



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

MEMO

DATE: April 28, 2015
TO: Planning and Sustainability Commissioners
FROM: Morgan Tracy, City Planner
SUBJECT: Regulatory Improvement Code Amendment Package 7 (RICAP 7)
Items #35 and 36, Scenic Resource overlay

This memorandum includes amendments to pages 160-167 of the RICAP 7 *Proposed Draft* to address issues that were raised after publication of the draft.

6-inch diameter tree size threshold for trees in the right of way

The proposed draft includes standards that require replanting for permitted tree removal in the right of way when the trees are “any size” up to 12-inches in diameter. Removing larger trees requires a tree review.

The minimum tree size threshold established for trees in the Zoning Code should be 6 inches in diameter and larger, not “any size” as indicated in the proposed draft. The 6-inch diameter size aligns with tree sizes in special plan districts and overlay zones and is consistent with the thresholds that apply to trees on sites within the scenic corridor. Revisions to section 33.480.040.B.2.h. are included in Attachment A that reflect this correction.

Consistency between Title 11, Trees and Title 33, Planning and Zoning

The proposed draft inadvertently omitted amendments to Title 11, specifically Table 40-1. This table describes the applicable Title 11 and Title 33 regulations for tree removals in various overlay zones and plan districts.

To maintain consistency between Title 11 and Title 33, some minor revisions to this table are necessary. These revisions reflect the applicability of the zoning code at 6-inch diameter and larger size for trees in the rights-of-way. These revisions are also shown in Attachment A.



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandoregon.gov/bps
1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

Printed on 100% post-consumer waste recycled paper.

ATTACHMENT A

Highlighted text shows the where the language has been revised from the March 2014 Proposed Draft

Title 33, Planning and Zoning

33.480.040 Development Standards

B. Scenic Corridors. All development and vegetation with a scenic corridor designation in the *Scenic Resources Protection Plan* are subject to the regulations of this Subsection.

2. Standards.

gh. Preservation of trees. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees 6 or more inches in diameter that are within the scenic corridor street-setback (or first 20 feet if no setback exists) and all trees of any size within the right of way must be retained unless removal conforms to one or more of the following standards:

(1) – (6) [no change]

(7) The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this subparagraph, but is replaced within the scenic corridor front-setback (or first 20 feet if no setback has been established) by trees and shrubs listed in the *Scenic Resources Protection Plan* according to Table 480-21. Replacement plantings must meet Section 33.248.030, Plant Materials.

Title 11, Trees

**Table 40-1
Tree Removal in Overlay Zones and Plan Districts [1]**

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 Zoning Code review for removing:
[No changes to remainder of table]				
Scenic Resource Overlay Zone "s" Only applies to trees in Scenic Corridors that are within the scenic corridor setback minimum street setback or the first 20 feet from the street lot line where no street setback exists. See: 33.480.040 B.2.g.	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> All Street Trees Trees within 10 feet of buildings or attached structures Nuisance species trees Dead, Dying, or Dangerous trees Trees associated with the repair and maintenance of water, sewer or storm water lines Trees within 20 feet of a public safety RF Transmission Facility Any Private or City trees <12" provided that replanting is met in accordance with 33.248.030 [3] 	Street n/a City ≥ 6" Private ≥ 6"	<ul style="list-style-type: none"> Trees within the scenic corridor setback street setback or first 20 feet from the street lot line that do not meet the applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.

[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.

[3] Minimum planting is required to meet zoning code requirements.