

# Proposed Amendments to Title 11, Trees in Development Situations

Portland City Council  
October 29, 2020



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# Background

City Council requested:

- Proposal to address exemptions to tree preservation and planting requirements
- Proposal to address key threshold for required preservation or inch-by-inch mitigation fees from 36 inches to 20 inches dbh
- Scope of work for a broader Title 11 project be brought back to City Council.



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# Planning and Sustainability Commission

- Remove exemptions in EX, CX, IG1 for private trees and city-owned or managed sites.
- Retain same exemptions in IH
- Reduce key threshold from 36” to 20” dbh for private trees
- City Council direct, via ordinance, BPS to evaluate the Title 11 tree preservation and density exemptions for IH as part of the Economic Opportunities Analysis update.
- Code language in Exhibit A; Recommendation transmittal letter in Exhibit E



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# Urban Forestry Commission

- Remove exemptions in EX, CX, IG1, *and* IH for private trees and city-owned or managed sites.
- Reduce key threshold from 36” to 20” dbh for private tree preservation
- 5-year update of Economic Opportunities Analysis (EOA) must advance climate equity and environmental justice in alignment with city goals and policies, including aggressive action to mitigate and prepare for climate change and its inequitable impacts on low-income and BIPOC communities.
- Code language in Exhibit B; Recommendation transmittal letter in Exhibit D



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# Current Tree Code

## Tree Preservation

- At least 1/3 of healthy trees must be preserved, or fee paid
- All trees with diameters of 36 inches or larger must be preserved, or inch-per-inch fee paid
- Some exceptions for certain types of industrial, commercial development



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# Current Tree Code

## Tree Density

- A minimum number of trees required based on the site size and the use of the property.
- Standard may be met by preservation, planting, a fee in lieu or combination. Fee is \$675/tree.
- Some exceptions for certain types of industrial, commercial development



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# Tree Planting & Preservation Fund

- Dedicated Urban Forestry planting fund
  - Revenue Sources
    - Fee-in-lieu of tree preservation or planting
    - Restoration fee for removed/damaged private trees
  - Allowable Expenses
    - Planting & establishment (5 years)
    - Conservation easements/land acquisition
- More than 27,000 trees planted since 2015
- Expanded street tree planting 2020-21
- Prioritizes neighborhoods that are both low income and low canopy



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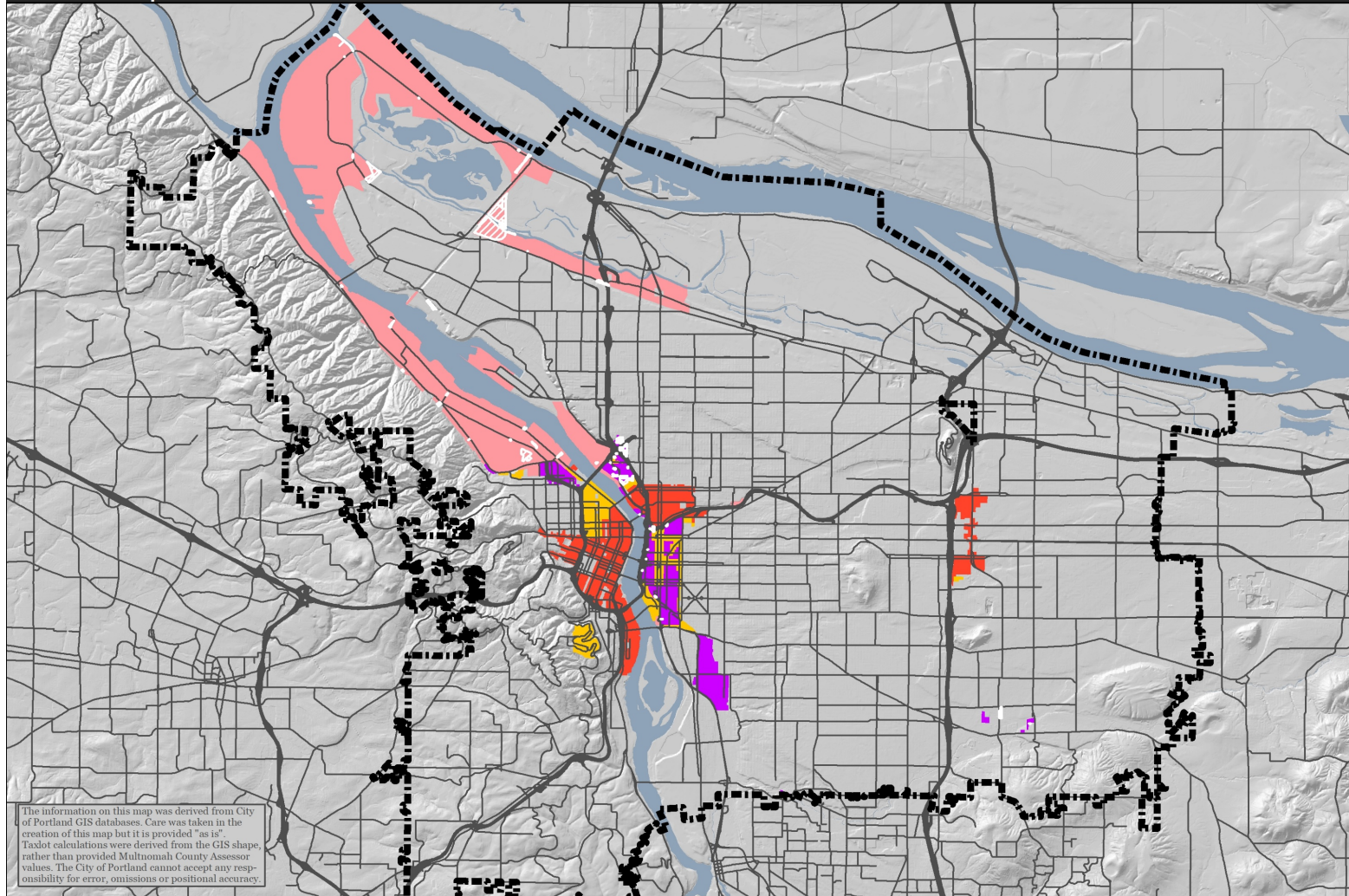


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The information on this map was derived from City of Portland GIS databases. Care was taken in the creation of this map but it is provided "as is". Taxlot calculations were derived from the GIS shape, rather than provided Multnomah County Assessor values. The City of Portland cannot accept any responsibility for error, omissions or positional accuracy.

August 13th, 2020  
 City of Portland, Oregon  
 Bureau of Development Services  
 \\legisfile\BDS\Map\_Requests\Title\_11\_Proposed\_Amendment\_Council\_Posters

 CX	 IG1	 City-Owned Properties in CX, EX, IG1 & IH Zones
 EX	 IH	





# As Urban Infrastructure, Trees:

- Absorb greenhouse gases and improve air quality
- Sequester and store carbon
- Reduce stormwater runoff
- Provide wildlife habitat
- Slow vehicle speeds and improve pedestrian safety
- Reduce extreme heat events
- Improve physical and mental health outcomes



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# Preserving Tree Value

Zoning	dbh	Structural Value (\$)	One-time Fee in Lieu of Preservation with Amendment Reducing Size Threshold(\$)
Residential	24.0	9,368.77	10,800
Residential	32.0	16,155.95	14,400
Residential	40.0	23,475.11	18,000
Industrial	24.0	11,710.96	10,800
Industrial	32.0	20,194.94	14,400
Industrial	40.0	29,343.89	18,000



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September 1, 2020  
City of Portland, Oregon  
Bureau of Planning & Sustainability  
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### Tree Code Exempt Zones & Urban Heat Index

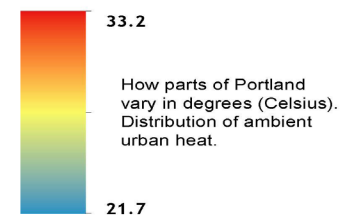
Legend

--- City Boundary

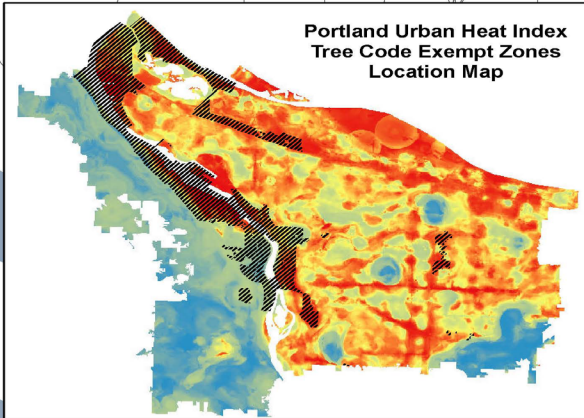
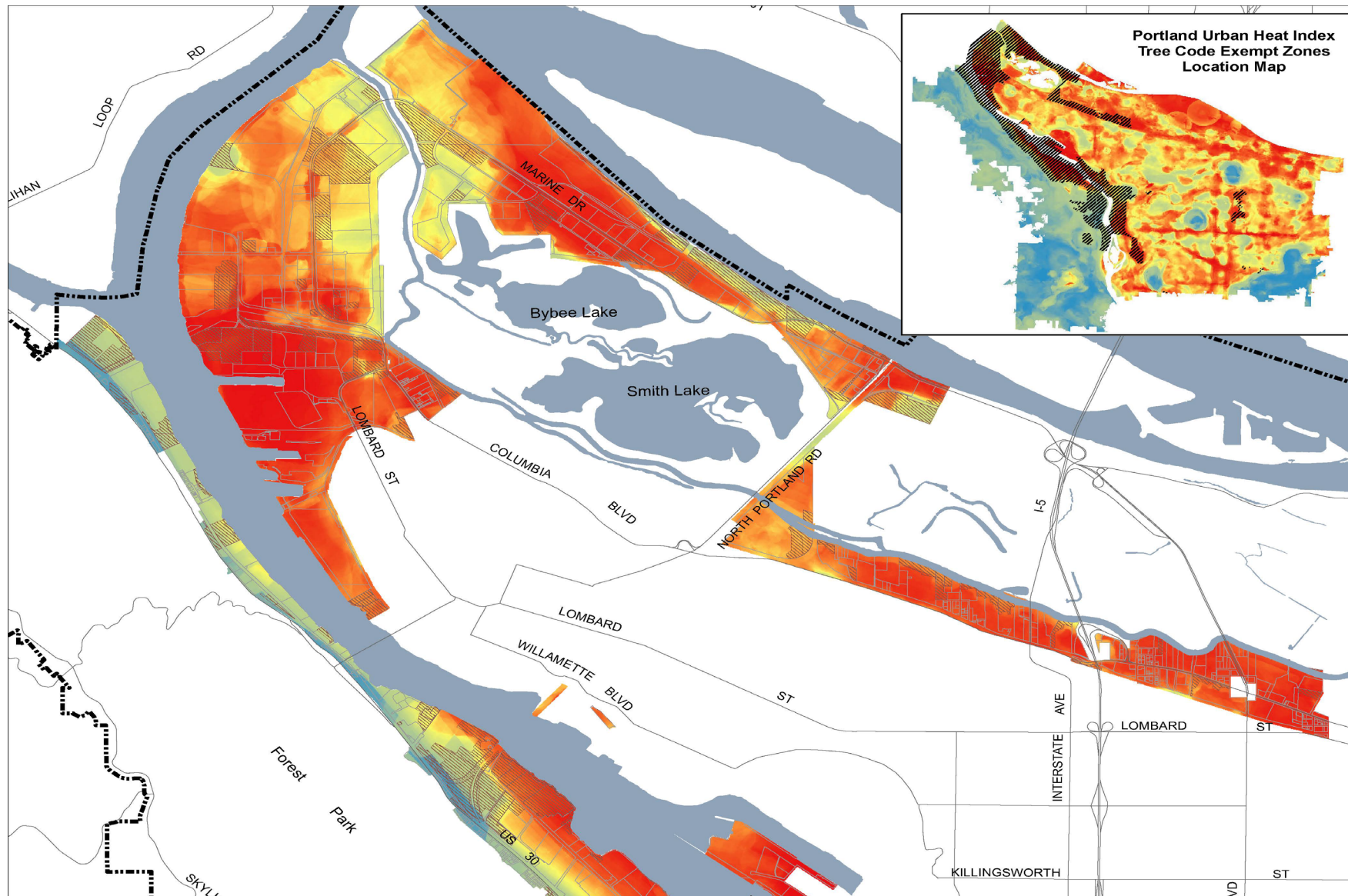
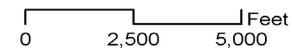
BLI Development Capacity

- Vacant "underutilized" lots
- Non-vacant "underutilized lots"

Portland Urban Heat Index degrees Celsius



Sources:  
Sustaining Urban Places Research Lab,  
Portland State University. 2018.



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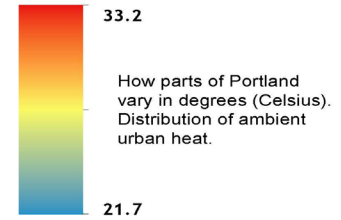
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# Tree Code Exempt Zones & Urban Heat Index

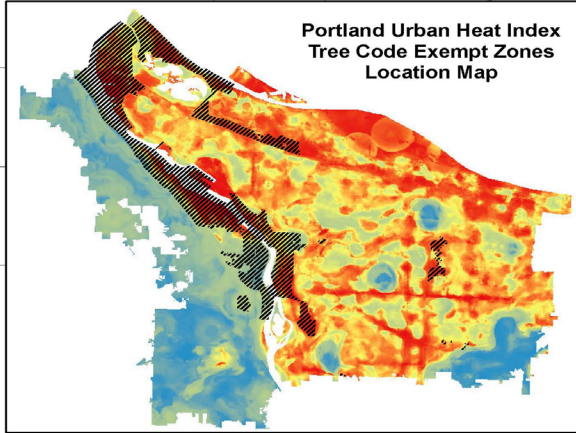
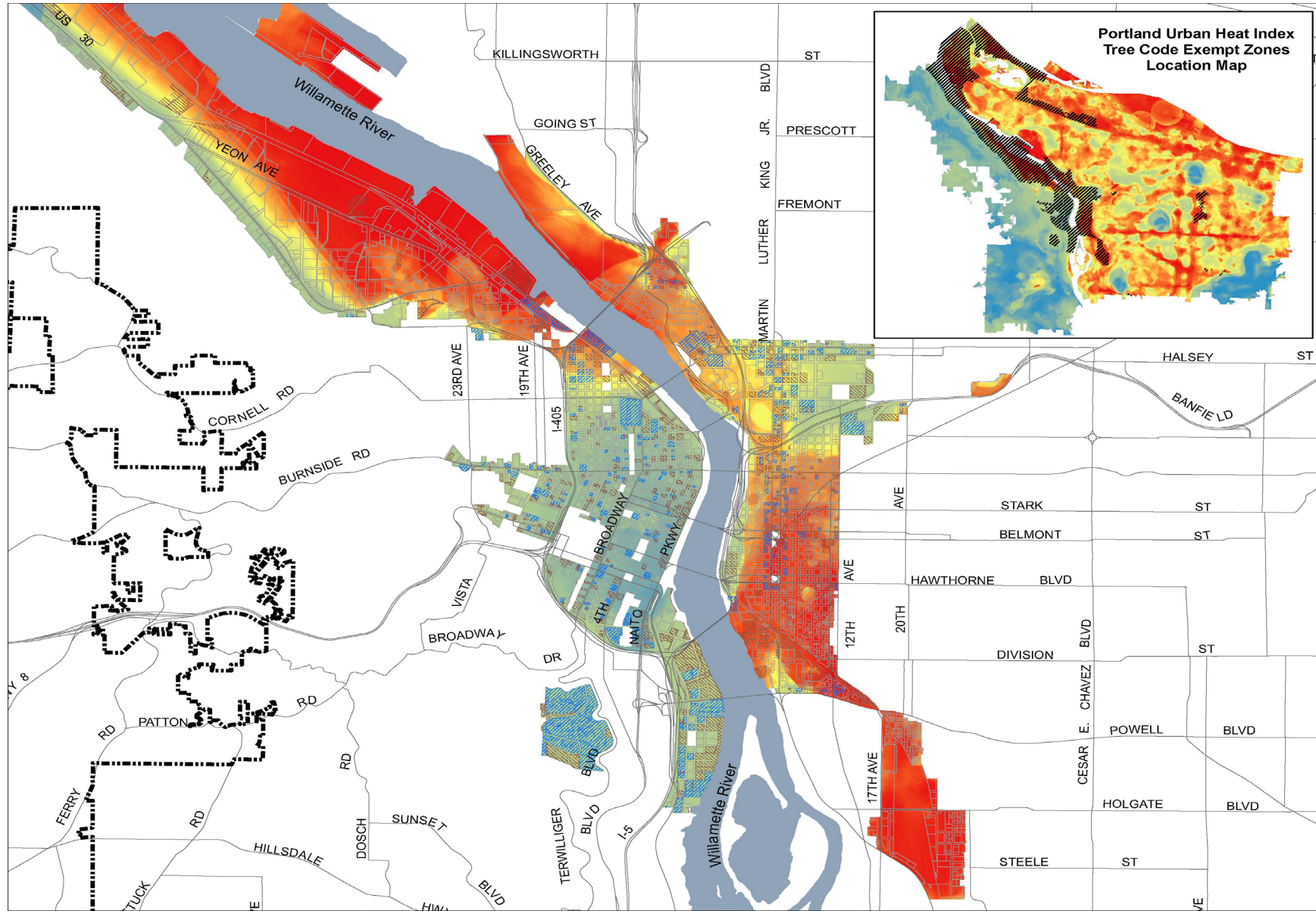
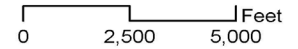
### Legend

- City Boundary
- BLI Development Capacity
  - Vacant "underutilized" lots
  - Non-vacant "underutilized" lots

### Portland Urban Heat Index degrees Celsius



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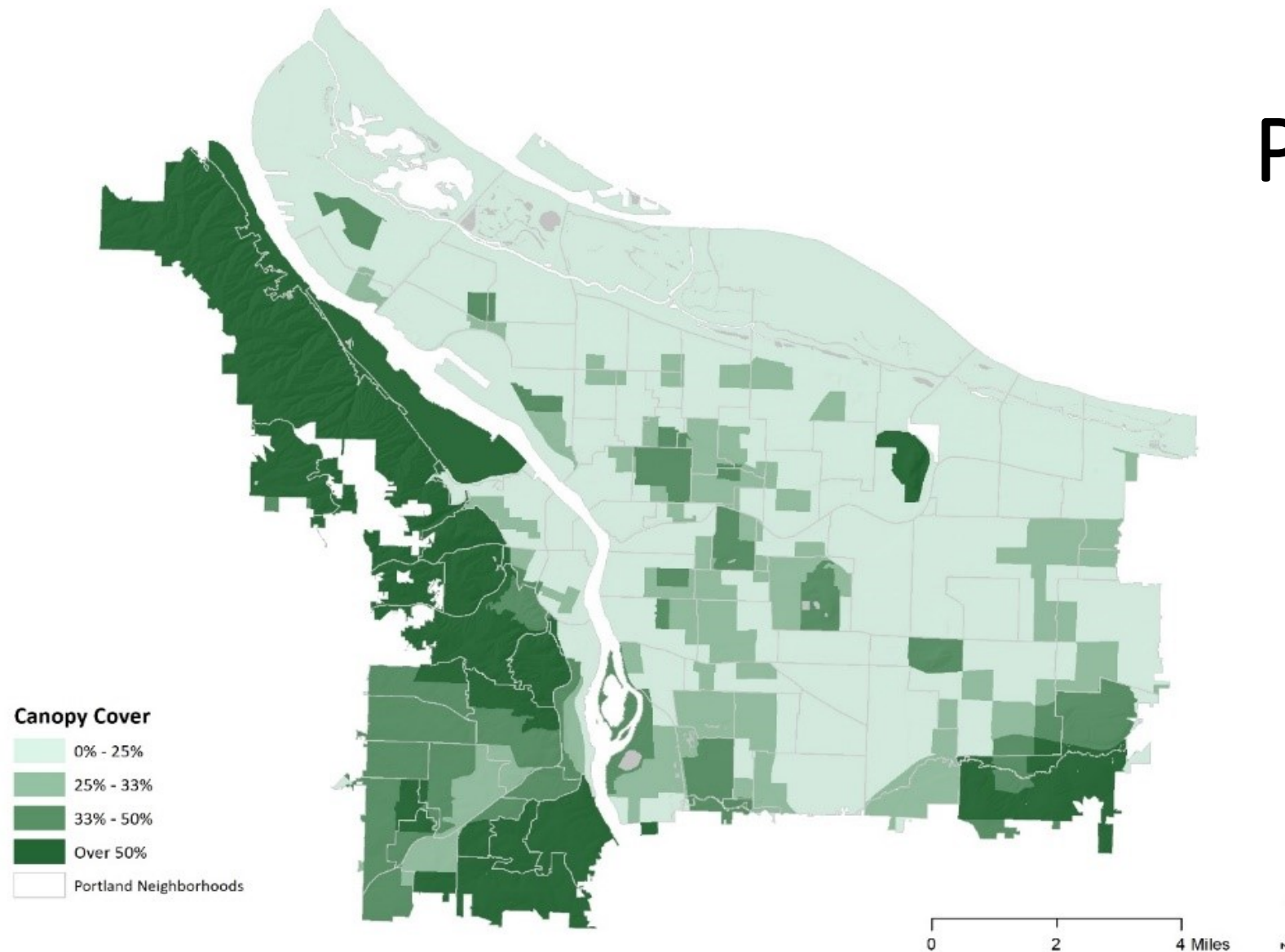


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# Tree Canopy in Portland (2016)



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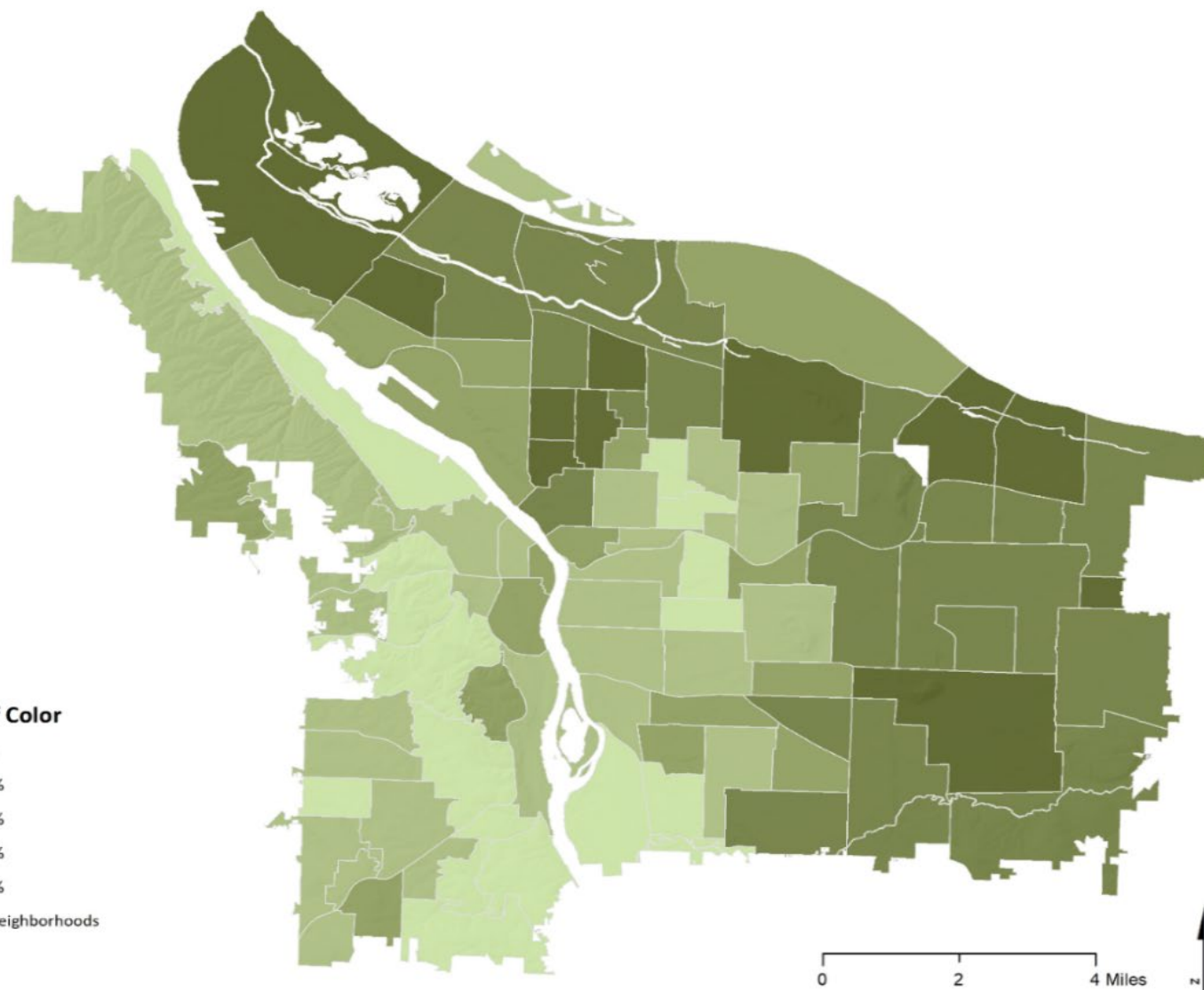
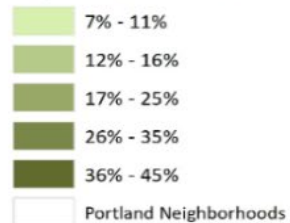


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# Populations of Color in Portland (2016)

## Population of Color



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# Statewide Planning Goal 9, Economic Development

- Land for industrial job growth
- Small surplus of 10 acres
- Last comprehensive analysis adopted in 2016; 5-year update at beginning stages
- Local jurisdiction must maintain compliance
- Development constraints can be physical, regulatory or other costs



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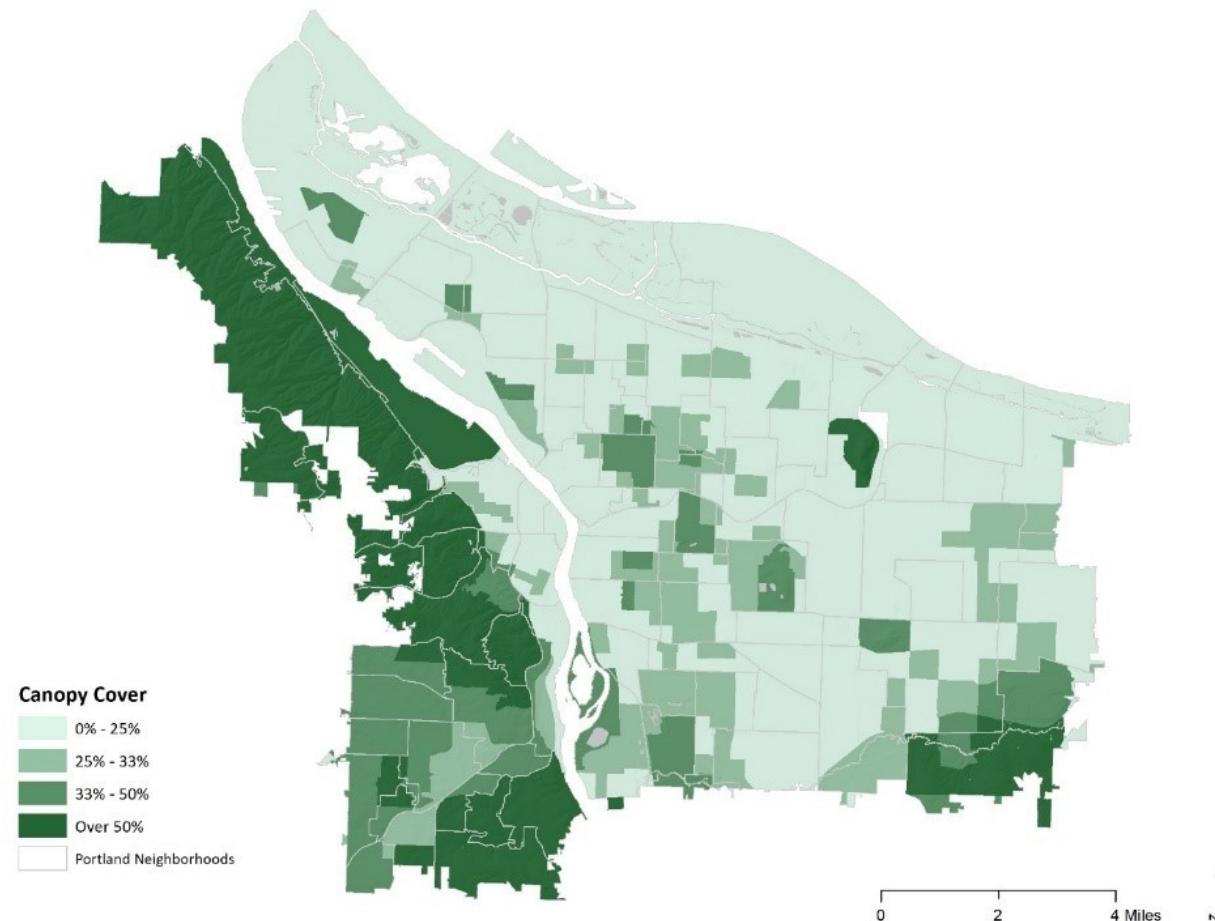
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# Tree Canopy Analysis

- Estimated frequency of tree sizes
- Tree diameters on exempt industrially-zoned lands using GIS analysis
- Tree composition for all other zones based on review of 2 years of past permits



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# Economic Analysis

Based on tree canopy estimates, the following were evaluated:

- Impacts of removal of preservation and planting exemptions on industrial, commercial and residential growth in the 4 exempt zones
- Impacts of inch-per-inch mitigation threshold on development and housing costs in all zones



# Economic Analysis

Zone	Acres With No Canopy	Acres With Canopy	Total Acres
<b>CX</b>	281	34	315
<b>EX</b>	83	4	87
<b>IG1</b>	17	0	17
<b>IH</b>	540	56	596
<b>Total</b>	<b>921</b>	<b>94</b>	<b>1015</b>



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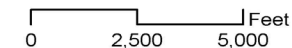


### Tree Code Exempt Zones



Legend

- City Boundary
- Environmental Protections
- Tree Canopy
- BLI Development Capacity**
  - Vacant "underutilized" lots
  - Non-vacant "underutilized lots"
- Exempt Zones**
  - Central Commercial (CX)
  - Central Employment (EX)
  - General Industrial 1 (IG1)
  - Heavy Industrial (IH)



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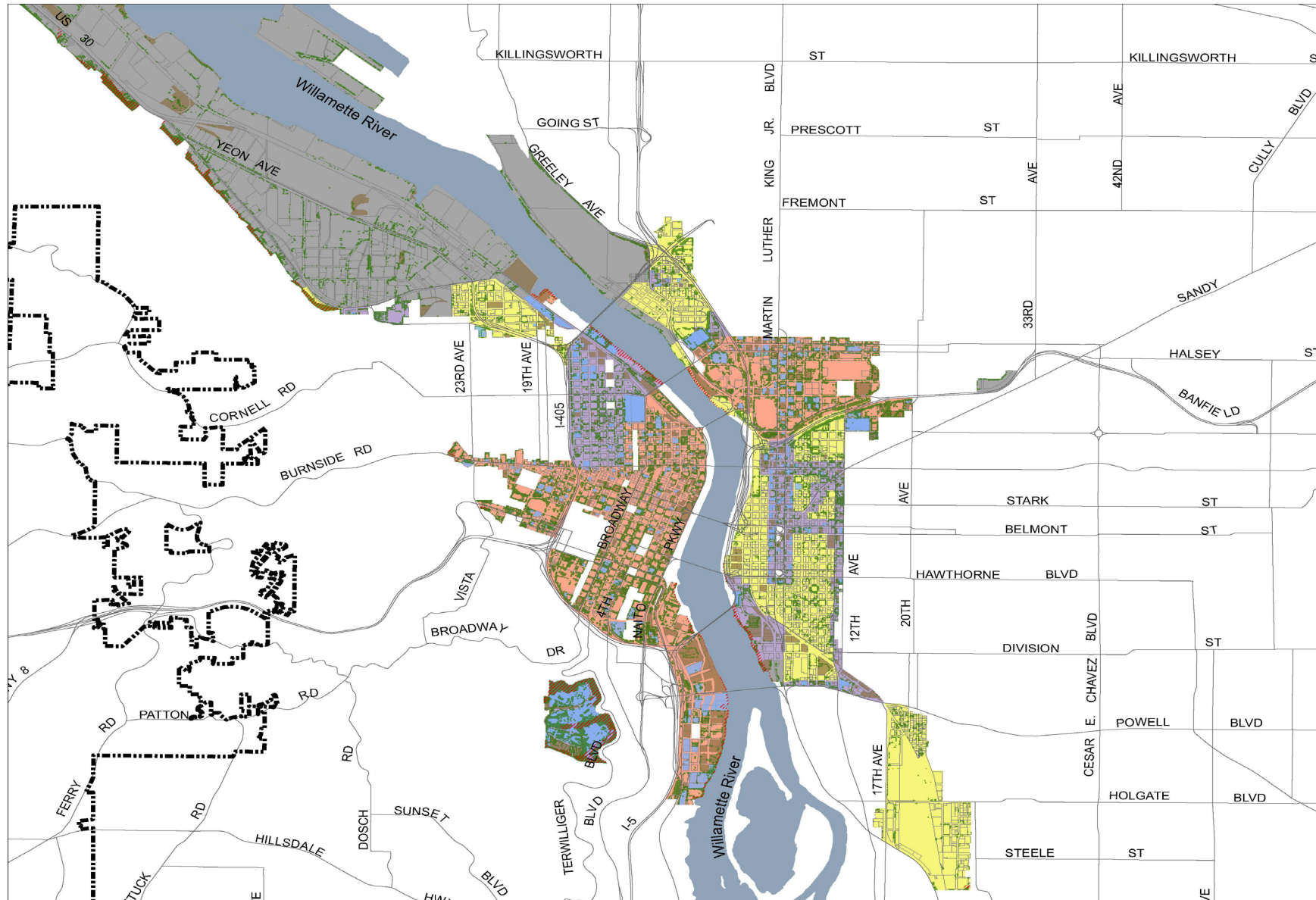
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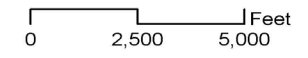


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- City Boundary
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  - Heavy Industrial (IH)



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



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



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# Economic Analysis – Outcomes

- **Heavy Industrial (IH) zone:** results in reduction in available development area below state-required 20-year minimum
- **General Industrial (IG1), Central Commercial (CX), and Central Employment (EX):** Some reduction in development but will still provide 20-year minimum
- No significant impact on housing cost; 54 fewer units produced over 20-year timeframe.



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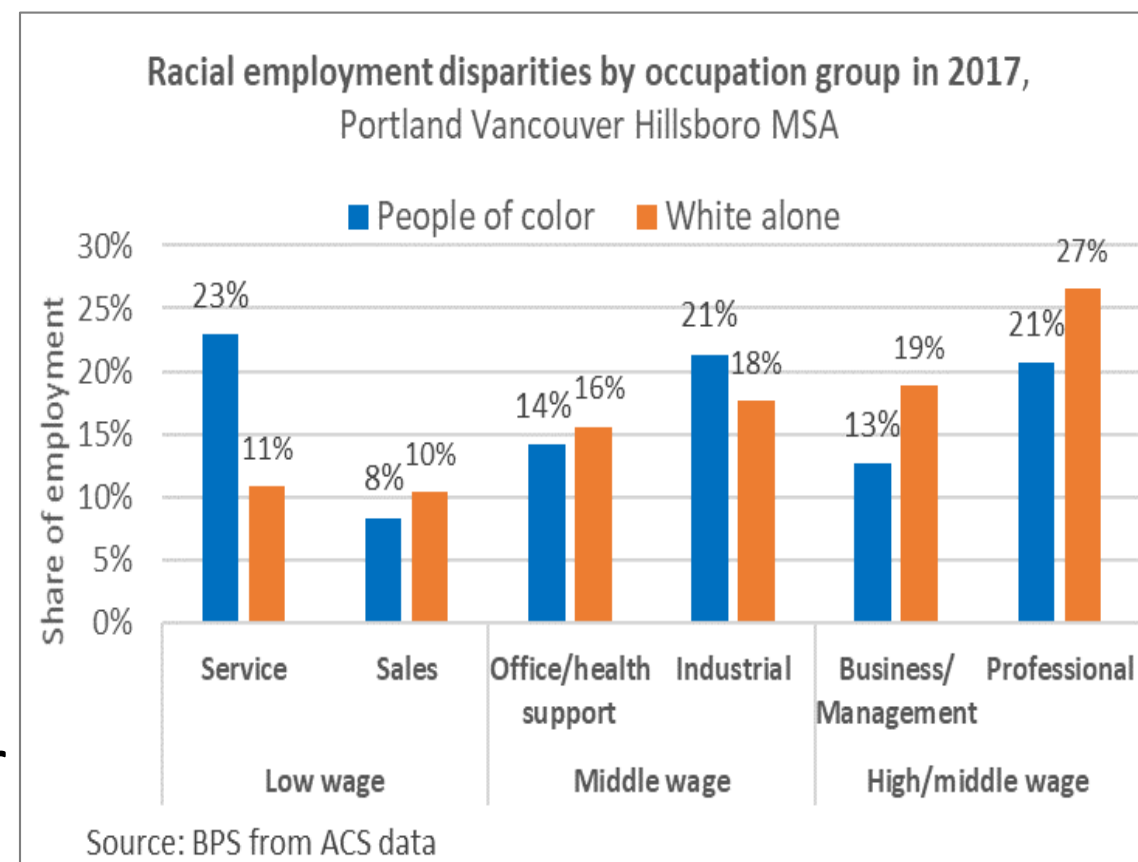
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# Industrial Lands and Middle-Wage Jobs

- Industrial lands provide opportunity for middle-wage jobs
- Among region's high- and middle-wage occupations, only industrial employs proportionally more workers of color
- Middle-wage jobs offer higher wages, more benefits and job-ladder opportunities.



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# Possible Outcomes

*Projected number of 20 to 36 inch dbh tree removals per year and amount of fees-in-lieu of preservation*

	Current (Average/Year)	Proposed Amendment (Average/Year, Projected)	%Change
# Non-exempt 20 to 36" Trees Removed:	101	36	-64%
Total Fees In Lieu of Preservation	\$363,60	\$419,580	15%

*Projected number of trees 20 inches dbh or greater preserved and removed in IG1 and IH if tree preservation exemption is removed, unlimited time horizon*

Zone	Total # of Trees Estimated	# of Trees Preserved (Projected)	# of Trees Removed (Projected)
IG1	261	236	25
IH	2154	1947	207



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# Community Engagement

- Stakeholder Interviews (March)
- Survey to assess values and priorities (April-May)
- Online Forum to review draft staff proposal and survey on draft proposal (July-August)



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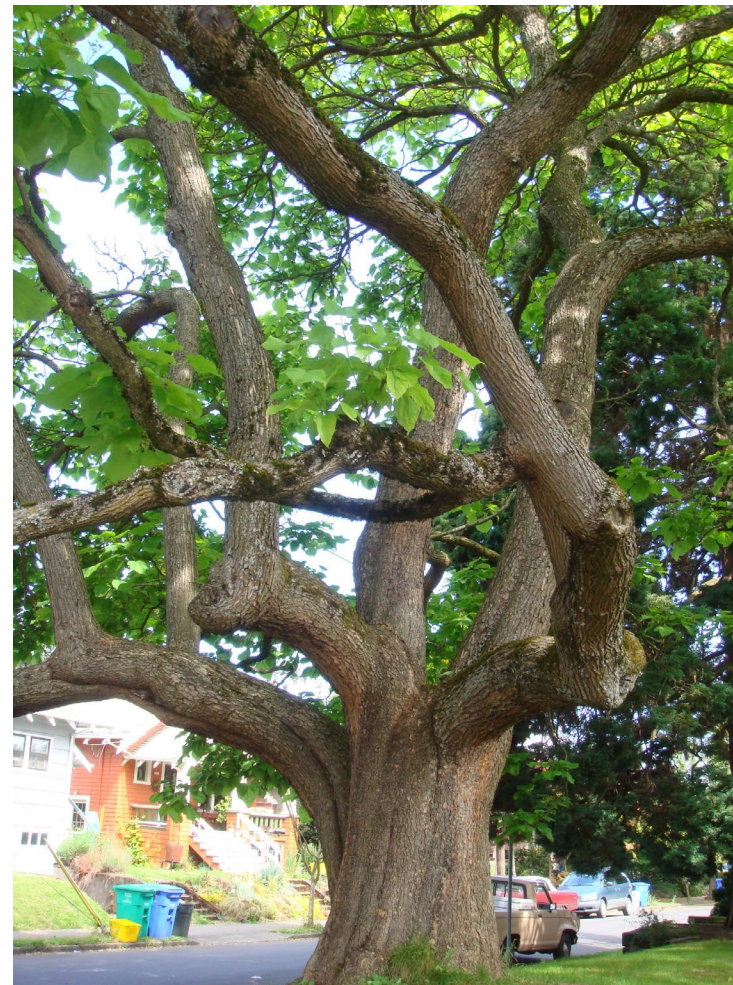


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# Planning and Sustainability Commission Recommendation

- Exhibits A and E
- **General Industrial (IG1), Central Commercial (CX), and Central Employment (EX) zones:** Remove tree preservation and tree density exemptions
- **Heavy Industrial (IH) zone:** Retain tree preservation and tree density exemption
- Reduce tree preservation threshold from 36 to 20 inches in diameter in **all areas where preservation is required.**
- Specific considerations for evaluation in upcoming EOA, directed via ordinance.



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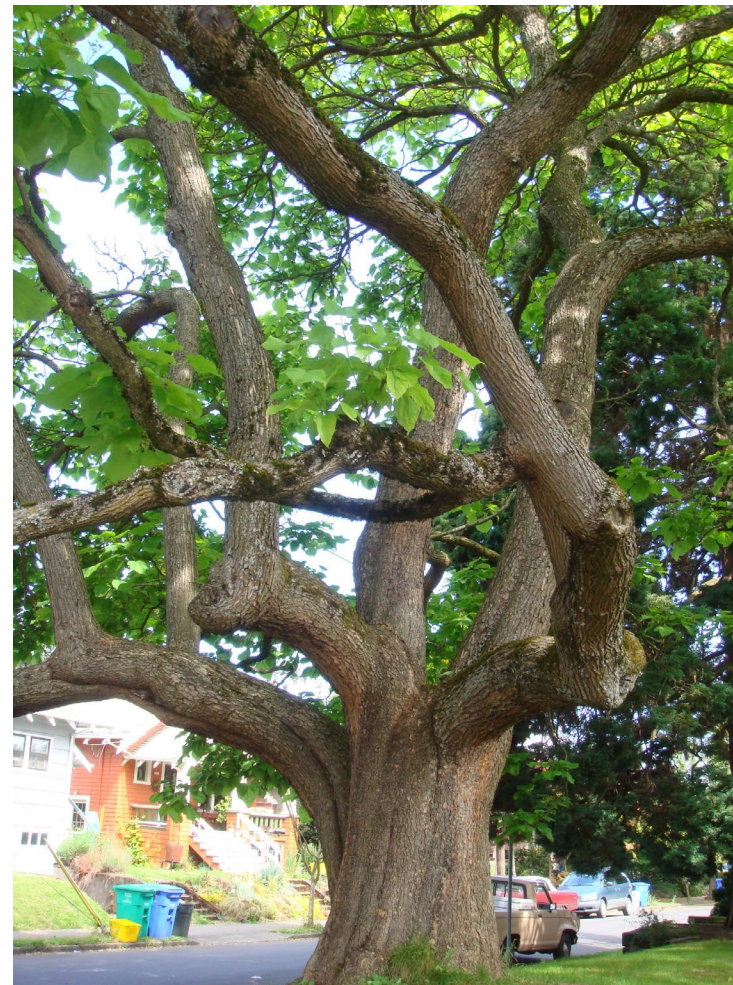


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# Urban Forestry Commission Recommendation

- Exhibits B and D
- **General Industrial (IG1), Central Commercial (CX), Central Employment (EX) and Heavy Industrial (IH) zones:**  
Remove tree preservation and tree density exemptions
- Reduce tree preservation threshold from 36 to 20 inches in diameter in **all areas where preservation is required.**
- Encouraged specific considerations for evaluation in upcoming EOA.



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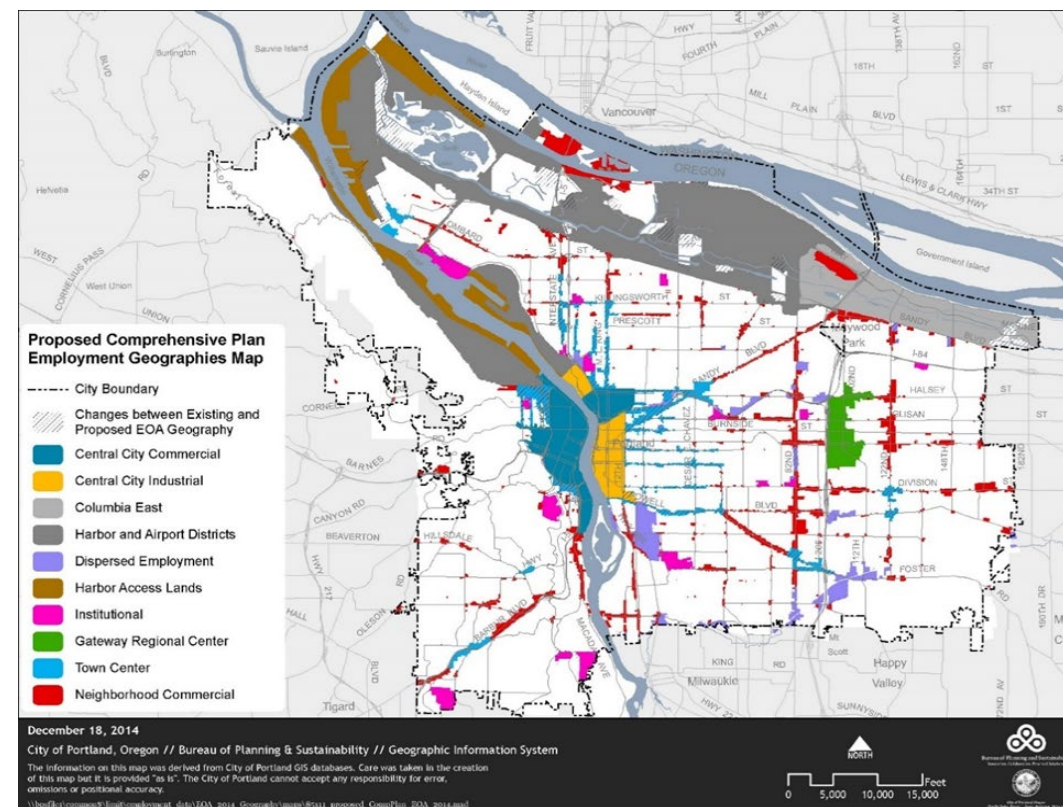


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# IH Zone – Future Opportunities

Opportunities to reevaluate the IH zone exemption:

- Goal 9 Economic Opportunities Analysis update
- Broader Tree Code evaluation and update



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