



PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

Portland Parks & Recreation Urban Forestry Programmatic Permit Portland General Electric

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 Improve public safety and tree canopy health.
- 1.5 Enhance communication with the public regarding tree pruning for utilities.

2.0 TERMS AND TIMELINE OF PERMIT:

- 2.1 **Permit duration is from the date of final signatures through June 30, 2021.**
The permit must be signed and in effect before tree work is conducted.
- 2.2 Portland General Electric (PGE) is the responsible party for all activities in this permit and shall ensure all staff and contractors 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:

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

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 Abbaté, Director



3.2 Activities shall support the [2004 Urban Forest Management Plan](#) and the Portland General Electric Vegetation Clearance Policy (March 18, 2013 revision, Appendix A).

3.3 Location

Permit activity may occur in City of Portland rights-of-way along existing or proposed PGE transmission and distribution lines. Permit activity may also occur on City property (e.g. parks), PGE property (e.g. substations), and other private property. See Appendix B for a map of PGE's service area.

3.4 Pruning

- a. PGE staff and contractors may prune trees to assure tree to electric conductor clearances for public safety, service reliability, fire prevention, and compliance with Oregon Public Utility Commission line clearance requirements (OAR 860-024-016, Appendix C).
 - i. Only trees that encroach into the minimum clearance within a two or three year time period, depending on cycle, may be pruned. Trees may be pruned outside routine cycle for hazard mitigation.
 - ii. Pruning impacts shall be as minimal as possible.
 - iii. For trees pruned, no more than 25% of the crown shall be removed within an annual growing season, except in the case of hazard mitigation.
 - iv. Trees shall not be topped.
- b. Pruning shall be made with proper pruning cuts and sharp tools. Pruning activities shall adhere to American National Standards Institute (ANSI) *A300 Pruning Standard – Part 1*, International Society of Arboriculture *Best Management Practices: Utility Pruning of Trees*, International Society of Arboriculture *Best Management Practices: Tree Pruning*, and ANSI *Z133 Standards for Arboricultural Operations: Safety Requirements*, including any amendments or revisions.
- c. All tree debris generated by tree pruning activities shall be removed from the site or stacked neatly for the property owner to dispose of. Streets and public rights-of-way shall be kept clear of debris.
- d. Elm pruning requirements
In order to limit the spread of Dutch elm disease and comply with Oregon's state quarantine of elm wood, the following rules apply to the pruning of elm trees (*Ulmus* spp.):
 - i. Elm trees shall not be pruned from April 15 through October 15 annually, unless pruning is necessary for public safety or system reliability.
 - a. Pruning of elm trees during the state quarantine period requires prior approval from the City Forester. PGE shall submit an Inspection Request Form (Appendix G) at least 4-weeks in advance of planned pruning activity.
 - ii. Pruning tools shall be treated with disinfectant before and after pruning individual elm trees.

- iii. All wood waste shall be chipped or taken to an approved commercial disposal site within 24 hours of cutting. PGE may ask the City to dispose of elm wood or branches resultant from work supporting the City.

3.5 Tree Crew Training and Quality Assurance

- a. Tree crews contracted by PGE shall hire personnel through the local International Brotherhood of Electrical Workers (BEW) union hall. All tree workers are required to go through the Joint Apprenticeship Training Committee (JATC) two-year apprenticeship program to advance to a Journeyman Line Clearance Arborist.
- b. All tree pruning work must be completed under the supervision of an experienced Certified Arborist and Certified Utility Specialist with the International Society of Arboriculture (ISA), and/or a Registered Consulting Arborist with the American Society of Consulting Arborists (ASCA).
- c. At least one member of every contract crew shall be qualified as a line-clearance tree pruner, and will have a card certifying passage of an Electrical Hazards Awareness Program or equivalent.
- d. Contractors and all personnel assigned to this work shall have the experience, required skills, training, and ANSI-approved equipment necessary to conduct the pruning work in a controlled and safe manner.
 - i. PGE and its contractors shall comply with OSHA 1910.269 and all other federal and state occupational safety and health laws and regulations governing all work done under this permit.
- e. At least one person on each tree crew shall be knowledgeable about the content of this permit before conducting tree pruning activities.

3.6 Public Notice

- a. The property owner and/or occupant, or adjacent property owner in the case of street trees, shall be given written notification at least 15 days prior to planned tree pruning and/or maintenance activities. The notification shall be sent to all addresses with electrical service in the square mile grid where pruning activities will take place. All customers shall receive a notification letter whether they have trees on their property that need work or not. Written notification shall also be sent to the Neighborhood Association where pruning activities will take place.
 - i. The notice shall state the following information:
 - Reason for the notice
 - The date of notice
 - The date(s) of the pruning
 - Contact information for PGE
 - The PGE logo
- b. PGE shall also reach out to customers, public or private, of special concern. Individual door hangers or individualized consultation shall occur if the customer needs specific work planning or access to their backyard is required. When the tree crew arrives on site, they shall knock on the door of the resident to discuss any issues that may be present.

- i. The Bureau of Environmental Services (BES) Watershed Revegetation Program Manager shall be contacted at least 15 days in advance of pruning trees located in stormwater management facilities.
- c. Contractors and staff shall identify themselves and the fact that they are pruning for PGE either through signs displayed on each vehicle involved in tree work or verbally when requested by the public. Contractors shall provide contact information for their company and for PGE to the public upon request.
- d. PGE and Contractors shall provide this permit to the public upon request.
- e. PGE shall respond to all concerns and complaints about PGE's and their contractors' pruning activities in a timely manner.
 - i. Customers may be directed to PGE's Vegetation Management Operations Coordinators (VMOC) at 503-736-5460 to discuss any issues or concerns regarding PGE's line clearance work. The VMOC may also coordinate any necessary tree work for residents, private tree contractors, or municipal tree workers who plan on working on trees near power lines.

3.7 Removal

- a. Unregulated trees
 - i. Trees in the City right-of-way (i.e. street trees) that are sucker shoots or self-sown trees less than 1/2 inch DBH (diameter at breast height, the diameter of the trunk measured at 4.5 feet above the ground) are not regulated and therefore may be removed without prior notice to Urban Forestry, reporting, or mitigation.
 - ii. Trees on City property (i.e. City trees) of any size are regulated.
 - iii. Trees on private property that are less than 12 inches DBH are not regulated and therefore may be removed without prior notice to Urban Forestry, reporting, or mitigation, unless they were required to be planted as the condition of a permit or otherwise specified in 3.7.a.iii.a below.
 - a. The regulatory threshold for tree removal on private property 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.
- b. Dangerous trees

- i. As per Title 11.80.020, a dangerous tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.
- ii. Removal of a dangerous tree:
 - a. Non-Emergency tree removal shall be requested at least 7 days in advance of the anticipated removal timeframe. City Forester may approve removal of dangerous trees on a case-by-case basis. The City Forester may approve or deny the removal request or approve the removal with conditions.
 - b. Emergency tree removal shall be conducted as follows, as per Title 11.40.020.D: If the condition or location of a tree presents such a clear and present danger to a structure or the public that there is insufficient time to obtain advance approval of the City Forester, the hazardous portion of the tree may be removed without first obtaining approval from the City Forester.
 - i. Within seven days of an emergency tree removal, PGE shall provide notification and documentation to the City Forester on the Inspection Request Form (Appendix G) provided by Urban Forestry. Upon submittal to the City Forester, the Inspection Request Form shall accompany photographs or other documentation that prove an emergency existed. The City Forester will evaluate the information to determine whether the tree was dangerous. Failure to provide information documenting the emergency nature of the event may be pursued as a violation per Title 11.70.
- iii. PGE must notify the adjacent property owner of the need to remove danger trees in accordance with ORS 758.282-284.
- c. Non-dangerous trees
 - i. Street and City trees
 - a. Infill trees, i.e. self-sown trees that were not deliberately planted, that are on the [Portland Plant List's Nuisance Plants List](#) and 2 inches DBH or smaller may be removed without prior notice to Urban Forestry, reporting, or mitigation.
 - b. The City Forester may approve the removal of other non-dangerous street and City trees on a case-by-case basis. Removal may be granted if the tree was planted inappropriately underneath electric conductors and requires frequent, severe pruning. 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 removal with conditions. Mitigation (see 3.7.f) and reporting (see 3.7.g) requirements apply.
 - ii. Private property trees

- a. PGE shall obtain property owner permission, via signature, to remove the tree prior to removing any regulated trees on private property.
 - b. The City Forester may approve the removal of non-dangerous, regulated private property trees (see 3.7.a.iii) on a case-by-case basis. Removal may be granted if the tree was planted inappropriately underneath electric conductors and requires frequent, severe pruning. 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 removal with conditions. Mitigation (see 3.7.f) and reporting (see 3.7.g) requirements apply.
- iii. Zoning code exemption requirements
- a. The zoning of the property (or adjacent property, for street trees) shall be checked before any non-dangerous tree is removed. Zoning information can be found on Portland Maps at www.portlandmaps.com -> maps -> zoning.
 - b. 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)
 - c. Zoning code exemption requirements are detailed in Title 11 Table 40-1 (Appendix D). 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.
- d. Debris
- i. All tree debris generated by tree removal activities shall be removed from the site or stacked neatly for the property owner or adjacent property owner to dispose of. Streets and public rights-of-way shall be kept clear of debris.
- e. Public notice
- i. The public shall be notified at least two weeks in advance of the impending removal of healthy (i.e. not dead, dying, or dangerous), non-nuisance trees 20 inches DBH or greater by posting a sign on or near the tree, in a location visible to public passersby.
 - ii. The sign shall state when and why the tree is being removed, it is a permitted tree removal, how the removal is being mitigated, and contact information for the PGE representative the public can contact regarding the removal.

f. Mitigation

- i. Title 11.45.040.A. requires activities conducted under a Programmatic Permit will result in a net gain to urban forest functions and benefits.
- ii. To comply with this condition, trees that are removed under this permit shall be mitigated as follows:
 - a. Dead, dying, or dangerous trees removed shall be mitigated tree-for-tree.
 - b. Up to four healthy trees removed per site, or abutting right of way per year:

Removed Tree DBH	Street and City Tree Mitigation	Private Tree Mitigation
<12"	Tree-for-tree	No mitigation required
12" - <20"	Tree-for-tree	Tree-for-tree
20" or greater	Inch-for-inch	Inch-for-inch

- c. More than four healthy trees removed per site, or abutting the right of way per year:

Removed Tree DBH	Street and City Tree Mitigation	Private Tree Mitigation
<12"	Tree-for-tree	No mitigation required
12" or greater	Inch-for-inch	Inch-for-inch

- iii. PGE shall submit a planting plan to the City Forester for approval prior to planting.
- iv. Mitigation trees shall be planted by the next planting season (October to April) immediately following removal.
- v. Mitigation trees shall be planted on the same site as the removed tree wherever possible. When onsite mitigation is not possible, PGE shall document the reason in their annual quantitative report and shall instead plant mitigation trees within the same watershed.
- vi. Trees planted for mitigation shall be monitored and guaranteed for three years and replaced in kind if they die within this timeframe.
 - i. Mitigation unable to be met by tree planting shall be paid into the Tree Planting and Preservation Fund. Payment for each tree to be mitigated shall be the Fee in Lieu of Planting and Establishment for two inches per [Title 11 Trees Permit Fee Schedule](#). Mitigation payment shall be completed by the expiration of the permit.

g. Reporting

- i. The number, species, and DBH of trees removed under this permit shall be reported, as well as the condition of the trees, reason for removal, and type of mitigation.
- ii. The amount of money paid to the Tree Planting and Preservation Fund shall be reported.

- iii. The number, species, stock size, and location of trees planted as mitigation shall be reported.

3.8 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. The locations of trees planted in the City right-of-way (i.e. street trees) shall be approved by the City Forester.
- c. Species selection
 - i. Street trees (trees in the City right-of-way) selected for planting shall be selected from the City's Approved Street Tree Planting Lists (www.portlandoregon.gov/trees/plantinglists) or approved by the City Forester.
 - ii. Trees planted under high-voltage power lines should be medium-sized trees that can fully develop and mature to provide long-term leaf surface area under power line conductors, supporting the concept of "right tree, right place." Trees planted under high-voltage power lines should be able to maintain their natural form without pruning away from high-voltage wires.
 - iii. Tree species selected for planting in environmental (c, p) or scenic (s) overlay zones shall be chosen from the Portland Plant List's Native Plants List.
 - iv. Trees on the Portland Plant List's Nuisance Plants List shall not be planted.
 - v. Species diversity requirements for trees planted per site
 - a. When planting fewer than 8 trees per site per calendar year, they may all be the same species.
 - b. When planting between 8 and 24 trees per site per calendar year, no more than 40 percent of the total planted shall be of one species.
 - c. When planting more than 24 trees per site per calendar year, no more than 24 percent of the total planted shall be of one species.
- d. Trees shall be a minimum of 2 inches caliper for broadleaf trees or at least 5 feet in height for coniferous trees at the time of planting.
- e. Plantings shall be monitored for establishment and guaranteed for two years and replaced in kind if they fail within this timeframe.
- f. The number, species, stock size, and location of trees planted shall be reported.

4.0 COMMUNICATION:

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

4.2 PGE Contact

Patrick Donovan, Forester
Mailing address: 121 SW Salmon Street, Portland, OR 97204
Phone: 503-314-3884
Email: patrick.donovan@pgn.com

4.3 PGE Representative

Alex Konopka, Vegetation Manager
Mailing address: 121 SW Salmon Street, Portland, OR 97204
Phone: 503.570.4406
Email: Alex.konopka@pgn.com

4.4 PGE shall provide the City Forester written notification of planned tree pruning locations and contractors at least 15 days prior to the activities. The notification shall include:

- Contractor company name
- Contractor business license number
- Contractor phone number, email address, and mailing address
- Map of pruning area
- Dates of pruning the area

5.0 QUALITY CONTROL AND REPORTING:

5.1 Reporting

A qualitative and quantitative reports shall be sent to Urban Forestry once per fiscal year for the duration of the permit on forms provided by Urban Forestry (see Appendix E and Appendix F). The completed forms shall be received no later than one month after the reporting period. Failure to submit reports may result in suspension of current programmatic permit or delayed issuance of future programmatic permits until the report is submitted.

a. Reporting periods:

July 1, 2019 – June 30, 2020 report due by: August 1, 2020

July 1, 2020 – June 30, 2021 report due by: August 1, 2021

5.2 Inspections

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

5.3 Compliance

a. 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 and the timeframe for correcting the violation. The timeframe given to correct the violation shall be at least 14 days, unless the violation is causing an immediate hazard to people and/or property.

- b. PGE may dispute the violation in writing within the timeframe for compliance. If PGE disputes the violation, Urban Forestry and PGE shall meet within 30 days from the date of the written dispute request. Both parties shall in good faith attempt to reach a resolution.
- c. If the alleged violation is not disputed and corrective actions are not undertaken within the specified timeframe, Urban Forestry may take one or more of the following actions:
 - 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.
- d. Should the dispute be based, in whole or in part, on language in the National Electrical Safety Code, adopted as regulations by the Oregon Public Utility Commission, Urban Forestry will issue no Temporary Stop Work Order nor revocation or denial of permits, but instead shall submit such dispute to the Oregon Public Utility Commission for formal or informal resolution.
- e. 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 for their behalf or at the request of PGE 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:

PGE 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. PGE shall indemnify, defend and hold the City, its officers, agents and employees, harmless from any third-party claim for injury, damage, loss, liability, cost or expense, including court and appeal costs and attorney fees or expenses, arising from any casualty or accident to person or property by reason of any activities under this Permit, by or for PGE, its agents or employees, but not if arising out of or by reason of any negligence or willful misconduct by the City, its officers, agents or employees. The City shall provide PGE with prompt notice of any such claim which PGE shall defend with counsel of its own choosing and no settlement or compromise of any such claim will be done by the City without the prior written approval of PGE. PGE and its agents, contractors and others shall consult and cooperate with the City while conducting its defense of the City.

7.0 RESOURCES:

ANSI A300 (Part 1)-2008 Pruning: Tree Care Operations: Tree, Shrub, and Other Woody Plant Management: Standard Practices (Pruning). Revision of ANSI A300 (Part 1)-2001. 2008. American National Standards Institute, Washington, DC.

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

ANSI Z133-2012 for Arboricultural Operations: Safety Requirements. 2012. American National Standards Institute, Washington, DC.

Gilman, Edward and Sharon Lilly. *Best Management Practices: Tree Pruning, Second Edition*. 2008. International Society of Arboriculture, Champaign, Il.

Kempton, Geoffrey. *Best Management Practices: Utility Pruning of Trees: Special companion publication to the ANSI A300 Part 1: Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices, Pruning*. 2004. International Society of Arboriculture, Champaign, Il.

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

8.0 APPENDICES:

Appendix A – PGE vegetation clearance policy 2013

Appendix B – PGE service territory

Appendix C – OAR 860.024

Appendix D – Title 11 Table 40-1 Tree Removal in Overlay Zones and Plan Districts

Appendix E – Qualitative report template

Appendix F – Quantitative report template

Appendix G – Inspection Request Form

9.0 SIGNATURE:

By: _____

Date: _____

Jenn Cairo
City Forester