



**City of
Portland, Oregon**
Bureau of Development Services
FROM CONCEPT TO CONSTRUCTION

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Memorandum

Date: September 4, 2020

To: Portland Planning and Sustainability Commission
Portland Urban Forestry Commission

From: Emily Sandy, Analyst II, Bureau of Development Services

Re: Proposed Amendments to Title 11, Trees, Trees in Development Situations

Greetings,

This memo responds to some questions and requests for more information by the Urban Forestry Commission and Planning and Sustainability Commission during or after your briefings on this project on August 20 and August 25, 2020, respectively. The Bureau of Planning and Sustainability will provide an additional memo responding to questions related to Statewide Planning Goal 9, Economic Development and the upcoming Economic Opportunities Analysis used to demonstrate compliance with Goal 9.

Questions

A few questions were raised by commissioners which we were unable to address due to time.

- 1. Are applicants able to remove trees on a site before it is developed in order to avoid the tree preservation and tree density requirements? What role do private arborists play in determining the size of a tree, or whether it is exempt due to health or species?**

Title 11 has different regulations for development situations, the subject of this project, and non-development situations. Similar to development situations, trees in non-development situations can be removed if they are dead, dying, dangerous, or a nuisance species. They may also be removed if they are within 10 feet of a structure.

Otherwise, **for trees up to 20” in diameter**, up to four trees may be removed on a site per year, subject to replanting requirements. However, **for trees 20” or greater**, the circumstances under which trees can be removed are more limited and approval is subject to the following criteria:

- a.** Whether there are practical alternatives that meet the owner’s objectives without removing the tree;
- b.** Whether the species of tree is appropriate for its location;

- c.** Whether the tree’s crown, stem, or root growth habit has developed in a manner that would prevent continued healthy growth or is negatively impacting other trees; and
- d.** Whether the removal will significantly affect public safety or neighborhood character based on the following:
 - (1)** The age, size, form, general condition, pruning history and any unique qualities or attributes of the trees;
 - (2)** The visibility of the trees from public streets and accessways;
 - (3)** The cumulative impacts of current and prior tree removals in the area; and
 - (4)** When the tree is associated with a grove, whether removal of the tree will have a significant adverse impact on the viability of other trees or make other trees considerably more vulnerable to windthrow.

Thus, it is unlikely that trees 20” or greater would be removed (without significant justification) prior to development in order to avoid the preservation or fee in lieu requirements in a future development situation.

Additionally, if a site will be redeveloped first through a demolition permit to demolish an existing structure, and then through a building permit to build a new structure, the tree preservation plan from the initial demolition permit must be carried through the building permit for the new development; there is no ability to incrementally remove more trees at different phases of the re-development process.

Finally, the health, species, and size of trees is provided by the applicant. In situations where an applicant is proposing that a tree is exempt because of health or species, that determination must be made by a certified arborist (International Society of Arboriculture). Information provided by the arborist is relied upon by staff; though in some questionable cases it may be reviewed by the City’s arborists, at staff’s discretion. Tree size is provided by the applicant, and staff relies on the applicant to provide accurate information. There are limited staff resources for staff to establish or confirm information, as well as considerations related to the additional time that would be required to confirm tree sizes and verify tree health and species during building permit review.

The reliance on applicants to provide size information could potentially result in situations where trees are identified at a size just below the threshold for inch-per-inch mitigation. However, permit data from the last 2 years used for our tree canopy analysis shows otherwise. Considering the current threshold is 36”, there were sixteen 36” trees removed in that dataset, and zero 35” trees removed.

2. What are the percentages of employment of people of color vs. people that are white alone within the sub-sectors of the industrial sector, disaggregating construction?

Figure 11 of the staff proposal, page 45, shows that industrial occupations employ 21% of workers of color vs. 18% of white-alone workers; among the higher paying occupations ((middle and high wage) , only the industrial occupations employ proportionately more workers of color than white-alone workers . The construction occupation employs 5% of workers of color and 4% of white-alone workers. The other industrial occupations employ 16% of workers of color and 13% of white-alone workers.

Additional Data and Maps

Additional data and maps were requested by commissioners.

1. Analyzed Area Within Exempt Zones

There was some interest in seeing more detail about which parcels were analyzed as part of the economic analysis and how those parcels relate to tree canopy. As indicated in the briefing and the report, the properties analyzed are those from the existing Buildable Lands Inventory; which excludes environmental overlay zones. Maps titled “Tree Code Exempt Zones” show the location of the exempt zones overlaid with:

- Buildable Land Inventory, comprised of parcels identified as vacant (VAC) or redevelopable(REDEV)-part of the analysis, except for parts with environmental overlay zones.
- Tree Canopy
- Environmental overlay zones--not part of the analysis

Data from these two maps is summarized in the table below. There are a total of 7,463 acres in the exempt zones, 1,488.2 acres of which are in the BLI (19.9% of the total). A total of 438 acres in these four zones is located in an environmental overlay zone, including 354.2 acres in the IH zone. BLI sites in the exempt zones include 252.9 acres of tree canopy, or approximately 47 percent of the total tree canopy. Non-BLI sites contain 289.1 acres of tree canopy. These sites are not likely to be developed/redeveloped over the next 20 years.

Approximately 157 acres of existing tree canopy is located on BLI sites in the IH zone (all of which is defined as vacant in the BLI), representing 42.6 percent of all IH canopy. This tree canopy accounts for 62 percent of all BLI tree canopy in the exempt zones.

The second table breaks out environmental zones specifically, from the total acreage in each zone. These areas are not included in the BLI, but the numbers are provided to show context of how much land and tree canopy within the exempt zones was excluded from the BLI due to other environmental protections. Within the IH zone, specifically, 152.1 of the total 368.9 tree canopy acres, or 41%, are within environmental zones.

Zone	Acres				Acres with Tree Canopy			
	Total	BLI			Total	BLI		
		VAC (% of taxlots)	REDEV (% of taxlots)	TOTAL		VAC (% of canopy)	REDEV (% of canopy)	TOTAL
Heavy Industrial (IH)	5,438.7	818.8 (15.3%)	0.0 (0.0%)	818.8 (15.3%)	368.9	157.2 (42.6%)	0.0 (0.0%)	157.2 (42.6%)
Gen Industrial 1 (IG1)	619.5	20.4 (3.3%)	3.9 (0.6%)	24.3 (3.9%)	26.1	0.4 (1.5%)	0.1 (0.4%)	0.5 (1.9%)
Central Commercial (CX)	944.2	197.7 (20.9%)	201.6 (21.3%)	399.3 (42.3%)	84.4	24.7 (29.3%)	20.0 (23.7%)	44.7 (53%)
Central Employment (EX)	460.7	74.9 (16.3%)	170.9 (37.1%)	245.8 (53.35)	62.6	10.0 (16.0%)	40.4 (64.5%)	50.4 (80.5%)
TOTAL	7,463.1	1,111.8 (14.9%)	376.4 (5.0%)	1488.2 (19.9%)	542.0	192.4 (35.5%)	60.6 (11.5%)	252.9 (46.7%)

Environmental Acres					
Zone	CX	EX	IG1	IH	Total
Total Acres	944.2	460.7	619.5	5438.7	7463.1
Acres in Environmental Zones	27.8 (34%)	47.6 (10.3%)	8.5 (1.4%)	354.2 (6.5%)	438.0 (5.9%)
Canopy Acres in Environmental Zones	2.5 (.2%)	27.3 (6%)	4.4 (.7%)	152.1 (2.9%)	186.3 (2.5%)

2. Urban Heat Islands and Exempt Zones

These 2 maps titled “Tree Code Exempt Zones and Urban Heat Index” show the location of the exempt zones relative to heat islands. Heat islands are most prevalent in the IH and IG1 zones, less prevalent in the CX and EX zone. The IH zone is generally located in the north reach of the Willamette and the western parts of the Columbia Corridor; the IG1 zone is generally located in parts of the Central Eastside and Brooklyn Yard areas.

We look forward to the joint hearing on September 8, 2020.

Attachments:

Exempt Zones Harbor Area Map

Exempt Zones Central Area Map

Exempt Zones and Urban Heat Index Harbor Area Map

Exempt Zones and Urban Heat Index Central Area Map