



CITY OF PORTLAND, OREGON - PORTLAND TREES

Bureau of Development Services • Portland Parks & Recreation

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Tree Project Oversight Advisory Committee

Meeting #11, Meeting Summary

Monday, October 12, 2015

1900 Building, 1900 SW 4th Ave, Portland, OR 97201

Room 2500B

10:00 AM - 12:00 PM

MEMBERS PRESENT

Linda Bauer, Pleasant Valley Neighborhood Association

Kris Day, Urban Forestry Commission

Arlene Kimura, Hazelwood Neighborhood Association (Co-chair)

Jim Labbe, Audubon Society of Portland

Susan Steward, Building Owners and Managers Association (Co-chair)

Bob Kellett, SE Uplift

Mark Bello, Urban Forestry Commission

Phil Damiano, Development Review Advisory Committee

Jeff Fish, Fish Construction NW

MEMBERS ABSENT

Helen Ying, Old Town Chinatown Community Association

Nancy Seton, SW Hills Residential League

Justin Wood, Home Builder's Association

STAFF PRESENT

Jenn Cairo, City of Portland City Forester/ City Nature Zone Manager

Stephanie Beckman, City of Portland BDS, Land Use Services

Anne Pressentin, EnviroIssues Consultant

Jessica Fuller, City of Portland BDS, Land Use Services

Jeff Ramsey, City of Portland Urban Forestry

OTHERS PRESENT

Richard Weber

Eileen Stark

Darvel Lloyd

Paul Steele

Elizabeth Bennett

Erik Sorenson

Welcome and Introductions

Arlene Kimura opened the meeting and led introductions.

Approval of September Meeting Summary

The summary of the Sept. 14, 2015, meeting was approved as drafted.

Arlene Kimura said there is a potential to meet November 30th to allow the committee to conclude its work.

Public Comment

Richard Weber, citizen (see attached)

Eileen Stark, citizen

Ms. Stark stated she was appalled by the amount of large trees being lost. It's impossible to replace the ecological services of mature trees. Mature native conifers are necessary. The deciduous trees being planted struggle this summer with the drought. She talked about two trees planted two years ago are just now attracting wildlife. She strongly encouraged preservation over mitigation.

Darvel Lloyd, citizen (see attached)

Paul Steele, citizen

Mr. Steele has been involved with efforts to preserve 100 year-old Douglas fir trees at 41st and Clinton. There is a growing sense of outrage among neighbors that trees can be removed. The Richmond Neighborhood Committee is meeting tonight to adopt a resolution to request City Council to reopen the tree code on an emergency basis. SE Uplift also is expected to adopt the same resolution. Since being involved with the saving of these trees he now knows it is possible to reverse the process. He encouraged the committee to get in front of these issues rather than be behind.

Elizabeth Bennett citizen

Ms. Bennett is in the Clinton Neighborhood Committee and a professor at Lewis & Clark College. She has a history of studying activism and moved to Portland 1.5 years ago. She said it's a rare moment when people say the same thing: People recognize infill housing needs and affordable housing goals. The two trees at the corner at 41st and Clinton are not preventing the City from meeting goals. She said people feel betrayed. She has advocated for the trees and doesn't agree with the current code. She urged more strict preservation of trees on the perimeter of lots.

Policy recommendations on how to preserve very large, healthy trees in development situations

Stephanie Beckman gave a presentation that responded to questions and provided potential recommendations to start discussion. The potential recommendations are not a staff recommendation. The presentation is linked here: [Large Trees in Development Situations](#)

Discussion: Preservation of Large Trees

Question: If I have a building site on my lot and three trees are on the property where the house is to sit. I can remove the trees with a building permit, correct?

Answer: Two trees can be removed by right. One third of the trees over 12 inches must be preserved. You would need to pay a fee in lieu of preservation for the third tree.

Question: What is the basis of the \$1200 fee?

Answer: The cost to plant and maintain two 2-inch saplings for 2 years. The cost is based on \$300 per inch of DBH.

Question: When does a land division process occur?

Answer: Jeff Fish said land divisions occur before pulling building permits. It does add up to \$5,000 to the cost of the house while the process occurs. It's why we have an affordability issue.

Comment: There are three types of land use reviews. Type I is a simple review that requires a conversation with City staff. Asks for a slide that describes the differences between the two.

Response: Land use reviews allow for public review and comment. Under a Type I process, there is no opportunity for local appeal. Decisions can be appealed to the Land Use Board of Appeals.

Question: Would the recommendations we make require is a code amendment?

Answer: **Most of the recommendations discussed would require a code amendment. It is expected that the OAC recommendations would be presented to City Council for review and they would determine which recommendations should be pursued .**

Question: Would it be fair to say that recommending a prescriptive change in the code vs. recommending a change for a discretionary review would be easier to adopt?

Answer: Any change to the code would require a hearing. The level of controversy could affect the length and complexity of the process.

Discussion: Fee in Lieu of Preservation

Question: Has anyone looked at the City's cost to plant trees? The private sector's cost is not as high as the City's.

Answer: The fee is based on the actual cost of labor and equipment. By union contract, we must use City employees.

Question: Is there a way around that? Why should a homeowner pay for a union contractor?

Answer: The fee is attempting to replace the public service value of a tree. The money goes into a trust fund for future plantings. The goal is to save the trees.

Question: Does the City have trouble finding places to plant? The City of Tigard does.

Answer: Yes, but we still have places to plant. However, the available places are more challenging and cost more.

Question: What is the process for the change of the fee in lieu?

Answer: The fee schedule can go straight to City Council for approval after consultation with various committees.

Discussion: Flexibility and Incentives

Question: Could there be a modification to the code related to set backs to preserve a certain sized tree?

Answer: Jeff Fish said the side set backs are five feet, so a modification might not gain much. A change to parking requirements could provide an incentive and gain 10 feet for a tree.

Question: Are there real incentives that will help the developers to preserve trees?

Answer: Jeff Fish said allowing the required 12x12 outdoor area to be in the front set back would be helpful to preserve a tree and move the building back.

Question: What about multi-family development? Are there incentives to preserve trees?

Answer: There are currently options for multi-family developers to both increase and decrease density when trees are preserved, reduce parking and modify pedestrian path requirements.

Discussion on Committee Recommendations:

Comment: When Title 11 was considered, the stakeholder committee looked too much at total canopy and not on preserving large trees. Prefers prescriptive standards to preserve trees and says the standard should be changed to preserve a percentage of the combined diameter inches on site. 35% is too low; it should be 50%. For the fee in lieu of preservation, likes Option 4 or a combo of 1 (update fee schedule) and 3 (implement a graduated fee schedule). In addition, flexibility in implementing zoning code regulations should be considered once there is a trigger, such as preserving trees above 20 inches. There needs to be a discussion about healthy trees in the neighborhood. Not sure these changes would be enough but feels this is better than nothing at all.

Comment: We need to make some decisions. We need to figure out the best of the best trees and save those. Urban Forestry Commission would like to be a part of this process. For the preservation of large trees, a non-prescriptive standard and a Type 1 land use review should be considered for large trees (Above 50").

Comment: I would like to counter a comment that there is an epidemic of tree cutting. We are building more houses, but we are not cutting down more trees. I don't want to see a \$10,000 fee for tree removal, which would be passed on to home buyers. We have a shortage of lots. Likes the 3rd option of a graduated fee in lieu schedule. We don't cut trees down if we don't need to cut the tree down. He doesn't want to increase the prices of homes. Let's look at the big picture.

Comment: Our purpose is to preserve trees. Would a graduated scale or discount for system development costs be helpful? Answer: Jeff Fish said industry would go for it. Staff comment: We are looking at this.

Comment: The potential recommendations identified by staff seems fair. The percentage of inches vs. trees makes sense. Applicants need to pay the actual cost to replant as required by the code. It seems like a lot of money but it is what it is. A graduated fee schedule is needed. A cap in the schedule is fine.

Comment: A type 2 land use review provides more opportunity for neighborhood comments. Notification is helpful. Perhaps it would be better to include a notice and delay, similar to the demolition delay of 35 days.

Comment: Suggest a subcommittee is formed to develop proposed recommendations. Several members were supportive.

Comment: Need to look at whether there is a threshold above which a discretionary review is needed. Below the threshold, use clear and objective standards. Recommend staff look at how these options could both work.

Summary:

- Committee wants to provide a recommendation; members acknowledged that full consensus was not likely and supported majority/minority reports
- Staff was requested to consider 2 paths by one member: discretionary review and non-discretionary for proposal.
- Some support may exist to add a land use review or required notification for trees proposed to be removed that are larger than 50 inches
- Support was voiced to encourage preservation of trees by changing the preservation standard from 1/3 of trees on site (larger than 12") to a percentage of total tree diameter
- Support was voiced by some to update the fee schedule to 2016 dollars; one member felt it was already too high
- Committee generally supported a graduated schedule for fee in lieu of preservation. One member specifically said the example provided was a good start.
- Some support was voiced to apply incentives and flexibility in development when a "trigger" is reached, e.g. preservation of trees greater than 20 inches

Action:

- *Staff to review member comments and distribute options to advance the discussion for committee adoption of final recommendation at Nov. 9 meeting.*

Program updates

- Deferred to next meeting

Title 11 monitoring

- Deferred to next meeting

Implementation issues and work plan

Comment: The 5th, 9th and 10th items related to public works projects and work of other bureaus are not closed.

Comment: Recommend that committee prioritize workplan issues that are still open. Also, several should be completed by staff because they are not policy issues. For example, customer service questions should be completed by staff, not this committee.

Action items

- *Staff to edit work plan based on member comments and discuss at next meeting*

ADJOURN: 12:10 PM