

## IMPACT STATEMENT

**Legislation title:** Accept the 1-year Citywide Tree Project 1-year Implementation Report (Report)

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**Purpose of proposed legislation and background information:**

This is a joint Report to Council by Portland Parks and Recreation and the Bureau of Development Services on the first year of implementation of the Citywide Tree Project. Title 11, Trees, the City's new tree code, went into effect on January 1, 2015. The report memo provides an overview of the first year of implementation activities and identifies challenges, next steps and resource needs. Three exhibits provide additional details, including:

- Exhibit A: Outreach Plan Summary and Outreach Log – a summary of the outreach plan developed and listing of outreach events
- Exhibit B: Tree Code Oversight Advisory Committee Recommendations Report – the final report of this committee, which met from December 2014 – December 2015
- Exhibit C: Citywide Tree Project Data Report, January 1 – December 31, 2015 – a compilation of data collected and analyzed on tree project outcomes

**Financial and budgetary impacts:**

There are no financial or budgetary impacts directly from this Report to Council. The Report does include a discussion of next steps and resource needs that could have budget impacts should the Council fund these items in future budget decisions. These include a future code amendment package to be led by the Bureau of Planning and Sustainability, with coordination roles by Bureau of Development Services and Parks Urban Forestry staff, and additional Parks Urban Forestry staff to respond to increased work volumes.

**Community impacts and community involvement:**

The Report to Council will not have community impacts. Community involvement with the Report included staff presentations to the Development Review Advisory Committee (DRAC) and Urban Forestry Commission in February 2016. In addition, the Report describes outreach activities that occurred during the first year of implementation of Citywide Tree Project and includes the recommendation of the Tree Code Oversight Advisory Committee, a citizen committee formed to provide advice to staff. Community impacts and involvement related to potential next steps, such as code amendments, will be addressed as part of any future processes.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

**YES:** Please complete the information below.

**NO:** Skip this section

<b>Fund</b>	<b>Fund Center</b>	<b>Commitment Item</b>	<b>Functional Area</b>	<b>Funded Program</b>	<b>Grant</b>	<b>Sponsored Program</b>	<b>Amount</b>



March 24, 2016

## Tree Code and Administrative Rule Issues – Categories of Issues to Further Evaluate

1. Tree Removal (Non-development Situations)
  - a. Removing some tree in groves – health of remaining trees
  - b. Permitting Clarification
  - c. Reconsider allowed standards without mitigation (also see Standards)
  - d. Reconsider 'A' permit allowance for "Attached structures"
2. Tree Preservation (Development Situations)
  - a. Large Trees- consider prohibition on removal/create criteria that must be met/incentives to preserve
  - b. Preservation threshold – 12" vs 20", allowing 12" encourages people to protect small trees and not larger, high quality trees
  - c. Encroachments – difficult to determine 25% as shown in Figure 60-1 Permissible RPZ Encroachments
  - d. Flexible development options
  - e. Trees on adjacent properties – clarify protection on the development property
  - f. Compare cost of fencing to in-lieu fees to incentivize preservation over fees in lieu
  - g. Look at the number of exemptions allowed and will this result in "death by a 1000 cuts" (cumulative effects)
  - h. Consider impacts of construction staging
  - i. Appeal process for development situations;
  - j. Development Impact Area – need a definition for small sites and require for large sites
  - k. Density threshold gap – examine gap between removal and when planting requirement begin. Clarification, ground disturbance triggers preservation, which allows for removal as long as 1/3 of the trees 12" and greater are preserved, but planting to density is not triggered until the project reaches the NCU (non-conforming upgrade) currently at \$155,900.
  - l. Tree plan – completed by a certified arborist or certified landscape professional to identify health, size, species.
  - m. Removal criteria – close the loophole on trees being removed without reason/justification related to the development (this is for all sites) e.g. an ADU is being constructed adjacent to an existing house and a tree in the backyard is removed.
  - n. Triggers-reconsider requirements for tree preservation/protection (and in turn some tree removal) in cases with minimal ground disturbance like foundation repair or when proposed development is located far from trees or with large barriers like buildings between development and trees.
3. Consistency of Standards between Development and Non-development situation, private/city/street trees and code and administrative rule
  - a. Administrative Rule (only for Type B permits) – should these be code amendments with changes and apply to both Type A and B permits for consistency?
  - b. Look at imbalance between Type A and B tree removal permit standards since the administrative rule adoption, e.g. more mitigation is required for Type A permit (in code) than Type B permit (in administrative rule). The administrative rule removed

discretion for applying planting waivers for Type B permits but still have the discretion for Type A permits.

- c. Adjacent Properties
  - d. Private property
  - e. Reconsider removal standards without mitigation as per the administrative rule; propose always a 1:1 replacement even if density is met.
  - f. Root protection requirements
  - g. Density requirements – should these be included in the code for Type B permits Explore moving density requirements to the technical section of the code so that it will apply to both Type A and Type B permits.
  - h. Revisions to Table 60-1 Broadleaf Tree Size Requirements: perhaps eliminate the 2” for Multi Dwelling Residential and combine with All Others.
  - i. Mitigation requirements: Explore mitigation based on tree # v inches v canopy size (density) as related to fee in lieu.
  - j. Administrative rule has density calculations different than in Code
4. Mitigation Requirements
- a. Density - explore tiered approach based on canopy cover provided/species/size/health/loss of function including planting the size of tree for the size of tree removed.
  - b. Discretion for City Forester - the administrative rule forces UF to grant a waiver even if there is room to plant, taking away the discretion of the City Forester
  - c. Type A Permit – Currently removal of a healthy tree requires mitigation, but that mitigation could allow the site to fall below the site density.
  - d. Tree canopy size calculation
5. Consistency/interaction with Other Codes – zoning and environmental (Title 33), public improvements (Title 17)
- a. Discretionary review
  - b. Development and non-development sections
  - c. ROW/PBOT – hazardous trees
  - d. Mitigation requirements - consider changing to include a combination of number of trees and % inches
  - e. Trees on adjacent properties
6. Technical or Overarching items (Minor Code changes/clarifications – many addressed in RICAP8 need to check status)
- a. Definitions, need to define Tree for code purposes
  - b. Tree protection clarification