

# Tree Code Cleanup

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# Why does the city regulate trees?

- Trees shade hot surfaces (20°F - 45°F )
- Trees cool the air (2°F - 9°F )
- Trees are green infrastructure
- Trees provide important habitat
- Trees reduce utility costs
- Trees and their benefits aren't equally distributed
- Trees are often removed without consideration to alternatives



# Milwaukie's regulated tree types:

## PUBLIC TREES



- Reg. at  $\geq 2''$  DBH*
1. Major pruning permit
  2. Removal permit

## PRIVATE RESIDENTIAL DEVELOPMENT TREES



- Reg. w/ add. dwelling unit*
1. Streamlined standards
  2. All standards

## PRIVATE RESIDENTIAL NON-DEVELOPMENT TREES



- Reg. at  $\geq 6''$  DBH*
1. Type 1 'qualified' permit
  2. Type 2 'discretionary' permit

# Overview of code changes:

- Expanded definitions
- Trees considered healthy as default condition w/o approved permit
- Topping = tree removal

"Healthy Tree" means a tree that is rated by a professional with expertise in the field of forestry or arboriculture as fair or better condition using ISA Best Management Practices.

"Topping" means the inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A-300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material. Topping is considered "tree removal".



TOPPING

*Damaging removal  
of tree canopy,  
improper pruning*



POLLARDING

*Pruning technique  
started at young age*

# Overview of code changes:

## Explicit violations sections for public and private trees

### *Public tree code example MMC 16.32.040*

#### **16.32.040 PENALTY**

A person who removes a street tree or public tree without first obtaining the necessary permit from the City, removes a tree in violation of an approved permit, or violates a condition of an approved permit must pay a fine in an amount established in the Master Fee Schedule. (Ord. 2216 § 2, 2022; Ord. 2197 § 1, 2020; Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016; Ord. 2022 § 1, 2011)

Creating separate  
violations and penalty  
sections

1. Violations: The following are considered violations of the tree code MMC 16.32.017-16.32.030. A tree that is removed without an approved removal permit will be considered an unpermitted healthy tree removal:

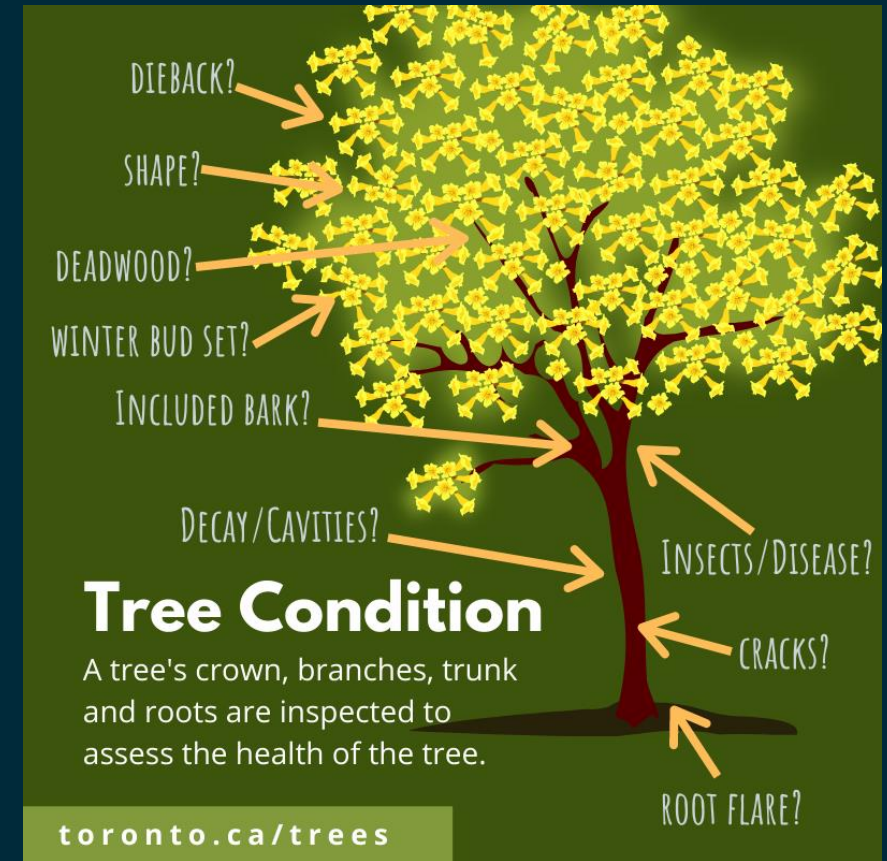
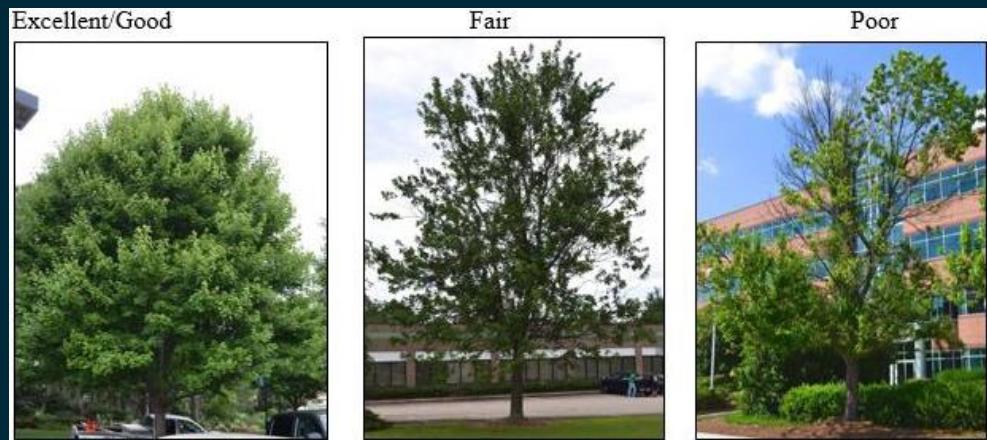
- a. Removal or topping of a street tree or public tree without an approved permit from the City; or
- b. Removal of a street tree or public tree in violation of an approved permit; or
- c. Willfully or negligently damaging a street tree or public tree; or
- d. Failure to meet a condition of an approved permit.

#### 2. Penalties:

A person who violates MMC 16.32.017-16.32.030 or 16.32.040.1.a-d. must pay a fine in an amount established in the Fee Schedule.

# Overview of code changes:

- Only healthy condition trees count towards planting standard (40% canopy coverage) requirement
- Removal of private development code application when no building footprint expansion
  - *non-development tree code still applies*



# Next steps for code cleanup

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- Accept feedback and translate into code changes
  - Review with code compliance
- Bring back to council in September with fee schedule changes for adoption
- Modify outreach/informational materials



# Thank you!



## Questions?

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