

# Citywide Tree Policy Review and Regulatory Improvement Project



## Planning Commission & Urban Forestry Commission Worksession II April 27, 2010



City of Portland  
Bureau of  
Planning and  
Sustainability  
Sam Adams, Mayor  
Susan Anderson, Director



**Citywide Tree Project**  
Policy Review & Regulatory Improvement

# Discussion Topic Outline



## **I. DEVELOPMENT SITUATIONS**

- I.A. Land Use Reviews
- I.B. Building Permits – Tree Preservation and Mitigation
- I.C. Building Permits – Tree Density
- I.D. Protecting Trees on Property Lines & Adjacent Sites
- I.E. Trees in Environmental Zones
- I.F. Public and Capital Improvement Projects

# Citywide Tree Policy Review and Regulatory Improvement Project

## I.A. Land Use Reviews



# I.A. Trees in Land Use Reviews



## Proposal

1. Update current land division regulations
  - focus on tree quality & specific site and tree characteristics

### **Recommendation:**

Endorse with direction to refine with regard to native trees

2. Early Tree Assessment – Type III Land Divisions

### **Recommendation:**

- Remove code requirement
- Direct staff to evaluate other options to meet goals

3. Expiration of Tree Preservation Plans

– 10 years after land use approval  
or final plat recording

### **Recommendation:**

- Endorse concept of expiration
- Direct staff to refine proposed timeline



# I.A. Trees in Land Use Reviews



## Proposal

4. Apply new criteria to certain land use reviews
  - Specified Conditional Uses, Conditional Use Master Plans, Design Reviews & Adjustments

### Recommendation:

- Apply criteria to CU Master Plans as proposed
- Remove criteria from Adjustments
- Return with recommendation on other Conditional Uses and Design Reviews





# Citywide Tree Policy Review and Regulatory Improvement Project

## Item I.B and I.C Building Permits: Tree Preservation and Density



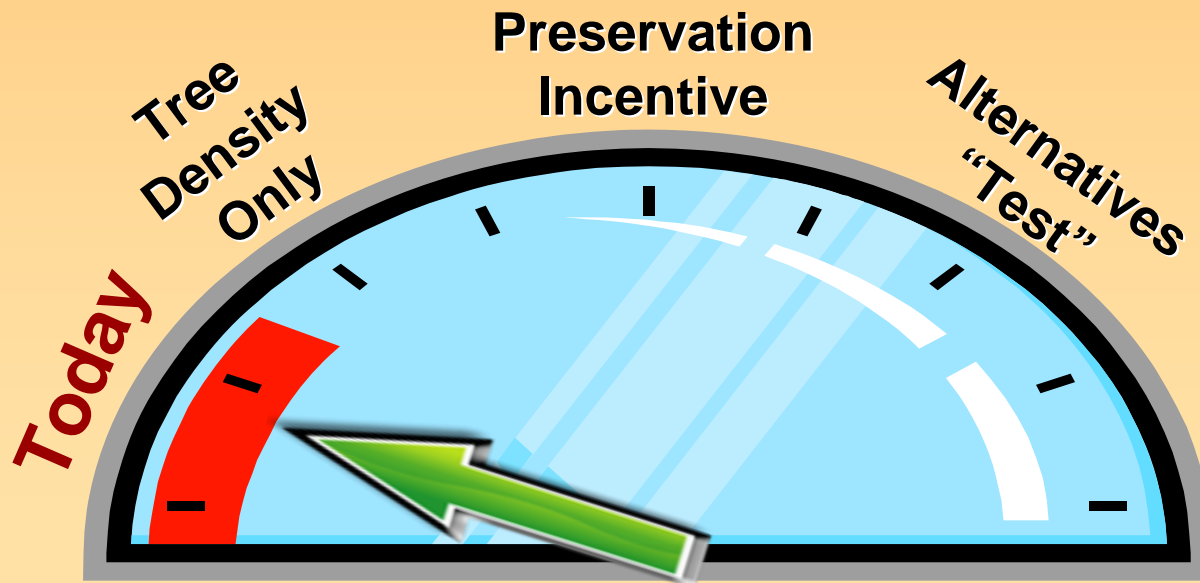
# I.B. Building Permits -Preservation



## •Building Permits Today

- No preservation/mitigation requirement
- Landscaping required (perimeter, parking lots)

Simple, not much preservation, not related to canopy target

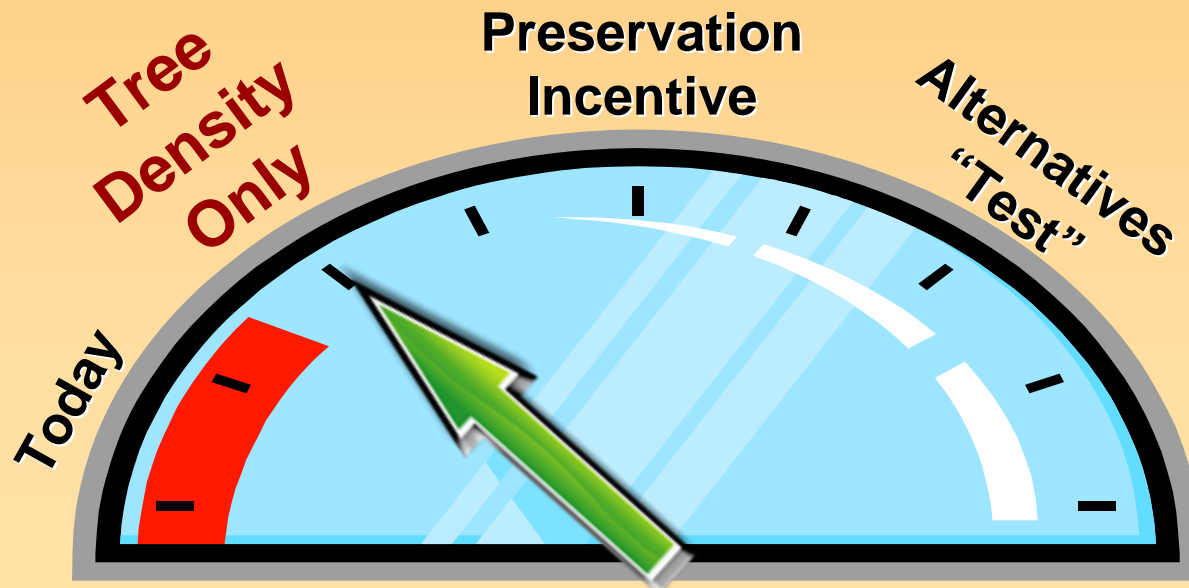


# I.B. Building Permits - Preservation



- Tree Density Only

“Preserve, Plant, or Pay for X amount of trees on the site.”





# I.B. Building Permits - Preservation



- Preservation Incentive

“Preserve X number of trees, or mitigate for those trees by planting *additional* trees or paying a fee.”



# I.B. Building Permits - Preservation



- Alternatives “Test”

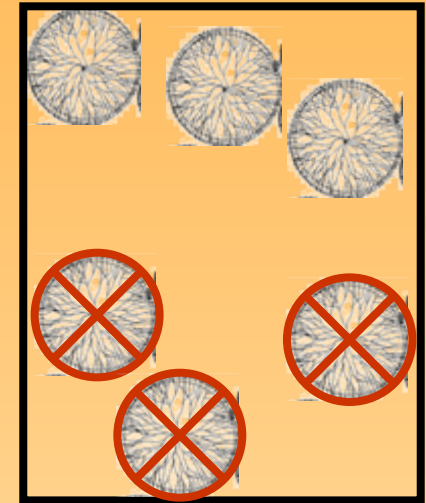
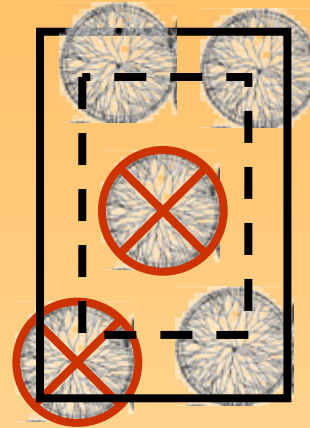
“Preserve X number of trees, or demonstrate it is impractical. Mitigate for trees by planting *additional* trees or paying a fee.”



# I.B. Building Permits - Preservation



## Preservation Standards



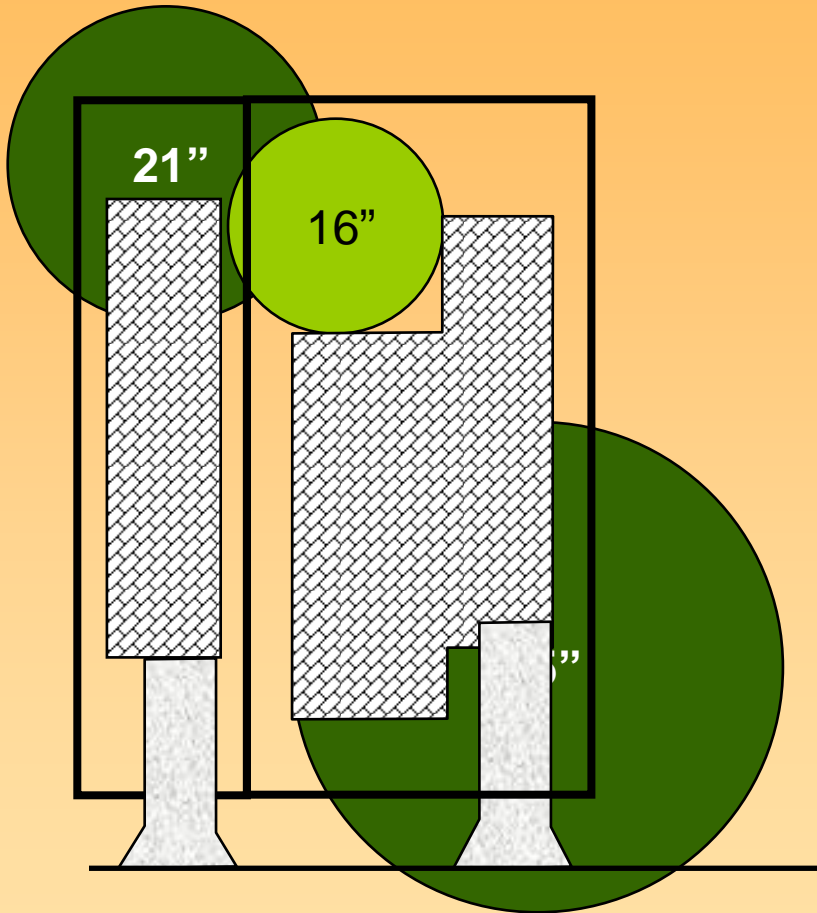
	<b>&lt;3,000s.f. or 90% building coverage</b>	<b>3-10,000 s.f.</b>	<b>&gt;10,000 s.f.</b>
Today	none	none	none
Tree Density Only	none	none	none
Draft Proposal	backyard trees (20"+)	perimeter trees (20"+)	50% retention (20"+) Mitigate 2:1 or 4:1
Revised Proposal	Exempt	(12"+) 35% retention Mitigate 2:1	

# Citywide Tree Policy Review and Regulatory Improvement Project

## Site Examples

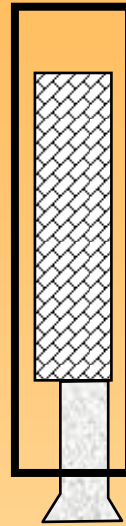


# (I.B. and C.) Single Family Site



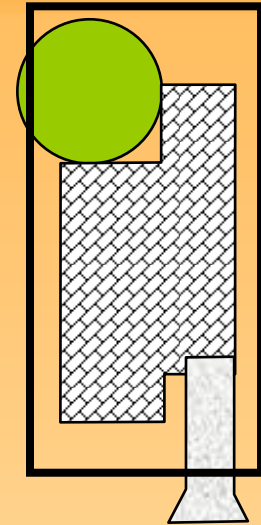
- Lot #1  
**2,500 s.f.**  
Trees Preserved = 0 of 1  
Bldg. coverage = 1,000 s.f
- Lot #2  
**5,000 s.f.**  
Trees Preserved = 1 of 2  
Bldg. coverage = 2,250 s.f

# (I.B. and C.) Single Family Site



**Lot #1**

1 of 1 trees removed



**Lot #2**

1 of 2 trees removed

## Preservation/Mitigation

- Draft Proposal
- Revised Proposal

mitigate w/4 (\$2,400)  
**EXEMPT**

mitigate w/4 (\$2,400)  
**1 preserved (0 mit.)**

## Planting

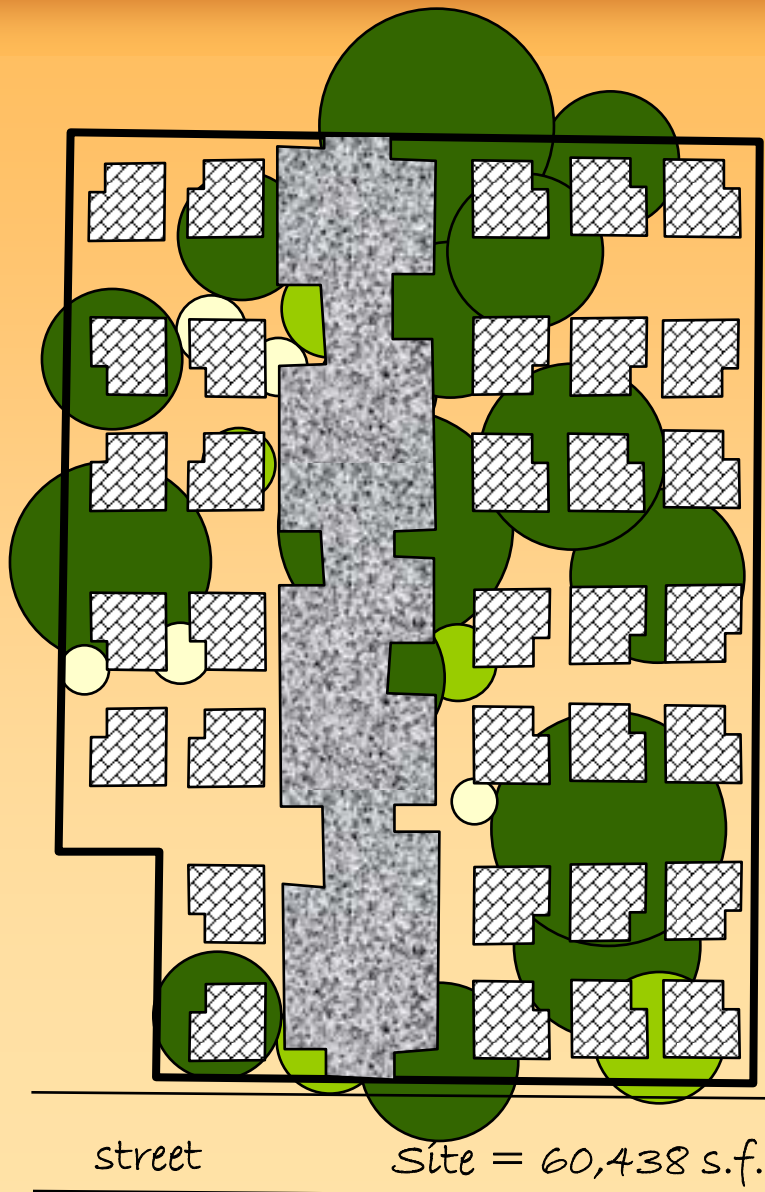
- Today/Landscaping
- Tree Density

**2 trees**  
**2 trees**

**0 trees**  
**0 trees**

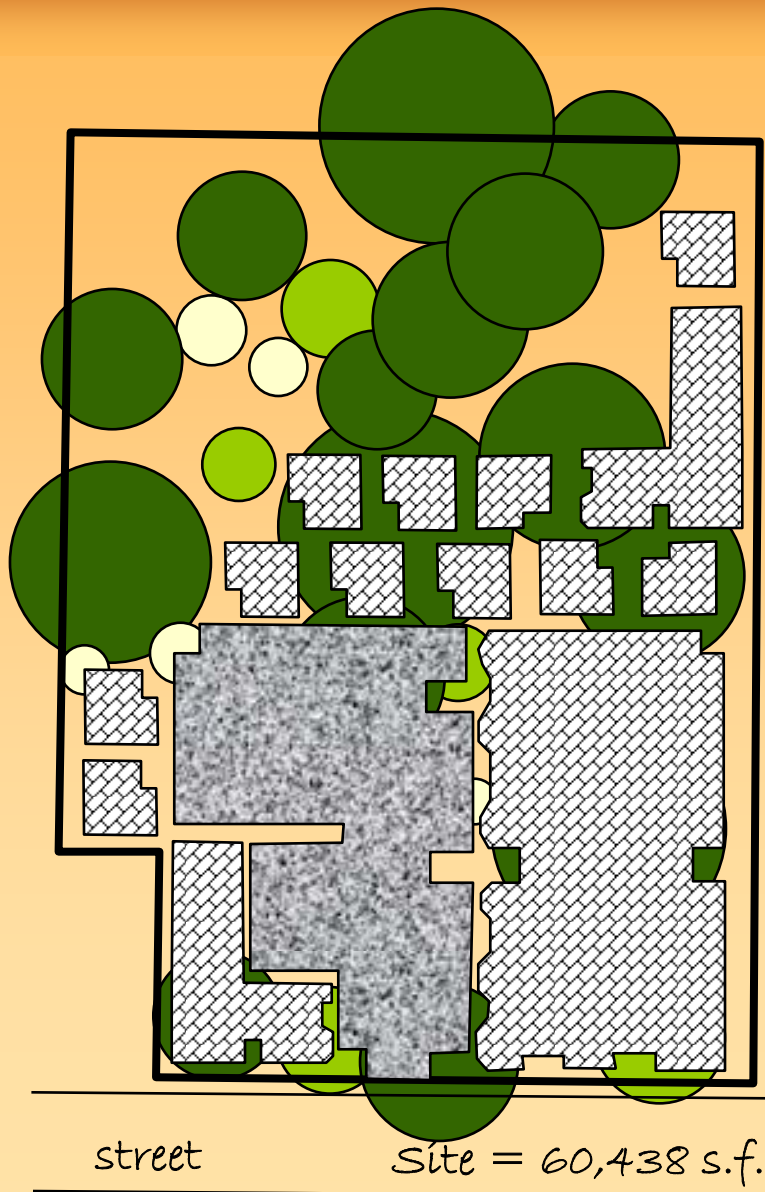


# (I.B. and C.) Multi Dwelling Site



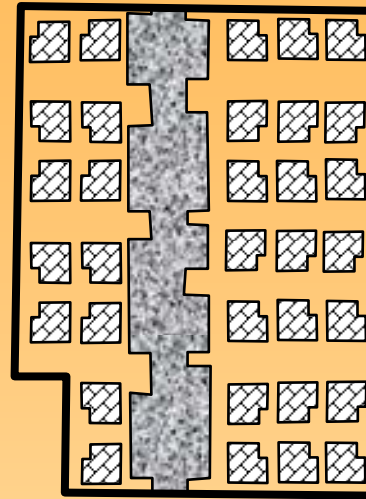
- Scenario #1  
**Clear Site and Build**  
Trees Preserved = 0 of 27  
Units = 33 (all detached)
- Scenario #2  
**Integrate Trees**  
Trees Preserved = 12 of 27  
Units = 33 (11 detached, 8 quad, 14 multi)

# (I.B. and C.) Multi Dwelling Site

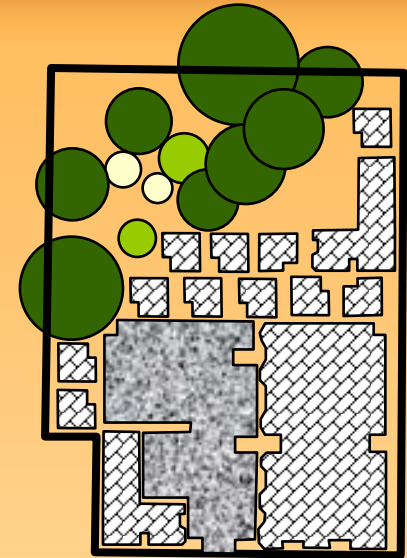


- Scenario #1  
**Clear Site and Build**  
Trees Preserved = 0 of 27  
Units = 33 (all detached)
- Scenario #2  
**Integrate Trees**  
Trees Preserved = 12 of 27  
Units = 33 (11 detached, 8 quad, 14 multi)

# (I.B. and C.) Multi Dwelling Site



**Scenario #1**  
27 of 27 trees removed



**Scenario #2**  
15 of 27 trees removed

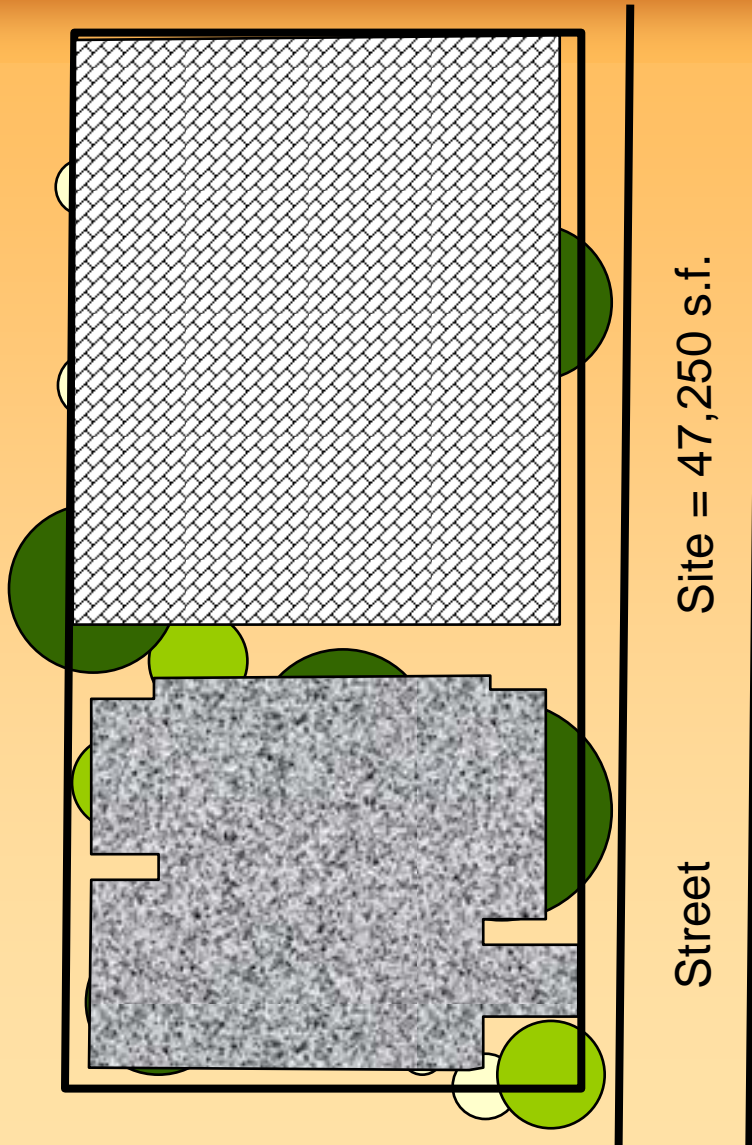
## Preservation/Mitigation

• Draft Proposal	mitigate w/32 trees (\$19,200)	8 preserved (0 mit.)
• Revised Proposal	mitigate w/16 trees (\$9,600)	10 preserved (0 mit.)

## Planting

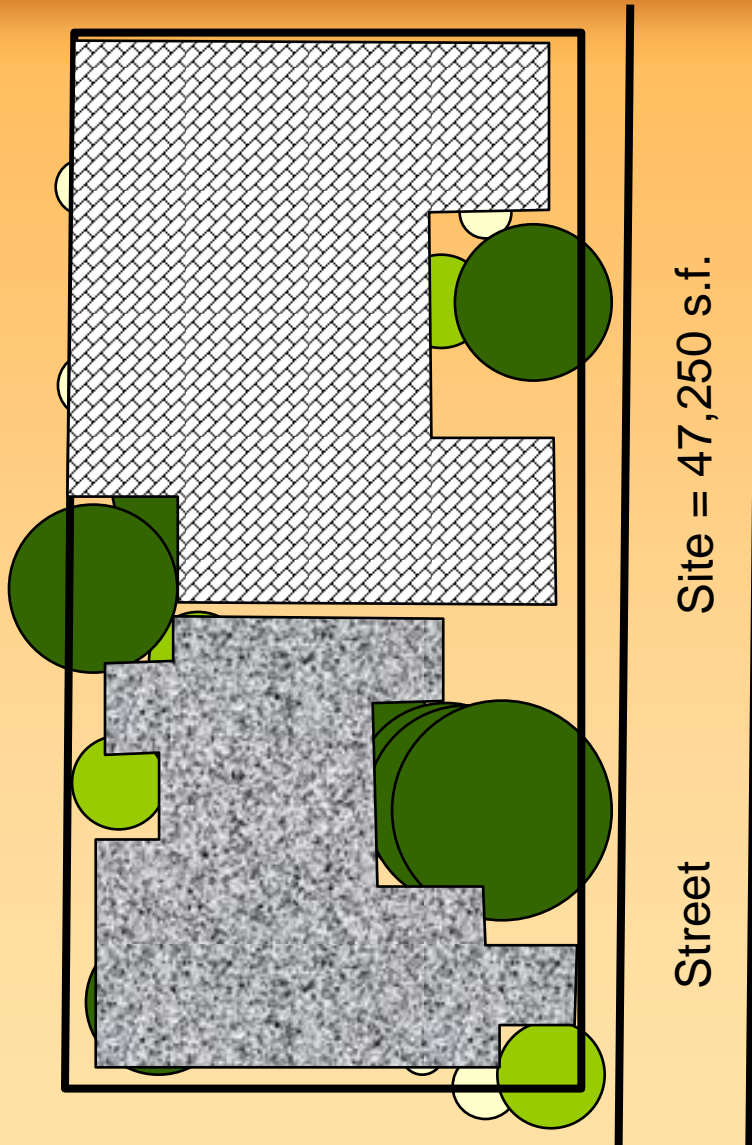
• Today/Landscaping	43 trees	12 trees
• Tree Density	42 trees	24 trees

# (I.B. and C.) Commercial Site



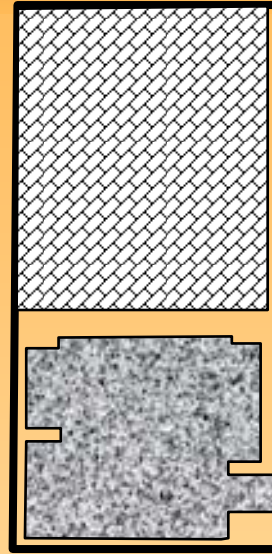
- **Scenario #1**  
**Clear Site and Build**  
Trees Preserved = 0 of 26  
Bldg. coverage = 24,000 s.f  
Parking = 48 spaces
- **Scenario #2**  
**Integrate Trees**  
Trees Preserved = 7 of 26  
Bldg. coverage = 20,000 s.f  
Parking = 40-4 = 36 spaces

# (I.B. and C.) Commercial Site

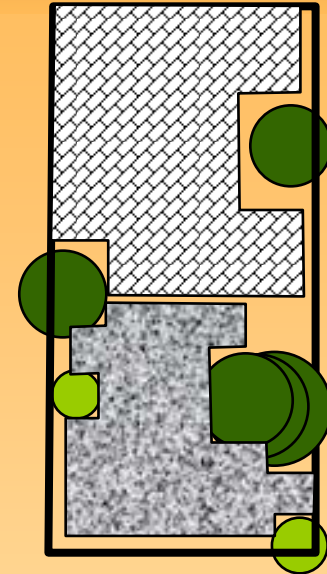


- **Scenario #1**  
**Clear Site and Build**  
Trees Preserved = 0 of 26  
Bldg. coverage = 24,000 s.f  
Parking = 48 spaces
- **Scenario #2**  
**Integrate Trees**  
Trees Preserved = 7 of 26  
Bldg. coverage = 20,000 s.f  
Parking = 40-4 = 36 spaces

# (I.B. and C.) Commercial Site



**Scenario #1**  
26 of 26 trees removed



**Scenario #2**  
19 of 26 trees removed

## Preservation/Mitigation

• Draft Proposal	mitigate w/20 trees (\$12,000)	5 preserved (0 mit.)
• <u>Revised Proposal</u>	mitigate w/14 trees (\$8,400)	7 preserved (0 mit.)

## Planting

- Today/Landscaping
- Tree Density

17 trees  
21 trees

6 trees  
12 trees



# (I.B. and C.) Cost Considerations



- Costs for these requirements would require additional building permit fees. (~\$150/permit)
- Initial estimate ~6 FTE
  - inspections/complaints 4.2 FTE
  - review staff 1.8 FTE
- Alternatives to reduce costs
  - Conduct spot check on 10% of sites (-3.5 FTE)
  - Anticipate increase in complaints (+.5 FTE)
  - Rely on Tree Density Standard alone (-1.1 FTE)

# (I.B. and C.) Commission Direction



- Where should the city be on the preservation continuum?



- If it is a tree preservation incentive with mitigation
  - Exempt lots 3,000 sf and smaller, and proposals involving 90% or more building coverage?
  - Shift to 12” diameter tree size threshold (from 20”)?
  - Shift to 35% preservation standard (from 50%)?
  - Shift to single mitigation ratio (2:1 from escalating requirement)?
- Direct staff to develop a spot check proposal as a cost-saving strategy.

# Citywide Tree Policy Review and Regulatory Improvement Project

## I.D. Protecting Trees on Property Lines and Adjacent Sites

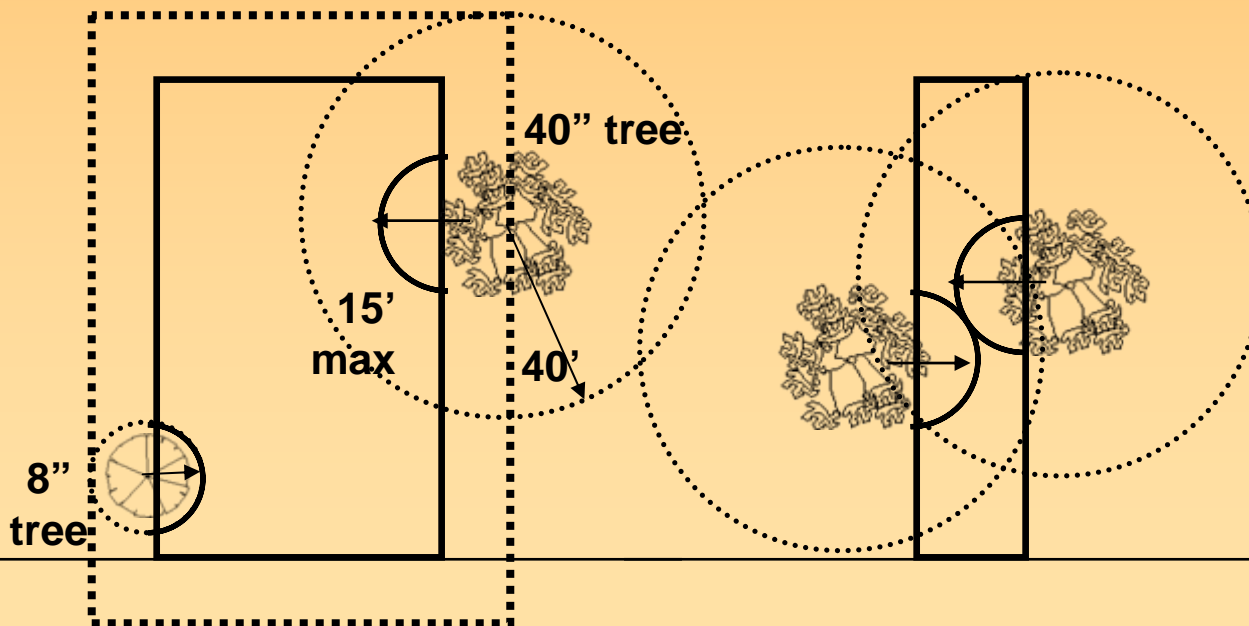


# I.D. Property Line and Off-Site Trees



## Original Proposal - Protection Requirements

- Identify and protect trees within 15 feet of site boundary
- 15' maximum protection zone on development site
- Alternatives by Arborist allowed



### Issues Identified

- Could slow down or halt development
- Increased construction cost
- Not feasible on some sites
- Limited ability to evaluate alternatives in building permit context

# I.D. Property Line and Off-Site Trees



## Revised Proposal - Protection Requirements

### 1. Trees on Property Lines

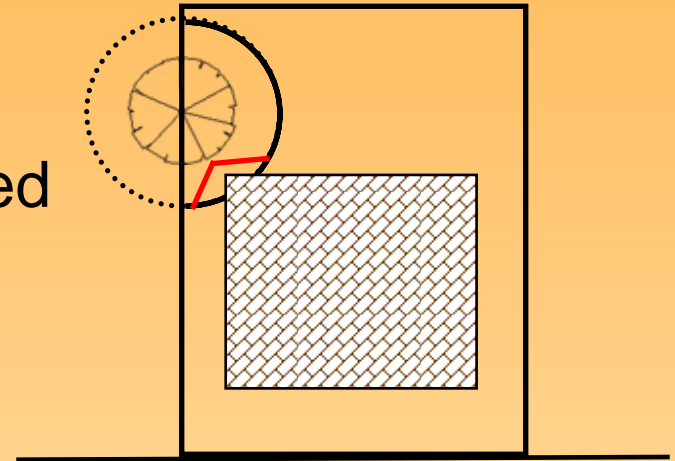
- Address same as other trees on site
- Count toward preservation if protected

### 2. Trees on Adjacent Sites

- No required protection in building permit context
- Address in limited situations with more flexibility (land use reviews & public projects)

### 3. Other components

- Develop standard for minor RPZ encroachments
- Develop educational materials (non-regulatory):
  - Responsibility concerning trees in joint ownership
  - Protection methods for “optional” trees



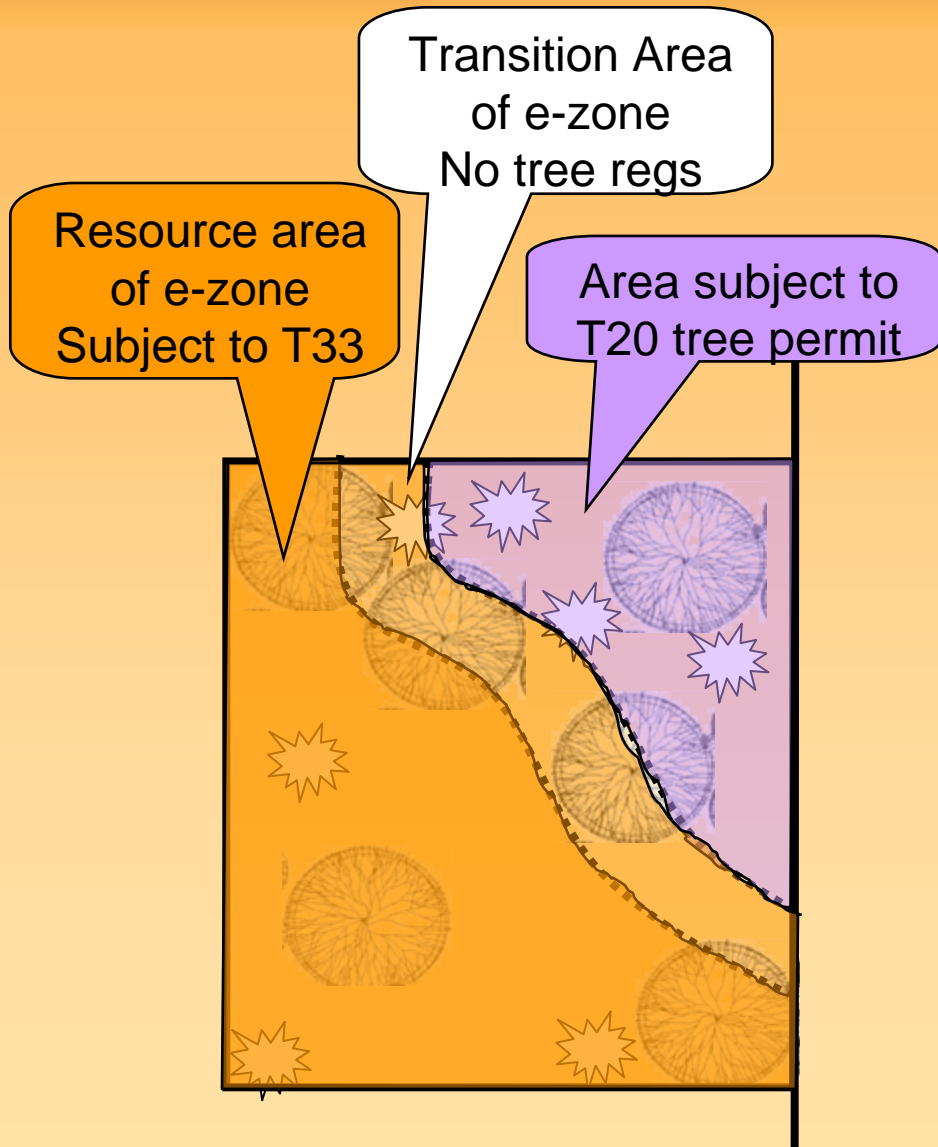
# Citywide Tree Policy Review and Regulatory Improvement Project

## I.E. Trees in Environmental Zones





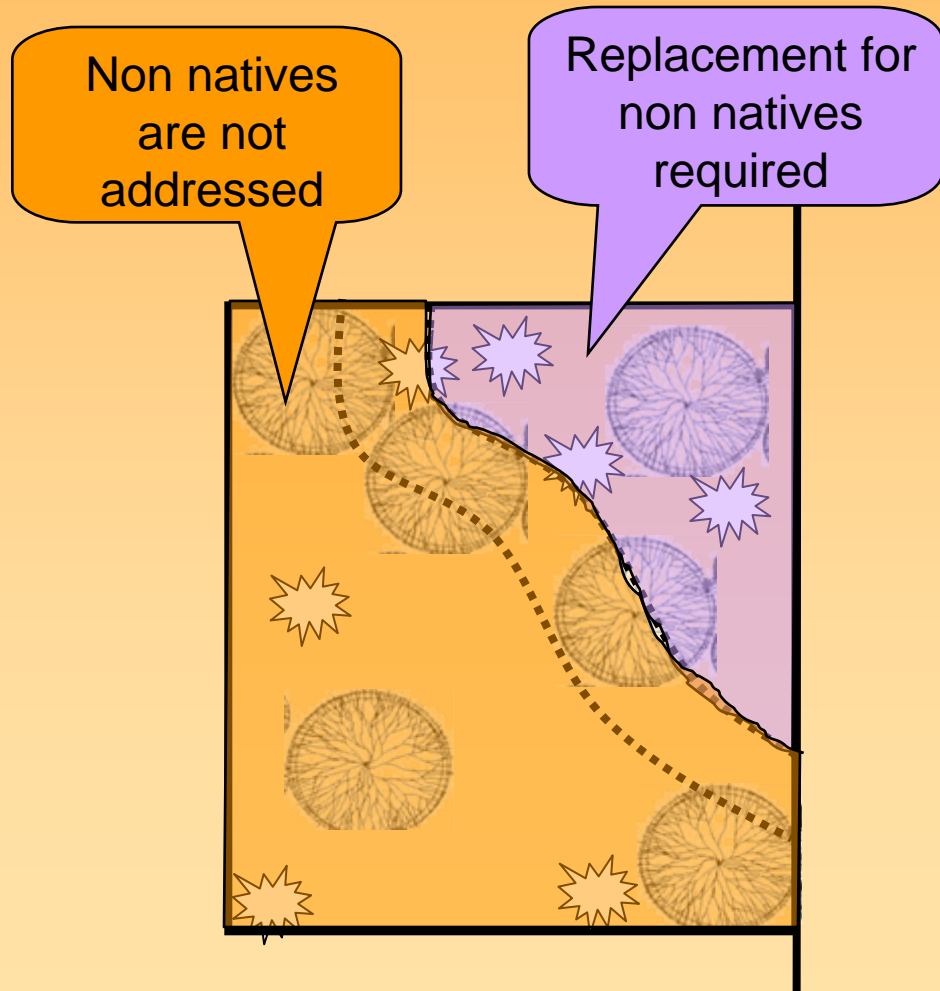
# I.E. Environmental Zones



## Transition Area

- **Current gap:**  
Tree removal allowed in transition area without replacement, intended to buffer resource area.
- **Proposal:**  
Require tree replacement in transition area.
- **Result:**  
Consistent tree replacement in existing e-zones.
- **Recommendation:**  
Endorse as proposed

# I.E. Environmental Zones



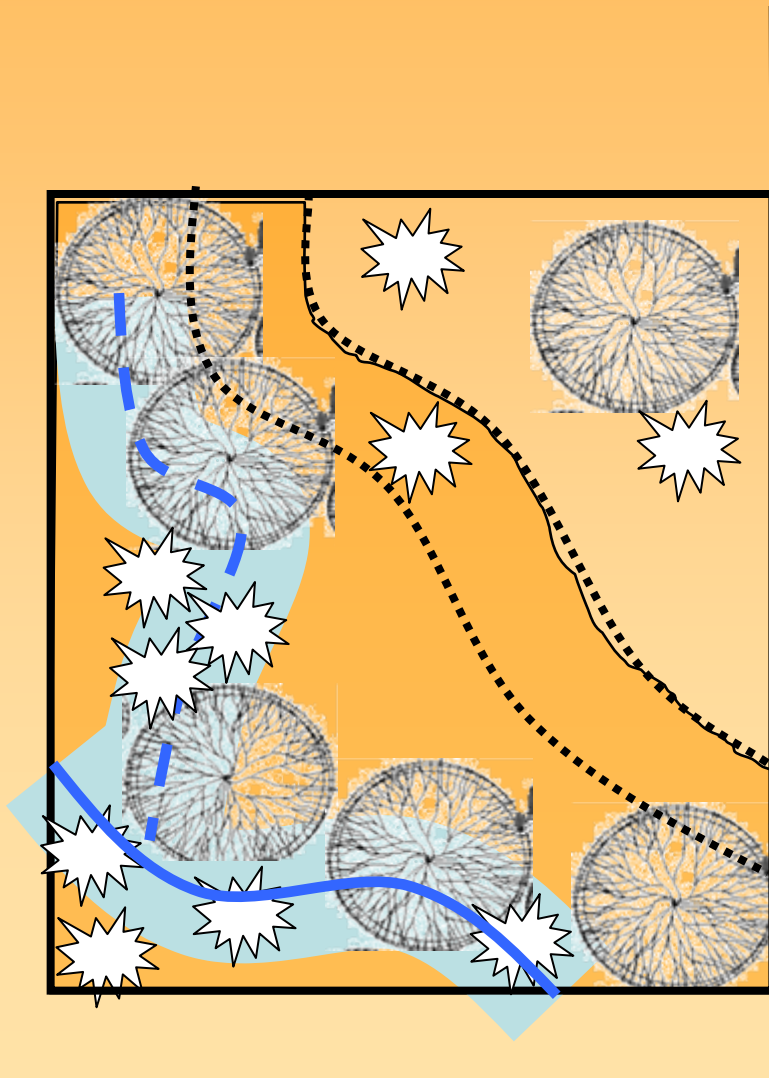
## Non-native trees

- **Current gap:**  
Non-native trees are not addressed in e-zone. Tree removal allowed without replacement.
- **Proposal:**  
Require replacement for non-native trees with natives.
- **Result:**  
Consistent tree replacement in and outside e-zones.
- **Recommendation:**  
Endorse as proposed

# I.E. Environmental Zones

## Stream Setbacks

- **Current gap:**  
Stream setbacks are only applied to streams both mapped *and* inventoried in e-zones.
- **Proposal:**  
Apply stream setbacks to any identified stream *within* existing e-zones.
- **Result:**  
Addresses riparian trees consistently in existing e-zones.
- **Recommendation:**  
Endorse as proposed



# Citywide Tree Policy Review and Regulatory Improvement Project

## I.F. Public Works and Capital Improvement Projects



# I.F. Public Works and CIP Projects



## Proposal

- Routine early consultation with Urban Forestry
- Show trees and protection methods on project plans
- Replacement standards for trees removed, except for trees in unimproved or partially improved rights-of-way
- Street tree planting standards (1 per 25' of frontage)

## Recommendation:

Endorse proposal with modification:

- Require replacement of trees removed from unimproved or partially improved rights-of-way



End