



Parks Urban Forestry (UF) – BES Environmental Services Tree Program (BES) Programmatic Permit for Street Tree Planting  
Summary of Recent Permit Issues and their Status  
March 18, 2016

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**Issues Resolved**

- a. Root barrier requirement for street tree planting:**
  - i. BES objection to requirement for planting strips < 6' wide
  - ii. Root barrier installation to reduce sidewalk damage from roots and associated city and adjacent property owner costs.
  - iii. Resolution: UF gained PBOT's agreement and reduced requirement to <4' strips.**
- b. Previous permit violation:**
  - i. After negotiation of 4' threshold and providing transition period, BES did not install required root barrier
  - ii. 1,158 trees planted in violation of permit; at \$1,000/ tree, potential fine of \$1,158,000
  - iii. Resolution: fines waived by UF**
- c. Street tree species:**
  - i. BES requested over 100 species additions to the approved city street tree species planting lists
  - ii. Approved city street tree lists developed by UF through technical and stakeholder process to maximize urban forest management goals and reduce issues around mature street trees.
  - iii. Justification of rejected species provided to BES by UF
  - iv. Resolution:**
    - 1. UF approved BES-specific additional street tree species list.**
    - 2. UF developed a trial species monitoring protocol for management of these additional species.**
- d. Tree types:**
  - i. BES requested reduced permit requirements and reduced compliance expectations regarding types of trees planted.
  - ii. Tree planting permits address maximum target for species (10%), genus (20%), and family (30%) to ensure a healthy, diverse and sustainable forest for the future as well as meet the goals of the Urban Forest Management Plan (UFMP)
  - iii. Tree permits address goals for evergreen (10%), native (10%) and large canopy (10%) species to maximize the benefits of tree planting and meet the goals of the UFMP
  - iv. Resolution:**
    - 1. UF changed permit requirements to "targets"**

**City Nature - Urban Forestry**

1900 SW 4<sup>th</sup> 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](http://www.Portlandoregon.gov/trees) – permits, tree removal, report a downed tree.

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**2. UF lowered the targets in regards to species diversity and tree type.**

- e. **Meeting tree type “targets”:**
  - i. BES expressed difficulty in meeting the negotiated targets and proposed using private tree plantings to help meet targets.
  - ii. Private property tree planting is not managed by UF and trees less-than 12” DBH on private property are not regulated in this situation.
  - iii. **Resolution: BES is permitted to count private property tree plantings towards meeting their permit targets.**
- f. **BES “strip codes”:**
  - i. BES uses codes for street planting strips that are unique to their program and different from the classification system otherwise used by the city (i.e. “H. (FU)” – unimproved right-of-way, planting strip >6ft with high voltage wires)
  - ii. Street tree planting by all other parties (e.g., private property owners, other bureaus, developers) use city system
  - iii. **Resolution: UF permitted use of BES “strip codes” rather than City system**
- g. **Measurement of planting space:**
  - i. Street tree planting permits require measurement of the planting strip to the nearest .1 inch
  - ii. Purpose of this measurement is to plant the right tree in the right place and avoid future infrastructure conflicts by matching the planting space to the appropriate approved City of Portland tree species
  - iii. BES requested to be allowed to estimate strip sizes and give measurements to the nearest 1/2 inch.
  - iv. **Resolution: BES has previously been permitted to estimate strip sizes and record to nearest .5 inch.**
- h. **Reporting schedule:**
  - i. BES has been unable to meet certain negotiated time requirements in the permit for reporting on trees planted in city right of way.
  - ii. **Resolution: UF has accepted delayed report submissions (planting, quarterly & annual FY14-15)**
- i. **Permit/ code exceptions for certain BES projects**
  - i. BES requested certain exceptions due to complications with some of their projects
    - 1. Portland Meadows project planted trees not on the approved list and with smaller stock size than required.
    - 2. 63 trees sold to customers by Friends of Trees that were not on the permitted species list (11/2014)
  - ii. **Resolution: UF excepted these from requirements.**
- j. **Extensions to BES permit**
  - i. Original FY 14-15 Permit expiration was Nov 19<sup>th</sup>, 2015
  - ii. Extended to 12/2 and then 3/1
  - iii. BES requested extension due to program timing and disagreement with certain permit conditions (see below).
  - iv. **Resolution: UF granted 5/30/2016 permit extension.**
- k. **Programmatic permit timeframe**
  - i. BES requested unique time frame for proposed programmatic permit to accommodate BES program structure
    - 1. June 1<sup>st</sup>, 2016 through May 31<sup>st</sup>, 2018
  - ii. All other programmatic permits scheduled in two timing groups to facilitate effective and efficient UF administration and resource use.
  - iii. **Resolution: UF granted unique timeframe for proposed BES permit.**
- l. **Data submission timing**
  - i. BES requested some tree planting data be submitted annually instead of monthly.

- ii. Monthly timing allows UF to work effectively and efficiently with limited staff, see if data submitted are on-track and accurate, and respond to any issues observed in a timely manner.
  - iii. **Resolution: UF agreed to extend this timeline to annually**
  - iv. BES requested planting reports be provided monthly instead of biweekly.
  - v. Similar to above, biweekly reporting allows UF to work effectively and efficiently with limited staff resources, and enter permit information into TRACS, the city permitting database, so that other infrastructure bureaus and the public can see permit information in a timely manner. Other TRACS permit data is visible in real time.
  - vi. **Resolution: UF changed this requirement to monthly.**
- m. Data**
- i. BES requested omission of certain required data fields regarding tree plantings.
  - ii. The data are required to document permit activity, track permit compliance, and manage the urban forest.
  - iii. **Resolution: UF has forgone requiring certain data submissions.**

### **Unresolved Issues:**

#### **1. Current code violations**

- a. Many BES plantings do not meet code required caliper size threshold of 1.5" (anecdotally)
- b. Complaints about too-small tree stock sizes received by UF.
- c. UF advised BES of issue at meeting in fall 2015.
- d. Title 11 routine compliance activities begin summer 2016 and this issue will be officially documented.

#### **2. Monthly planting data reporting**

- a. BES has proposed annual
- b. UF and BES had previously negotiated monthly time frame, a change from biweekly (see I.vi. above)
- c. Other city permits are entered in the citywide permitting database without significant delays.
- d. Permit information is readily accessible for reporting, project reviews, compliance and violations reviews, general inquiries, and accurate customer service look-ups and response (E.g., PortlandMaps)
- e. Monthly timeframe is already a significant exception from routine city permit timeframes.

#### **3. Planting data entry**

- a. BES has proposed to forgo the IAA for data entry into TRACS, the city's permit database
- b. UF is required to maintain permanent tree planting permitting records as per [City of Portland Archives & Records Management](#)
- c. The tree planting performed under the permit is contracted by BES and outside of UF.
- d. BES tree planting program creates significant additional workload for UF, including in the area of data input into TRACS.

#### **4. Plant material caliper size requirements**

- a. BES has requested an exception to 1.5" caliper trees
- b. Stocker smaller than 1.5" is not able to meet required street tree pruning standards, creates traffic safety hazards and infrastructure conflicts, and is significantly more susceptible to damage from traffic/cars, lawnmowers and vandalism than larger stock.
- c. Title 11 provides 1.5" as a new and reduced caliper size requirement from the old code where the tree caliper size requirement was 2" as per standard urban forest management best management practices.
  - i. Minimum stock sized was reportedly reduced in Title 11 from previous code in at BES and FOT request.

- d. PCC 11.60.020.B Tree Planting Specifications require these caliper size of trees:

**Table 60-1 Broadleaf Tree Size Requirements**

Development Type	Tree Size	
	On Site	Street
One and Two Family Residential	1.5" = \$450	1.5" = \$450
Multi Dwelling Residential	1.5" = \$450	2" = \$600
All others	1.5" = \$450	2.5" = \$750

**5. Location of right-of-way tree plantings**

- a. BES proposes to plant in right of way (ROW) areas with less than the 3' minimum width.
- b. Street Tree Planting Standards prohibit planting in ROW areas with less than 3' width.
- c. Commentary from Title 11 regarding tree planting specifications: "For all trees, planting locations should be suitable for the anticipated size of the tree at maturity considering available soil volume and above ground clearance, and avoid conflicts with utilities, buildings or other obstructions to the extent practicable."

**6. Data omissions and timing**

- a. UF is currently reviewing exceptions to data requirements that have been previously granted to BES under their permit. Given forest management needs and public concerns regarding permit compliance, changes may be necessary.