

Tree Code Cleanup

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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/ additional dwelling unit*
1. 4 development standards
 - 2.

PRIVATE RESIDENTIAL NON-DEVELOPMENT TREES



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

Overview of code changes:

- Overall Look and Organization
 - Added “Articles” for better organization.
 - Removed redundancies.
 - Provided space for potential growth.
 - Moved Tree Board to Title 2.
- Enforcement Improvement
 - Consolidated enforcement codes.
 - Violations are now clearly stated.



Overview of code changes:

• Definitions

"Building footprint" means the area covered by the outer structural walls of a building, measured in sq ft. Included in the calculation of footprint are: roofed structures that are not fully enclosed; building features such as patio covers, roofed porches, and decks; or similar features with a surface height of more than 18 in above average grade. Footprint does not include eaves.

"Damaged tree" means a tree that is damaged or knocked down to the extent that mortality or serious deterioration is likely to occur or partially pushed over so as to result in permanent lean or visible damage to the root system.

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

"Major tree pruning" means **the trimming or** removal of ~~over twenty percent (20%)~~ **or more** of the live crown, or removal of or injury to roots within a radial distance from the tree of six times the tree's DBH ~~over 15% of the root system~~ during any 12-month period.

"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

Violations:

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.

Administrative changes



- Removed public notice requirement for public tree removals that meet the following criteria:
 - Dead
 - Infested
 - Listed on Oregon Noxious Weed list or Milwaukie Invasive Tree List
- Removed public notice requirements for Type II tree removals over 12" DBH

B. Public Notice Exemptions

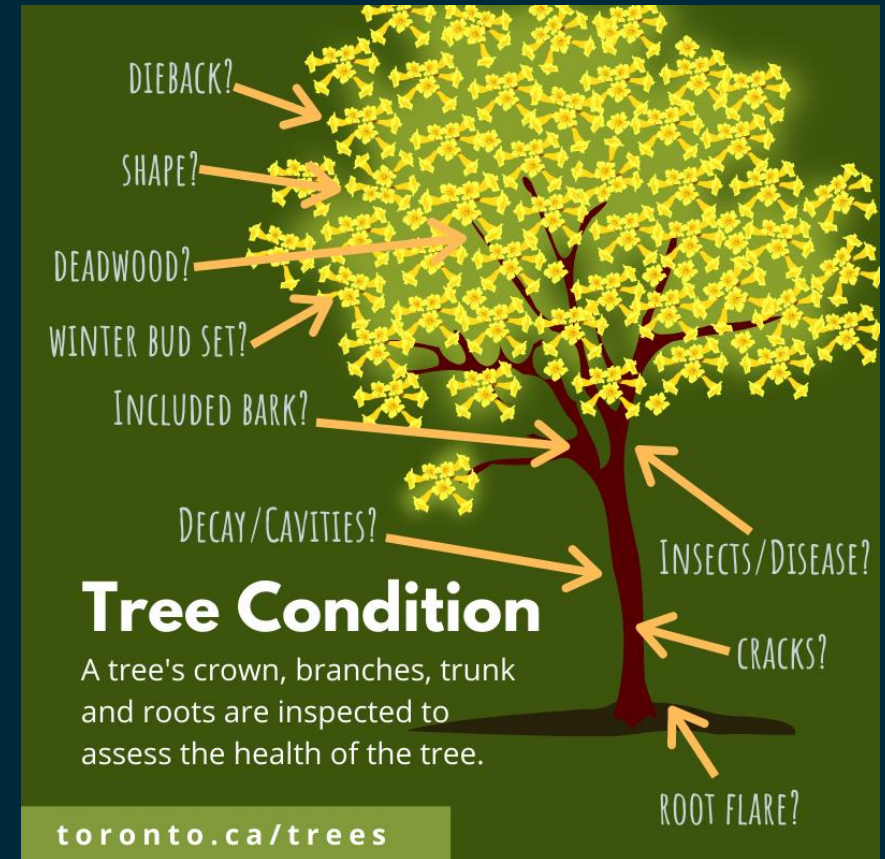
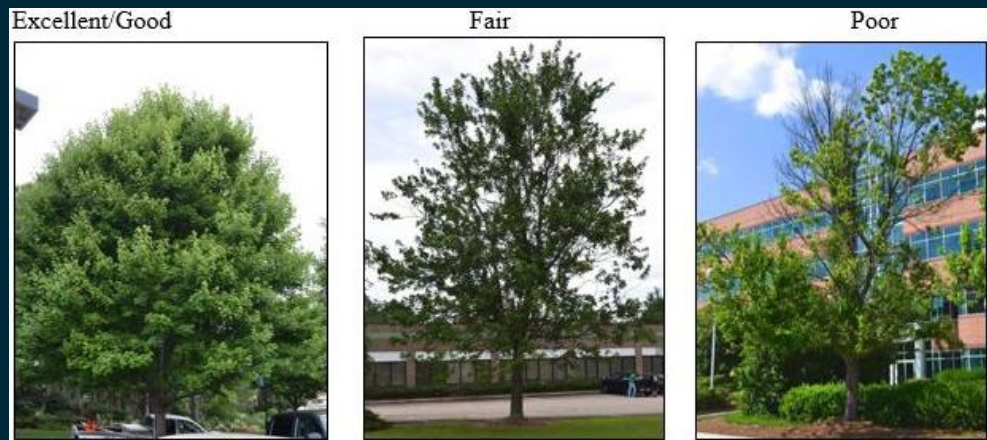
The following street trees and public trees may be removed without public notice subject to the City's review of the application:

1. A street tree or public tree that is dead or infested.
2. A street tree or public tree that is on the Oregon State Noxious Weed List or Milwaukie Invasive Tree List.

~~4) Public notice is required if the tree is healthy and larger than 12 inches DBH.~~

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

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



Thank you!



Questions?

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