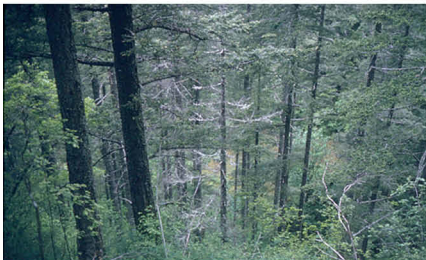


# Summary

## Recommended Draft to City Council



### Citywide Tree Policy Review and Regulatory Improvement Project



City of Portland  
Bureau of  
**Planning and  
Sustainability**  
Sam Adams, Mayor  
Susan Anderson, Director

December 2010



The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings.

If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

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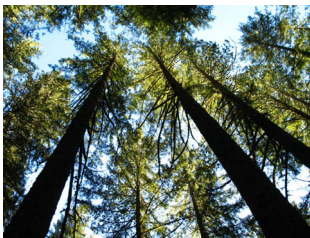
A digital copy of this report can be found at:  
[www.portlandonline.com/bps](http://www.portlandonline.com/bps)

# PROJECT SUMMARY

## Background

Portland's trees provide more than a sense of identity as a "green city" - they clean and cool our air and water, capture greenhouse gases, reduce energy demand, make streets more "walkable," enhance residential property values and business district vitality, and provide food for people and wildlife habitat. A Portland Bureau of Parks and Recreation urban tree canopy values the annual environmental and aesthetic benefits of Portland's street and park trees at about \$27 million and the replacement value of all trees in the city at roughly \$5 billion (Portland Bureau of Parks and Recreation, 2007).

Portland's 2004 Urban Forestry Management Plan set goals to protect and enhance the urban forest, distribute tree-related benefits equitably, and increase the citywide canopy from 26 to 33 percent. The City's 2007 Urban Forest Action Plan calls for public education, tree planting and maintenance, and policy and regulatory updates to help achieve these goals and targets.



Portlanders have long expressed concern that existing City tree rules are overly complex, confusing, inconsistent, and ineffective in protecting and preserving trees as the city grows. In 2007 the City Council responded to community concerns by directing the Bureau of Planning and Sustainability to lead a multi-bureau effort called the "Citywide Tree Policy Review and Regulatory Improvement Project" (Citywide Tree Project).

The Urban Forest Action Plan calls for the project to:

- Create a consistent, cohesive regulatory framework for Portland's trees; and
- Enhance the urban forest through development and redevelopment.

## Issues with Current System

A wide range of stakeholders, including community groups, developers and staff, identified concerns about the City's current tree regulations. Key concerns include:

- No clear City contact for tree inquiries
- Inconsistent regulations contain gaps, overlaps, conflicts
- Trees addressed inconsistently in development and non-development situations
- Development regulations overly rigid
- Tree preservation standards don't preserve quality trees

- Many types of development do not address tree preservation at all
- Large, native trees are replaced with small ornamentals that provide less benefits
- Inadequate inspections and enforcement

### Success Criteria for the Project

The regulatory framework must be:

- Designed to support multiple City goals
- Clear and transparent
- Consistent, cohesive and comprehensive
- Fair and equitable
- Complementary and reinforcing
- Efficient and cost-effective
- Customer friendly – easy to understand and work with
- Funded adequately for implementation and enforcement



### Relationship to other City Goals, Programs and Regulatory Mandates

The project will complement and support multiple programs such as the City's Grey to Green initiative, City Urban Forestry programs, and community investments in tree planting and tree care. The Portland Watershed Management Plan (2005) and the City's Climate Action Plan (2009) call for protecting and expanding the urban forest to improve watershed health and reduce greenhouse gas emissions. The project is also intended to support City goals for neighborhood livability, sustainable development, and a prosperous economy, as well as advance City compliance with regulations such as Title 13 of the Metro Urban Growth Management Functional Plan (Nature in Neighborhoods) and elements of the Clean Water Act.

### Collaborative Process

Led by the Bureau of Planning and Sustainability, the Citywide Tree Project has involved ongoing, extensive collaboration with the Bureaus of Parks and Recreation, Development Services, Environmental Services, Transportation and Water. City bureaus also worked with a diverse stakeholder group of neighborhood representatives,

developers, arborists and environmental organizations to scope the project, examine key issues, and evaluate and the pros and cons of potential solutions.

Input from the stakeholder discussion group helped to shape a set of initial proposals. Staff vetted the initial proposals with the Urban Forestry Commission, Portland Planning Commission, and other community organizations in early 2009. Based on their feedback and general support for the initial solution package, staff drafted a project report and proposed code and report for public review and consideration by the Portland Planning Commission and Urban Forestry Commission. The proposed draft to the Planning and Urban Forestry commissions was published in February 2010.

The Planning and Urban Forestry Commissions held a joint public hearing and a series of work sessions from March through July 2010. The Planning Commission and Urban Forestry Commission received extensive oral and written comments on the Proposed Draft. The commissions heard from neighborhood associations located throughout the city, developers and consultants, arborists, architects, environmental organizations, and Portland residents. City bureaus also provided detailed comments and suggestions on the project proposal. Most supported the proposal for stronger tree preservation and planting requirements, while some were concerned about the impact of the proposal on the cost and feasibility of development. There was also general agreement that the proposal was too complex and costly to implement.

The commissions worked closely with City staff to develop targeted revisions to the proposal – revisions that would address public concerns, including measures to streamline the proposed rules and procedures, and to reduce cost. The commissions also endorsed a phased project implementation strategy to provide time to prepare for the new rules, including development of procedures and informational materials for staff and the public, production of the community tree manual, TRACS upgrades to support the City's tree permit system.

From this collaborative process emerged the Recommended Draft Proposal that is presented in this report. The recommended proposal will create a cohesive, consistent regulatory framework for Portland's trees – a framework that will advance City goals to protect, enhance, and equitably distribute the benefits of the urban forest, while supporting Portland's broader environmental, social and economic sustainability goals.

### Benefits and Costs

Implementing the recommended proposal will preserve approximately 68 acres of tree canopy annually and will generate roughly 130 acres of future canopy through tree planting. Trees planted can be used to meet other City landscape and stormwater

requirements as well. In summary, the net increase in tree canopy attributed solely to the proposal is projected to be more than 100 acres per year.

The proposed regulatory improvements and tree manual will help maintain and enhance the quality of Portland's tree canopy, focusing attention preserving large, healthy trees, native trees and tree groves, phasing out invasive trees in parks and along city streets, and fostering appropriate tree care. The proposal will also help ensure that tree preservation and planting are equitably dispersed in the city, including areas where future development is occurring.

Implementing the proposal will require additional investment of public resources to achieve the desired benefits. It is projected that 2.0 FTE will be needed during the initial project ramp up phase, to prepare for the code update and to develop the community tree manual. Once the new codes are in effect, up to an additional 5.5 FTE will be needed at the Bureaus of Parks and Recreation and the Development Services to administer and enforce the updated tree development standards and tree permitting system, and to provide a single point of contact for public inquiries. There are also some up-front, one-time costs for equipment and TRACS permit system upgrades.

Roughly two-thirds of the ongoing costs will be covered by modest increases in development fees and capital project funding. The remainder of the project costs will need to be covered by the general fund.

A summary of the project proposal, benefits and phased implementation strategy is shown on the next two pages.

## Proposal Summary of Key Elements

### Code Consolidation and Restructuring

**New Title 11 – “Trees” focuses on the Urban Forest.** Title 11 Trees consolidates City tree rules into a cohesive framework – addressing trees on public and private property in development and non-development settings. Title 11 elevates the Urban Forestry Program and treats trees as infrastructure. Title 11 contains technical standards and procedures, clarifies bureau roles, and simplifies enforcement.

### Tree Canopy Enhancement

**Designing with trees through land use reviews.** Code amendments will improve tree preservation in land divisions, prioritizing large healthy trees, native trees, and groves. Tree plans will be recorded and will eventually sunset. Tree preservation will now be considered in Design Reviews & Conditional Use Reviews.

**Tree Density Standards to meet canopy targets.** New Tree Density Standards will maintain a minimum level of tree canopy on development sites. Applicants can meet the standard by preserving trees, planting new trees, or paying into the Tree Fund. The standards would not trigger a review or delay permits.

**Tree Preservation Standard adds incentive to preserve.** New tree preservation standards will also apply through building permits. The standard requires preserving 35 percent of trees at least 12” in diameter, or a mitigation payment to the Tree Fund. Includes exemptions for small lots and lots with high building coverage.

**Trees on Property Lines and Adjacent Sites better protected.** Applicants will be allowed to count trees on property lines toward preservation and density standards as long as the root zone is protected. The proposal will help protect trees on adjacent sites through land divisions and public projects.

**Consistent treatment for trees in sensitive environmental resource areas.** Trees in environmental zone transition areas will be replaced, and water body setbacks in existing environmental zones are consistently applied to help protect riparian trees and vegetation.

**Streamlined, Standardized Tree Permit System.** An updated tree permit system will apply citywide, generally to trees at least 12” in diameter. A simple “homeowner” permit will require replacement of 20” diameter trees. Limited tree pruning in environmental zones will now be allowed through a simple permit instead of review. The new Programmatic Permit will support routine public agencies activities and encourage restoration.

### Customer Service Improvements

**Single point of contact, 24-hour hotline and automated permit tracking system** will improve public access to tree-related information, improve City program efficiency, and support compliance efforts.

**Community Tree Manual** will provide a user-friendly guide to tree rules, tree care and best practices.

**Neighborhood Tree Plan.** Working with residents to inventory trees and set priorities at a neighborhood scale

## **CITYWIDE TREE PROJECT PRODUCTS AND BENEFITS**



- 1.** Responds to City Council and community demand for a cohesive, consistent, and equitable regulatory system for Portland's trees
- 2.** New consolidated tree code "Title 11, Trees"
  - elevates role of Portland's urban forest and Urban Forestry Program
  - shifts paradigm to trees as "green infrastructure"
  - addresses tree preservation and planting in development
  - updates and streamlines tree removal and replacement requirements when no development is proposed
- 3.** More than 100 additional acres of future tree canopy established per year
- 4.** Customer service improvements
  - single point of contact for public inquiries
  - community tree manual for improved education and outreach
  - permit tracking system upgrades and ability to track permits on line
  - 24-hour tree hotline
- 5.** Most implementation costs can be supported through modest development fee increases

