



7/20/2015

Interim Administrative Rule (IAR) Data and Analysis, Jan 1 – June 30, 2015

Summary of Findings: Non-Development

- IAR-applicable permits represent 2% of total Tree Removal and Replanting Permits issued in 2015.
- As Urban Forestry was applying Title 11 prior to the adoption of the IAR, cases requiring up to inch for inch mitigation were receiving an 84% reduction on average in required replanting from the maximum allowed under City Forester discretion.
- Under the IAR, applicable B permits for the removal of large, healthy trees are requiring, on average, less than the tree for tree replacement required by Title 11 for Type A Removal and Replanting Permits.
- Prior to the IAR, the ratio of large mature form tree plantings to removals in cases requiring up to inch for inch mitigation was approximately 1:1. Since adoption of the IAR, the ratio is 1:3.

Summary of Findings: Public Development Projects

- The IAR has been applied in very few development situations since its adoption.
- The large scale of some past development projects suggests the potential for greater cumulative canopy impact than has been seen in non-development under the IAR.

Interim Administrative Rule Summary

The Interim Administrative Rule (IAR) was adopted April 20, 2015 in order to support the goals of the Urban Forestry Management Plan and the objectives of the Citywide Tree Project. Specifically, the IAR was designed to meet the following objectives¹:

- Recognize that tree regulations are relational and inter-dependent across development and non-development situations.
- Increase consistency and equity in how trees are addressed on public and private property, and in public and private development situations.
- Ensure that the tree removal permit system is, and is perceived as reasonable, fair, simple, and useful in helping meet urban forest management goals and canopy targets.
- Build on existing City programs and strengths to improve overall regulatory efficiency and effectiveness, and limit impacts on development and permitting costs.

The IAR sets mitigation planting thresholds where Title 11 allows up to inch for inch mitigation. The tables below summarize under what circumstances the IAR applies, and the corresponding mitigation thresholds pre and post-IAR.

Non-Development Tree Removal and Replanting Permits

Tree Location	Applicability	Pre-IAR Mitigation Requirement	Mitigation Requirement Under IAR
Private/City (Mitigation applies to nuisance species on City-owned property)	<ul style="list-style-type: none"> • Healthy, non-nuisance trees ≥20” diameter • 5 or more healthy, non-nuisance trees ≥12” diameter in one calendar year 	<p>Inch for inch: Non-nuisance species in good condition</p> <p>25% reduction:</p> <ul style="list-style-type: none"> • Overstocked location • Negatively impacting health of higher-ecological value tree • Not able to continue healthy growth in that location. • Nuisance species in right-of-way and on city-owned property <p>Applicants may pay a fee in lieu of planting at \$300 per inch of mitigation required.</p>	<p>Replanting to meet On-Site Tree Density Standards*</p> <ul style="list-style-type: none"> • Credit given for existing trees • May pay a fee in lieu of planting (\$450 per tree not planted) • If the site is meeting density standards replanting may occur in the street to meet street tree planting standards • Fee-in-lieu of planting capped at \$1,200 per tree for single family developments.
Street	<ul style="list-style-type: none"> • Healthy trees ≥20” diameter • 5 or more healthy trees ≥12” diameter in one calendar year 		<p>Replanting to meet Street Tree Planting Standards* adjacent to the site.</p> <ul style="list-style-type: none"> • Maximum of two trees replanted for each tree removed. • If the street meets planting standards, replanting may occur on site. • Applicants may choose to pay a fee in lieu of planting.

* On-Site Tree Density Standards (11.50.050.C.1) and Street Tree Planting Standards (11.50.060.C.1)

¹ Interim Rule, p.3

Development Projects

Development Type	Applicability	Pre-IAR Mitigation Requirement	Mitigation Requirement Under IAR
<p>Capital Improvement Projects (City owned Property)</p>	<p>Healthy, non- nuisance trees ≥6” diameter</p>	<p>Inch for inch: Non-nuisance trees in good condition 25% reduction: Tree is in fair condition or inappropriate mature size for location</p> <p>Must meet On-Site Density Standards in addition to mitigation requirement</p>	<ul style="list-style-type: none"> • Maximum of two trees replanted for each tree removed • Must meet On-Site Density Standards* in addition to the mitigation requirement.
<p>Right-of-Way Improvements: Residential and Commercial Building Permits</p>	<p>Healthy, non- nuisance trees ≥6” diameter</p>	<p>Inch for inch: Non-nuisance species in good condition 25% reduction: Tree is inappropriate mature size for location</p> <p>Tree for tree:</p> <ul style="list-style-type: none"> • Overstocked location • Negatively impacting health of higher-ecological value tree • Not able to continue healthy growth in that location <p>Must meet Street Tree Planting Requirements in addition to the mitigation requirement.</p>	<ul style="list-style-type: none"> • Maximum of two trees replanted for each tree removed • Must meet Street Tree Planting Requirements* in addition to the mitigation requirement.
<p>Capital Improvement Projects and Public Works Permits (Right-of-Way Improvements: Half and Full Street Improvements)</p>	<p>Healthy, non- nuisance trees ≥12” diameter</p>	<p>Inch for inch: Non-nuisance species in good condition 25% reduction: Tree is inappropriate mature size for location</p> <p>Trees planted to meet Street Tree Planting Requirements will be credited toward mitigation requirement.</p>	<ul style="list-style-type: none"> • Maximum of two trees replanted for each tree removed • Trees planted to meet Street Tree Planting Requirements* will be credited toward mitigation requirement.

* On-Site Tree Density Standards (11.50.050.C.1) and Street Tree Planting Standards (11.50.060.C.1)

Non-Development

NOTE: While this analysis is based on all Tree Removal and Replanting Permits issued Jan. 1 – June 30, 2015, cases where the IAR did or would have applied are rare, therefore the following trends depicted in this section are based on relatively few issued permits, and may change as more cases arise.

Issued Removal and Replanting Permits, Jan. 1 – June 30, 2015

Under Title 11, two types of Tree Removal and Replanting Permits can be issued: Type A and Type B. Type A permits were developed to require a simple administrative process while Type B permits require greater scrutiny due to the larger size and healthy condition of the tree. While Title 11 requires tree for tree mitigation for all A permits, B permits may require either tree for tree or up to inch for inch mitigation, based on the size and location of the tree. Please see Title 11 tables 40-2 (11.40.040) and 40-3 (11.40.050) for a full summary of the size thresholds, standards, and review factors for the removal of trees under Type A and B permits.

The vast majority of issued Removal and Replanting Permits are Type A Tree Removal and Replanting Permits, to which the IAR does not apply. Of 1346 total Removal and Replanting Permits issued during the reporting period, just 31, or 2%, of cases met the criteria for a B permit (Table 1). The IAR does not apply in all B permits; during the reporting period, the Rule applied or would have applied to 27 of 31 B permits issued.

	Permits Issued	Tree Removals Permitted
A	1315	1706
B	31	52

Table 1: Removal and Replanting Permits Issued, Jan. 1 - June 30, 2015

Overall, permitting activity has increased throughout the reporting period, which is consistent with expected annual trends (Figure 1). Type B represent a small proportion of total issued Tree Removal and Replanting Permits in each month of the reporting period, ranging from 0.3% to 3.5% of total permits (Table 2), suggesting that the IAR has not substantially changed the number of permits issued.

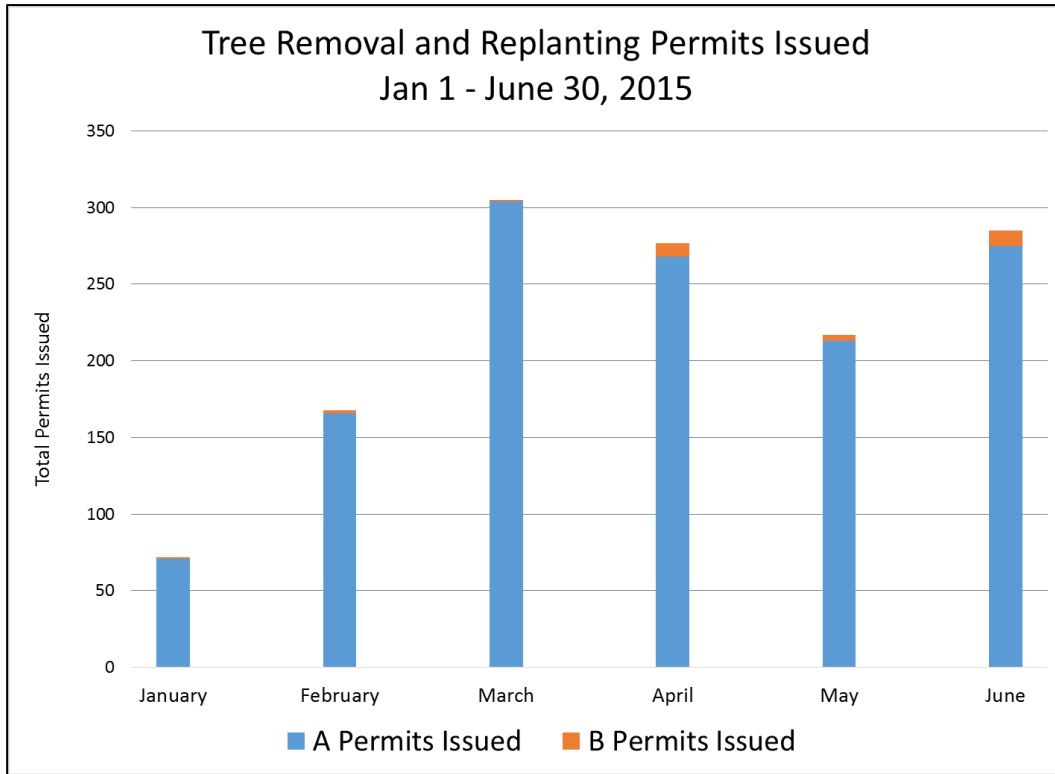


Figure 1

	A Permits Issued	B Permits Issued	% Type B
January	71	1	1.4%
February	166	2	1.2%
March	304	1	0.3%
April	268	9	3.2%
May	213	4	1.8%
June	275	10	3.5%

Table 2: Tree Removal and Replanting Permits Issued, by month

Denied Permits

Denials of Removal and Replanting Permits have also increased with increased permitting volume (Figure 2). The IAR does not appear to have substantially altered the pattern of Tree Removal and Replanting Permit issuance by Urban Forestry.

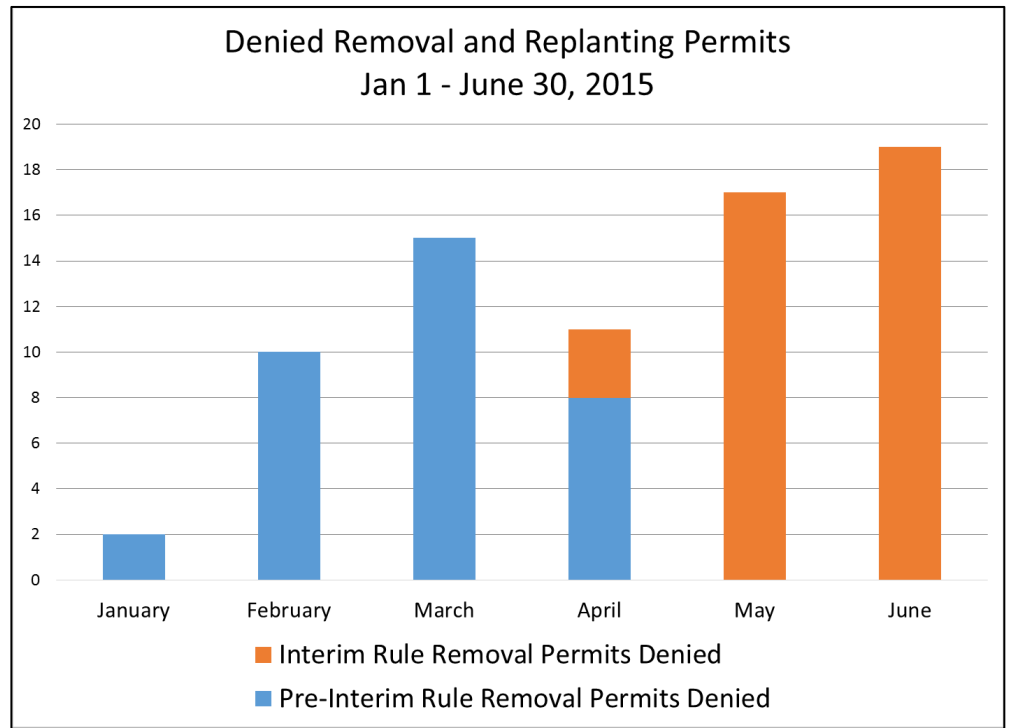


Figure 2

Tree Replacement Under the Interim Administrative Rule

Prior to the adoption of the IAR, required mitigation applied by Urban Forestry for IAR-applicable B permits resulted in the replacement of removed trees at a ratio of greater than 2:1 (Table 3). Since adoption of the IAR, replacement rates have dropped, due to many sites meeting On-Site Density Standards after the tree is removed. In post-adoption IAR-applicable B tree removals, less than one tree has been replanted for each tree removed.

If the 31 trees removed since the adoption of the IAR had been replaced at the pre-IAR rate of 2.4 trees planted for each removed (Table 3), it would result in an additional 48 trees planted as a result of mitigation planting requirements.

	Pre-Interim Rule		Interim Rule	
	(9 Cases)		(18 cases)	
	Removed	Planted	Removed	Planted
Sum of Trees Permitted	15	36	31	26
Trees Planted:Removed	2.4		0.8	
Canopy Area Planted:Removed	1.7		0.6	
Inches Planted:Removed	0.16		0.06	

Table 3: Summary of IAR-applicable 2015 Removal and Replanting Permits

Net Canopy Effects

The majority of tree removals that require up to inch for inch mitigation are of large form tree species. When established in the appropriate location, healthy large form trees provide many times the environmental, economic, and aesthetic benefits over their lifetime than do small form trees. For this reason, Urban Forestry encourages the planting of large form trees when possible.

Prior to the adoption of the IAR, removals of large form trees under IAR-applicable B permits resulted in the replanting of an equal number of large form trees (figure 3). Under the IAR, the rate of large form trees planted after removals has dropped to approximately 1:3.

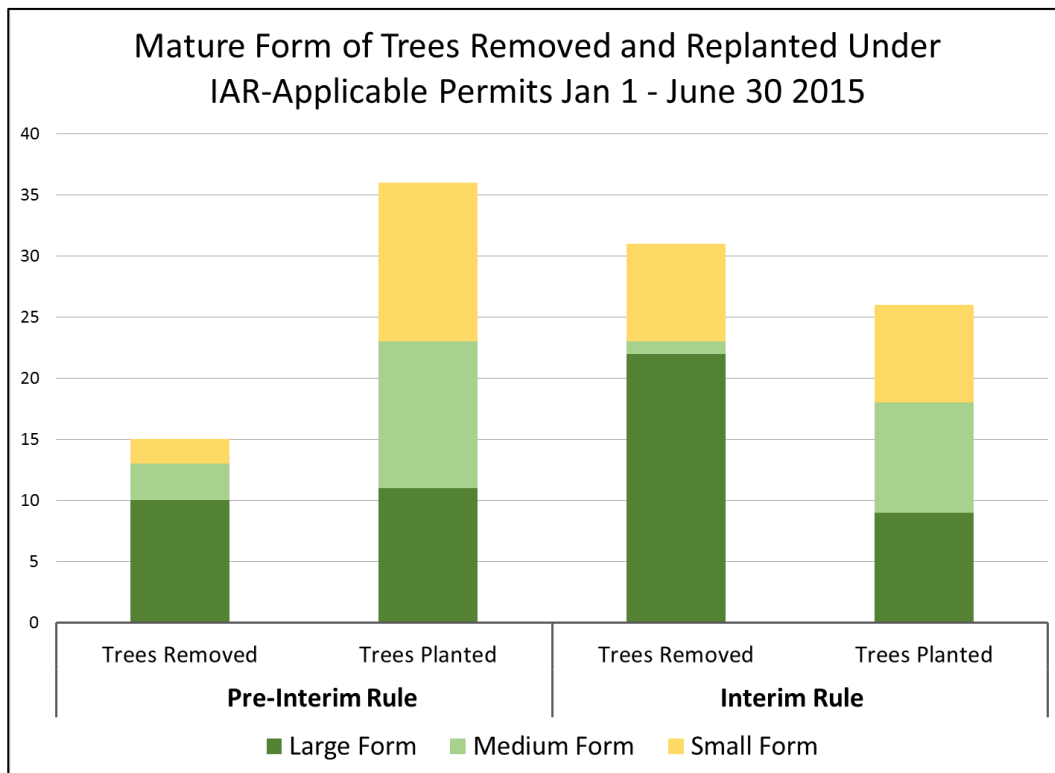


Figure 3

The reliance of the IAR on On-Site Density Standards is one reason for this trend, as the number of trees required to be replanted on private land (where there is more room for large form plantings) has dropped under the IAR. Planting to meet Street Tree Planting Requirements, also a requirement under the IAR, generally results in smaller form species that are appropriate for the planting strip.

Net Canopy Effects

The overall effect of the IAR on Portland's tree canopy in non-development situations has been to require fewer and smaller trees to be planted as a result of IAR-applicable B removals. Figure 4 is an estimate of canopy (ft²) lost/planted from issued IAR-applicable B permits in 2015, based on canopy area guidelines for large, medium, and small trees included in the On-Site Tree Density Requirements (11.50.050.C.2). While this figure is based on general characteristics of species and not observed measurements of trees removed/planted, the trend of net gain prior to adoption of the IAR becoming a net loss subsequent to the IAR follows that seen in table 3 and figure 3.

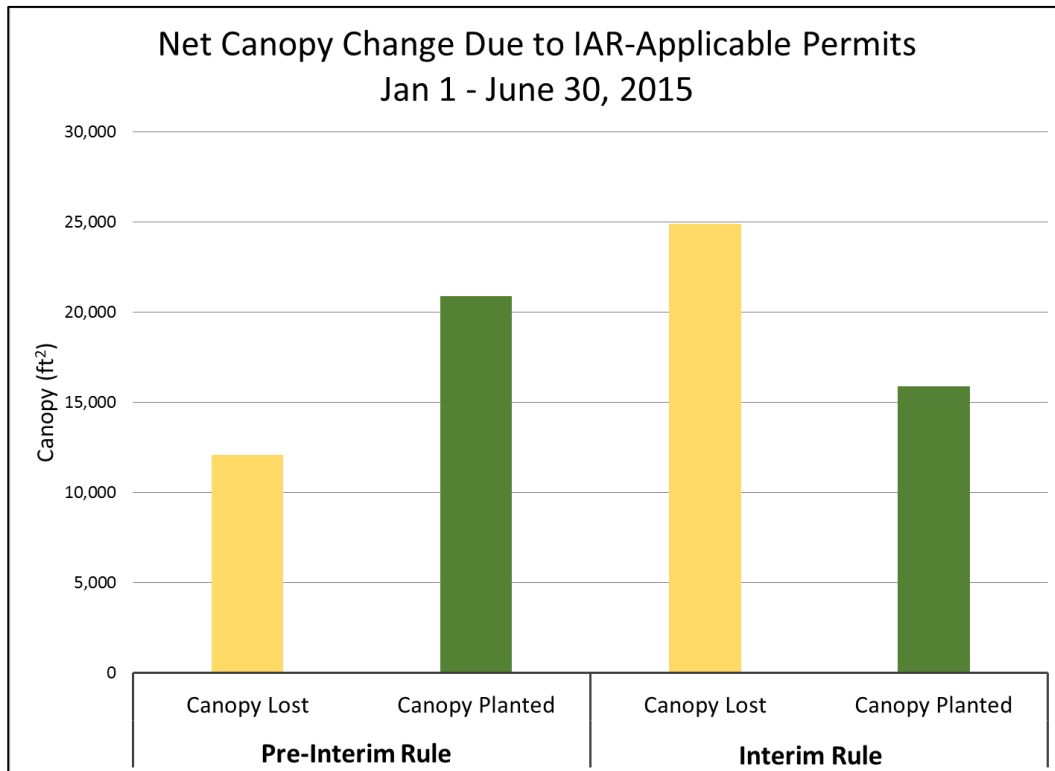


Figure 4

Public Development Projects

Prior to adoption of the IAR, removals of healthy, non-nuisance species as a result of capital improvement projects, public works projects, or right-of-way improvements could require up to inch for inch mitigation. In practice, reductions were granted for removals of trees in fair condition, overcrowded sites, or nuisance species from 25% down to tree for tree replacement. Therefore, maximum mitigation was rarely required in these instances. The IAR sets replanting thresholds in these cases to a maximum of two trees planted for each removed.

Capital Improvement Projects (CIPs): City-Owned Property

As of June 30th, 61 capital improvement projects were initiated in 2015. Of these, only 5 projects have been completed and received an Urban Forestry Permit, all of which had few associated tree removals. While it is premature to estimate the effect that the IAR will have on pending projects, a preliminary review indicates that the IAR will result in significant reductions in replanting after tree removals. Below is an example from a currently pending project, comparing both pre and post-Interim Rule mitigation scenarios:

	Maximum Mitigation Under Title 20-42	Title 11, Pre-Interim Rule (25% reduction for trees in fair condition)	Title 11 under Interim Rule (replant 2 for 1)
# of trees to be removed	69	69	69
# of trees not mitigated (dead, dying, dangerous)	16	16	16
# of trees mitigated (77% of trees removed)	53	53	53
# of trees required to be replanted	405	377	106
Payment in-lieu of planting	\$250,050	\$224,850	\$47,700
# of replacement trees UF could buy, plant and establish for 2 years using mitigation funds	208	187	40

- Required tree planting for this project under the IAR is reduced by 72% from pre-IAR levels
- For this single project, if the option to pay a fee-in-lieu of planting is chosen, there is a net loss of 147 trees that Urban Forestry would be able to buy, plant, and establish.

CIPs and Public Works Permits: Right-of-Way Improvements

Very few tree removal permits for right-of-way improvements have been issued in 2015, and it is therefore premature to estimate the effect of the IAR in these situations. However, in the case of half and full street improvements, the scale of the project can be large, involving dozens of healthy, mature trees. The reduction from inch for inch mitigation to two trees planted for each removed may have substantial short term and long term impacts on the urban forest, greatly reducing the number of trees replanted as a result of these projects.