



## CITY OF PORTLAND, OREGON - PORTLAND TREES

Bureau of Development Services • Portland Parks & Recreation

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### **Tree Code and Administrative Rule Issues – Categories of Issues to Further Evaluate**

1. Tree Removal (Non-development Situations)
  - a. Removing some tree in groves – health of remaining trees
  - b. Permitting Clarification
  - c. Reconsider allowed standards without mitigation (also see Standards)
  - d. Reconsider 'A' permit allowance for "Attached structures"
  
2. Tree Preservation (Development Situations)
  - a. Large Trees- consider prohibition on removal/create criteria that must be met/incentives to preserve
  - b. Preservation threshold – 12" vs 20", allowing 12" encourages people to protect small trees and not larger, high quality trees
  - c. Encroachments – difficult to determine 25% as shown in Figure 60-1 Permissible RPZ Encroachments
  - d. Flexible development options
  - e. Trees on adjacent properties – clarify protection on the development property
  - f. Compare cost of fencing to in-lieu fees to incentivize preservation over fees in lieu
  - g. Look at the number of exemptions allowed and will this result in "death by a 1000 cuts" (cumulative effects)
  - h. Consider impacts of construction staging
  - i. Appeal process for development situations;
  - j. Development Impact Area – need a definition for small sites and require for large sites
  - k. Density threshold gap – examine gap between removal and when planting requirement begin. Clarification, ground disturbance triggers preservation, which allows for removal as long as 1/3 of the trees 12" and greater are preserved, but planting to density is not triggered until the project reaches the NCU (non-conforming upgrade) currently at \$155,900.
  - l. Tree plan – completed by a certified arborist or certified landscape professional to identify health, size, species.
  - m. Removal criteria – close the loophole on trees being removed without reason/justification related to the development (this is for all sites) e.g. an ADU is being constructed adjacent to an existing house and a tree in the backyard is removed.
  - n. Triggers-reconsider requirements for tree preservation/protection (and in turn some tree removal) in cases with minimal ground disturbance like foundation repair or when proposed development is located far from trees or with large barriers like buildings between development and trees.

3. Consistency of Standards between Development and Non-development situation, private/city/street trees and code and administrative rule
  - a. Administrative Rule (only for Type B permits) – should these be code amendments with changes and apply to both Type A and B permits for consistency?
  - b. Look at imbalance between Type A and B tree removal permit standards since the administrative rule adoption, e.g. more mitigation is required for Type A permit (in code) than Type B permit (in administrative rule). The administrative rule removed discretion for applying planting waivers for Type B permits but still have the discretion for Type A permits.
  - c. Adjacent Properties
  - d. Private property
  - e. Reconsider removal standards without mitigation as per the administrative rule; propose always a 1:1 replacement even if density is met.
  - f. Root protection requirements
  - g. Density requirements – should these be included in the code for Type B permits Explore moving density requirements to the technical section of the code so that it will apply to both Type A and Type B permits.
  - h. Revisions to Table 60-1 Broadleaf Tree Size Requirements: perhaps eliminate the 2” for Multi Dwelling Residential and combine with All Others.
  - i. Mitigation requirements: Explore mitigation based on tree # v inches v canopy size (density) as related to fee in lieu.
  - j. Administrative rule has density calculations different than in Code
4. Mitigation Requirements
  - a. Density - explore tiered approach based on canopy cover provided/species/size/health/loss of function including planting the size of tree for the size of tree removed.
  - b. Discretion for City Forester - the administrative rule forces UF to grant a waiver even if there is room to plant, taking away the discretion of the City Forester
  - c. Type A Permit – Currently removal of a healthy tree requires mitigation, but that mitigation could allow the site to fall below the site density.
  - d. Tree canopy size calculation
5. Consistency/interaction with Other Codes – zoning and environmental (Title 33), public improvements (Title 17)
  - a. Discretionary review
  - b. Development and non-development sections
  - c. ROW/PBOT – hazardous trees
  - d. Mitigation requirements - consider changing to include a combination of number of trees and % inches
  - e. Trees on adjacent properties
6. Technical or Overarching items (Minor Code changes/clarifications – many addressed in RICAP8 need to check status)
  - a. Definitions, need to define Tree for code purposes
  - b. Tree protection clarification