



Title 11, Trees: Interim Administrative Rule Comment Log

Interim Administrative Rule: Tree Replanting Requirements for tree Removal on Private Property, City-Owned and Managed Sites and Public Rights-of-Way

Comments received by:
Portland Bureau of Transportation (PBOT)
Portland Water Bureau (Water)
Portland Parks and Recreation (Parks)
Bureau of Planning and Sustainability (BPS)
Urban Forestry Commission (UFC)
Tree Code Oversight Advisory Committee (OAC)

An Interim Administrative Rule for tree planting went into effect on April 20, 2015. The City is currently applying the Interim Rule to development projects on City Owned and managed sites and to tree removal permits on private property. The above mentioned bureaus, Oversight Advisory Committee and Urban Forestry Commission submitted comments on the Interim Administrative Rule. The Proposed Administrative Rule incorporates some of the comments received. The remainder of the comments will be reviewed starting September 21st after the close of the public comment period. This spreadsheet summarizes the comments received and organizes them into the following three categories:

- 1) Phase I – Proposed Changes
- 2) Phase II – Changes to consider after the close of the public comment period
- 3) Tree Code Amendments - This category is for recommendations that required a Tree Code amendment and cannot be addressed through the administrative rule process.

A public open house will be held on September 18th, 2015. The purpose of this open house is to provide interested parties the opportunity to ask staff questions about the Rule and submit comments. These comments will be reviewed and considered before the Permanent Rule is filed.

Phase I – Proposed Changes (Incorporated in the Proposed Administrative Rule)

	Comment	Bureau or Commission
1	Change mitigation from 2:1 to 1:1 for emergency tree removal in non-development.	Parks
2	Create a minimum tree for tree replacement for non-development tree removal even if tree density is met.	BPS OAC
3	Include reference to the density waiver for non-development permits.	OAC
4	Clarify intent that there is a general policy to disallow removal of large, healthy, street trees in non-development.	BPS
5	Clarify that trees that are dead or nuisance species do not count toward density credit (non-development).	Parks
6	The IAR should include the broader purpose of the Code, “To enhance the quality of the urban forest and optimize the benefits that trees provide”.	OAC

Phase II – To consider after the public comment period

	Recommendation	Bureau or Commission
1	Clarify the role of the City Engineer to have the authority to trim or remove trees for unsafe or hazardous conditions. Would further clarify City Engineer authority to keep trees located on the street planting area from completely or partially obstructing visibility in accordance with 11.60.060 E.	PBOT
2	Street tree density clarified and synchronized with the commentary provided in the Tree Code.	PBOT
3	Who should make the final call on if a tree can be removed for RWA projects (public works and CIP); the City Engineer or the City Forester? Should add clarification to the Interim Administrative Rule.	BDS
4	In development, a higher cap than 2:1 replacement for street tree mitigation.	Parks
5	In non-development, street trees should replant 2:1 or meet street tree density standards.	UFC
6	Applicants should have to replant street trees if there is room and should not have the option of a fee in lieu.	Parks
7	Consider higher tree replacement for CIPs on city owned property and right-of-way except for LIDs.	BPS
8	Use tiered tree replacement approach for CIPs. 2:1 replacement should be a minimum.	UFC Parks OAC
9	Engineer judgement on unsafe or hazardous trees affecting the RWA should not be subject admin review by Urban Forestry.	PBOT
10	Clarify interaction between T33 and T11.	Water
11	Allow desired future conditions of a given site. Describe how exceptions to the density goal are to be approved.	Water
12	Include summary table of mitigation requirements for different projects.	Water
13	Mitigation should be proportionate to the impact of trees being removed, non-development.	Parks

14	Create a hierarchy of planting; 1) right of way, 2) on site 3) neighbor property, 4) watershed 5) fee in lieu (non-development).	Parks
15	1:1 replacement of infrastructure repair is too low. Should have a minimum 2:1 replacement.	Parks
16	Require the City Engineer to conduct an Alternatives Assessment to demonstrate that the only acceptable recourse for addressing a traffic safety issue is tree removal so removal can be permitted by UF.	Parks
17	Rule does not address mitigation reduction based on the condition of the tree.	Parks
18	Rule does not address using higher-value trees to reduce the number of trees to replant	Parks
19	Rule does not address hardship waivers for property owners who cannot afford to meet mitigation requirements.	Parks
20	Can trees be planted off site to meet the density standard required at the site of the tree removal?	Parks
21	Specify response time instead of using the phrase "timely manner." Two weeks or 30 days.	Parks
22	Can we establish a tree mitigation bank?	Parks
23	Build in more opportunities for exemptions based on ecological or park functions.	Parks
24	Require minimum tree replacement for street trees. Up to inch per inch or filling the planting space one every 25', whichever comes first.	BPS
25	Remove \$1,200 directive reference from Interim Admin Rule.	UFC
26	Tree Credit policy should be included with the rule.	OAC
27	Trees removed due to conflicts with infrastructure should require replacement at 2:1 ratio.	Parks
28	The Administrative Rule should be monitored for one year after adoption to evaluate outcomes.	Parks

Tree Code Amendments – The following bureau comments require a tree code amendment

	Bureau Recommendation	Bureau or Commission	Code Section
1	Require projects to use the development impact area.	BPS	11.50.030
2	Include a revision to clarify that the authority given to the City Traffic Engineer to remove an unsafe tree affecting the RWA does not require permitting.	PBOT	11.40.020
3	Waive mitigation in non-development situations when an unsafe tree must be removed by the City Traffic Engineer.	PBOT	11.40
4	Allow for desired future conditions of a given site when considering density requirements.	Parks	11.50
5	Describe how exceptions to the density goal are to be approved.	Water	11.50
6	Decrease standard root protection zone requirements.	Water	11.60
7	Address, clarify city requirements to protect trees on adjacent sites.	Water	11.50.070
8	Create an appeal process for tree mitigation requirements.	Water	11.50
9	Development permits allow planting trees that are currently not on the list of approved species.	Parks	11.50
10	City projects should be held to a higher tree replacement standard for CIP projects.	Parks	11.50