EXHIBIT A

SECTION 9.1000 TREE REGULATIONS

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GENERAL

9.1001 PURPOSE

It is the intent of this section to provide for tree protection and the safe, orderly removal and replacement of trees on developed and undeveloped sites, and to provide for good stewardship of the urban canopy. The city of Gresham benefits from a large number of trees consisting both of natural growth and those planted throughout the years. The retention and establishment of trees adds to the livability of the community by reducing heat island impacts, minimizing surface water and groundwater run-off and diversion, filtering noise and air pollution, and promoting soil stability. Trees also provide habitat for local fauna and enhance pedestrian areas. Because uncontrolled cutting or destruction of trees within the city decreases the functions that urban trees provide, it is in the public interest to preserve trees and prevent damage from construction and improper pruning.

Note: Images that follow are not part of the Development Code and do not act as standards, unless labeled with a Development Code section number. These images are provided to assist the readers in envisioning the intent of the standards.

9.1002 APPLICABILITY

All land within the City of Gresham is subject to the Tree Protection, Removal, Replacement, and all other regulations of **Section 9.1000**.

A. Removal of trees shall require a Tree Removal Permit as described in **Table 9.1003**, unless exempt under **Section 9.1004**. If an application is submitted for additional tree removal at the same site less than 12 months after any previous application submittal(s), then the total extent of tree removal must be considered together to determine the appropriate level of review.

B. Severe crown reduction, including tree topping, is considered tree removal.

C. Within the Hillside and Geologic Risk Overlay and the Natural Resource Overlay, regulations regarding trees are as specified in **Section 5.0200** and **Section 5.0700**, respectively. This section applies within those overlays when specified by **Section 5.0200** and **Section 5.0700**. Limited hazard tree removal is permitted as described in **Table 9.1003**.

D. Property owners shall obtain a Tree Removal Permit approval prior to the removal of any trees, unless the trees are defined as Exempt or Imminent Hazard Trees.

9.1003 APPLICATION TYPES

An application for Tree Removal is subject to the highest applicable level of review, given the thresholds for different reviews described in **Table 9.1003**. For exemptions see **Section 9.1004**.

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A. If an application is submitted for additional tree removal at the same site less than 12 months after any previous application submittal(s), then the total extent of tree removal must be considered together to determine the appropriate level of review.

B. Where a Tree Removal application is concurrent with, or necessary for the approval of, another development permit (e.g. Design Review), the Tree Removal Permit shall remain valid until all associated permits with the subject development are considered final. If additional tree removal is proposed associated with the subject development project during the validity period, the total extent of tree removal between the original application and subsequent applications shall be considered together to determine the appropriate level of review.

C. Imminent Hazard Trees, as defined in **Article 3**, where the hazard cannot be avoided through pruning or other horticultural methods, may be removed immediately, prior to submittal of the relevant permit application. A Tree Removal Permit application as applicable under **Table 9.1003** must be submitted within 10 business days after the tree is removed.

Table 9.1003 Tree Removal Permit Categories

A. Tree Removal A	
1. Process	Type I application.
2. Conditions	**a.** Activity is not exempt under **Section 9.1004.** **b.** Trees are not within the Floodplain Overlay, Natural Resource Overlay, Hillside and Geologic Risk Overlay, or Gresham Butte Scenic View Overlay. **c.** Site **d.** Trees are not Significant Trees. **e.** Trees are under 36 inches DBH.
3. Types	**a.** Removal of up to three Site Trees on commonly owned contiguous parcels less than 35,000 square feet. **b.** Removal of up to six Site Trees on commonly owned, contiguous parcels equal to or greater than 35,000 square feet. **c.** Removal of Street Trees on the frontage of existing Single Detached and Middle Housing development.
B. Tree Removal B	
1. Process	Type I application.
2. Conditions	**a.** Thresholds of Tree Removal A exceeded.
3. Types	**a.** Removal of Street Trees other than existing Single Detached and Middle Housing development.

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	b. Removal of any number of Hazard Trees. **c.** Removal of ten or fewer Site Trees. **d.** In the Natural Resource Overlay and Hillside and Geologic Risk Overlay, removal of six or fewer Hazard Trees or documented invasive species following the standards of **Section 5.0208** and **Section 5.0708,** as applicable. **e.** In the Floodplain Overlay or Gresham Butte Scenic View Overlay, removal of up to six non-native or invasive trees, or hazard trees. **f.** For Significant Trees, removal of dead or hazard trees.
C. Tree Removal C	
1. Process	Type II application.
2. Conditions	**a.** Thresholds of Tree Removal B exceeded. **b.** Trees are not within the Hillside and Geologic Risk Overlay or Natural Resource Overlay. Removal within these overlays over the Tree Removal B thresholds shall be reviewed under the standards of **Section 5.0200** and **Section 5.0700,** respectively.
3. Types	**a.** Removal of more than ten Site Trees. **b.** Removal of Significant Trees exceeding the Tree Removal B threshold. **c.** Removal of trees in the Floodplain Overlay or Gresham Butte Scenic View Overlay exceeding the Tree Removal B threshold.

9.1004 EXEMPTIONS

A. Trees under 8 inches DBH - outside of the Hillside and Geologic Risk Overlay and Natural Resource Overlay - and not otherwise required to meet a planting requirement of the Gresham Community Development Code, may be removed without a permit. These are considered Exempt Trees as defined in **Article 3**.

B. The City of Gresham is exempt from the Tree Removal Permit requirements of **Section 9.1000** when it undertakes activities that are necessary for the protection of public health, safety, and welfare; and when it performs maintenance of street trees in the public right-of-way and trees within designated City parks, trails, and open space. Trees may be removed or pruned in accordance with the pruning standards in **Section 9.1031** when the tree removal or pruning is necessary to accomplish a public purpose, which may include, but is not limited, to the installation of public facilities and utilities in the right-of-way or general utility easement, or for construction, repair, or improvement of a public street, public trail or path, public park, or public urban plaza. Tree removal activities subject to **Section 5.0100 Floodplain Overlay, Section 5.0200 Hillside and Geologic Risk Overlay,** or **Section 5.0700 Natural Resource Overlay** are not exempt.

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C. An electric utility is exempt from Tree Removal Permit requirements when pruning trees growing in the public right of way or general utility easement, if such pruning is necessary and in accordance with state law to avoid contact with the electric facilities (OAR 860-024-0017).

TREE REMOVAL AND REPLACEMENT

9.1010 TREE REMOVAL

A. Standards for Tree Removal A. Tree Removal A shall meet the following standards.

1. Within the thresholds for Tree Removal A, trees may be removed following issuance of the applicable permit.

2. All tree removal shall be conducted in accordance with the Migratory Bird Treaty Act (16 U.S.C. §§ 703–711).

3. Tree replacement shall be provided in accordance with the tree planting standards of **Section 9.1011** within six months of the date of issuance.

B. Standards for Tree Removal B and C. Tree Removal B and C shall meet the following standards.

1. For the trees meeting Tree Removal B or C thresholds in **Table 9.1003 Tree Removal Permit Categories**, a minimum of one of the following Health and Hazard or Development Conflict standards shall be met.

a. Health and Hazard Standards include:

i. The tree is a Hazard Tree as documented by a Basic (Level 2) Tree Risk Assessment from a Certified Arborist that is Tree Risk Assessment Qualified (TRAQ).

ii. The tree is a Dead Tree as documented by a Certified Arborist. Photographic evidence may be provided where the photograph shows physical damage to at least 50 percent of the tree or 75 percent less foliage as compared to a healthy tree of the same species at the same time of year.

iii. The tree is infested with pests or a disease that left untreated can lead to death as documented by a Certified Arborist.

iv. The tree is documented as an invasive species on the City of Gresham Invasive Plant List.

v. The tree is a species that has been identified by the City of Gresham for proactive removal due to a pervasive threat including ash (*Fraxinus spp.*), white fringetree (*Chionanthus virginicus*), and cultivated olive (*Olea europaea*) tree species in relationship to Emerald Ash Borer.

b. Development Conflict Standards include:

i. The tree presents a conflict with existing development that endangers property or public safety in one or more of the following manners:

1) The tree creates a safety hazard based on AASHTO sight distance standards in a manner that cannot be ameliorated by pruning in accordance with Public Works Standards;

2) The tree causes sidewalk upheaval in a manner that conflicts with the **Gresham Revised Code 7.15.40** or damage to underground utilities to cause a leak or breakage;

3) A street tree causes conflict with public infrastructure based on the standards of **Section 9.1024;**

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4) The tree is recommended for removal by a designated Fire Marshal for the Gresham Fire Department because it presents a significant fire risk to habitable structures or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention; or

5) The tree is documented by the Gresham Police to prevent sightlines to or from the nearest right-of-way at a height between 2 feet and 6 feet, in a manner that cannot be ameliorated by pruning, removal of ground vegetation, or addition of lighting, and will not be feasible even when the subject tree reaches mature size.

ii. The tree has insufficient clearance from an existing dwelling or primary structure based on the spacing standards of **Table 9.1023**.

iii. The tree conflicts with proposed development under a land use review or other development permit, as demonstrated by one of the following:

1) Any portion of the Critical Root Zone is within the area proposed to be developed with structures, grading, or other development.

2) The tree has insufficient clearance from a proposed dwelling or primary structure based on the spacing standards of **Section 9.1023**.

2. Where a conifer tree is removed from a stand of conifers (as defined in **Article 3**), without removing the entire stand, the applicant shall obtain a Basic (Level 2) Tree Risk Assessment by a Certified Arborist that is Tree Risk Assessment Qualified, consistent with the most recent edition of the ANSI A300 Tree Risk Assessment Standard Practices and companion ISA Tree Risk Assessment Best Management Practices. The assessment shall demonstrate that retained trees are not at a probable or imminent likelihood of failure or can be mitigated to reduce risk to less than a probable or imminent likelihood of failure. Recommended mitigation shall be completed where feasible. If it is not possible to retain the remaining trees without creating a probable or imminent risk of failure, the applicant shall complete all necessary steps, including obtaining relevant property owner authorization if applicable, to remove additional trees before removing the original subject tree or trees.

3. For removal of hazardous/dangerous or invasive species trees in the Hillside and Geologic Risk Overlay or Natural Resource Overlay, tree removal shall be completed in accordance with the standards of **Section 5.0208** and **Section 5.0708**, as applicable.

4. Tree replacement shall be provided in accordance with the tree planting standards of **Section 9.1011** within six months of the date of issuance, unless removed for proposed development. Where trees are removed for proposed development, replacement trees, or Tree Account payments as applicable, shall be established prior to final acceptance or occupancy, as applicable.

5. All tree removal shall be conducted in accordance with applicable state and federal laws and regulations, including but not limited to the Migratory Bird Treaty Act (16 U.S.C. §§ 703–711).

C. Additional Standards for Tree Removal C. In addition to the standards of **Section 9.1010(B)** Tree Removal C applications shall meet the following criteria:

1. Where tree removal is proposed under **Standard 9.1010(B)(1)(b)(iii)** due to grading or site clearing proposed without another development application within the same development site, a financial guarantee for tree replanting is required.

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a. The financial guarantee shall equal 110 percent of all materials and labor to replace one tree for every one tree over 8 inches DBH that is removed, unless the tree is also a Dead Tree or Hazard Tree. Replacement trees shall meet the dimension and spacing standards of **Section 9.1023.** The guarantee is required to be established prior to tree removal or issuance of the grading permit, whichever comes first.

b. The financial guarantee may be released either:

i. Upon installation of replacement trees on site equal to one tree for every one tree over 8 inches DBH that is removed, unless the tree is also a Dead Tree or Hazard Tree. Replacement trees shall meet the dimension and spacing standards of **Section 9.1023;** or

ii. Upon issuance of a subsequent building permit for the entirety of the area subject to the standalone grading permit that includes tree planting consistent with the standards of **Section 9.1020.**

c. An applicant may apply for Extension of Land Use Approval as provided in **Section 11.0106** to extend the validity of the Tree Removal application. After the Tree Removal Permit is expired, the City will cash in the amount being held and install replacement trees.

2. Significant Tree removal shall meet the criteria of **Section 9.1043**.

9.1011 TREE REPLACEMENT

A. Replacement of trees shall meet the following standards and the tree dimension and spacing standards in **Section 9.1023**:

1. Street Trees. Street trees shall be replaced in accordance with the street tree spacing requirements in **Section 9.1024**. Replacement trees shall be selected based on the landscape strip size as provided in the Approved Tree List.

2. Buffer Trees. Buffer trees shall be replaced on a 1:1 basis unless the applicant demonstrates that the applicable standards of **Section 9.0100** are met without replacing the tree. Replacement tree species shall be selected from designated Buffer Trees in the Approved Tree List.

3. Parking Lot Trees. Parking lot trees shall be replaced on a 1:1 basis unless the applicant demonstrates that the parking lot tree standards of **Section 9.0823** are met without replacing the tree. Replacement tree species shall be selected from designated Parking Lot Trees in the Approved Tree List.

4. Other Site Trees. All other site trees shall be replaced on a 1:1 basis unless the applicant demonstrates that the site planting ratio standards of **Section 9.0120** are met without replacing the tree. Replacement tree species shall be selected at a minimum size of "Small" as indicated in the Approved Tree List.

B. For trees removed from the Floodplain Overlay, trees shall be replaced in accordance with the mitigation standards in the Habitat and Mitigation Assessment requirements in **Table 9.1011(B)** below. Trees shall be selected from the Gresham Native Plant List.

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Table 9.1011(B): Habitat and Mitigation Assessment Requirements

Trees 6-20 inch DBH	Trees 20–39-inch DBH	Trees Over 39-inch DBH
3 trees for every 1 tree of this size	5 trees for every 1 tree of this size	6 trees for every 1 tree of this size

C. Trees that are counted toward the tree retention incentive may later be removed based on the criteria of **Section 9.1010**. Replacement shall be provided based on the site planting standards of **Section 9.1020**.

9.1020 SITE TREE PLANTING REQUIREMENTS

A. Sites trees shall be required as established in **Table 9.1020.** To determine the number of trees required, the results of a calculation shall be rounded down for a decimal that is less than 0.50 and rounded up for a decimal 0.50 or greater.

Table 9.1020: Site Tree Standards

Development Type	Site Tree Standard	Exceptions
Residential development reviewed under **Section 7.0400**	1 tree per 3,000 square feet of gross lot area	None.
Industrial development reviewed under **Section 7.0320**	1 tree per 5,000 square feet of landscape area**.** Parking lot landscaping as defined in Article 3 shall be deducted from the total required landscape area. Buffer trees may be counted toward minimum.	Fee in lieu permitted in accordance with **Section 9.1020(D).** Parking lot trees may not be counted toward minimum.
Design Districts, other than development reviewed under **Section 7.0400**	1 tree per 3,000 square feet of gross site area Buffer and parking lot trees may be counted toward minimum.	Development reviewed under **Section 4.1100** Downtown Plan District, **Section 7.0500** Rockwood Design District, **Section 4.1200** Civic Neighborhood Plan District, and **Section 4.1426** Design Criteria and Standard for Pleasant Valley may follow discretionary guidelines provided in the applicable Design District Section.

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B. Site tree size. Trees intended to meet the site planting standards shall be at least of the "small" tree size as identified in the City's Approved Tree List.

C. Trees shall meet the planting and spacing standards of **Section 9.1023**.

D. Site Tree Fee-in-Lieu

1. Where designated by **Table 9.1020**, if site constraints make it infeasible to plant all required site trees as demonstrated by the applicant and approved by the Manager, then the Manager may approve contributions to the Tree Account in lieu of tree planting. A contribution shall be made for each required tree not planted. Contributions related to standards in **Section 9.1011** shall be approved by the Manager only when the applicant demonstrates that (a) and (b) below are both met:

a. One of the following conflicts exists that makes the planting infeasible:

i. Infrastructure (such as but not limited to water lines, sewer lines, catch basins, and light poles) conflicts make it infeasible to plant a tree without damage to the infrastructure; or

ii. Planting all the trees required to meet applicable standards would create tree crowding based on the spacing standards of **Section 9.1023.**

iii. The applicant demonstrates that the tree planted at the location would create a potential traffic, fire safety, or building structural hazard; or

iv. Other similar site constraints make it physically infeasible to plant the required trees, as determined by the Manager; and

b. The applicant provides evidence that generally accepted arboricultural methods to make tree planting feasible have been considered but are not appropriate in this situation. Arboricultural practices include but are not limited to meandering a sidewalk; adjusting other pavement or utility locations; using permeable and/or flexible pavement; incorporating soil/aggregate structural soil, soil vaults, or structural cells to increase soil volumes under pavement; root paths and soil trenches (soil volumes under pavement that connect to larger soil areas); and/or enhanced soil amendments and drainage.

9.1021 SITE TREE RETENTION

A. During development, trees that are retained and protected on site shall be counted toward the Site Tree Planting Standards in **Section 9.1020**.

1. For each retained and protected tree with a DBH at least 8-inches and less than 12-inches, the tree shall be counted as the equivalent of one required site tree.

2. For each retained and protected tree with a DBH at least 12-inches and less than 36-inches, the tree shall be counted as the equivalent of two required site trees.

3. For each retained and protected tree with a DBH of at least 36-inches, the tree shall be counted as the equivalent of three required site trees.

B. Retained trees that are counted as described in **Section 9.1021(A)**, shall be evaluated by a certified arborist and confirmed to be in fair or better health and structural condition. The tree shall not be identified as an invasive species based on the City of Gresham Invasive Plant List.

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C. **Section 9.1021(A)** shall not apply to requirements for Buffer Trees, Parking Lot Trees, Street Trees, or requirements specific to Special Purpose District Overlays. Site tree retention may apply to Setback Trees or Landscaping as required in **Sections 7.0100, 7.0500, 4.1100,** or **4.1200**.

D. Trees that are retained in accordance with **Section 9.1021(A)** may later be removed based on the criteria of **Section 9.1010**. Replacement shall be provided based on the site planting standards of **Section 9.1020**.

9.1022 APPROVED TREE LIST

To encourage trees to be planted where they can thrive and not cause unintended property damage, all trees required to meet applicable standards shall be selected from the City's Approved Tree List. Applicants may propose a species not included on the Approved Tree List where information is provided by a Certified Arborist or Landscape Architect indicating the spacing needs and sizing for the tree, and suitability for the planting conditions, subject to Manager approval.

9.1023 TREE DIMENSION AND SPACING STANDARDS

A. Trees that are required to be planted with new development or required replacement shall meet the following standards.

1. Trees shall be planted at a minimum 1.5-inch caliper size for broadleaf species, and a minimum 5-foot height for conifer species.

2. Tree species shall be selected based on the standards and specifications of the City's Approved Tree List.

3. Trees shall be provided adequate site area relative to their species size as designated in the Approved Tree List, and in accordance with Minimum Spacing Standards of **Table 9.1023**. The specified distance denotes the minimum distance that must be provided between a tree and either another tree or object in the built environment. Reduced spacing may be employed where a Certified Arborist determines that reducing the spacing standards will not negatively impact the long-term health of the tree(s) or significantly impact the building or infrastructure during the life of the tree, subject to Manager approval.

4. Spacing distance between trees is measured from each tree on center. Spacing distance between trees and other objects is measured from the tree on center to the near edge of the object. Spacing between two trees of different size categories shall be determined by the average of the distance specified for each tree (e.g. a small tree relative to a large tree shall be placed at a 25-foot distance, tree size is identified in the City's Approved Tree List).

5. Where a tree is planted within 5 feet of pavement including curbs, streets, sidewalks, paths, parking, and drive aisles, root barrier installation is required. Root barriers shall be a minimum of 24 inches deep below grade.

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Table 9.1023: Minimum Spacing Standards

Spacing/Setback	Small Stature in Approved Tree List	Medium Stature in Approved Tree List	Large Stature in Approved Tree List
Between new trees and existing trees	15 feet	25 feet	35 feet
From habitable buildings	10 feet	15 feet	20 feet
From pavement including curbs, streets, sidewalks, paths, parking, and drive aisles	18 inches	3 feet	4.5 feet
*These guidelines shall be superseded when they conflict with more specific requirements in the Community Development Code or the Public Works Standards.			

9.1024 STREET TREE PLANTING

A. Street Trees shall be shown on plans submitted with a building permit, tentative partition, subdivision plan, planned development or design review. The plan shall show compliance with the applicable standards of **Section 9.1000** and meet all required characteristics noted in the submittal requirements provided by the Manager.

B. Street Trees a minimum of 1.5-inch caliper are required when a land use or building permit requires street trees. The number and separation of required street trees shall meet the following standards:

1. Number: On all street classifications, one street tree shall be required for every 35 feet of frontage for the development site. When a development site contains more than 10 feet and less than 35 feet of frontage on any street, a minimum of one street tree per lot, including middle housing lots, shall be planted. For the purpose of **Section 9.1024** the measurement shall be taken along right-of-way frontage but not through curb returns at intersections.

2. Street Tree Separation: Street Tree separation shall be in accordance with **Table 9.1023.** Minimum spacing shall be based on the tree classification in the City's Approved Tree List. The separation requirement may be modified by the Manager.

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3. Fee-in-lieu for new development: If site constraints make it infeasible to plant all required street trees as demonstrated by the applicant and approved by the Manager, the Manager may approve contributions to the Tree Account in lieu of street tree planting. The fee in lieu of street tree planting is scaled based on the average tree separation. Average street tree separation of more than 50 feet is prohibited. A contribution shall be made for each required street tree not planted. For applications related to non-conforming development, as determined by the Manager, a contribution shall be made for each required street tree not planted. The contribution shall be limited by the 10 percent cost limitations found in **Section 8.0202** Design Review Standards. The fee contribution shall be established by Council resolution.
4. Existing trees: Existing trees may serve as street trees provided the tree is:
   a. Neither dead nor hazardous;
   b. Not Emerald Ash Borer susceptible or on the official City Invasive Species List;
   c. At least 1.5-inch caliper;
   d. Within the street right-of-way;
   e. Not in conflict with Public Works Standards;
   f. Located in accordance with tree spacing standards; and
   g. Protected from development in accordance with **Section 9.1030**.

C. Street trees shall be located at least 15 feet from streetlights, and 5 feet from driveway cuts or underground public utilities in accordance with Gresham's Public Works Standards.

D. No Street Trees shall be planted in the right-of-way within 12 feet of the nearside of the crosswalk on the vehicular approach side of the street at street intersections in accordance with Gresham's Public Works Standards.

E. Street Trees shall be selected from the City's Approved Tree List. Substitutions may be approved in accordance with **Section 9.1022**.

TREE PROTECTION AND PRUNING

9.1030 TREE PROTECTION DURING DEVELOPMENT

A. A Tree Protection Plan is required for activities subject to a Development Permit as described in **Section 11.0101** unless at least one of the following exemptions are met:

1. Development activities that are located more than 50 feet from all Non-Exempt Trees including Street Trees and Off-Site Trees; or
2. Development activities that are separated from all Site Trees, Street Trees, and Off-Site Trees by an existing structure(s).

B. A Tree Protection Plan shall include an inventory of all non-exempt trees on the subject site, or within 10 feet of the subject property boundaries, unless the development activity is more than 50 feet away from all such trees, or development activities are separated from all such trees by an existing building(s). The inventory shall list the species, size (DBH), health and structural condition (dead/very poor, poor, fair, to good), treatment (remove/retain), and any findings relevant to the removal criteria of **Section 9.1010.**

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C. A Tree Protection Plan shall designate as protected all non-exempt trees that are to remain on the site after development is complete and off-site trees within 10 feet of the subject property line. The Tree Protection Plan shall show all required tree protection fencing and alternative methods as applicable.

1. A Tree Protection Zone shall be installed with protective fencing around all non-exempt trees to remain on site. The Tree Protection Zone shall protect the Critical Root Zone of each tree (a radius from the tree at a rate of 1 foot of horizontal distance from the tree for each 1-inch diameter of tree) with the following exceptions:

a. Existing encroachments in the tree protection zone such as structures and utilities may remain.

b. New encroachments into the Critical Root Zone are allowed where the area for all new and existing encroachments is less than 25 percent of the Critical Root Zone, and no new encroachment is closer than one half the required radius distance.

2. A Tree Protection Plan shall be consistent with the Erosion Control Plan where required and include findings on changes in soil hydrology and site drainage within the Tree Protection Plan. Site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

D. Tree protection measures shall, at a minimum, include the following protective measures:

1. Prior to any grubbing, clearing, grading, parking, preparation or storage of materials or machinery, or other construction activity on the site, all trees to be protected on the project site and adjacent to the site shall be clearly identified. Tree protection fencing shall be installed at the Tree Protection Zone. Tree protection fencing shall be either chain link or metal no-climb horse fencing a minimum of 4 feet in height, secured by metal posts staked at no more than 10 feet on center.

2. A weatherproof sign shall be affixed to the tree protection fence at least every 30 feet facing the construction area. The sign shall clearly denote that the fenced area is a Tree Protection Zone and that entry is prohibited without approval from a Certified Arborist.

3. Tree protection fencing shall be maintained in functional condition as a contiguous upright barrier at the approved location. Tree protection fencing that is damaged during site work shall be repaired and placed in the approved location prior to resuming work in the area. Tree protection fencing may be removed following approval by the Manager.

4. No soil compaction, materials or equipment storage, trenching, excavation, fill materials, debris, trailers, portable toilets, parking, removal of vegetation or tree branches, or any other activity that causes ground disturbance within the Tree Protection Zone shall be allowed during construction, except as outlined by a Certified Arborist in an approved Tree Protection Plan.

5. No machinery repair or cleaning shall be performed within 10 feet of a Tree Protection Zone.

6. Digging a trench for placement of public or private utilities, sediment fencing, or other structure within a Tree Protection Zone may only be permitted if outlined by a Certified Arborist in an approved Tree Protection Plan.

7. For any construction or ground-disturbing activities in the Tree Protection Zone, a Certified Arborist shall monitor activities on site and this direction shall be printed on the relevant construction plans.

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E. The applicant may propose additional encroachment over the allowances of **Section 9.1030(C)** or alternative tree protection measures to **Section 9.1030(D)** when a Certified Arborist prepares the Tree Protection Plan and certifies that alternative means and methods will be sufficient to protect the health and structural conditions of all subject trees. The alternative means and methods shall be documented on all relevant permits.

9.1031 TREE PRUNING

A. Where Street Trees are pruned, all pruning shall be completed in accordance with the most recent edition of the ANSI A300 Pruning Standard Practices and companion ISA Tree Pruning Best Management Practices. Pruning of a street tree that entails the removal of live branches three inches in diameter or greater, or root pruning within the Critical Root Zone, or removal of 20 percent or more of the tree's live foliage or Critical Root Zone, shall be performed by a Certified Arborist.

B. A permit is not required for pruning.

C. Significant Trees. See **Section 9.1045** Pruning of Significant Trees.

D. Severe Crown Reduction, including tree topping, as defined in **Section 3.0150**, is considered equivalent of tree removal. Severe Crown Reduction shall be reviewed through a retroactive permit as applicable in **Table 9.1003** with fees applied as applicable in **Section 9.1050 Violations**.

SIGNIFICANT TREES

9.1040 PURPOSE

The City has developed standards and procedures to protect Significant Trees/Significant Groves, as defined in **Section 3.0103**. These trees and groves are significant to the community because of their exceptional beauty, distinctive size or shape, association with a historic person or event, or functional or aesthetic relationship to a visual or natural resource.

The following provisions are intended to help protect the natural beauty of the City for future generations and to enhance the long-term value of those trees that meet the criteria for inclusion in the Significant Tree Inventory. Significant Tree protection rules are in this section as well as in **Section 9.0130**.

9.1041 CRITERIA FOR DESIGNATION OF SIGNIFICANT TREES

A. An individual tree may be considered Significant if it is observed to be in a healthy growing condition and one of the following exist:

1. The tree has a distinctive size, shape, or location, or is of a distinctive species or age;
2. The tree possesses exceptional beauty;
3. The tree has a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or trees located along ridgelines; or
4. The tree has a documented association with a historical figure, property, or significant historic event.

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B. A Grove may be considered Significant if it is observed to be in a healthy growing condition and one of the following exist:

1. The Grove includes mature trees or is of a rare or unusual nature. The Grove may also contain a diverse range of tree ages, sizes, and species composition. The Grove shall not include official City Invasive Species.

2. The Grove has a crucial functional and/or aesthetic relationship to a natural resource; or

3. The Grove has a documented association with a historic figure, property, or significant historic event.

C. In addition to **subsections (A)** and **(B)** above, the designation of the tree or grove of trees as Significant shall not unreasonably interfere with the use of the property upon which it is located.

9.1042 PROCEDURES FOR DESIGNATING AND MAINTAINING A LIST OF SIGNIFICANT TREES AND GROVES

A. The Significant Tree designation may be applied to a tree or a grove of trees, and may be nominated by any person, agency, or group, with property owner's consent.

B. The City of Gresham's Significant Tree list shall be reviewed by the applicable review authority periodically to consider modifications. The review shall address any potential new candidates for inclusion on the list.

C. The applicable review authority shall complete the following steps as part of the review and update:

1. Solicit Significant Tree nominations;

2. Make a physical evaluation of each nominee;

3. Develop findings that evaluate the nominees and existing designated trees for conformance with the criteria found in **Section 9.1043**;

4. Solicit written consent from affected property owners for the proposed final recommendations;

5. Develop a list of recommended Significant Trees, the recommended list may also address the potential de-listing of any Significant Trees that no longer meet standards for inclusion on the list (see also emergency removal provision below); and

6. Submit recommendations to the Manager for review and approval in accordance with the Type II procedures of **Section 11.0400.**

9.1043 PROCEDURES AND CRITERIA FOR DE-LISTING AND REMOVAL OF SIGNIFICANT TREES AND GROVES

A. A property owner may petition the applicable review authority in **Section 11.0204** to remove a tree from the Significant Tree List at any time including outside of the periodic review and update by the review authority.

1. For trees that are dead or hazardous, a Tree Removal B application process shall apply.

a. For hazard trees, a tree risk assessment shall be provided by a Certified Arborist that is Tree Risk Assessment Qualified to demonstrate that the tree has a high or extreme overall risk rating based on a basic (Level 2) tree risk assessment in accordance with the most recent

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edition of the ANSI A300 Tree Risk Assessment Standard Practices and companion ISA Tree Risk Assessment Best Management Practices; or

b. For dead trees, documentation from a Certified Arborist that the tree is dead shall be provided or photographic evidence shall be provided where the photograph shows physical damage to

i. at least 50 percent of the tree; or

ii. 75 percent less foliage as compared to a healthy tree of the same species at the same time of year.

2. Imminent Hazard. Significant Trees that present an imminent hazard to the safety of people or protection of property where the hazard cannot be ameliorated through pruning less than 20 percent of the tree's foliage area or other horticultural methods may be removed immediately. The following standards apply:

a. The property owner shall notify the Manager that the Significant tree was removed within two business days and an application shall be filed for a Tree Removal B permit within 10 business days.

b. The applicant shall provide documentation of the imminent hazard, such as a photograph, a report from a certified arborist, a signed statement from a public safety official (such as a police officer or fire official), a signed statement from a City employee with responsibility for tree maintenance, or other evidence as determined by the Manager. When documentation is provided by someone other than a City employee, photographic evidence and written documentation of the imminent hazard is required.

c. The Manager may require a tree risk assessment to be provided by a Certified Arborist that is Tree Risk Assessment Qualified to demonstrate that the tree had an extreme overall risk rating based on a basic (Level 2) tree risk assessment in accordance with the most recent edition of the ANSI A300 Tree Risk Assessment Standard Practices and companion ISA Tree Risk Assessment Best Management Practices.

d. Upon approval of the Tree Removal B permit to remove the Significant Tree from the Significant Tree List, the Manager shall notify the applicable review authority in **Section 11.0204**.

3. For de-listing and removal of Significant Trees that are not able to meet **Section 9.1043 (A)(1)** or **(2)** above, a Tree Removal C application process shall apply. At least one of the following standards shall be met as determined by the review authority:

a. The characteristics that defined the tree's nomination as a Significant Tree have substantially declined: or

b. The tree needs to be removed to accomplish a public purpose and no practicable alternative exists.

9.1044 PROTECTION OF SIGNIFICANT TREES/SIGNIFICANT GROVES: DURING DEVELOPMENT

A. In addition to the requirements of **Section 9.1030** for general Tree Protection, the following standards shall apply:

1. When the Critical Root Zone of a Significant Tree(s)/Significant Grove is on a development site and/or on a property abutting a development:

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a. The Significant Tree(s)/Significant Grove shall be preserved and protected, in accordance with **Section 9.1030** during all development activities, including preliminary grubbing and clearing.

b. A Significant Tree Covenant shall be imposed on the site of the development to ensure ongoing protection of the Significant Tree(s)/Significant Grove on the subject site and/or abutting property. The Significant Tree Covenant shall include the full area of the Critical Root Zone unless a Certified Arborist determines that the tree can be protected adequately with less distance.

2. The Manager, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Significant Tree or Trees. The adjustment shall be the minimum necessary to accomplish preservation of trees on site and shall not conflict with other conditions placed on the property.

3. The Manager, pursuant to a Type II procedure, may grant a five percent reduction to the lot size and ten percent reduction to the lot width and lot depth standards in approving a subdivision or partition if necessary to retain a Significant Tree or Trees.

4. The Manager, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a Significant Grove of trees if preserving those trees would:

a. Cause the loss of ten percent or more of the total number of allowed lots or units; or

b. Cause an increase of five percent or more in the cost of installing on-site utilities.

9.1045 PRUNING OF SIGNIFICANT TREES

A. The tree pruning standards of **Section 9.1031** shall apply to Significant Trees.

B. Where Significant Trees are pruned, all pruning shall be performed by a Certified Arborist consistent with the most recent edition of the ANSI A300 Pruning Standard Practices and companion ISA Tree Pruning Best Management Practices. Pruning of a Significant Tree that entails the removal of live branches three inches diameter or greater, or removal of 20 percent or more of the tree's live foliage or Critical Root Zone, shall be performed by a Certified Arborist.

C. The Critical Root Zone of a Significant Tree may not be disturbed by more than 10 percent in any 12-month period without a development permit.

9.1050 VIOLATIONS

A. A violation has occurred when any requirement or provision of **Section 9.1000** has not been complied with. Violation of any provision of **Section 9.1000** may be subject to enforcement action by the Manager and may be enforced pursuant to Gresham Revised Code Article 7.50.

B. For correcting violations regarding unauthorized tree removal, the property owner shall submit an application that meets all applicable standards of **Section 9.1000** including replacement requirements.

C. Additional application fees shall be assessed for tree removal violations in accordance with the adopted fee schedule.

D. For tree removal that is not able to meet the applicable criteria for Tree Removal A, B, or C, a Civil Penalty may be applied for each tree pursuant to the adopted fee schedule.

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E. The Manager may enter any property in accordance with Gresham Revised Code 7.50.500 through Gresham Revised Code 7.50.520, to perform an inspection in order to ensure compliance with any provision of **Section 9.1000**.

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