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Amendments to Title 11, Trees: Trees in Development Situation

In 2011 Portland adopted a tree code to regulate the preservation, removal, planting and pruning of trees. This Tree Code took effect Jan. 1, 2015, yet there were several flaws. The biggest was the public concern regarding the removal of especially large diameter trees. As a result, an ordinance was implemented to enhance the regulations for these trees, it became known as the “Large Tree Amendment”, but there was a sunset date Dec. 19, 2019.

City Council early this year passed a resolution to direct the Bureau of Development Services, the Bureau of Planning and Sustainability, and Portland Parks and Recreation to conduct an analysis, legal review and stakeholder engagement process related to proposals given by the Planning and Sustainability Commission (PSC) and the Urban Forestry Commission (UFC). The proposed changes included removing exemptions from regulation on certain zones; specifically, IH, IG1, EX, and CX zones.

In the Draft Proposal to amend Title 11, the bureaus proposed the following:

- Remove the exemption from tree preservation and tree density in IG1 (General Industrial 1), EX (Central Employment), and CX (Central Commercial) zones on private or city-owned/managed property.
- Retain the exemption from tree preservation and tree density in IH (Heavy Industrial) zone on private and City-owned or managed property.
- Reduce the threshold for required preservation of trees on private property from 36 inches to 20 inches in diameter at breast height (dbh), wherever tree preservation is required.
- Reduce the threshold for inch-per-inch fee in lieu of preservation for trees on private property from 36 inches dbh to 20 inches dbh.

The staff proposal does not:

- Change any of the other existing exemptions from tree preservation or tree density.
- Change anything else about the rules for tree preservation or tree density in development situations.

While it is widely documented that enhancing urban forests provides critical benefits to the environment and health of humans and wildlife, the draft proposed amendments the bureaus have put forth will improve regulating the tree canopy, require additional plantings on industrial lands and increase the fees in lieu of tree preservation on private property.

Other recommendations given by the PSC and UFC noted potential tree equity implications with regards to disparities in the tree canopy in neighborhoods of low income and communities contiguous to commercial and industrial lands. During the community engagement process, the highest priorities for the code amendment were preserving and planting more trees next to the rivers and sensitive natural areas, preserving trees in certain industrial and commercial sites when possible, preserving and planting trees on industrial areas in close proximity to low income communities and communities of color. Also, collecting fees paid into the tree planting and preservation fund when trees must be removed. These fees will be used to grow a more equitable tree canopy across the city.

The Draft Proposal will be presented before City Council on Oct. 29, 2020, when live testimony will be heard. For a link to view the full Draft Proposal and other information, please go to:

<https://www.portlandoregon.gov/bds/article/763771>

The next virtual meeting of the CVNA will occur on Nov. 4th at 7 p.m. Information will be posted to Nextdoor prior to then.

Submitted by Brendan McGillicuddy