



May 17, 2022

TO: Urban Forestry Commission and Planning and Sustainability  
Commission

FROM: Kyna Rubin, on behalf of Trees for Life Oregon

CC: Commissioner Rubio; Adena Long; Jenn Cairo; Shade-Equity  
Coalition (comprises 17 tree, climate, nature, and equity groups)

SUBJECT: Comments on April 2022 Draft Title 11, Trees – Technical  
Amendments

Thank you for the opportunity to provide input on the April 2022 draft of the Title 11, Trees - Technical Amendments. Trees for Life Oregon commends PP&R's Urban Forestry staff and collaborating bureaus for investment in updating Title 11. Portland's trees and the public health, social, environmental, and economic benefits they provide have never been more important. We are in a climate crisis. Trees provide critical services including shade to cool and clean our air and water, and canopy to capture storm water, sequester carbon, and provide habitat.

Urban Forestry's technical tree code amendments come at a time when a flurry of multiple City bureau activities has our attention. PBOT's proposed Pedestrian Design Guide, the Water Bureau's draft administrative rule on distance between street trees and water pipes, RIP 1 and 2's allocation of outdoor area, and the City's taskforce to streamline the Bureau of Development Services' permitting processes *all* raise alarms over the low priority that many bureaus place on the urban forest.

It is important that Title 11 is effective in achieving its intent to protect and enhance Portland's urban forest. And while these amendments are relatively

narrow and do not introduce policy changes, they are important and will help Title 11 better meet the intent of the code.

Trees for Life Oregon submitted comments on the staff draft on March 10, 2022. In that letter we expressed support for many of the amendments and raised concerns about some of them. We appreciate the staff's responsiveness to early public input from TFLO and others. We are pleased that the amendments we supported remain in the proposal, and that Urban Forestry staff are proposing to defer the amendments about which we raised concerns until a more comprehensive and substantive Title 11 update is undertaken.

### **Recommendations:**

1. We ask that you support and recommend City Council approval of these Title 11 amendments. We'd like to draw your attention to several amendments that we particularly support:
  - **Amendments #1 and #2** would make explicit that trees are urban infrastructure and that capital projects are in part regulated by Title 11. Managing trees as infrastructure is consistent with the original adopting ordinance for Title 11, Trees. While not a change in policy, making this explicit is important and timely, given the services provided by trees and the need to invest in them as valuable City assets.
  - **Amendments #15, #16, and #17** would clarify the code provisions relating to tree removal in development situations and would improve early coordination relating to trees in private and City project development situations.
  - **Amendments #4, #27, and #32** would improve transparency and strengthen enforcement authority by granting the City Forester authority to add Heritage Trees to property deeds, place liens on properties when violations are not resolved, and issue stop-work orders when regulated activities are taking place without a permit.
  - **Amendment #10** would broaden the criteria to be considered when reviewing tree removal permit applications, including allowing consideration of the impact of tree removal on neighboring trees. This would help avoid inadvertently creating hazard trees when a tree is removed.

▪ **Amendments #6, #11, and #40** would clarify the relationship and address unintended gaps or inconsistencies between regulations in Title 11 and in Title 33, including tree removal and landscaping requirements, pruning in River Greenway zones, and the definition of multi-dwelling zones.

2. We urge you to recommend that the City update its 2004 Urban Forest Management Plan, including the tree canopy targets, and that the City Council initiate and fund a comprehensive Title 11 update *sooner rather than later*. Our understanding is that the Urban Forestry Program intends to update the UFMP starting this year. We urge that the process move forward quickly so that Title 11 can be informed by an up-to-date plan, policies, and canopy targets. Several key Title 11 code sections, such as the Tree Preservation Standards, should be revisited. Timing is important as Portland continues to grow and as recent studies indicate that tree canopy is declining in many parts of the city. Canopy loss is especially pronounced in outer east Portland, home to a high proportion of residents who are low-income and/or who are black, indigenous, and other people of color.
3. Finally, on a separate but ultimately related matter, we wish to voice our concern about trees in development. We hope you will keep trees and Portland's urban forest goals in mind as RIP 2 proceeds.

Thank you for your consideration of these comments.