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From: Jim Labbe [mailto:jlabb@urbanfauna.org]

Sent: Tuesday, October 24, 2017 1:59 PM

To: Planning and Sustainability Commission <psc@portlandoregon.gov>

Cc: Manning, Barry <Barry.Manning@portlandoregon.gov>; Prinz, Martha <Martha.Prinz@portlandoregon.gov>

Subject: 2035 Comp Plan Code Reconciliation (fwd)

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Dear Planning & Sustainability Commission,

I am writing in support of the proposals in the "2035 Comp Plan Code Reconciliation" Discussion Draft package that would eliminate some of the exemptions in the tree code (Title 11) for development on commercially zoned land, zones CS & CM replaced by the new mixed use zones. These exemptions- adopted with the tree code in 2010- apply to both the preservation standards and tree density (planting) standards. The proposal is to remove exemptions for commercial land but leave in place exemptions that apply to some industrial lands as well.

I urge the Planning & Sustainability Commission to go farther and recommend removal of Title 11 preservation and planting standard exemptions for ALL commercial & industrial zones (including zones CX and Industrial zones) for the reasons outlined below. There is no justification to retain these significant holes in what was supposed to be a "Citywide" tree code. I also urge staff needs to provide more context, explanation, and rationale in the discussion draft so the City Council and the public understands why removal of these exemptions (and others) are justified. Specifically I would make the following points:

1. Many commercial and industrial zones were exempt from Title 11's preservation standards and density planting standards when it was adopted in 2010 under the premise that Title 11 might potentially limit development capacity on employment lands AND the employment land supply needs were unknown at that time. Industrial developers successfully argued for these exemptions, sowing enough doubt the need for employment lands during the Great Recession that the City Council granted them. The City Council granted the exemptions but committed to review and remove them as soon as possible.
2. These exemptions were ill-advised given the deficiencies in tree canopy in commercial and industrial zones. According to the City of Portland's Urban Forestry Action Plan (2007) page 2, public right-of-ways and commercial/industrial lands are the two land-use categories that are farthest from achieving the city's canopy cover targets (<https://www.portlandoregon.gov/parks/article/226238>). The lack of urban tree canopy in commercial and industrial zones create the worst urban heat island hot spots within the City of Portland, which in 2014 was ranked among the top 10 major cities with the worst urban heat island effect in the United States.

3. The exemptions were unwarranted because it was always very unlikely that Title 11 would limit land supply on employment lands for at least two reasons 1. Title 11's so-called "preservation standard" is not a preservation requirement, it always allows a fee-in-lieu of preservation option to pay to plant trees to replace those removed; and 2. Title 11's tree density planting standards has the very limited "required tree areas" for commercial/office/retial and mixed use (only 15% of site or development impact area, 11.50.050C) which is the same as the landscape area requirement. Therefore fulfilling the tree density planting standard shouldn't take any additional land.

Thank you for considering my comments.

Sincerely,

Jim Labbe  
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