

CHAPTER 17.102 URBAN FORESTRY²⁷

Sec. 17.102.00. Intent.

- A. This chapter is intended to conserve and replenish the ecological, aesthetic and economic benefits of urban forests, by regulating tree removal on properties greater than one acre within the Sandy Urban Growth Boundary.
- B. This chapter is intended to facilitate planned urban development as prescribed by the Sandy Comprehensive Plan, through the appropriate location of harvest areas, landing and yarding areas, roads and drainage facilities.
- C. This chapter shall be construed in a manner consistent with Chapter 17.60 Flood and Slope Hazard Overlay District. In cases of conflict, Chapter 17.60 shall prevail.

Sec. 17.102.10. Definitions.

Technical terms used in this chapter are defined below. See also Chapter 17.10, Definitions.

Urban Forestry Related Definitions:

- *Diameter at breast height (DBH):* The diameter of a tree inclusive of the bark measured four and one-half feet above the ground on the uphill side of a tree.
- *Hazard tree:* A tree located within required setback areas or a tree required to be retained as defined in 17.102.50 that is cracked, split, leaning, or physically damaged to the degree that it is likely to fall and injure persons or property. Hazard trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazard trees.
- *Protected setback areas:* Setback areas regulated by the Flood and Slope Hazard Ordinance (FSH), Chapter 17.60 and 870 feet from top of bank of Tickle Creek and 50 feet from top of bank of other perennial streams outside the city limits, within the urban growth boundary.
- *Tree:* For the purposes of this chapter, tree means any living, standing, woody plant having a trunk 11 inches DBH or greater.
- *Tree protection area:* The area reserved around a tree or group of trees in which no grading, access, stockpiling or other construction activity shall occur.
- *Tree removal:* Tree removal means to cut down a tree, 11 inches DBH or greater, or remove 50 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. Tree removal includes topping but does not include normal trimming or pruning of trees [in compliance with ANSI A300 pruning standards](#).

²⁷Editor's note(s)—Pre-republication, this chapter was adopted by Ord. No. 2002-10 on November 18, 2002. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

Sec. 17.102.20. Applicability.

This chapter applies only to properties within the Sandy Urban Growth Boundary that are greater than one acre including contiguous parcels under the same ownership.

- A. *General:* No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter.
 - 1. As a condition of permit issuance, the applicant shall agree to implement required provisions of this chapter and to allow all inspections to be conducted.
 - 2. Tree removal is subject to the provisions of Chapter 15.44, Erosion Control, Chapter 17.56, Hillside Development, and Chapter 17.60 Flood and Slope Hazard.
- B. *Exceptions:* The following tree removals are exempt from the requirements of this chapter.
 - 1. Tree removal as required by the ~~e~~City or public utility for the installation or maintenance or repair of [public roads](#), [public utilities](#), [public structures](#), or other [public infrastructures](#); or [tree removal from City-owned parks and natural areas as required by the City for the installation or maintenance of trails identified in the 2022 Parks and Trails Master Plan, for maintenance or improved safety of public parks, or for view maintenance](#). [In these circumstances, the replanting requirements of Section 17.102.60 shall still apply.](#)
 - 2. ~~Tree r~~Removal [of hazard trees, as defined in Section 17.102.10, necessary](#) to prevent an imminent threat to public health or safety, or prevent imminent threat to public or private property, or prevent an imminent threat of serious environmental degradation. In these circumstances, a Type I tree removal permit shall be applied for within seven days following the date of tree removal.

Sec. 17.102.30. Procedures and application requirements.

A person who desires to remove trees shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

- A. *Type I Permit.* The following applications shall be reviewed under a Type I procedure:
 - 1. Tree removal on sites within the city limits under contiguous ownership where 50 or fewer trees are requested to be removed [and the subject site is in compliance with the tree retention requirements of Section 17.102.50.A.](#)
 - 2. Removal of a hazard tree or trees that presents an immediate danger of collapse and represents a clear and present danger to persons or property [as defined by an ISA certified arborist or professional forester with the tree risk assessment qualification \(TRAQ\).](#)
 - 3. Removal of up to two trees per year, six inches DBH or greater within the FSH Overlay District as shown on the City Zoning Map and described in Chapter 17.60.
 - 4. Tree removal on sites outside the city limits and within the urban growth boundary and outside protected setback areas.
 - 5. Removal of up to two trees per year outside the city limits within the UGB and within protected setback areas.
- B. An application for a Type I Tree Removal permit shall be made upon forms prescribed by the City to contain the following information:
 - 1. Two copies of a scaled site plan to contain the following information:

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- a. Dimensions of the property and parcel boundaries.
 - b. Location, [size \(DBH\)](#), [condition/health](#), and species of trees 11 inches DBH or greater ([6-inches DBH or greater in FSH Overlay District](#)) to be retained.
 - c. Location and type of tree protection measures to be installed.
2. A brief narrative describing the [project work to be performed](#).
 3. Estimated starting and ending dates [for tree removal](#).
 4. A scaled re-planting plan indicating ground cover type, species of trees to be planted, and general location of re-planting.
 5. An application for removal of a hazard tree within a protected setback area or a tree required to be retained as defined in [Chapter-Section 17.102.50](#) shall also contain a report from an [ISA certified arborist or professional forester with the tree risk assessment qualification \(TRAQ\)](#) indicating that the condition or location of the tree presents a hazard or danger to persons or property and that such hazard or danger cannot reasonably be alleviated by treatment or pruning.
- C. *Type II Permit*. The following applications shall be reviewed under a Type II procedure:
1. Tree removal on sites under contiguous ownership where greater than 50 trees are requested to be removed as further described below:
 - a. Within City Limits: outside of FSH Restricted Development Areas as defined in Chapter 17.60.
- D. An application for a Type II Permit shall contain the same information as required for a Type I permit above in addition to the following:
- a. A list of property owners on mailing labels ~~within 200 feet of the subject property~~, [as required for Type II applications in Chapter 17.22](#).
 - b. [An arborist report prepared by an ISA-certified arborist with TRAQ](#). ~~A written narrative addressing permit review criteria in 17.102.40.~~
- E. *Type III Permit*. The following applications shall be reviewed under a Type III procedure:
1. Request for a variance to tree retention requirements as specified in Section 17.102.50 may be permitted subject to the provisions of [Section 17.102.70](#).
- F. An application for a Type III Permit shall contain the same information as required for a Type I permit in addition to the following:
1. A list of property owners on mailing labels ~~within 300 feet of the subject property~~, [as required for Type III applications in Chapter 17.22](#).
 2. A written narrative addressing applicable code ~~Sections~~ [Sections 17.102.50, 17.102.60, and 17.102.70](#), [and an arborist report prepared by an ISA-certified arborist with TRAQ](#).

Sec. 17.102.40. Permit review.

An application for a Type II or III tree removal permit shall demonstrate that the provisions of [Chapter Section 17.102.50](#) are satisfied. The Planning Director may require a report from a certified arborist or professional forester to substantiate the criteria for a permit.

- A. The Director shall be responsible for interpreting the provisions of this chapter. The Director may consult with the Oregon Department of Forestry in interpreting applicable provisions of the Oregon

Forest Practices Act (OAR Chapter 629). Copies of all forestry operation permit applications will be sent to the Oregon Department of Forestry and Department of Revenue. The City may request comments from the Oregon Department of Forestry, the Oregon Department of Fish and Wildlife or other affected state agencies.

- B. *Expiration of Tree Removal Permits.* Tree removal permits shall remain valid for a period of one year from the date of issuance or date of final decision by a hearing body, if applicable. A 30-day extension shall be automatically granted by the Planning Director if requested in writing before the expiration of the permit. Permits that have lapsed are void.

Sec. 17.102.50. Tree retention and protection requirements.

- A. *Tree Retention.* The landowner is responsible for retention and protection of trees required to be retained as specified below:
1. At least three trees 11 inches DBH or greater are to be retained for every one-acre of contiguous ownership, except in the Bornstedt Village Overlay (BVO) in accordance with Section 17.54.140.
 2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.
 3. Trees proposed for retention shall be healthy and likely to grow to maturity, and be located to minimize the potential for blow-down following the harvest, as determined by an arborist certified by the International Society of Arboriculture with Tree Risk Assessment Qualification (ISA TRAQ). Retention trees shall not be nuisance species as listed in the Portland Plant List.
 4. ~~If possible,~~ Provided they meet the other requirements in this section, at least two of the required trees per acre must be of conifer species.
 5. Trees within the required protected setback areas, as defined in Section 17.102.10, may be counted towards the tree retention standard if they meet these requirements.
- B. *Tree Protection Area.* ~~Except as otherwise determined by the Planning Director, a~~ All tree protection measures set forth in this section shall be instituted prior to any development activities and removed only after completion of all construction activity, unless these requirements are waived by the Director. Tree protection measures are required for land disturbing activities including but not limited to tree removal, clearing, grading, excavation, or demolition work.
1. Trees identified for retention shall be marked with yellow flagging tape and protected by protective barrier fencing placed no less than ten horizontal feet from the outside edge of the trunk.
 2. Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade.
 3. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.
- C. *Inspection.* The applicant shall not proceed with any tree removal or construction activity, except erosion control measures, until the City has inspected and approved the installation of tree protection measures. ~~Within 15 days of the date of accepting an application for a Type I permit, the city shall complete an onsite inspection of proposed activities and issue or deny the permit. Within 15 days of issuing a Type II or Type III permit, the city shall complete an onsite inspection of proposed activities.~~

For ongoing forest operations, the permit holder shall notify the city by phone or in writing 24 hours prior to subsequent tree removal. The city may conduct an onsite re-inspection of permit conditions at this time.

Sec. 17.102.60. Tree replanting requirements.

- A. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species [listed in the City of Portland Plant List](#) within 30 days of harvest during the active growing season, or by June 1 of the following spring.
- B. All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.
- C. Removal of hazard trees as defined shall be replanted with two native trees [listed in the City of Portland Plant List and meeting the standards in Section 17.92.50.](#)~~of quality nursery stock~~ for every tree removed.
- D. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees [listed in the City of Portland Plant List and meeting the standards in Section 17.92.50.](#)~~of quality nursery stock~~ for every tree removed.
- E. Tree Removal not associated with a development plan must be replanted following the provisions of OAR Chapter 629, Division 610, Section 020-060

Sec. 17.102.70. Variances.

Under a Type III review process, the Planning Commission may allow newly-planted trees to substitute for retained trees if:

- A. The substitution is at a ratio of at least two-to-one (i.e., at least two native quality nursery grown trees will be planted for every protected tree that is removed); and
- B. The substitution more nearly meets the intent of this chapter due to:
 - 1. The location of the existing and proposed new trees, or
 - 2. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or
 - 3. An undue hardship [of creating a development below the minimum density requirement](#) is caused by the requirement for retention of existing trees.
 - 4. Tree removal is necessary to protect a [designated public](#) scenic view corridor.

Sec. 17.102.80. Enforcement.

The provisions of Chapter 17.06, Enforcement, shall apply to tree removal that is not in conformance with this chapter. Each unauthorized tree removal shall be considered a separate offense for purposes of assigning penalties under Section 17.06.80. [At least 50 percent of f](#)Funds generated as a result of enforcement of this chapter shall be dedicated to the Urban Forestry Fund established under Section 17.102.100, below, [with the remaining 50 percent dedicated to the administrative costs associated with overseeing the fine.](#)

Sec. 17.102.90. Applicability of the Oregon Forest Practices Act.

The following provisions of the Oregon Forest Practices Act (OAR Chapter 629) are adopted by reference for consideration by the City in the review of Forest Operations Plans. Although the Director may seek advice from the Department of Forestry, the Director shall be responsible for interpreting the following provisions:

Division 610—Reforestation Stocking Standards. Where reforestation is required, the provisions of OAR Chapter 629, Division 610, Section 020-060 shall be considered by the Director, in addition to the requirements of Section 17.102.60.

Division 615—Treatment of Slash. Slash shall not be placed within the protected setback areas. Otherwise, the Director shall consider the provisions of OAR Chapter 629, Division 615 in determining how to dispose of slash.

Division 620—Chemical and Other Petroleum Products Rules. The storage, transferring, cleaning of tanks and mixing of chemicals and petroleum products shall occur outside the protected setback areas. Aerial spraying shall not be permitted within the Urban Growth Boundary. Otherwise, the provisions of Chapter 629, Division 620 shall apply.

Division 625—Road Construction and Maintenance. Forest roads, bridges and culverts shall not be constructed within the protected setback areas, except where permitted within the FSH overlay area as part of an approved urban development. Otherwise, the Director shall consider the provisions of OAR Chapter 629, Division 625 in the review of road, bridge and culvert construction.

Division 630—Harvesting. Forest harvesting operations, including but not limited to skidding and yarding practices, construction of landings, construction of drainage systems, treatment of waste materials, storage and removal of slash, yarding and stream crossings, shall not be permitted within protected setback areas. Otherwise, the provisions of Chapter 629, Division 630 shall apply.