



## CITY OF PORTLAND, OREGON - PORTLAND TREES

Bureau of Development Services • Portland Parks & Recreation

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### Tree Project Oversight Advisory Committee

Meeting #14, Meeting Summary

Monday, December 14, 2015

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

Room 7A

10:00 a.m. – 12:10 p.m.

#### **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

Kris Day, Urban Forestry Commission

#### **MEMBERS ABSENT**

Helen Ying, Old Town Chinatown Community Association

#### **STAFF PRESENT**

Tim Crail, Office of Commissioner Fritz

Patti Howard, Office of Commissioner Amanda Fritz

Stephanie Beckman, BDS, Land Use Services

Jenn Cairo, City Forester / City Nature Zone Manager

Kimberly Tallant, BDS, Land Use Services

Anne Presentin, EnviroIssues

Bridger Wineman, EnviroIssues

#### **OTHERS PRESENT**

Eric Sorenson

## Agenda topics

### Welcome and introductions

Arlene Kimura led introductions.

## **Summary from Nov. 30 meeting**

There are two follow-up topics from the Nov. 30 OAC meeting; confirmation of final text for the “stop gap” recommendations memo, and confirmation of priority ranking and edits to the *Title 11 Implementation Issues and Workplan* matrix.

Stephanie Beckman said revisions to the “stop gap” memo included changing the notice period to 30 days and recommending notice be emailed to the applicable neighborhood association. Stephanie confirmed the other recommendations – about the threshold for trees with additional protections, for the City to re-look at the idea of prohibiting the removal of large trees, and to include a sunset clause – were included in the updated memo.

**ACTION:** The revised Nov. 30 memo was accepted.

Stephanie said the main changes to the OAC issue tracking matrix recommended at the last OAC meeting were to clarify the priority of issues. There were also a few changes to the issue descriptions, recommendations and notes.

**ACTION:** Address arborist training as a separate line item with priority 2 (high). The remaining two items under issue N (report and enforcement) should remain priority 3 (low).

**ACTION:** Change the column name “Status” and the entries under it (currently “Closed” and “Open”) to terms that distinguish if the OAC made a recommendation on the item or heard a report.

**ACTION:** The Nov. 30 meeting summary was approved as drafted.

## **Announcements**

### *Customer service survey*

Anne Pressentin reported the customer service survey launched the previous week. The survey was distributed through a link on the Portland Trees website and via an email to those who contacted BDS for non-development concerns related to trees since Jan. 2, 2015. It was also distributed through City social media. About 200 surveys have been completed. The survey is slated to close on Dec. 21. Staff will assess the number of responses and determine if it should remain open longer. An initial review shows the majority of responses are neutral or positive in regard to City customer service. Open-ended responses will be analyzed in more detail following the close of the survey.

### *“Stop gap” code amendment*

Stephanie said a revised “stop gap” code amendment is proceeding through the City’s legislative process. There will be a Planning and Sustainability Commission hearing on Jan. 12 after which it will be considered by the Urban Forestry Commission (UFC) likely in January, 2016, and City Council (tentatively planned for February 2016, but subject to change). The proposed amendment was revised to account for OAC recommendations as well as input from the Development Review Advisory Committee. Stephanie encouraged OAC members to comment on the code amendment when it is before Commissions and City Council.

## **Public comment**

Eric Sorenson said there were alder trees removed near the intersection of Southwest Boones Ferry Road and Arnold Street and the cut pieces of the trees were left on the shoulder of the road. Mr. Sorenson cleaned the road shoulder. He called the City and was told clean-up is the responsibility of the adjacent property owner. Mr. Sorenson paid for debris removal and is working with the homeowner. Mr. Sorenson circulated photos of the site.

Mr. Sorenson said many properties do not have trees on them. There is a proposed development off Southwest Taylors Ferry Road and a sign that says not to remove trees. Further along in the neighborhood there is an area with no trees. Everybody has a role in helping meet goals for trees in the city, not just those who currently have trees on their property.

Jenn Cairo addressed some of the issues Mr. Sorenson brought up regarding woody debris on the side of the road.

- It is not clear from the photos if the property where the debris was left was public or private.
- Cleanup and stump removal by the City can take place some days after the tree is felled.
- It is often better to leave woody debris in place, and it must be left in place in environmental zones. On PP&R properties, the use of the property is considered to determine if woody debris is left in place.
- The Urban Forestry policy is to clear debris from the public ROW for safety when it is blocking traffic, in cases where Urban Forestry was engaged to address an imminent tree hazard.
- Urban Forestry continues to communicate to property owners about their tree maintenance responsibilities. Nationwide, publically owned trees are usually the responsibility of the local government. Portland and other cities in our area are exceptions to the norm in that regard.

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

Stephanie referred OAC members to the Dec. 7 memo, *Recommendations on Preserving Large Trees and Fee in Lieu of Preservation*. The memo was reviewed at the previous OAC meeting and includes longer-term recommendations from the OAC. Changes made as a result of the Nov. 30 discussion included:

- **Recommendation 1A:** Changed the suggested threshold to 35 inches DBH from 50 inches for additional standards. Attachments were included with the memo to justify that change.
- **Recommendation 1.B:** Added a recommendation that a percentage of total diameter inches of trees are preserved on site, in addition to one-third of the number of trees.
- **Recommendation 1.C:** Recommended the Residential Infill Project consider adding flexibility to development standards to make it easier to preserve trees.
- **Recommendation 2:** Recommended the City take a long-term look at the true cost of replacing lost environmental and economic benefits of cut trees and recommend use of a graduated fee schedule for the short-term.

OAC members commented that the updates to the memo reflect the previous OAC discussion and thanked Stephanie for making the revisions.

**ACTION:** Under Recommendation 1.A, change the second sentence to read, "A prescriptive preservation standard should be retained for smaller trees with the recommended changes described below."

OAC members discussed one of the attached documents titled, *Choosing to mitigate for the removal of a 20" diameter Douglas-fir by ....* Stephanie noted the document is referenced in the memo, as requested by the committee at the November 30 meeting. The attachment will be included in color.

- Comment: The attachment is important information for decision-makers, but needs a better tie-in to the OAC report. There is also a concern that it may be better if the document came through the UFC. It appears to be a response to the proposed administrative rule. The author should be identified.

Mark Bello responded that the document was created by David Diaz. Mark presented it to the OAC and asked it to be attached. There may be a way to reference the figures in the report text. The information is applicable beyond the administrative rule because it informs determining a robust replanting requirement.

**ACTION:** Add a list of attachments with brief descriptions, including the relevance of each, to the end of the memo. Add a title and dates to the attachments if possible.

**ACTION:** Change the last sentence of the first paragraph under Recommendation 1.A. to read “...the recaptured value of large trees over time under two different mitigation standards”.

- Question: Is the attachment clear about the distinction between trees that are large by nature (small/medium/large form tree species) rather than individual specimens?

Kris Day responded that those phrases are also used in the code and should be familiar to City Council.

### **Final Committee report**

Stephanie reviewed the draft final report and its contents. There are some placeholders in the report currently.

There are three main sections under Findings and Recommendations.

- Section A is general committee findings.
- Section B calls out specific committee actions and recommendations, referencing the OAC memos where appropriate. Memo contents will be summarized and the complete memos attached.
- Section C is for additional recommendations and has placeholders based on discussions and themes heard so far, to be confirmed with the OAC members along with identification of anything else which should be called out in the report.

The question of how implementation is working overall was emailed to OAC members. Some OAC members responded that the code is working well, others said the code is not protecting trees. There were also comments that the revised tree code is an improved regulatory framework and that the OAC did not have time to address all the pertinent issues.

Stephanie said specific comments for the report provided by OAC members via email included:

- Add a statement about the environmental and economic value of trees.
- Include a graduated replacement fee schedule.
- Recommend the fee in lieu of preservation be brought in line with the benefits provided by trees.
- Note that additional data collection is needed for evaluation.
- Highlight the need for an inter-bureau review of trees in the ROW.
- Recommend the UFC continue the OAC work of ongoing oversight.
- Recommend coordination with other policies to preserve large trees through the Mixed-Use Zones project.
- Recommend looking into providing for additional flexibility for alternative sidewalk designs to allow for tree preservation.

*Additional comments and suggestions on the committee report included the following:*

- Multiple OAC members said the final report format and outline works well.
- Clarify that the members who left the OAC did so as a result of a proposal made by Commissioner Fritz and before that proposal was discussed by the OAC.
- Note the proposal from Commission Fritz was additional to the OAC’s original scope of work and was crafted independently from the OAC.

- Suggest striking the sentence in the workplan section about the time taken to prepare OAC members, which seems to imply the members were not very savvy.
- Suggest noting that the members who left the OAC did so after most of the meetings in the workplan had taken place. Since those members' departure, the OAC was able to complete a lot of work.
- The OAC heard a lot in public comment about the loss of large trees. There is an apparent gap between expectations for the new code and the experience of its implementation. The code was adopted in the middle of the recession when there was little new development. Recommend including a finding that the tree code was a step forward for addressing urban canopy goals, but has not met expectations for preserving the urban canopy in the current development environment. Portlanders' expectations have not been met. These expectations include that the preservation standard requires trees to be preserved, that mitigation requirements reflect the value of trees removed, and that the rules apply citywide.
- The original intention for Title 11 was to balance the need for growth and tree preservation. The OAC member's community thinks development has come at a cost to trees. The balance between development and tree preservation favors development. Developers probably see it differently, but the point that tree preservation in a growing city is a challenge should be included.
- Recommend including a statement that the tree code could be improved by implementing the recommendations in the OAC report.
- Regarding page 2 and the OAC's adopted definition of success: It is important to address City canopy targets via monitoring so that evaluation is not based solely on anecdotal and qualitative information. The key point is that the code was implemented as intended, but Portland is experiencing erosion of the urban forest. Canopy goals are not being met. That point should be made strongly in the report. A general finding is that the code has been implemented successfully, but the cumulative effect is negative.
- Suggest including headings for the general findings in the table of contents.
- Suggest noting that the canopy goals treat the canopy as two-dimensional. There is interest in large trees and their contribution to the canopy. The third dimension of canopy (size of trees) is not addressed in the targets.

Jenn said the canopy measurements can be assessed only on a long-term basis. The City is due to get new LIDAR data from Metro this spring. In the meantime, there is a draft evaluation showing a net loss of canopy. Additional data is needed, but Urban Forestry thinks the canopy is reduced. Because the measurements are taken in a ten year time scale, we might not see differences until the next cycle. There is a need to address policy ahead of when those evaluations are complete.

- The most recent canopy report was in a 2008 document developed for the Comprehensive Plan. It shows canopy targets are not being met in some areas including for trees in the public right-of-way and on land zoned for commercial and industrial uses are only at about half the target. Recommend adding items E and Y (regarding canopy goals) from the OAC issues and workplan document to the report. Issue E is about the public right-of-way and Y addresses the exemption in Title 11 for mixed use, industrial and institutional zones. (Members later changed the recommendation to add item AA, rather than Y, to the report.)
- One member pointed out that trees planted in the city are not always planted because they are required for replacement. Friends of Trees and Portland BES have planted tens of thousands of trees.
- Correct a typo on page 3 ("Final recommendations on key actions....")

Anne and Stephanie asked OAC members to review the Additional Recommendations section. There was a previous recommendation to bring in two more recommendations from the workplan table.

- Comment: Recommend considering whether Type A and Type B permits should be better distinguished.

### *Proposed findings:*

Anne summarized the earlier discussion where proposed findings for the report were suggested by OAC members and asked for additional comments and confirmation.

- **Finding:** Title 11 is a step forward but has not met community expectations.
  - Comment: Suggest stating implementation of the code is mostly successful, however data and community sentiment show the code has not achieved goals for tree preservation and urban forest management. Suggest this finding is combined with the finding about canopy goals and include available data.
  - Jenn and Stephanie will talk separately about how best to include some discussion of the size of trees.
- **Finding:** A better balance between the need to preserve the urban canopy and the need for new development is needed. Acting on the recommendations from the OAC will help address the imbalance.
  - Comment: Recommend noting that trees make a denser urban environment more livable. In this way, trees are critical to development outcomes to which the city aspires. The Comprehensive Plan hearing last week showed a lot of anxiety in the community about density and growth. Loss of trees is a big part of public concern.
- **Finding:** Canopy goals are not being met.
  - Comment: Address this issue in the section about whether the work of the OAC has met its definition of success.

Stephanie said the point about canopy goals not being met may fit with the recommendations as a reason for including priorities for future work.
  - Comment: Permit data may be the best information for assessing if the City is meeting canopy goals until updated citywide canopy data is available.
- **Finding:** The code is successful in that it has been implemented, but cumulatively it may not be working. More evaluation and monitoring are needed.
- **Finding:** In regard to canopy targets, commercial and industrial areas are farthest behind. Other land use categories, like residential and parks, appear much closer to meeting goals.
  - Comment: Averaging canopy information can be misleading in regard to evaluating if targets are met. Some neighborhoods have had different results that are not captured in averaged data.

*Comment:* Suggest including a finding that the terms “tree preservation” and “mitigation” may be misleading to the public, as previously discussed.

*Comment:* Suggest including pictures of trees in the report.

### **Workplan items to include as recommendations for future work**

Anne said there was a suggestion to call out some items from the workplan matrix in the OAC recommendations as needing more work. OAC members were asked if there are additional items from the workplan to include.

- Comment: Items E and Y in the workplan would fit as examples under the Consistency in Regulations recommendation. Development and non-development is one category. How bureaus are working together to achieve trees goals is a separate bullet.

- Comment: Suggest including workplan issues AA and E as additional recommendations in the report.
- Comment: Because it is important to highlight coordination with other City policies and codes (workplan issue Y), include a general discussion under Additional Recommendation #5 and then call out a couple items of high priority.
- Comment: Suggest including a recommendation to look into requiring site review so new development can adapt to existing trees to avoid tree removal.
- Comment: Suggest a recommendation that the City fund staff needed to oversee and implement the code. The OAC has seen that there is not enough staff resources to fulfill requests.
- Comment: Regarding Additional Recommendation #4 and the role of UFC, it should be noted that the UFC has a full slate already and may not be able to address all issues.

**ACTION:** Mark will share the recommended items for the UFC with the UFC Policy Committee chairperson to vet that they are appropriate.

### **Recognition of OAC members**

Tim Crail thanked OAC members for their time. There is still much work to be done. The City provided OAC members a copy of the book, *Trees of Greater Portland*, signed by Commissioner Fritz, to thank them for their service. Tim said he looks forward to reading the final report. A new staff person will be assigned to take the position of Patti Howard, who is leaving Commissioner Fritz's office, but is not yet identified.

### **Closing comment and next steps**

Stephanie said she will revise the draft final OAC report and send it to OAC members via email. She requested a confirmation from each member that the report contents are approved, even if there are no other comments. The next draft will likely be distributed in early January, 2016.

ADJOURN: 12:10 p.m.