



CITY OF OREGON CITY

NATURAL RESOURCES COMMITTEE

AGENDA

Virtual Meeting
Wednesday, January 10, 2024 at 6:00 PM

This meeting will be held online via Zoom; please contact ocplanning@orccity.org for the meeting link.

CALL TO ORDER AND ROLL CALL

ADOPTION OF THE AGENDA

Natural Resources Committee members have the opportunity to rearrange, remove, or add items on the agenda. Adding an item to the agenda requires the consensus of the Natural Resources Committee.

APPROVAL OF MINUTES

Please review minutes prior to meeting.

- [1.](#) Approval of Minutes for NRC November 8, 2023

PUBLIC COMMENT

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. The Chair has the discretion to waive limitations. Prior to speaking, citizens shall complete a comment form and deliver it to the Staff Member. The Natural Resources Committee does not generally engage in dialog with those making comments but may refer the issue to the City Manager.

NEW BUSINESS/DISCUSSION ITEMS

- [2.](#) Tree Removal and Sidewalk Mobility / Tree Code Discussion

COMMUNICATIONS

FUTURE AGENDA ITEMS

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

NATURAL RESOURCES COMMITTEE

DRAFT MINUTES

Virtual Meeting

Wednesday, November 8, 2023 at 6:00 PM

This meeting will be held online via Zoom; please contact ocplanning@orccity.org for the meeting link.

NRC INTERVIEWS

6:00 pm

The committee held interviews with applicants Samantha Wolf and Doug Neeley.

CALL TO ORDER AND ROLL CALL

6:34 pm

Present: Nancy Broshot, Emily Lisborg, Samantha Wolf, Brian Kvisler, Dave Trotter

Staff: Pete Walter, Planning Manager

ADOPTION OF THE AGENDA

6:35 pm

Agenda was accepted as is.

PUBLIC COMMENT

There was no public comment.

DISCUSSION ITEMS

Street Tree Code

6:36 pm

The committee discussed street trees affecting sidewalks. There may be a scenarios where trees may be cut down based only on the presence of damage to the sidewalk. The NRC as a group would like to suggest that trees should not be removed if the only reason for removal is damaged sidewalks.

The committee suggested making public comment to the city commission about street tree removal. Samantha reminded the committee that the city does not currently assess a fee for a street tree removal permits.

Nancy suggested language like "I'm here to voice a concern about how street tree removal is handled and request a work session to consider alternatives to the current process." Samantha suggested that we may want to plan talking points and submit them as a committee.

There was discussion about improving/rewriting the tree code to be more focused on conservation.

Pete offered to prepare a comparison of area tree codes and invite public works staff to attend a future meeting to talk about the sidewalk repair and permitting process.

Climate Friendly And Equitable Communities

7:19 pm

Pete provided an overview of the Statewide Climate Friendly and Equitable Communities (CFEC) legislation and timing for city compliance with this program. The program requires that local jurisdictions adopt new standards for reduction of minimum parking requirements, electric vehicle charging infrastructure, climate friendly urban design, roadway design, bicycle parking and other standards. The city already adopted many of these requirements and will be working on implementing the remaining standards with City Commission input and direction throughout 2024-2025.

NRC Work Plan Topics

7:28 pm

Nancy suggested the committee wait for the appointment of new members to the committee before evaluating the work plan. The committee generally agreed and this item was tabled for later discussion.

MEETING MINUTES

7:38 pm

The Committee unanimously approved the October 11, 2023 minutes.

COMMUNICATIONS

There were no communication items.

FUTURE AGENDA ITEMS

1. Street Tree Code / Sidewalk Permitting.
2. Discuss topics on work plan for agenda topics.
3. Discussion about when to elect new positions, in January after new members appointed.

ADJOURNMENT

7:39 pm



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: Natural Resource Committee
From: Pete Walter, Planning Manager

Agenda Date: 01/10/2023

SUBJECT:

Tree Removal and Sidewalk Mobility / Tree Code Discussion

STAFF RECOMMENDATION:

Discussion.

BACKGROUND:

Street Tree Code Questions

Josh Wheeler, Assistant City Engineer, will attend the January NRC meeting to give some background and explanation on the city's sidewalk repair requirements.

There is a significant liability risk associated with sidewalk mobility and the safety of pedestrians is a primary concern for the city and homeowners. Sidewalk repair is required when complaints are received and a sidewalk mobility concern is confirmed by the Code Enforcement Division, whereupon the property owner is sent a letter informing them of the need to address the issue.

We will discuss some of the available options for sidewalk repair and potential ways to avoid tree removal in the process.

Planning staff will also provide street tree code examples from other jurisdictions in the Metro area and some of the differences and similarities between them and the latest revisions to Oregon City's street tree code, OCMC Chapter 12.08.035, which can be reviewed at the following link:

<https://www.oregoncity.org/DocumentCenter/View/3589/OCMC-1208035---Tree-Removal-and-Replacement-Clean-Code-adopted-5-3-23-PDF>

The focus of this discussion is trees in sidewalk situations in the public right-of-way. Public Works provides the following information links regarding Safe Sidewalks and the Sidewalk Replacement Assistance Grant Program:

<https://www.oregoncity.org/1113/Safe-Sidewalks>

<https://www.oregoncity.org/1171/Sidewalk-Replacement-Assistance-Grant-Pr>

Tree Codes

Staff has conducted a cursory web-based review of available code language and review of tree codes and prepared a summary comparison table for Oregon City, Wilsonville, West Linn, Happy Valley, Lake Oswego, Milwaukie, Portland and Gresham. Errors and omissions may exist. Administrative interpretations and effectiveness of enforcement varies widely between jurisdictions. Additional regulations (e.g. zoning, stormwater, overlay districts) may exist that are outside the scope of tree codes. Also, other urban forestry efforts (e.g. Friends of Trees, Metro, SOLV), incentives, and tree planting programs may exist.

OPTIONS:

1. Discuss topics and determine next steps.
2. Do not discuss topics.

ATTACHMENT A

Oregon City Sidewalk Replacement Assistance Program

Updated 1/22/2022

OVERVIEW

The goal of the Oregon City Sidewalk Replacement Assistance Program is to address sidewalk panels that have been lifted by street trees, to prevent the associated sidewalk trip hazards in a timely manner, and to assist property owners with the related replacement costs.

Emphasis on Pedestrian Travel

The City's Transportation System Plan (TSP) provides a long-term guide for City Transportation investments. With the growing need to address vehicle congestion, the city has been imposing standards and requirements that placed construction of sidewalks and pedestrian ways on all new development since the 1970's. In 2013, the TSP provided solutions for dealing with congestion by taking a multimodal network approach to enable more cost-effective solutions to increase transportation capacity and encourage multiple travel options. Oregon City Streets include 158 miles of sidewalks and over 2,600 curb ramps. Safe and accessible pedestrian ways is a major part of the City's overall transportation vision. Supporting property owner needs in maintaining the existing infrastructure is a critical element to maintain safe pedestrian access.

Program Summarizing Facts

Program Annual Budget: This Sidewalk Replacement Assistance Program is a new program developed amid a two-year (2021-2023) biennial budget.

The capital outlay for Transportation over the two-year biennium is nearly 9 million. With little certainty about how much expenditure this test program will utilize, rather than institute a new budget line item or cutting funding from other projects, this program will be absorbed within the Transportation Fund budget. To place some boundaries on the program spending, expenditures will be monitored with a City Commission endorsement of a program expenditure of up to \$200,000 during the 12 months following adoption. Should the program exceed the \$200,000 per year allocation prior to the 12-month anniversary, then staff will bring before the City Commission an update and request for additional funding and budget authorization. Otherwise, the next program check in to determine how the program is going and how the funding allocation is meeting the program needs will occur at a City Commission Work Session within 14 months of the adoption, assuming approved for a Work Session discussion by the Mayor.

BACKGROUND

Industry Practice and Responsibility for Sidewalks

According to the U.S. Department of Transportation Federal Highway Administration (FHWA), city charters commonly specify that the city is not liable for any accidents or injuries incurred due to sidewalk conditions. Most Oregon charters assign complete responsibility for sidewalk maintenance to the owner of the adjacent property.

Pursuant to the Oregon City Municipal Code 12.04.030-12.04. 040, the City assigns sidewalk responsibility to abutting property owners. This assistance test program is in no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of replacing damaged sidewalks.

Compliance History

Oregon City has a long history of working with property owners to uphold the sidewalk code. In the past, enforcement of trip hazards in Oregon City has been a complaint-driven process. Many property owners take the initiative to repair sidewalks before a complaint is submitted, while others wait until the sidewalk damage is reported by others.

Individual sidewalk enforcement and repair efforts have varied depending on the property owner and the disposition of the area. Often sidewalk complaints are limited to one address. In other cases, an areawide problem is reported. Regardless of the complaint, the sidewalk problem is verified, and the fronting property owner is notified of the City's code and requirements for replacement.

Trees and Tree Impacts on Sidewalks

Oregon City recognizes that the maintenance and repair of sidewalks within the city is necessary to protect the health, safety, and welfare of residents and visitors. This program is being developed in recognition of the inherent conflict between tree roots and sidewalks, and the accompanying financial burden these public policies place upon homeowners.

ELIGIBILITY

1. Applications for the Sidewalk Replacement Assistance Program will only be accepted for properties with fronting sidewalks where the street tree(s) has lifted or is negatively impacting the sidewalk grade. **Note: street trees considered in the eligibility determination include street trees in tree wells or the planter strip between the curb**

and the sidewalk. Sidewalks damaged by trees that are located beyond the back of sidewalk would not be eligible for the Sidewalk Replacement Assistance Program.

2. Applications will only be accepted for sidewalk replacements and street tree removals along public streets.
3. Applicants may only apply for one grant (may include multiple sidewalk replacements) for one property in a calendar year.
4. Applications will only be accepted for sidewalk panel replacements once. Sidewalk panel replacements completed under this program will be tracked by property and specific location and will not qualify for grant funding more than once.
5. Eligibility for reimbursement is contingent upon funds available within the \$200,000 annual spending limit authorized unless additional funding is approved by the City Commission.
6. Except for work accomplished under a permit received before enactment of the program, applications must be received and approved by the city before the sidewalk work begins.
7. Grant funds are only eligible for the applicant who owned the home or applied for the grant at the time of the replacements and can provide a copy of the sidewalk replacement permit, documentation for payment of work including a copy of the receipt for payment, and proof the permitted work was completed under their ownership.
8. Applications for sidewalk replacement cost and tree removal reimbursements that are retroactive to the enactment of this Program will be considered for sidewalk replacements and tree removals that were permitted by the City and determined in compliance with sidewalk standards.
9. Applicants must sign the application form including a statement that they are able to pay for the work out of pocket as the Sidewalk Replacement Assistance Program is an assistance program created as a cost reimbursement to the applicant.

Work completed under the Sidewalk Replacement Assistance Program must be completed within 120 days of application approval. If this deadline is not able to be met, applicant may apply for a one-time 30-day extension. Applicant must contact the city at least 14 days prior to the work deadline if an extension is necessary. Time extensions beyond 150 days may be approved on a limited basis by the Public Works Director conditioned upon monthly update communication undertaken by the applicant with the permitting staff and will result in a reduced grant of up to 50% of the panel rate for all work required.

PROCEDURES

Use of Funds

1. Grant funds must be used for the replacement of existing sidewalk sections **that have been damaged by the growth of street tree roots or street tree trunk.**
2. Grant funds can be applied to costs associated with the removal of the street tree and street tree roots.
3. Grant funds are only eligible for sidewalk removal and replacement displaced or damaged by the growth of the street tree; adjacent sidewalk replacement not displaced or damaged by the street tree will not be considered a reimbursable expense.
4. Grant funds can be applied to costs associated with the street tree damaged sidewalk such as creation of safe work zones, creation of temporary pedestrian routes, traffic control, demo, disposal, root removal, subgrade preparation, forming, pouring, and finishing sidewalk, protection from adverse weather and security of the finished sidewalk.
5. Grant funds can be used for applicant costs incurred for sidewalk replacement work associated with permitted sidewalk replacements that have been deemed complete and compliant with City standards.

Eligibility for a Grant

1. Applicants are responsible for obtaining and complying with the conditions of the City's Sidewalk/ROW permit for jobs that require sidewalk replacement.
2. To be eligible, applicants must first submit a complete and signed permit application.
3. Applications submitted by applicants not self-performing the sidewalk replacement work must include at least two price quotes from a qualified contractor to complete the work; self-performed work should include an equipment and materials cost estimate.
4. Competitive bids help applicants choose the most rational way to proceed and help the city ascertain industry cost trends for the program; two competitive bids are required.
5. Work not self-performed must include verification that the work is performed by an Oregon licensed contractor who is also maintaining a current Oregon City or Metro business license.
6. The maximum grant reimbursement will be in accordance with the funding assistance section listed below.
7. For jobs where sidewalk replacement is not the preferred treatment, such as grinding no grant reimbursement will be provided.
8. All grant awards and reimbursements will be made on a first-come, first-served basis, subject to the availability of funds as allocated and approved by the City Commission. Once the program budgeted amount has been expended, no further applications will be approved without further spending authority provided by the City Commission.

Note: The lack of sufficient funds to cover the number of applications received by the City in any given year will not excuse the homeowner from the responsibility of maintaining the adjoining sidewalk in a safe condition nor create any liability to the City for any unsafe sidewalks.

FUNDING ASSISTANCE

Grant Rates

Annual Sidewalk Replacement Assistance Program Grant Award **unit rate:**

Up to a maximum of \$1,500 per each site. A site is comprised of the street tree damaging the sidewalk and the associated damaged sidewalk area.

Example grant scenarios:

- 1) One property owner who has one tree which damages five sidewalk panels. This would constitute one site and the property owner would qualify for one grant award for the cost of the tree/root removal and sidewalk replacement work up to \$1,500.
- 2) One property owner who has one tree which damages 1 sidewalk panel. This would constitute one site and would qualify for one grant award for the cost of the tree/root removal and sidewalk replacement work up to \$1,500.
- 3) One property owner has three trees damaging sidewalk. One tree damages one sidewalk panel, another tree damages two sidewalk panels, and the third tree damages five sidewalk panels. This scenario constitutes three sites, and the property owner would qualify for the cost reimbursement of the tree/root removal and sidewalk replacement work of up to \$1,500 each site for a total maximum grant amount of \$4,500.

Note: Grant award will be based on documentation provided by the applicant which includes the quotes (estimates if self-performed) and final receipt for services performed (equipment and materials if self-performed). Final grant amount will be the actual cost of the work as documented in receipt up to a maximum grant listed above.

Exclusions

Reimbursable funds may only be used for the removal of the street tree and associated roots and replacement of existing sidewalk panels that have been damaged by the roots of street trees. Items not reimbursable under the City of Oregon City Sidewalk Replacement Assistance Program include the following:

1. Work performed without prior City authorization as described under Procedures.
2. Work not completed in compliance with the City's standard requirements for construction.
3. Short-term repair work including sidewalk grinding.
4. Extended root removal or property damages onto private property.
5. Adjacent concrete repair beyond the original sidewalk width.
6. Adjacent concrete panels beyond the tree-lifted panels.
7. Landscape restoration, repairs, or extra cosmetics (shrubs, rocks).
8. Broken, damaged, or new sprinkler or irrigation systems.

Procedures

Sidewalk work complete and eligible for look back reimbursement:

- Step 1** Submit the Sidewalk Grant Program Application with completed IRS W-9 Form
- Step 2** Submit copies of the right of way permit, final receipt for services performed, documentation that the final payment was made by the current applicant.
- Step 3** City confirms prior permit obtained, confirm sidewalk work resulting from tree root damage, and confirm permit closed as complete.
- Step 4** City to confirm applicant was in ownership at time of permitted work.
- Step 5** Upon verification that Steps 2, 3, and 4 are confirmed the application will be deemed approved and routed to Finance for issuance of a reimbursement payment.
- Step 6** Grant check will be prepared within **10 business days** and mailed to applicant.

Sidewalk Work required and yet to be completed

- Step 1** Applicant (might be citizen/property owner, might be contractor) applies for a sidewalk permit
- Step 2** Permit Staff reviews reason sidewalk is being replaced
 - a. If sidewalk is being replaced for a non-tree reason, no further process exists, and sidewalk reimbursement program does not apply
 - b. If sidewalk is being replaced for a tree reason, move on to Step 3
- Step 3** Permit Staff informs the applicant of a sidewalk reimbursement program and provides them with a paper application (form)
 - a. If the applicant is a contractor, permit staff ask contractor to provide this form to their citizen/property owner with a business card to contact them with questions
 - b. If the applicant is a citizen/property owner, permit staff provides the form
- Step 4** Before proceeding, the property owner reviews the Oregon City Sidewalk Replacement Assistance Program webpage for program understanding.

- Step 5** Before the work begins, property-owner submits:
- i. Assistance Program application form along with support documentation.
 - ii. A Public Street Permit application and fee. Permit applications may be submitted by a contractor on behalf of the property owner.
- Submit Application Online*
OR
Print Application Packet, application may be emailed to OC4@orccity.org
or mail to Oregon City Permitting at 13895 Fir Street, Oregon City
Oregon 97045
- Step 6** Upon verification that the sidewalk has been damaged by the roots of protected trees, the Sidewalk Replacement Reimbursement Application may be approved. The applicant will be notified that the work is eligible to receive funds and that their work permit is ready for applicant signature.
- Step 7** Work begins. With approved permit in hand, the work must then be completed within 120 days. If the work is unable to be completed within the 120 days due to unforeseen circumstances, the applicant may request a one-time 30-day extension. Applicant must contact the city for an extension prior to permit expiration. Time extensions beyond 150 days may be approved on a limited basis by the Public Works Director conditioned upon monthly update communication undertaken by the applicant with the permitting staff and will result in a reduced grant of up to 50% of the panel rate for all work required.
- Step 8** Work is completed. Property owner pays contractor and then submits proof of payment and a reimbursement request with project documentation which at a minimum must include a final invoice from the contractor with a signature indicating the work was paid in full.
- Step 9** Upon verification that all prior steps are confirmed the application will be deemed approved and routed to Finance for issuance of a reimbursement payment.
- Step 10** Grant check will be prepared within **5 business days** and mailed to applicant.

12.08.035 Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal shall be mitigated by the following:

- A. A dead, diseased, or hazardous street tree, as determined by a certified arborist and approved by the City Manager or designee, may be removed if replaced with one (1) new tree for each dead, diseased or hazardous tree that is removed.
 - 1. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without a report from a certified arborist, as defined in OCMC 17.04.082.
 - 2. All replacement trees under this section shall have a minimum one and one half (1.5) inch caliper trunk measured six (6) inches above the root crown.
- B. Removed trees that were not determined to be dead, diseased, or hazardous shall be replaced in accordance with Table 12.08.035. All replaced street trees shall have a minimum one and one-half-inch (1.5 inch) caliper trunk measured six (6) inches above the root crown.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

- C. Removed trees shall be replaced by approved tree species:
 - 1. Within the right-of-way abutting the same frontage; and
 - 2. Subject to the requirements under OCMC 12.08.015.
- D. If an applicant can demonstrate to the satisfaction of the City Manager or designee that a sufficient location to replant tree(s) according to section C is not available, the City Manager or designee may allow:
 - 1. Installation of replacement tree(s) in one of the following alternative locations:
 - a. Within the right-of-way abutting another property, with abutting property owner approval, or
 - b. On public property, with City Manager or designee approval, or

-
- c. Within 10 feet of the right of way in the abutting private yard; or
 - 2. As a last resort, a fee in lieu of replacing the tree(s), subject to the following:
 - a. The applicant must demonstrate to the satisfaction of the City Manager or designee that none of the alternative replanting options in section D.1 is sufficient for replanting.
 - b. Is to be placed into a city fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.

E. Exceptions:

- 1. Trees that are listed as invasive non-native, nuisance, prohibited, or noxious vegetation species, as defined in OCMC 17.04.605, may be removed without replacement or fee in lieu of replacement.
- 2. Trees in planter strips three (3) feet or less in width may be removed without replacement or fee in lieu of replacement.

Comparison of Metro Area Tree Codes / Programs

Please note: the following summary table is based on a cursory review of available code language and review of city websites. Errors and omissions may exist. Administrative interpretations and effectiveness of enforcement varies widely between jurisdictions. Additional regulations (e.g. zoning, stormwater, overlay districts) may exist that are outside the scope of tree codes. Also, other urban forestry efforts (e.g. Friends of Trees, Metro, SOLV), incentives, and tree planting programs may exist.

	Oregon City	Wilsonville	West Linn	Happy Valley	Lake Oswego	Milwaukie	Portland	Gresham
Public Trees								
Population (est. 2023)	37,471	27,634	27,360	26,799	41,396	21,341	648,097	117,107
MHI ¹	\$90,174	\$83,210	\$134,116	\$126,108	\$127,252	\$78,676	\$85,876	\$69,437
Adopted Urban Forestry Plan	No	Yes (2021)	No		Yes - 2007	Yes - 2019	Yes	Yes
Regulatory Department	Planning	Planning	Parks & Recreation	Planning	Planning	Sustainability	Urban Forestry	Planning
Tree City USA	2012	1997	1993	2004	1989	2017	1977	2009
Heritage Tree Program (Voluntary)	Yes	Yes	Yes	No	Yes	N/A	Yes	Called "Significant" trees
City Arborist / Urban Forester on staff	No	No	No	No	Contracted	4 – - Urban Forester - Climate and Natural Resources Manager - Env. Services Coordinator - Nat. Resources Tech.	Yes	No Nat. Res. manager, not forestry related.
Number of Chapters regulating trees	4	1	1	1	1	1	2	3

¹ Median Household Income (2022\$) from U.S. Census, <https://www.census.gov/quickfacts/>.

	Oregon City	Wilsonville	West Linn	Happy Valley	Lake Oswego	Milwaukie	Portland	Gresham	Item #2.
Regulates private residential trees?	No, unless in overlay district.	Yes	Yes	Yes	Yes, 15-20% landscaping min.,	Yes	Yes	Yes	
Regulates street trees?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Permits Required	Yes	Yes	Yes	Yes	Yes	Res. – Yes Comm. - Yes	Yes	Yes	
Exceptions for Farm / Forest and Emergency	Yes	Yes	Yes	Yes	Yes	Yes Retroactive permits req. for emergency	Yes	Yes	
Permit Fee?	Street Trees – No Commercial - 1	Type A: \$24 Type B: Varies 3 or fewer trees \$122 4 - 10 trees \$171 11 - 25 trees \$354 26 or more trees \$379 + \$12/tree to be removed Type C & D (w/ Dev. Permit)	\$25-185 \$150 commercial \$116 residential	\$53-\$80 + tree replacement	Type I \$24 Type II \$194 + \$24 per tree	Type I – No Type II and ROW permit - \$50	Yes – extensive tree fee schedule	Type I – No Type II – \$1,365	
# of Tree Permit Types	4	4	2	2	4 (dead, hazard, type I, type II)	4, Type I and II (Public, private, development, emergency)	6	3, Types I, II, & III	
Public notice required	- Street Trees: No - Private Residential: No - City project: Yes, unless exempt. - w/ Dev. Permit: Yes, for Type II and above	Yes, in some cases	Yes, in some cases	No	For type II	Yes, private, residential, street tree >2" DBH	Yes, in dev. situations, heritage trees and certain plan districts. No – street trees.	Yes	

	Oregon City	Wilsonville	West Linn	Happy Valley	Lake Oswego	Milwaukie	Portland	Gresham	Item #2.
	Overlay Districts, Yes, unless exempt.								
Replacement Required?	Yes	Yes	No, encouraged	Not for street trees	Depends	Yes	Yes	Yes	
Replacement Ratio:	Varies: Street Trees 1:1 per tree unless no arborist report. NROD: 1:1 Per tree (DDD or H only) Development: by DBH and location of tree removed	1 tree: 1 tree, Staff discretion to require more than 1:1 replacement	1:1 per tree	Max 3 trees per 1 removed 1.25 to 1.5"	Type 1, no Type II, varies	Street Tree: 1:1 Existing adequate percentage canopy may count toward mitigation (Req. 40% on site)	Dead, dying, hazard: 1:1 <3": 1:1 20" dbh+: inch for inch More than 4 healthy trees ,12": 1:1 >12": inch for inch	Street Trees: 1:1 Site Trees: 1:2 as needed per plans.	
Abutting property owner is responsible?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Cert. Arborist Required	Yes, unless ADA hazard	Yes, for tree condition	No	Not for Type A Yes for Type B	Discretionary	For public and street trees, and preservation plans and tree inventories. City has an urban forester.	Not always req. for residential and street trees, since city has arborists. Yes for dev. situations/	"Tree care professional" may provide assessment	
Allows Fee-in-Lieu of Planting	Yes, if no suitable location	Yes, if no suitable location	Yes	N/A	Yes, w/ discretion	Yes, w/ discretion	Yes, w/ discretion	Not required for SFD and middle housing	

	Oregon City	Wilsonville	West Linn	Happy Valley	Lake Oswego	Milwaukie	Portland	Gresham	Item #2.
Fee-in-Lieu	\$522		\$380	N/A	\$168	\$675	\$675 per on-site tree. Mitigation >20" - \$450 / inch. See UF Fee Schedule	\$630	
Removal permitted for sidewalk lift?	Yes	No	Yes	N/A	Yes	Discretionary, "Maintenance or the replacement of sidewalks or curbs, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances."	Discretionary.	Discretionary, burden on applicant.	
Is Code clear and objective?	Yes	No	No	No	No	Yes	Yes	Yes	
When is removal permitted?	Staff can approve removal without an arborist report if there is a sidewalk lift. A sidewalk mobility hazard caused by a tree implies the tree is hazardous under current policy. Staff can also approve removal without	..."only granted under exceptional circumstances, such as when a tree is presenting an imminent hazard to person or property. Staff may give authorization to remove a tree after performing a site visit and/or requiring an arborist's report be submitted with the application to offer an ISA certified arborist's professional opinion	Multiple situations, including sidewalk damage	For view corridors, but could not locate clear guidance, so N/A	Complicated	Extraordinary circumstances. "Decisions regarding major pruning or removal of healthy, functioning street trees or public trees are fact-specific and are made on a case-by-case basis by the Urban Forester."	Discretionary. BDS reviews on-site trees during DR. UF reviews non-dev. tree removal.	Varies.	

	Oregon City	Wilsonville	West Linn	Happy Valley	Lake Oswego	Milwaukie	Portland	Gresham	Item #2.
	an arborist report if the owner chooses to plant a greater number of replacement trees based on tree diameter removed per table 12.08.035 .	on the trees health. All street trees permitted to be removed require mitigation (replanting) by the property owner."							
Does city staff have to obtain permits for street tree maintenance or removal?	Yes	No. Not for utility work, in ROW or on public lands. Link .	No	N/A	N/A	Yes. Programmatic permits available for routine public facility / utility maintenance.	Yes. Programmatic permits are issued for routine public facility / utility maintenance.	No	
Code links	12.08 – Public and Street Trees 17.41 – Trees in Development 12.32 – Heritage Trees 17.49 - NROD	Sec. 4.600	8.500	16.42	Article 55 .	Chapter 16.32	Read the Tree Code, Title 11	Sec. 9.1000	