

Study Session

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Milwaukie City Council

COUNCIL STUDY SESSION

Zoom Video Conference
www.milwaukieoregon.gov

REVISED AGENDA**AUGUST 11, 2020****(revised August 4, 2020)**

Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the City Council will hold this meeting through Zoom video meetings. The public is invited to watch live on the Zoom webinar (visit <https://www.milwaukieoregon.gov/citycouncil/city-council-study-session-108> for details). [Broadcast Update: This meeting will not be broadcast live but will be recorded and aired later on the [city's YouTube channel](#) and Comcast Cable channel 30 in city limits.]

Written comments may be submitted by email to ocr@milwaukieoregon.gov. Council may take limited verbal comments. **To speak during the meeting**, see the Zoom webinar login information (see meeting page link above).

Note: agenda item times are estimates and are subject to change.

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1. **Public Tree Code - Discussion (5:15 p.m.)** 1
Staff: Peter Passarelli, Public Works Director
2. **Carbon-Free Electricity Product Exploration, continued - Discussion (6:45 p.m.)** 30
Staff: Peter Passarelli, Public Works Director, and
Natalie Rogers, Climate Action and Sustainability Coordinator
3. **Adjourn (7:15 p.m.)**

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COUNCIL STUDY SESSION

Zoom Video Conference
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MINUTES

AUGUST 11, 2020

Council Present by Video: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy, Mayor Mark Gamba

Tree Board Members Present by Video: Chair Kathleen Brennan-Hunter, Gina Dake, Jon Brown

Staff Present	City Attorney Justin Gericke	Climate Action & Sustainability Coordinator Natalie Rogers
by Video:	City Manager Ann Ober	Public Works Director Peter Passarelli
	City Recorder Scott Stauffer	

Mayor Gamba called the meeting to order at 5:16 p.m.

1. Public Tree Code – Discussion

Mr. Passarelli explained that staff and the Tree Board had been working to revise the public tree code. He discussed the process of re-writing the code and asked for Council clarification on fees, low-income assistance, and programmatic permits.

Mr. Passarelli reviewed the proposed updates to Milwaukie Municipal Code (MMC) Chapter 16.32 Tree Cutting. He discussed the Tree Board's belief that healthy street trees should not be removed, noted the benefits of street trees, and explained that the proposed code changes were meant to protect street trees.

Mayor Gamba and **Mr. Passarelli** discussed the cost benefit analysis for different projects that may require the removal of a tree. **Mayor Gamba** expressed concern about the city setting a precedent to remove trees, or not, that developers may follow. He urged the group to consider the city's tree removal policy carefully. **Ms. Ober** recalled previous discussions about increasing the tree removal cost as the size and diameter of the tree increased, in hopes to preserve older trees. She also recalled that staff incorporated some of the City of Portland's fee scale and rules when developing Milwaukie's tree code.

Mr. Passarelli and **Mayor Gamba** discussed tree removal costs and code exemptions for tree removal fees. **Council President Falconer** suggested that the tree code and city tree policies emphasize the public value of infrastructure projects when considering the removal of trees. **Mayor Gamba** agreed and believed it would help set a precedent for private development projects. **Ms. Ober** noted how staff could work to implement language about the public benefit.

Mr. Passarelli discussed the new Meek Street stormwater detention facility which required the removal of 13 trees. He noted that the city had replanted over 40 trees as a mitigation effort on that project. **Council President Falconer** suggested the Meek Street project could be an example of analyzing a public benefit project.

Mr. Passarelli reviewed the proposed fees for street and public trees. He reported that the code did not currently include a tree removal fee. He explained the proposed scaled rate fee structure based on the diameter of the tree. He reported that the Tree Board also proposed adding a requirement that when a tree is removed a tree should be

replanted or a fee should be paid to support a new planting at another location. Other proposed fees included a programmatic permit and an enforcement/restoration fee.

Council President Falconer expressed appreciation for the fee in lieu of planting a tree but wondered why the city would charge a fee to plant a tree. **Mr. Passarelli** clarified there would not be a fee to plant a new tree. The Tree Board was recommending that if a tree had to be removed and a new tree could not be planted on the same property, then a fee-in-lieu of planting would be applied for a replacement tree to be planted elsewhere.

The group noted scenarios in which different fees would be charged and the process to remove a tree. **Mr. Passarelli** expressed the Tree Board's desire for trees to be valued as an asset and seen as a loss for the community when removed.

Councilor Batey discussed the proposed review criteria and approval standards when the city decides to issue a tree removal permit. She asked if the city would charge a resident to remove a Tree of Heaven, which was on the noxious weed list. **Ms. Rogers** clarified that the proposed criteria and approval standards were for the removal of healthy, allowed, native species. She noted there was a separate list of situations for how to remove invasive or dead and diseased species.

Council President Falconer wondered if there was a list of problematic trees that do not do well in certain areas. **Mr. Passarelli** explained the code currently referred to the Oregon noxious weed list and the only tree on that list was the Tree of Heaven. He noted the city's public work standards listed other invasive species and the city could add reference to those standards in the MMC. **Council President Falconer** liked the idea of adding the reference to the standards and suggested changing the section title to "beneficial and healthy trees" to make it clear.

The group discussed different tree species that can be problematic. **Mr. Passarelli** noted the city had updated the street tree list to capture concerns about invasive species. He explained this proposal was for trees that were appropriate to plant in the public right of way (ROW) and in public spaces in Milwaukie, and it was not an exhaustive list. **Council President Falconer** did not want a homeowner to be hit with a large fee for removing a healthy but invasive problematic tree. The group noted the list should be continuously updated, especially as the climate changes.

The group discussed the street tree list and how to determine when a homeowner would not have to pay to remove a problematic tree. **Ms. Dake** reported that the Tree Board did not want a nuisance tree species list but wanted to give urban foresters more discretion.

Councilor Batey suggested the city do public outreach to explain about tree permits and ROW rules. **Mayor Gamba** agreed.

Mr. Passarelli explained how the Tree Board appraised a tree's value. He noted the associated fees did not capture the additional benefits trees provide. The group discussed how a tree's appraisal value was calculated.

Mr. Passarelli discussed the Tree Board's proposed fee exemptions for hazardous trees, minor maintenance, and public improvement. He explained the proposed fees were for when someone intentionally damages a tree to make it a hazard.

Councilor Hyzy pointed out that there was an arts tax that the city must pay when purchasing new buildings and she wondered if the city should apply that standard to

trees. The group noted the city also paid money for art in the new library. **Ms. Ober** agreed Councilor Hyzy's question was a good policy question for Council and noted that if such a fee or tax was added now, it would be on top of the costs already calculated for current Safe Access for Everyone (SAFE) projects. She said staff could calculate what the costs could be for future projects. She noted staff's work to not remove trees and suggested that if money was collected from fees they could go into a tree fund for future tree replanting projects. The group discussed potential benefits of a tree removal fee. **Ms. Ober** said staff would bring back policy options for Council to review.

Mr. Passarelli explained the programmatic permits that the Tree Board proposed. He noted that Portland had a structure where utilities, like Portland General Electric (PGE), were required to pay a fee, provide public notice to the neighborhood and nearby property owners about tree trimming maintenance, and follow tree trimming standards. He confirmed that Milwaukie did not currently charge a permit fee and there was no required public notice. He noted that Portland had a five-year program permit and explained why Milwaukie was proposing a two-year permit.

Mr. Passarelli discussed proposed language about low income assistance and how the city could exempt a property owner from the fees based on income. **Council President Falconer** suggested the language be reworded to clarify that available city funds be used to assist with tree removal specifically and if someone meets a certain income threshold the city manager may exempt the other fees. **Ms. Ober** commented that Council President Falconer's suggestion would be consistent with other city policies.

The group discussed the current median household income. Council believed that the policy should be based on Milwaukie's median household income, not the Portland Metropolitan Statistical Area (MSA).

Ms. Rogers discussed the inequitable distribution of trees in relation to low income, Black, Indigenous, People of Color (BIPOC), and marginalized communities across the United States. She noted the public health benefits that trees provide. She reviewed maps from Portland's equitable urban forest tree planting strategy that showed lower income areas had less trees. She provided a map of Milwaukie's tree cover in relation to low-income census data. She noted the importance of street trees to balance out heavy pavement areas and observed that the city had more control over ensuring a shared access to tree canopies by way of providing street trees in the public ROW.

Councilor Batey asked if there was any discussion about cutting trees during nesting season. She noted conversations she had with arborists and was curious to hear the Tree Board's thoughts about seasonal tree cutting. She also reported hearing that oak trees should have been planted at the Meek Street project area.

Mr. Passarelli commented on the types of trees that were planted at the Meek Street project. **Councilors Batey and Hyzy** and **Ms. Rogers** discussed the climate that oak trees grow best in. **Ms. Rogers** noted the importance of educating the public about choosing the right tree for the right place. **Mr. Passarelli** observed that having diverse tree species was helpful. The group discussed different types of trees.

Mayor Gamba expressed his excitement and appreciation for the Tree Board's work. He was concerned about the slow process in establishing the tree code for private property. The group noted that the Comprehensive Plan Implementation Committee (CPIC) work called for addressing it.

Councilor Hyzy shared Mayor Gamba's concerns. She remembered Portland's process for developing a tree code and reported that developers cut down many trees before the tree code was established. She was enthusiastic about Milwaukie's robust process and hoped that once the code was written the review process would not be dragged out.

Councilor Batey suggested that the city's tree outreach and education process could highlight heritage trees while promoting the value of trees.

The group discussed the timeline in adopting new code language.

Council President Falconer noted missed opportunities where trees could be planted. She hoped the Tree Board could work with the Public Safety Advisory Committee (PSAC) and the city engineering department to coordinate tree planting opportunities in the public ROW. **Councilor Hyzy** noted conversations she had with neighbors about the importance of engaging landowners to make sure people felt included and had a choice and a role in the success of street trees.

Mr. Passarelli remarked that the Tree Board would discuss Council's feedback at their next meeting and adjust the proposed code language.

2. Carbon-Free Product Exploration, continued – Discussion

Ms. Rogers referenced the city's climate action goals and noted the city's work with PGE and NW Natural Gas on exploring the development of a carbon-free energy product. She provided an overview of the city's climate action work, including the advocacy of changes to the international building code. She reported that building energy is the number one source of emissions in Milwaukie. She explained that the city's new Home Energy Score (HES) program would begin on October 1 and more information could be found on the city's website.

Ms. Rogers provided details on the city's work with PGE to explore an opt-out option for the carbon-free electricity product. She explained how the product would help meet Milwaukie's carbon-free electricity goal and would be designed to match the community's preference. She noted the legislative requirements and other items to consider when developing such a product.

The group thanked Ms. Rogers and Mr. Passarelli for their work in pioneering these types of programs.

2. Adjourn

Mayor Gamba adjourned the meeting at 7:16 p.m.

Respectfully submitted,


 Amy Aschenbrenner, Administrative Specialist II

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jul. 29, 2020

Reviewed: Blanca Marston (as to form), Administrative Specialist

From: Peter Passarelli, Public Works Director, and
Tree Board

Subject: **Tree Code – Update**

ACTION REQUESTED

Council is asked to provide feedback on draft tree code language.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 13, 2018:](#) Tree board presented and discussed the 2018 work plan and policy goals with city council.

[October 2, 2018:](#) Council adopted the Milwaukie Climate Action Plan (CAP) that included two relevant city led urban forest strategies.

[January 15, 2019:](#) Tree Board chair and public works director presented the draft Urban Forest Management Plan (UFMP) to Council to obtain feedback in preparation for adoption by Council.

[February 12, 2019:](#) Public works director discussed and provided an update on revisions to the UFMP to Council during the Tree Board annual update.

[March 19, 2019:](#) Council adopted the UFMP.

ANALYSIS

In February 2018, the Tree Board identified three priority areas to focus its efforts:

- (1) create and adopt an UFMP (completed),
- (2) conduct public outreach (continuous), and
- (3) work on updating the tree code.

Since the adoption of the UFMP in March 2019, the Tree Board has focused its efforts on developing proposed amendments to the tree code as it relates to street trees and public trees and have worked to integrate goals from the UFMP into the Comprehensive Plan update.

The Tree Board would like to discuss and receive feedback on the items provided below before finalizing the draft code.

Healthy Tree Removal

The Tree Board premised its draft code development on the philosophy that, in the absence of

extraordinary circumstances, the city should not permit the removal of a healthy, functioning street or public tree. The board believes that trees should be considered valuable urban infrastructure that should be nurtured and protected due to their ability mitigate energy usage, reduce heat island effects, improve water quality, reduce infiltration and inflow, offer food and shading, improve public health and wellness, and support urban biodiversity. These benefits are quantifiable, measurable, and increase as a tree matures. A permit will not be approved when the impact can be mitigated by pruning, reasonable alternative construction techniques, or other accepted arboricultural practices. Likewise, a requested tree removal due to excess tree litter, view improvement, or other minor inconveniences would not constitute extraordinary circumstances.

As a result, the board has strengthened language in the permit approval criteria to prevent healthy street tree removals. In cases where removals are necessary, there is a removal fee based on size of tree to be removed and a replanting requirement. The draft code provides an exemption to the removal fee for removals related to city public infrastructure improvements. Without this proposed exemption, for example, removal fees would have generated \$27,520 for the removal of 13 trees at the site of the new stormwater facility located at Monroe Street and Oak Street.

Programmatic Permits

The draft code includes language that would require utilities and other public agencies to submit a permit application for utility operation, repair and replacement, and other on-going maintenance programs that may impact trees. If approved, the permit would specify the duration of permit, geographic area covered, the permitted activities, and any restrictions on the method, number, type, location or timing of activities, public notification requirements, reporting, and traffic control requirements if necessary.

Low Income Assistance

The board recommended that the city provide financial assistance or waive fees to home owners when the owner demonstrates a household income that is at or below 50 percent of the median household income for the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area. The funding and details of administering such a program need to be considered.

Fee Structure

In addition to the current permit application fee of \$50 for planting, removal, and pruning, the board recommends the following fees and penalties. These fees would be included in the Master Fee Schedule:

Fee Type	Amount
Permit Application	\$50
Programmatic Permit	\$2500
Healthy Tree Removal Fee	
2" or less diameter at breast height (DBH)	\$40

2" to 8" DBH	\$30 per inch DBH
8" to 14" DBH	\$40 per inch DBH
8" to 20" DBH	\$90 per inch DBH
20" or greater DBH	\$150 per inch DBH
Planting and Establishment Fee	\$675 per Tree
Enforcement/Restoration Fee	
Damaged Tree	\$225 per inch DBH
Removed Tree	\$450 per inch DBH

Summary of Changes

The board concluded that significant changes to the current city tree code are necessary to further the community's urban forestry goals as set out by the UFMP and the CAP. The breadth of these changes resulted in a draft code that quickly became very difficult to read when additions and deletions were included. The attached clean draft (Attachment 1) reflects those changes, while Attachment 2 provides the current code for reference. The table below provides a summary of the types of changes that the board considered in the proposed amendments. Please note that these proposed amendments only apply to trees that exist on public land and/or street trees. The regulation of trees on private land will be considered by the board at future meetings.

Chapter	Section	Disposition	Changes
16.32	Tree Cutting	Amend	Change to title to better reflect focus on tree care
16.32.005	Purpose	Amend	Include language that better recognizes the benefits and importance of trees in the community
16.32.010	Definitions	Amend	Adding relevant definitions that help clarify technical language
16.32.011	Acronyms	New	Commonly used acronyms

16.32.014	Administration	Add	Assign responsibility and authority for implementation and enforcement of the code
16.32.015	Creation And Establishment Of A City Tree Board	Amend	Adjust role of Tree Board to an advisory role because the city has an arborist on staff. Move to Title 2.
16.32.016	Creation Of A City Tree Fund	New	Establish a dedicated funding source for tree related programs
16.32.017	Tree Planting	Amend	Better incorporation of Public Works Standards (PWS)
16.32.018	Public Tree Care	Amend	Style edits
16.323.019	Tree Topping	Amend	Style edits
16.32.020	Pruning, Corner Clearance	Amend	Style edits
16.32.021	Dead Or Diseased Tree Removal On Private Property	Amend	Style edits
16.32.022	Removal Of Stumps	Amend	Style edits
16.32.023	Interference With City Tree Board	Amend	Inclusion of Urban Forester
16.32.024	Arborists License And Bond	Amend	Minor edits
16.32.026	Permit For Major Pruning Or Removal Of Street Trees Or Trees In Public Right-Of-Way And Other Public Land	Amend	Amend language for Urban Forester to administer permitting program. ' new approval criteria and review factors
16.32.028	Programmatic Permits	New	Permits for work that impacts trees over a wide geographic area

			and duration, i.e. utility tree trimming
16.32.030	Permit and Fee Exemptions	Add	Fee exemption for city public infrastructure improvements
16.32.038	Low Income Assistance	New	Fee exemption for permits, removal, and replanting
16.32.040	Penalty	Amend	Penalty should not be less than cost of permit and tree removal.

Next Steps

The board's primary focus has been on public trees, but the board anticipates significant amendments to the tree code as it relates to development and private property. To ensure consistency, proper style and integration with other parts of the city code, these development and private property related amendments will be considered in the Comprehensive Plan Implementation Committee (CPIC) process. This will allow for a more robust community engagement process.

BUDGET IMPACTS

The draft code calls for the establishment of a dedicated tree fund in which fees (permit fees, mitigation fees, etc.) associated with the tree code would be directed to assist in funding urban forest activities in future budget years. It is anticipated that a newly established tree fund and the transfer of current tree-related fee revenue will have minimal impact to the general fund. The city historically receives approximately 20-30 tree-related permit applications per year. At a fee of \$50 per application, this results in revenue of approximately \$1,000-\$1,500. As the urban forest program grows, future revenue generated from permits and mitigation fees will generate additional dedicated revenue for urban forest programs. Removal fees could impact city infrastructure improvement budgets if Council determined exemptions for these projects were not appropriate.

WORKLOAD IMPACTS

The proposed amendments will formally shift urban forest and permit application review responsibilities to the public works department and the urban forester.

CLIMATE IMPACT

The board found it necessary to propose amendments to the tree code to further the community's urban forestry goals as set out by the UFMP and the CAP. When adopting the CAP, Council adopted a natural resource climate action to increase urban canopy cover to 40% by 2040. The carbon sequestration performed by trees and additional ecosystem services such as water and air filtration, soil stabilization, and public health improvements, will be essential

as the community faces higher temperatures, increased flooding, and other natural hazards related to climate change.

COORDINATION, CONCURRENCE, OR DISSENT

The development of the draft tree code amendments has included coordination with planning, engineering, and the city attorney. It is recognized that there are potential challenges involving trees, development, and infrastructure. Successful tree preservation and protection requires commitment, coordination, and involvement of many stakeholders.

STAFF RECOMMENDATION

Not applicable.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Draft Tree Code
2. Current Tree Code

REVISED TREE CODE – DRAFT – 07/29/2020

CHAPTER 16.32 TREE CODE

16.32.005 PURPOSE

The purpose of this chapter is to establish processes and standards that ensure that the City recognizes and continues to realize the benefits provided by its urban forest. The Tree Code establishes processes and standards designed to minimize uncontrolled cutting or destruction of urban trees or groves within the City. It is the intent of this code to establish, maintain, and increase the quantity and quality of tree cover on public and rights-of-way within the City and to ensure our urban forest is healthy, abundant, and climate resilient.

This code is designed to:

1. Foster urban forest growth to achieve 40% canopy coverage by 2040.
2. Maintain trees in a healthy condition through best management practices.
3. Manage the urban forest for a diversity of tree ages and species.
4. Manage street trees appropriately to maximize benefits and minimize hazards and conflicts with infrastructure.

16.32.010 DEFINITIONS

As used in this chapter:

“Arbor Day/Week” means a day/week designated by the City to celebrate and acknowledge the importance of trees in the urban environment. .

“Arboriculture” means the practice and study of the care of trees and other woody plants in the landscape.

“Caliper Inch” means the national standard for measurement of the diameter of a tree as taken at the trunk 6 inches above the mean ground level at the base of a new tree.

“City” means the City of Milwaukie.

“City Engineer” means the city engineer of the City of Milwaukie or designee.

“City Manager” means the city manager or the city manager’s authorized representative or designee

“Council of Tree and Landscape Appraisers (CTLA)” means the publishers of the Guide for Plant Appraisal.

“Crown” means the area of the tree above the ground measured in mass or volume and including the trunk and branches.

“Cultivar” means tree species cultivated in either a commercial or non-commercial setting solely for their decorative value in gardens and landscaping.

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“Cutting” means the felling or removal of a tree, or any procedure that naturally results in the death or substantial destruction of a tree. Cutting does not include normal trimming or pruning but does include topping of trees.

“Dead tree” means a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an ISA certified arborist.

“Diameter at breast height or DBH” means the measurement of mature trees as measured at a height 4.5 feet above the mean ground level at the base of the tree. Trees existing on slopes are measured from the ground level on the lower side of the tree. If a tree splits into multiple trunks below 4.5 feet above ground level, the measurement is taken at its most narrow point below the split.

“Drip line” means the perimeter measured on the ground at the outermost crown by drawing an imaginary vertical line from the circumference of the crown, straight down to the ground below.

“Dying Tree” means a tree that is diseased, infested by insects, deteriorating, or rotting, as attested by a professional certified in the appropriate field and that cannot be saved by reasonable treatment or pruning, or a tree that must be removed to prevent the spread of infestation or disease to other trees.

“Grove” means a stand of two or more trees with not more than 20 feet of separation between each tree.

“Hazardous tree” means the condition or location of the tree, or tree part, presents a clear public safety hazard or an imminent danger of property damage as assessed by an ISA Qualified Tree Risk Assessor, and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

“Invasive species” means that a tree, shrub, or other woody vegetation that is on the Oregon State Noxious Weed List or listed on the City of Milwaukie Invasive Tree List in the Public Works Standards.

“Major tree pruning” means the removal of over 20% of the live crown, or removal of or injury to over 15% of the root system during any 12-month period.

“Minor tree pruning” means the trimming or removal of less than 20% of any part of the branching structure of a tree in either the crown or trunk, or less than 10% of the root area based on ISA's Best Management Practices for Tree Pruning and Root Management within a 12-month period.

“Noxious weed” means a terrestrial, aquatic, or marine plant designated by the State Weed Board under ORS 569.615.

“Owner” means any person who owns land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner's written consent.

“Park tree” means a tree, shrub, or other woody vegetation within a City park.

“Person” means any individual, firm, association, corporation, agency, or organization of any kind.

“Planning Director” means the planning director of the City of Milwaukie or designee.

“Private tree” means a tree, shrub, or other woody vegetation on privately-owned land within City.

“Public agency” means any public agency or public utility as defined in ORS 757.005, or a drainage district as defined in ORS 174.116.

“Priority species” means a tree species of special value to the community due to its importance as either a native species or a well-adapted non-native species. A list of Priority Species will be maintained by the Public Works Department.

“Public tree” means a tree, shrub, or other woody vegetation on land owned or maintained by the City, but does not include a tree, shrub, or other woody vegetation in the right-of-way.

“Public Works Director” means the public works director of the City of Milwaukie or designee.

“Right-of-way” means the area between boundary lines of a public way.

“Root zone” means the area of the ground around the base of a tree measured from the trunk to 5 feet beyond the outer perimeter drip line or appropriate distance for that species to maintain root system health.

“Shrub” means any plant with multiple woody stems that does not have a defined crown and does not grow taller than a height of 16 feet.

“Street tree” means a tree, shrub, or other woody vegetation on land within the right-of-way.

“Street Tree List” is the list of approved tree and shrub species for planting within the right-of-way.

“Topping” means a pruning technique using heading cuts on branches and main stem to reduce the height or width of a tree.

“Tree” means any living woody plant characterized by one main stem or trunk and many branches, or a multi-stemmed trunk system with a defined crown, and that will obtain a height of at least 16 feet at maturity.

“Tree Board” means the city of Milwaukie Tree Board.

“Tree Fund” means the Tree Fund as created by this chapter.

“Tree removal” means the cutting or removal of 50% or more of the crown, trunk, or root system of a plant, the uprooting or severing of the main trunk of the tree, or any act that

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causes, or may reasonably be expected to cause the tree to die as determined by an ISA Certified Arborist.

“Urban forest” means the trees that exist within the City.

“Urban Forester” means the Urban Forester of the City of Milwaukie, or designee.

“Utility” is a public utility, business, or organization that supplies energy, gas, heat, steam, water, communications, or other services through or associated with telephone lines, cable service, and other telecommunication technologies, sewage disposal and treatment, and other operations for public service.

16.32.011 ACRONYMS

As used in this chapter:

“ANSI” means the American National Standards Institute, which is a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.

“DBH” means the diameter at breast height.

“ISA” means the International Society of Arboriculture.

“NDA” means Neighborhood District Association.

16.32.014 ADMINISTRATION.

- A. The City Manager is authorized to administer and enforce the provisions of this Chapter.
- B. The City Manager is authorized to adopt procedures and forms to implement the provisions of this Chapter.
- C. The City Manager may delegate as needed any authority granted by this Chapter to the Public Works Director, the Urban Forester, the Planning Director, the City Engineer, or such other designee as deemed appropriate by the City Manager.

16.32.015 CREATION AND ESTABLISHMENT OF THE TREE BOARD

A. Tree Board Composition

The Tree Board established under this section will consist of seven members, at least five of which must be residents of the City, one must be an ISA Certified Arborist, and all seven **must** be appointed by the Mayor with approval of the City Council.

B. Term of Office

The term of the seven persons appointed by the Mayor will be three years except that the term of two of the members appointed to the initial Tree Board will serve a term of only one year, and two members of the initial Tree Board will be two years. In the event that a vacancy occurs during the term of any member, their successor will be appointed for the unexpired portion of the term. Tree Board members will be limited to serving three consecutive terms.

C. Compensation

Members of the Tree Board will serve without compensation.

D. Duties and Responsibilities

The Tree Board will serve in an advisory capacity to the City Council. Its responsibilities include the following:

1. Study, investigate, develop, update, and help administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of the Urban Forest. The plan will be presented to the City Council for approval every five years and will constitute the official Urban Forestry Management Plan for the City;
2. Provide advice to City Council on policy and regulatory issues involving trees, including climate adaptation and mitigation efforts;
3. Provide outreach and education to the community on tree-related issues and concerns;
4. Organize and facilitate the City's tree planting events and other public events involving trees and Urban Forestry education;
5. Assist City staff in preparing recommendations regarding the application, membership, and ongoing participation by the City in the Tree City USA Program;
6. Provide leadership in planning the City's Arbor Day/Week proclamation and celebration; and
7. Provide recommendations to City Council on the allocation of funds from the Tree Fund.

The Tree Board, when requested by the City Council, will consider, investigate, make findings, report, and recommend on any special matter or question coming within the scope of its work. The Tree Board will inform and coordinate with the

North Clackamas Park and Recreation District (NCPRD) to ensure that the provisions of this ordinance are complied with during performance of maintenance activities.

E. Operation

The Tree Board will choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members will be a quorum for the transaction of business.

16.32.016 CREATION OF A TREE FUND

A. Establishment

A City Tree Fund is hereby established for the collection of any funds used for the purpose and intent set forth by this chapter.

B. Funding Sources

The following funding sources may be allocated to the Tree Fund:

1. Tree permit revenue;
2. Payments received in lieu of required and/or supplemental plantings;
3. Civil penalties collected pursuant to this chapter;
4. Agreed-upon restoration payments or settlements in lieu of penalties;
5. Sale of trees or wood from City property;
6. Donations and grants for tree purposes;
7. Sale of seedlings by the City; and
8. Other monies allocated by City Council.

C. Funding Purposes

The Tree Board will provide recommendations to the City Council during each budget cycle for how the fund will be allocated. The City will use the Tree Fund for the following purposes:

1. Acquiring, maintaining, and preserving the urban forest within the City;
2. Planting and maintaining trees within the City;
3. Establishing a public tree nursery;

4. Supporting public education related to urban forestry;
5. Assessing urban forest canopy coverage; or
6. Any other purpose related to trees, woodland protection, and enhancement as determined by the City Council.

16.32.017 TREE PLANTING ON CITY-OWNED LAND AND PUBLIC RIGHTS-OF-WAY

A. Species

Any tree, shrub, or other woody vegetation to be planted on City-owned land or in the public rights-of-way must be a species listed on the Street Tree List..

B. Spacing, size, and placement

The spacing, size and placement of street trees, shrubs, and other woody vegetation will be in accordance with the permit issued by the City. The city may approve special plantings designed or approved by a landscape architect, or for ecological restoration projects where trees are likely to be planted at a much higher density to mimic natural conditions in forest regeneration and account for expected mortality.

C. Permit

No person may plant a street tree without first obtaining a permit from the City.

16.32.018 PUBLIC TREE CARE

The City will plant, prune, maintain, and remove trees, shrubs, and other woody vegetation within all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and appearance of the public grounds as determined by the Urban Forester.

The City may remove or cause or order to be removed, any tree, shrub, or other woody vegetation, or part thereof, that is in an unsafe condition, that-poses a risk to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infested with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by property owners adjacent to the street or right-of-way, provided that their selection and location is in accordance with Section 16.32.017 of this chapter.

16.32.019 TREE TOPPING

No person will top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or trees existing under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Urban Forester.

16.32.020 PRUNING, CORNER CLEARANCE

Subject to enforcement under MMC_Section 12.12.010, any tree, shrub, or other woody vegetation overhanging any street or right-of-way within the City must be maintained by the owner to ensure that no vegetation obstructs the right-of-way.

16.32.021 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The owner of any tree, shrub, or other woody vegetation that is dead or diseased must remove any dead or diseased vegetation that poses a significant risk to the public. If the owner fails to do so, the City will have the right to remove any dead or diseased vegetation that poses a significant risk to the safety of the public. The City or its agents will notify, in writing, the owners of such trees.

Removal must be at the owner expense and completed within 60 days after the date of service of notice. After removal is complete, the owners must notify the City in writing. If the owner does not comply with this section, the City will remove the dead or diseased vegetation and charge the cost of removal to the owners pursuant to MMC Chapter 8.04. In cases where the owner demonstrates extreme financial hardship, the City Council may grant a cost waiver

16.32.022 REMOVAL OF STUMPS

All stumps of street trees must be removed by the adjacent property owner below the surface of the ground so that the top of the stump does not project above the surface of the ground.

16.32.023 INTERFERENCE WITH CITY

No person will prevent, delay, or interfere with the Urban Forester while engaged in planting, cultivating, mulching, pruning, spraying, or removing any street trees, park trees, or dead, diseased or infested trees on private grounds, as authorized in this chapter.

16.32.024 ARBORISTS LICENSE

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All businesses doing arboricultural work within the City must have a current business license with the City, and at least one staff member who is an ISA Certified Arborist. The Certified Arborist will be on site for the duration of any arboricultural work being performed and is responsible for certifying that all arboricultural work is performed in accordance with ISA Best Management Practices.

16.32.026 PERMIT FOR MAJOR PRUNING OR REMOVAL OF STREET TREES OR TREES IN PUBLIC RIGHT-OF-WAY AND OTHER PUBLIC LAND

A. Applicability

1. No person will perform major true pruning or remove any tree in the public right-of-way or on public land without first obtaining a permit issued by the City..
 - a. For public trees, only the City, a public agency charged with maintaining the property, or a utility may submit a permit application.
 - b. For street trees, the applicant must be the owner of the adjacent property, or be authorized by the owner of the adjacent property, where the tree will be pruned or removed.
 - c. No person can remove a street tree without first obtaining a permit from the City. Permit approval may be conditioned upon either replacement of the street tree with a tree listed on the Street Tree List or a requirement to pay to the City a fee as provided in the master fee schedule.
2. For trees on publicly-owned land, this chapter shall be applied in conjunction with any applicable standards in Title 19 Zoning.

B. Permit Review Process

1. Application

A permit application and payment of the permit fee as established in the Master Fee Schedule must be submitted to the City for any major pruning or tree removal..

2. Public Notice and Permit Meeting.

Upon the filing of a permit application, the applicant must post notice of the major pruning or tree removal permit application on the property in a location that is clearly visible from the public right-of-way. The applicant must mark each tree, shrub, or other woody vegetation proposed to for major pruning or

removal by tying or attaching orange plastic tagging tape to the vegetation. The City will provide the applicant with at least one sign containing adequate notice for posting, tagging tape, and instructions for posting the notice. . The notice must state the date of posting and that a major pruning or tree removal permit application has been filed for the vegetation on the property marked by orange plastic tagging tape. The notice must state that any person may request a meeting with the City within 14 days from the date of posting to raise questions or concerns about the proposed pruning or tree removal prior to issuance of the permit.

If a meeting is requested, it must be held within 14 days of the request. The City will consider all concerns raised at the meeting but will have final decision-making authority over issuance of the permit based on the criteria and approval standards set forth in subsection C below.

3. Declaration

The applicant will file a declaration on a form provided by the City stating that notice has been posted and that the vegetation proposed for major pruning or removal has been marked.

Once a declaration is filed with the City, the City will provide notice of the application to the appropriate NDA.

4. Exemptions from Public Notice

The following trees, shrubs, or other woody vegetation may be removed without public notice subject to the City's review of the application:

- a. A tree, shrub, or other woody vegetation that is considered an unreasonable risk to the occupants of the property, the adjacent property, or the general public as determined by an ISA Certified Arborist in accordance with current ISA Tree Risk Assessment standards.
- b. A tree, shrub, or other woody vegetation that is an invasive species and that is less than 8 inches in diameter at breast height.
- c. A street tree or public tree that is less than 2 inches in diameter at breast height.

C. Review Criteria and Approval Standards

The City may issue the permit, deny the permit, or may issue the permit subject to conditions of approval. The City's decision shall be final and valid for a period of one year after issuance unless a longer timeframe is conditioned as part of the approval. Notwithstanding the conditions of approval, nothing shall prevent a person from submitting another application if the conditions and circumstances of an unexpired permit have changed.

1. Review Criteria

The City, in the absence of extraordinary circumstances, will not permit the major pruning or removal of a healthy, functioning Street Tree or Public Tree. Maintenance or the replacement of sidewalks or curbs, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances. Decisions regarding major pruning or removal of healthy, functioning Street Trees or Public Trees are fact-specific and are made on a case-by-case basis by the Urban Forester. In determining whether extraordinary circumstances exist that warrant the major pruning or removal of a healthy tree, the Urban Forester will consider:

- a. Whether the species of tree is appropriate for its location,
- b. Whether the species of tree is an invasive species ;
- c. Whether the crown, stem, or root growth has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees;
- d. Whether maintenance of the tree creates an unreasonable burden for the property owner; and
- e. Whether the major pruning or removal will have a negative impact on the neighborhood streetscape and any adopted historic or other applicable design guidelines.

2. Approval Standards

A permit will be issued only if the following criteria are met to the satisfaction of the Urban Forester:

- a. The proposed major pruning or tree removal will be performed according to current ISA Best Management Practices and an ISA Certified Arborist will be on site for the duration of the tree work.
- b. The tree, shrub, or other woody vegetation proposed for major pruning or removal meets one or more of the following criteria:
 - (1) The tree, shrub, or other woody vegetation is dead or dying and cannot be saved as determined by an ISA Certified Arborist in accordance with ISA standards.
 - (2) The tree, shrub, or other woody vegetation is having an adverse effect on adjacent infrastructure that cannot be mitigated by

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pruning, reasonable alternative construction techniques, or accepted arboricultural practices.

- (3) The tree, shrub, or other woody vegetation has sustained physical damage that will cause the vegetation to die or enter an advanced state of decline. The City may require additional documentation from an ISA Certified Arborist to demonstrate that this criterion is met.
 - (4) The tree, shrub, or other woody vegetation poses an unreasonable risk to the occupants of the property, the adjacent property, or the general public, as determined by an ISA Certified Arborist in accordance with the current ISA Tree Risk Assessment.
 - (5) Major pruning or removal of the tree, shrub, or other woody vegetation is necessary to accommodate improvements in the right-of-way or on City-owned land, and it is not practicable to modify the proposed improvements to avoid major pruning or removal.
 - (6) The tree, shrub, or other woody vegetation is on the Oregon State Noxious Weed List.
 - (7) The tree, shrub, or other woody vegetation is part of a stormwater management system and has grown too large to remain an effective part of the system.
- c. Any approval for the removal of a healthy tree, shrub, or other woody vegetation must require the applicant to pay a fee as established in the Master Fee Schedule.

D. Performance of Permitted Work

All work performed pursuant to a permit issued by the Urban Forester must be completed within the time period specified in the permit unless a different time period is authorized in writing by the Urban Forester..

E. Replanting

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The City will require street tree replanting as a condition of permit approval for the major pruning or removal of a Street Tree on City-owned land or in the public right-of-way.

1. The replanted tree must be a species included on the Street Tree List.
2. The City will consider alternative planting locations for replanted street trees when replanting at the location of removal conflicts with surrounding infrastructure and the interference would impair the replanted tree.
 - a. For street trees, replanted trees must be planted within the right-of-way fronting the property for which the permit was issued or, subject to the

approval of the Urban Forester and with the adjacent property owner's permission, within the right-of-way fronting the adjacent property..

- b. In lieu of replanting and subject to approval of the Urban Forester, the City can require the owner to pay a fee as established in the master fee schedule.
 - c. For public trees, replanted trees must be planted on the City-owned land from which the tree was removed unless a different location is approved by the Urban Forester.
3. The optimal time of year for planting is from September through November. If planting is necessary in other months, the City may condition permit approval to require extra measures to ensure survival of the newly planted tree.

16.32.028 PROGRAMMATIC PERMITS

Programmatic permits may be issued by the Urban Forester for routine public facility or utility operation, repair and replacement, and on-going maintenance programs. The purpose of a programmatic permit is to eliminate the need for individual permits for tree removal, pruning, or for ongoing activities that cover a wide geographic area and may include the pruning or removal of numerous public and street trees. Programmatic permits are evaluated to prevent cumulative adverse impacts to the urban forest and ensure that any permitted activities meet the goals and objectives of the Urban Forest Management Plan..

A. Application Requirements

Applications for programmatic permits must:

1. Be made in writing or electronically upon forms provided by the City;
2. Be legible, accurate, and contain sufficient information for evaluation of the request; and
3. Be accompanied by the correct fee.

B. Applicability

Programmatic permits may only be obtained by a public agency or a utility as defined in this chapter.

C. Request for Additional Information

1. If the Urban Forester requires additional information to review an application, the Urban Forester will provide written notice to the applicant that describes the additional information needed.

2. The applicant must submit the additional information within 30 days from the date of the notice unless extended in writing by the Urban Forester.
3. If additional information is not received within 30 days from the date of the notice or any extension granted in writing by the Urban Forester, the application will be denied and the application fee forfeited..

D. Notice

When the Urban Forester determines that the application contains sufficient information, the Urban Forester must provide written notice to the applicant, the Tree Board, and any NDA within the geographic area subject to the application. The notice must provide instructions for obtaining additional information about the application, commenting on the application, and requesting notification of the Urban Forester's decision.

E. Decision

The Urban Forester must issue the permit, deny the permit, or may issue the permit subject to conditions of approval within 120 days of determining an application contains sufficient information. The Urban Forester's decision shall be final and valid for a period of two years. Nothing shall prevent a person from submitting another application for a permit if the conditions and circumstances of an unexpired permit have changed. The decision will be based on an evaluation of the request against the applicable review factors in Section 16.32.026 C.1.

F. Permit limitations

1. Time Limits

The Urban Forester may approve a Programmatic Permit for a period of up to 2 years. An annual report from the applicant to the City Forester on activity conducted under the permit is required.

2. Tree Size Limits

- a. The programmatic permit will not allow the removal of healthy non-invasive species trees 6 or more inches in diameter, except as provided below.
- b. If an applicant requests removal of healthy non-invasive species trees 6 or more inches in diameter, an opportunity for public comment shall be provided in accordance with Section 16.32.026 B.2
- c. For any request, the Urban Forester may further limit allowed tree removal in order to meet the review factors in Section 16.32.026

3. Tree Work Limits

All work conducted under a programmatic permit must be conducted in accordance with proper arboricultural practices.

G. Revocation

The Urban Forester may revoke a Programmatic Permit upon finding the applicant is not adhering to the limitations imposed or is acting beyond the activities permitted by the Programmatic Permit. Non-compliance with the Programmatic Permit may also be cause for any other enforcement action as stated in this Title.

H. Review Factors

The Urban Forester may approve a Programmatic Permit upon finding that the following review factors are met or will be met with conditions:

1. The proposed activity will result in a net gain to the urban forest functions and benefits described in the purpose statement in Section 16.32,005 considering the applicants proposed performance measures, proposed tree planting and other proposed means to improve the overall health of the urban forest.
2. The applicant's proposed outreach and notification program, if warranted, will adequately and in a timely manner alerts neighboring residents, businesses and the City prior to conducting work authorized under the programmatic permit.

I. Permit Specifications.

Approved permits shall include the following specifications. The Urban Forester may modify these specifications during the permit period in order to respond to concerns, changes in regulations, or previously unforeseen issues, provided the applicant is notified in writing.

1. Duration of permit;
2. Geographic area covered by the permit;
3. Permitted activities and any restrictions on the method, number, type, location or timing of activities;
4. Procedures and thresholds for informing neighboring residents, businesses and the City of upcoming permitted activities;
5. Monitoring, performance tracking and reporting requirements. The Urban Forester may prescribe rules or procedures that specify the manner in which such tracking and reporting occur, and
6. Traffic Control Requirements.

16.32.030 PERMIT AND FEE EXEMPTIONS

A. Hazardous Tree

If a tree is determined to be a hazardous tree, the city may issue an emergency removal permit. The removal shall be in accordance with ANSI standards and ISA best management practices and be the minimum necessary to eliminate the imminent danger.

B. Maintenance

Regular maintenance or minor tree pruning which does not require removal of over 20% of the tree's crown, tree topping, or disturbance of over 10% of the root system during any 12-month period.

C. Public Infrastructure Improvements

Any trees in public rights-of-way, easements, or on public property that may require removal or pruning to accommodate city public infrastructure improvements will require a permit, must meet replanting requirements but will not require the payment of a removal fee(s).

16.32.038 LOW INCOME ASSISTANCE

To the extent that city funds are available, the City Manager may exempt a property owner from the permit fee, removal fees and replanting fees when the owner demonstrates household income that is at or below 50 percent of median household income for the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area.

16.32.040 PENALTY

A person who removes a street tree without first obtaining the necessary permit from the City pursuant to this chapter, removes a tree in violation of an approved permit, or violates a condition of an approved permit must pay a fine to the City in an amount established in the master fee schedule. Any fine imposed under this section must not be less than the permit cost and removal fee associated with the removal or pruning for which a permit should have been obtained.

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Milwaukie Municipal Code

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16.32.005 PURPOSE

The purpose of this chapter is to encourage preservation of trees located on City-owned land and in the public right-of-way toward the larger goal of creating and maintaining Milwaukie's urban forest for the livability of its citizens. Trees on City-owned land and in the public right-of-way are a public resource that beautify the streetscape and provide ecosystem services such as reducing the urban heat island effect, reducing stormwater flows, and stabilizing soils. The City may allow the removal or pruning of trees in some situations including, but not limited to, removing hazards, avoiding damage to public and private property, and allowing for construction of right-of-way improvements. Preference should generally be given to authorizing the minimal amount of disturbance to the tree that is necessary to address the situation. The intent of this chapter is also to mitigate the authorized removal of trees within the public right-of-way and on City-owned land by replanting new trees in the public right-of-way and on City-owned land wherever practicable. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016; Ord. 2022 § 1, 2011)

16.32.010 DEFINITIONS

The following definitions shall apply for terminology, used in this chapter:

"ANSI" The American National Standards Institute is a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.

"Arbor Day/Week" means a day/week designated by the City to celebrate and acknowledge the importance of trees in the urban environment, which can include a variety of public activities such as tree planting or tree maintenance.

"City" means the City of Milwaukie.

"City Tree Board" means the City of Milwaukie Park and Recreation Board (Board) plus a certified arborist to be selected by the City Council, or a separate City Tree Board (including a certified arborist) appointed by the Mayor and approved by City Council.

"Council of Tree and Landscape Appraisers (CTLA)" means the publishers of the Guide for Plant Appraisal.

"Crown" means area of the tree above the ground, including the trunk and branches, measured in mass or volume.

"Cutting" means the felling or removal of a tree, or any procedure that naturally results in the death or substantial destruction of a tree. "Cutting" does not include normal trimming or pruning, but does include topping of trees.

"Dangerous tree" means the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

"Dead tree" means the tree is lifeless.

"Drip line" means the perimeter measured at the outermost crown.

"Dying tree" means the tree is diseased, infested by insects, deteriorating, or rotting, and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of infestation or disease to other trees.

"Engineering Director" means the Engineering Director of the City of Milwaukie or designee.

"Hazardous tree" means the condition or location of the tree presents a clear public safety hazard or an imminent danger of property damage, and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

“ISA” means the International Society of Arboriculture.

“Large trees” means trees that reach at least 65 feet in height at maturity.

“Major tree pruning” means removal of over 20% of the tree’s crown, or removal or injury of over 10% of the root system, during any 12-month period.

“Medium trees” means trees that at maturity are between 30 and 65 feet in height.

“Minor tree pruning” means trimming or removing less than 20% of any part of the branching structure of a tree in either the crown, trunk, or less than 10% of the root areas based on ANSI A300 and ANSI Z133 standards, within a 12-month period.

“Owner” means and includes, for the purposes of this chapter, any person with a freehold interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner’s consent.

“Park trees” are defined as trees, shrubs, bushes and other woody vegetation in named public parks or to which the public has free access as a park.

“Person” means any individual, firm, association, corporation, agency, or organization of any kind.

“Relative value” may be calculated using the methods described in the “Guide for Plant Appraisal” published by the CTLA. The values reflect the value to the public as a whole, rather than to the individual property owner. For example, a tree growing in full public view may have a high public value but be of low value to the property owner.

“Root zone” means the area of the ground around the base of the tree measured from the trunk to 5 feet beyond the outer base of the branching system.

“Small trees” are those that at maturity are less than 30 feet in height.

“Street tree” is defined as trees, shrubs, bushes and other woody vegetation on land lying within the City right-of-way on either side of all streets, avenues, or ways within the City and on all non-park properties owned or maintained by the City.

“Topping” means the severe cutting back of the main stem and/or limbs to buds, stubs, or laterals large enough to undermine the tree’s crown to such a degree as to remove the normal crown and disfigure the tree.

“Tree removal” means the cutting or removing of 50% or more of the crown, trunk, or root system of a plant; the uprooting or severing of the main trunk of the tree; or any act which causes, or may reasonably be expected to cause, the tree to die, including without limitation damage inflicted upon the root system by machinery, storage materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may result in the loss of aesthetic or physiological viability.

“Tree” means any living woody plant characterized by one main stem or trunk and many branches, or a multistemmed trunk system with a definitely formed crown at least 16 feet in height at maturity.

“Urban forest” means the trees that exist within the City.

“Utility tree” means a tree that is less than 20 feet in height at maturity and thus suitable for planting under overhead utility lines. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016; Ord. 1836 § 1, 1998)

16.32.015 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD

A. Creation

There is hereby created and established a City Tree Board (Tree Board) for the City of Milwaukie, Oregon, which shall consist of 7 members, at least 5 of which shall be residents of the City, and one of which shall be a certified arborist, and all 7 of which shall be appointed by the Mayor with approval of the City Council. The Tree Board may consist of the City of Milwaukie Parks and Recreation Board plus a certified arborist.

B. Term of Office

The term of the 5 persons to be appointed by the Mayor shall be 3 years except that the term of 2 of the members appointed to the first board shall be for only one year and the term of 2 members of the first board shall be for 2 years. In the event that a vacancy shall occur during the term of any member, his or

her successor shall be appointed for the unexpired portion of the term. Tree Board members shall be limited to 3 consecutive terms.

C. Compensation

Members of the Tree Board shall serve without compensation.

D. Duties and Responsibilities

It shall be the responsibility of the Tree Board to study, investigate, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official urban forestry management plan for the City of Milwaukie, Oregon. The Tree Board will provide leadership in planning the City's Arbor Day/Week proclamation and celebration.

The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Tree Board shall inform and coordinate with the North Clackamas Park and Recreation District (NCPRD) or the City of Milwaukie to ensure that the provisions of this ordinance are complied with during performance of maintenance activities.

E. Operation

The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.017 TREE PLANTING

A. Species

Tree species to be planted on City-owned land or in public rights-of-way are those approved by the Engineering Department of the City for different types of planting in those specified locations.

B. Spacing

The spacing of street trees will be in accordance with the permit issued by the Engineering Department and in accordance with Department standards and specifications. Spacing will be determined in the planting plan for each site as determined by the City's Public Works Standards. In addition, the Engineering Director may approve special plantings designed or approved by a landscape architect, or for ecological restoration projects where seedlings or whips are likely to be planted at a much higher density to mimic natural conditions in forest regeneration.

C. Distance from Curb and Sidewalk

The City's Public Works Standards shall provide the distance from which small, medium, and large trees may be planted from curbs or curblines and sidewalks.

D. Distance from Street Corners and Fire Hydrants

No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet from any fire hydrant.

E. Utilities

No utility trees other than those species listed in the City's Public Works Standards may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

F. Size

Street trees must meet the size requirements set forth in the City's Public Works Standards for utility, small, medium, and large trees, based on the tree's size at maturity. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.018 PUBLIC TREE CARE

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by property owners adjacent to the street or right-of-way, provided that the selection and location of said trees is in accordance with Section 16.32.017 of this chapter. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.019 TREE TOPPING

No person, firm, or City department shall top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this ordinance at the determination of the City Tree Board. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.020 PRUNING, CORNER CLEARANCE

Pursuant to Milwaukie Municipal Code Section 12.12.010, every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the right-of-way. Enforcement of this section shall be pursuant to MMC Chapter 12.12 and compliant with ISA Best Management Practices (BMPs). (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016; Ord. 2022 § 1, 2011; Ord. 1836 § 1, 1998)

16.32.021 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

Owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which may pose a significant risk to the safety of the public. If owner fails to do so, City shall have the right to cause the removal of such trees. The City Tree Board or its agents will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. After removal is complete, the property owners shall notify the City in writing. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owners pursuant to MMC Chapter 8.04. In cases where the owner demonstrates extreme financial hardship, the City Council may grant a cost waiver. Some dead trees which provide wildlife habitat and are not a hazard may be left uncut. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.022 REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground, except for circumstances where the stumps do not pose a hazard to the public and may be left to improve wildlife habitat structure. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.023 INTERFERENCE WITH CITY TREE BOARD

No person shall prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.024 ARBORISTS LICENSE AND BOND

All certified arborists operating in the City of Milwaukie shall be ISA-certified. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.025 REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make a final decision. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016)

16.32.026 PERMIT FOR MAJOR PRUNING OR REMOVAL OF STREET TREES OR TREES IN PUBLIC RIGHT-OF-WAY AND OTHER PUBLIC LAND

A. Applicability

1. No person shall conduct major pruning or removal of any tree in a public right-of-way or on City-owned land, without first receiving a permit issued by the City, except as provided in Section 16.32.030. Minor tree pruning shall not require a permit.
2. For trees on City-owned land, this chapter shall be applied in conjunction with any applicable standards in Title 19 Zoning.

B. Review Process

1. A permit application for major pruning or tree removal shall be submitted to the Engineering Department on a right-of-way permit application.
2. The Engineering Department shall post notice of the major pruning or removal permit application on the property in a location which is clearly visible to vehicles traveling on a public street and readable by pedestrians walking by the property.
3. The notice shall state that the tree removal permit is pending for trees on the property marked by an orange plastic tagging tape, shall include the date of posting, and shall state that any person may request a meeting with the Engineering Director within 14 days of the date of the posting. The purpose of the meeting is to provide an opportunity to raise questions or concerns about the major pruning or removal prior to issuance of the administrative decision on the permit. The Engineering Director shall consider all concerns raised at such a meeting, but shall have final decision making authority over the issuance of a permit, based on the Approval Standards in subsection C below.
4. The Engineering Department shall mark each tree proposed to be removed by tying or attaching orange plastic tagging tape to the tree 4 to 6 feet above mean ground level at the base of the trunk.
5. On the date that the tree removal notice is posted on the property, the Engineering Department shall send a letter to the neighborhood district association for the area, the City Tree Board, and the Office of the City Manager, to notify the association of the major pruning or removal request.
6. The applicant shall file an affidavit stating that the property has been posted, the trees have been marked, and notice has been mailed pursuant to Section 16.32.026 or subsection B of this section.
7. The major pruning or tree removal permit shall not be issued for 14 days from the date of filing of the affidavit to allow for the filing of a request for a meeting. The applicant shall maintain the posting and marking for the full 14 days. When a meeting with the Engineering Director is requested, the Engineering Director shall not issue the permit decision until the meeting can be held.

C. Approval Standards

The Engineering Director shall issue a permit for major pruning or removal of trees in a right-of-way or on City-owned land only if the following criteria are satisfied. The Engineering Director will consult a certified arborist where necessary to evaluate the criteria.

1. The proposed work will be done according to ISA best management practices, and qualified persons will perform the work.
2. One or more of the following criteria are satisfied:
 - a. It is determined that the tree is dead or dying and cannot be saved, according to current ISA standards.
 - b. The tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or adjacent sites, and that extraordinary maintenance is required to prevent damage to such improvements or property.
 - c. The tree has lost its relative value as a street tree due to damage from natural or accidental causes, or for some other reason it can be established that it should be removed.

- d. The tree has been determined to be unsafe to the occupants of the property, or adjacent property, or the general public.
- e. Major pruning or removal is necessary to accommodate improvements in the right-of-way or on City-owned land, and it is not practicable to modify the proposed improvements to avoid major pruning or removal.

D. Performance of Permitted Work

All work performed on street trees pursuant to a permit issued by the Engineering Director under this section shall be done within a 60-day period from the issuance of said permit, or within a longer period as specified by the Engineering Director.

E. Replanting

The Engineering Director shall, wherever practicable, require tree replanting as a condition of approval for a major pruning or removal permit on City-owned land or in public rights-of-way. For major pruning or removal of trees in the public rights-of-way, replanted trees shall be planted within the right-of-way fronting the property for which the tree permit was issued. For major pruning or removal of trees on City-owned land, replanted trees shall be planted on City-owned land for which the tree permit was issued. The replanted tree shall be a species appropriate for the location where it is planted, as determined by the Engineering Director, in conjunction with the issued permit and in compliance with applicable ANSI standards and ISA best management practices. In addition to the tree maintenance requirements of Milwaukie Municipal Code Section 8.04.110, the abutting property owner shall be responsible for maintaining a replanted tree in a healthy condition for 3 years following replanting.

The optimal time of year for planting is the fall (September-November). If planting is necessary in other months, the Engineering Director may include conditions of the permit that require extra measures to ensure survival of newly planted trees. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016; Ord. 2022 § 1, 2011; Ord. 1836 § 1, 1998)

16.32.030 PERMIT EXEMPTIONS

A. Dangerous Tree

If a tree is determined to be a dangerous tree, the Engineering Director may issue an emergency removal permit. The removal shall be in accordance with ANSI standards and ISA best management practices and be the minimum necessary to eliminate the imminent danger.

B. Maintenance

Regular maintenance or minor pruning which does not require removal of over 20% of the tree's crown, tree topping, or disturbance of over 10% of the root system during any 12-month period.

C. Non-City Owned Land

Tree cutting anywhere except in a public right-of-way or on City-owned land. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016; Ord. 2022 § 1, 2011; Ord. 1836 § 1, 1998)

16.32.040 PENALTY

Except where otherwise provided, any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00. (Ord. 2141 § 1, 2017; Ord. 2116 § 1, 2016; Ord. 2022 § 1, 2011)

View the [mobile version](#).



Tree Code Discussion



August 11, 2020



Updates - Chapter 16.32

- Focus on updates to Public and Street Trees
- Meant to improve alignment with vision and goals
- Establish definitions / Acronyms
- Establish Tree Board roles and responsibilities
- Establish language for a Tree Fund
- Determine administrative responsibilities
 - Urban Forester
- Provide updates to permitting process
 - Review Criteria and Approval Standards
 - Urban Forester
- Programmatic Permits – needs further review
- Low Income Assistance
- Style changes

Healthy Street Trees

- **Healthy Street Trees should not be removed**
- **Urban trees are framed as costs rather than assets**
- Trees are often treated as a single isolated unit
 - Disassociated from connections to the soil, other trees and species
 - Enforced an image of the 'proper' or model tree; Recognizing urban trees beyond just their aesthetics
- Treating them as city co-inhabitants
 - mitigate energy usage
 - support hydrological systems
 - regenerate soil quality
 - reduce heat island effects
 - offer food and shading
 - support urban biodiversity



Healthy Street Trees

- The City, in the absence of extraordinary circumstances, will not permit the major pruning or removal of a healthy, functioning Street Tree or Public Tree.
 - Maintenance or the replacement of sidewalks or curbs, removal of tree litter, or other minor inconveniences do not constitute extraordinary circumstances.
 - Established Review Criteria and Updated Approval Standards
-



Street and Public Tree Fees



- Permit Fee -\$50
- Healthy Tree Removal Fee
 - A tree that is 2 inches diameter at breast height or less: \$40.
 - A tree that is more than 2 inches DBH and less than 8 inches DBH: \$30 multiplied by the number of inches diameter at breast height. (\$60 - \$240)
 - A tree between 8 inches DBH and 14 inches in DBH: \$40 multiplied by the number of inches diameter at breast height. (\$320 - \$560)
 - A tree that is more than 14 inches DBH and less than 20 inches DBH: \$90 multiplied by the number of inches diameter at breast height. (\$1260 - \$1800)
 - A tree that is 20 inches in DBH or more: \$150 multiplied by the number of inches diameter at breast height. (\$3000 - +)
 - A shrub or woody vegetation other than trees: \$40
- Planting and Establishment Fee (in lieu of planting) -\$675 per tree
- Programmatic Permit - \$2500
- Enforcement/ Restoration Fee
 - Damaged - \$225 per inch
 - Removed - \$450 per inch

Valuing Trees

Tree Size	DBH	8	14	20	26	32
Condition	Health	Fair	Fair	Fair	Fair	Fair
	Structure	Fair	Fair	Fair	Fair	Fair
	Form	Fair	Fair	Fair	Fair	Fair
Limitations	Functional	Moderate	Moderate	Moderate	Moderate	Moderate
	External	Moderate	Moderate	Moderate	Moderate	Moderate
Calculated Costs	DBH	8"	14"	20"	26"	32"
	Appraisal Value	\$ 700.00	\$ 2,000.00	\$ 4,200.00	\$ 7,100.00	\$ 10,700.00
	Master fee	\$ 320.00	\$ 1,260.00	\$ 3,000.00	\$ 3,900.00	\$ 4,800.00
Variance	Fee as % of Appraisal	46%	63%	71%	55%	45%

MyTree Benefits at 50 Years Old

Serving size: 1 tree

Magyar Ginkgo (18" Diameter)



TOTAL BENEFITS FOR THIS YEAR \$ 8.01

Carbon Dioxide (CO₂) Sequestered \$ 1.92

CO₂ absorbed each year 82.66 lbs

Storm Water \$ 6.06

Rainfall intercepted each year 3489.60 gal.

Air Pollution removed each year \$ 0.10

Ozone 8.33 oz

Nitrogen dioxide 1.42 oz

Sulfur dioxide 0.52 oz

Large particulate matter** 0.43 oz

Energy Savings: This tree will also reduce energy costs of home heating and cooling systems by providing shading during the summer, and wind breaks during the winter.

Health Savings: This tree will improve the overall air quality and greenery of a community, providing respiratory benefits and mental health benefits for residents.

Total Carbon Saved at 50 Years: 1836.66 lbs
Equivalent to 2,037 miles driven by an average passenger vehicle!

Benefits are estimated based on USDA Forest Service research and meant for guidance only: www.itreetools.org

A landscape photograph of a park area. In the foreground, a wooden fence runs diagonally across the frame. Behind the fence is a gravel path and a grassy area. In the background, a road with cars and trees is visible under a clear blue sky.

Fee Exemptions

- Hazardous Tree – Permit Fees / Removal Fee
- Minor Maintenance
- Public Improvement- Removal Fee

Programmatic Permits

- Routine public facility or utility operation, repair and replacement, and on-going maintenance programs.
- 2 year permit
- Public Notice Requirements
- \$2500 Proposed Fee



Low Income Assistance

- To the extent that city funds are available, the City Manager may exempt a property owner from the permit fee, removal fees and replanting fees when the owner demonstrates household income that is at or below 50 percent of median household income for the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area.
- City may assist with removal

Tree Equity

“Across the United States, there are dramatic disparities in tree cover that often track on economic and racial lines. Trees are life-and-death infrastructure that every person in every part of every city should have access to — which American Forests refers to as Tree Equity.” - American Forests

- Low-income, BIPOC and marginalized communities face disproportionate public health impacts from climate change and urban pollution
- Trees have proven mitigative benefits to decrease public health impact for all communities
 - High tree canopy = up to 10 degrees cooler
- Cities around the nation show inequitable tree cover, reducing benefits to frontline communities

Figure 1: Tree Canopy in Portland (Metro 2016). The citywide goal for tree canopy is 33.3%.

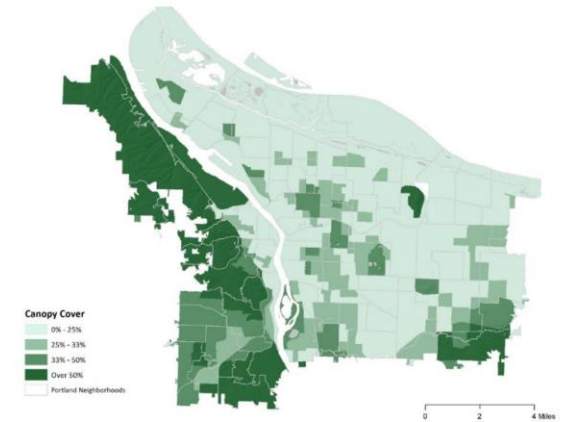
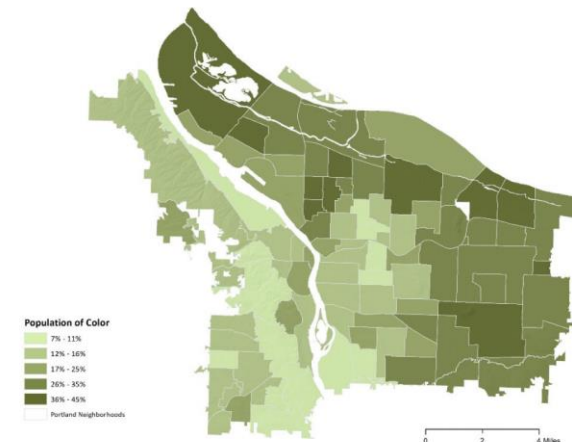


Figure 2: Populations of color in Portland (Office of Community and Civic Life 2010).

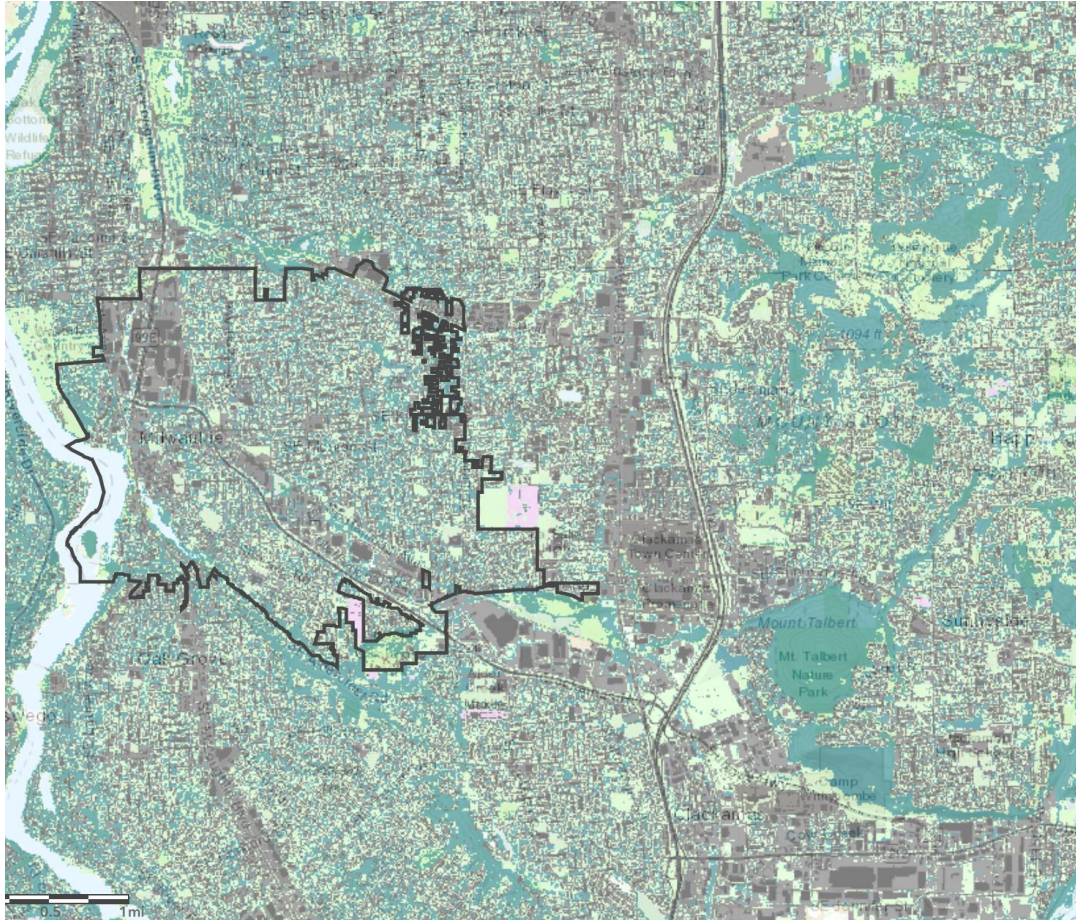


Growing a more equitable urban forest: Portland's citywide tree planting strategy (City of Portland, 2018)

Tree Equity

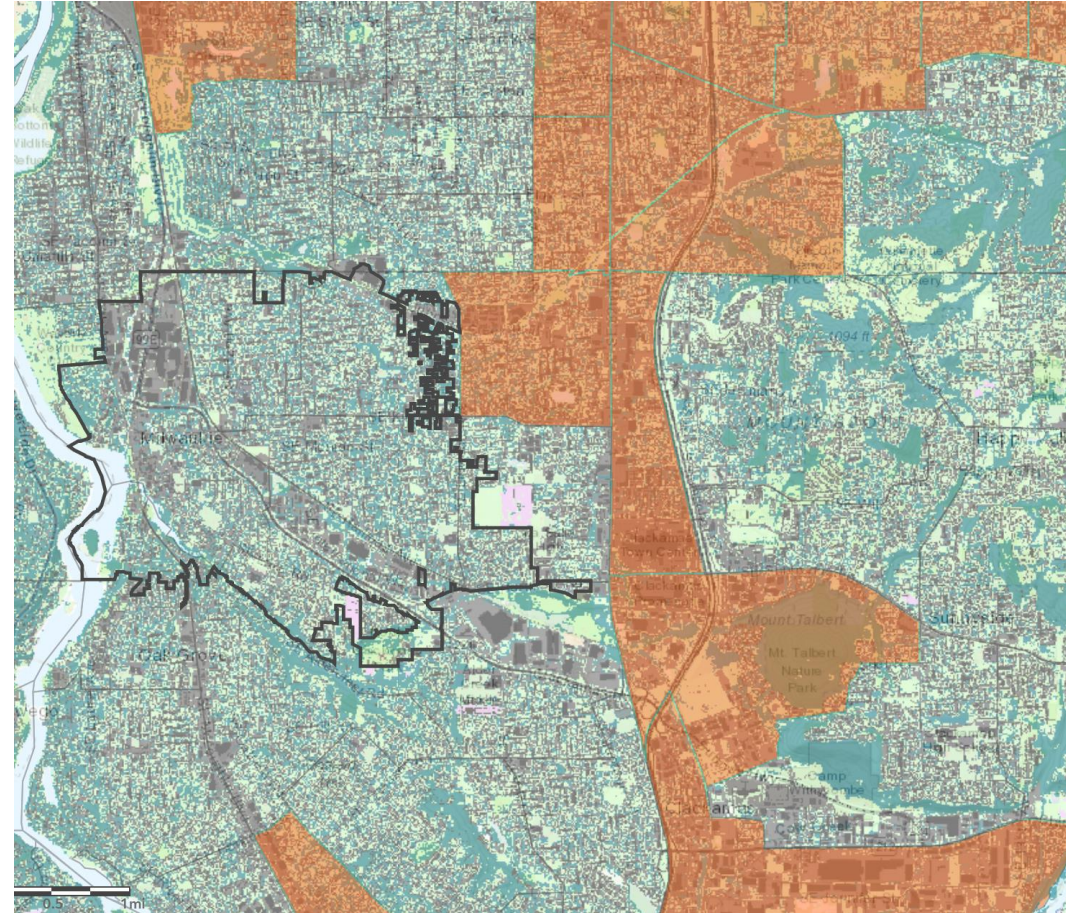
Trees.milwaukieoregon.gov

Gray = built landcover (pavement/buildings)



2020 Intertwine, RLIS, EPA 2016 1m Landcover Data - Metro

Orange = 2016 low income census tracts (ACS 2016)



2012-2016 American Community Survey low-income census tracts



Questions

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jul. 28, 2020

Reviewed: Blanca Marston (as to form), Administrative Specialist

From: Peter Passarelli, Public Works Director, and
Natalie Rogers, Climate Action and Sustainability Coordinator

Subject: **Carbon-Free Electricity Product Exploration (Continued)**

ACTION REQUESTED

Receive an update on the exploration of a new carbon-free electricity product from Portland General Electric (PGE), and provide direction to staff on potential product design.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

October 2, 2018: Council unanimously adopted the [Milwaukie Climate Action Plan](#) (CAP). Staff identified and presented 21 actions to be initiated in the following two years.

December 10, 2019: Council received an update on CAP implementation with a focus on carbon accounting and broader energy generation goals. Council discussed carbon-free versus net-zero carbon emissions in relation to electricity generation and determined that only electricity that emits no carbon emissions at time of generation (carbon-free electricity) would be accounted for to reach Milwaukie's goal, including large hydropower and excluding biomass and biofuel energy sources.

January 21, 2020: Council adopted a resolution declaring a climate emergency and calling for the CAP carbon goals to be accelerated.

May 12, 2020: Staff updated council on the exploration of a potential opt-out carbon-free electricity product from PGE.

ANALYSIS

Milwaukie staff and PGE continue to explore development of a new opt-out carbon-free electricity product in alignment with the city's climate goals and PGE's movement to decarbonize its electricity offerings. By changing the existing opt-in model to an opt-out model, this product would increase carbon-free energy consumption in Milwaukie while potentially securing a more affordable product for residents and businesses. Still in the conceptual stage, staff and PGE are discussing customer class applicability, rate modeling, infrastructure needs, and community engagement requirements. This includes questions around the opportunities and challenges in large commercial and industrial participation, competitive rates with existing products, and long-term benefits of renewable energy financing.

Staff are continuing to inquire about the need for legislative action for product development. PGE has indicated that legislation may assist in product development by establishing guidelines, however, no confirmation from the Oregon Public Utilities Commission (OPUC) on

the need for legislation versus a tariff pathway has been received. PGE is drafting potential language in preparation for the upcoming legislative session.

City staff are also discussing the development process and product design with regional government partners that have also engaged with PGE on this product. Some of these regional partners are expressing concern over compressed timelines, indicating that their communities may be prioritizing other climate actions, and emphasizing the need for community-based decision making and engagement, particularly from Black, Indigenous, and People of Color (BIPOC) communities. In addition, communities in the region differ on product design requirements to meet each community's adopted climate goals. Staff will continue to work with regional government partners and PGE to discuss the balance of engagement needs and the fast-paced action that is needed to achieve Milwaukie's 2030 carbon-free electricity goal.

BUDGET & WORKLOAD IMPACTS

None.

CLIMATE IMPACTS

As building energy is the largest sector of greenhouse gas (GHG) emissions in Milwaukie, a decarbonized electricity product at the community level would have significant beneficial climate impacts. Product design will affect the potential climate benefits, as will timeline and community participation, but overall may make a dramatic reduction on community emissions that could not be achieved with local infrastructure alone.

COORDINATION, CONCURRENCE, OR DISSENT

Staff will continue to engage with PGE, OPUC, and regional agency staff on the development and design of this potential carbon-free electricity product.

STAFF RECOMMENDATION

Staff recommends that Council provide thoughts and direction for continued exploration of the new carbon-free PGE electricity product.

ALTERNATIVES

None.

ATTACHMENTS

None.



CITY OF MILWAUKIE

CLIMATE ACTION

PGE Carbon-Free Product Update

August 11th, 2020

MILWAUKIE COMMUNITY CLIMATE ACTION PLAN

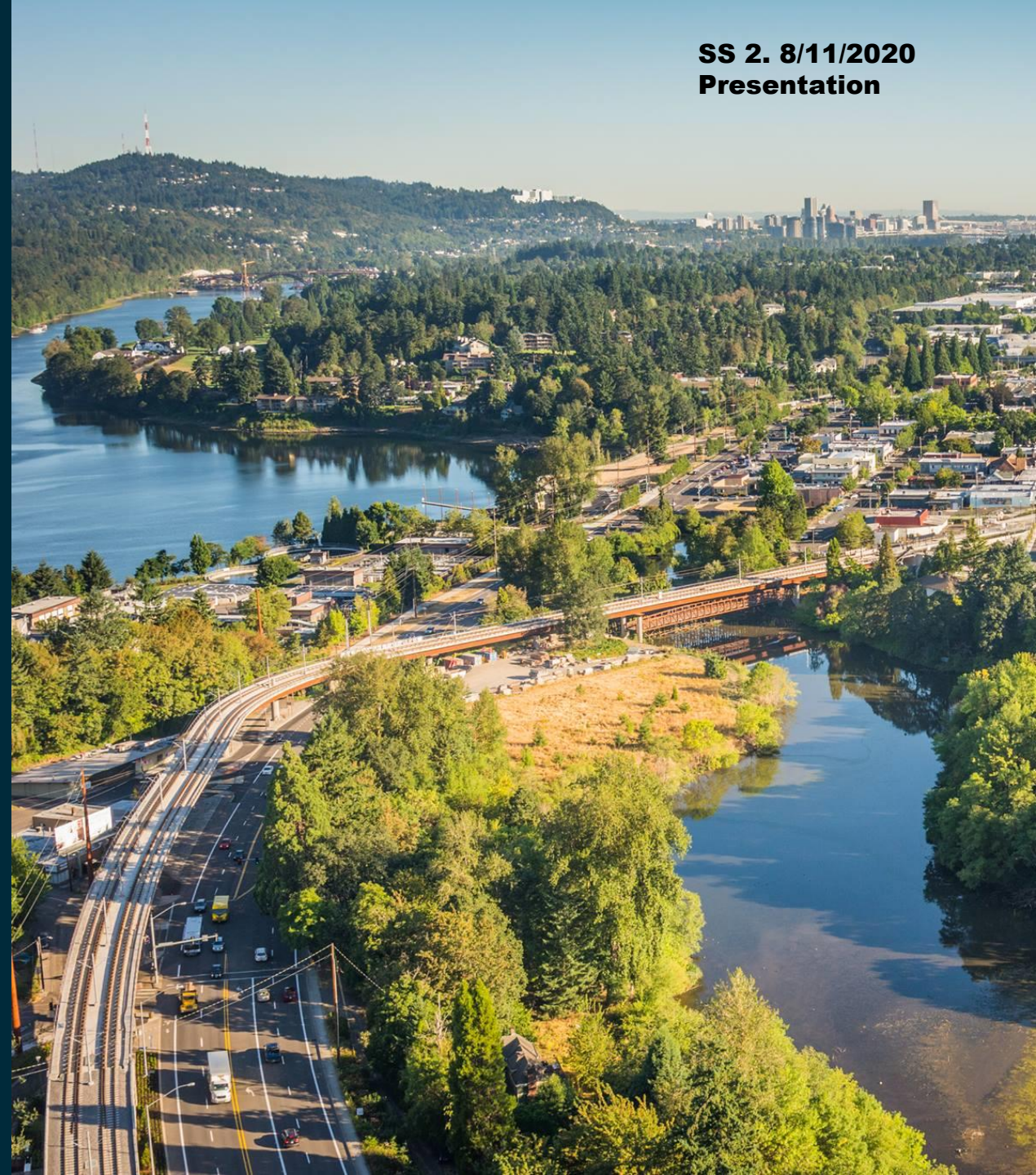
2030: NET ZERO EMISSIONS FROM ELECTRICITY

2035: NET ZERO EMISSIONS FROM BUILDING FUELS

2045: COMMUNITY-WIDE CARBON NEUTRALITY



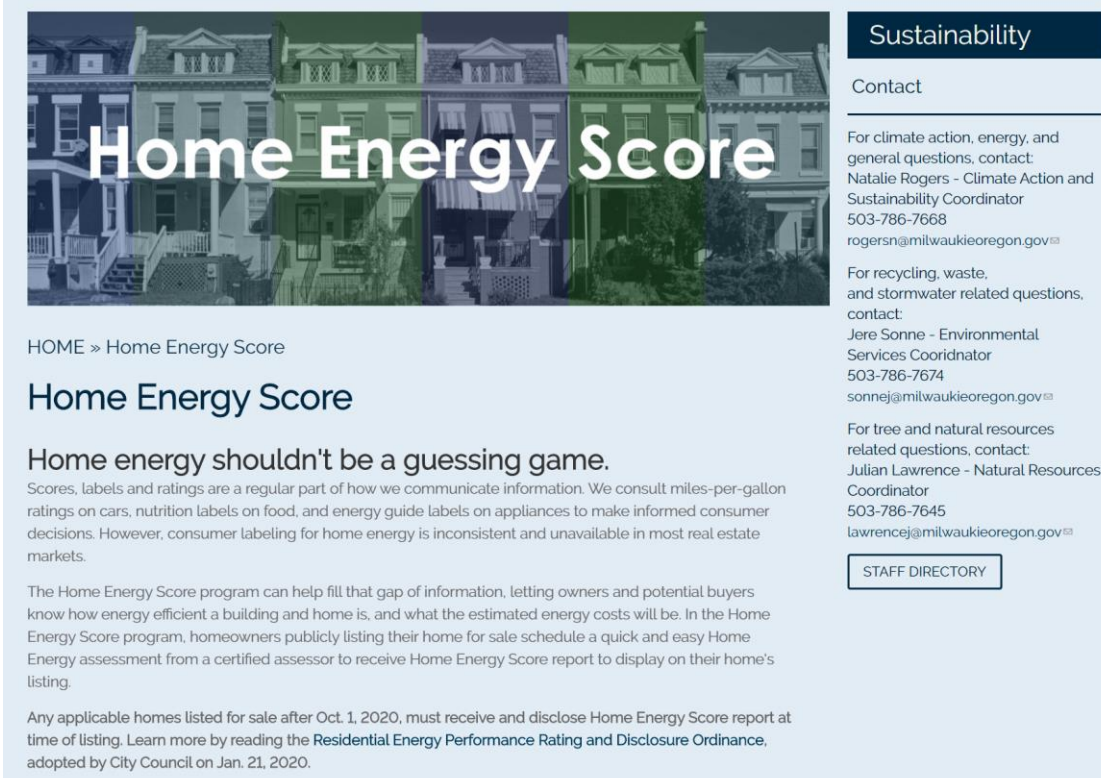
**SS 2. 8/11/2020
Presentation**



CAP Updates

- Utility engagement and product development
 - PGE
 - NW Natural
- Building code advocacy
 - REACH code
 - EV ready code
- Home Energy Score
 - Program begins October 1, 2020
 - Outreach and education
 - Contracts
 - Internal processes

milwaukieoregon.gov/sustainability/home-energy-score



Sustainability

Contact

For climate action, energy, and general questions, contact:
Natalie Rogers - Climate Action and Sustainability Coordinator
503-786-7668
rogersn@milwaukieoregon.gov

For recycling, waste, and stormwater related questions, contact:
Jere Sonne - Environmental Services Coordinator
503-786-7674
sonnej@milwaukieoregon.gov

For tree and natural resources related questions, contact:
Julian Lawrence - Natural Resources Coordinator
503-786-7645
lawrencej@milwaukieoregon.gov

STAFF DIRECTORY

HOME » Home Energy Score

Home Energy Score

Home energy shouldn't be a guessing game.

Scores, labels and ratings are a regular part of how we communicate information. We consult miles-per-gallon ratings on cars, nutrition labels on food, and energy guide labels on appliances to make informed consumer decisions. However, consumer labeling for home energy is inconsistent and unavailable in most real estate markets.

The Home Energy Score program can help fill that gap of information, letting owners and potential buyers know how energy efficient a building and home is, and what the estimated energy costs will be. In the Home Energy Score program, homeowners publicly listing their home for sale schedule a quick and easy Home Energy assessment from a certified assessor to receive Home Energy Score report to display on their home's listing.

Any applicable homes listed for sale after Oct. 1, 2020, must receive and disclose Home Energy Score report at time of listing. Learn more by reading the [Residential Energy Performance Rating and Disclosure Ordinance](#), adopted by City Council on Jan. 21, 2020.

Questions? Call 503-786-7668 or email:
homeenergyscore@milwaukieoregon.gov

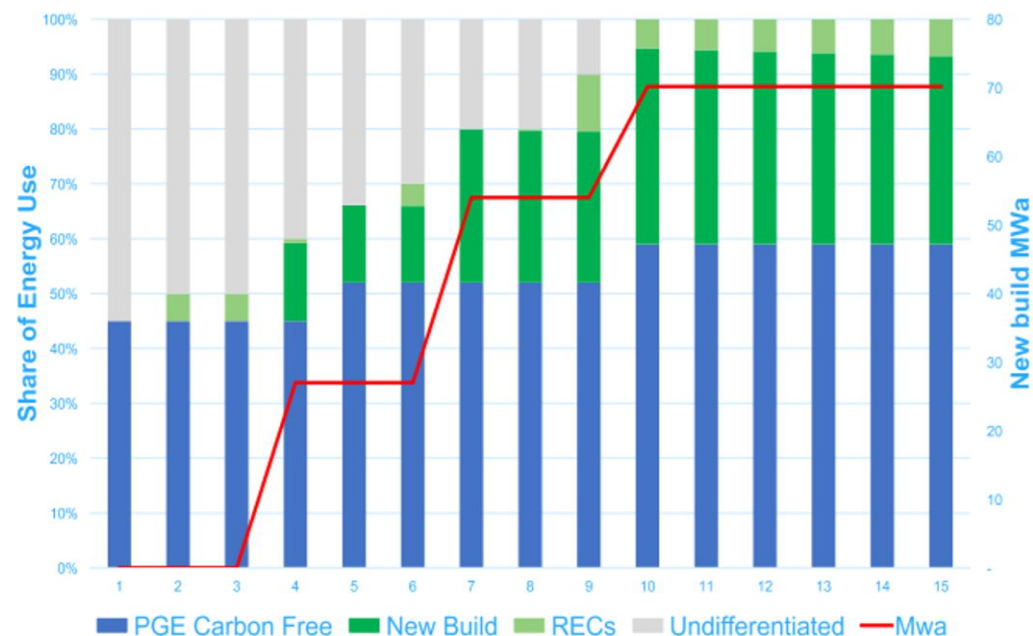
PGE carbon-free product

- Exploring opt-out carbon-free electricity product
 - Unbundled to bundled REC product by 2030
 - Helps Milwaukie meet 2030 carbon-free electricity goal
 - Design a product that matches community preference
 - Location of generation
 - Generation type
 - Rate
- Staff collaborating with regional communities on product design
 - City of Portland, Multnomah County, City of Beaverton

Continued exploration:

- Legislative requirements
- Community engagement needs
- Rate projections
- New building timing
- Customer class applicability

*Product Mix Example



*This chart is provided for illustrative/conceptual purposes only. It is not indicative of any actual price, timing-specific product elements, Milwaukee's load, PGE's supply portfolio mix or greenhouse gas emissions, and is not intended to, constitute either an offer nor a representation that PGE can effect REC purchases or resource acquisitions in the manner reflected in the chart.





Questions?

Natalie Rogers

Climate Action and Sustainability
Coordinator

RogersN@milwaukieoregon.gov
503-786-7668

MILWAUKIE COMMUNITY CLIMATE ACTION PLAN

2030: NET ZERO EMISSIONS FROM ELECTRICITY

2035: NET ZERO EMISSIONS FROM BUILDING FUELS

2045: COMMUNITY-WIDE CARBON NEUTRALITY

