



CITY OF PORTLAND, OREGON - PORTLAND TREES

Bureau of Development Services • Portland Parks & Recreation

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Tree Project Oversight Advisory Committee

Meeting #9, **Draft** Meeting Summary

Monday, August 17, 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

Jeff Fish, Fish Construction NW

Arlene Kimura, Hazelwood Neighborhood Association (Co-chair)

Jim Labbe, Audubon Society of Portland

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

Justin Wood, Home Builder's Association

Bob Kellett, SE Uplift

Helen Ying, Old Town Chinatown Community Association

Nancy Seton, SW Hills Residential League

Mark Bello, Urban Forestry Commission

MEMBERS ABSENT

Phil Damiano, Development Review Advisory Committee

STAFF PRESENT

Mike Hayakawa, Tree Project Supervising Planner

Jenn Cairo, City Forester/ City Nature Zone Manager

Patti Howard, Policy Advisor to Commissioner Fritz

Stephanie Beckman, Portland BDS, Land Use Services

Danielle Bohannon, Urban Forestry Botanic Specialist

Ivy Dunlap, Bureau of Environmental Services

Lola Gailey, Portland Bureau of Transportation

Casey Jogerst, Urban Forestry Supervisor

Jennifer Karps, Bureau of Environmental Services

Kimberly Tallant, BDS Supervising Planner

Christopher Wier, Portland Public Works Permitting Program Manager

Anne Pressentin, EnviroIssues Consultant

Bridger Wineman, EnviroIssues Consultant

OTHERS PRESENT

Jay Ellis

Paul Grove
Mike Mitchoff
Bruce Nelson
Vic Remmers
Eric Sorensen

Agenda topics

Welcome and Introductions

Arlene Kimura opened the meeting, thanked everyone for coming and led introductions.

Approval of June Meeting Summary

***ACTION:** July 20 meeting summary approved as drafted.*

OAC members asked Mike Hayakawa when he will share the letter from the Urban Forestry Commission to the OAC regarding interim rule comments.

***ACTION:** Distribute letter on interim rule comments. (Complete)*

Public Comment Opportunity

Bruce Nelson

Mr. Nelson encountered several requirements while building a house in the Cully neighborhood that resulted in the removal of large trees in the right-of-way on unimproved streets:

- Mandated improvements to sidewalks and curbs with new development
- Location of power lines, water mains and green street facilities.

Mr. Nelson encouraged the city to allow curb-tight sidewalks in residential neighborhoods so existing trees can remain in place. New trees could go on private property rather than the ROW. He is concerned that many trees will be cut in coming years as permits for new houses are issued. Major power lines are generally on just one side of the street.

Jeff Fish said the Tree Code stakeholder committee discussed conflicts between large street trees and electric utilities.

Preservation of large, healthy trees in development situations: Survey results and continued discussion

Mike Hayakawa said two documents were distributed to the OAC regarding the preservation of large, healthy trees in development situations. 1) Responses to the recent committee survey on tools to preserve large, healthy trees and 2) Draft memo based on the survey results and recent committee discussions of the main issues. It currently includes some placeholders. The goal is to refine committee comments.

The task given to the OAC was to recommend options to address “exceptional” trees. Use of an additional threshold would potentially determine how many trees fall under a new requirement. Setting a high threshold will affect fewer development projects. The memo seeks to strike a balance and follow the intent of City Council. It will be useful to clearly document justification if the OAC recommends policy that is significantly different than the current code.

Question: Should the memo clarify the position that a separate threshold is needed?

Answer: The OAC may continue to discuss if there should be an additional threshold.

Question: Will OAC recommendations include a code amendment?

Answer: A code amendment will be needed unless the OAC recommendation is to make no changes.

Comments and discussion regarding additional protection of “exceptional” trees

- Establishing a threshold that protects additional trees would make some vacant lots unbuildable and would have implications for the buildable lands inventory.
- The Statewide Land Use Goals do not specifically address the protection urban trees. The area inside the UGB is designated for uses apart from trees.
- Land supply is a separate issue from protection of trees. Metro is required to provide a 20 year supply of land. That policy does not provide for things like stream health, water quality and trees.
- The lack of discussion of urban trees in the Statewide Planning Goals should not preclude their protection. Trees are valuable for making the city livable. The OAC should encourage creative development to preserve trees.
- The City should try to balance protection of trees with development.
- There is often no “creative” alternative way to develop lots which preserves large trees.
- Portland has the most difficult code in the area. Making the tree code more complicated will make it more expensive to build and result in fewer developable properties.
- There are a lot of situations where a tree must be cut to make room for a house. The trees that replace them are meant for an urban setting. A huge tree is beautiful in a park but is not meant for a residential setting.
- The code should remain as it was developed by the previous committee.
- This issue is before the Committee because of the recent case regarding the three large sequoias in Eastmoreland showed the code needed to be revisited.
- The intent of additional protections is not to stop development because of trees, but rather the need to preserve the urban canopy.

Several OAC members made comments in support of an additional threshold to protect exceptional trees, comments included:

- A threshold to further protect exceptional trees is needed and deserves further discussion.
- An additional threshold to protect exceptional trees will not significantly hinder development across the City because there are not a lot of very large trees on private property.

Comments and discussion on how to set an additional threshold to protect exceptional trees

- Other tree attributes besides diameter at breast height (DBH) indicate the value of individual trees. Some very old trees grow more slowly, some trees have a large DBH but are narrower higher up the trunk. Should

measures beside DBH be used for a threshold? Answer: Seattle has a system of determining trees for additional protection that includes variables beyond DBH. The OAC may propose something similar.

"Exceptional tree" means a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is determined as such by the Director according to standards and procedures promulgated by the Department of Planning and Development."

- Would using a variable beyond DBH require the use of discretion by the Urban Forester? It is important that the threshold is applied consistently. (Answer: Jenn Cairo noted there is currently no discretion exercised on the part of Urban Forestry in private development situations. These fall under the authority of the Bureau of Development Services (BDS). DBH is a standard measure for determining value, but there are other methods that could be used, such as *i-Tree*. It assigns a dollar value to the services provided based on attributes like size, species and location. A system for valuing trees like that used in Seattle would involve the use of some professional discretion.)
- DBH is a standard measure and provides a reasonable proxy for things like canopy cover. The code should not be too complicated.
- A science-based approach to the value of trees would be helpful for determining removal and replacement requirements. The scale should be developed including different types of trees and ranges of size which equate to different values.
- Tree size is just one of many factors that determine the value of a tree. Factors beyond DBH should be considered to set a threshold for exceptional trees. The Seattle model may not apply directly to Portland. We should consider identifying the most significant types of trees for our region, environmentally and culturally.
- Question: Should Douglas fir trees be considered exceptional? They are important in East Portland.
Answer: Jenn said Douglas Firs are exceptional from a forestry perspective as the dominant tree in many local ecosystems and because of the level of ecological services they provide.
- Question: Is data available for Portland to inform creation of a threshold, similar to Seattle, including more than DBH? Tree species, for example?
Answer: Some information is collected by the City when property owners submit permit applications, although species may not be accurately recorded. Portland has already developed the significant tree list. When Title 11 was adopted, it was removed from the criteria for land divisions in the zoning code, Chapter 33.660, but the information was preserved in the Portland Plant List. It includes a list of native trees and tree size thresholds for discretionary review of important trees and is similar to the list used by Seattle.
- Comment: Mark Bello said he helped administer the land division code. Applicants need to complete a tree survey and correctly identify the species, which is a challenge. There is a lack of information for policy and site design issues. Images of the prototypical trees would provide a useful example; perhaps a Douglas fir in an East Portland backyard. It is easier to take something that has already been implemented, like the land division code, compared to implementing something new like the Seattle example.

Comments and discussion on advancing Committee recommendations:

- The committee needs more data and analysis on this issue. It is worth knowing if the Seattle model is working and how the results of its implementation would compare to a DHB-based threshold.
- The cap of \$1,200 for fee in lieu when trees are removed is too low. The committee needs more data to serve as a basis for recommending changes to the code. We also need more data tracked in the BDS portal.
- We need to move discussion along.

- Any mitigation fee determined will not stop development from replacing trees. It will be passed on to the homeowner and push people out by increasing the cost of homeownership.
- The memo should reference previous policy which relates to trees, including equity issues and neighborhood plans about preserving trees. Some policies are contradictory. The memo should also request the commissioner specify the timeframe in which action is needed, e.g., is this a crisis situation, or is there time to gather more information?

Summary results of discussion on preserving large, healthy trees in development situations:

- Committee members did not reach consensus to recommend additional protection of exceptional trees, but most members appear to support the addition of another threshold to protect large trees.
- Committee members variously commented that standards for designating exceptional trees for protection should:
 - Build upon existing information and methodology
 - Not be overly complex
 - Not unduly infringe upon development
 - Reflect local ecology and culture
- Committee members discussed tree metrics in addition to DBH for use in identifying trees for additional protection. The tree credit list used prior to the interim administrative rule, standards used in Seattle and the Portland Plant List provide examples.
- Remaining questions regarding development of new criteria for designating exceptional trees include:
 - What information is currently available on the location, size and species of trees to help the committee understand the effects of various potential thresholds?
 - Should code use a single threshold for exceptional trees, or a combination of factors? How is the Seattle model of designating exceptional trees working? How would use of other measures compare to a threshold based on DBH?

***ACTION:** Collate requested data, as available*

***ACTION:** Revise draft memo to reflect comments of discussion for review at September meeting.*

PBOT and BES presentation on public works and Capital Improvement Projects (CIP), including Green Streets

Green streets presentation summary: Ivy Dunlap, BES

- The BES CIP process starts with a kick off meeting including the Urban Forester. There are 30-, 60- and 90 percent design reviews followed by permit application and approval.
- Some green street facilities include trees and some do not. Design variables, including whether there is room to accommodate trees outside the facility, help determine if trees are included in the stormwater planter.
- Seasonal inundation and drought limit the tree species which are viable inside the planter. Green streets may be lined or unlined. Lined facilities typically cannot support trees.

CIP presentation summary: Lola Gailey, PBOT

- The City uses a risk-based planning analysis to determine the CIP projects for both BES and PBOT. This is different than public works projects.

- An Urban Forestry inspector is assigned to each project and conducts a site visit to collect base data including trees and identifies tree conflicts. Alternatives to standard improvements are identified to save trees.
- The 30 percent design includes a tree inventory, proposed root protection zones, trees for removal and new plantings. Most projects include street trees in a four-foot-wide planting strip.
- The 90 percent design review includes a summary of changes for review by the tree inspector.
- The 100 percent design review accounts for tree removal and mitigation requirements. Credit is given for trees in the planting strip. Any required mitigation fees must be paid and tree removal permits obtained before the project goes to bid.

Discussion, CIP

- Question: How many linear feet of street improvements are CIP versus those funded by development fees?
Answer: PBOT has few CIPs and most are only few blocks long. BES has more and larger CIPs in comparison to PBOT. There are about 100 to 150 development-funded transportation projects each year; ranging from new subdivisions to smaller projects.
- Question: How does the number of BES projects compare to PBOT?
Answer: The number of BES and PBOT projects is similar overall, although a larger share of BES projects are CIPs.
- Question: Does the general procure for CIPs also apply to the Cully neighborhood?
Answer: Standard procedures apply in Cully. The City looks to save as many trees as possible.
- Question: Is there a design element that allows planting trees in the parking lane?
Answer: Yes, curb extensions are used to place trees in the parking lane where appropriate.
- Question: Does the prioritization of CIPs include consideration of if large trees will be preserved?
Answer: Neither BES nor PBOT include protection of large trees in project prioritization. Each bureau uses its own prioritization criteria.
- Question: Are street trees located inside green street facilities or outside.
Answer: The preference is to design projects with the trees located outside the facilities. There are a lot of variables and a range of designs used. BES will try to include trees inside facilities if they cannot be placed in better locations. The designers have flexibility to maximize the number of trees included in the project design.

Public works for private development permits presentation: Chris Wier, PBOT

Chris reviewed public works projects for private development permits which are funded by the developer. Public works projects are generally more limited in space and have more limited options. The process includes concept development, plan development and permit issuance. Urban Forestry is included in the review phases including the alternative review committee, public works administrative appeals panel and public works board of appeals. There is an appeals process for nonstandard situations and project designs.

Discussion, Public works projects

- Question: Is the public included in the integrated appeals process?
Answer: No.
- Question: Has the city considered using a fee in lieu system to develop continuous sidewalks instead of building orphan sidewalk sections that also may result in removal of trees?
Answer: Chis said PBOT can only require the improvement or not. The authority to require a fee in lieu does not exist currently.

- Comment: Jeff said home builders have long argued for a funding pool for construction of connected sidewalks in neighborhoods where development happens. State law says only charges for the property under development can be assessed.
- Question: How do Americans with Disabilities Act (ADA) standards for sidewalks affect trees?
Answer: ADA curb ramps are required and sometimes conflict with trees at street corners. Capital projects increasingly conflict with existing trees as the ROW is developed with sidewalks, bike facilities, etc. within a limited space.
- Comment: Tools to avoid the removal of large trees during public works developments are needed. As much attention should be given to projects in the right of way as on private land.
- Comment: If there are additional infrastructure requirements for development permits would the property owner be required to pay for them?

Summary results of BES/PBOT presentations on public works and CIPs and discussion:

- BES and PBOT were requested to provide information on how Title 11 is implemented in their projects after questions/concerns arose from committee members starting in April. The stated concern was that trees were being removed without fully considering potential alternatives and that the City should be held to at least as high a standard as those applied to private property.
- Public works projects funded by development fees are more numerous and shorter in length than CIPs.
- Coordination with the Urban Forester occurs during the planning stage of CIPs and public works projects. For public works projects, available space in an already developed area can be limited. Non-standard designs for public works projects requires an appeal process.
- Some members said additional tools should be considered to allow flexibility in right of way projects to preserve trees.

ACTION: Members are asked to compile ideas for ideas or proactive standards that could be used to protect trees during public works projects, including ADA-related projects.

Meeting close

Arlene said two agenda items, the update on Century Link tree cutting and the Tree Code Outreach and Education Plan, will be moved to the next committee meeting agenda.

ADJOURN: 12:10 PM