



## CITY OF PORTLAND, OREGON - PORTLAND TREES

Bureau of Development Services • Portland Parks & Recreation

1900 SW Fourth Avenue, Suite 5000 • Portland, Oregon 97201

Phone: 503-823-TREE • [www.portlandoregon.gov/trees](http://www.portlandoregon.gov/trees)



### Tree Project Oversight Advisory Committee

Meeting #13, Final Meeting Summary

Monday, November 30, 2015

1900 Building, 1900 SW 4<sup>th</sup> Ave, Portland, OR 97201

Room 2500B

9:30 AM - 11:50 AM

#### **MEMBERS PRESENT**

Linda Bauer, Pleasant Valley Neighborhood Association

Mark Bello, Urban Forestry Commission

Bob Kellett, SE Uplift

Arlene Kimura, Hazelwood Neighborhood Association (Chair)

Jim Labbe, Audubon Society of Portland

Nancy Seton, SW Hills Residential League

Helen Ying, Old Town Chinatown Community Association

#### **MEMBERS ABSENT**

Kris Day, Urban Forestry Commission

#### **STAFF PRESENT**

Jeff Ramsey, Urban Forestry

Stephanie Beckman, BDS, Land Use Services

Kimberly Tallant, BDS, Land Use Services

Natalie Luttrell, Urban Forestry

Anne Pressentin, EnviroIssues Consultant

Bridger Wineman, EnviroIssues Consultant

#### **OTHERS PRESENT**

Paul Steele

## Agenda topics

#### **Welcome and introductions**

Arlene Kimura opened the meeting and led introductions.

#### **Summary from Nov. 9 meeting**

The group reviewed the Nov. 9 meeting summary.

**Action:** The Nov. 9 meeting summary was approved as drafted.

#### **Public comment**

There was no public comment.

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

Stephanie Beckman said discussion at the last meeting included some changes to the draft memo from the OAC. Stephanie emailed a tracked changes version of the document and received feedback from several OAC members.

**Recommendation 1.A: Tree size threshold for very large trees**

A revision to the tree size threshold from 50 inches to 35 inches was suggested.

Mark Bello distributed a policy brief titled *Tree Removal Mitigation Alternatives in Portland, OR (Nov. 2015)*. The document describes a net decrease in environmental benefits from removal of a Douglas fir of just 20 inches DBH with two replacement trees planted. A threshold of 35 inches DBH is suggested as a minimum threshold. Additional considerations, like looking at the site and considering the tree species, are also suggested. Mark said the data in the brief shows the recommendation of 35 inches is reasonable.

**Action:** A recommended threshold of 35 inches was approved by the committee and the policy brief provided by Mark will be attached to the memo.

Mark will send an electronic version of the policy brief about mitigation alternatives to Stephanie, along with documentation and citations.

Recommendation 1.A. also includes looking to plan districts and overlay zones as a model for allowing tree removal only when it conflicts with proposed development and to provide for discretionary review of tree removal if standards aren't met. The proposal would be to apply similar standards citywide to large trees.

**Recommendation 1.B: Explore options to change the standard to encourage preservation of large trees**

This recommendation explores options to preserve large trees. The current standard calls for preservation of one-third of *total trees* on site. The recommendation is to look at total *diameter inches* to incentive preservation of larger trees.

*Discussion*

- Comment: Both the number of trees and diameter inches should be used in the preservation standard so that one-third of trees as well as a portion of diameter inches are required to be preserved. Requiring preservation of only a portion of the number of trees could incentivize cutting larger trees before smaller trees.
- Comment: The permit review process does not include evaluation of environmental impact; just a counting of trees.
- Comment: Many types of development permits require professional signoff to ensure adequacy. There is no reason trees should be held to a lower standard. However, there will be an argument made by others that such a requirement would add costs for development.
- Comment: The rules apply across many different circumstances. There will be situations where looking at environmental impact is better than just counting the trees on a site. Suggest language that allows for counting trees in some circumstances and assessing environmental impact in other situations where it is warranted.
- Comment: Suggest presenting options by recommending a portion of trees are preserved and a portion of the total diameter is preserved onsite.

**Action:** Add a sentence under Recommendation 1.B. recommending a preservation standard for the total diameter of trees along with one-third of the number of trees, and suggest modeling it after the land division regulations.

**Recommendation 1.C: Explore options to add flexibility in the zoning code to make it easier to preserve trees**

Currently allowed flexibility is primarily available in multi-dwelling and commercial zones. The OAC suggests further consideration of flexibility regarding parking and setback requirements as well as the location of required outdoor areas for single dwelling sites. It was noted that there are trade-offs for allowing flexibility that could impact neighbors. OAC members previously suggested a minimum size threshold of 20 inches for eligibility.

- Comment: Suggest the Residential Infill project consider the concept of allowing flexibility for tree preservation for single dwelling sites.

### **Recommendation 2: Fee in lieu of Preservation**

A fee schedule showing \$1,200 fee in lieu of preservation per tree was put in place in 2009. Updated cost estimates developed by Urban Forestry would roughly double that amount. OAC members have said the fee in lieu of preservation should cover the whole cost of replacement.

#### *Discussion*

- Comment: Suggest using the phrase, “planting and maintenance” for additional clarity about the true cost.
- Question: Do the updated estimates include the cost of replanting if planted trees die?

Response: This recommendation applies to Urban Forestry plantings. It does not address private plantings. Trees planted by Urban Forestry must be replanted if they die. Their survival rate is over 90 percent.

Stephanie said a second part of the recommendation is for a graduated fee schedule. Most OAC members supported the idea of higher fees for larger trees and suggested a schedule including at least three tiers. There was also a suggestion to recognize specific species and the value of native trees.

- Comment: The suggested fees are too low.
- Comment: Suggest establishing that the purpose of mitigation is to fully compensate for the loss of services provided by trees. This would enhance the discussion around how trees integrate with the built environment.
- Comment: Changing the narrative of how trees are viewed among staff and the community is needed. Most homeowners do not understand why they would be charged money for removing trees.
- Comment: Calling it a mitigation fee is not accurate as the replacement trees do not completely replace the services provided by trees that are cut. There is need to further consider using i-Tree and validate if such a system should serve as the basis of the mitigation schedule.

**Action:** Add language under the introduction in Recommendation 2: “The committee suggested a graduated fee in lieu of preservation schedule that would increase as the size of the tree increases to reflect the full environmental, social and economic value of the tree.”

**Action:** Revise the introduction to the Fee in Lieu of Preservation section to reflect that the current fee is only partial mitigation and that there is a longer-term need for a City project to determine an industry standard to compensate for the value of trees that are cut.

**Action:** Change the second paragraph in Recommendation 2.B. to highlight a three-tiered, graduated fee in lieu of tree preservation schedule should be an interim solution. The interim solution is one step toward a longer term process to create an industry standard to fully compensate for the loss of trees.

**Action:** Stephanie will revise the draft memo on preservation of large trees and distribute it via email.

### **Recommendation on “stop gap” proposal for Title 11 code amendment: Mitigating the removal of large trees in development situations**

Stephanie said the stop gap proposal from the Office of Commissioner Fritz was intended as a fast track code amendment for especially large trees. The OAC was sent a draft memo summarizing their response to the proposal.

#### *Discussion*

- The memo nicely captures and summarizes the OAC’s discussion.
- The recommended notice period of 21 to 30 days is less than some had suggested, but still more than the seven days originally proposed. Recommend a notice period of 30 days.
- It is not clear if the notice requirement includes time for mailing. The proposal is for the notice to be posted onsite.
- Comment: Suggest email notice is also provided to the neighborhood association land use chair.

**Action:** Revise the recommendation to specify the required notice time period is 30 days from the time of posting on site and require a notification email to the neighborhood association land use chair.

**Implementation issues and workplan**

Anne reviewed the *OAC Title 11 Implementation Issues and Workplan* table. OAC members were asked to review which issues are closed. For open issues, the OAC was asked to identify their priority and whom should address them.

Stephanie replied to OAC member questions about the workplan document:

- The workplan table will be included as an appendix to the report to City Council.
- There is not likely time for more background work by staff, but a revised draft of the workplan can be shared at the next OAC meeting and additional editing can take place via email if needed.
- Some items show analysis is needed by staff or the Urban Forestry Commission (for non-development situations).
- References to staff could mean BDS or Urban Forestry, depending on the situation. The bureaus work together on most issues.

**Issue E: Public works projects that result in tree removal**

Issue E reflects a comment about the need for an inter-bureau planning effort regarding trees in the right-of-way.

**Issue E action:** Update to reflect the City should work to achieve goals for the urban canopy more broadly, not just through public works projects. The term “street design” is suggested to encompass different sorts of projects including sidewalk improvements and green street siting and design.

**Priority 1 (high):** The item relates to work for the Comprehensive Plan and the Mixed Use Zones project. There is a need to look at exempt zones.

**Issue K: Policy on preserving very large, healthy trees in development situations**

**Issue K actions:**

- Split out the last two bullets listed under this item (trigger for preservation requirements, and exemptions) as a separate item, listed as open with a priority of 1 (high).
- Suggest considering the preservation requirement through the Residential Infill project.
- Suggest reviewing exemptions, as minimum lot size does not reflect what is currently in the code.

**Issue N: Arborist training and reporting**

**Issue N action:** Add a bullet about enforcement and inspection of requirements.

**Priority 3 (low)**

**Issue O: Monitoring and evaluation report**

The monitoring and evaluation report is proposed to be addressed by staff as a joint project with BDS and Urban Forestry.

**Issue O action:** Add a comment about the need for additional data monitoring and evaluation to the OAC final report.

#### **Issue P: Fencing requirements for tree preservation**

The performance path allows an arborist report describing how trees will be protected during construction. In some unique circumstances, a fence may not be needed. There are concerns about sites where someone is doing limited development on one side of the property and fencing requirements seem to be too great.

- Comment: An OAC member previously raised concern about people removing trees rather than adhering to requirements for protective fencing. This concern suggests the need for review by arborists to assess if a smaller required fenced area would preserve the tree. The relative cost of fencing compared to tree removal would be different under the fee in lieu of preservation regime recommended by the OAC.
- Comment: Additional direction is needed in the code to specify the arborist report should describe how the tree will be protected if fencing is reduced or not required.

#### **Issue P actions:**

- Specify in the workplan that Issue P is in regard to tree and root protection fencing.
- Recommend reviewing fencing requirements to see if they can be made less onerous for small projects which are unlikely to damage trees.
- Add the question, "Do arborist reports provide clear direction if the performance path is used and tree protection fencing is reduced or not required?"
- Assign the issue to staff.

#### **Priority 3 (low)**

#### **Issue Q: Opportunity for public appeal**

**Issue Q action:** Keep the issue open and assign to the Urban Forestry Commission

#### **Priority 2 (medium)**

#### **Issue R: Development Impact Areas**

Jim Labbe proposed this issue with the Japanese Garden in mind. In that case, the entire site was used as the basis for meeting the density requirement rather than an impact area around the portion of the site to be developed.

**Issue R action:** Edit description to, "Should they be required on heavily forested sites?"

#### **Issue S: Type A standards for removal on private property in non-development situations**

**Issue S action:** Add the issue of automatic exemption for removal of trees within 10 feet of a building as a specific example.

#### **Priority 2 (medium)**

#### **Issue T: Building inspectors checking planting requirements**

This issue is regarding who performs inspections to ensure planting requirements were met. Building inspectors are on site at the end of a project, but may not have specific knowledge about trees. Options include training building inspectors or having tree inspectors perform the inspections.

**Issue T actions:**

- Assign to staff with reporting to the Development Review Advisory Committee as well as the Urban Forestry Commission.

**Priority 1 (high)**

**Issue U: Customer service**

Stephanie said Issue U could be merged with the monitoring and evaluation report. Anne said a customer service survey has been drafted. Staff is waiting for the right time to distribute the survey. A link to the survey will be emailed to everyone who submitted a permit application and posted on the trees website.

**Priority 2 (medium)**

**Issue W: Role of Urban Forestry Commission**

**Issue W action:** Remove from the workplan and address in the OAC report by stating the Urban Forestry Commission should continue involvement on planning projects.

**Issue X: Trees straddling lot lines**

The issue of trees straddling lot lines was raised through public comment. Staff have now required surveys in some situations to document tree locations in development situations and require approval from the adjacent property owner for removal of trees that straddle a property line. Title 11 states that appropriate approval from the adjacent owner is needed. No additional changes are needed.

**Issue Y: Coordination with other City policies**

This item can be addressed by the Planning and Sustainability Commission and Urban Forestry Commission. No additional changes are needed.

**Priority of closed items**

The group agreed the closed items should include a priority ranking if they include ongoing work.

**Action:** Change Issue G: CenturyLink pruning/topping to priority 2 (medium).

**Meeting close**

Arlene closed the meeting. The next OAC meeting is scheduled for Dec. 14, 2015.

ADJOURN: 11:50 AM