

Large Trees in Development Situations

- Preservation of Large Trees
- Fee in Lieu of Preservation
- Flexibility and Incentives

Tree Code Oversight Advisory Committee
October 12, 2015



BACKGROUND / RATIONALE

- Prior to Title 11 - no tree preservation requirements in most building permit situations
- Balance development goals with tree canopy goals
- Keep code simple to understand and implement
- Maintain predictability of building permit process
- Mitigation should be linked to scale of impact



CURRENT STANDARD

- Preserve 1/3 of trees at least 12" diameter on site
- Each tree removed beyond the standard requires a fee in lieu
 - cost of two trees (code)
 - \$1,200 per tree mitigated for (fee schedule)



Preservation of Large Trees

Question 1: Should there be **different regulations** for very large trees in development situations?
(i.e. those over 30, 40 or 50 inches diameter at breast height (DBH), etc.).

A. Should there continue to be an allowance to remove 2/3 of the trees on a development site over this threshold?

B. Should removal of these trees under a development permit trigger a land use review in certain situations?



Preservation of Large Trees

Committee feedback

- General support for changes to encourage preservation of large trees
- Continue allowance to remove portion of trees
- Look at changes to standards that encourage larger trees to be kept (% inches vs. # of trees)
- Mixed feedback on whether a land use review should be triggered
- Would like more information about size of trees

Tree Size Information

Street and Park Trees, 2007

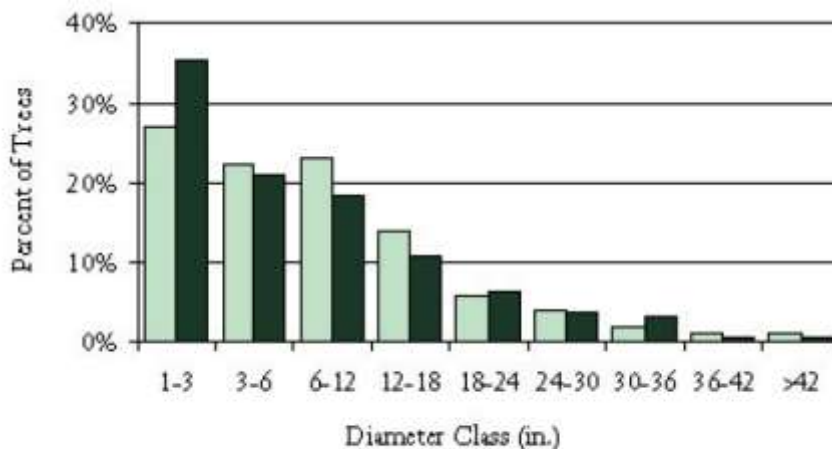
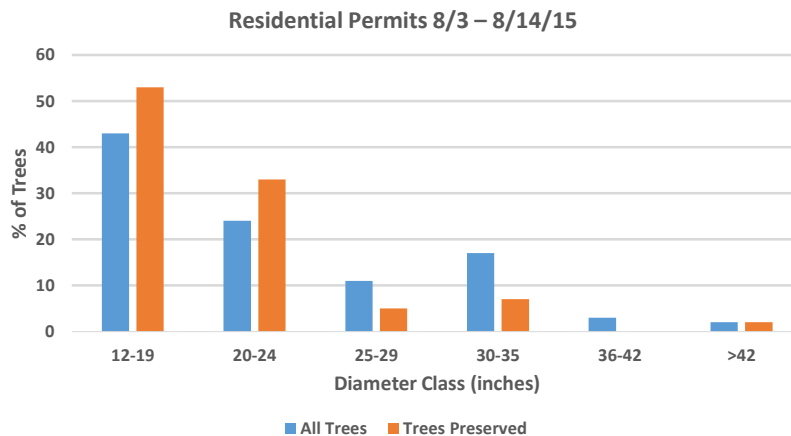


Figure 3-1. Percentage of street trees (light green) and park trees (dark green) in each diameter class.

Portland's Urban Forest Canopy: Assessment and Public Tree Evaluation (Oct, 2007)

Tree Size Information – Residential Permits

- 51 permits (new construction and demolition)
- 19 permits with trees over 12 inches
- 107 trees total, 43 preserved (40%)



Preservation of Large Trees

What is a Land Use Review?

Example: Type II Tree Review

Applies in Johnson Creek Plan District, Rocky Butte Plan District and Scenic Overlay Zone if tree removal standards are not met.

- Current fee: \$1,756
- 2-3 month review period
- Public notice and local appeal
- Approval criteria:
 - Reasonable development of site, including evaluation of alternatives
 - Appropriate mitigation

Preservation of Large Trees

Potential Recommendation

- Retain prescriptive standard that applies to all trees over 12 inches
- Explore options to change standard to encourage preservation of large trees
 - % of total tree inches (i.e. 35% of total tree diameter)

Example: site with 3 trees (30", 12", 12")

- Total diameter = 54 inches; 35% = 19 inches
- Standard met by preserving:
1 tree @ 30" OR 2 trees @ 12"

Fee in Lieu of Preservation

Question 2: Should the \$1,200 fee in lieu be increased?

A. Should it be increased for all trees 12 inches and greater?

B. Should it be increased based on the size of trees removed (i.e. higher fee for removal of larger trees)?



Fee in Lieu of Preservation

Committee Feedback

- General support for increasing fee in lieu in some manner
- Should be based on actual cost of planting and maintaining trees
- Suggestions for a graduated replacement schedule (and fee) based on size of tree

Options to Change Fee in Lieu

#1: Update cost to plant trees based on current estimate

- Capture full cost in 2016 dollars
- Recent UF estimate of actual cost:
 - \$1,200 - \$1,350 per tree planted
 - Results in fee in lieu of \$2,400 - \$2,700 per tree mitigated for
- Requires changes to fee schedule only
 - Would likely affect all mitigation payments

Options to Change Fee in Lieu

#2: Increase # of replacement trees fee is based on

- Currently based on 2 trees for all trees 12" or greater
- Could be increased to X trees

Options to Change Fee in Lieu

#3: Graduated replacement schedule

- Require more replacement (and higher fee) as size of tree increases



Options to Change Fee in Lieu

Committee Suggestion

- 1 tree per 6 inches

Replacement for Trees Removed (Beyond 2/3 Tree Removal Allowance)			
Size of tree to be removed (inches in diameter)	No. of replacement trees	Fee in Lieu (current \$600 per tree)	Fee in Lieu (if increased to \$1,200 per tree)
≥12 and <18	2	\$1,200	\$2,400
≥18 and <24	3	\$1,800	\$3,600
≥24 and <30	4	\$2,400	\$4,800
≥30 and <36	5	\$3,000	\$6,000
≥36 and <42	6	\$3,600	\$7,200
+ 1 tree per 6 inches of tree diameter			

Options to Change Fee in Lieu

Committee Suggestion

- Lower replacement ratio for smaller trees (1 tree)
- Higher replacement ratio for trees over 20 inches (2 trees per 10 inches)

Replacement for Trees Removed (Beyond 2/3 Tree Removal Allowance)			
Size of tree to be removed (inches in diameter)	No. of replacement trees	Fee in Lieu (current \$600 per tree)	Fee in Lieu (if increased to \$1,200 per tree)
≥12 and <20	1	\$600	\$1,200
≥20 and <30	2	\$1,200	\$2,400
≥30 and <40	4	\$2,400	\$4,800
≥40 and <50	6	\$3,600	\$7,200
≥50 and <60	8	\$4,800	\$9,600
+ 2 trees for each additional 10 inches of tree diameter			

Options to Change Fee in Lieu

Committee Suggestion

- Same replacement ratio for smaller trees (2 trees)
- Higher replacement ratio for trees over 30 inches (2 trees per 30 inches)
- Cap at 6 replacement trees
- 35 day delay and notification for trees over 90 inches

Replacement for Trees Removed (Beyond 2/3 Tree Removal Allowance)			
Size of tree to be removed (inches in diameter)	No. of replacement trees	Fee in Lieu (current \$600 per tree)	Fee in Lieu (if increased to \$1,200 per tree)
≥12 and ≤30	2	\$1,200	\$2,400
>30 and ≤60	4	\$2,400	\$4,800
>60	6	\$3,600	\$7,200

Options to Change Fee in Lieu

#4: Full inch-for-inch replacement cost

- Require replacement of total inches removed (above 2/3 allowance)

\$300/inch (current)

12" = \$3,600

20" = \$6,000

30" = \$9,000

\$600/inch

12" = \$7,200

20" = \$12,000

30" = \$18,000

Fee in Lieu of Preservation

Potential Recommendation

- Update fee schedule to reflect current cost of tree planting and maintenance
- Implement a graduated tree replacement schedule
 - Increased replacement ratio as trees get larger
 - Cap total # of replacement trees required
- Review # of replacement trees for consistency with other requirements (non-development situations, zoning code)

Fee in Lieu of Preservation

Potential Recommendation

Example:

- Increase ratio to 3 trees at 20 inches, then 2 trees per 10 inches above 30 inches
- Cap at 9 replacement trees

Replacement for Trees Removed (Beyond 2/3 Tree Removal Allowance)			
Size of tree to be removed (inches in diameter)	No. of replacement trees	Fee in Lieu (current \$600 per tree)	Fee in Lieu (if increased to \$1,200 per tree)
≥12 and <20	2	\$1,200	\$2,400
≥20 and <30	3	\$1,800	\$3,600
≥30 and <40	5	\$3,000	\$6,000
≥40 and <50	7	\$4,200	\$8,400
≥50	9	\$5,400	\$10,800

Flexibility and Incentives

Question 3: Should there be more flexibility or incentives in the zoning code to preserve trees?

Examples could include:

- allowances for smaller building setbacks,
- increased building height,
- increased density or alternative housing types on single dwelling sites
- transfer of development rights to another site.



Flexibility and Incentives

Committee Feedback

- General support for adding flexibility and incentives
- Most support for reduced setbacks and parking
- Concerns about increased height and transfer of development
- Use Environmental Zones as model
- Coordinate with Residential Infill Project
- Consider System Development Charge (SDC) credits

Flexibility and Incentives

Flexible options currently in code:

- Pedestrian standards – allows path to meander
- Reduced parking requirements
- Reduced minimum density and increased maximum density in multi-dwelling zones
 - Reduced minimum density allowed in single-dwelling zones through land division process

Flexibility and Incentives

Other flexible options considered by not adopted:

- Allow front setback to be reduced to 0 feet (like e-zone)
- Allow 20% reduction in side/rear setback, but no closer than 3 feet
- Waive transit street setback
- Waive minimum building coverage in certain commercial zones
- Allow required outdoor area to be in front setback

Flexibility and Incentives

Potential Recommendation:

- Explore options to add flexibility in the zoning code to preserve trees related to:
 - Reduced setbacks
 - Waiving parking in single-dwelling zones
 - Allowing required outdoor area in front setback

