



MEMORANDUM

DATE: July 11, 2024  
TO: Planning Commission  
FROM: Brian Landoe, PP&R Urban Forestry  
SUBJECT: Title 11 Large Tree Amendment Extension

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**Hearing Date:** July 23, 2024

**Staff Recommendation**

Staff proposes that the Planning Commission recommend that City Council:

- Remove the December 31, 2024 sunset clause in PCC 11.50.040.C; or
- Amend the December 31, 2024 sunset clause in PCC 11.50.040.C to December 31, 2029

**Purpose and Background**

Purpose

The Large Tree Amendment (LTA) is the primary regulatory tool for promoting the preservation of mature trees during private development. Large trees, defined as 20" diameter at breast height (dbh) or greater, makeup just 13% of Portland's urban forest but provide 59% of the value in benefits to public and ecological health. The LTA will expire on December 31, 2024.

Staff recommend either removing the sunset clause or extending it in order to align with the upcoming Title 11 amendment project expected to begin in late 2025. The planned project will be guided by the community-driven goals of the updated Portland Urban Forest Plan and allow for a more comprehensive review of tools and incentives to preserve trees alongside new housing.

Background

- When Title 11 was originally implemented in 2015, 1/3 of healthy trees 12" or larger on site in private development situations needed to be preserved or a fee-in-lieu of

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mitigation paid. A flat fee, regardless of tree size, was assessed for each tree not preserved. The remaining 2/3 of trees could be removed without any mitigation.

- In 2015, community concern regarding large trees being removed in development led to a fast-tracked amendment. The amendment (Ordinance 187675) set mitigation for trees 36" dbh or larger to the size of the tree (e.g. inch-for-inch). It became effective May 2016 with a sunset date of December 31, 2019.
- In 2019, City Council passed Ordinance 189795 to extend the sunset date to December 31, 2024. The Urban Forestry Commission (UFC) and the Planning & Sustainability Commission (PSC) also recommended reducing the size threshold for inch-for-inch mitigation from 36" to 20" dbh.
- As directed by Resolution 37473, BPS, BDS, and PP&R staff produced a report on the potential impact of the UFC and PSC recommendation. The report found negligible impacts on housing development and significant improvements to tree preservation.
- In fall 2020, City Council adopted the 20" dbh size threshold via Ordinance 190200.

### **Outreach and Engagement**

- The 2019 amendment project included interviews with stakeholders, an online community survey, and an online forum for community members to provide input:
  - 81% of the 2,064 survey respondents supported reducing the size threshold from 36" to 20".
- A coalition of organizations including the Portland Business Alliance (now Portland Metro Chamber), Home Builders Association of Metropolitan Portland, BOMA Oregon, and Columbia Corridor Associate submitted a statement expressing concerns about increasing costs to development and objecting to the 2019 project's narrow focus. The coalition requested a more wholistic review of Title 11 to balance new housing development and tree preservation.
- The UFC and PSC held a public hearing on September 8, 2020. The UFC continued its hearing on September 17, 2020.
- In the March 2023 Housing Regulations Survey, tree-related requirements were not identified by respondents as among the top ten priority requirements to suspend or modify to increase housing production.
- Respondents to the 2024 Portland Urban Forest Plan community survey listed tree preservation as their highest goal for the updated plan (92% in support). Hundreds of open-ended comments received during initial phases of community engagement for the Portland Urban Forest Plan called for tree preservation during development.
- Notice of the July 23, 2024 public hearing of the UFC and PC was posted in the June 19<sup>th</sup> issue of the Daily Journal of Commerce and sent to recognized organizations.
- Staff conducted additional outreach to interested organizations including Home Builders Association of Greater Portland, Portland Metro Chamber, Smart Growth Oregon, Sightline Institute, Bird Alliance of Oregon, Willamette Riverkeeper, Trees for Life, 350PDX, Portland Neighbors Welcome, and Depave.

## Issues

### Portland's Tree Canopy and Preservation

- Multiple city plans and policies prioritize tree preservation as essential to meeting the City's climate and environmental justice goals, including:
  - Urban Forest Management Plan (2004)
  - Portland Watershed Management Plan (2005)
  - Portland Plan (2012)
  - Climate Preparation Strategy (2014)
  - Climate Action Plan (2015)
  - 2035 Comprehensive Plan (2018)
  - Climate Emergency Workplan (2022)
- Access to urban trees is a leading determinant of public health outcomes with proven benefits including:
  - Reduced heat related illnesses (Nowak 2014; Voelkel et al 2018);
  - Reduced per person healthcare costs by \$400/annually (Kaiser Permanente, 2022)
  - Reduced rates of asthma and other respiratory illnesses (Lovasi et al. 2008);
  - Reduced hospital stays for patients (Ulrich 1984);
  - Improved cardiovascular health and reduced blood pressure (Sullivan 2014);
  - Improved mental health (Kuo and Taylor 2004; Maas et al 2009);
  - Improved coping mechanisms to stress (Thompson et al 2012);
  - Improved healthy birth outcomes for pregnant women (Dzhambov, Dimitrova and Dimitrakov 2014);
- Portland's citywide canopy goal is 33%. Between 2015 and 2020, canopy decreased from 30.7% to 29.8%. This is the first documented decline in decades.

### Title 11 and Housing Development

- Title 11 exempts the following developments from on-site tree preservation requirements and mitigation fees. According to the Buildable Lands Inventory, 80% of Portland's future housing supply is on lots which are eligible for these exemptions.
  - Projects on lots under 5,000sf
  - Projects with proposed or existing 85% or greater lot coverage (most multi-family, commercial, employment, and industrial zones)
- Affordable housing projects are exempt from Large Tree Amendment mitigation fees.
- A 2020 analysis by Johnson Economics found the Large Tree Amendment would have a minimal impact on housing with 2.7 fewer units produced annually.

### Impact of the Large Tree Amendment

- The Large Tree Amendment has been effective in preserving large trees in development.

- From 2016 to 2019, the number of 36” or larger trees removed annually in development decreased by 64% compared to the pre-amendment period in 2015.
- From 2021 to 2023, the number of trees 20” or greater being removed dropped by 68% compared to the three years prior.
- Only 62 out of 2,576 housing projects paid LTA mitigation fees between 2021 and 2023. The median mitigation payment was \$13,500. Across these projects, the total mitigation paid equated to 0.7% of the total value of those projects.

Title 11 Mitigation Fees

- Current mitigation fees are generally lower than the assessed value of the tree and do not fully capture the lost public and environmental health benefits:

Zoning	Tree size (dbh)	Assessed Structural value	Title 11 mitigation payment
Residential	24”	\$11,494	\$10,800
Residential	32”	\$19,822	\$14,400
Residential	40”	\$28,803	\$18,000

- If the LTA sunsets, tree preservation requirements will revert to the original language:

Current Title 11 (w/ LTA)		Original Title 11 (w/o LTA)	
Tree Size (dbh)	Fee-in-lieu of Preservation	Tree Size (dbh)	Fee-in-lieu of Preservation
0” – 12”	\$0	0” – 12”	\$0
12” – 20”	2/3 of trees on site: \$0 1/3 of trees on site: \$1,800/tree	12” or greater	2/3 of trees on site: \$0 1/3 of trees on site: \$1,800/tree
20” or greater	\$9,000 and up (\$450/inch)		

- This will increase the number of large trees removed, reduce canopy cover, be detrimental to public health, reduce climate resiliency, and require significant reductions to the City’s tree planting programs.
- Mitigation payments are deposited into the Tree Planting & Preservation Fund which has supported planting more than 42,000 trees since 2015.

**Related Projects**

PP&R Urban Forestry is currently updating the Portland Urban Forest Plan (PUFP) with an anticipated adoption in spring 2025. PUFP staff briefed the Planning Commission on the project on April 23, 2024. The PUFP will replace the current 2004 Urban Forest Management Plan.

In late 2025, PP&R Urban Forestry will begin a Title 11 amendment project to pursue the goals of the updated PUFP.

**For more information**

[Project Webpage](#)

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