



**Portland Parks & Recreation Urban Forestry Programmatic Permit
West Multnomah Soil & Water Conservation District
Fiscal Years 2015-16 to 2016-17**

1.0 GOALS:

- 1.1 Protect, preserve, and restore the urban forest (Urban Forest Management Plan (UFMP), 2004).
- 1.2 Promote stewardship of the urban forest (UFMP, 2004).
- 1.3 Prevent cumulative adverse impacts to the urban forest and ensure that there is no reduction in tree canopy coverage over time (Title 11.45).
- 1.4 Conserve and protect soil and water resources for people, wildlife, and the environment (WMSWCD Strategic Plan, 2012-15).

2.0 TERMS AND TIMELINE OF PERMIT:

- 2.1 **Permit duration is from the date of final signatures through June 30, 2017.**
The permit must be signed and in effect before tree work is conducted.
- 2.2 West Multnomah Soil & Water Conservation District (WMSWCD) is the responsible party for all activities in this permit and shall ensure all staff, contractors, property owners, and volunteers comply with the terms and conditions of this permit.
- 2.3 This permit applies only to tree management activities not related to site development or development projects. Separate permits are required for tree activities related to development.
- 2.4 This permit is issued under the authority of the City Forester in compliance with the requirements of City of Portland [Title 11 Trees](#).

3.0 SCOPE OF WORK:

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.

Sustaining a healthy park and recreation system to make Portland a great place to live, work and play.
PortlandParks.org • Amanda Fritz, Commissioner • Mike Abbate, Director



3.1 Activities shall prevent cumulative adverse impacts to the urban forest and ensure no net reduction in tree canopy coverage over time.

3.2 Activities shall support the [2004 Urban Forest Management Plan](#) and the [West Multnomah Soil & Water Conservation District Strategic Plan 2012-15](#).

3.3 Locations

- a. WMSWCD's district is Multnomah County west of the Willamette River and all of Sauvie Island. WMSWCD currently manages projects on about 100 acres of property.
- b. WMSWCD-managed natural areas are located on City property and/or private property. WMSWCD may manage trees growing in the City right-of-way adjacent to natural areas if the right-of-way is being managed as an extension of the natural area.
- c. This permit applies to properties that are being managed by WMSWCD.

3.4 Definitions

- a. City trees: Trees located on City-owned property
- b. Street trees: Trees located in the City right-of-way
- c. Private trees: Trees located on property not owned by the City of Portland and not located in the City right-of-way
- d. Dangerous tree: the condition of the tree presents an imminent danger of inflicting damage that cannot be alleviated by treatment or pruning
- e. DBH: diameter at breast height; the diameter of a tree trunk measured at 4.5 feet above the ground
- f. Native tree: a tree listed on the [Portland Plant List](#) as [native to the Willamette Valley](#).
- g. Nuisance tree: a tree of a species listed on the [Portland Plant List's Nuisance Plant List](#).

3.5 Conservation plans

- a. Each site managed by WMSWCD to which this permit applies shall have a conservation plan developed by WMSWCD for that specific site.
- b. The conservation plan shall contain project contact information, a map of the site, objectives for the site, an assessment of current site conditions, an invasive species management plan, a native planting plan, and a project timeline.
- c. WMSWCD staff and the property owner shall approve and sign the conservation plan prior to conducting any tree work.

- d. WMSWCD shall provide the City Forester with a digital copy of each signed conservation plan before any regulated tree work begins.

3.6 Removal

- a. Regulated and unregulated trees
 - i. City trees of all sizes are regulated regarding removal. WMSWCD shall obtain the permission of the City Bureau that owns the property to remove City trees. Once permission is granted, trees may be removed in accordance with 3.6 b-h.
 - ii. Street trees of all sizes are regulated regarding removal. WMSWCD shall obtain the permission of the City Bureau that owns the adjacent property to remove street trees. Once permission is granted, trees may be removed in accordance with 3.6 b-h.
 - iii. Private trees that are less than 12 inches DBH are not regulated regarding removal and therefore may be removed with property owner permission but without notice, reporting, or mitigation to Urban Forestry, unless the tree was required to be planted as a condition of a permit or otherwise specified in 3.6.a.iii.a below.
 - a. The regulatory threshold for private tree removal decreases to 6 inches DBH for trees located in the following plan districts and/or overlay zones:
 - Plan districts: Cascade Station/Portland International Center Plan District; Columbia South Shore Plan District; Johnson Creek Basin Plan District; Portland International Airport Plan District; Rocky Butte Plan District; South Auditorium Plan District
 - Overlay zones: Environmental (c, p); Greenway (n, q, g, i, r); Pleasant Valley Natural Resources (v); Scenic Resource (s)
 - b. The property owner's permission should be obtained via signature before removing any tree on private property.
 - c. Once property owner permission is granted, regulated private trees may be removed in accordance with 3.6 b-h.
- b. Dead or dangerous trees
 - i. Dead or dangerous trees of any size or species may be removed without notifying the City Forester or the public. Mitigation (3.6.g) and reporting (3.6.h) requirements apply to regulated trees.
- c. Nuisance trees
 - i. Nuisance trees may be removed without notifying the City Forester or the public. Mitigation (3.6.g) and reporting (3.6.h) requirements apply to regulated trees.

- ii. Glyphosate and/or ticlopyr may be applied via a licensed applicator to tree removal sites on private property. Herbicides may be applied on City property only in conformance with Portland Parks & Recreation IPM (integrated pest management) policies under the approval and supervision PP&R IPM personnel. Work shall be conducted according to label when weather conditions are favorable during ideal times of year for the species being treated.
- iii. The following species may also be treated as nuisance trees under this permit:
 - Horse chestnut (*Aesculus hippocastanum*)

d. Other tree removal activities

The City Forester may approve the removal of regulated non-nuisance trees on a case-by-case basis. Removal may be granted for trees that are dying or are causing serious, repeated conflicts with infrastructure. Removal shall be requested at least 4 weeks in advance of the anticipated removal timeframe. The City Forester may approve or deny the removal request or approve the request with conditions.

e. Zoning code exemption requirements

- i. The zoning of the property shall be checked before any non-dangerous, non-nuisance tree is removed. Zoning information can be found on Portland Maps at www.portlandmaps.com -> maps -> zoning.
- ii. Trees located in the following plan districts and overlay zones shall meet zoning exemptions for removal, or else a zoning code review from the Bureau of Development Services (503-823-7526) shall be obtained prior to removal.
 - Plan districts: Cascade Station/Portland International Center Plan district; Columbia South Shore Plan District; Johnson Creek Basin Plan District; Portland International Airport Plan District; Rocky Butte Plan District; South Auditorium Plan District
 - Overlay zones: Environmental (c, p); Greenway (n, q, g, i, r); Pleasant Valley Natural Resources (v); Scenic Resource (s)
- iii. Zoning code exemption requirements are detailed in Title 11 Table 40-1 (Appendix A). Generally, a zoning code review is required for the removal of healthy native trees. However, some plan districts and overlay zones require a zoning code review for certain non-native, non-nuisance tree removals. The City Forester can help determine whether exemption requirements are met or whether a zoning code review is necessary.

f. Public notice

- i. A notice shall be posted at each restoration site during the removal phase of restoration. The notice should be posted in a publicly visible spot if possible.

- ii. The notice shall describe how the site is being restored and provide a timeline for restoration and contact information for the project manager.
 - iii. Information about restoration activities may be posted on the WMSWCD website as needed.
- g. Mitigation
- i. Regulated trees that are removed under this permit shall be compensated by replanting trees within the timeframe of the permit, if possible. WMSWCD may extend the timeframe needed for replanting. If the timeframe is extended, WMSWCD shall be subject to additional reporting requirements in subsection 3.6.h.iv, below. Mitigation trees need not be planted at the same site where tree removal occurred.
 - ii. The number of acres of trees planted for mitigation shall be at least as much as the number of acres where trees were removed. Tree replanting density shall be at least twice the estimated density of trees removed. Trees planted for mitigation shall be monitored for at least two years, and mortality shall not exceed 30%. If mortality exceeds 30%, trees shall be replaced in kind. Replaced trees shall also be monitored and guaranteed as such for at least two years.
 - iii. Mitigation unable to be met by tree planting shall be paid into the Tree Planting and Preservation Fund at a rate of \$600 per tree removed. The number of trees removed shall be estimated by multiplying the number of unmitigated acres of trees removed by an estimated density of trees removed on that site. Mitigation in the form of paying a fee-in-lieu shall be fulfilled by the expiration of the permit.
- h. Reporting
- i. The number of acres of trees removed, approximate density of trees removed, approximate number of trees removed, species removed, and an estimate of the number of trees 20 inches DBH or greater removed shall be reported for each site.
 - ii. The amount of money paid to the Tree Planting and Preservation Fund shall be reported.
 - iii. For mitigation plantings, the number of acres of trees planted, density of trees planted, number of trees planted, species planted, and stock type shall be reported for each site.
 - iv. If all replacement trees are not replanted within the timeframe of the permit, WMSWCD shall report the number of trees remaining to be planted, along with a narrative explanation that describes why trees are being replanted under an extended timeline and anticipated date of replanting.

3.7 Planting

- a. Planting activities shall adhere to American National Standards Institute (ANSI) A300 *Planting and Transplanting Standards* and International Society of Arboriculture *Best Management Practices: Tree Planting*.
- b. Tree species selected for planting shall be chosen from the [Portland Plant List's Native Plants List](#).
- c. Trees selected for planting may be bareroot seedlings.
- d. Trees should be planted after adequate site preparation, such as invasive plant removal and control, has been implemented. Tree planting should follow the stems-per-acre goal outlined in the site's conservation plan.
- e. Tree planting efforts need not employ supplemental irrigation for establishment.
- f. Establishment success shall be monitored for at least 3 years. Necessary invasive plant re-treatments or native tree re-plantings may be conducted during the monitoring phase.
- g. The number of acres of trees planted, density of trees planted, number of trees planted, species planted, and stock type shall be reported for each site.

3.8 Girdling trees

- a. Girdling a tree is considered removal of the tree, and all of the conditions in 3.6 Removal apply.
- b. Girdled trees shall not have a target nearby and shall not create a public hazard.
- c. An estimate of the percent cover of trees girdled shall be reported.

4.0 COMMUNICATION:

4.1 WMSWCD shall maintain accurate permit contact information with Urban Forestry.

4.2 WMSWCD contact

Mary Logalbo, Urban Conservationist
Address: 2701 NW Vaughn St., Ste. 450, Portland, OR 97210
Phone: 503-238-4775
Email: mary@wmswcd.org

4.3 WMSWCD representative

Dick Springer, District Manager
Address: 2701 NW Vaughn St., Ste. 450, Portland, OR 97210
Phone: 503-238-4775
Email: dick@wmswcd.org

5.0 QUALITY CONTROL AND REPORTING:

5.1 **Reporting**

Qualitative and quantitative reports shall be sent to Urban Forestry once per fiscal year for the duration of the permit (see Appendix B and Appendix C). The completed reports shall be received no later than one month after the reporting period.

a. Reporting periods:

July 1, 2015 – June 30, 2016 report due by: August 1, 2016

July 1, 2016 – June 30, 2017 report due by: August 1, 2017

5.2 **Inspections**

Urban Forestry may inspect the trees to determine compliance with the conditions of the permit.

5.3 **Compliance**

It is the permit holder's responsibility to adhere to the terms of the permit. If the terms of the permit are not met, the permit holder shall be notified of the violation in writing and informed of the actions necessary to correct the violation(s). If the corrective actions are not undertaken within the specified timeframe, Urban Forestry may impose any or all of the following actions until the violation is corrected:

- Temporary stop work order
- Revocation of the Programmatic Permit
- Denial of future Programmatic Permits
- Additional conditions imposed upon the activities permitted by the Programmatic Permit
- Enforcement penalties
- Civil penalties up to \$1000 per tree per day of violation
- Restoration fees imposed for trees found in violation.

a. Fees shall follow the adopted Title 11 fee schedule at www.portlandoregon.gov/trees/fees.

5.4 **Revisions**

Urban Forestry may modify the specifications of the permit in order to respond to concerns, changes in regulations, or previously unforeseen issues. The permittee shall be notified at least three weeks in advance in writing of the intent to modify the permit and shall be provided an opportunity to comment on the proposed changes. The permittee shall also have an opportunity to appeal the permit if changes are made. Changes shall not go into effect until the permit is updated in writing.

6.0 INDEMNITY:

WMSWCD shall hold harmless, defend, and indemnify the City of Portland, and the City's officers, agents, and employees against all claims, demands, actions, and suits (including all attorney's fees and cost, through trial and on appeal) brought against any of them arising from activities under this permit.

7.0 RESOURCES:

ANSI A300 (Part 6)-2012: Tree Care Operations: Tree, Shrub, and Other Woody Plant Management: Standard Practices (Planting and Transplanting). Revision of ANSI A300 (Part 6)-2005. 2012. American National

Portland Plant List. 2011. City of Portland, Bureau of Planning and Sustainability, Portland, OR. <<http://www.portlandoregon.gov/auditor/34460?a=322280>>

Portland Urban Forestry Management Plan. 2004. City of Portland, Parks & Recreation Urban Forestry, Portland, OR. <<http://www.portlandoregon.gov/trees/ufmp>>

Watson, Gary. *Best Management Practices: Tree Planting, Second Edition*. 2014. International Society of Arboriculture, Champaign, Il.

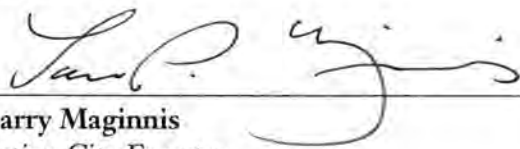
8.0 APPENDICES:

Appendix A – Title 11 Table 40-1

Appendix B – Qualitative report template

Appendix C – WMSWCD quantitative report template

9.0 SIGNATURE:

By:  Date: 11-14-15
Larry Maginnis
Acting City Forester

West Multnomah Soil & Water Conservation District
Programmatic Permit FY15-16 to FY16-17
Appendix A

Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 Zoning Code review for removing:
Environmental conservation and protection overlay zones “c” “p” See: 33.430.080	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. ▪ Trees projecting into a City-designated view corridor 	Street all City all Private all	<ul style="list-style-type: none"> ▪ Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Greenway overlay zones “n” “q” “g” “i” “r” See: 33.440.320	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> ▪ Nuisance species trees ▪ Dangerous trees ▪ Trees landward of the greenway setback in “g” “i” “r” overlays 	Street all City all Private all	<ul style="list-style-type: none"> ▪ Native Trees ▪ Non-native non-nuisance trees ▪ Dead or dying trees ▪ Trees not meeting the listed situations when located within or riverward of the greenway setback in “g” “i” “r” overlays ▪ Trees not meeting the listed situations when located in “n” “q” overlays
Pleasant Valley Natural Resources Overlay Zone “v” See: 33.465.080	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> ▪ Trees within 10 feet of buildings or attached structures. ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. 	Street all City all Private all	<ul style="list-style-type: none"> ▪ Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Scenic Resource Overlay Zone “s” Only applies to trees in Scenic Corridors that are within the minimum street setback or the first 20 feet from the street lot line where no street setback exists. See: 33.480.040.B.2.	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> ▪ All Street Trees ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Trees within 20 feet of a public safety RF Transmission Facility ▪ Any Private or City trees <12" provided that replanting is met in accordance with 33.248.030 [3] 	Street n/a City ≥ 6" Private ≥ 6"	<ul style="list-style-type: none"> ▪ Trees within the street setback or first 20 feet from the street lot line that do not meet the applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District; the regulations for both areas apply.

[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.

[3] Minimum planting is required to meet zoning code requirements.

Table 40-1 (Continued) [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 Zoning Code review for removing:
<p>Cascade Station/Portland International Center Plan District See: 33.508.340</p> <p>Only applies to trees located in a "c" or "p" overlay</p>	<p>Street all City ≥ 3" Private ≥ 6"</p>	<ul style="list-style-type: none"> ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees ▪ Trees projecting into a City-designated view corridor 	<p>Street all City all Private all</p>	<ul style="list-style-type: none"> ▪ Healthy native trees that do not meet the applicable Title 11 situations listed in this table
<p>Columbia South Shore Plan District See: 33.515.262 & 33.515.274</p> <p>Only applies to trees located in a "c" or "p" overlay</p>	<p>Street all City ≥ 3" Private ≥ 6"</p>	<ul style="list-style-type: none"> ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees 	<p>Street all City all Private all</p>	<ul style="list-style-type: none"> ▪ Healthy native trees that do not meet the listed situations ▪ Healthy non-native non-nuisance trees that do not meet the applicable Title 11 situations listed in this table
<p>Johnson Creek Basin Plan District 33.537.125</p> <p>Only applies to trees:</p> <ul style="list-style-type: none"> ▪ Within 20 feet of the Springwater Corridor lot line; ▪ On a site with any portion in the special flood hazard area; and/or ▪ On a site with any portion in the South Subdistrict. 	<p>Street all City ≥ 3" Private ≥ 6"</p>	<ul style="list-style-type: none"> ▪ All Street Trees ▪ Nuisance species trees ▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Any other 6" to 12" tree provided that at least two trees are planted. [3] Trees removed within 20 feet of the Springwater Corridor must be replaced within 20 feet of the corridor 	<p>Street n/a City ≥ 6" Private ≥ 6"</p>	<ul style="list-style-type: none"> ▪ Trees within 20 feet of the Springwater Corridor lot line; on a site with any portion in the special flood hazard area; and/or on a site with any portion in the South Subdistrict that do not meet the applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District; the regulations for both areas apply.

[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.

[3] Minimum planting is required to meet zoning code requirements.

Table 40-1 (Continued) [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 Zoning Code review for removing:
Portland International Airport Plan District See: 33.565.540 Applies only to trees located in a "c" or "p" overlay	Street all City $\geq 3"$ Private $\geq 6"$	<ul style="list-style-type: none"> ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. This does not apply in landscaped areas of golf courses. ▪ Trees projecting into a City-designated view corridor 	Street all City all Private all	<ul style="list-style-type: none"> ▪ Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Rocky Butte Plan District See: 33.570.040	Street all City $\geq 3"$ Private $\geq 6"$	<ul style="list-style-type: none"> ▪ All Street Trees ▪ Nuisance species trees ▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Any other 6" to 12" diameter tree provided that at least two trees are planted [3] 	Street n/a City $\geq 6"$ Private $\geq 6"$	<ul style="list-style-type: none"> ▪ Trees that do not meet the applicable Title 11 situations listed in this table
South Auditorium Plan District See: 33.580.130	Street all City $\geq 3"$ Private $\geq 6"$	<ul style="list-style-type: none"> ▪ Dead, Dying, or Dangerous trees provided at least one tree is planted in the same general location or in accordance with the adopted landscaping plan 	Street all City $\geq 6"$ Private $\geq 6"$	<ul style="list-style-type: none"> ▪ Trees that do not meet the applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.

[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.

[3] Minimum planting is required to meet zoning code requirements.

11.40.030 Exemptions.

The following are exempt from the requirements of this Chapter:

- A. Heritage Trees. Heritage Trees are addressed in Chapter 11.20:
- B. Trees outside City Limits. Trees that are outside the City Limits, including "County Urban Pocket Areas."
- C. Programmatic permits. Activities carried out by public agencies operating under a programmatic permit per Chapter 11.45.

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Appendix B

Will you need to extend the planting timeframe beyond the duration of this permit for any required mitigation of trees removed? (yes/no)

If yes, please describe the reason for extending the mitigation planting timeframe. Clearly state the date by which you will plant mitigation trees.

What feedback do you have for the Programmatic Permit process?

West Multnomah Soil & Water Conservation District
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Appendix C

WMSWCD Tree Removal and Replanting Report

Report period:

Amount of \$ paid into the Tree Planting and Preservation Fund:

Estimate total # of trees removed:

Site / Project Name	Site / Project Location	Watershed	Total Project Acres	# of acres of tree removal	Approx. tree removal density (# per acre)	Approx. total # of trees removed (inc. girdled)	Approx. # of trees girdled	Approx. # of trees >20" DBH removed or girdled	Target species
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Notes

WMSWCD Tree Removal and Replanting Report

Report period:

Estimate total # of trees planted:

Site / Project Name	Site / Project Location	Watershed	Total Project Acres	# of acres of tree planting	Tree planting density (# per acre)	Total # of trees planted	Total # of trees not yet planted	Stock type	Species planted	Notes
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