

11.50.040 Tree Preservation Standards.

A. Where these regulations apply.

1. This Section applies to trees within the City of Portland and trees on sites within the County Urban Pocket Areas in the following situations. On sites where these regulations do not apply, tree removal is subject to the requirements of Chapter 11.40, Tree Permit Requirements.

a. On sites. Development activities with any ground disturbance or a construction staging area greater than 100 square feet on unpaved portions of the site within the root protection zone, as defined in Subsection 11.60.030 C.1.a., of one or more Private Trees 12 or more inches in diameter and/or one or more City Trees 6 or more inches in diameter.

b. In streets. Development activities with any ground disturbance or construction staging not limited to existing paved surfaces where there are one or more Street Trees 3 or more inches in diameter.

2. Any Heritage Trees and trees required to be preserved through a land use condition of approval or tree preservation plan cannot be removed using the provisions in this Chapter, but may be counted toward the tree preservation requirements of this Section.

B. Exemptions. The following are exempt from the tree preservation standards of this Section:

1. Private trees on portions of sites located within an IH zone.
2. Private trees on sites that are less than 5,000 square feet in area.
3. Private trees on sites that have existing or proposed building coverage of 85 percent or more.
4. Trees that are dead, dying, dangerous, or a nuisance species, as documented in a Tree Plan per Subsection 11.50.070 B. These are

subtracted from the total number of trees to be addressed by the standards.

5. Private trees exempted from this standard by a land use decision.
6. Tree preservation requirements approved in a land division or planned development review under Title 33, Planning and Zoning and the requirements of that review are still in effect.
7. Repair and replacement of existing fences and decks that are not changing in footprint or length when no trees are to be removed as a part of the project.

C. Tree Preservation Requirement. Any trees preserved shall be protected in accordance with the specifications in Section 11.60.030. ~~The regulations for Private Trees in Subsection 11.50.040 C.1. sunset after December 31, 2024. After December 31, 2024 the regulations in effect will be those in effect on January 1, 2015.~~

1. Private Trees.

- a. General tree preservation.

- (1) Retention. An applicant shall preserve and protect at least 1/3 of the non-exempt trees 12 inches and larger in diameter located completely or partially on the development site, unless mitigation occurs per Subsection 11.50.040 C.1.a.(2) below. Any fractional result will be rounded up to the next whole number. Retaining trees at least 6 and less than 12 inches in diameter that are documented in a report prepared by an arborist or landscape professional to be Garry Oak (*Quercus garryana*), Pacific Madrone (*Arbutus menziesii*), Pacific Yew (*Taxus brevifolia*), Ponderosa Pine (*Pinus ponderosa*), Western Redcedar (*Thuja plicata*), or Western Flowering Dogwood (*Cornus nuttallii*) species are not included in the total count of trees on the site but may be used toward meeting the preservation standard.

- (2) Mitigation. For each tree not preserved and protected below the 1/3 requirement, payment to the Tree Planting

and Preservation Fund is required as shown in Table 50-1. For trees not preserved and protected at least 12 inches and less than 20 inches in diameter the mitigation fee is the cost of (2) two-inch diameter replacement trees. For trees not preserved and protected at least 20 inches in diameter or greater the mitigation fee is the cost per diameter inch of tree not preserved and protected. The fee is calculated using the per-inch Restoration Fee for Tree Removal in the adopted fee schedule for Title 11. In cases where more than one tree is not preserved and protected in excess of that allowed by Subsection 11.50.040 C.1.a.(1), the mitigation payment required to meet the 1/3 retention standard is based on the largest tree or trees proposed for removal.

(3) Removal. Each tree not preserved and protected may be removed. Any trees removed shall be removed in accordance with the specifications in Section 11.60.050.

Table 50-1

Required Mitigation

Size of Tree Removed (inches in diameter)	Required Mitigation
At least 12 and less than 20	The cost of (2) two-inch diameter replacement trees
At least 20 or more	The cost per inch of tree removed

b. Preservation of trees 20 inches or greater.

(1) Retention. An applicant shall preserve and protect all non-exempt trees 20 inches in diameter or greater located completely or partially on the development site, unless mitigation and notice occurs per Subsections 11.50.040 C.1.b.(2) and 11.50.040 C.1.c., below. Retention or mitigation of these trees may also be used to meet the standards for general tree preservation in Subsection 11.50.040 C.1.a. above.

(2) Mitigation. For each tree 20 or more inches in diameter not preserved and protected, payment to the Tree Planting and Preservation Fund is required as shown in Table 50-1. The fee is calculated using the per-inch Planting and Establishment Fee in Lieu for development in the adopted fee schedule for Title 11.

(3) Removal. Each tree not preserved and protected may be removed. Any trees removed shall be removed in accordance with the specifications in Section 11.60.050.

c. Notice for trees 36 inches or greater not preserved and protected. If a tree 36 inches or greater in diameter is not preserved and protected as allowed by Subsection 11.50.040 C.1.b.(2) above, the property owner or the property owner's representative must post a notice on the site and send a notice to the recognized Neighborhood Association and District Coalition in which the site is located. The notices are for notification purposes only. The notices do not provide for public comment on the proposal or for appeal of the proposal. The property owner or the property owner's representative must provide a signed certification to the Bureau of Development Services that a notice was posted on the site and a notice was sent to the Neighborhood Association and District Coalition. The development permit may not be issued until the business day following the day the notification period is completed.

(1) The posted notice must:

(a) Be posted on the site for at least 45 calendar days prior to development permit issuance;

(b) Be posted within 10 feet of the street lot line nearest the tree or trees to be removed;

(c) Include the date of posting and the date of the end of the notification period;

(d) Include a site plan at least 8.5 x 11 inches in size showing the location and description of the trees(s) to be removed including diameter inch size(s); and

(e) Include contact information for the property owner or the property owner's representative.

(2) The notices to the Neighborhood Association and District Coalition must:

(a) Be e-mailed or mailed to the Neighborhood Association and District Coalition using the contact information maintained by the Office of Community & Civic Life. If mailed, the notice must be sent via certified or registered mail. The date of the e-mail or the mailing must be at least 45 calendar days prior to development permit issuance;

(b) Include a description of the trees(s) to be removed including diameter inch size(s); and

(c) Include contact information for the property owner or the property owner's representative.

d. Exemption of tree preservation mitigation payments for affordable housing developments. Projects are exempt from the mitigation requirements in Subsection 11.50.040 C.1.b.(2) if the development will be an affordable housing development approved for system development charge exemptions under Section 30.01.095. The amount of the mitigation exemption shall be pro-rated to a percentage equal to the percentage of dwelling units on the development site that are approved for the systems development charge exemption in Section 30.01.095. The Director of the Portland Housing Bureau may adopt administrative rules for the administration of Subsection 11.50.040 C.1.d.

e. Exception for Capital Improvement Projects. Trees on private property that are part of a capital improvement project and

within the development impact area are regulated as City and Street Trees.

2. City and Street Trees.

a. General Tree Preservation

(1) Retention. The City Forester will identify potential impacts and opportunities to preserve and protect existing trees, as well as any measures required to protect trees on site, on adjacent sites, or in the street. Any work on any Street Tree or City Tree must be approved by the City Forester.

(2) Mitigation. Any required mitigation specified below shall occur on the site, in the street planter strip, elsewhere on City property or in the street, or as a payment into the Tree Planting and Preservation Fund. The City Forester may reduce or waive the following mitigation requirements.

(a) Approved Street Tree removal in conjunction with improvements to partially or fully unimproved streets. Each tree at least 12 inches in diameter that is allowed to be removed shall be replaced with at least one tree. Trees planted to meet Street Tree Planting Standards will be credited toward meeting this requirement.

(b) Any other Street Tree or City Tree allowed to be removed that is 6 or more inches in diameter shall be replaced with at least one tree in addition to trees required to meet required tree density or Street Tree planting standards.

(3) Removal. Any trees approved to be removed by the City Forester may be removed. Any trees removed shall be removed in accordance with the specifications in Section 11.60.050.