



Portland Parks & Recreation Urban Forestry Programmatic Permit Multnomah County Drainage District

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 Provide equitable urban forest benefits for all residents of the City (UFMP 2004).
- 1.4 Prevent cumulative adverse impacts to the urban forest and ensure that there is no reduction in tree canopy coverage over time (Title 11.45).
- 1.5 Allow the Multnomah County Drainage District No. 1 (MCDD), Peninsula Drainage District No. 1 (PEN 1), and Peninsula Drainage District No. 2 (PEN 2) to conduct operation and maintenance of levees, sloughs, and ditches in accordance with federal standards including Federal Emergency Management Agency's levee certification standards and the U.S. Army Corps of Engineers' standards for levee operation, maintenance, and water conveyance in sloughs and ditches.

2.0 TERMS AND TIMELINE OF PERMIT:

2.1 **Permit duration is from the date of final signature through March 30, 2022**

The permit must be signed and in effect before tree work is conducted.

- 2.2 MCDD, PEN 1, and PEN 2 are the responsible parties for all activities in this permit within their respective jurisdictions and shall ensure all staff and contractors comply with the terms and conditions of this permit. Through prior intergovernmental agreements signed by the Boards of Supervisors of PEN 1, PEN 2, and MCDD, MCDD provides staff and labor on behalf of all three Districts. These parties shall be referred to as "the District(s)" throughout 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 management activities related to development.

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 Abbaté, Director

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.

3.2 Activities shall support the [2004 Urban Forest Management Plan](#).

3.3 This permit shall not apply to Heritage Trees.

3.4 **Location**

Permit activity may occur on City of Portland property, District property, and on other private property for which MCDD, PEN 1, and PEN 2 have statutory or easement authority to access. Appendix A shows the District boundaries and sites of planned tree activities covered by this permit.

3.5 **Definitions**

- a. Private trees: Trees located on property not owned by the City of Portland and not located in the City right-of-way
- b. City trees: Trees located on City-owned property
- c. Street trees: Trees located in the City right-of-way
- d. Dangerous tree: the condition of the tree presents a foreseeable imminent danger of inflicting damage to people or property 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](#)

3.6 **Pruning**

- a. District staff and contractors may prune City trees and private trees located within the MCDD, PEN 1, and PEN 2 district boundaries (see Appendix A) for any of the following reasons:
 - to maintain compliance with federal standards—including the Federal Emergency Management Agency's (FEMA) levee certification requirements and the U.S. Army Corps of Engineers' (USACE) federal levee standards and programs—for levee operation and maintenance and for water conveyance in sloughs and ditches;
 - to remove dead, damaged, and diseased portions of trees;
 - to abate a hazard; or
 - to allow clearance for vehicles and equipment along access roads and waterways.

- b. Pruning activities may include crown raising, crown cleaning, crown restoration, and clear infrastructure as specified in the City of Portland’s PP&R Urban Forestry [Street Tree Pruning Standards](#).
 - i. Crown raising removes the lower branches of a tree in order to provide clearance for vehicles, pedestrians, buildings, and water conveyance. Clearance standards are 7.5 feet above the sidewalk, 11 feet above residential streets, 14 feet above main arterial streets, and 14 feet above sloughs and ditches.
 - ii. Crown cleaning is the removal of water sprouts and dead, dying, diseased, crowded, weakly attached, and low vigor branches from a tree’s crown.
 - iii. Crown restoration is used to improve the structure, form, and appearance of trees after being broken.
 - iv. Clear infrastructure is pruning to clear street light poles, buildings, stop signs, and other infrastructure.
- c. Pruning shall be made with proper pruning cuts and sharp tools. City tree pruning activities shall adhere to American National Standards Institute (ANSI) *A300 Pruning Standard – Part 1*, and International Society of Arboriculture *Best Management Practices: Tree Pruning*, including any amendments or revisions.
 - i. All persons conducting this work shall have the training, experience, and equipment necessary to conduct the pruning work in a controlled and safe manner.
 - ii. For trees pruned, no more than 25% of the crown shall be removed within an annual growing season.
 - iii. When pruning from the ground, care shall be taken to avoid cutting the trunk above the cut.
 - iv. Trees shall not be topped.
- 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, except to abate a hazard.
 - 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.
- e. Districts shall maintain a record of pruning locations and dates. This record is not required in annual reports but shall be maintained by the districts and provided when requested by the City Forester.

3.7 Training

- a. District staff who conduct routine tree pruning activities shall attend a pruning training workshop put on by Urban Forestry at least once during the permit timeframe.

3.8 Removal

- a. City trees
 - i. City trees of all sizes are regulated regarding removal.
 - ii. Removal of city trees is not addressed by the conditions of this permit. Removal of any city tree must be in accordance with Title 11.40 (Appendix C).
- b. Street trees
 - i. Street trees of all sizes are regulated regarding removal.
 - ii. Removal of street trees is not addressed by the conditions of this permit. Removal of any street tree must be in accordance with Title 11.40 (Appendix C).
- c. Private trees
 - i. 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 3.8.c.i.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)
 - ii. Dead or dangerous trees on private property
 - a. Dead or dangerous trees of any size or species may be removed without notifying the City Forester or the public. Mitigation (3.8.e) and reporting (3.8.f) requirements apply.
 - b. In the Environmental (c, p) overlay zones, removal of dead or dangerous trees 12" DBH or greater requires the retention of wood in the same ownership, unless the City Forester approves removal of diseased wood from the site.
 - iii. Nuisance trees on private property
 - a. Nuisance trees may be removed without notifying the City Forester or the public. Mitigation (3.8.e) and reporting (3.8.f) requirements apply.

- iv. Property owner permission
 - a. The districts have statutory authority under ORS 547 to repair, clean, or grade ditches, sloughs, or waterways to ensure efficient operation and to construct, operate, protect, and maintain flood control projects for the protection of the lands within the district. The districts also have easement authority on certain properties to operate and maintain flood control works.

- v. Removal of regulated non-dangerous, non-nuisance private trees is not addressed by the conditions of this permit. Request for removal of regulated private trees be submitted in accordance with Title 11.40 (Appendix C).

- d. Zoning code exemption requirements
 - i. The zoning of the property (or adjacent property, for street trees) shall be checked before any non-dangerous tree is removed. Detailed 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 B). 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.

- e. Mitigation
 - i. Trees that are removed under this permit shall be compensated by planting trees one-for-one, or two-for-one where space is available. The District shall submit a planting plan to the City Forester for approval prior to planting.
 - ii. Trees shall be a minimum of 1.5 inches caliper for broadleaf trees or at least 5 feet in height for coniferous trees at the time of planting.
 - a. Trees smaller than these standard size thresholds may be planted in District-managed natural areas that are being maintained or restored for natural resource functions and values.
 - iii. Mitigation trees shall be planted by the next planting season (October to April) immediately following removal.

- iv. Trees planted for mitigation shall be monitored and guaranteed for three years and replaced in kind if they die within this timeframe.
- v. 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.

f. 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.

4.0 COMMUNICATION:

4.1 The Districts shall maintain accurate permit contact information with Urban Forestry.

4.2 **Contact and representative for Districts:**

Sunny Simpkins
 Planning Director, Multnomah County Drainage District No. 1
 Mailing address: 1880 NE Elrod Drive, Portland, Oregon, 97211
 Phone: 503-281.5675
 Email: ssimpkins@mccd.org

5.0 QUALITY CONTROL AND REPORTING:

5.1 **Reporting**

A report describing permit activities shall be sent to Urban Forestry once per year for the duration of the permit on the forms provided by Urban Forestry (Appendix D and E). The report shall be emailed to trees@portlandoregon.gov and received no later than one month after the reporting period.

a. Reporting periods:

Date of permit issuance – December 31, 2018; report due by: February 1, 2019
 January 1, 2019 – December 31, 2019; report due by: February 1, 2020
 January 1, 2020– December 31, 2020; report due by: February 1, 2021
 January 1, 2021 – December 31, 2021; report due by: February 1, 2022

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 3 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 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.

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

7.0 APPENDICES:

Appendix A – Maps of district boundaries, ownership, and regulated overlay zones in the MCDD service area

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

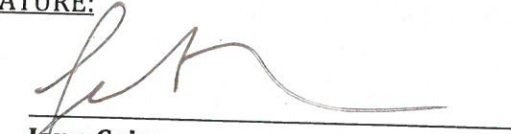
Appendix C - Title 11.40 Tree Permit Requirements

Appendix D - Qualitative report template

Appendix E - Quantitative report template

8.0 SIGNATURE:

By:



Jenn Cairo
City Forester

Date: 1/1/18