

Memorandum

TO: Planning and Sustainability Commission

FROM: Roberta Jortner

DATE: Sept 23, 2019

SUBJECT: Proposed Extension of Amendments to Title 11, Trees, Chapter 11.50, Trees in Development Situations, Tree Preservation Requirements for Private Trees

Cc: Vivek Shandas, Chair, Portland Urban Forestry Commission (UFC)
Daniel Newberry, UFC member and Portland Urban Forestry Commission Policy Committee Chair

Greetings Chair Schultz and members of the PSC. I am writing in support of the Bureau of Development Services (BDS) proposal to extend Amendments to Title 11, Ch 11.50 until December 2021. I encourage the Planning and Sustainability Commission (PSC) to recommend approval of this extension, and to make specific recommendations for collection of data as outlined in BDS's August 23, 2019 staff report and as described below.

As a former City staff person who helped develop the original Title 11, Trees, I believe that the 2016 City Council-adopted code amendments under consideration for extension are a positive step toward improved tree preservation on development sites, and improved support for City public health, livability, and climate change-related goals and policies. As BDS points out, the data collected so far indicate that the code amendments may indeed be having a positive effect on preservation of large trees on development sites. However, BDS also notes that more time and data are needed to shed light on remaining questions and to determine if the amended regulations should remain in place, be amended further, or sunset. This is also the perspective of the Urban Forestry Commission which recently submitted a letter to the BDS director in supporting an extension to the Ch 11.50 amendments.

Among other recommendations, BDS suggests collecting data on the preservation and removal of non-exempt trees 20"-36" diameter at breast height (dbh) on development sites, in addition to monitoring preservation/removal of trees 36" dbh or larger. While I agree with this recommendation, I ask that the PSC recommend collecting data on the preservation/removal of all trees subject to this code, namely non-exempt trees 12-20" dbh, 20-36" dbh, and 36" dbh and larger. It is important to encourage the preservation of medium-sized trees as well as large trees. They too provide important benefits and maintaining tree age (and species) diversity is critical to the health of the urban forest.

In addition, I support BDS's suggestion to collect data with which to correlate tree preservation and removal with the size of development sites. This way we can see if trees are being

preserved on small sites in more densely developed/developing areas, as well as on larger sites in lower density areas. We can also see of on smaller development sites, medium sized trees are being preserved more frequently than large trees.

BDS notes that the Ch 11.50 amendments under consideration for extension waive, for certain affordable housing projects, the inch-for-inch mitigation requirements applied when 36" dbh or larger trees are removed. While it is important to encourage affordable housing, it is also important for those housing projects and associated residents to have trees and other green infrastructure. As BDS suggests, additional data is warranted to assess how the Title 11 waivers relate to other waivers for affordable housing projects, how the Title 11 waivers may be affecting lower-income residents, and to determine if the Title 11 exemptions are consistent with City policies and regulatory approaches.

Finally, I urge the PSC to recommend that during the two-year extension period, City staff who deal with trees on development sites, and the Urban Forestry Commission, initiate a conversation with development community representatives and other stakeholders. Together they could identify additional options to better encourage and remove barriers to preservation of trees on development sites.

Thank you for your consideration.

Roberta Jortner
7201 SE 36th Ave., Portland, OR 97202