



PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

MEMORANDUM

TO: Mike Abbaté, PP&R Director

FROM: Jenn Cairo, City Forester

DATE: 11/3/2015

RE: Mitigating the removal of large trees in development situations

INTRODUCTION

In the wake of recent public attention to large trees being removed in the Eastmoreland and Clinton neighborhoods, Urban Forestry proposes to strengthen the Tree Code's protection of the urban canopy by recommending a code amendment requiring inch-per-inch mitigation for the removal of all healthy trees measuring 48" in diameter at breast height (diameter) or greater.

Stakeholders, including the Bureau of Planning and Sustainability (BPS), the Urban Forestry Commission (UFC), and the Tree Code Oversight Advisory Committee (OAC), as well as numerous citizens, have clearly expressed the need for mitigation requirements to be proportional to the canopy benefits lost. They have also expressed that the City should be held to a higher standard than the public.

Larger trees provide more canopy benefits, so more trees are required to replace the lost ecological value when a large tree is removed. For an example of the benefits large trees provide over smaller trees, see the US Forest Service Center for Urban Forest Research publication "The Large Tree Argument" at

http://www.fs.fed.us/psw/programs/uesd/uep/products/cufr_511_large_tree_argument.pdf.

This proposal is intended as a stop-gap measure, to be put into effect quickly while the time-intensive work of exploring comprehensive amendments to the Tree Code continues.

Urban Forestry proposes applying the following code language changes to the removal of all healthy trees measuring 48" in diameter or greater during development on both public and private property. Proposed new language is underlined.

PROPOSED LANGUAGE

11.50.040 C.1 Private Trees.

a. Retention. An applicant shall preserve and protect at least one third ($\frac{1}{3}$) of the trees 12 inches and larger in diameter located completely or partially on the development site.

Trees 48 inches or larger in diameter shall be preserved and protected if they are not elected for removal.

City Nature - Urban Forestry

1900 SW 4th Ave, Suite 5000

Portland, OR 97201

Tel: (503) 823-TREE (8733) Fax: (503) 823-4493

Administration

1120 S.W. 5th Ave., Suite 1302

Portland, OR 97204

Tel: (503) 823-7529 Fax: (503) 823-6007

Portland Trees - www.Portlandoregon.gov/trees - permits, tree removal, report a downed tree.

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PortlandParks.org • Amanda Fritz, Commissioner • Mike Abbaté, Director



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 preservation standard.

b. Notice. If a tree measuring 48 inches or larger in diameter is elected to be removed, the applicant shall notify the neighborhood by posting a notice on the site in a location clearly visible from the street nearest the tree. The notice shall state the removal date, the mitigation requirements, and the applicant's contact information. The applicant may not remove the tree until the notice has been posted for a continuous 7 day period.

c. Mitigation. For each tree at least 12 inches in diameter, but less than 48 inches in diameter, removed below the one-third ($\frac{1}{3}$) requirement, payment to the Tree Planting and Preservation Fund is required equivalent to the cost of two trees. See Section 11.15.010.

Each tree 48 inches or larger in diameter that is removed shall be mitigated by payment into the Tree Planting and Preservation Fund. Payment shall be made for each diameter inch of tree removed according to the adopted fee schedule Fee in Lieu of Planting (per inch).

11.50.040 C.1 City and Street Trees.

a. 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.

b. Notice. If a tree measuring 48 inches or larger in diameter is allowed to be removed, the applicant shall notify the neighborhood by posting a notice on the site in a location clearly visible from the street nearest the tree. The notice shall state why the tree is approved for removal, the removal date, the mitigation requirements, and the applicant's contact information. The applicant may not remove the tree until the notice has been posted for a continuous 7 day period.

c. 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 and Preservation Fund. The City Forester may reduce or waive the following mitigation requirements.

(1) Approved Street Tree removal in conjunction with improvements to partially or fully unimproved streets. Each tree at least 12 inches in diameter but less than 48 inches in diameter that is allowed to be removed shall be replaced with at least one tree. Trees planted to meet Street Tree Planting Standards will be credited toward meeting this requirement.

(2) Any other Street or City Tree allowed to be removed that is 6 or more inches in diameter but less than 48 inches in diameter shall be replaced with at least one tree in addition to trees required to meet required tree density or Street Tree planting standards.

(3) Any Street or City Tree allowed to be removed that is 48 or more inches in diameter shall be mitigated by payment into the Tree Planting and Preservation Fund. Payment shall be made for each diameter inch of tree removed according to the adopted fee schedule Fee in Lieu of Planting (per inch).

