

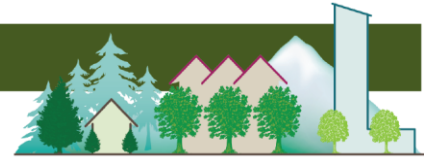


CITY OF PORTLAND, OREGON - PORTLAND TREES

Bureau of Development Services • Portland Parks & Recreation

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November 20, 2014

MEMORANDUM

TO: Development Review Advisory Committee
FROM: Jenn Cairo (503-823-4405)
Mieke Keenan (503-823-5779)
Mike Hayakawa (503-823-7751)
RE: FAQ for Tree Project

We understand that a number of Tree Project-related questions came up during the October DRAC meeting. The purpose of this memorandum is to address concerns that were expressed and provide additional information.

Question: What does the Tree Project consist of?

Answer: The Project consists of:

1. Implementation of a new code (Title 11, Trees) and revisions to Title 33 (Portland Zoning Code) pertaining to trees.
2. Hiring of new Urban Forestry (UF) staff (2 technicians, 2 tree inspectors), who will be co-located to the 1900 Building, together with an UF Permitting Supervisor.
3. Consolidation of all UF permitting and customer service to the 1900 Building.
4. A tree inspections program, where UF tree inspectors will be working together with building inspectors.
5. Creation of a tree-only web site (portlandoregon.gov/trees) and new handouts to assist staff and customers in understanding the new program and regulations.
6. Monitoring of new program and regulations to assess performance, effectiveness and fiscal needs.

Question: What is the implementation date of the new tree regulations and tree inspections program?

Answer: January 2, 2015.

Question: When will the Urban Forestry staff be co-located?

Answer: Tree inspectors have co-located, and UF DSC technicians will be arriving later.

Question: What types of services will UF be providing at the 1900 Building?

Answer: All UF services currently provided at East Delta Park and new services associated with the Tree Project will be offered in the 1900 Building. They include the following:

1. Customers with questions, pertaining to private trees and street trees and the rule pertaining to their pruning, removal or replacement. These will include both development (i.e., those applying for development permits or LURs and those with non-development situations—more on this below).
2. Customers who have been sent to the DSC to revise their approved plans (more on this below).
3. Customers applying for non-development permits (such as a permit to remove a street tree).
4. Customers who have been cited for a tree violation.

Question: Who will be providing which types of service as they pertain to the Tree Project?

Answer: Assignments are as follows:

| Task | Staff |
|--|---------------------|
| Customer service | UF tree techs |
| Communication with inspectors | UF tree techs |
| Questions pertaining to Title 11 development regulations (Chapter 11.50) ¹ | Planning and Zoning |
| Questions pertaining to the balance of Title 11 ² | UF tree techs |
| Questions pertaining to alleged violations or complaints while a development permit is open. | Planning and Zoning |
| Questions pertaining to violation of Title 33 regulations and conditions pertaining to trees | Compliance Services |

Question: What are the basics of the new tree regulations as they pertain to permit submittal?

Answer: The following are the primary characteristics of the Project as they pertain to development permit submittal:

1. Tree plans must be included in the development permit submittal. Applicants must show existing trees, trees to be retained and trees to be planted. A handout is currently be developed for applicant and staff use. Plan review for

¹ Planning and Zoning will perform plan review for compliance with Chapter 11.50. So if a customer makes inquiries to scenarios that pertain to land use review or building permit submittal, the customer should be directed to Planning and Zoning. This includes customer who may be directed to obtain a revision to approved plans.

² Includes questions pertaining to administration of the code, fees and contributions, heritage trees, permitting, programmatic permits, technical specifications, enforcement, definitions and measurements, city trees and street trees and public emergency situations.

compliance with Title 11 will be reviewed by Planning and Zoning.

2. There are new permitting requirements for non-development situations.
3. There is a new tree inspections program where UF inspectors will inspect tree preservation requirements and will be addressing alleged tree violations and complaints while the development permit is open.
4. Tree inspectors may send in applicants when correction notices are issued. These should be directed to Planning and Zoning.
5. All current services being provided at the East Delta Park facility will be provided at the DSC. These should be directed to tree techs.
6. The tree inspections program is new, as are many of the Title 11 provisions that apply to permitting and substantive regulations in both development and non-development situations.

Question: Can customers visit the DSC and see an UF staff person?

Answer: Yes. A new box for UF will be installed in the DSC for tree customers (unless they wish to just drop off an application without seeing staff—see next question).

Question: If a customer wishes to drop off a UF permit application, where should they be directed?

Answer: A box will be set up at the 5th floor reception, where the customer may drop off the application. A receipt will be mailed later to the customer.

Question: What types of development permits will the new tree regulations apply to?

Answer: Tree regulations will apply to RS and CO permits (all types, including demolitions), SD permits and FIR permits. A tree plan must be included in your submittal.

Question: How will tree inspections work?

Answer: If tree preservation requirements apply to your project, you will be required to call for a tree preservation inspection before any ground disturbing activity commences. UF arborists will be conducting tree preservation requirements, while building inspectors will continue to perform tree planting inspections.

Question: What are tree protection requirements?

Answer: Tree protection requirements consist of a 6-foot tall chain link fence and 8-foot tall stakes. Title 11 includes prescriptive

standards, though you can propose alternative means of protection (performance standard) with submittal of an arborist report. You will be required to erect a sign on the fencing that includes contact information and an approved tree plan. Additional information can be found in Chapter 11.60, Technical Specifications.

Question: What if tree-related issues, such as the need to remove trees, accidental tree damage, etc. arise during construction?

Answer: You should contact your tree inspector to discuss the situation. The inspector will be able to assess the situation, determine both substantive and procedural remedies and give you guidance on how to problem solve.

Question: How will code or policy conflicts that arise during construction be resolved?

Answer: The building inspector and tree inspectors will coordinate their activities and consult with their respective supervisors in order to resolve such situations.

Question: What if an inadvertent violation, such as damage to or removal of a tree that had to be saved, be processed?

Answer: Any lethal damage to a tree or removal of a tree that had to be saved will result in a \$1,000 fine. In order to move forward with your project, you must (a) pay the fine; and (b) take positive procedural steps towards resolving the problem. At a minimum, a revision to the approved tree plan must be submitted and approved.

Question: What authority does Title 11 give the City Forester?

Answer: City Council recognized the technical nature of tree care and gave the City Forester and her delegates discretionary authority to evaluate each situation and make decisions, within certain boundaries, which are in the best interest of the trees and the urban canopy as a whole.

Question: Will it still be possible to obtain over-the-counter (OTC) permit?

Answer: Yes. If it is determined that Title 11 requirements, as well as all other applicable regulations can be satisfied during your DSC visit, an OTC permit can still be obtained.

Question: What additional information must applicants submit with their development permit submittals to demonstrate compliance with Title 11 regulations?

Answer: Project staff is in the process of updating all handouts. A tree plan (showing existing trees, which trees are going to be preserved, and what is going to be planted) must be submitted as part of the package. Other existing handouts will also be updated.

Question: What other tasks will UF staff at the 1900 Building be performing?

Answer: UF staff will continue to dispatch emergency responders, work on public works and capital projects, coordinate with Planning and Zoning staff, process permit applications received by mail or in person, and addressing violations and other tree-related issues throughout the city with builders, property owners, concerned citizens, interagency partners and utility companies.