70.060050 B. through E. (some Subsections of Inspections and Evidence); and 11.70.080070 C. (a Subsection of Correcting Violations of This Title). The County urban pockets are areas outside the City of Portland where the Portland Zoning Code and other Portland regulations are administered. The County urban pockets are shown on the Zoning Map.
46	11.70.040 (p.135)	Engineer's Authority to Enforce Violations. As currently written, the City Engineer's authority to enforce violations affecting public health or safety is not explicitly granted in Title 11. While the City Engineer is not the primary enforcement authority for Title 11, the ability to summarily abate clear and present hazards to public infrastructure or the travelling public should be granted for the City Engineer. For work in the right of way, emergency tree removal is addressed in Chapters 11.40 and 11.50 allowing the City Engineer to respond to the emergency situation. However, when trees on private property are creating the hazard, the City Engineer does not have specific authority to direct the hazard be abated, and would need to rely on the City Forester to pursue abatement action, potentially resulting in undue delay. Also, reference to Chapter "3.30" only applies to the BDS Director, and is unnecessary to state here. <i>Note: The term City Engineer is amended with the term "Responsible Engineer" per Technical Amendment #46.</i>	Agree. Include rationale from description in commentary. Revise code as follows: 11.70.040 Enforcement Authority As stated in Title 3.30, the City Forester and BDS Director are hereby authorized to enforce this Title utilizing Title 3 adopted remedies and any of the remedies prescribed in this Title. Enforcement responsibilities are summarized in Table 70-1. When violations occur that involve trees in overlay zones and plan district areas, the City Forester and BDS Director will consult and coordinate their enforcement action to the degree possible in order to avoid the issuance of multiple or conflicting orders. <u>When violations of the tree maintenance specifications of Section 11.60.060 affect public infrastructure or jeopardize the travelling public, the Responsible Engineer is authorized to invoke summary abatement to correct the violation.</u> In cases where multiple violations of City code exist on a property, the City Forester and BDS Director, <u>and Responsible Engineer</u> are authorized, but not required, to delegate enforcement authority of this Title to another Bureau to facilitate a coordinated remedy and single agency responsible for obtaining compliance.
47	11.70.070 D. (p.149)	Time Limits for Enforcement. All compliance cases should establish time limits for resolving the violation. As written, it is discretionary whether a time limit will be set by the City Forester or BDS Director.	Agree. Revise as follows: 11.70.070 Notice and Order. D. Time limits. The BDS Director or City Forester shall <u>may</u> set time limits in which the violations of this Title are to be corrected. Failure to comply with the time limits may be considered a separate violation of this Title.
48	11.80.010 (p. 163)	Correct Reference. Change erroneous reference from 11.80.030 to 11.80.020. Section 11.80.030 does not exist.	Agree. Revise as follows: 11.80.010 Defining Words. Words used in the tree code have their normal dictionary meaning unless they are listed in Section 11.80.030020 below. Words listed in Section 11.80.030020 have the specific meaning stated, unless the context clearly indicates another meaning.

Item No.	Code Ref. (Page No.)	Description Note "Page No." refers to the page number in the Title 11 portion of Volume 3 of the Dec, 2010 Recommended Draft	Staff Response Revisions to the Recommended Draft that add language are shown with <u>underline</u> . Previously proposed language that is being deleted is shown with strikethrough .
49	11.80.020 B. (p.163)	Definitions. Define the term "County Urban Pocket Areas" and replace references to County urban pockets throughout code.	Agree. Revise as follows: 11.80.020 Definitions and Measurements B. 11. <u>"County Urban Pocket Areas" refers to properties within unincorporated Multnomah County that are subject to the existing Intergovernmental Agreement to Transfer Land Use Planning Responsibilities Between the City of Portland and Multnomah County.</u> Renumber remainder of definitions. Replace references to "County urban pockets in sections: 11.05.040 B.; 11.40.030 B.; 11.50.020 B.; 11.60.010 B.; 11.70.020 B.; and Table 70-1
50	11.80.020 B.8. (p.163)	Replace City Engineer Terminology. The Bureau of Transportation is updating references to City Engineer in other places throughout Title 17. One such change is replacing the term "City Engineer" with "Responsible Engineer". For consistency, Title 11 should use similar terminology.	Agree. Revise references in commentary and revise code as follows: 11.80.020 Definitions and Measurements B. 8. <u>"Responsible City Engineer"</u> For the Bureau of Transportation this <u>shall be</u> the City Engineer, for the Bureau of Environmental Services this <u>shall be</u> the Chief Engineer of the Bureau of Environmental Services, and for the Portland Water Bureau this <u>shall be</u> the Chief Engineer of the Portland Water Bureau. Each <u>Responsible City Engineer</u> may delegate their authority and duties to another employee in the same bureau. The duties are as prescribed in Section 11.10.010. Replace references in sections: 11.10.010, 11.10.010 C., 11.40.020 C.2., 11.40.040.A.1.a, 11.50.060 B., 11.60.060 F.2., 11.60.060 G.1., 11.60.060 G.2., 11.70.040, 11.70.090 B.4. and 11.80.020 B.8.
51	11.80.020 B.13. (p.165)	Typo. Remove hanging "and." from definition of Development Impact Area.	Agree. Revise as follows: 11.80.020 Definitions and Measurements B. 13. "Development Impact Area" is the area on a site affected by proposed site improvements, including buildings, structures, parking and loading areas, landscaping, and paved or graveled areas, and . The development impact area also refers to areas devoted to storage of materials, or construction activities such as grading, filling, trenching, or other excavation necessary to install utilities or access.
52	11.80.020 B.14. (p.165)	Correct Sentence A couple of words were omitted.	Agree. Revise as follows: 11.80.020 Definitions and Measurements B. 14. "Development Permit" refers <u>to</u> permits issued by the City <u>such as</u> building permits, zoning permits, site development permits, public works permits and capital improvement projects.
53	11.80.020 B.19.g (p.169)	Correct References Remove reference to Portland International Airport Plan District. Trees within the proposed plan district area are not regulated at 6" diameter size threshold as references to this definition might imply.	Agree. Include rationale for not including this plan district in commentary. Revise code as follows: g. — Portland International Airport Plan District [Re-letter h. and i.]
54	11.80.020 B.33. (p.175)	Correct Sentence Delete dash following the term "Watershed -" consistent with format for other definitions.	Agree. Revise as follows: (dash removed for clarity) 11.80.020 Definitions and Measurements B. 33. "Watershed" <u>means</u> o One of the five following areas as shown in Figure 80-1 and further defined by the Bureau of Environmental Services....

CHAPTER 11.40
TREE PERMIT REQUIREMENTS
(NO ASSOCIATED DEVELOPMENT)

This chapter addresses most tree work (planting, pruning, root cutting, removal) when development is not proposed or occurring. This chapter includes the standards and factors for evaluating tree permit requests for all City, Street, and Private Trees. When development is proposed or occurring, the requirements of Chapter 11.50 apply. For activity subject to a Programmatic Permit, the requirements of Chapter 11.45 apply. For Heritage Trees, the requirements of Chapter 11.20 apply.

11.40.010 Purpose

The purpose statement has been adapted from existing chapter 20.40 and 20.42 language, slightly reworded for readability. Education has been added as a key purpose to emphasize that permits are not only to ensure compliance, but to afford an opportunity to provide instruction on the value of the urban forest along with key elements of proper arboricultural care.

11.40.020 ~~Where These Regulations Apply~~ When a Tree Permit is Required

This section has been renamed to more closely match the organization of Chapter 11.50 and begins by listing the general size threshold of regulated trees.

A. City and Street Trees - a 3" diameter size threshold replaces the previous "any size" threshold. Establishing a minimum size threshold is more reasonable, efficient, and enforceable, and is consistent with federally recognized definitions of trees.

B. Private Trees - the City's previous tree permit applied only to trees 12 or more inches in diameter on private properties, and did not incorporate the existing smaller size thresholds for the regulated trees in some overlay zones or plan districts that are now subject, under specific circumstances, to Title 11 provisions.

A tree removal permit will still apply to most of the currently regulated Private Trees at 12 or more inches in diameter. There are two exceptions to this tree size threshold:

- ~~Single Dwelling Sites Homesites~~ (20 or more inches in diameter); and
- Specific Overlay Zones and Plan Districts (6 or more inches in diameter)

To facilitate the application of a simple permit process with a larger tree size threshold on typical built single family lots, the concept of a "homesite" is established and replaces the existing "dividable" factor. A homesite is defined a single dwelling zoned lot less than 10,000 square feet and that contains a single dwelling (house, attached house, manufactured home) or duplex. A Type A tree removal permit is required to remove trees at least 20 inches in diameter on a qualifying homesite. These trees will be required to be replaced with a single tree, and the application would not trigger a review, notice, or public appeal. The homesite threshold was set at 10,000 square feet to ensure that lots with more development potential are subject to tree removal permit requirements for trees 12 or more inches in diameter, consistent with the Title 11 Tree Preservation standard.

For single dwellings sites, the tree removal requirement applies primarily to properties in the City that are currently exempt from tree permits. The prior exemption applied to "built single family lots in single family zones that are not dividable." The previous regulations were intended retain trees on developable lots until a land division application was submitted. However, the term "dividable" and the limitation to single family zones were problematic. The exemption caused confusion in situations where sites were seemingly exempt (i.e. single family house on a normal size site) but due to an overlay zone, plan district, or a tree preservation requirement from a land use review, property owners would inadvertently violate tree regulations. The exemption also created disparity between one property and the next, based on factors unrelated to the trees themselves. The Planning and Urban Forestry Commissions spent considerable time and discussion developing an approach that reduces confusion for these property owners, while limiting regulatory intrusiveness and increasing equity between all properties in the city.

CHAPTER 11.40
TREE PERMIT REQUIREMENTS
(NO ASSOCIATED DEVELOPMENT)

Sections:

- 11.40.010 Purpose.
11.40.020 ~~Where These Regulations Apply~~ When a Tree Permit is Required
11.40.030 Exemptions.
11.40.040 City and Street Tree Permit Standards and Review Factors.
11.40.050 Private Tree Permit Standards and Review Factors.
11.40.060 Tree Replacement Requirements.

11.40.010 Purpose.

The purpose of this Chapter is to manage, conserve and enhance the urban forest when development activity is neither proposed nor occurring. The provisions of this chapter encourage preservation of high quality trees, large trees, and groves; regulate pruning and planting on City-owned and managed sites and streets to protect public safety and public infrastructure; and ensure replacement for trees that are removed. The permitting procedures that are required to implement these provisions are intended to not only enforce maintenance, removal and preservation requirements but also to educate property owners about the intrinsic urban benefits of trees as well as the principles of tree care.

11.40.020 ~~Where These Regulations Apply~~ When a Tree Permit is Required.

Except as specified in Section 11.40.030 below, this chapter applies to trees within the City of Portland as follows: The regulations of this chapter apply to the following situations when no activity requiring a development permit or land use review is proposed or occurring on the site:

- A. City Trees and Street Trees. City and Street trees at least 3 or more inches in diameter are regulated by this chapter.
- B. Private Trees.
 1. Generally. Trees at least 12 or more inches in diameter on lots sites and tracts not included in Paragraphs Subsection B.2 or B.3 are regulated by this chapter. Trees required to be preserved by a tree preservation plan, a condition of a land use review, or provision of this Title or the Zoning Code may be subject to other requirements.
 2. Homesites. Except as noted in subsection B.3 below, only trees 20 or more inches in diameter on single-family zoned lots that are less than 10,000 square feet in area and developed with one or two family development, are regulated by this chapter.
 3. Specified Overlay Zones and Plan Districts. Trees 6 or more inches in diameter in overlay zones and plan districts are regulated as noted in Table 40-1.

COMMENTARY

Revisions to Chapter 11.40 Code Text

For trees on sites meeting the single dwelling homesite provision, no permit is required for to remove trees less than 20 inches in diameter. For trees 20 or more inches in diameter, removal is subject to a Type A permit (no review, and no public appeal option), with a simple tree-for-tree replacement requirement. The message is "cut a large tree, replace a tree". People should check with the City before removing any tree 6 or more inches in diameter to reduce risk of inadvertent violations. A "call before you cut" outreach effort is recommended. This approach emphasizes a non-regulatory educational tool that can be used to connect with property owners and offer information about tree planting options and incentives like the City's Treebate program.

Specific lot size thresholds have replaced the "dividable" term in Title 20.42 to prevent confusion over which sites qualify for the Single Dwelling permit. The lot sizes represent a dividable lot based on zoning code standards. The Single Dwelling permit provision applies to trees on lots that contain single dwelling houses, and that smaller than 3,000 square feet, in non-single family zones. This is appropriate since these lots are exempt from the tree preservation standards in Chapter 11.50.

Specific overlay zones and plan districts. The size threshold is 6 inches in diameter to recognize the need to address a larger pool of trees in these sensitive resource areas. This size is consistent with the tree sizes addressed in the Zoning Code. Table 40-1 is intended as a quick reference and includes information pointing readers to the appropriate chapters of the zoning code when additional analysis or a different procedure is required to remove a tree (for example, removing healthy native trees from the resource area of an environmental zone would require environmental review).

[Insert New Table 40-1 as follows]

Table 40-1 Applicability of 6" Diameter Size Tree Permit Threshold

Specific Area	Overlay Symbol	What trees are regulated by this chapter [1]	What trees are regulated by the Zoning Code (Title 33)
Environmental conservation and protection overlay zones	"c" "p"	<ul style="list-style-type: none"> • Dead, Dying, Dangerous • Nuisance species • Healthy non-native non-nuisance species • Trees w/in 10' of bldg. or attached structures 	<ul style="list-style-type: none"> • Healthy Native Trees (see 33.430, or 33.508 within CS/PIC Plan District, or 33.515 within Columbia South Shore Plan District)
Greenway overlay zones	"n" "q"	<ul style="list-style-type: none"> • Dangerous • Nuisance Species 	<ul style="list-style-type: none"> • Dead, Dying • Healthy native species • Healthy non-native non-nuisance species (see 33.440)
Greenway overlay zones (only within and riverward of the greenway setback)	"g" "i" "r"		
Pleasant Valley Natural Resources overlay zones	"v"	<ul style="list-style-type: none"> • Dead, Dying, Dangerous • Nuisance species • Healthy non-native non-nuisance species • Trees w/in 10' of bldg. or attached structures 	<ul style="list-style-type: none"> • Healthy Native Trees (see 33.465)
Scenic Corridor (only within the minimum street setback or the first 20 feet from the street lot line when there is no street setback)	"s"	<ul style="list-style-type: none"> • Dead, Dying, Dangerous • Nuisance Species • Trees w/in 10' of bldg. or attached structures 	<ul style="list-style-type: none"> • Healthy native species • Healthy non-native non-nuisance species (see 33.480)
Johnson Creek Plan District (only within the Special Flood Hazard Area, South Subdistrict, or within 20 feet of lot lines abutting the Springwater Corridor)		<ul style="list-style-type: none"> • Dead, Dying, Dangerous • Nuisance species • Trees w/in 10' of bldg. or attached structures 	<ul style="list-style-type: none"> • Healthy native species • Healthy non-native non-nuisance species (see 33.537)
Rocky Butte Plan District		<ul style="list-style-type: none"> • Dead, Dying, Dangerous • Nuisance Species • Trees w/in 10' of bldg. or attached structures 	<ul style="list-style-type: none"> • Healthy native species • Healthy non-native non-nuisance species (see 33.570)
South Auditorium Plan District		<ul style="list-style-type: none"> • Dead, Dying, Dangerous 	<ul style="list-style-type: none"> • All others (see 33.580)

[1] This list includes common situations where tree removal is regulated through Title 11 tree permits as distinguished from situations where trees are regulated by the zoning code. Where the zoning code exempts tree removal in specified overlay zones or plan districts tree removal would be regulated by this chapter.

2. Trees on single dwelling sites. On sites that meet all of the following, only trees at least 20 inches in diameter are regulated by this chapter:
 - a. The site is already developed with a single dwelling;
 - b. None of the trees that will be affected by the proposed activity are:

- (1) Located in an overlay or plan district listed in Paragraph B.3;
- (2) Heritage Trees; or
- (3) Required to be preserved by a tree preservation plan, a condition of a land use review, or provision of this Title or the Zoning Code; and

e. The site is not larger than the sizes listed in Table 40-1.

Table 40-1 Maximum Site Size for Subsection 11.40.020 B.2.

Zone	R2.5	R5	R7	R10	R20	RF	Other
Site size	4,749 sf	9,499 sf	13,299 sf	18,999 sf	37,999 sf	165,527 sf	2,999 sf

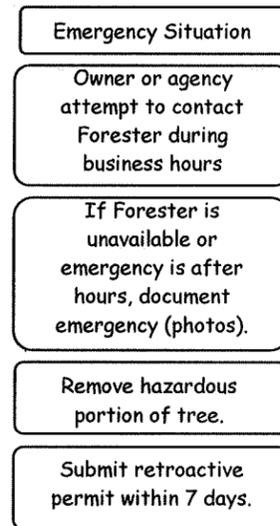
- 3. Specific overlay zones and plan districts. Trees at least 6 inches in diameter in the following overlay zones and plan districts are regulated by this chapter:
 - a. Environmental conservation "e" or protection "p" overlay zones;
 - b. River environmental "e" overlay zone;
 - c. Greenway natural "n", or water quality "q" overlay zones, or within or riverward of the greenway setback in, general "g", industrial "i", or recreation "r" overlay zones;
 - d. Scenic corridor "s" overlay zone within the minimum street setback, or within the first 20 feet from the street lot line when there is no minimum street setback;
 - e. Pleasant Valley Natural Resources "v" overlay zone, when located within the City limits;
 - f. Rocky Butte plan district;
 - g. Johnson Creek Basin plan district: only in the Floodplain and South Subdistricts, or otherwise located within 20 feet of lot lines abutting the Springwater Corridor; and
 - h. South Auditorium plan district.

COMMENTARY

Revisions to Chapter 11.40 Code Text

C. Emergency pruning, root cutting, or tree removal. Provisions are included to relieve a person from the need to obtain a permit when an emergency exists. A retroactive permit is still required to document the removal or pruning and the emergency situation. Provisions are also included for emergency work that the City Engineer or his crews may be responding to (e.g. a waterline break). In the course of repairing the facility they may either need to prune or remove a tree. In these cases they will need to first attempt to contact Urban Forestry, but if Forestry is unavailable, then the work can proceed. Provisions for submitting permit applications after removing trees in emergency situations is consistent with existing provisions in Section 20.42.090.

Emergency Tree Pruning and Removal Process:



D. State, Federal and Court Orders

In situations where an order requires tree pruning or removal, this provision specifies that a permit is required to allow for consistent tracking and to ensure tree replacement. However, the standard notice and appeal procedures (if otherwise applicable) do not apply. This is intended to prevent double jeopardy situations and ensure that the required tree related work can proceed efficiently.

E. Hazardous Material Cleanup Orders.

State law preempts the City's authority to require permits when work is conducted in association with hazardous material site cleanup. The city may still require substantial conformance with the permit requirements, but without the process associated with the permit. This departs slightly from subsection D, above, so these provisions are placed in their own subsection.

F. Trees on levees

The Multnomah County Drainage District is obligated by federal standards (U.S. Army Corps of Engineers) to maintain levees in order to retain certification and thus, eligibility for flood insurance. These standards require that trees not be allowed within the critical cross section area of federal levees. Trees often grow voluntarily on these levees. Similar to the State, Federal, and Court Order provisions above, Type A permits are required to ensure trees are replaced, with no review or public appeal process. This is to ensure the larger public interest of flood protection is not jeopardized, while ensuring that mitigation for tree loss will occur. Replacement may occur anywhere in the watershed on property owned by the District, or other property where the District possesses an easement or other agreement to plant and maintain trees.

C. Emergency pruning or removal. Emergency pruning or removal of trees is regulated by this chapter as follows:

1. If an emergency exists because the condition or location of a tree presents such a clear and present danger to structures or the public that there is insufficient time to obtain a tree permit, the hazardous portion of the tree may be removed without first obtaining a required tree permit.
2. In the course of performing unexpected or emergency road, sewer, or water maintenance activities, representatives of the City Engineer may trim, prune or remove a tree as required to perform the immediate work without first obtaining a required tree permit. If such activities occur during normal business hours, these representatives shall first attempt to contact the City Forester to determine if technical assistance can be made immediately available. If such assistance is not immediately available, then the pruning or removal may occur in accordance with proper arboricultural practices.
3. Any person who prunes or removes a tree under the provisions of this Subsection shall, within 7 days of such action, apply for a Type A tree permit. The application shall include photographs or other documentation to prove that an emergency existed. The City Forester will evaluate the information to determine whether an emergency existed. Failure to submit an application or provide information documenting the emergency nature of the event may be pursued as a violation per Chapter 11.70.

D. State, Federal, and court orders. Trees that must be removed or pruned by an order of ~~the a~~ court, or ~~of a~~ State or Federal ~~agency~~ order, ~~including hazardous material cleanup orders,~~ are not subject to the public notice and appeal procedures of Chapter 11.30 and approval standards and review factors of this chapter. However, a tree permit is required and the tree replacement requirements of this chapter shall be met.

E. Hazardous Material Cleanup Orders. Hazardous material cleanup orders are not subject to the permit procedures of this Title; however, a person removing a regulated tree pursuant to a Hazardous Material Cleanup Order must comply with the tree replacement requirements of this chapter.

EE. Trees on levees. Trees on levees that have been identified by a public Drainage District as violating federal regulations or requirements are subject to the requirements of this chapter for a Type A permit for removal of trees. Required replacement trees shall be placed outside the critical cross section area of the levee, and may be placed on any property in the same watershed that is owned by the applicant; or on property for which the applicant possesses a legal instrument approved by the City, such as an easement, deed restriction, or interagency agreement, sufficient to carry out and ensure success of the replacement.

COMMENTARY

Revisions to Chapter 11.40 Code Text

11.40.030 Exemptions

This section includes the situations where the requirements of this Chapter do not apply.

A. Lots less than 5,000 square feet. Private Tree removal permits are not required for lots smaller than 5,000 square feet. This is intended to target use of staff resources to larger lots with the bulk of the tree canopy in Portland. This exemption applies to all lots in all zones and departs from the current exemption which applies to built single family "non-dividable lots". The threshold is set at less than 5,000 square feet to ensure that permits are required to remove trees on the many lots that are platted at exactly 5,000 square feet.

B. Heritage Trees - are addressed through Chapter 11.20.

C. Trees not in the City of Portland - are also not regulated by this chapter. This includes Multnomah County urban pockets where the City administers land use and development related regulations through an intergovernmental agreement. The tree permit program is not covered in this agreement and is not proposed to be initiated in the County.

D. Programmatic Permits - The purpose of Programmatic Permits is to facilitate routine public agency operations by not requiring individual permits for ongoing tree related work. Requirements for public notice, tree replacement, and specifications for conducting work will be detailed in the general approval of the programmatic permit (see chapter 11.45)

E. Trees in Development - This provision clarifies that trees that have been approved for removal through development related requirements do not require a separate tree permit to be removed.

F. Agricultural Use - This is intended to relieve farm and forest operations (Christmas Trees, timber, etc), as well as plant nurseries from the tree permit requirement.

G. Work by City Forester - As the permit review authority the City Forester is not required to obtain permits. However, to aid in Urban Forestry tracking and management, records of the work must be kept.

11.40.040 City and Street Tree Permit Standards and Review Factors

This section lays out the standards for evaluating Type A permits (pruning, planting, some tree removal, and other activities) for City and Street trees, along with review factors for Type B permits (removing healthy trees).

A. Type A Permits - City and Street Trees

Since Type A Permits are technical determinations involving little discretion, these permits are only appealable by the applicant. Examples of Type A permits include removal of dead, dying or dangerous trees, documenting removal of emergency trees after the fact, pruning actions, root cutting, or tree planting.

11.40.030 Exemptions.

The following are exempt from the requirements of this Chapter:

A. Trees on lots that are less than 5,000 square feet in area.

AB. Heritage Trees. Heritage Trees are addressed in Chapter 11.20:

BC. Trees outside City Limits. Trees that are outside the City Limits, including "County Urban Pocket Areas." ~~areas where the Portland Zoning Code and other regulations are administered. These areas are sometimes referred to as the "County urban pockets."~~

CD. Programmatic permits. Activities carried out by public agencies operating under a programmatic permit per Chapter 11.45.

E. Tree Removal in association with development permits addressed through Chapter 11.50, Trees in Development Situations.

DF. Agricultural use. Trees on lots sites that are part of an allowed farm or forest operation, including plant nurseries, when such removal is a customary and necessary activity for the associated agricultural use as provided for in Title 33, Planning and Zoning. Timber harvesting is subject to Oregon Department of Forestry requirements, ORS Chapter 527, and OAR Divisions 600-665.

EG. Work by City Forester. Work done by the City Forester and City Forestry crews involving City and Street Trees. However, the City Forester shall keep records of the location and number of City and Street Trees planted, pruned, and removed.

11.40.040 City and Street Tree Permit Standards and Review Factors.

Type A and B permit applications for tree related work affecting City or Street Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

Table 40-2 summarizes the distinctions between Type A and Type B permits for City and Street Trees, including tree replacement requirements, and when public notice and opportunities for appeal are required. A note is included to clarify that trees planted to meet a particular requirement (e.g. a street tree planted to meet development standards) and that has not reached the 3 inch diameter size threshold may not be pruned or removed without a permit. This is to prevent loopholes in the system and inadvertent violations of development requirements.

Planting

The purpose of the planting permit is to ensure that conflicts with overhead or below ground utilities are avoided, visibility is maintained, and the right tree species is selected. Planting specifications are listed in Chapter 11.60. Included in those specifications is a prohibition on planting tree species on the City's Nuisance Plants List. This provision further solidifies the City's policy and commitment to manage invasive plants by supporting the gradual phasing out of these trees.

**Table 40-2
Summary of Permit Requirements for City and Street Trees**

Permit Type Required	Activity and Tree Size Threshold (diameter)	Required Replacement (See Section 11.40.060)	Public Notice Required?
No permit required	Pruning: Branches or roots <1/4" and sucker shoots Removal: trees <3" [1] Other: Activities that are exempt from the requirements of this Chapter (see 11.40.030)	None	No
A	Planting Pruning: Branches or roots ≥1/4" Other tree activity, as determined by the City Forester	n/a	No
	Removal [2]: Regulated trees that are <ul style="list-style-type: none"> • Dead, dying, or dangerous 	1 tree for every tree removed	No
B	Removal [2]: Regulated trees that are <ul style="list-style-type: none"> • Healthy trees less than ≥ to < 20" diameter 	1 tree for every tree removed	No
	Removal [2]: Regulated trees that are <ul style="list-style-type: none"> • Healthy trees ≥20" diameter • More than four healthy trees ≥12" diameter per site or site frontage/per calendar year 	Up to inch for inch replacement; determined on case-by-case basis by City Forester	Yes

Notes [1] Trees <3 inches in diameter that were required to be planted may not be removed without a permit from the City Forester nor cut or pruned without a permit if a permit is otherwise required by this Title.
 [2] Tree removal may be otherwise regulated by an overlay zone or plan district. See Table 40-1.

- A. Standards and Review Factors for Type A Permits for City and Street Trees.
 - 1. Planting. Planting shall meet the specifications in Chapter 11.60 and the following:
 - a. Street Trees. If the City Forester determines that a proposed street tree planting is suitable for the space available, and that the species of the tree is appropriate for the location, then the City Forester will grant the permit. The City Engineer may require the City Forester to submit planting proposals in streets for review for the purpose of protecting existing utilities and sewer branches, and to ensure that the proposed trees are not likely to obstruct the visibility of drivers, cyclists, or pedestrians.

Pruning or root cutting

Pruning permits offer the opportunity for consultation with the Forestry experts to avoid detrimentally affecting a tree, to limit the degree of pruning when necessary, and prevent tree topping. Pruning specifications are listed in Chapter 11.60. This provision allows the City Forester to limit or prescribe pruning techniques, or withhold approval from persons who have violated permits in the past.

Other Activities

Title 20 had required a person to obtain a permit to "plant, remove, destroy, cut, prune or treat any tree," however it has been the City's practice to require permits for other activities like attaching lights to trees. This provision expands the City Forester's authority to require permits for "any request which has the potential to harm a tree". Clarification has been added to distinguish "temporary" from "permanent" attachments for the purposes of determining when permits would be required for City or Street Trees.

Removal

Certain trees, upon confirming their status, may be removed and replaced, tree for tree. These include dead, dying, and dangerous trees on City owned or managed land. The previous code authorized the City Forester to require "replacement with a new tree". The tree for tree replacement is consistent with this requirement.

A notable difference between the regulations for City and Street Trees and the regulations for Private Trees is that healthy nuisance species City or Street Tree removal requires a Type B Permit review, whereas nuisance species Private Trees may be removed through a Type A permit. For Street and City Trees the review is to ensure consideration of the cumulative impacts of removing these trees, and the role of the tree(s) in the character or look of the street or neighborhood. For example, nuisance species trees may contribute to an established single species street tree look, or may be referenced in historic district guidelines or area specific tree plans. In these cases the tree may not be removed until it is dead, dying or dangerous (and would subsequently be replaced with a non-nuisance species tree). Conversely, when private landholders wish to remove a nuisance species tree, it is consistent with other city goals to facilitate this removal with a simple Type A permit, and tree for tree replacement.

- b. City Trees. If the City Forester determines that a proposed planting on City property is of a species of tree appropriate for the site and that the applicant has the written consent of the City bureau to whom responsibility for the property has been assigned, the City Forester will grant the permit.
2. Pruning or root cutting. The City Forester will grant a permit for pruning or root cutting of branches or roots 1/4 inch or larger if the applicant demonstrates to the City Forester's satisfaction that the pruning or root cutting will be performed in accordance with proper arboricultural practices, and that it will not adversely impact the health or structural integrity of the tree.
 3. Other activities. A permit is required to attach permanent objects (e.g. lights, signs, or artwork) to a tree or its supports (e.g. guides, wires, stakes), or for any other type of activity the City Forester determines has the potential to harm a City or Street tree. In reviewing these requests, the City Forester may impose limitations on the method, location, or duration of such activities.
 4. Removal. Trees shall be replaced as indicated in Table 40-2. The City Forester will grant a permit to remove a tree if the City Forester determines that the proposed removal is exempt or allowed by Title 33, Planning and Zoning; and meets at least one of the following:
 - a. ~~Dead trees. For trees that are not completely lifeless, the City Forester may recommend a treatment regimen, including fertilization or inoculation, to revitalize the tree. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life.~~
 - b. ~~Dying trees. The City Forester may recommend a treatment regimen, including fertilization or inoculation. For trees that are not treatable, The tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to be become a danger or die.~~ The City Forester may apply a condition of approval to the permit to require specific disposal methods for infected wood.
 - c. Dangerous trees. The City Forester will evaluate the removal request by first evaluating practicable alternatives to the removal. If the City Forester finds either that the cost of the alternatives significantly exceeds the value of the tree, or that such alternatives will not substantially alleviate the dangerous condition, the City Forester will grant the permit.

B. Type B Permits - City and Street Trees

Type B permits address tree removal requests when an evaluation of certain factors is needed to ensure the proposal does not significantly negatively affect public safety or neighborhood character, and that extraordinary circumstances exist which warrant the removal of the tree. The City's general policy is to retain healthy established City and Street Trees in the majority of cases, except where they are dead or present a hazard or danger. However, it may be appropriate in some cases to substitute a poorly performing (e.g. overcrowded) or improper tree (too big or too small for its space) with a more appropriate tree selection. On City properties, removing nuisance species street trees is typically encouraged, but is still weighed against the review factors to ensure impacts are mitigated or avoided. For streets, impacts to the streetscape are carefully reviewed.

Previously, there were no specific approval criteria in Chapter 20.40 for these requests. Factors have been added along with a statement that decisions will be made on a case by case. This is intended to preempt the argument that because one tree was removed, another tree should be allowed to be removed, when the facts of that request may be totally different.

Certain standards must be met (tree is not subject to a land use condition of approval or in an area requiring land use review) in addition to determining that extraordinary circumstances exist in order to grant the permit. The review factors include:

- (a) a look at the species selection and the available root and crown space. This is essentially asking whether this is the "right tree, in the right place". Deference is given for removing nuisance trees from City properties. In rights of way, the objective of reducing nuisance species trees must be directly weighed against the consideration factor in (d).
- (b) a look at the crown, stem or roots to see if the tree will continue to grow healthy or begin to impact other healthy trees. This asks if there may be girdling roots, a poorly formed trunk, or crown that may not be considered dangerous but could potentially become dangerous or interfere with other more appropriate trees.
- (c) a look at the related maintenance costs. This is to determine whether a tree has excessive maintenance requirements (e.g. repeated sidewalk repairs, abnormal insect infestation, extreme sap production in parking areas, requires extensive cabling or bracing, etc)
- (d) a look at the existing pattern of tree planting along the street. This could include trees planted in city properties adjacent to the street as well as Street Trees. A negative impact may include removal of a tree on an otherwise treeless street, or removal of a unifying tree species with a proposal to replace with a radically different character tree.

These review factors are not criteria, in the sense that they do not need to all be met, in order to grant the permit. They serve as considerations, and may be in conflict in some cases. They have been developed to inform the Forester's decision and make the City's decisions more consistent and explicit to the public.

Replacement varies from one tree for each smaller tree removed (<20 inches diameter), up to inch for inch when larger trees (≥ 20 inches diameter) or more than four trees ≥12 inches diameter are being removed. Section 11.40.060 provides additional guidance to determine appropriate replacement.

B. Standards and Review Factors for Type B Permits for City and Street Trees. Because Type B permits for City and Street Trees are required only for removal; the standards and review factors of this Subsection are specific to tree removal.

1. Standards. The City Forester shall determine that the following standards are met before granting a Type B permit:
 - a. For trees located in one of the overlay zones or plan districts identified in Paragraph Subsection 11.40.020 B.3., the proposed removal is exempt or allowed by Title 33, Planning and Zoning;
 - b. The tree is not required to be preserved by a tree plan, a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;
 - c. Trees removed shall be replaced as specified in Table 40-2.
2. Review Factors. The City, in the absence of extraordinary circumstances, will not permit the removal of a healthy, functioning street tree. Maintenance or replacements of sidewalks or curbs, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances. Decisions regarding removal of healthy, functioning street trees are fact-specific, and are made on a case-by-case basis by the City Forester. In determining whether extraordinary circumstances exist that warrant removal of a healthy tree, the City Forester will consider:
 - a. Whether the species of tree is appropriate for its location, and whether it is a nuisance species tree;
 - b. Whether the tree's crown, stem or root growth habit has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees;
 - c. Whether the maintenance of the tree creates an unreasonable burden for the property owner; and
 - d. The impact of removal and replanting on the neighborhood streetscape and any adopted historic or other design guidelines.

11.40.050 Private Tree Permit Standards and Review Factors

This section, adapted from the previous Chapter 20.42.040, reinforces the requirement that permits are required and refers users to Chapter 11.30 for permit procedures. The application procedures are the same for all City, Street, and Private Trees. ~~Two summary tables are provided; the first shows the Type A and Type B permit requirements for Private Trees located in specified overlay zones and plan districts, and the second is for Private Trees located outside these areas. A summary table is provided, similar to the table for City and Street Trees, indicating key distinctions between Type A and Type B permits (i.e., tree replacement requirements, and when public notice and opportunities for appeal are required.) A note points readers back to Table 40-1 for information on area-specific requirements addressed through the zoning code.~~

11.40.050 Private Tree Permit Standards and Review Factors.

Type A and B permit applications for tree related work affecting City or Street Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

[Replace Tables 40-3 and 40-4 with a single consolidated table 40-3 as follows]

~~Table 40-3 Summary of Permit Requirements for Private Trees in Specified Overlay Zones and Plan Districts [1]~~

Permit Type Required	Activity and Tree Size Threshold (diameter)	Required Replacement (See Section 11.40.060)	Public Notice Required?
No permit required	Pruning: Outside of c, p, or v zones Removal: Trees <6"	None	No
A	Pruning: Native trees in c, p, or v overlay zones Removal: Trees that are • Dead, dying, dangerous • Nuisance species • Within 10' of a building or attached structure Up to four trees per year that are at least 6" and less than 20" Note: Tree removal may be further restricted by an overlay zone or plan district. See Title 33.	1 tree for every tree removed	No
B	Removal: • Healthy non-nuisance trees ≥ 20" • More than four non-nuisance trees ≥ 12" per site per year Note: Tree removal may be further restricted by an overlay zone or plan district. See Title 33.	Up to inch for inch replacement; determined on case-by-case basis by City Forester	Yes

~~Note [1] See Subsection 11.40.020 B.19 for a list of applicable overlay zones and plan districts~~

~~Table 40-4 Summary of Requirements for Private Trees Outside Specified Overlay Zones and Plan Districts [1]~~

Permit Type Required	Activity and Tree Size Threshold (diameter)	Required Replacement (See Section 11.40.060)	Public Notice Required?
No permit required	Pruning Removal: • Trees <12" • Trees on single dwelling sites <20" (see Subsection 11.40.020 B.)	None	No
A	Removal: Trees that are • Dead, dying, dangerous • Nuisance species • Within 10' of building or attached structure • Up to four trees <20" per site per year Trees ≥20" on single dwelling sites (see Subsection 11.40.020 B.)	1 tree for every tree removed	No
B	Removal: • Healthy non-nuisance trees ≥20" • More than four non-nuisance trees ≥12" per site per year Note: Removal of trees may be subject to a land use review; See Title 33	Up to inch for inch replacement; determined on case-by-case basis by City Forester	Yes

~~Note [1] See Subsection 11.40.020 B.19 for a list of applicable overlay zones and plan districts~~

**Table 40-3
Summary of Permit Requirements for Private Trees [1]**

Permit Type Required	Activity	Required Replacement (See Section 11.40.060)	Public Notice Required?
No permit required	Planting Pruning: Outside of c, p, or v overlay zones Removal: Trees smaller than the size regulated by this chapter (see 11.40.020 B.) Other: Activities that are exempt from the requirements of this chapter (see 11.40.030)	None	No
A	Pruning: Native trees in c, p, or v overlay zones	n/a	No
	Removal [2]: Regulated trees that are <ul style="list-style-type: none"> • Dead, dying, dangerous • Nuisance species • Within 10' of a building or attached structure • Up to four healthy non-nuisance trees per year that are less than 20" diameter. • Any tree on "Homesites" (see 11.40.020 B.2.) 	1 tree for every tree removed	No
B	Removal [2]: Regulated trees that are: <ul style="list-style-type: none"> • Healthy non-nuisance trees ≥20" diameter • More than four healthy non-nuisance trees ≥12" diameter per site per year • Type B Permits do not apply to "Homesites" 	Up to inch for inch replacement; determined on case-by-case basis by City Forester	Yes

Note [1] Applies to lots ≥5,000 square feet.

[2] Tree removal may be otherwise regulated by an overlay zone or plan district. See Table 40-1.

A. Standards and Review Factors for Type A Permits for Private Trees.

1. Pruning. A pruning permit is required only if the tree is a native tree in the Environmental (c, p) or Pleasant Valley Natural Resource (v) Overlay Zones.

a. Exceptions. A permit is not required for pruning trees in the following situations:

(1) Pruning trees located within 10 feet of a building or attached structure;

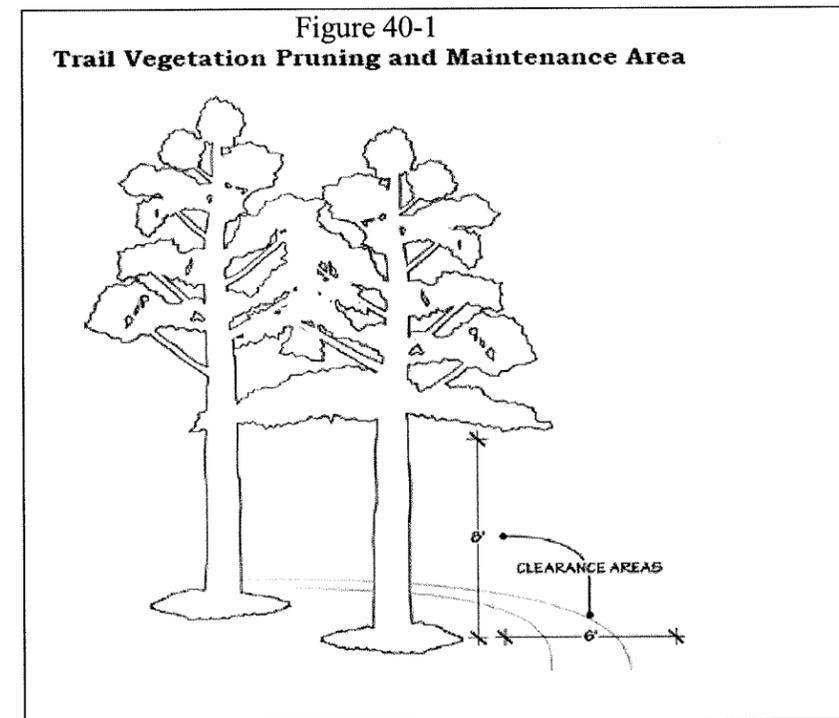
A. Type A Permits - Private Trees

Since Type A Permits are technical determinations involving little discretion, only the applicant may appeal City permit decisions. Examples of Type A permits include removal of dead, dying or dangerous trees, removing trees within 10 feet of buildings, removing up to four trees less than 20 inches in diameter per site per year, documenting removal of emergency trees after the fact, and limited pruning in environmental overlay zone areas. Unlike City and Street Trees, permits are not required to plant, cut roots, or conduct other tree activities.

Pruning. Typically, pruning permits are not required for Private Trees. However, for native trees in environmental or Pleasant Valley Natural Resource overlay zones, a pruning permit is proposed to provide additional flexibility for limited pruning requests. Previously, any pruning that does not meet the specific exemptions of the environmental overlay zone regulations (e.g., exemptions for pruning limbs up to 6 feet off the ground and off the roofs of existing structures) required environmental review. These exemptions have been carried over as exceptions to the pruning permit in Title 11. An additional exception is provided as a safety precaution to allow crown reduction (not "topping") in the Airport Plan District when the trees will project above the aircraft landing zone. Crown maintenance is intended to allow removal of branch structure that could attract wildlife of concern around the airport. This section also specifies that these provisions apply in the Cascade Station/PIC Plan District where pruning exceptions address airspace restrictions and wildlife hazard management objectives pertaining to the airport.

The standards that apply to non-exempt pruning actions in the environmental and Pleasant Valley Natural Resource overlay zones are intended to allow limited pruning through a Title 11 permit. The standards limit pruning in these area to 5 native trees per 10,000 square feet of site area per year. Pruning non native trees (including nuisance species trees) does not require a pruning permit. An arborist must prepare a pruning plan and oversee the pruning work. Requests to prune beyond the standards of Title 11 are subject to a review through Title 33. The Pruning Permit should be monitored for a period of time and adjusted as necessary in the future, to either grant additional exemptions or allowances, further restrict pruning under this permit, or delete the provision entirely and revert to environmental review procedures.

- (2) Pruning coniferous trees that are within 30 feet of structures, when the structure is within the wildfire hazard zone as shown on the City's Wildfire Hazard Zone Map;
- (3) Pruning to abate an immediate danger;
- (4) Pruning for trail maintenance when not exceeding a height of 8 feet and a width of 6 feet as shown in Figure 40-1; or
- (5) Crown maintenance and crown reduction of trees within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District that project above or will, upon maturity project above the height limit delineated by the "h" overlay zone or are identified as attracting wildlife species of concern related to air traffic safety.



- b. Standards. The City Forester will grant a Type A Permit for pruning if the applicant demonstrates to the City Forester's satisfaction that the pruning will meet the following:
 - (1) Pruning is limited to 5 native trees per calendar year per 10,000 square feet of site area;

Removal

Certain Private Trees may be removed and replaced tree-for-tree, based on confirmation of their status. This includes a broader array of situations than is allowed for City or Street Trees. In addition to dead, dying, and dangerous trees, Type A permits may be granted to allow removal of nuisance species trees, up to 4 healthy non-nuisance trees less than 20 inches in diameter per year, and trees located within 10 feet of a building.

For trees on homesites (single dwelling zoned sites less than 10,000 square feet, built with a house, attached house, or duplex) single dwelling sites (sites developed with a house that are not large enough to divide, and not restricted by overlay zone, plan district or land use conditions), a Type A permit is required to remove any number of trees at least 20 inches in diameter. These permits are intended to be processed quickly, potentially over the counter or on-line, provided adequate documentation is supplied with the application.

- (2) An arborist shall prepare and submit a pruning plan and supervise or conduct the work. The pruning plan shall describe the nature and extent of the proposed pruning as necessary to ensure proper arboricultural practices are followed; and
- (3) Additional pruning may be allowed if the applicable criteria are met through an environmental review or natural resource review per Title 33, Planning and Zoning.

- 2. Removal. Trees shall be replaced as indicated in Tables 40-3 ~~and 40-4~~. The City Forester will grant a permit to remove a tree if the City Forester determines that the proposed removal is exempt or allowed by Title 33, Planning and Zoning; and meets at least one of the following:
 - a. ~~Dead trees. For trees that are not completely lifeless, the City Forester may recommend a treatment regimen, including fertilization or inoculation, to revitalize the tree. The tree is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots or branches exist to sustain life.~~
 - b. ~~Dying trees. The City Forester may recommend a treatment regimen, including fertilization or inoculation. For trees that are not treatable, The tree is in an advanced state of decline because it is diseased, infested by insects, or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to be become a danger or die.~~ The City Forester may apply a condition of approval to the permit to require specific disposal methods for infected wood.
 - c. Dangerous trees. The City Forester may evaluate the removal request by first evaluating practicable alternatives to the removal. If the City Forester finds either that the cost of the alternatives significantly exceeds the value of the tree, or that such alternatives will not substantially alleviate the dangerous condition, the City Forester will grant the permit.
 - d. Nuisance species trees. The tree is listed on the "Nuisance Plant List".
 - e. Trees within 10 feet of a building or attached structure. The trunk of the tree at its base is located completely or partially within 10 horizontal feet of the wall of a building or attached structure.

Type B Permits - Private Trees

Type B permits are required to remove healthy trees 20 or more inches diameter, or to remove more than four healthy trees at least 12 inches in diameter per year. Type B permits are not applicable to trees that meet the homesite provisions of 11.40.020 B.2. Similar to City and Street Trees, the City considers a set of review factors when evaluating permit applications to remove healthy Private Trees. For Private Trees, the City will take the property owner's objectives for use and enjoyment of their property into consideration. The City will encourage retention of healthy trees if practical alternatives to the removal that also meet the owner's objectives. The review factors ensure impacts are sufficiently mitigated or avoided. Since the review factors address impacts on the character of the neighborhood, Type B permits for Private Trees may be appealed to ensure that the public has the opportunity to raise concerns about neighborhood character that may not be initially evident to Urban Forestry staff.

Certain standards must be met (tree is not subject to a land use condition of approval or in an area requiring land use review) in addition to determining that significant adverse impacts are avoided or mitigated, in order to grant the permit. The review factors include:

- (a) A look at whether practical alternatives to tree removal exist - alternatives that also meet the owner's objectives. For instance, a desire for more sunlight or better view could potentially be met by pruning the tree. Or perhaps one alternative would be to remove a nuisance species tree in favor of retaining a non-nuisance species tree.

- f. Healthy trees. Up to 4 healthy trees may be removed per site per calendar year if each tree meets the following:
 - (1) Each tree is less than 20 inches in diameter;
 - (2) None of the trees are Heritage Trees; and
 - (3) None of the trees that will be affected by the proposed activity are required to be preserved by a tree plan, a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;
- g. Trees on ~~single dwelling~~ homesites. The tree is ~~at least 20 or more~~ inches in diameter and meets the provisions of Paragraph Subsection 11.40.020 B.2.

B. Standards and Review Factors for Type B Permits for Private Trees. Because Type B permits for Private Trees are required only for removal; the standards and review factors of this Subsection are specific to tree removal.

- 1. Standards. The City Forester shall determine that the following standards are met before granting a Type B permit:
 - a. For trees located in one of the overlay zones or plan districts identified in Subsection subparagraph 11.40.020 B.3., the proposed removal is exempt or allowed by Title 33, Planning and Zoning;
 - b. The tree is not required to be preserved by a tree plan, a condition of a land use review, or provision of this Title or the Zoning Code; and
 - c. Trees removed shall be replaced as specified in Tables 40-3 and 40-4.
- 2. Review Factors. The City encourages retention of healthy Private Trees where practical alternatives to removal exist, and where those alternatives meet the owner's objectives for reasonable use and enjoyment of the property. Factors are considered to ensure that significant adverse impacts are avoided or mitigated, weighing the broader economic, ecological, and community concerns. These decisions are fact-specific and are made on a case-by-case basis. In making these decisions, the City Forester will consider:
 - a. Whether there are practical alternatives that meet the owner's objectives without removing the tree;

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- (b) The species selection and the available root and crown space. This is essentially asking whether this is the "right tree, in the right place". If a tree is crowded and constrained, removal and replacement with a better situated tree may be appropriate.
- (c) A look at the crown, stem or roots to see if the tree will continue to grow healthy or begin to impact other healthy trees. There may root girdling, a poorly formed trunk, or crown that may not be considered dangerous but could potentially become dangerous or interfere with other trees.
- (d) A look at whether the proposed removal will significantly affect public safety (such as mass clearing on a hillside, or removing buffering edge trees of a grove leaving the interior trees more vulnerable to blowing down) or the neighborhood character. A number of factors were included to help provide more clarity to decision makers, applicants, and the public, as to what constitute neighborhood character defining elements, as this has previously been a point of contention in prior appeals.

Tree Replacement Requirements

This section establishes the City Forester's authority to require replacement for trees removed in conjunction with a Type A or B permit. Previously, Chapter 20.40 (public trees) allowed the City Forester to require replacement of one tree for any tree removed. Chapter 20.42 (private trees) previously specified that for removal of a healthy tree, the City Forester may require mitigation at up to one caliper inch of new trees for each diameter inch of the tree being removed. This meant that, for instance, a 24" diameter tree may require up to 24 inches of new trees (e.g. 12 two-inch caliper trees or 24 one-inch caliper trees).

Title 11 streamlines and standardizes requirements to replace City, Street and Private trees as follows:

- Type A: one tree for each tree removed
- Type B: Healthy trees less than 20 inches in diameter - one tree for each tree removed
- ≥20" diameter or more than four trees ≥12" in a single year - up to inch for inch.

Since the tree replacement requirements are essentially the same for all Type A and B permits (for City, Street, and Private Trees) they are consolidated into one section.

In addition to setting the required quantity of replacement trees, this section includes guidance for the City Forester to use in determining the appropriate quantity of trees or other types of mitigation for permits that trigger "up to inch for inch" mitigation.

- b. Whether the species of tree is appropriate for its location;
- c. Whether the tree's crown, stem, or root growth habit has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees; and
- d. Whether the removal will significantly affect public safety or neighborhood character based on the following:
 - (1) The age, size, form, general condition, pruning history and any unique qualities or attributes of the trees;
 - (2) The visibility of the trees from public streets and accessways;
 - (3) The cumulative impacts of current and prior tree removals in the area; and
 - (4) When the tree is associated with a grove, whether removal of the tree will have a significant adverse impact on the viability of other trees or make other trees considerably more vulnerable to windthrow.

11.40.060 Tree Replacement Requirements.

Generally, the City Forester will require replacement of trees removed under a Tree Permit as specified in Subsection A. However, the City Forester may instead allow payment into the Tree Planting and Preservation and ~~Planting~~ Fund as specified in Subsection B., or may waive or reduce the replacement requirement as specified in Subsection C.

A. Tree replacement specifications

- 1. Quantity. Specific tree replacement requirements are shown in Tables 40-2 ~~and~~; 40-3 ~~and~~ 40-4. Where the requirement specifies "up to inch for inch" replacement, the City Forester will determine the appropriate number of new trees that are required based on the total number of diameter inches of the trees removed. The replacement requirement will compensate for the lost functions of trees removed, and ensure the application meets the applicable standards and review factors.
- 2. Planting. Size, species, location, timing of planting, and on-going maintenance of replacement trees shall be in accordance with the technical specifications in Chapter 11.60.

Waivers

This section also authorizes payments in lieu of planting to the Tree Planting and Preservation Fund, and the City Forester to adjust or waive the tree replacement requirement if the site and adjoining street frontage are sufficiently planted with trees, or to avoid undue burden on low income property owners, similar to previous Subsection 20.42.100 B. It is anticipated that the City Forester will develop administrative rules to establish what qualifies as an undue burden and other guidance for determining appropriate mitigation ratios.

- B. Payment into Tree Planting and Preservation and ~~Planting~~ Fund. When the City Forester determines that there is insufficient or unsuitable area to accommodate some or all of the replacement trees within the street planting area or site, the City Forester may require ~~allow~~ payment into the Tree Planting and Preservation and ~~Planting~~ Fund instead of requiring replacement trees. Payment is based on the adopted fee schedule.
- C. Waivers. The City Forester may waive or reduce the replacement requirement when the City Forester determines:
 1. The street frontage and site already meet the tree density standards of Chapter 11.50; or
 2. That the full mitigation required by this Chapter would impose an unreasonable burden on the applicant.

CHAPTER 11.50

TREES IN DEVELOPMENT SITUATIONS

This chapter serves as the Tree Title's development review chapter. This chapter is intended to address baseline tree preservation and planting (tree density) on sites and in the streets. The goal of the baseline preservation requirement is to evaluate all the existing trees for purposes of retaining trees to the extent practicable, while providing sufficient flexibility for applicants to meet other City development requirements. When preservation is not or cannot be met, mitigation in the form of a payment to the Tree Planting and Preservation Fund is required.

The tree density requirements are intended to ensure that sites both with and without existing trees will have adequate tree canopy after completion of the development project. Tree density is a function of credits earned by planting a mixture of small, medium or large canopy size trees, credits for preserving healthy non-nuisance species trees, and where there is inadequate room on a site to preserve or plant, credit is earned by paying a fee in lieu of planting the required number of trees so that trees can be planted or preserved elsewhere in the watershed.

When a Tree Plan is Required.

Tree plans are required for a broad array of development situations. Development permits include building permits, zoning permits, site development permits, public works permits and capital improvement projects. New building construction and some additions/ alterations will need to show tree preservation, protection and tree planting. Demolitions as well as clearing and grading activities are included as they will need to show tree preservation, but are not required to plant trees (as this will typically be addressed through a subsequent development permit). For sites where multiple permits or development phases will occur, the initial tree plan will continue to govern tree removal on the site during the entire process. For example, on a site with 18 trees where demolition will occur, the "one-third" tree preservation standard requires that 6 trees be retained. Subsequent construction must retain at least 6 trees (one third of the initial 18 trees) as opposed to applying another "one third" preservation requirement to the 6 remaining trees on the site.

Development Impact Area Option for Large Sites and Streets

Applicants with projects on large sites (or are developing only in streets) may opt to use a development impact area. This is intended to simplify the review process, by isolating an affected area of a site from the remainder of a site which will be left undisturbed. This is helpful for large institutional uses, campuses, industrial sites, multi-phased centers, etc. Tree preservation and density requirements are based on the area inside the impact area. Trees may be planted on other portions of the site to account for development impact areas where there are no planting opportunities. Payments in lieu of planting are not allowed since tracking the required tree density on subsequent projects would be made more difficult.

CHAPTER 11.50

TREES IN DEVELOPMENT SITUATIONS

Sections:

- 11.50.010 Purpose.
- ~~11.50.020 Where These Regulations Apply.~~
- ~~11.50.030020~~ When a Tree Plan is Required.
- ~~11.50.040030~~ Development Impact Area Option for Large Sites and Streets.
- ~~11.50.050040~~ Tree Preservation Standards.
- ~~11.50.060050~~ On-site Tree Density Standards.
- 11.50.060 Street Tree Planting Standards.
- 11.50.070 Tree Plan Submittal Requirements.
- 11.50.080 Changes to Approved Tree Plans and Emergency Tree Removal.

11.50.010 Purpose.

The regulations of this chapter support and complement other City development requirements, with a focus on achieving baseline tree preservation and total tree capacity on a site, considering the anticipated use and level of development. This Chapter regulates the removal, protection, and planting of trees through the development process to encourage development, where practicable, to incorporate existing trees, particularly high quality or larger trees and groves, into the site design, to retain sufficient space to plant new trees, and to ensure suitable tree replacement when trees are removed. It is the intent of these provisions to lessen the impact of tree removal and to ensure mitigation when tree preservation standards are not met.

~~**11.50.020 Where These Regulations Apply.**~~
~~[This section deleted.]~~**11.50.030020 When a Tree Plan is Required.**

~~A tree plan is required in conjunction with all development permits, unless the site or activity is exempt from Section 11.50.040 both Tree Preservation Standards; Section 11.50.050 On-Site Tree Density Standards; and Section 11.50.060 Street Tree Planting Standards. and tree density in accordance with Subsections B. and C., below. If multiple development permits are required for a development proposal, including demolitions and subsequent construction, the same Tree Plan shall be included with each permit. For tree removal when no development permit is required or following completion of the development permit, see Chapter 11.40.~~

~~[Subsections B. and C. are deleted.]~~

11.50.040030 Development Impact Area Option For Large Sites and Streets.

Where development is proposed on a site larger than one acre or where work is occurring in the street and is not associated with an adjacent development site, the applicant may choose to establish a development impact area. For sites using the development impact area option, tree preservation requirements shall be based on the trees within the development impact area and tree density will be based on meeting Option B as applied only to the area within the development impact area. Trees may be planted to meet tree density requirement elsewhere on the site. ~~Payment in lieu of meeting the tree density standard is not allowed.~~

Tree Preservation Standards

These regulations apply to all trees within the City and trees on sites in the County Urban Pocket Areas. Street Trees are not addressed in County Pockets, as these fall under the jurisdiction of the county engineer. Heritage Trees and other trees required to be preserved may not be removed through the provisions of Title 11 Tree Preservation Standards, as other processes are required in these cases. However these trees if retained may be counted toward the required amount of preservation.

To acknowledge the difficulty of designing around and protecting existing trees on small sites and sites with high amounts of building coverage, sites less than 5,000 square feet or with at least 85% existing or proposed building coverage are exempt. The 85% threshold is consistent with building coverage limits in particular zones.

Exemptions. A number of exemptions from the Tree Preservation Standards are listed, including situations where the standards don't apply (trees are smaller than regulated size, or no ground disturbance will occur), preservation is impractical (small sites and sites with high building coverage), or tree preservation has already been addressed through a more intensive discretionary review process (land use and land division reviews). In addition, dead, dying, dangerous, and nuisance species trees are exempt to encourage their removal.

Projects on sites meeting the ~~Homesite Single Dwelling~~ provision in the tree permit chapter (Paragraph 11.40.020 B.2.) are also exempt. This section is intended to establish consistency with the Private Tree Permit provisions that apply to qualifying homesites. Since tree removal on these sites is subject only to a Type A permit and only for trees 20 or more inches in diameter, applying the preservation standard to these sites would create a disconnect between the development and non-development related requirements, because absent development the trees on these sites are regulated at a larger size threshold than the development preservation standards. In addition, absent development the regulated trees on these sites are subject only to a Type A permit, requiring replacement with another tree. The imbalance between the regulations prior to and during development would create a loophole whereby applicants would likely apply for a Type A permit just prior to submitting their development permit. These sites are still subject to tree density standards, which provide an incentive to retain existing trees and require planting of additional trees if sufficient tree canopy is not maintained. Additionally, in light of the land supply issues raised by the LUBA remand of the North Reach River Plan, portions of sites in Industrial, Employment, and Commercial zones where there are no current landscape area requirements are exempt. Staff will return to the City Council for additional discussion and evaluations as to whether to retain this exemption once these issues have been addressed or resolved.

11.50.050040 Tree Preservation Standards.

A. Where these regulations apply.

1. Except when exempted by Subsection B, below, this section applies to trees within the City of Portland and trees on sites within the County Urban Pocket Areas in the following situations:
 - a. On sites. Development activities with ground disturbance where there are Private Trees 12 or more inches in diameter and/or City Trees 6 or more inches in diameter and the site:
 - (1) is 5,000 square feet or larger in area; and
 - (2) has existing or proposed building coverage less than 85% 90%.
 - b. In streets. Development activities with ground disturbance where there are Street projects where the project area contains no Street Trees 3 or more inches in diameter.
2. Any Heritage Trees and trees required to be preserved through a land use condition of approval or tree preservation plan cannot be removed using the provisions in this Chapter, but may be counted toward the following tree preservation requirements of this Section.

B. Exemptions. The following are exempt from the tree preservation standards of this Section:

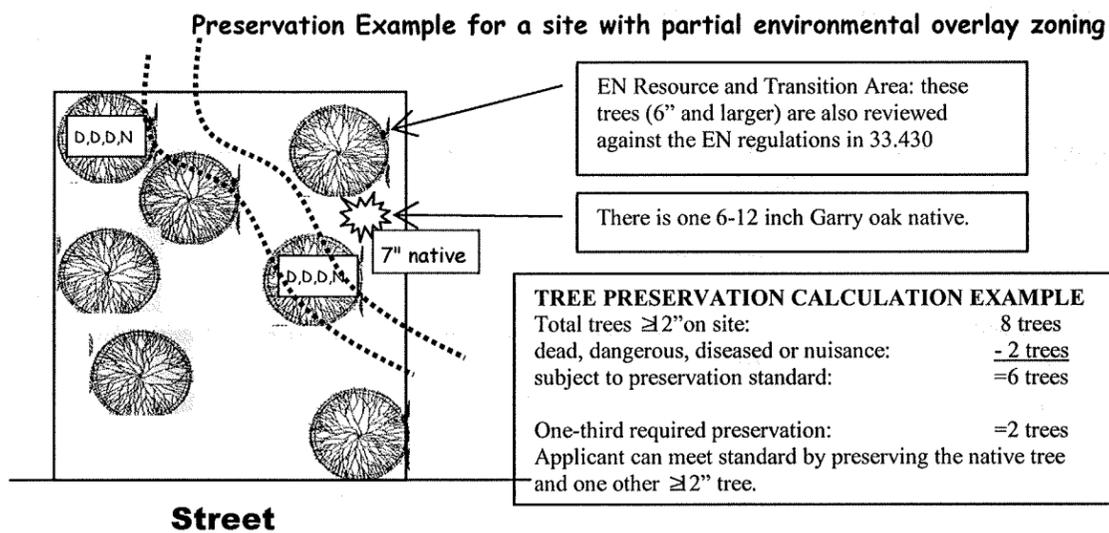
1. ~~Development activities where no ground disturbance will occur.~~
1. On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.
2. The Site is a "Homesite." The site is less than 10,000 square feet, is within a Single Dwelling Base Zone, and is currently developed with one or two family development. ~~Already developed with a house and qualifies for the Single Dwelling Provision in Chapter 11.40.020 B.2;~~
3. Trees that are dead, dying, dangerous, or a nuisance species, as documented in a Tree Plan per Subsection 11.50.070 B. These are subtracted from the total number of trees to be addressed by the standards.
4. Trees exempted from this standard by a land use decision. ~~Specific condition of land use review approval exempts the site from these preservation standards; or~~
 - b. ~~size is 3,000 square feet or less in area;~~
 - e. ~~Existing or proposed building coverage is at least 90 percent;~~
5. Tree preservation requirements approved in ~~were addressed through~~ a land division or planned development review under Title 33, Planning and Zoning and the requirements of that review are still in effect.

COMMENTARY

Requirement. Private Trees are subject to preserving ~~one-third~~ 35% of all eligible trees on the site. This is a non-discretionary, clear and objective standard. If the requirement can not be met, then mitigation in the form of a payment in lieu to the Tree Planting and Preservation Fund is required. The payment will cover the City's cost to plant and establish two trees for each tree removed in excess of that allowed by the standard to offset the loss of the established tree and the time lag for new trees to provide benefits. Certain smaller size (slower growing) native trees between 6 and 12 inches are also excluded from the initial count of trees on the site, but may be preserved to meet the ~~one-third~~ 35% requirement as an additional incentive to retain these ecologically important trees.

The Citywide Tree Project recommends that the native tree incentive be monitored for its effectiveness and use, to determine if additional trees should be added to the list (such as evergreens or other non-native non-nuisance trees) or the provision removed from the code.

For Street and City Trees, the clear and objective standards that apply to Private Trees are replaced by a requirement to consult with the City Forester if tree removal is anticipated. The purpose of early consultation with the City Forester on CIP and Public Works projects is to identify significant street or city trees that should be retained and protected if possible during the project. This may mean identifying detailed protection measures or in some cases, altering a project design to accommodate retention of the tree (considering the cost and value of the design change). This is also Forestry's opportunity to ensure adequate space is planned for tree planting and that appropriate trees will be selected. The intention is that this occurs before all the detailed engineering decisions and cost alternatives have been considered, since changes at this point are cumbersome and more expensive, and thus less likely to be accomplished. The Forester will require one tree to be planted to replace any tree 6 inches or more in diameter. This replacement requirement is in addition to any required tree density plantings. Trees may be planted on the site, in the street, or elsewhere in the watershed.



For street improvement projects where the right of way is only partially improved or is completely unimproved, a reduced mitigation requirement is proposed. This emerged from concerns raised by the Planning Commission, in part to recognize the constraints of designing within restricted width rights of way, that these areas may include large numbers of trees, the relative lack of available planting spaces after a street improvement is completed, and the additional cost of mitigation on top of the public improvement cost. In these cases, replacement is only required for trees 12 inches and larger, and trees planted to meet Street Tree density can be used toward the replacement requirement.

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~~3. Street projects where the project area contains no Street Trees 3 or more inches in diameter.~~

A-C. Tree Preservation Requirement

~~Any Heritage Trees and trees required to be preserved through a land use condition of approval or tree preservation plan cannot be removed using the provisions in this Chapter, but may be counted toward the following tree preservation requirements. Any trees preserved shall be protected in accordance with the specifications in Section 11.60.030~~

1. Private Trees.

~~1a. Free-Retention.~~ An applicant shall preserve and protect at least ~~one-third (1/3)~~ 35 percent of the trees 12 inches and larger in diameter located completely or partially on the development site. Retaining trees at least 6 and less than 12 inches in diameter that are documented in a report prepared by an arborist or landscape professional to be Garry Oak (*Quercus garryana*), Pacific Madrone (*Arbutus menziesii*), Pacific Yew (*Taxus brevifolia*), Ponderosa Pine (*Pinus ponderosa*), or Western Flowering Dogwood (*Cornus nuttallii*) species are not included in the total count of trees on the site but may be used toward meeting the 35 percent preservation standard.

~~2b. Mitigation.~~ For each tree removed below the ~~one-third (1/3)~~ 35 percent requirement, payment to the Tree Planting Preservation and Preservation Planting Fund is required equivalent to the cost of two trees. See Section 11.15.010.

B2. City and Street Trees.

~~1a. Free-Retention.~~ For development on City owned or managed sites, new public streets, or improvements to existing streets, applicants are required to consult with the City Forester at the preliminary project design phase if City or Street Tree removal is likely to occur to complete the project. The purpose of this consultation is to identify potential impacts and opportunities to retain existing trees, as well as any measures required to protect trees on site, on adjacent sites, or in the street.

~~2b. Mitigation.~~ Any required mitigation specified below shall occur on the site, in the street planter strip, or in the same watershed either by planting or a payment into the Tree Planting Preservation and Preservation Planting Fund. The City Forester may reduce or waive the mitigation requirements.

On-Site Tree Density Standards

These regulations apply to all sites within the City of Portland and sites in the County Urban Pocket Areas.

Exemptions: A number of exemptions from the tree density standards are listed. Demolition and Site Development permits are excluded since these are typically undertaken in preparation for subsequent building permits. Zoning Permits are excluded since they include a wide range of projects where tree planting is not relevant or is already addressed (fences, driveways, parking lot striping, environmental plan checks, etc.) Small additions and some alterations are exempt since these smaller projects would likely trigger a disproportionate need to plant many trees on a site. The alteration thresholds are adapted from existing thresholds in Title 33 and Title 20. Particular uses and sites in particular areas are also exempt as the tree planting is generally inconsistent or would interfere with the use. Additionally, in light of the land supply issues raised by the LUBA remand of the North Reach River Plan, portions of sites in Industrial, Employment, and Commercial zones where there are no current landscape area requirements are exempt. Staff will return to the City Council for additional discussion and evaluations as to whether to retain this exemption once these issues have been addressed or resolved.

Projects that exceed a certain project value threshold must upgrade various elements of their site if not already in conformance. Title 33 establishes and adjusts this threshold annually (currently \$137,650). The upgrades are capped at 10% (unless deferred, in which case full upgrades are required). These elements are in a non prioritized list including bike parking, pedestrian connections, landscaping upgrades in parking lots and elsewhere on site. Tree density is being added to this list.

- a.(1) Approved Street Tree removal in conjunction with improvements to partially or fully unimproved streets. Each tree at least 12 inches in diameter that is allowed to be removed shall be replaced with at least one tree. Trees planted to meet Street Tree density will be credited toward meeting this requirement.
- b.(2) Any other Street or City Tree allowed to be removed that is 6 or more inches in diameter shall be replaced with at least one tree in addition to trees required to meet required tree density.

11.50.06050 On-Site Tree Density Standards.

A. Where these Regulations Apply. This Section applies to sites within the City of Portland and the County Urban Pocket Areas. Unless exempted in section 11.50.050 B. the following are subject to the On-Site Tree Density Standards:

- 1. New Development;
- 2. Exterior alterations to existing development;
- 3. Additions in excess of 200 square feet to single dwelling development.

B. Exemptions. The following are exempt from the tree density standards

- 1. The following development activities are exempt from the on-site tree density standards: associated with the following permits:
 - d. ~~— Additions less than 200 square feet in size;~~
 - ea ~~Alterations:(1) Less than \$25,000 in project value are exempt from on-site and street Tree density standards; (2) Additions or exterior alterations to existing development with a project valuation less than the non-conforming upgrade threshold noted established in Title 33, Planning and Zoning. Title 33 Planning and Zoning are exempt from the on-site tree density standards only.~~
 - ab. A specific condition of land use review approval exempts the site from these density standards;
 - c. The site is within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District and is subject to the Airport Landscape Standards; see Title 33, Planning and Zoning.
 - d. On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.
 - e. Work conducted under a- Demolition Permits, b- Site Development Permits, or e- Zoning Permits.

COMMENTARY

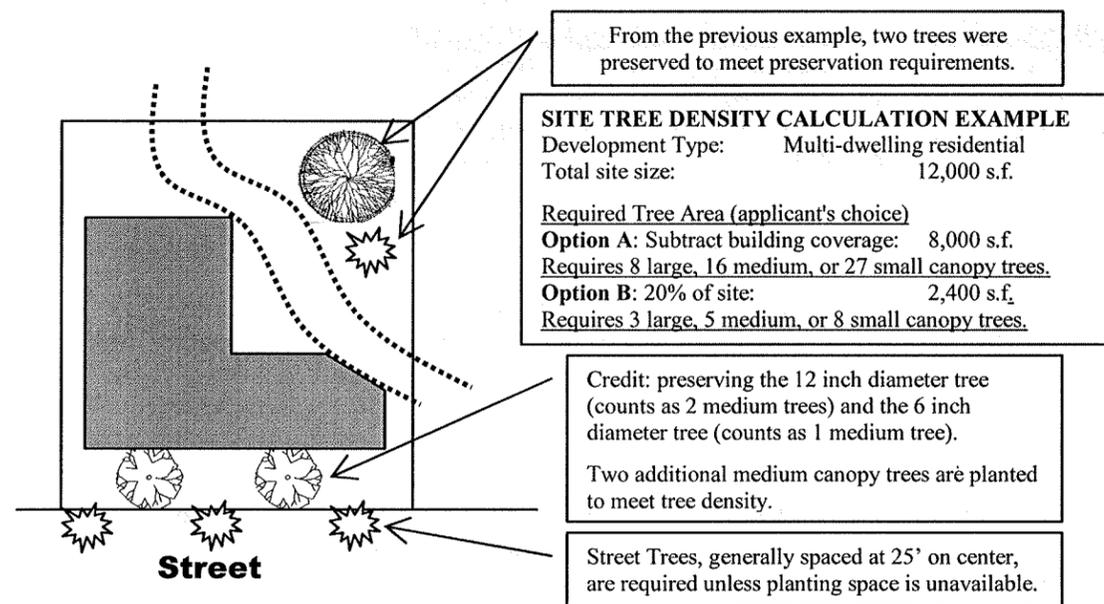
On-site Tree Density Requirement:

Tree Density is intended to represent a combination of trees preserved and planted in order to reach a certain level of tree canopy on the site in a 20 year time horizon. Sites with a lot of trees are awarded credits for retaining the existing trees and additional trees may not be needed to meet tree density. Sites without trees will not be required to mitigate for tree removal but more planting is required to meet the base tree density requirement. In support of the City's development goals, building coverage area may be subtracted from the equation to determine the amount of trees required to be on a site. This approach is intended to make application of these standards more equitable between sites with trees and sites without trees, with the ultimate objective of reaching the same desired amount of tree canopy on the site over time. With this system in place, the City should attain the projected goal for tree canopy as it develops and redevelops over time, while the replacement requirements of the non-development tree permits ensure that the canopy is sustained.

The Urban Forest Management Plan (UFMP) sets objectives for canopy targets in different Urban Land Environments (ULE's). Canopy cover is the proportion of an area, when viewed from above that is occupied by tree crowns. Canopy cover is one important indicator of the quantity and health of the urban forest, but it is difficult to use canopy as a metric to evaluate or manage the impacts of proposed development on a site by site basis. Canopy is also a difficult standard to administer for the purposes of planting trees, since new trees take years (15-20 years) to reach their mature canopy potential. However, by calculating and projecting tree growth rates, a proxy has been developed to equate canopy cover to numbers of small, medium, and large trees. For example, according to the UFMP, to attain canopy cover of 35-40%, 1-2 large trees, 2-3 medium trees, or 5-6 small trees must be planted for a 6,200 square foot site. The required density of trees is based on an assumed average 20 year growth window for these trees.

The tree density standards in this chapter have been established in light of the city's intended development goals for certain types of development and the Urban Forest Management Plan ULE's, so they are not specific to specific base zones but rather to the type of development that occurs (for example residential development may occur in commercial zones, commercial development may occur in industrial or employment zones).

Applying On-site Tree Density and Street Tree requirements



Revisions to Chapter 11.50 Code Text

2. Sites with the following primary uses are exempt from the on-site tree density standards: meeting at least one of the following:

~~b. The site is primarily developed with one of the following uses:~~

- ~~(1)a. Railroad Yards;~~
- ~~(2)b. Waste Related;~~
- ~~(3)c. Agriculture;~~
- ~~(4)d. Aviation and Surface Passenger Terminals;~~
- ~~(5)e. Detention Facilities;~~
- ~~(6)f. Mining;~~
- ~~(7)g. Radio Frequency Transmission Facilities; or~~
- ~~(8)h. Rail Lines and Utility Corridors;~~

AC. On-site Tree Density Requirement, Private and City Trees. Planting on sites shall meet the City specifications and standards in Chapter 11.60 and the following:

1. The required tree area is based on the size of the site and the type and size of proposed and existing development. The applicant Applicants may choose Option A or Option B for calculating required tree area except only Option B may be used to apply standards to a "Development Impact Area".

Table 50-1 Determining Required Tree Area

Development Type	Option A	Option B
One and Two Family Residential	Site area minus building coverage of existing and proposed development	40 percent of site <u>or</u> development impact area
Multi Dwelling Residential	Site area minus building coverage of existing and proposed development	20 percent of site <u>or</u> development impact area
Commercial/Office/Retail/Mixed Use	Site area minus building coverage of existing and proposed development	15 percent of site <u>or</u> development impact area
Industrial	Site area minus building coverage of existing and proposed development	10 percent of site <u>or</u> development impact area
Institutional	Site area minus building coverage of existing and proposed development	35 25 percent of site <u>or</u> development impact area
Other	Site area minus building coverage of existing and proposed development	25 percent of site <u>or</u> development impact area

2. The required tree area shall be planted with some combination of large, medium or small canopy trees at the following rates:

Table 50-2

Tree Credits and Minimum Area Requirements
Number of Required Trees and Minimum Planting Area

Canopy size category (at maturity)	Number of trees required per size of tree area	Min. required planting area per tree (min. dimension)
Large	1 per 1,000 s.f.	150 s.f. (10' x 10')
Medium	1 per 500 s.f.	75 s.f. (5' x 5')
Small	1 per 300 s.f.	50 s.f. (3' x 3')

Refer to Chapter 11.60, Technical Specifications, to calculate tree canopy size categories. When the canopy size category of the tree species is not or cannot be determined, the tree will be considered a small canopy tree.

3. Tree Density Credits
 - a. ~~Trees planted to meet other requirements.~~ Trees planted on site to meet any required stormwater or other landscaping requirement may be counted toward the On-site tree density requirements.
 - 2b. Trees that are retained and protected, including trees preserved per Section 11.50.050040, may be credited as follows:

Tree Density Credits. Tree density may be achieved through planting, preservation, or payments to the Tree Planting and Preservation Fund in lieu of planting trees. The number of trees will vary based on the assumed canopy area for large, medium, and small trees when they reach maturity. Since larger growing trees encompass so much more canopy area than small trees, fewer of these trees are required to meet the planting standard. This also serves as an incentive to plant larger growing trees. Since the relative cost of purchasing and planting a "small canopy" tree versus a "large canopy" tree are essentially the same, it is more cost effective to plant fewer large canopy trees. Recognizing that large trees don't make sense in every situation, the requirement remains flexible to allow any combination of tree canopy sizes provided the overall tree density is met for the site. The applicant may also pay a fee in lieu of planting when planting on site is not practical or desired.

Tree Density Credits (continued)

Additional flexibility is provided for small sites (<3,000 square feet) to meet the on-site tree density requirement. For these sites, street trees that are planted or retained along the site frontage may also be counted toward the on-site tree density requirement. This acknowledges the constraints of planting trees on these smaller sites.

Street Tree Planting Standards

While the development-related tree regulations apply to the incorporated County Urban Pocket Areas, the County Engineer retains jurisdiction over the county roads. Therefore, the Street Tree related preservation and planting requirements do not apply. The upgrade requirements for street trees are triggered at a \$25,000 threshold (same as the previous threshold in Chapter 20.40). Generally, the costs for upgrading a site frontage to include street trees is proportionate to the project value, however, to address disproportionate cost concerns, a provision has been added to cap the expense of the street tree upgrade to 10% of the project value. This will address sites with long frontages when a small project is proposed on the site.

Exemptions. For public streets within the City, tree planting is exempt when street tree planting areas are not being affected (such as a waterline project in the center of the street), or when there are no available street tree planting spaces. Note that the Forester may still require the creation of tree wells or the widening of a portion of a planter strip to accommodate trees, when there is adequate room to do so.

The street tree planting requirement is adapted from existing Title 20.40 requirements. However, the Title 11 requirement provides a specified quantity of street trees of one tree per each full increment of 25 feet of street frontage. Smaller or larger trees may be utilized depending on the size of the planter strip and the presence or lack of other constraints. This standard establishes the expectation for street tree planting, ensuring that they are considered along with other competing requirements for use of the right of way, rather than at the end when identifying what room is left over to plant trees. Flexibility is still provided should planting not be possible, as a payment in lieu of planting may be made.

For projects affecting greater than 200 linear feet, consultation with the City Forester is required to establish the total required new street trees, based on a more qualitative assessment to "maximize" the number of street trees as appropriate to the situation.

For land divisions, street tree planting may be deferred until the building permit stage for each lot. The City Forester may determine whether the trees along these frontages will be planted based on a master improvements plan for the entire project frontage or based on each individual site frontage, as part of the land division review (see Chapter 33.630)

- ~~a.(1)~~ Trees between 1.5 and less than 6 inches in diameter count as one small canopy size tree.
- ~~b.(2)~~ Trees 6 or more inches in diameter count as one medium canopy size tree for each full increment of 6 diameter inches.
- ~~3c.~~ Payments made in lieu of planting, to the Tree Fund. The applicant may pay a fee to the Tree Planting and Preservation Fund per Section 11.15.010 equivalent to the cost of planting and establishing one 1.5" caliper tree. The fee per tree shall be credited at a rate of one medium canopy size tree per tree which is equivalent to planting one medium canopy size tree.
- d. On sites less than or equal to 3,000 square feet, healthy non-nuisance species trees planted or retained in the street planting strip may be credited as described in this Subsection.

11.50.060 Street Tree Planting Standards

A. Where these Regulations Apply.

- 1. This Section applies to projects within or fronting on any City-owned or -managed streets.
- ~~12.~~ Street Trees. For alterations where the project value is more than \$25,000, the cost of required Street Tree improvements is limited to 10 percent of the value of the proposed development.

B. Exemptions. The following are exempt from the Street Tree planting standards of this Section:

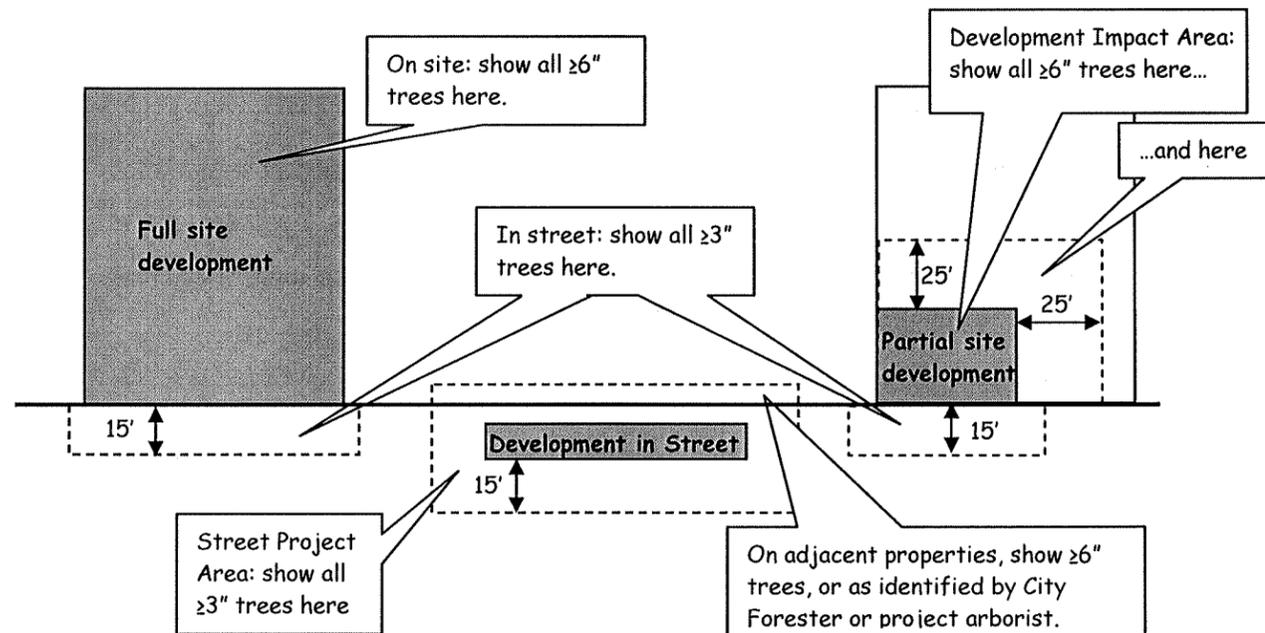
- 1. Development activities associated with the following:
 - a. Additions, alterations, repair or new construction where the project value is less than \$25,000;
 - 2b. The ~~development~~ activity is limited to the street, and does not modify or create sidewalks, tree wells, or tree planting areas.; or
 - c. Demolition Permits
- ~~32.~~ Where physical constraints preclude meeting the Street Tree planting density requirement because:
 - a. Existing above or below grade utilities prevent planting street trees; or
 - b. The design of the street will not accommodate street tree planting because the planting strip is less than 3 feet wide, there is not a planting strip, or there is insufficient space to add tree wells.

Tree Plan Submittal Requirements

Tree plans reflect the full accounting for trees on a development site (preservation, protection, and planting). This information may be shown on an independent plan sheet or combined with other information on other plan sheets (like a clearing and grading or a landscape plan).

The Tree Plan must show existing tree information in order to assess whether the preservation and protection requirements are being met. There are several distinctions for differently situated trees. For on site trees, all trees 6 inches or more in diameter must be shown, unless the site is large and the applicant specifies a "development impact area." In this case, only the trees within the impact area and extending 25 feet beyond the impact area must be shown. This 25 foot buffer is intended to ensure that larger trees outside the impact area receive sufficient root protection.

For trees in the street, all trees 3 inches in diameter and larger must be shown. For street projects not associated with an adjacent site, identification of trees within 15 feet of the development impact is required. A lesser distance is required in the street since tree roots are already either affected or protected by virtue of the pavement.) To address trees outside the right of way, for City projects the City Forester or project arborist may walk the project alignment and identify the potentially affected trees that must be shown on the Tree Plan. The project design engineer will work with the Forester to minimize any impacts.



C. Street Trees Planting Requirement

Any proposed change in width in a public street right-of-way or any other proposed street improvement, including the development of new public streets, shall include areas for tree and landscape planting where practical. Utility connections and specifications for planting such areas shall be integrated into the site plan. Specific locations and species will be determined by the City Engineer and City Forester. Planting in public streets shall meet the specifications in Chapter 11.60 and the following:

1. One Street Tree shall be planted or retained for each full increment of 25 linear feet per side of street frontage. When the required number of trees cannot be planted, a fee in lieu of planting may be required. For City projects, required trees that cannot be planted within the improvement area may be planted elsewhere in the same watershed, instead of paying a fee in lieu of planting.
2. For projects affecting 200 linear feet of frontage or more, the applicant shall consult on the design of such improvements with the City Forester early in the project design phase to identify opportunities to integrate existing trees and maximize new street tree planting considering the planter width, the location of existing and proposed utilities, and visibility requirements.
3. When new streets are being created in association with a land division, Street Tree planting may be deferred until the completion of the building permit on each new lot, subject to City Forester approval.

11.50.070 Tree Plan Submittal Requirements.

A tree plan submittal shall include the following information. The tree plan information may be combined with other relevant plan sheets. The submittal shall include:

- A. Site Plan Requirements. The site plan shall include the following information with sufficient detail to show that the proposal complies with this Title.
 1. Existing improvements;
 2. Proposed alterations including structures, impervious area, grading, and utilities;
 3. Existing trees:
 - a. Trees on the site. Indicate the location and the diameter size of:
 - (1) Any Heritage Trees and trees required to be preserved as part of a condition of land use approval. These shall be clearly labeled.
 - (2) All trees completely or partially on the site that are at least 6 inches in diameter.

Changes to an Approved Tree Plan and Emergency Tree Removal

This section states that changes may occur during the course of a development project, but that any such change will be reviewed against the requirements of this chapter to determine whether alternate tree preservation, tree planting or additional payment is required.

Provisions are included to address necessary emergency tree work. Similar to emergency work that is allowed when no development is occurring (Chapter 11.40), applicants must submit information within 7 days to document the emergency. Additionally, the Tree Plan must be modified if tree to be preserved and protected was removed.

2. If a tree is to be exempted from tree preservation standards based on poor tree health or condition, include supporting documentation from an arborist.
3. If a tree is to be exempted from tree preservation standards based on it being listed on the Nuisance Plants List, include supporting documentation from a landscape professional or an arborist.
4. ~~When removing 5 or more trees on a site with an average slope of at least 20 percent, provide a geotechnical engineering report that assesses the stability of the site after tree felling and root grubbing operations. The report shall be in accordance with Chapter 24.70.~~

11.50.080 Changes to Approved Tree Plans and Emergency Tree Removal.

- A. When changes are necessary to an approved Tree Plan and the changes will not affect compliance with any applicable conditions of a land use review, the change may be reviewed as a revision to the approved development permit. Any proposed revisions to the Tree Plan will be approved upon demonstrating the applicable tree preservation and density standards are met. When development activity has already commenced on the site and the applicant is proposing to retain alternate trees not previously shown to be protected, an arborist report will be required that documents the alternate tree is healthy and has not been injured by the development activity.
- B. Emergency Tree Pruning or Removal. Emergency pruning or removal of trees is regulated by this chapter as follows:
 1. If an emergency exists because the condition or location of a tree presents such a clear and present danger to structures or the public that there is insufficient time to obtain a tree permit, the hazardous portion of the tree may be removed without first obtaining a revision to an approved tree plan.
 2. Any person who removes a tree under the provisions of this Section shall, within 7 days of such action, apply for a revision to the approved tree plan. The application shall include photographs or other documentation to prove that an emergency existed. The BDS Director will evaluate the information to determine whether an emergency existed. Failure to submit an application or provide information documenting the emergency nature of the event may be pursued as a violation per Chapter 11.70.