

# Portland Planning Commission

July 23, 2024

Meeting Minutes

## Planning Commissioners Present

Michael Alexander, Brian Ames, Wade Lange, Mary-Rain O'Meara, Steph Routh, Eli Spevak, Erica Thompson

## Planning Commissioner Absent

Nikesh Patel, Michael Pouncil

## Urban Forestry Commissioners Present

JR Lilly, Adrienne Feldstein, Casey Clapp, Justin Misner, Leah Plack, Megan Van de Mark, Melinda McMillan, Bruce Nelson

## Urban Forestry Commissioner Absent

Derily Bechthold

## Presenting Staff

Patricia Diefenderfer; Brian Landoe (PP&R); Vivek Shandas (PSU)

*Chair O'Meara* called the meeting to order at 5:02 p.m. and provided an overview of the agenda.

## [Documents and Presentations for today's meeting](#)

## Items of Interest from Commissioners

*Commissioner Routh:* Appreciation for last week's Pedalpalooza for shade equity and tree canopy ride that included the street tree pilot. Also, Casey Clapp is an amazing podcast host!

*Chair O'Meara:* We have the Housing Production Strategy letter to Council that Planning Commission members reviewed. Are we good with that letter? Confirmed.

*Commissioner Clapp:* Thank you on behalf of my fellow commissioners. I worked for the City previously, so thank you to the work of the Planning Commission and how we put together our city and the huge impact this has.

## Director's Report

Patricia Diefenderfer

- Welcome to Brian Ames. We're happy to have a full slate of Planning Commissioners and will welcome Brian fully at an upcoming meeting and retreat.

- The Land Division Code Update project had its first reading at Council last week. Thanks to Mary-Rain for presenting the PC recommendation. The project will be back at Council for a vote on July 31.
- Re: retreat – if you haven't yet, please let Julie know your availability (August 15 and September 19 are held on calendars; 2-5 p.m.) as soon as possible so we can confirm the date and venue.
- Thank you to UFC members for joining at the PC meeting time tonight. We look forward to tonight's hearing with you.

## Consent Agenda

- Consideration of Minutes from the July 11, 2024, Planning Commission meeting.

*Commissioner Lange* moved the Consent Agenda. *Commissioner Routh* seconded.

The Consent Agenda was approved.

(Y7 – Alexander, Ames, Lange, O'Meara, Routh, Spevak, Thompson)

## Title 11 Amendments

Briefing / Hearing: Brian Landoe (PP&R)

## Presentation

### Disclosures

None.

Brian provided an overview of the context of today's amendments and work (slide 2). Today we are having a joint hearing with both commissions to allow the public to comment without having to share comments at two different meetings. Then the two commissions will have their separate work session to finalize their recommendations. We expect to bring this to Council in the fall.

Trees are also central to the identify and character of Portland. Keeping the trees we have is how we capitalize on all these aspects of trees and public health (slides 6-7). Large trees are vitally important (20" or greater) as they account for 60% of the value we get from these larger trees, even though they are only about 13% of trees in the city.

When a tree is removed, the services that tree was providing are lost immediately and they're lost for decades. New trees take years to provide the same services and benefits. Tree planting is about long-term replacement and growth, it's not an immediate mitigation. Tree planting is necessary to closing the gap between low and high canopy communities, but it's essential that we don't create new disparities at the same time.

Portland has consistently reiterated its commitment to preserving and expanding Portland's tree canopy. This prioritization reflects the reality that to meet our goals for climate action, environmental justice, and livability, we need to preserve the canopy that we have already.

Brian provided an overview of the Tree Code including the tree code in development and the exemptions with it.

The purpose of the large tree amendment is to increase the preservation of Portland's largest trees; continue to facilitate new housing through clear and objective standards; and provide for future mitigation of public and environmental health benefits lost from mature tree removal.

The original large tree amendment was passed in 2016, which regulated very large (36"+) trees. In 2019 when it was renewed, the size threshold was dropped to 20" to align with other code, which Council adopted in 2020. The mitigation fee is quite a bit lower than the value of the tree, and it hasn't changed since 2019.

The code has been very effective (slide 27) in tree preservation. That has coincided with a drop in overall housing as well, which is expected, but reduction in tree removal (68%) outpaced reduction in housing projects (31%) quite a bit.

Fees going into the tree planting and preservation fund, which is guided by the 2018 Citywide tree planting strategy.

Today, we have a recommendation to remove the sunset date from the large tree amendment. This would provide clarity on the code and, when we move to the Title 11 code project next year, we can look more holistically. Alternatively, if there was not interest in moving this completely, we would ask for an extension of 5 years.

### **Clarifying Question**

*Commissioner Lange:* The sunset at the end of this year, why was that put in place originally?

- Brian: The 2019 sunset date was to allow time for further staff work. This 2024 date was Council's intention to allow UF to come up with a scope of work to amend Title 11. But we realized we need more resources to do the work.

*Commissioner Nelson:* what happens if we just let it sunset?

- Brian: We would revert to original Title 11 code. That would apply to all trees of any size without any mitigation paid; those who paid for mitigation would not be tied to the size of the tree.

*Commissioner Thompson:* This Tree Code applies to all types of development, correct?

- Brian: This does apply to all except for heavy industrial (IH). We focused on housing since that's where we're seeing the most interest.

Vivek Shandas, PSU, invited testimony. [Presentation](#). The large tree amendment is essential to how we think about Portland and advancing this work. Tree canopy in the green-lined neighborhoods is greater than the impervious surfaces. So we're not starting on an even playing field, and history played a large role in how we access and benefit from the tree canopy. This is played out in the 2021 heatwave and where we saw more emergency department visits. We predicted in 2014 the places where people were going to die – and as our 2021 heat dome descended on the region, the autopsy results matched one-to-one where people were going to die. Outer Portland has lost a greater amount of tree canopy (slide 5), in alignment of places that are proportionally losing more large trees.

Thank you for considering this work and the opportunity to share this work.

### [Written Testimony](#)

#### **Oral Testimony**

1. Emily Stebbins, 350 PDX: Agree with the staff presentation and recommendation to protect large urban trees. We are losing tree canopy in Portland.
2. Torie Baldwin, 350 PDX: Agree with staff and Emily. I work on shade equity. Please extend the large tree amendment.
3. Jay Wilson: Concerned about loss of canopy. Believe in preservation of our “shade shed.” We need to have succession planning for any loss of large trees especially.
4. Robert Bernstein: SE Portland resident, arrived in 1969. It's a much different city now. Portland refers to the canopy as a forest, but in some places it's more of a desert. If you have deep pockets, you have trees. I agree with most of what has been said today. The fee needs to be adjusted for inflation. If you don't continue this without an end date, we can't plan meaningfully for the future.
5. Catherine Mushel: Support the amendment. The public right-of-way and small planting strips limit large growth. Please champion the mitigation amendment. Advocate to keep this amendment and push to make certain that new design measures make space for big trees in the public realm. *see written testimony*.
6. Kathy Shearin, EMCWCD: Thank you to staff for presenting and extending the amendment; we strongly support removing the sunset clause. As we start thinking about improving T11, we have concerns about the current exemptions for 5000 square foot lots. What about shifting the DBH to 12”? Green infrastructure is being pitted against affordable housing, but they can and should coexist. *see written testimony*.
7. Jacob Apenes, Portland: Neighbors Welcome: Support policies to maintain and grow our urban canopy. The large tree amendment is excellent to preserve canopy. We support the

extension at least.

8. Justin Wood, Fish Construction NW: Infill new construction. On Governor's Housing Production Advisory Committee and helped craft the original Tree Code stakeholder committee. We were originally looking at 90" sequoia presentation. That moved to 60 to 48 to 36 and now 20" in just the last 10 years. Something frustrating as a builder is that we have ultimate competing goals – tree preservation and how much growth and capacity the city has for development. Let's remove lots from the BLI versus penalizing from them trying to develop because we can't remove trees.
9. Kyna Rubin, Trees for Life Oregon: Thank you to staff for your work on this. Concern is keeping and expanding canopy in especially vulnerable areas. The large tree amendment preserves our large trees and provides much benefit to our most vulnerable communities. We support getting rid of the sunset date altogether.
10. Tyler Gilmore, 350 PDX: Thank you for the opportunity to comment. I am in agreement with most who have testified about ending the sunset date and extending the amendment. Honor our lifesaving trees and remove the sunset clause.
11. Katie Rumer-Cleary: In degraded neighborhoods we see the least amount of trees. So we need to consider trees with affordable housing. The average conifer takes about 20 years to get to size in a normal, non-climate-change affected statistic. So thinking about the future and the legacy we want to leave, I like removing the sunset clause as others have said. And we should adjust for costs as well.
12. Bob Sallinger, Willamette Riverkeeper: Was part of the Title 11 committee and amendments that came later. Permanently adopt the changes instead of just pushing out a sunset date – that's not a good use of resources. We want the City to look at the exemptions as well because too many big trees are coming down. And should there be another protection level for really, really big trees? And we can't pit housing against the environment – we must do both. *see written testimony*.
13. Carol Pinegar, 350 PDX: Retain the current Title 11 tree standards and eliminate the sunset clause – so yes to the information Brian and Vivek have presented tonight.
14. Daniel Newberry: Thank you to the commissions for this opportunity to comment. Involved in the original Title 11 revisions and work. Saving large trees is critical to preserving canopy. If we believe this, we need to make this permanent.
15. Micah Meskel, Bird Alliance of Oregon: It's a no-brainer to go with the staff recommendation to continue and remove the sunset date. Also consider further improvements to Title 11; update the fee structure; and review the current exemptions.

*Chair O'Meara* closed oral and written testimony.

## Commissioners' Comments

*Chair O'Meara:* If the sunset is removed, how would the fee be updated?

- Brian: The policy is separate from the fee; the fee goes to Council as part of all the City bureaus do. Fee should be tied to the cost of planting a tree, so we would calculate this. We don't have a fee in mind. It came into effect in 2020, and we have been tentative to update fees since/during COVID, so that's part of why it hasn't been updated.

*Commissioner Feldstein:* Thank you for everyone's participation tonight. There is a huge amount of consensus here. I really heard strong support for the rationality of ending the sunset clause. I hope our leaders can support that primary recommendation from the UFC. We heard also we are losing canopy, and we must strengthen the urban forestry plan and tree code. I look forward to working with you on making this happen. I also heard very strong support for "this is not a this-or-that" in terms of affordable housing – we need both and be able to solve for climate and affordable housing in the city.

*Commissioner Plack:* I echo Commissioner Feldstein's comments about the public providing testimony and showing up tonight. I don't have much to add, but I want to be sure that, while we respond to the housing emergency by rapidly developing new lots, we keep in mind building healthy and safe neighborhoods, so we don't repeat the mistakes of the past. We don't want to bake in inequities that we already have from previous generations' decisions.

*Commissioner Van de Mark:* I want to elevate and appreciate the comments we've heard. As we're hearing from the community about going further, what are the plans in terms of what we're laying out and then upcoming next steps?

- Brian: We are looking simply at the large tree amendment component right now. I know there is interest in looking at other components, but looking at the sunset date is the purpose for this right now. I want to be sure next steps are guided by the urban forestry plan and have a full process to see how changes can work together to both preserve trees and continue to build a variety of housing units.

*Commissioner McMillan:* Clarification on the periods we're talking about? A short-term renewal or are we planning to adopt in perpetuity?

- Brian: The recommendation is to remove the sunset date fully.

*Commissioner Lilly:* Thankful for the testimony and what we have heard in terms of support for our trees. The older, larger trees support protection and care with wisdom. Many comments were about this not being housing vs jobs vs environment; we need to do this all and look holistically.

*Chair O'Meara:* I understood regulated affordable housing is exempt. So I'm not sure about the trade-off there. Has the City looked at incentives for affordable housing versus the punitive fee approach?

- Brian: Exempt from the higher fees, but they are still applicable for the \$1800 fee. It has to do with how many units are affordable. In terms of incentives, with BHBD, we saw density

bonuses tied to tree preservation that were transferable. But not specific to affordable housing – we could look at this further.

*Commissioner Nelson:* The tree species we're talking about are very few – very few get to 20". But the benefit is huge. So we need a culture change to where people want to plant large trees.

*Commissioner Clapp:* Title 33 has lots of comments about incentives. There are T33 restrictions about where on the site buildings can go. An incentive would have to come from that side as well; it can't just be on the tree side. What is possible on-site to retain the trees during development?

- Brian: Through T11, the root protection zone where there can't be ground disturbance.

*Commissioner Routh:* Thank you for the presentation and for everyone who testified. When we're talking about an arborist coming on a site, what are we talking about and what are costs? I am fascinated it took us so long to IH relative to the tree code.

- Brian: We do talk about the need to maintain trees – it's not insignificant. Street trees: PCEF has provided funds for the City to do the care to take the cost burden off the adjacent property owner. We are also looking at a program for private-property trees, largely for income-qualified folks. This is something we've heard consistently – the lack of resources and the education about having an arborist come out.

*Commissioner Spevak:* In terms of the 5-year expiration, those of us who were part of that 5 years ago, so I like removing the sunset clause with a hope the update will be happening sooner. In terms of fees, I know we want to be simple, but I'm thinking there could be a step in the fee. The City has gone around with work on private trees, but I'm interested in the focus on ROW trees and seeing what City policies affect these. I hope that would be part of the code package that later comes forth. In terms of scoping the new project, I hope it's more expansive.

- Brian: This is a recommendation in the draft update plan. So the street tree is the access to nature most people have, so we want to be sure we're getting the most of out of those as best as we can.

*Commissioner Lange:* I want to clarify the work of this specific project as well as the exemptions that folks have brought up.

- Brian: This current project is just about the sunset date (extending or removing). And yes, we are looking at another Title 11 project next year. We're still scoping that because we are also in the middle of the Urban Forest Plan update right now.

*Commissioner Ames:* I would be interested in more information in planting and the tree preservation fund – what are the priorities of that fund, what is in it now, who makes the decisions about using it, etc.

- Brian: We are planting about 3500 trees annually out of that fund with the planting strategy that was developed in 2018. Free yard trees with a focus on priority neighborhoods as well as street trees in these areas. These are generally medium and large trees.

*Chair O'Meara:* In terms of providing trees, the biggest barrier was the obligation of the homeowner, so I'm glad to hear PCEF is funding that. does the homeowner have an option to do this still?

- Brian: This is a specific item we are still working out as the funding just was approved as of July 1. It will take years to develop the program and then ultimately build it out citywide.

*Chair O'Meara:* We will continue this item at each commission – August 13 for the Planning Commission and August 15 for Urban Forestry.

## Adjourn

*Chair O'Meara* adjourned the meeting at 7:08 p.m.

Submitted by Julie Ocken