



Portland Parks & Recreation Urban Forestry Programmatic Permit TriMet Light Rail

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 Support appropriate management of tree resources along TriMet light rail lines.
- 1.5 Improve public safety and tree canopy health.

2.0 TERMS AND TIMELINE OF PERMIT:

- 2.1 **Permit duration is from the date of final signature through September 30, 2028.**
The permit must be signed and in effect before tree work is conducted.
- 2.2 Tri-County Metropolitan Transportation District of Oregon (TriMet) Rail Maintenance of Way (MOW) department 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 \(www.portland.gov/code/11\)](http://www.portland.gov/code/11).

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.Portland.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.

Portland.gov/Parks • Dan Ryan, Commissioner • Adena Long, Director



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, found on the City of Portland's website.
- 3.3 Heritage trees shall not be included within the scope of this permit.
- 3.4 Emerald ash borer (EAB) has been detected in the region. **The most current** protocols and best practices established by the State of OR and City of Portland for the management of EAB shall be followed.

3.5 **Location**

All permit activity shall occur in the City right-of-way along the Metropolitan Area Express (MAX) light rail segments and platforms in Portland's Central Business District and along the south edge of Holladay Park. See Appendix A and Appendix B.

3.6 **Pruning**

- a. TriMet staff and contractors may prune trees according to TriMet's Standards and Protocols for Tree Trimming along TriMet Light Rail Lines (Appendix C).
- b. For trees pruned, no more than 25% of the crown shall be removed within an annual growing season.
- c. 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.
 - a. Pruning of elm trees during the state quarantine period requires prior notification to the City Forester. TriMet shall notify the City Forester by submitting an Inspection Form (Appendix F) at least 15 days in advance of planned pruning activity. If pruning of an elm during the state quarantine is unplanned, TriMet shall notify the City Forester retroactively by using the same Inspection Form (Appendix F) retroactively describing the work done and how the spread of Dutch elm disease was mitigated during the emergency response.

- b. Additional notification shall be sent to the property owner or adjacent property owner at least 15 days in advance of planned pruning activity. The notification will address practices used to avoid the spread of Dutch Elm Disease.
- 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.

3.7 Removal

a. 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, pruning, or by making practicable site condition modifications. 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, or portion of tree, shall be conducted as follows, per Title 11.40.020.D:
 - a. When TriMet discovers that a dangerous street tree condition exists in the right-of-way, TriMet shall immediately notify Urban Forestry by calling 503-823-TREE (8733) and, where power lines are involved, notify the appropriate power supplier.
 - b. 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 and an Inspection Request form (Appendix F) shall be filled out within seven (7) days after the event occurred.
 - c. Within seven (7) days of removing a dangerous tree condition abatement, TriMet shall provide notification and documentation to the City Forester on the Inspection Request Form (Appendix F) provided by Urban Forestry. Upon submittal to the City Forester, the Inspection Request Form shall include photographs or other documentation that prove that the tree condition was dangerous. The City Forester will evaluate the information to determine whether a dangerous tree condition existed. Failure to provide information documenting the emergency nature of the event may be pursued as a violation per Title 11.70, “Enforcement.”
- b. TriMet staff may request permission from the City Forester to remove trees due to an advanced state of decline, disease, or potential hazard to the public or light rail infrastructure. Removal shall be requested at least 4-weeks in advance of the anticipated removal timeframe using the Inspection Request Form. The City Forester will evaluate the request, and either issue a tree removal permit and any set conditions on the timing of removal or deny the request. See “d. Mitigation” for follow-up actions after a removal has been approved and occurs.

- c. Debris
 - i. All tree debris generated by tree work performed by TriMet or on behalf of TriMet shall be removed from the site. Streets and public rights-of-way shall be kept clear of debris.
- d. Mitigation
 - i. Removed trees shall be compensated for by planting one replacement tree for each tree removed with a 2-inch caliper tree within the timeframe of the active programmatic permit.
 - a. To the extent possible, trees shall be replaced close to where they were removed. Mitigation trees shall be planted by the next planting season (October to April) immediately following removal.
 - ii. Trees planted for mitigation shall be monitored, established, and guaranteed for three years and replaced in kind if they die within this timeframe.
 - iii. 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 the [Title 11 Trees Permit Fee Schedule \(https://www.portland.gov/trees/treepermits/fees-and-related-information\)](https://www.portland.gov/trees/treepermits/fees-and-related-information) in effect at the time of removal. Mitigation payment shall be completed by the expiration of the permit.
- e. Reporting
 - i. The number, species, and DBH of all trees permitted for removal shall be reported (see 5.1), 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, and size of tree stock 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) and on City property shall be approved by the City Forester.
- c. 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. Species selected for planting on City property shall be approved by the City Forester.

- i. Species diversity requirements
 - a. When planting fewer than 8 trees per calendar year, they may all be the same species.
 - b. When planting between 8 and 24 trees 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 calendar year, no more than 24 percent of the total planted shall be of one species.
- d. Trees shall be a minimum of 2 inch 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 three years for establishment and replaced in kind if they fail within this timeframe.
- f. The number, species, stock size, and location of trees planted shall be reported (see 5.1).

4.0 COMMUNICATION:

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

4.2 TriMet contact and representative

Matt Baccitich, Project Coordinator

Mailing address: 2222 NW Elevenmile Ave., MS: RJS Gresham, OR 97232

Phone: 503-724-1324

Email: Baccitim@trimet.org

5.0 QUALITY CONTROL AND REPORTING:

5.1 Reporting

Qualitative and quantitative activities reports shall be sent to Urban Forestry once per fiscal year, as per below, for the duration of the permit on forms provided by Urban Forestry (see Appendix D and Appendix E). Completed forms shall be received no later than one month after the end of 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, reviewed, and approved.

a. Reporting periods:

- July 1, 2023 – June 30, 2024, report due by August 1, 2024
- July 1, 2024 – June 30, 2025, report due by August 1, 2025
- July 1, 2025 – June 30, 2026, report due by August 1, 2026
- July 1, 2026 – June 30, 2027, report due by August 1, 2027

- July 1, 2027 – June 30, 2028, report due by August 1, 2028

5.2 Inspections

Urban Forestry may perform inspections to assess compliance with the conditions of this 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 per Title 11 section 11.70.090.B.1
 - Restoration fees imposed for trees found in violation
- a. Fees shall follow the adopted Title 11 fee schedule in effect at the time(<https://www.portland.gov/trees/treepermits/fees-and-related-information>).

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 INDEMNITY:

TriMet 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 1)-2017 Pruning: Tree Care Operations: Tree, Shrub, and Other Woody Plant Management: Standard Practices (Pruning). Revision of ANSI A300 (Part 1)-2008. 2017. 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). Reaffirmation & redesignation ANSI A300 (Part 6)-2012. 2018. 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.

Street Tree Pruning Standards. 2014. City of Portland, Portland Parks & Recreation Urban Forestry, Portland, OR.

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

8.0 APPENDICES:

Appendix A – TriMet permit map

Appendix B – Holladay Park trees

Appendix C – TriMet pruning standards and protocols

Appendix D – TriMet Qualitative reporting template

Appendix E – TriMet Quantitative reporting template

Appendix F – Inspection Request Form

9.0 SIGNATURE:

By: Jenn Cairo Digitally signed by Jenn Cairo
City Forester Date: 2023.10.23 15:56:15 -07'00' Date: _____