



# LAND DIVISION INFORMATION GUIDE

## Tree Preservation on Your Land Division Site

The land division process provides the flexibility and opportunity to promote creative site design that considers multiple objectives, including integration of trees. The tree preservation regulations require that trees be considered early in the design process with the goal of preserving high value trees and mitigating for the loss of trees.

### When the land division tree preservation requirements apply

Chapter 33.630, Tree Preservation applies when a land division site is:

- Outside the Central City plan district; and
- Has at least one tree that is 6 inches or more in diameter, located completely or partially on the site.

### Exemptions

The following trees are exempt from the land division tree preservation requirements (Section 33.630.030):

- Trees that are on the Nuisance Plants List;
- Trees that are less than 6 inches in diameter;
- Trees that are dead, dying or dangerous as determined by an arborist;
- Trees where the trunk is within 10 feet of an existing building that will remain on the site;
- Trees where the trunk is located completely or partially within an existing right-of-way that is not part of the land division site; and
- Trees where the trunk is located completely or partially within Environmental (c or p) or Pleasant Valley Natural Resources (v) Overlay Zone. Those trees are subject to the regulations in the Environmental zones or Pleasant Valley Natural Resources Overlay Zones.

### Trees within Adjacent Rights-of-Way

As noted in the exemptions above, trees that are located completely or partially within existing rights-of-way are exempt from Chapter 33.630. However, a standard for street trees in the Rights-of-Way Chapter (Section 33.654.120.H), requires applicants to identify trees to be preserved and trees to be removed within adjacent right-of-way during the preliminary land division review. This plan is subject to review and approval by the City Forester.



## Minimum tree preservation standards

The proposal must meet one of the six options below (Section 33.630.100).

Option #	Trees ≥ 20" Preserved	Total Tree Diameter Preserved	Total Tree Canopy Preserved	Tree Groves Preserved
<b>1</b>	100%	20%		
<b>2</b>	75%	25%		
<b>3</b>	50%	30%		
<b>4*</b>	n/a	35%		
<b>5</b>		20% (diameter or canopy)		100%
<b>6**</b>	n/a	n/a	35%	

\*Option 4 may only be used when there are no trees on the site that are 20 or more inches in diameter.

\*\*Option 6 may only be used for sites that are larger than one acre.

### Things to Keep in Mind as You Choose an Option

- The calculations must include all trees completely or partially on the site that are not exempt under 33.630.030.
- Trees may be preserved on lots, within tree preservation tracts, or within privately managed tracts, such as flood hazard, recreation area or stream, spring and seep tracts.
- The tree preservation plan must also comply with the approval criteria listed below. Additional trees may be required to be preserved in order to meet the criteria.
- If, after considering alternative designs, you cannot meet one of the six preservation options, mitigation may be allowed if the criteria are met.

## Tree Preservation Approval Criteria

In addition to the minimum standards above, applicants must demonstrate that the tree preservation approval criteria listed below are met (Section 33.630.200). These criteria are typically addressed as part of the application narrative addressing all applicable land division approval criteria.

- A. To the extent practicable, trees proposed for preservation provide the greatest benefits as identified in the purpose of this chapter. In general, healthy, native or non-nuisance trees that are 20 or more inches in diameter and tree groves, are the highest priority for preservation. However, specific characteristics of the trees, site and surrounding area should be considered and may call for different priorities, such as native tree growth rates and priority tree sizes as described in the Portland Plant List, buffering natural resources, preventing erosion or slope destabilization and limiting impacts on adjacent sites;
- B. Trees proposed for preservation are suitable based on their health, overall condition and potential for long-term viability, considering the anticipated impact of development and tolerance typical for the tree species;
- C. Tree preservation is maximized to the extent practicable while allowing for reasonable development of the site, considering the following:
  1. The specific development proposed;
  2. The uses and intensity of development expected in the zone and the area in which the site is located;
  3. Requirements to provide services to the site under Chapters 33.651 through 33.654, including street connectivity and street plan requirements. Options to limit impacts on trees while meeting these service requirements must be evaluated;
  4. Requirements to protect resources in Environmental, Pleasant Valley Natural Resources, or Greenway Natural, Water Quality, and River Environmental overlay zones. Protection of environmental resources and retention of benefits from trees should be maximized for the site as a whole; and

- 5. Other site constraints that may conflict with tree preservation, such as small or oddly shaped sites or trees located in existing utility easements.
- D. Mitigation. Where the minimum tree preservation standards of 33.630.100 cannot be fully met, as determined by evaluating the above criteria, or when there is a concurrent Environmental Review and the minimum tree preservation standards do not apply, mitigation must be provided as needed to replace the functions of trees removed from the site. Options for mitigation may include preservation of smaller diameter or native trees, permanent preservation of trees within a tree preservation or environmental resource tract, tree planting, payment into the City’s Tree Planting and Preservation Fund, or other options that are consistent with the purpose of this chapter.

**Modifying development standards to save more trees**

Land division applicants may request modifications to Zoning Code standards as part of the land division review, if the modification will help to save more trees (Section 33.630.400). To approve the modification, the review body must find that the modification will result in improved tree preservation, considering the tree preservation priorities for the site (see approval criterion A above). Regulations that contain the word “prohibited,” or a regulation that is a qualifying situation or threshold may not be modified.

Modifications of two types of standards may be requested as part of the land division process:

**Site-related development standards**

Site-related development standards, such as setbacks or on-site parking requirements, may be modified to help preserve additional trees on the land division site. On balance, the proposal must be consistent with the purpose of the regulation being modified.

**Minimum density standards**

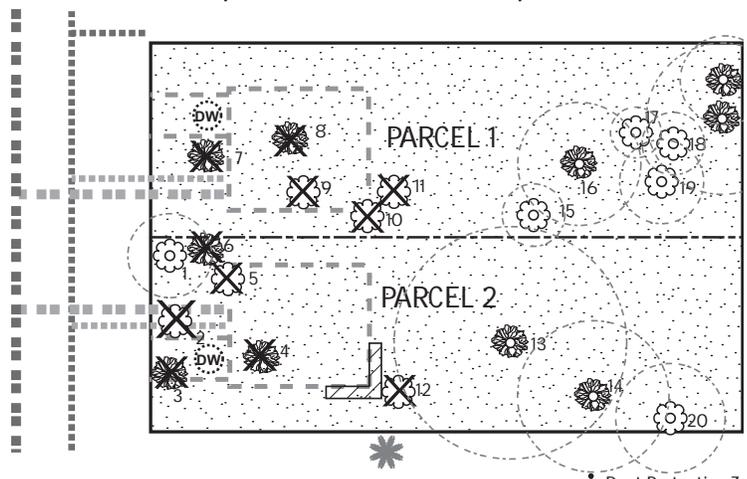
A reduction in minimum density may be approved as part of the land division review to preserve additional trees. Approximately a 20 percent reduction is allowed, up to a maximum of 4 units.

- In multi-dwelling zones, the standards are found in the base zone, Section 33.120.205.C.3.
- In single dwelling zones, the lot or lots where the trees are proposed to be preserved cannot be large enough to be further divided under current zoning. Trees proposed for preservation may be placed in a tract to reduce lot sizes and provide better protection for the trees.

**Submittal Requirements**

Land division applications must include the following information related to tree preservation. For additional details see Section 33.730.060.D and the Land Division Submittal Requirements handout (<http://www.portlandoregon.gov/bds/article/92195>)

- Narrative explaining how the standards and criteria of 33.630 and 33.654 are met.
- Existing tree map including trees in adjacent rights of way and adjacent sites
- Arborist report (prepared by a certified arborist or registered consulting arborist)
- Mitigation plan, if the tree preservation standards are not met
- Utility and grading plans, showing tree preservation, and prepared in consultation with the arborist



## Frequently asked questions

### How long do tree preservation requirements apply to the new lots?

Once your tree preservation plan is approved, it is legally binding for a period of 10 years from the date of final plat approval. Development or redevelopment on the lots must comply with the approved tree preservation plan during that period. In addition, any changes to the approved Tree Preservation Plan will require a new land use review (Type II Tree Review). Tree preservation requirements do not expire in Multnomah County Urban Pockets. After the 10 year effective period, trees are subject to the requirements of Title 11, Trees.

### Can I remove trees before I submit my land division application?

It is preferable that all trees remain on the site to be considered as part of the land division review. Tree removal prior to submittal, would be subject to a permit from Urban Forestry under Title 11, Trees. Fines are imposed for violations. Call the Tree Hotline at (503) 823-TREE (8733) or go to [www.portlandoregon.gov/trees](http://www.portlandoregon.gov/trees) for more information.

### Can I count the trees I'm keeping on my property towards the Tree Density Standards of Title 11?

Yes. Tree preserved on lots will automatically count toward the tree density standard for that lot at the time development. Credit may also be given for trees preserved in a tract, provided the tract is not within an environmental or Pleasant Valley Natural Resource overlay zone and the lots where the credit will apply are identified in the preliminary land division decision.

### How are trees on adjacent sites addressed?

Trees on adjacent sites that are within 15 feet of potential disturbance area must be shown on the plans and recommendations for tree protection and methods to limit impacts to adjacent trees must be provided in the arborist report.

### I'm proposing to divide my property, but no new development is proposed at this time. Do I have to meet the requirements of Chapter 33.630?

Yes. When you create a new lot, you are required to determine which trees will be preserved when development of the lot occurs. The one exception is for sites in some commercial, employment and industrial zones where all of the proposed lots are currently developed. Qualifying sites have the option to defer tree preservation to the time of redevelopment. See 33.630.020.B.

### What is a Tree Grove?

Generally, a tree grove is a grouping of six or more native trees at least 12 inches in diameter, or Oregon white oak or Pacific madrone trees that are at least 6 inches in diameter (see a more detailed definition in 33.910, Definitions). Tree groves located on or partially on the site must be identified by an arborist or environmental specialist.

### Where can I find information about native and nuisance tree species?

The Portland Plant List is comprised of two lists and supporting information: the Native Plants List and the Nuisance Plants List. This document is maintained by the Bureau of Planning and Sustainability and can be found on the City's website at: <http://www.portlandoregon.gov/auditor/34460?a=322280>.

### How are Heritage Trees addressed in a land division?

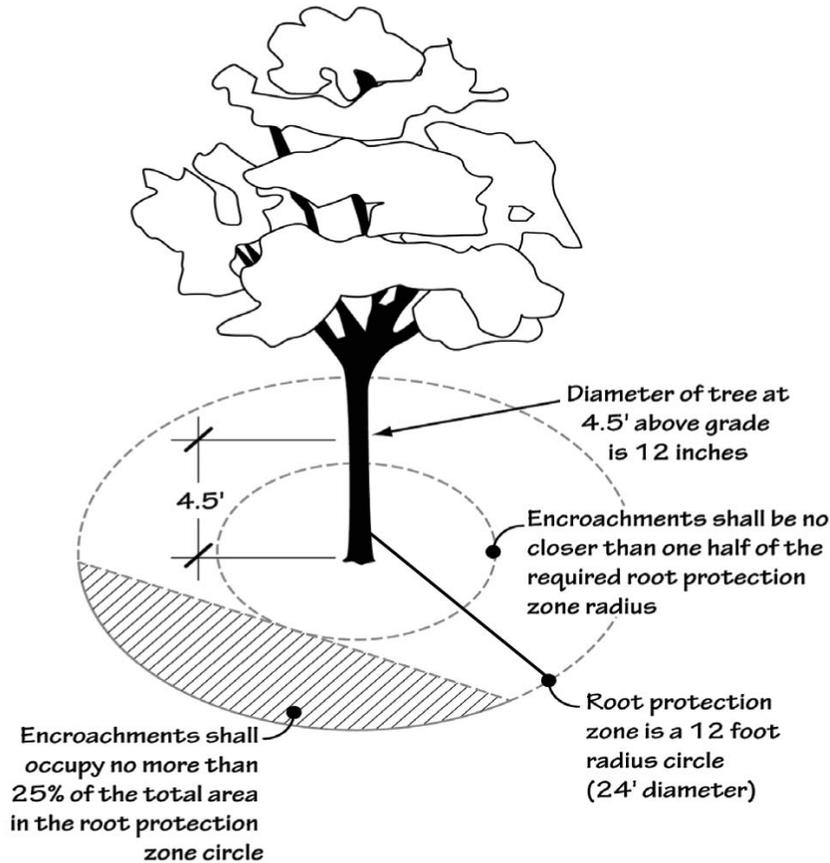
Heritage Trees on or adjacent to the site must be identified in the application. Heritage trees must be preserved unless removal is approved by the Urban Forestry Commission. To find out if you have a Heritage Trees on or near your property, you may visit the Development Services Center or call (503) 823-TREE (8733).

### What is a root protection zone?

The root protection zone is the area around a tree where protection fencing must be installed during construction to protect the tree. The standard root protection zone is one-foot radius for each inch of tree diameter. A 25 percent encroachment is allowed. Alternative protection measures may also be proposed by an arborist provided it will provide an adequate level of protection. See 11.60.030 for additional details.

**How is tree diameter measured?**

In most cases, the diameter of the tree trunk is measured at a height of 4.5 feet above the ground. Standards for measuring other situations, such as angled trunks, trees on a slope, split trunk and multi-stemmed trees are listed in 33.930.130, Measuring Tree Diameter.



For more information visit or call the Planning and Zoning staff at the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526 For current Portland Zoning Code visit [www.portlandoregon.gov/zoningcode](http://www.portlandoregon.gov/zoningcode).

Information is subject to change.