



RESIDENTIAL DEVELOPMENT TREE PERMIT OVERVIEW

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Property owners or developers looking to **build an additional housing unit on a property or subdivide a property with an intent to construct an additional housing unit** must comply with the residential development tree code MMC 16.32.042.

The development tree code requires property owners or developers to meet **four key standards**:

1. **Preservation standard** – preserving trees on the site
2. **Planting standard** – planting back trees on the site
3. **Protection standard** – protecting existing trees on the site
4. **Soil volume standard** – protecting future planting spaces on the site

For developments in which the existing building footprint is being expanded to accommodate an additional housing unit, or new housing units are being constructed on-site (including a tear down and reconstruction of housing units), standards #1-4 apply. Applicants are required to have an ISA Certified Arborist submit all supportive documentation related to each standard, including a tree inventory and final arborist report.

For developments in which the existing building footprint is not being expanded, only standard #3 applies (protection standard). Applicants may submit their own required documentation without an ISA Certified Arborist, including a tree inventory map and a protection plan for trees during construction on the site.

If an applicant is subdividing a property and the subdivision results in a parent lot with an existing structure, no development tree code standards apply to the lot with the existing structure if no additional housing units are being constructed on that site. Tree removals will need to be permitted on an individual bases using the private tree removal permits through the city: milwaukieoregon.gov/trees. If additional housing units are to be constructed on the parent lot along with an existing structure, all standards apply to the parent lot. Development tree permits will be required at time of building permit application.

For undeveloped lots or new child lots created through a subdivision process: The undeveloped lots and the new child lots created in the subdivision will require standards 1-4 to be met if being developed with housing units. Submittal documents will be required at time of building permit application unless the applicant is required to submit building design documents as a part of the land use application or seeking a variance related to tree preservation.

If a subdivision process requires the creation of new right-of-way which conflicts with existing trees, individual non-development private tree permits will be required.





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PRESERVATION STANDARD:

Goal: Encourage the preservation of the maximum amount of onsite canopy possible.

Standard: Removal of onsite trees which results in a reduction of onsite canopy below 30% canopy coverage will result in required mitigation. Trees on the Milwaukie invasive tree list are not to be included in the calculations. Trees on the Milwaukie Rare or Threatened tree list are to be preserved where possible, and additional removal fees for these trees may apply. Only onsite trees are included in the preservation standard calculation.

Mitigation: The below mitigation tiers are cumulative.

Onsite canopy after proposed removals:	Mitigation fee:	Mitigation fee: Qualified Affordable Housing
<30% - 22.5%	\$4,000.00	\$2,000.00
<22.5% - 15%	\$4,000.00	\$2,000.00
<15% - 7.5%	\$4,000.00	\$2,000.00
<7.5% - 0%	\$4,000.00	\$2,000.00

Example:

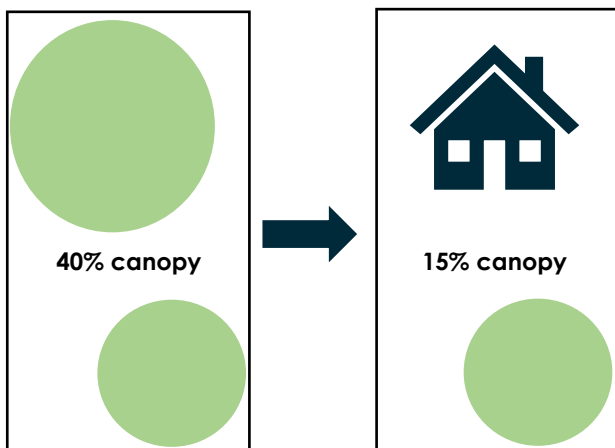
Site size: 10,000 sq ft

Onsite canopy total crown area before removal: 4,000 sq ft

Onsite canopy total crown area after removal: 1,500 sq ft

Reduction of onsite canopy: 40% -> 15%

Mitigation required: \$8,000.00



Above: Example of tree removal for new housing unit

Significant Canopy Credit:

For healthy trees larger than 12" in DBH, additional canopy credit may be applied if they are preserved using the multipliers below:

DBH	Multiplier
12" - <20"	125%
20" - >36"	150%
>36"	175%





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PLANTING STANDARD:

Goal: Encourage the replanting of trees to meet the city's canopy goals.

Standard: Each site will be required to replant trees to achieve 40% canopy at maturity. Tree canopy is calculated using the sum of the total crown areas of existing and newly planted trees, adjusted with the multipliers below. Crown areas are measured using either the existing crown area or crown area at maturity, whichever is greater. Both onsite and offsite public trees can be included in the planting standard calculations.

Tree Type	Crown Area Multiplier
Onsite Existing Tree	100%
Onsite Planted Tree	75%
ROW Existing Tree	50%
ROW Planted Tree	50%

Applicants may also receive significant canopy credits for preserved existing trees greater than 12" DBH. See the preservation standard section for the significant canopy credit table.

Mitigation: Mitigation fees are calculated by multiplying the crown area remaining to reach 40% onsite canopy by \$5.00 per square foot.

Bonding requirements: \$3,500.00 per newly planted tree for a 5-year period.

Example:

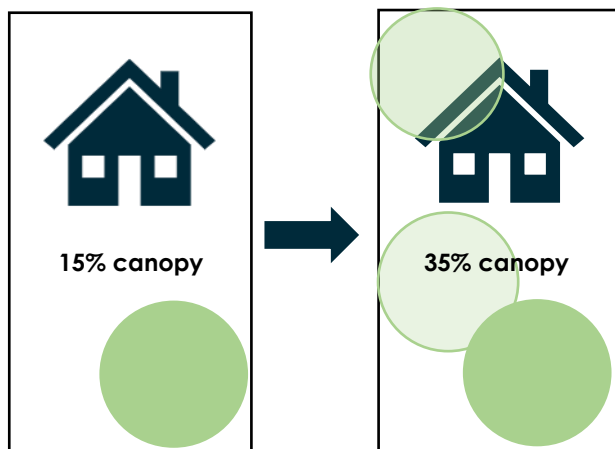
Site size: 10,000 sq ft

Onsite canopy total crown area after removal: 1,500 sq ft

Onsite canopy total crown area after replanting: 3,500 sq ft

Gap in canopy to reach 40% onsite canopy coverage: 500 sq ft

Mitigation required: \$2,500.00



Tree Species and Canopy at Maturity List:

Property owners may choose to plant any tree species that works well with the site and is not an invasive species. City staff will review the species selected in the application review process. As a reference document, staff have compiled a canopy at maturity list that shows the estimated future mature canopy for a variety of species. The list is available online at milwaukieoregon.gov/trees





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PROTECTION STANDARD:

Goal: Protect the existing trees on site from construction impacts.

Standard: Meet the guidelines outlined in MMC 16.32.042.F for implementing site tree protection best management practices. City code outlines a prescriptive path or a performance path option for constrained sites. Protection practices include, but are not limited to:

- Protection fencing and signage around trees
- Minimizing impacts associated with heavy equipment
- Avoiding installation of in-ground irrigation within tree protection zones

Bonding Requirements: \$3,500.00 per protected tree for a 3-year period.



Above: Examples of tree protection practices

SOIL VOLUME STANDARD:

Goal: Ensure appropriate soil conditions for the future success of planted trees.

Standard: Meet the guidelines outlined in MMC 16.32.042.G for soil volume assessment and planning for planted trees. Planting sites and soils must be included in the protection plan, including but not limited to elements such as protection fencing, soil remediation when necessary, soil volume calculations, and protection from soil contaminants.



Above: Examples of impactful construction practices on soils and trees





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REQUIRED SUBMITTAL MATERIALS SUMMARY – FOR DETAILED LIST REVIEW MMC 16.32.042.H

	Expansion of building footprint or construction of new housing unit(s) on the site**	No expansion of existing building footprint and/or no construction of new housing unit(s) on the site
Required Materials for Development Tree Permit:		
<i>**Note: Materials must be submitted by ISA Certified Arborist who is Tree Risk Assessment Qualified (TRAQ). Other subject matter professionals may assist in preparation of the materials, but the arborist must organize, review and approve the final product</i>		
Tree Inventory <ul style="list-style-type: none"> • Inventory trees onsite, in abutting ROW, and adjacent private property where the root protection zones extend onto the site • All trees greater than 6" DBH • Invasive trees greater than 2" DBH • Any tree on Milwaukie Rare or Threatened Tree List • Inventory includes species, size (DBH and crown area), condition, and preservation intention 	Required	Required
Preservation Plan <ul style="list-style-type: none"> • Site plan to scale with corresponding inventory numbers • Planned site disturbances • Tree protection/soil mitigation BMPs to scale • Final construction plans including tree preservation plan 	Required	Required
Planting Plan <ul style="list-style-type: none"> • Site plan to scale with inventory numbers and proposed tree planting with identification • Calculations on existing/future crown area to meet planting standard • Soil volume areas to scale • Planting plan consistent with ISA planting BMPs 	Required	Not Required
Arborist Report <ul style="list-style-type: none"> • Written narrative summarizing documents above • Findings and calculations demonstrating whether standards have been met (MMC 16.32.042.B and C) or mitigation requirements needed (MMC 16.32.042.D) • Findings for proposed variances demonstrating the proposal provides equivalent or greater environmental benefits as required by MMC 16.32.042.E • Findings demonstrating compliance with the tree protection standards (16.32.042.F) • Findings demonstrating compliance with the soil volume standards (MMC 16.32.042.G) 	Required	Not Required

