

Mayor Adams,

Commissioner Leonard, Commissioner Saltzman, Commissioner Fritz, Commissioner Fish:

2/2/11

184522

I am here on behalf of the proposed tree ordinance and want to express my appreciation for the City's efforts to streamline and rationalize policies that impact the installation and maintenance of Portland's city and private trees.

I have advocated for Portland's tree program since 1975 when the Street Tree Committee was created by then Commissioner Mildred Schwab. One of our committee's first projects was to assist with the tree planting programs in Woodlawn and Irvington with funds from the federal government.

Initially we valued the urban forest for its visual and aesthetic aspects only, but over the years we have come to realize the tree canopy helps us achieve our cultural, economic and environmental goals as well.

From the late 1980s, when the tree code was written, until about 2000, Portland made progress in expanding the urban forest. The best way to observe this progress is from the upper stories of the Lloyd Building where one can view the extent of the canopy. Compare this visual to photographs taken of the streets in the same area at the time of WWII. NE Knott Street, for example, had virtually no trees in 1975; today it is completely canopied.

Much of the plantings we see today were funded with federal resources, some were required by code, but many of the trees were planted by individuals on their own initiative. Bill Naito, for example, planted the trees in Old Town with his own resources.

As we go from here, let's acknowledge this background as a gift from our predecessors.

Our tree canopy goals today will only be achieved by the coordination, cooperation and commitment of all city bureaus as well as the good will and support of our citizens, not only during project planning and implementation but also during long term maintenance as well. The new Title 11 must effect this.

As we review and hopefully adopt a proposed new code, let me offer four brief suggestions that will build on the legacy of those who helped us realize the success we have today and also sustain the goodwill of Portland's citizen who value their tree canopy.

1. Given that we now recognize the urban forest as valuable infrastructure, please locate administration of the tree code within the appropriate bureau which can effectively administer this new code and provide the appropriate leadership to achieve the administration, planning, development and on going maintenance of the code. It should have sufficient authority and resources to navigate the inter bureau coordination required to achieve these administration, planning and development goals.
2. Apply the regulations consistently and uniformly throughout the city on both private and public projects, large and small. An important first step would be to develop a single tree list that synthesizes all the city's requirements.
3. Please amend the proposed code to allow street trees to count towards the canopy goals.
4. Request the City Council receive periodic reviews of the status of the code and proposed tree manual on on-going basis.

Thank you,  
John Warner  
Urban Forestry Commission

184522



## Metro | *Making a great place*

February 2, 2011

Portland City Council  
c/o Council Clerk  
1221 SW 4<sup>th</sup> Avenue, Room 104  
Portland Oregon, 97204

Testimony in support of the Tree Ordinance by  
Janet Bebb  
Principal Regional Planner  
Metro, 600 NE Grand Avenue, Portland 97232  
On behalf of Smith Bybee Wetlands Management Committee

Thank you for this opportunity to testify in support of the Tree Ordinance.

The Tree Ordinance contains a new zoning code provision, 33.860 for Comprehensive Natural Resources Plans (CNRP). This is a no-cost provision that is of keen interest to Metro and the Smith Bybee Management Committee for several reasons:

- The Natural Resources Management Plan was included in the Zoning Code in 1988 in order to protect natural resources.
- It has proven to be ineffective
  - Four plans have been written – none since 1997
  - The process requires a legislative rather than quasi-judicial process
  - Smith Bybee NRMP hasn't changed in 20 years
  - A fresh document/vision is costly and cumbersome process

The best solution is to replace the NRMP with the CNRP, as proposed in the Tree Ordinance. Benefits include:

- Landowners can develop their own plans
- The judicial process will save government and landowners money
- Properties can rely on the current environmental code rather than a code frozen in time with the NRMP process.
- More large natural resource properties will develop 10-year plans and keep them up to date.

On behalf of the Committee I'd like to thank Planning staff Roberta Jortner and Chris Scarzello for their diligent work on this provision. The Management Committee is crafting a new vision for Smith Bybee Wetlands and we'd like to be able to use the new document type. This vision will coordinate 2000 acres of wetlands within the City of Portland, and describe natural resource management measures across landowners including the City, the Port and Metro. Thank you.



184522

February 2, 2011

Portland City Council  
1221 SW 4th Avenue Room 110  
Portland, Oregon 97204

**Staff**

**Mike Houck**, Executive Director

**Officers**

**M J Cody**, Chair

**Goody Cable**, Vice-chair

**Bob Wilson**, Secretary/Treasurer

**Board**

**Mike Fahs**

**Steffeni Mendoza Gray**

**Mel Huie**

**Tom Liptan**

**Janet Oliver**

**Kelly Puntaney**

**Jim Rapp**

**Ruth Roth**

**Judy BlueHorse Skelton**

**Advisory Board**

**Bill Blosser**,  
Bill Blosser Consulting

**Janet Cobb**,  
California Oak Foundation

**Patrick Condon**,  
University of British Columbia

**John Fregonese**, President,  
Fregonese Associates, Inc.

**Randy Gragg**, Editor, Portland  
Spaces Magazine,

**Dan Heagerty, Sr.** VP/Strategic  
Officer, David Evans Enterprises

**Steve Johnson**, Public  
Involvement Consultant

**Charles Jordan**,  
The Conservation Fund

**Jon Kusler**, Association of  
Wetland Managers

**Peg Malloy**, Director,  
Portland Housing Center

**Dr. Rud Platt**, Ecological Cities  
Project

**Dr. Joseph Poracsky**  
PSU Geography

**Rodolpho Ramina**, Sustainability  
Consultant, Curitiba, Brazil

**Ann Riley**, California Department  
of Water Resources

**Geoff Roach**, Oregon Field  
Director, Trust For Public Land

**Jennifer Thompson**,  
U. S. Fish and Wildlife Service

**Paddy Tillett**, Architect, ZGF,  
Portland

**Ethan Seltzer**, Director, PSU  
School of Urban Studies and  
Planning

**David Yamashita**,  
Senior Planner, Long Range Planning,  
Maui, Hawaii

**Dr. Alan Yeakley**, PSU  
Environmental Sciences and  
Resources

**Lynn Youngbar**, Organizational  
Development Consultant

Dear Mayor Adams and Commissioners,

I am writing on behalf of the Urban Greenspaces Institute in support of City Council's adoption of the City Wide Tree Policy Review and Regulatory Improvement Project. The urban forest canopy is one of the most valuable assets that Portland possesses. It reduces urban heat island effect, improves air quality and reduces energy consumption. Trees mitigate Climate Change by reducing Greenhouse Gases and sequestering carbon. They assist in natural control of stormwater at its source, a primary objective of the city's Watershed Plan and they contribute to the city's biodiversity by providing habitat for neotropical and resident avian species.

As Portland continues to invest in "grey to green", which relies on trees and other forms of green infrastructure, it would be penny-wise and pound foolish not to invest the small amount of up front costs to implement this policy which will assist in meeting the city's urban forest canopy targets. This policy has been reviewed by the Portland Planning Commission and Forestry Commission. It has been tweaked, and tweaked again, and rewritten. It's time for you to take action now by adopting the plan and committing the resources for its implementation.

The most specious argument I've heard in opposition is an old saw that I thought had finally been put to rest. There are those who suggest that protecting urban natural resources, including our existing tree canopy, allegedly conflicts with local and regional density targets. That is simply not true. In fact, Metro's Regional Growth Management so-called regional targets do not conflict with this and other conservation initiatives. Metro's "targets" are not, fortunately, cast in stone. In fact, in 1996 in response to just this argument from the development community, Metro adopted a region-wide Greenspaces Resolution that stated explicitly that if a local jurisdiction adopts policies to protect natural areas, provide parks, trails, and public open space that the local jurisdiction would not be held to specific targets, so long as the jurisdiction could demonstrate that these resources would, in fact, be protected. In exchange for added natural resource protection Metro would hold local jurisdictions harmless from meeting specific density targets.

It's time to drop this hackneyed assertion that protecting natural resources, including the urban forest canopy, is antithetical to local and regional planning goals. That is simply not the case and should not be used as an excuse to lessen or reverse environmental zoning and protections Citywide Tree Policy Review and Regulatory Improvement Project, without further revisions. It should be adopted as is, and funded appropriately to ensure its on the ground implementation.

Respectfully,

Mike Houck,  
Executive Director



February 2, 2011

Portland City Council  
1221 SW 4th Avenue Room 110  
Portland, Oregon 97204

Dear Mayor Adams and Members of Portland City Council,

We are writing on behalf of Audubon Society of Portland to offer our comments on the Citywide Tree Policy Review and Regulatory Improvement Project. We view a healthy urban tree canopy as a foundational piece of Portland's green infrastructure and an essential element of healthy, livable communities. Audubon has participated in the Citywide tree Project dating back to 2007 when we served on the Bureau of Planning Budget Committee and strongly urged the Planning Bureau and City Council to prioritize funding for this project. Bob Sallinger and Jim Labbe both participated on behalf of Audubon on the Stakeholder Advisory Committee for this project. Meryl Redisch reviewed the Plan as a member of the Urban Forestry Commission. We commend the Bureau of Planning for their work on this effort and strongly encourage City Council to adopt, fund and implement this program.

Trees clean our air and water, provide wildlife habitat, increase our property values, sequester carbon dioxide, mitigate urban stormwater, reduce urban heat island effects, increase the energy efficiency in our buildings, reduce neighborhood crime and improve our quality of life and the livability of our city. Trees play an integral role in the success of many recently adopted city plans and programs including the Portland Watershed Management Plan, The Urban Forestry Plan, Grey to Green and the Climate Change Action Plan. Yet today protection for our urban trees is inconsistent at best. Dramatic increases in tree planting efforts over the past decade are undermined by lack of protection and mitigation requirements for trees on much of our landscape, confusing and sometimes contradictory regulations, lack of educational outreach resources and insufficient enforcement capabilities. As older and larger trees are being lost, we are increasingly replacing them with smaller and more columnar trees which provide far fewer ecosystem services. An Urban Forestry Assessment recently completed by Audubon, Metro and PSU demonstrates that Portland is increasingly lagging behind many neighboring communities

Audubon Society of Portland  
5151 NW Cornell Road  
Portland, OR 97210

(503) 292-6855  
[www.audubonportland.org](http://www.audubonportland.org)



in its efforts to protect its urban tree canopy. The proposal that is being brought forward this week will create clear, simple, consistent and comprehensive protections for our urban trees.

Portland has outstanding tree planting efforts conducted by both city bureaus and non-governmental organizations and support for those programs must continue. However, the greatest return on investment comes from protecting what we already have in the ground. The estimated replacement value of our urban tree canopy is nearly \$5 billion (Karps et al 2007). We are spending millions of additional public dollars each year to plant new trees. Many tree species do not reach their full potential for decades and over time the costs of maintaining a tree are dwarfed by the ecosystem services that mature trees provide. This tree plan is a wise and prudent investment. At approximately \$250,000 for two years to develop the program and \$150,000 ongoing annual costs (after tree related fees are deducted), the Tree Improvement Project represents a remarkably cost effective program and will provide a tremendous return on investment. We need to protect and maintain trees just as we do other components of our urban infrastructure. In order to reach the city's canopy target of 33% canopy coverage, we must accelerate our tree planting efforts, but the foundation of Portland's tree canopy strategy must be focused on preservation and stewardship of our existing canopy.

We have heard suggestions that protecting trees on the urban landscape will conflict with local and regional density targets. In fact the new tree code directly addresses this issue. While the Tree Improvement Project appropriately focuses on preservation of trees as the preferred option, it also clearly gives developers and property owners the opportunity to pay a fee in lieu to mitigate offsite for trees that cannot be preserved onsite. In addition the project calls for significant increases in outreach resources and code modifications to promote innovative site designs that accommodate both development and natural resource protection. This is exactly the kind of density Portland wants and needs, that which integrates and optimizes the built and natural environment. Preserving and enhancing neighborhood tree canopy in fact promotes compact urban form by creating livable communities that enjoy access to nature and all of the ecosystem services that trees provide. The City of Portland should consider trees an essential part of the "20 minute neighborhoods" that will anchor the Portland Plan now under development.

### **The Plan is the result of an extensive and inclusive process and includes significant compromises**

It is important to note that the Tree Improvement Project has already gone through tremendous review and compromise. The project was initiated as a grassroots effort by concerned citizens in Southwest Portland in 2005 which produced a white paper detailing the many deficiencies in our existing tree protection and preservation program. A broad stakeholder advisory committee spent more than a year studying the intricacies of the existing code before making recommendations. An unprecedented collaboration between the Planning Commission and the Urban Forestry Commission significantly reduced and simplified the plan that it received from the stakeholder group in order to accommodate a multitude of different interests. While we support this plan and urge its adoption we would note that there are many places that we would have liked to have seen it strengthened. These significant compromises include the following specific areas:

Audubon Society of Portland  
5151 NW Cornell Road  
Portland, OR 97210

(503) 292-6855  
[www.audubonportland.org](http://www.audubonportland.org)

1. **Trees in non-development situations:** The recommendation that emerged from the stakeholder advisory process required replacement of trees at 12 inches and above on single lots in non-development situations. Audubon recommended that the city require replacement down to six inches since 19% of the city's existing tree canopy falls in the 6"-12" range. Instead the Urban Forestry Commission and Planning Commission raised the threshold to 20 inches and reduced the replacement requirements to a single tree for each tree removed at or above the 20 inch threshold. We remain concerned that this weak standard will result in ongoing loss of canopy across our city but particularly in lower income neighborhoods which tend to have fewer and smaller trees to begin with and which will not be captured by this high threshold for replacement.
2. **Elimination of the Significant Tree List:** We viewed the significant tree list as an important element of the existing tree code which served to provide protection for trees that were of special concern or which were particularly slow growing. This aspect of the existing tree code was eliminated in order to simplify the new code.
3. **Expiration for protection of trees preserved in land divisions:** Audubon views the decision to put expiration dates on tree preservation plans created as part of the land review process for land divisions as a major compromise.
4. **Reduction of tree density standards for industrial lands:** Audubon supported tree density standards on industrial lands which would allow the city to achieve the Urban Forest Action Plan target of 15% canopy coverage on industrial lands. We disagree with the decision to reduce the density standards such that only 10% canopy coverage would be achieved. We believe that there are significant reasons to establish tree canopy on industrial lands including equitable distribution of tree canopy all land use types, reduction of air pollution associated with industrial lands, reduction of noise and visual impacts associated with industrial lands, and protection of riparian areas adjacent to industrial lands.
5. **Elimination of tree preservation requirements on lots less than 3000 square feet:** Audubon believes that it is reasonable to establish tree preservation requirements for all size residential lots. We believe where preservation or planting is not feasible, mitigation via payment into the tree fund is a reasonable method to equitably distribute responsibility for tree preservation in Portland.

**We urge the Council not to make the following additional changes which we understand may be under consideration:**

1. **Exceptions for Historic Districts:** While we respect the concern for maintaining the integrity of historic districts, we strongly oppose making exceptions that will allow historic districts to plant trees listed on the city's nuisance tree list. Invasive plant species represent one of the greatest threats to Portland's restoration efforts. Each year millions of dollars and thousands of volunteer hours are spent addressing the impacts of invasive species. It has taken years to finally address significant gaps in the City's nuisance plant list. It does not make sense to perpetuate ecologically destructive practices even if they are part of an historic district plan.

Audubon Society of Portland  
5151 NW Cornell Road  
Portland, OR 97210

(503) 292-6855  
[www.audubonportland.org](http://www.audubonportland.org)

2. **Exemptions for Industrial and Commercial Lands:** We understand that Council is considering exempting tree density requirements altogether on industrial lands. We would note that the current draft has already reduced the tree density requirements for industrial lands down to 10%, a 5% decrease from what was proposed in the draft that was forwarded to the Planning Commission and the Urban Forestry Commission. We would urge Council to reject this potential amendment. It is critical that all landowners participate in protecting and restoring our urban canopy and that no community in the City be exempt from the benefits and burdens of tree preservation and mitigation standards. The Urban Forest Action Plan calls for industrial and commercial lands to achieve 15% canopy cover as part of achieving the City's overall objective of 33% canopy coverage. Currently our industrial and commercial lands have only 7% canopy coverage. If in fact the City believes that this issue cannot be resolved until the River Plan LUBA decision is resolved, then we would urge the city to simply delay a decision on this specific issue until such time as the LUBA decision can be resolved rather than exempting industry altogether.
3. **Reduction of 35% tree protection requirement in development situations:** We understand that some stakeholders have requested the tree protection requirements in development situations be reduced from 35% to 33% such that for properties with three trees, only one tree would be saved rather than two. We urge you to reject this proposal. We believe that two trees is a reasonable number of trees to protect under these circumstances. We see no reason to scale this requirement downwards.
4. **Removal of flexibility for developers to protect trees in front yards by reducing backyard space on residential development sites:** We urge you to retain the provision that allows developers to reduce backyard space in order to preserve significant trees in the front yards of development sites. We believe that this provision provides flexibility for developers which will promote innovative site design and allow for preservation of significant trees. It is a provision which is supported by both developers and environmental interests. While we appreciate the concern about loss of backyard spaces, we also recognize that there is a fast growing interest in greater use of front yard spaces and the important role that they can play in creating livable neighborhoods. We believe that there is a rapidly growing market for homebuyers who seek front yard spaces that open onto streetscapes and provide semi-communal places to interact with neighbors.
5. **Exempting residential development sites up to 5000 square feet from tree preservation requirements:** As noted above we believe it was a mistake to exempt residential lots up to 3000 square feet from tree preservation requirements. Expanding this exemption to 5000 square feet would compound this decision. Again, it is important that responsibility for restoring the urban tree canopy be equitably distributed. We believe where preservation or planting is not feasible, mitigation via payment into the tree fund is a reasonable method to equitably distribute responsibility for tree preservation in Portland. We also believe that in the 3000-5000 square foot range there is more than ample space to preserve or plant trees on-site. to the degree that it is not feasible, we question whether developers are building structures that are sized inappropriately for the lot size.

Audubon Society of Portland  
5151 NW Cornell Road  
Portland, OR 97210

(503) 292-6855  
[www.audubonportland.org](http://www.audubonportland.org)

**Looking forward:** While we urge the Council to adopt and implement the recommendations of the Tree Improvement Project, there are two areas that we urge you to pursue post adoption:

1. **Capitalization of Trees:** We are pleased that the city has been investigating the possibility of capitalizing trees. It makes economic sense to protect and maintain trees just as we do other components of our green infrastructure.
2. **Urban Forestry:** We urge the City to take a thoughtful look at whether greater efficiency and effectiveness could be achieved by housing Urban Forestry within the Bureau of Environmental Services rather than within Portland Parks and Recreation. It would appear to make sense at a superficial level to house Urban Forestry with other elements of the City's green infrastructure program. However careful attention will need to be paid to impacts on the general fund and rates, availability of tree maintenance vehicles and equipment within bureaus, staffing impacts, etc. We would encourage the city to create a task force to investigate this idea. However, we do not see any reason to delay adoption and implementation of the Tree Improvement Project in advance of this discussion.

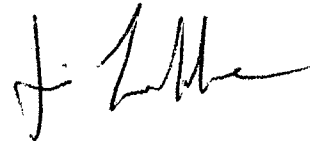
Overall, we believe that the Citywide Tree Policy Review and Regulatory Improvement Project represents a major step forward in the city's efforts to achieve its urban canopy objectives. In addition, adoption is essential for compliance with Metro Title 13. We believe that the costs associated with this proposal, including any additional costs associated with our above recommended amendments, represent smart, strategic and proactive investments in the City's green infrastructure. For every dollar currently invested in tree maintenance, Portlanders receive nearly \$4 in economic and ecosystem benefits (Karps et al 2007).

Between 1972-2002, Portland's urban canopy increased by a total of 1.2%. At this rate it would take another 169 years to add the additional 6.7% necessary to achieve Portland's canopy target of 33% coverage. This proposal set's Portland on a more ambitious trajectory, one that city policies have repeatedly recognized is necessary to maintain a sustainable and livable urban landscape as we grow more compact. We appreciate your consideration of our comments and urge you to move the Citywide Tree Policy Review and Regulatory Improvement Project forward for adoption.

Respectfully,



Bob Sallinger, Conservation Director  
Audubon Society of Portland



Jim Labbe, Urban Conservationist  
Audubon Society of Portland

Audubon Society of Portland  
5151 NW Cornell Road  
Portland, OR 97210

(503) 292-6855  
[www.audubonportland.org](http://www.audubonportland.org)

## Chapter 11: Trees

I'm Jim Wentworth-Plato. I participated as the professional arborist on the Stakeholder Discussion Group. I'm a Board Certified Master Arborist and a Certified Tree Risk Assessor. I've been working with trees in Portland and the surrounding areas since the mid 90's. I talk with homeowners on a daily basis about their tree concerns and needs.

The stated goals of the city are to increase canopy cover from 26 to 33 percent. This is in line with the Grey to Green Initiative and the Portland Watershed Plan. This is a noble goal, as a recent study found \$3.80 was returned on every dollar invested in trees through water management and societal benefits.

The proposed Chapter 11: Trees should be adopted. It's strongest points are:

- The consolidation of code concerning trees, providing a single reference.
- A manual providing citizens with a general understanding of trees, their care, a guidebook for the codes, and how decisions on individual trees affect our shared urban forest. It's currently difficult for the average Portlander to find rules regarding what they can and can't do to trees. It's unfair to hold people accountable for what they don't know.
- A contact person at the city to answer questions, handle complaints, and document violations. This creates goodwill, minimizes confusion and allows the city to respond to problems in a timely fashion. We can educate and provide resources for the uninformed to do things properly, but the people betting they won't get caught won't follow improved codes either. Which is why I'm so pleased that there will be a 24 hour 7 day a week hotline.

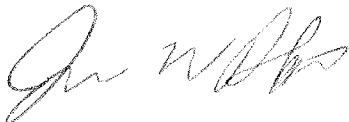
While I applaud the work done to refine, clarify, and consolidate the tree codes, I have a few specific concerns.

- Removal permits for trees over 12" is too broad. I understand the problem of staffing site visits, but many trees, particularly the trees that mature to a smaller height, may take 20 years to get to that size. I recommend 8-10" because many seeded trees grow quickly to 4" and many ornamental trees take quite a while to get to maturity.
- Replanting should be allowed any time, but encouraged to be done in the wet months, instead of the 30 day timeframe.
- I encourage you to consider requiring businesses that get licensed for tree work in the city to have certified arborists on every job site. The ISA has a widely accepted program for certification.
- There are many trees in the city that are under protection of tree preservation but few arborists or homeowners know if the tree they are working on is on a plan. There needs to be an easy way to access this database if you want compliance. Perhaps putting it on Portlandmaps.com?



- Because root damage from construction, grade changes, and compaction, rarely manifest for 3-5 years from the time of injury. It behooves us to enforce preservation now to avoid larger problems later. How? The required sign in 11.60.030C1c should also have the number for the person at the city with the ability to address violations in a timely manner. This will reduce repeat offenses.
- I support the concept of infill but not the current incarnation. I'm witnessing a shrinking and decline of our urban forest as well as the livability of our neighborhoods. Smaller lot sizes don't leave room for a large canopy tree and a building. They barely provide enough room for the building, some screening shrubs, and the garbage can. It's my hope that payments into the tree fund may go to purchase conservation easements to put trees back into these communities.

Thank you for taking the time to review my concerns.



Sincerely,  
Jim Wentworth-Plato  
BCMA #PN-1314B  
Emerald Tree

Submitted by  
Peter Livingston

**TREE PHOTOGRAPHS IN LADD'S ADDITION**

184522



Figure 1: Norway Maples in Summer 2010



Figure 2: Norway Maples in Summer 2010



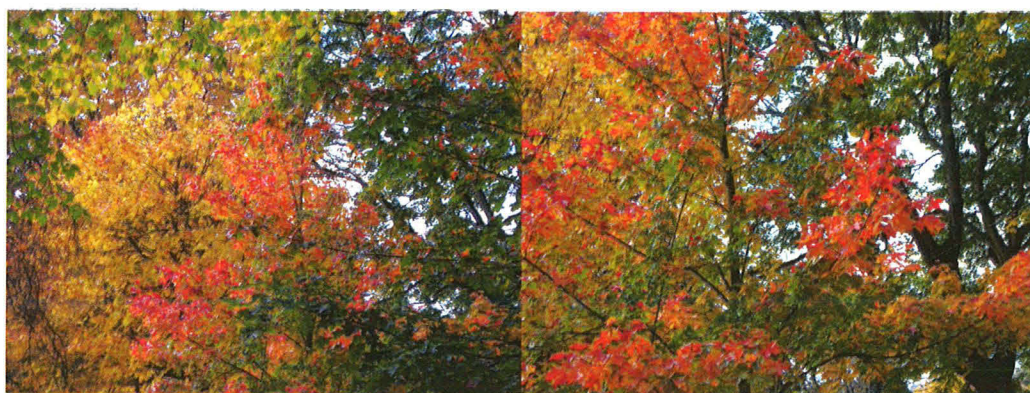


Figure 3: Changing Yellow Norway Maples Contrasted with Changing Orange Sugar Maples (Fall 2010)



Figure 4: Changing Sugar Maple (Fall 2010)

184522

**Parsons, Susan**

---

**From:** Katy Kolker [katy@portlandfruit.org]  
**Sent:** Wednesday, February 02, 2011 5:54 PM  
**To:** Moore-Love, Karla  
**Subject:** Written testimony for Citywide Tree Project  
**Attachments:** Written testimony for Citywide Tree Project.doc

Ms. Moore-Love,

I would like to submit the attached written testimony for today's City Council hearing on the Citywide Tree Project.

Unfortunately, I am unable to attend the hearing this evening.

Thank you.

Katy Kolker  
Executive Director  
Portland Fruit Tree Project

503-284-6106  
[katy@portlandfruit.org](mailto:katy@portlandfruit.org)

[www.portlandfruit.org](http://www.portlandfruit.org)

Dear members of the City Council,

I am writing to express support for the Citywide Tree Policy Review and Regulatory Improvement Project, and in particular, the inclusion of fruit and nut trees. As you may know, the Portland/Multnomah Food Policy Council submitted a Fruit & Nut Tree recommendation to the City of Portland in May of 2009, and I am very glad to see that many of these recommendations have been incorporated into the Citywide Tree Policy Review and Regulatory Improvement Project, including:

- New code reference to 'trees as a source of food for wildlife and people' as a desired benefit in the Purpose Section of Chapter 11.95 of the new Title 11, Trees (Volume 3, Appendix A, page 3).
- Included fruit and nut trees as a 'topic of interest' in the recommended Community Tree Manual (if it's funded) (page 132 of Volume 1, Recommended Draft Report to City Council)
- Recommendation that the Portland Plan explicitly recognize the key functions and services provided by trees, including trees as a food source (page 161 of Volume 1, Recommended Draft Report to City Council)
- Fruit and nut trees to be considered for possible inclusion in 'neighborhood tree plans'

Portland Fruit Tree Project is a small nonprofit organization that increases access to healthy food and strengthens communities by empowering neighbors to share in the harvest and care of urban fruit & nut trees. We could potentially support the Citywide Tree Project with partnership/assistance in developing the Fruit & Nut Tree section of the proposed Community Tree Manual. Our organization might also be able to assist with incorporating fruit trees into neighborhood tree plans. And our new Community Orchards Program provides a long-term partnership structure through which we are able to facilitate the creation/cultivation of fruit trees on public land.

And finally, I would like to urge you to fully fund the creation of a Community Tree Manual, as it would provide great benefit to Portland's citizens and urban environment.

Sincerely,

Katy Kolker  
Executive Director  
Portland Fruit Tree Project

1912 NE Killingsworth St.  
Portland, OR 97211



184522

**Parsons, Susan**

---

**From:** Eecole Copen [copene@ohsu.edu]  
**Sent:** Wednesday, February 02, 2011 5:37 PM  
**To:** Moore-Love, Karla  
**Subject:** Written Testimony for Citywide Tree Review and Regulatory Improvement Project hearing tonight!  
Feb 2nd-2011

**Attachments:** Portland Fruit-Nut Tree Report.pdf; Fruit Nut Tree testimony Feb 2011.docx

Hello Karla,

Please see 2 documents attached. I will also be giving verbal testimony. Thank you!

*Eecole*

Eecole Copen MS, RD, LD  
Sustainable Food Programs Coordinator  
Farmers Market Manager  
OHSU Food and Nutrition, Mailcode UHS 18  
3181 SW Sam Jackson Park Rd  
Portland, OR 97239  
Ph: 503-494-8792  
Fax: 503-494-1232  
<http://www.ohsu.edu/farmersmarket>

2/3/2011

Eecole Copen  
1823 NE 13<sup>th</sup> Ave.  
Portland, OR 97212

Good evening Council members, my name is Eecole Copen and I am here as a citizen and former member (2007-2009) of the Portland/Multnomah Food Policy Council or FPC. In May 2009, the FPC approved the Portland Fruit and Nut Tree Report written with expert input from Parks and Recreation, OSU extension, and several non-profits. This report served several functions. It outlined the human and environmental benefits of planting fruit & nut trees, listed the appropriate fruit/nut trees to be planted in this region, and encouraged several policy recommendations. The report has been submitted as part of my testimony. Subsequently, FPC brought the report to the Bureau of Planning and Sustainability to review the possibility of turning some of these recommendations into a reality. I am here tonight to happily report that the Citywide Tree Policy Review and Regulatory Improvement Project has brought these recommendations one step closer to reality.

The Citywide Tree Project includes the recommendation of fruit and nut trees as a 'topic of interest' in the proposed Community Tree Manual, recommends that the Portland Plan explicitly recognize the key functions and services provided by trees, including trees as a food source, and refers to 'trees as a source of food for wildlife and people' as a desired benefit in Volume 3. The funding and creation of the proposed user-friendly Community Tree Manual will be key to making it easy for Portland residents to figure out which trees to plant, where and how. Supplying lists in this manual and how to's specifically for food bearing trees will make it easy for residents to create a perennial food source for themselves and their neighbors. The concept of a Neighborhood Tree Plan outlined in this project paves the way for potential urban orchards, an efficient design for maximum harvest with minimal effort. Katy Kolker, the Executive Director of the non-profit, The Portland Fruit Tree Project, has expressed an interest in supporting this project with partnership to help cultivate community orchards, and assist in the creation of a fruit tree section of the tree manual.

A quick statistic. According to USDA and Oregon Food Bank, 14% of Oregonians experienced food insecurity or hunger in 2010. In 2010 the Portland Fruit Tree Project harvested 30,000 lbs. of fruit. Their goal for 2011 is to harvest 40,000 lbs. ½ of their harvest goes to those who are hungry. What if we all grew a fruit tree and gave half of the bountiful harvest to the hungry?

From the standpoint of improving health & nutrition, reducing carbon emissions, increasing food security, and decreasing dependence on fossil fuels, food bearing trees make sense and the Citywide Tree Project is one of the 1<sup>st</sup> city projects that explicitly recognizes and supports this. Thank you to BPS for listening.

*Attached: Portland Fruit/Nut Tree Report written by the Portland/Multnomah Food Policy Council in May 2009.*

# Portland Fruit/Nut Tree Report

## Portland Multnomah Food Policy Council members

*Affiliations are provided for identification purposes and are not intended to represent the formal participation of any agency or organization.*

### CHAIR

**Weston Miller**, Oregon State University Extension

### VICE-CHAIR

**Jean Fike**, East Multnomah Soil & Water Conservation District

### MEMBERS

**Mary Bedard**, Friends of Portland Community Gardens

**David Beller**, Mercy Corps NW

**Eecole Copen**, Oregon Health Sciences University

**Allison Hensey**, Oregon Environmental Council

**Mellie Pullman**, Portland State University

**Greg Lee**, Portland State University

**Robin Scholetzky**

**Cory Schreiber**, Oregon Department of Agriculture

**Tammy VanderWoude**, Oregon Food Bank

**Josh Volk**, Slow Hand Farm

**Sharon Whalen**, Duck Delivery Produce, Inc.

**Tera Couchman Wick**, Janus Youth Programs

**Ryan Wist**, Scenic Fruit

### STAFF TO FOOD POLICY COUNCIL

**Kat West**, Sustainability Program, Multnomah County

**Sonia Manhas**, Department of Health, Multnomah County

**Steve Cohen**, Bureau of Planning and Sustainability, City of Portland

### FRUIT/NUT TREE COMMITTEE MEMBERS

**Eecole Copen**, Oregon Health and Sciences University

**Katy Kolker**, Portland Fruit Tree Project

**Wisteria Loeffler**

**Leslie Pohl-Kosbau**, Portland Community Gardens

**David Beller**, Mercy Corps NW

**Robin Scholetzky**

### OTHER CONTRIBUTORS

**Rob Crouch**, Parks and Recreation, City of Portland (CoP); **Jim Gerschbach**, Friends of Trees; **Beret Halverson**, OSU Extension; **Roberta Jortner**, Bureau of Planning and Sustainability (BPS), CoP; **Amanda Rhoads**, BPS, CoP; **Karen Tillou**, Home Orchard Society; **Brighton West**, Friends of Trees

## **I. Executive Summary**

In August 2007, in response to City of Portland (CoP) staff recommendations, a subcommittee of the Portland/Multnomah Food Policy Council's Food Access Committee began research and analysis of existing CoP policies regarding fruit/nut tree plantings in the public right-of-way. Although the Portland/Multnomah Food Policy Council's scope includes both the City and the County, the scope of this report and analysis centered on the conditions within the City of Portland.

These recommendations were developed in conjunction with staff from The Bureau of Planning and Sustainability, the Urban Forestry Division and the Community Garden Project of Portland Parks and Recreation and various stakeholders. Project goals included the following:

1. Highlight current and future opportunities for and benefits of fruit/nut tree plantings.
2. Increase public knowledge of appropriate fruit/nut trees to be planted in this region, also serving to reduce planting of inappropriate fruit/nut trees.
3. Increase the nursery industry's supply of appropriate fruit/nut trees by increasing awareness of and commitment to demand.
4. Recognize food production at the same level of importance as canopy size (carbon sequestering) to reduce city's carbon footprint.

Research in the following areas supports the inclusion of fruit/nut trees in City documents, standards and policies:

- Improve Health and Nutrition
- Reduce Carbon Emissions
- Increase Food Security
- Peak Oil Standpoint

The Portland Fruit/Nut Tree Report describes five primary recommendations and three secondary recommendations:

1. Fruit/Nut Tree inclusion within the Citywide Tree Policy Review and Regulatory Improvement Project (CTPRIP)
2. Fruit/Nut Tree inclusion within the Bureau of Environmental Services, Grey to Green Initiative
3. Expand current Public-Private Partnerships for Urban Orchards
4. Use existing City Urban Forestry programs for outreach and education of fruit/nut Trees.

Secondary recommendations:

1. Continue to include appropriate language into existing City of Portland policies and management plans regarding fruit/nut tree selection & appropriateness
2. Encourage registration of all newly planted fruit/nut trees
3. Recognize fruit/nut tree organizations as potential collaborators

A list of resources and partner organizations is also provided in the Report.

## **II. Introduction**

The original motivating opportunity to create this report was a response to City of Portland staff recognition of language in the Urban Forest Action Plan (Feb 2007) that held opportunity for increased fruit/nut tree plantings in Portland. The statement read, 'Support planting of food-producing trees in appropriate locations'. Lead: Office of Sustainable Development (Goal 3, Outcome B, Livability, Medium Priority, 5 Year Actions).

The food access sub-committee of the Portland Food Policy Council convened several meetings with staff from The Bureau of Planning and Sustainability, the Urban Forestry division and the Community Garden Program of Portland Parks and Recreation, and various stakeholders including Friends of Trees, Home Orchard Society, Portland Fruit Tree Project, to determine and make a formal recommendation to City staff regarding opportunities for planting appropriate fruit/nut tree varieties.

Below is a discussion of related issues including health/nutrition, carbon emission reduction, food security and peak oil. In short, global food prices are on the rise due to fluctuating oil prices and the dependency on petroleum based fertilizers and pesticides. In the coming months and years, Portlanders' ability to grow some or all food on a smaller scale may become more important as a means of securing access to healthy and fresh fruits, nuts and vegetables. The following represent our recommendations to proactively meet this demand and bring food production safely into the mix as part of the City's response to a changing environmental and socio-economic landscape.

### **III. Justification: The multi-perspective benefits of fruit and nut trees for human and environmental health**

#### Improve Health and Nutrition

- Research shows that eating more fruits and vegetables is good for health. In addition to decreasing the risk of many chronic diseases, fruits and vegetables are naturally low in fat and help people feel full on fewer calories. Consequently, eating fruits and vegetables helps people maintain a healthy weight.<sup>1</sup> 2005 statistics found that in Oregon, 43% of men and 29% of women are overweight, and 25% of men and 24% of women obese. Obesity rates are even higher for the economically disadvantaged.<sup>2</sup> The Dietary Guidelines for Americans recommend 4½ cups of fruits and vegetables per day for most adults. Approximately 26% of Oregon adults eat five or more servings of fruits and vegetables a day, only half of the recommended amount.<sup>3</sup> *Almost all Oregonians need to eat more fruits and vegetables for a healthy diet.*

#### Reduce Carbon Emissions

- *Carbon Sequestration:* A small tree may sequester approx 28 lbs of CO2 where as a larger tree will sequester about 263 lbs annually. Small trees (25ft) have an economic net benefit of \$11.73, and larger trees (46ft) of \$51.46, including environmental and other benefits.<sup>4</sup>
- *Reduced Food Miles:* Pear trees grow to about 30ft, considered a small tree by the above standards. A truck-full of pears that travels 900 miles from San Diego by road will add 4,725 lbs of CO2 to the atmosphere. If those same pears were grown locally, there would be little to Zero CO2 added to the atmosphere. In fact, locally grown pears would become a *net sequestration* of CO2 given the canopy effects of these small trees. Larger fruit trees with larger canopy would have even greater benefits.<sup>5</sup>

#### Increased Food Security

- 2006 Census of Multnomah County shows 15.6% of individuals falling below 100% of the federal poverty guidelines (FPG) of \$21,000 for a family of 4. This statistic would likely be much higher if the FPG's, which have not been modified in years, were reflective of a more realistic basic budget of \$45,274 for a family of 4.<sup>6</sup>



- 5,000 lbs of locally grown tree fruit was picked in 2008 by the Portland Fruit Tree Project (PFTP), 75% of which was distributed to approximately 1000 low income households. The PFTP estimates this amount will double in 2009 and again in 2010, as they expand their services and capacity. Increasing the opportunities for locally grown fruit trees would continue to provide a significant resource for this under-served community.<sup>7</sup>
- “Rising food prices will put added demand on food assistance programs. At the same time the costs of food assistance will rise and donations may falter as a result of a broader economic downturn. The effectiveness and adequacy of the food assistance and emergency food distribution system will suffer without targeted efforts to bolster its resources...”<sup>8</sup>

#### From the Peak Oil Standpoint

- The availability of oil is decreasing. “Peak oil will increase the cost of growing, transporting, processing and distributing food, and the costs of food to the consumer will rise. Foods that are highly dependent on fertilizer inputs, transported over long distances, require time-sensitive refrigerated transport or are highly processed will experience the most significant cost increases....Rising fuel prices will increase pressure to transport food that is currently shipped by truck or air to rail or ship/barge. Some foods that are extremely time sensitive in shipping or that do not have enough value per unit weight or volume may not be shipped at all (i.e. fruits and vegetables)”<sup>8</sup>.

#### **IV. A list of appropriate trees for the Portland Metro Region**

A list of trees appropriate for this region has been compiled by collaborative efforts between Friends of Trees (FOT), the Home Orchard Society, Portland Parks and Recreation Community Garden Program, the Portland Fruit Tree Project and independent experts as part of this policy creation. In 2007-2008, one hundred and seven total fruit trees were procured and promptly sold to the public by FOT. In 2008-2009, one hundred and two were procured by FOT and are selling rapidly. According to FOT, the demand outweighs the current supply of appropriate size and type of nursery stock.

- Pears: 4-way, 'Bartlett' Dwarf, 'Bartlett' Semi-Dwarf, 'Red Bartlett' Dwarf, 'Red Bartlett' Semi-Dwarf
- Figs: 'Brown Turkey', 'Oregon Prolific', 'Desert King'
- Plums: 'Shiro' Japanese, 'Beauty' Semi-dwarf
- Snowcloud Serviceberry
- Mulberry: White, Spanish, Weeping
- Apples: 'Enterprise' Semi-Dwarf, 'Jonagold' Semi-Dwarf, 'Akane', 'Chehalis', 'Liberty', 'Prima', 'Tydemman Red' (apple scab resistant)
- Asian Pears: 'Chojuro' Semi-Dwarf, 'Hosui', 'Kosui', 'Shinseiki'
- Persimmons: 'Chocolate' and 'Fuyu'
- Chestnuts: 'Colossal Chinese'
- Walnuts
- Pineapple Guava (edible flowers and potentially might set fruit)
- Blueberries: 'Duke', 'Blueray', 'Bluecrop', 'Legacy', 'Darrow'
- *Ribes* : Currants and gooseberries
- Grapes: 'Vanessa', 'Price', 'Interlakken' and 'Himrod'
- Kiwis: 'Haward', 'Ananasnaya'

### V. Case study: A review of numbers.

To further illustrate the implication of additional fruit/nut trees, the following case study is provided:

- A conservative estimate of annual yields and heights of several recommended fruit/nut trees at maturity are: Mulberry-100 lbs (80ft.), Chestnuts- 250 lbs (50ft), Persimmons-400 lbs (20ft).<sup>9</sup>
  - If each year, 25% or 400 trees planted were fruit/nut trees (200 Mulberry, 100 Chestnut and 100 Persimmon), then at maturity, a minimum of 85,000 pounds of fresh produce could be introduced into our local food system each year. A reduction of imported foods during the growing season would conserve large amounts of fossil fuels and reduce carbon emissions.
  - These same 400 mature trees could sequester, conservatively, 81,700 lbs of CO<sub>2</sub> through their canopy alone.<sup>3</sup>
  - Harvested fruit allowed for sale could provide significant income. For example, local growers can sell chestnuts at profitable prices, up to \$5.00/lb. retail, a \$1,250.00 profit per mature tree.

### VI. Current Policy and Regulatory Environment

The City of Portland's Bureaus are involved in some capacity with the regulation and management of trees and tree policies on public and private land. This Report does not recommend changes to Title 33 or other City code, but highlights these sections and policies for cross-referencing.

- *City Code Title 33: Zoning Code: Landscaping and Screening Standards -33.248.010*: This chapter recognizes the aesthetic, ecological and economic value of landscaping and requires its use for many purposes, including: To preserve and enhance Portland's urban forest; promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons; aid in energy conservation by providing shade from the sun and shelter from the wind; mitigate for loss of natural resource values.
- *Portland Comprehensive Plan Assessment (Draft, April 1, 2008)*: Highlights the need for access to healthful and locally-grown food in the sections: Environment, Opportunities: Public Health and Safety as well as Sustainability, Current Condition and Trends: Food.
- *The Bureau of Planning and Sustainability's work that relates to urban forestry includes*: Supporting, planting and maintaining trees to improve local air quality, sequester carbon and reduce greenhouse gases, thereby slowing climate change.

### VII. Primary Recommendations

As a result of this research, the Subcommittee has identified five Primary Recommendations. These recommendations build upon existing City programs to provide strong opportunities for potential implementation.

1. ***Inclusion of Fruit/Nut Trees in the Citywide Tree Policy Review and Regulatory Improvement Project (CTPRIP)***:
  - **Create a simplified Fruit/Nut Tree Brochure and Poster for widespread distribution**
    - Collaborate with fruit/nut tree related organizations to create brochure and poster that can be used by Grey to Green initiative, the Neighborhood Tree Liaison Program, the Portland Fruit Tree Project, Friends of Trees, and placed on BPS website as a basic resource to increase public and industry awareness and benefits of fruit/nut trees and shrubs.
    - Brochure and Poster can include appropriate fruit/nut tree and shrub selection for the region, maintenance and safety.

- Distribute brochure to all regional nurseries and landscape architects to encourage propagation of and thus increase availability of appropriate fruit/nut trees and food producing shrubs for region.
      - Post on City of Portland website for easy access.
    - **Support the funding and production of the City Tree Project's Tree Manual**
      - The Tree Manual, if funded, will compile city requirements and information related to trees in a single user-friendly document. The Tree Manual will contain a strong educational component along with technical standards and best management practices for tree planting, care, protection, and removal. The information in the tree manual could be updated more frequently than city codes to address new information and community priorities relating to trees, including food trees.
    - **Support creation of a Fruit/Nut Tree section in the Tree Manual that raises public awareness of the benefits of fruit/nut trees as a local, healthy food source.**
      - Fruit/Nut Section of Tree Manual to include:
        - List of appropriate fruit/nut tree options for homeowners, businesses, and institutions (e.g., schools) seeking information about suitable yard trees
          - Including a carefully selected list of fruit/ nut trees in the manual and brochure would encourage people to plant only the most appropriate fruit/nut trees, and discourage the planting of inappropriate trees.
        - Outline permit application process and guidelines for those interested in planting fruit trees as street trees in planting strips *wider than 6 feet with overhead power-lines*.
        - Specific guidelines for planting and maintenance of fruit/nut trees.
        - Encourage planting of other food producing foliage such as shrubs, i.e. raspberries and blueberries.
    - **As outlined in the Zoning Code and the proposed new citywide Tree Title, add that landscaping and trees serve as a "provision of food for wildlife and people".**
2. ***Include Fruit/Nut Trees within the Bureau of Environmental Services, Grey to Green Initiative***
  - **Promote fruit/nut trees as option for the 33,000 Yard Trees to be planted as part of initiative over the next 5 years.**
    - As part of this initiative, include the Fruit/Nut Tree Brochure as an educational tool.
    - Post fruit/nut tree information to the City of Portland public website.
    - Target goal: 33% yard trees are fruit trees.
3. ***Expand current Public-Private Partnerships for Urban Orchards***
  - **Increase quantity of urban orchards, via partnership/expansion through new and existing programs.**
    - Urban orchards could produce thousands of pounds of quality food for Portland communities. Once established, trees will produce year after year for decades, while also providing benefits of urban canopy and wildlife habitat. Planting numerous trees at individual sites (Urban Orchards) maximize efficiency of maintenance and harvest of fruit/nuts
      - Promotion in Public Spaces:
        - Designate public land from Portland Parks, Water Bureau, County Digs, and/or Diggable City inventory to be used as urban community orchards in Partnership with Portland Fruit Tree Project (PFTP). PFTP will plant, maintain and harvest community orchards, and distribute fruit to food

banks and low-income community members. Community Orchards will also serve as demonstration/educational sites.

- Promotion in Private spaces:
  - Encourage citizens, churches, schools, hospitals, corporations to grow food for public consumption.

4. *Use existing City's Urban Forestry programs for outreach and education*

- **Incorporate Fruit and Nut Trees into the *Neighborhood Tree Liaison Program (NTLP)* administered by Portland Parks & Recreation**
  - The NTLP trains volunteers to be local leaders who promote proper tree care and serve as a resource for his/her neighborhood on tree issues. A 10-session course covers general tree care, tree biology, tree planting, preservation, and identification. Once trained, liaisons work with PP&R staff on tree projects in their neighborhood.
    - Include information on fruit/nut tree care, selection and safety as part of the educational process for homeowners and community members. (BPS Fruit/Nut Tree brochure recommended above could be used for this purpose)
    - Collaborate with related community organizations (PFTP, Portland Community Gardens, Home Orchard Society, and Friends of Trees) to incorporate Fruit Trees as the main topic for one of the sessions of NTLP training.
- **Hold training for city Tree Inspectors on information outlined in the fruit/nut tree section of the Tree Manual (mentioned above), for the purpose of communicating with home and business owners regarding fruit/nut tree selection & appropriateness, planting, maintenance, health and safety.**
- **Consider including a representative for the voice of Fruit/Nut Trees on the Urban Forestry Commission**

### VIII. Supportive Actions

This research also supports the following three additional actions:

1. *Continue to include appropriate language into existing CoP/County policies & management plans regarding fruit/nut tree selection & appropriateness*
  - Urban Forest Action Plan, Management Plan & Canopy Report
  - City Comprehensive Plan
  - Climate Change plan
2. *Encourage registration of all newly planted fruit/nut trees*
  - Encourage city to adopt registration form used by Portland Fruit Tree Project (PFTP) in order to determine whether trees will be harvested by owner or PFTP.
    - The PFTP's mission is to increase equal access to fresh, healthy food and foster stronger communities by empowering neighbors to share in the bounty and care of urban fruit and nut trees while promoting community knowledge-sharing and self-sufficiency through education in food preservation and fruit tree cultivation.
    - Gives one more level of accountability to address harvesting needs, even if property owner changes.
    - Publicize registration through the City of Portland website
  - Support PFTP in order that all newly planted fruit trees get registered and existing trees in ROW causing nuisance get attended to.
3. *Recognize fruit/nut tree organizations as potential collaborators*

- Friends of Trees
- Portland Fruit Tree Project
- Neighborhood Tree Liaison Program
- Portland Community Gardens
- Home Orchard Society
- Growing Gardens

#### **IX. Existing Organizations and Programs Whose Work Would Support This Initiative**

- **Friends of Trees**

*Annual fruit tree give-away, neighborhood tree plantings, tree care education*

**Contact:** Brighton West, Program Director  
503-282-8846 ext. 19  
[brightonw@friendsoftrees.org](mailto:brightonw@friendsoftrees.org)

- **Home Orchard Society**

*Provide resources and educational events for home-scale fruit cultivation. Maintain demonstration orchard in Clackamas County*

**Contact:** Karen Tillou, Orchard Director  
503-338-8479  
[arboretum@homeorchardsociety.org](mailto:arboretum@homeorchardsociety.org)

- **Neighborhood Tree Liaison Program (Portland Parks & Recreation)**

*Trains volunteers to promote proper tree care and serve as a resource for his/her neighborhood on tree issues.*

**Contact:** Karl Dawson  
[kdawson@ci.portland.or.us](mailto:kdawson@ci.portland.or.us)  
503-823-1650

- **Oregon State Extension**

*Provide relevant, research-based education and outreach to the public of Clackamas, Multnomah, and Washington Counties about horticulture and household pests. This information promotes sustainable practices that minimize risks to human health and the environment.*

**Contact:** Weston Miller  
[weston.miller@oregonstate.edu](mailto:weston.miller@oregonstate.edu)  
503-650-3124

- **Portland Community Gardens**

*Provide workshops on fruit tree care. Plant and care for fruit trees in Community Gardens.*

**Contact:** Leslie Pohl-Kosbau, Director  
503-823-1612  
[pkleslie@ci.portland.or.us](mailto:pkleslie@ci.portland.or.us)

- **Portland Fruit Tree Project**

*Organize volunteers to harvest and distribute fruit from existing fruit trees, provide education in tree care, future plans for community orchard plantings.*

**Contact:** Katy Kolker, Director  
503-284-6106  
[katy@portlandfruit.org](mailto:katy@portlandfruit.org)



## X. References

1. [www.healthoregon.org/hpcdp/physicalactivityandnutrition](http://www.healthoregon.org/hpcdp/physicalactivityandnutrition)
2. Behavioral Risk Factor Surveillance System-2005,  
<http://apps.nccd.cdc.gov/brfss/race.asp?cat=OB&yr=2005&qkey=4409&state=OR>
3. <http://www.healthypeople.gov/data/midcourse/html/focusareas/FA19Objectives.htm>.
4. McPherson, E. Gregory, et al. Western Washington and Oregon Community Tree Guide. Benefits, Costs and Strategic Planning. Center for Urban Forestry Research, USDA Forest Service, Pacific Southwest Research Station. 2002 pp 28&30.
5. Estimates from the Bureau of Planning and Sustainability
6. <http://www.organiclinker.com/food-miles.cfm>
7. Oregon Food Bank staff and resources, Portland, OR
8. Portland Fruit Tree Project staff and resources, Portland, OR
9. Portland Peak Oil Task Force Report-Draft, Dec 2006
10. Home Orchard Society staff and resources, Portland, OR

**Parsons, Susan**

---

**From:** Christine Colasurdo [c.colasurdo@yahoo.com]  
**Sent:** Wednesday, February 02, 2011 5:08 PM  
**To:** Parsons, Susan  
**Subject:** public comment regarding tree regulations for Portland

sent via email on February 2, 2011 at 5 pm Dear Susan Parsons:

I am writing regarding the new regulations concerning trees in Portland's urban forest. I cannot attend the hearing tonight and am therefore submitting this email as my comment for the record.

As a Portland resident I have watched many trees cut down in the last four years. Almost all of them were wider than 12 inches in diameter. Many were cut down during nesting season.

I am sorry to learn that the diameter for non-permitted trees has been amended down to 12 inches. I support a diameter of 20 inches.

We are losing our big trees. Replanting doesn't actually replace the mature canopy that 100-year-old trees provide. Even if a homeowner replants (with a small tree) we've lost a significant ecological factor: a very tall tree, capable of attracting old-growth forest species (such as Vaux's swifts, varied thrushes, red-breasted nuthatches, and bats).

I support strong regulations that will make people think twice about cutting down big, important trees. Before people are issued permits, they should be informed that large trees do the following:

- 1) suck up gallons of rainwater (thereby improving Portland's run-off issues and reducing erosion of slopes and landslide hazards)
- 2) provide shade
- 3) provide shelter and food for wildlife
- 4) increase property values
- 5) improve the air
- 6) enhance neighborhoods
- 7) enhance yards
- 8) give us a sense of our region's history
- 9) help retain hillsides (in steep areas)
- 10) reduce the heat-island effect of cities
- 11) provide a wind break

We need to inform the public of the immense values of trees. Many homeowners, it seems to me, cut down trees out of ignorance, not realizing they are depriving their property of important ecological and economic values.

If a tree absolutely has to be cut down, it should be done with minimum harm to birds (i.e., NOT during nesting season).

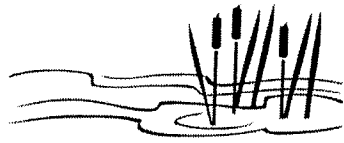
I hope these new regulations truly result in increasing Portland's urban forest. But I remain skeptical until the public at large is fully informed as to the irreplaceable value of trees, especially century-old ones. During

this time of climate change and global warming, we need every tree we have.

Thanks for the opportunity to comment.

Sincerely,  
Christine Colasurdo, M. A.  
author and journalist  
2776 SW Old Orchard Road  
Portland, OR 97201

184522



# Columbia Slough 184522

## WATERSHED COUNCIL

7040 NE 47th Ave, Portland OR 97218 | 503.281.1132 | fax 503.281.5187 | [www.columbiaslough.org](http://www.columbiaslough.org)

February 2, 2011

Portland City Council  
1221 SW Fourth Ave  
Portland, OR 97204

Re: Citywide Tree Policy Review and Regulatory Improvement Project (Citywide Tree Project)

Mayor and Commissioners:

The Columbia Slough Watershed Council (CSWC) is pleased to support the proposed Title 11. The existing codes that regulate trees in the City of Portland have been in need of this comprehensive review and revision for a long time. To reach the tree canopy goals set forth in the Urban Forest Management Plan, the Portland Watershed Management Plan and the Climate Action Plan, we must do more than plant new trees. City policy must provide strong protection of the existing urban canopy.

The proposed regulations are very detailed. However, contrary to what some critics are saying, they have been greatly simplified, eliminating many gaps and conflicts. These recommendations are designed to create a "cohesive, consistent regulatory framework for Portland's trees," pulling them together into a new Title 11 so it's easier to find and understand the appropriate code.

The environmental, social and economic value of trees is well documented. They are critical to the health of urban waterways like the Columbia Slough. The Watershed Council applauds the fact the new consolidated tree codes in Title 11 will bring more attention to the importance of the urban tree canopy and to trees along riparian areas like the Slough.

We appreciate updating and streamlining removal and replacement requirements. Provisions that merit special mention include the requirement to consider (and protect) trees on adjacent property that are on/near the property line and the incentives to protect clusters of trees.

Finally, Council members would like to see a strong link between Title 11 and the new Comprehensive Natural Resource Plan (CNRP) chapter (adopted previously as part of the North Reach River Plan 33.860). City Council adopted this chapter with no controversy. The CNRP will cover future development, mitigation, and resource enhancement activities, supporting long term site planning and management activities on large tracts of land, and could be a very useful tool for the Multnomah County Drainage District in its management of the Columbia Slough.

We urge you to adopt the Draft Recommendations from the Citywide Tree Project report without major modifications.

Thank you for this opportunity to comment.

Jane A. Van Dyke  
Executive Director

---

**From:** Rosen, Mike  
**Sent:** Wednesday, February 02, 2011 3:59 PM  
**To:** Adams, Sam; Ruiz, Amy; Saltzman, Dan; Grumm, Matt; Fish, Nick; Ames, Betsy; Leonard, Randy; Kovatch, Ty; Fritz, Amanda; Howard, Patti  
**Cc:** Parsons, Susan; Jortner, Roberta (Planning); Zehnder, Joe; Bacchieri, Jane; Callahan, Megan; Marriott, Dean; Cox, Kim (BES); McAllister, David; Anderson, Susan; Santner, Zari; Ketcham, Paul; Maze, Dominic; Karp, Jennifer; Allison, James; Santner, Darian; Rosen, Mike  
**Subject:** BES Tree Code Support Letter  
**Attachments:** BES Tree Code Support Letter 020211.pdf

Mayor Adams and Commissioners:

Attached please BES' letter of support for the Citywide Tree Project and Code Title 11, Trees. Please don't hesitate to contact me if you have any questions.

Thanks!

Mike R.



BES Tree  
Support Lette



# CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ■ Dan Saltzman, Commissioner ■ Dean Marriott, Director

February 2, 2011

Subject: Support for Citywide Tree Project

Mayor Adams, Commissioner Fish, Commissioner Fritz, Commissioner Leonard,  
and Commissioner Saltzman:

The Bureau of Environmental Services (BES) is pleased to provide this letter in support of the Citywide Tree Project and proposed consolidated code (Code Title 11, Trees). To complete this work and for the past three years, BES has been part of a multi-bureau and extensive stakeholder collaboration which has been effectively managed by the Bureau of Planning and Sustainability (BPS). The product of this effort is the complete update and consolidation of city-wide tree code that will result in regulation that is streamlined, more cost-effective to implement, and will better protect existing and new tree canopy. In particular, we are pleased with the results because they will significantly bolster the efforts of the Portland Watershed Management Plan.

Among other important strategies, the Watershed Plan seeks to increase urban tree canopy and reduce the number and spread of invasive species of plants, including trees. In order to improve stream function and habitat, species diversity and water quality, the Watershed Plan creates opportunities for all City bureaus and the private sector to increase the number of trees planted and to protect existing canopy. The City's Grey to Green work, alone, will increase the number of trees in Portland by 83,000 over a 5 year period. With the implementation of the new Code Title 11, BES expects to see an annual growth in City tree canopy through a much more systematic approach to the consideration of trees early in the design of capital projects. This will ensure that we are able to both maximize the number of trees we plant and save during development.

BES, in partnership with local watershed councils and other organizations, is investing considerable resources to control the spread of invasive trees and plants, including Norway maples, in our watersheds. Current City rules allow the planting of nuisance trees on City property and rights of way. Even when these trees are not in close proximity to natural forested areas that the City actively manages, seedlings that thrive have to be laboriously removed, and seeds can be transported to natural areas via people, car, and wind. By preventing the future planting of invasive trees on City property and streets, Code Title 11 brings City tree regulations in alignment with the City's adopted Invasive Species Management Strategy. In the case of the Norway Maple, an effective succession strategy can be implemented through the planting of the very similar Sugar Maple as the Norway canopy dies. In both look and function, the Sugar Maple provides almost indistinguishable aesthetic and infrastructure services to our neighborhoods. Therefore we urge Council to support, without exception, the proposed citywide prohibition on planting City-listed Nuisance species trees on City property and streets.

This is clearly a challenging and ambitious project. However, the program will be phased in over several years to minimize the impact to existing bureau budgets and workloads. In addition, recent and new amendments will address the most significant implementation concerns raised to date. This approach will allow us to assess program effectiveness and develop constructive adaptations, without delaying the achievement of important program goals. In conclusion, after several years of discussion and planning, BES welcomes adoption of Code Title 11. As a Bureau, we are confident that with the well considered implementation strategy that will guide it, Portland will make early and significant gains in the protection and proliferation of our urban tree canopy, which is rapidly emerging to be one our most important and productive infrastructure assets.

Sincerely,



Michael E. Rosen, Manager  
Watershed Division  
Watershed Services Group



**Parsons, Susan**

184522

**From:** Sabine Hilding [sabinehilding@hotmail.com]  
**Sent:** Wednesday, February 02, 2011 3:01 PM  
**To:** Moore-Love, Karla  
**Cc:** David Delk; Joan Horton  
**Subject:** Written Testimony as regards Portland's Tree-code, to be included in this evening's PDX City Hall Hearing on the Proposed Draft  
 February 3, 2011

To: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)

What: **Written Testimony as regards Portland, Oregon's Tree-code for this evening's PDX City Hall meeting, please include**

From: The Alliance for Democracy, Portland, Oregon chapter, <http://www.afd-pdx.org/>  
 Some Portland residents in AFD include:

Portland, Oregon 97204	David Delk, residing at 112 N. E. 45th Ave.,
Oregon 97239	Joan Horton, residing at 0234 S. W. Curry, Portland,
Blvd.. Portland, Oregon 97239	Sabine Hilding, residing at 3311 S. W. Fairmount

## Pesticide-free maintenance for trees in Portland

In the SUMMARY of the **Citywide Tree Policy Review and Regulatory Improvement Project DRAFT**, at <http://www.portlandonline.com/bps/index.cfm?c=53886&a=331459> under **Customer Services Improvement**, there is a plan for a **Community Tree Manual**, which "will provide a user-friendly guide to tree rules, tree care and best practices."

We would like to ensure that pesticide free maintenance is included among these "best practices", and that serious consideration of healthy soils beneath the trees—created by leaving leaf mulch in place—under native trees especially, if perhaps not under fruit trees, be made a priority.

We also note that this Recommended Draft is an "extensive collaboration by the Bureau of Planning and Sustainability...Bureaus of Parks and Recreation, Development Services, Environmental Services, Transportation and Water," plus neighborhood representatives, developers, arborists, and environmental organizations to scope the project, examine key issues, and evaluate and the pros and cons of potential solutions." Presumably that includes neighborhood organizations and homeowners. We would like to point out that currently not all of these entities are maintaining what they have in a pesticide free manner.

Our concern chiefly is that cosmetic maintenance of said new trees and existing trees by the above entities is done in a pesticide free manner, that includes not using any pesticides (for example Glyphosate and Round-Up around tree trunks to get rid of 'grasses and weeds' and fungicides to rid areas of mosses, etc. etc.) in parks around trees, trees in medians, along roadways, and trails and in office parks as well, and new development. The brown circles around trees as an aesthetic is most often not achieved in a sustainable manner.

Obviously there needs to be an aesthetic shift to go along with the absence of pesticides to maintain the many new and existing trees protected by this project—call it the 'new urban wild' or the 21<sup>st</sup> century versus the 1950's aesthetic. From the Transportation Department to Roads to Parks to Neighborhood Associations to Utilities to METRO, trees must be protected from herbicides and pesticides not only for their own health but the health of the public, urban wildlife, and clean water. We ask that this aesthetic be explained clearly and pictured in this Community Tree Manual, and throughout the Tree-code, basically that 'natural areas and healthy trees with grass and leaves beneath

184522

them are not "messy" essentially.

Additionally, there is a nod to 'sustainability' in the Summary at, "The recommended proposal will create a cohesive, consistent regulatory framework for Portland's trees – a framework that will advance City goals to protect, enhance, and equitably distribute the benefits of the urban forest, while supporting Portland's broader environmental, social and economic sustainability goals." There should be clear recognition and definition of these terms. In this DRAFT "economic sustainability" may be misunderstood. Combining the word 'economic' with 'sustainability' could be misconstrued as a way of mitigating and ameliorating the bite of true sustainable solutions, which do not involve elaborate 'business' solutions. Thus "economic sustainability" may not always be true sustainability, and should be clearly defined so that the public knows exactly what is being referred to here.

Please include a ban on using pesticides for cosmetic maintenance of trees in Portland in the plan overall, as well as in the Community Tree Manual.

We are very much in favor of all tree plantings for their capacity to clean air, filter water, and sustain wildlife in our urban area, as well as the many ecological benefits of native plantings overall. We would like to congratulate and thank all who had the forethought to emphasize this element of natives over exotics in the plan.

Thank you very much,

David Delk, Joan Horton, and Sabine Hilding for the Alliance for Democracy, Portland, Oregon

\*\*\*For more information and ordinance wording and to see how one US City Ordinance has handled pesticide free tree and landscape maintenance, please see Town of Marblehead, Massachusetts, Board of Health Organic Pest Management Solutions, ordinance adopted in December 2005 in pdf file which specifically mentions how the issue of pesticide free maintenance should be addressed and carried out:

<http://www.beyondpesticides.org/documents/MarbleheadOPM%20REGS%2012%2022%2005.pdf>

184522

**Parsons, Susan**

**From:** Kathy Shearin [kathyshearin@hotmail.com]  
**Sent:** Wednesday, February 02, 2011 3:20 PM  
**To:** Moore-Love, Karla  
**Subject:** Citywide Tree Project  
**Attachments:** Kathy's tree policy letter.doc

Please accept my comments for the Citywide Tree Project (attached and copied below for your convenience).

Thanks!  
Kathy Shearin

February 2, 2011

Portland City Council  
1221 SW Fourth Ave  
Portland, OR 97204

Re: Citywide Tree Policy Review and Regulatory Improvement Project (Citywide Tree Project)

Mayor and Commissioners:

Thank you for considering the new Citywide Tree Project and creating a new code to better assist the people of Portland in managing our urban tree canopy.

I would like to encourage the council to adopt more strict standards in regards to cutting down large trees. I feel that a diameter for private property of **20 inches is WAY TOO LARGE**. The minimum diameter that should trigger a permit/mitigation on **any** property should be no larger than 12 inches.

I have seen too many large trees taken down for infill when there are so many open lots throughout the City. I am currently one of only two houses on my block with a large diameter tree and have watched several very large trees be removed without any mitigation.

This new policy would at least require the replanting of a tree, but honestly, the shade, habitat, soil retention, stormwater retention and air quality benefits will never be the same – within my lifetime, and perhaps not ever, because people tend to replant with smaller, more short-lived species.

I commend the City and you the Councilors for addressing our urban forest as I believe it is what defines us as a region. Please consider taking the extra step towards protecting one of our areas most valuable resources.

Most Sincerely,

Kathy Shearin  
6204 NE 7<sup>th</sup> Ave.  
Portland, OR 97211

2/2/2011

**Parsons, Susan**

184522

---

**From:** Andrew Plambeck [a.plambeck@gmail.com]

**Sent:** Wednesday, February 02, 2011 10:13 AM

**To:** Moore-Love, Karla

**Subject:** Tree Policy Testimony

The proposed Citywide Tree Policy seems to me to be a great step forward in preserving and protecting our fair city's beautiful trees.

However, I would like to offer my comments that it would be nice to see protection of some of the historic street trees (including trees such as the Norway maples in Ladd's Addition) now being targeted for removal by the City. These trees have been designated to be some sort of invasive, but they have been a piece of our community's fabric for generations and should be allowed to remain in place.

Thank you,

--

Andrew Plambeck  
4107 SE Gladstone St., Apt. 8  
Portland, OR 97202

184522

**Parsons, Susan**

**From:** K Leck [kal536@yahoo.com]  
**Sent:** Wednesday, February 02, 2011 9:05 AM  
**To:** Parsons, Susan  
**Subject:** Testimony for public hearing on Citywide Tree Project, Feb. 2

Dear City Council Members,

I live in the Brentwood-Darlington neighborhood in SE Portland. I am concerned by the trend of splitting lots in order to place more new houses on them that are much larger in proportion to the existing housing stock. The side and back setbacks allowed by the city do not leave adequate room to plant yard trees. Furthermore, since we don't have many sidewalks or planting strips here, most of the trees in this neighborhood are in front and back yards. I moved to this neighborhood because I love the beautiful Doug firs that dominate the skyline here. However, as more in-fill housing is created that is out of proportion to the lots they are on, we will not have the room to replace the 100+ yr old trees that currently exist here. I don't feel that it is enough to allow a developer or a homeowner that removes trees to be able to "get away with it" by contributing money to a tree fund or by planting a tree elsewhere. Such remedies do nothing to preserve the current tree inventory and character of this and other neighborhoods. I believe that setbacks for new construction should be increased to allow adequate room to replace or preserve larger species of trees (particularly our native species like Doug fir, Big Leaf maple, Garry oak, etc.) and that trees should be replaced and preserved in the same neighborhood from which the problem arises.

Thank you for your time,

Kathie Leck  
7131 SE 64 AVE  
Portland, OR 97206  
503-725-8244

184522

Attention Council Clerk:  
Fax # 503-823-4571

Please have this written testimony delivered to the members of City Council in advance of the public hearing on the Citywide Tree Project scheduled for Wednesday, February 2<sup>nd</sup>, 6:00 p.m.

THIS COVER IS 1 PAGE

184522

2-2-2011

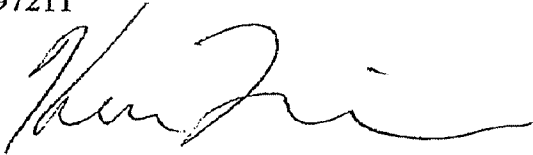
Honorable Mayor and Commissioners,

Much discussion has been listened to and incorporated into the new citywide tree policy recommendations that you will be considering today. Citizens have given their input and so have developers and other business interests. These concerns have been taken into careful consideration by Roberta Jortner, Stephanie Beckman, Morgan Tracy and many other quality city employees during the drafting process for these recommendations.

These recommendations as presented will streamline the process of tree stewardship and will benefit the city as a whole. A single department will regulate trees rather than regulations falling under the jurisdiction of five separate city agencies. I salute the protections for existing larger trees that have long suffered from declining numbers due to nonexistent preservation incentives and a disappointing lack of record keeping regarding their removal. The greening of the city as a whole will be greatly improved by the stop loss measures implemented within this policy which favor the conservation of significant trees.

Though I cannot be with you in person this evening to speak on behalf of our city nature, I do want you to have this letter indicating my strong support for the work that has been done with the Citywide Tree Project. The citizens of this city do not have paid lobbyists to send to speak before council at this hearing. I do believe, however, that our requests for stronger tree protections have been heard and subsequently incorporated into these four volumes of recommended changes to existing policy. The policy as presented supports the quality of life of all of the citizens of Portland as a whole and should not be pared down to reflect individual interests. Please enact these recommendations as presented and do not be swayed by the requests from business interests.

Ken Forcier  
Concordia Neighborhood  
6107 NE 32<sup>nd</sup> Place  
Portland, OR  
97211



184522

**Parsons, Susan**

---

**From:** Jortner, Roberta (Planning)  
**Sent:** Wednesday, February 02, 2011 9:47 AM  
**To:** Parsons, Susan  
**Subject:** FW: comments for the Feb 2, 2011 hearing on the City-wide Tree Project  
**Attachments:** CitywideTreePrj2-1-11.doc  
FYI.

Roberta

---

**From:** three3sisters@juno.com [mailto:three3sisters@juno.com]  
**Sent:** Tuesday, February 01, 2011 9:39 PM  
**To:** Adams, Mayor; Commissioner Fritz; Commissioner Fish; Leonard, Randy; dsaltzman@portlandoregon.gov  
**Cc:** three3sisters@juno.com; Jortner, Roberta (Planning); jlabbe@urbanfauna.org; mikehouck@urbangreenspaces.org; Sears, Tricia  
**Subject:** comments for the Feb 2, 2011 hearing on the City-wide Tree Project

2/1/11

Hello Mayor Adams and Commissioners Fritz, Fish, Leonard, and Saltman,

Please find my comments on the City-wide Tree Project attached.

In summary, I urge you to support the project.

Sincerely,  
Tricia R. Sears

2/2/2011



February 1, 2011

Tricia R. Sears  
2512 NW Marshall St. #7  
Portland, OR 97210

RE: City Council hearing on the City-wide Tree Project on February 2, 2011.

Dear Mayor Adams and Commissioners Fritz, Fish, Leonard, and Saltzman,

You will find the City-wide Tree Project (CTP) to be an amazing effort from City of Portland staff as well as a long list of community participants. The road has been long and certainly it has not been an easy path to take, but this well-intentioned project succeeds impressively to make changes to the City's tree policies. With this proposal, the tree policies are more equitable, more comprehensive, and simpler for everyone to understand. Our trees will be preserved and protected more effectively with this project implemented to the fullest extent possible.

Trees are a key part of what Portland is known and well-loved for – so it makes sense that so much time and energy has been put into the changes to the tree codes that are presented to you tonight by City of Portland staff.

I am writing to you as a citizen, with my varied interests and activities (including my roles as a Friends of Trees crew leader for natural areas and member of Audubon Society of Portland). However, given my recent past position and my current position with the City of Portland, I must state that the CTP is a critical piece in the City's interrelated efforts for watershed protection, hazard reduction, invasive species management, climate change, erosion control, stormwater management, community participation and outreach, and environmental protection.

The CTP will:

- Improve tree preservation and facilitate the planting of trees (right tree right place) as the City continues to grow and change. Enhancing the urban forest and canopy improves connectivity for fauna and increases the ability of flora to remain resilient to human impacts. It also reduces soil erosion, stabilizes slopes, and ameliorates flooding. These benefits are particularly important in light of climate change.
- Improve wildfire protection steps by streamlining requirements for tree pruning in wildfire hazard zones. This reduces risks of wildfires and related impacts. It will advance the implementation of the *Natural Hazard Risk Reduction Strategy*, which was recently approved by City Council.
- Continue to increase the effectiveness of City projects such as the *Invasive Plant Policy Review and Regulatory Improvement Project*, which was approved by City Council in February 2010, and the *Natural Hazard Risk Reduction Strategy*. The proposal to prohibit planting of nuisance (invasive) plants on City property and along the rights-of-way will further align varied projects on the subjects I noted above. When City projects integrate with each other, it provides a cohesive and integrated perspective that staff and citizens can understand and implement.

Science should guide our policy, so long as we can defend it with appropriate information for our decisions. The CTP demonstrates its basis in science and extends that into policy changes that should be approved by City Council.

Thank you for the opportunity to comment.

Sincerely,

Tricia R. Sears

184522

**Parsons, Susan**

**From:** sean sweeney [sweenes3@gmail.com]  
**Sent:** Wednesday, February 02, 2011 10:09 AM  
**To:** Parsons, Susan  
**Subject:** City Wide Tree Proposal

Hello,

Unfortunately I am not going to make tonight's council meeting but I wanted to comment.

I am glad that the proposal will streamline City Tree regulations and policies. This makes sense and is needed. I'm glad that we are finally moving forward with the process but one aspect of the new plan is concerning.

From my understanding, trees under 24" in diameter are not going to be regulated by the city. If this is true, I think it is a mistake. Not many trees in the city are over two feet in diameter, most trees on private property are probably under 16" diameter, and most of the city's canopy is on private property. I think it is bad policy to exclude the majority of trees from regulation.

I don't think the government needs to micromanage people's personal property to the point of necessitating permits for the planting/cutting down of appropriately planted saplings and small trees, but I think 24" is too large to be the low end of trees that come under regulation. A 24" diameter Garry Oak, our only native oak tree, could easily be over a hundred years old. The larger trees in the community have an increased value for our collective benefits when it comes to habitat, storm water mitigation, carbon offsetting, neighborhood livability, property values etc.

Thank you,

Sean Sweeney

2/2/2011

184522

February 2, 2011

Mayor Sam Adams  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Randy Leonard  
Commissioner Dan Saltzman

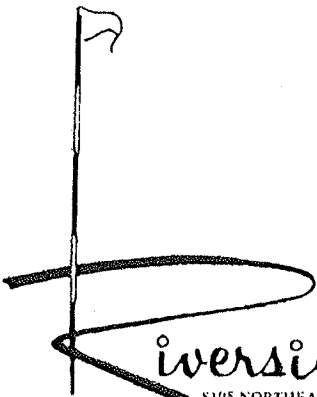
**SUBJECT: Proposed Citywide Tree Policy Review & Regulatory Improvement Project**

Riverside Golf and Country Club has been at 8105 NE 33<sup>rd</sup> Drive more than 85 years. We operate on 164 acres and manage 3,000-4,000 trees. We have had the opportunity to meet with project staff to discuss this program. We appreciate their assistance in helping our understanding. The purpose of this letter is to express general support for the program, but also express our concern about how the implementation on a large site like ours may not work well and could lead to burdensome, unproductive paperwork. We are meeting with staff tomorrow to better understand the program and discuss potential tweaks to improve its efficiency.

One way of looking at Riverside is that it is an actively managed tree preserve. Trees are an important element in the layout, visual quality and use of our course. They also provide habitat for wildlife that our members appreciate. We have skilled staff managing vegetation, and we also work with outside private arborists. Our activities include ongoing maintenance to prune, remove and replant trees. Trees are not a static plant and there is a lifecycle for trees that means that at any given time some trees are diseased and dying. We typically see an upturn in tree work after storm events. We thus differ from the traditional residential, commercial or industrial sites contemplating development.

A few points we would like to make:

1. We are concerned that the traditional tree permit approach (Volume 3, Chapter 11.30) will result in excessive burdens and costs on both Riverside and the City Forester without commensurate benefits. Given the large size of our site and the scale of activities, we believe that the regular permit track will lead to much unnecessary and unproductive paperwork.



Riverside

GOLF AND COUNTRY CLUB

8105 NORTHEAST 33RD DRIVE PORTLAND, OR 97211-2095 PHONE: (503) 288-6468 FAX: (503) 282-1383

184522

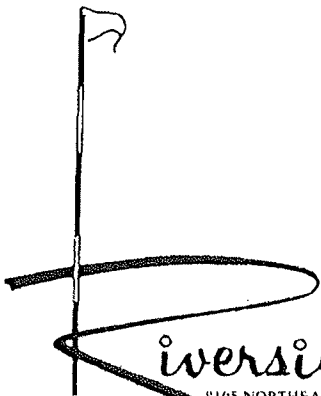
2. Another problem with the framework of tree permits is that some relatively routine and straightforward activities will trigger permits. For instance pruning of trees in Table 40-3 in c or p zones requires a permit. While on the surface this may sound logical, the challenge with Riverside is that in the Airport Futures Project new and quite large environmental zones are contemplated. These cover in part fairways, tee boxes and other heavily used areas as well as traditional natural resource areas. This would result in extensive permit activities for simple maintenance actions. This unintended consequence will unduly burden our operation.
3. One of the components in the current revisions to the Tree Ordinances draft envisions a Programmatic Permit for public agencies and utilities. We believe such a similar mechanism is appropriate for our situation. Working with the City Forester, such a Permit could incorporate the operating practices and standards of the many facets of golf course operations while ensuring that tree management practices meet the goals of this program. Annual reporting requirements are a key component of this program. This would streamline the process for a large area and still comply with the intent of the program.

An option suggested by City staff is the possibility of a Comprehensive Natural Resource Plan for the site. Our initial impression of this approach is that it appears to be a quite costly and time consuming effort. I am apprehensive that the costs and time involved would make this effectively no option for a facility such as Riverside.

We would encourage the Council to support the general concept of a programmatic type of approach. We look forward to working with staff.

John Lof, Golf Course Superintendent  
Riverside Golf Course and Country Club

cc: Roberta Jortner



Riverside

GOLF AND COUNTRY CLUB

8105 NORTHEAST 33RD DRIVE PORTLAND, OR 97211-2095 PHONE: (503) 288-6468 FAX: (503) 282-1383

**Parsons, Susan**

184522

---

**From:** Jim Thayer [jim@thayers.org]  
**Sent:** Wednesday, February 02, 2011 10:40 AM  
**To:** Moore-Love, Karla  
**Cc:** Simone Goldfeder; Don Livingstone; Jortner, Roberta (Planning); Nancy Seton  
**Subject:** Another letter in support of CITYWIDE TREE POLICY PROJECT from SWHRL  
**Attachments:** Testimony Tree Policy Feb 2 2011.docx; ATT00001..htm

Please pass this letter in support of the CITYWIDE TREE POLICY PROJECT on to City Council before the Wed. Feb. 2 hearing. Several of us from the Southwest Hills Residential League (SWHRL) neighborhood association will be at the Wed. Feb. 2 City Council hearing to testify in person.

Thank you,

February 2, 2011

SWHRL Tree Policy testimony for Wednesday, 6 pm Hearing on the Proposed City Tree ordinances.

My name is Jim Thayer, I am the prior President of SWHRL, The Southwest Hills Residential League. I am here to today, alongside other members of our neighborhood association to give testimony in strong support for the proposed Tree Policy Guidelines.

The proposed guidelines are steps forward in clarifying the regulation of trees in the City of Portland and supporting the goals of this region and City in providing a clear and cohesive regulator framework and in enhancing the urban forest.

The City Staff on this project have been communicative, responsive, thorough and meticulous in not only their review of the current regulations, a ungainly task in itself, but also in working with all stakeholders in developing policies, code changes, and streamlined regulations that would benefit all parties.

This effort has taken many years to get to this point and it is important that we take this next step to comprehensively address and fix many of the issues surrounding Trees in our City.

Does the proposed package meet all or our expectations? Not necessarily. But, it is our view that the current package before you has been carefully crafted to meet the performance standards and goals of the City of Portland, building in flexibility and performance standards to meet the diverse parts of the City and the specifics of its unique places.

Some might say no regulation is good regulation. The goals of these new, updated policies are to streamline existing complicated, conflicting and ineffectual regulations; not to create new ones.

Even if the City is unable to fund certain pieces of the Tree Project, it is important the overall package, code changes and policies are implemented now. If funding were not initially available, pieces like "Community Tree Manual" could be phased in / developed later, but at least the whole project would be adopted by the City. This is truly an opportunity for the City of Portland to provide real tools to support its goals as a green and sustainable City.

SWHRL (Southwest Hills Residential League) strongly supports the adoption of the Tree Project.  
Thanks for your consideration,

Jim Thayer, Southwest Hills Residential League, Board member

184522

**Parsons, Susan**

---

**From:** Linda Nettekoven [linda@lnettekoven.com]  
**Sent:** Wednesday, February 02, 2011 9:57 AM  
**To:** Parsons, Susan  
**Subject:** Tree Code Letter and Proposed Amendments  
**Attachments:** TREE LTR TO COUNCIL 1-2-11.doc; ATT00001..htm; Ladd's Addition Amendments.doc; ATT00002..htm

Dear Susan,

Attached please find materials that the Hosford-Abernethy Neighborhood Development Association would like included in the record for tonight's hearing on the proposed Tree Code.

Thank you.

Linda Nettekoven,  
HAND Vice Chair

2/2/2011



1630 SE Elliott Avenue  
Portland, Oregon 97214  
[www.saveourems.org](http://www.saveourems.org)

January 24, 2011

Council Clerk  
Portland City Council  
1221 SW Fourth Avenue, Room 140  
Portland, OR 97204

RE: Proposed Citywide Tree Ordinance (Title 11)

My name is David Kaplan. I live at 1630 SE Elliott Avenue in Ladd's Addition. I serve on the Hosford-Abernethy Neighborhood (HAND) Association Board of Directors, and currently serve as President of SAVE OUR ELMS. HAND and SAVE OUR ELMS are both on record in support of the goals expressed in the new Title 11 tree code. We value the environmental and livability vision that is codified in the proposal. Both organizations are, however, seeking a limited exception to the proposed new policies that would (if adopted as written) prohibit new permits to plant Norway Maples in the public right of way. The new tree code would explicitly overturn established city policy that recognizes the historical value of the landscape plan as defined in the Ladd's Addition Conservation District Guidelines. The Landmarks Commission supports the modification we are proposing. The exception we ask for balances the values of historic preservation with the goal of protecting natural areas. We are convinced that both can be done.

Over the past 25 years, volunteers in Ladd's Addition have worked tirelessly to maintain and restore the canopy in the neighborhood. Aerial photos of Ladd's Addition taken in 2010 show a significant increase in canopy cover since the early eighties. We have achieved this through a program of tree maintenance and inoculation for Dutch Elm Disease, and by planting over 600 new trees in conformance with historic district guidelines. Ladd's Addition neighbors have contributed countless hours and over a quarter million dollars to protect and enhance the canopy while preserving the vision of the original landscape design.

The Planning Bureau has proposed a city-wide ban on planting Norway Maples. The ban is designed to protect wild areas from botanical invasion by non-native species. The documentation you have seen postulates that a city-wide zero tolerance policy is the only way to keep Norway Maples from taking over and out-competing native species in our valuable wild areas. We agree that fostering groves of Norway Maples in close proximity to wild areas poses a potential real problem. We are not convinced, however,



that compromising important historical arboreal assets in Ladd's Addition, which represents less than three percent of the Norway Maples on city streets, is required to meet that objective.

We have spoken with several professional foresters and arborists about the threat. According to Kieth Warren of Schmidt's Nursery, Norway Maples have been a problem in the Northeastern United States, however, climate differences in the Pacific Northwest make the wide-spread propagation here much less likely. Tim Griffith, who manages street tree programs for the City of Seattle agrees that the danger of aggressive invasion of natural areas from street plantings is relatively small. Seattle does not plant Norway Maples in or near parks and natural areas, but has not banned the tree for street planting.

Our conversations with professionals at the OSU School of Forestry and the State of Oregon Department of Forestry dismiss the likelihood of successful seed propagation beyond a half mile radius of origin.

Planning staff makes an argument for wide dispersal of seeds by hitch hiking on automobiles. The German study that is cited does show that such dispersal of some seeds is possible. A closer look at the study cites only one species that appeared to travel a distance of three miles attached to cars. Those seeds were from a weed called Clammy Goosefoot which produces a seed which is one tenth the mass of a Norway Maple samara. While it is possible that viable seeds could travel from Ladd's Addition to the Oaks Bottom vicinity, it is our belief that such transport does not pose a serious or unmanageable threat.

Staff has also assembled a collection of studies that suggest that the Norway Maple seeds are easily spread long distances by wind and water. The study they cite shows a wind propagation curve describing how many seeds will travel to various distances. *Their own study* shows the outside limits of wind propagation for similar seeds to be 110 meters. This is far short of our location; Two mile distance (typically downwind) from Oaks Bottom. Ladd's Addition has a well developed street drainage system that would carry seeds through storm drains to the CSO pipe and on to the city's filtration/treatment facility. It is extremely unlikely that the seed load from the neighborhood would find its way to the wild areas.

The maps presented to you by staff suggest that a wide-spread invasion of Norway Maples in wild areas has already occurred. The maps present an exaggerated view of the current problem. Any park or wild area that has a single maple volunteer growing is displayed. In the "Frequently Asked Questions" document, Table 1 also suggests a wide-spread invasion. A closer look, however, shows that natural areas with significant canopy cover of Norway Maples (20% or greater) was limited to just 10.7 acres. Another analysis of the numbers provided by staff would show that less than two tenths of one percent (.2%) of Portland's park and natural areas currently have Norway Maple cover. This includes those trees deliberately planted as part of the park landscape! Compared to the damage caused by ivy, holly, and blackberries, this does not appear to be alarming.

Most of the natural areas impacted by Norway Maple propagation are in close proximity to some of the thousands of Norway Maples that line the streets in nearly every Portland neighborhood. The park that has seen the largest impact (George Himes Park) is located directly adjacent to a street heavily planted in Norway Maples. The Parks Bureau did remove a large number of trees in the park, but also removed a number of trees along the street that were the assumed seed source. The total ban also raises the question: If the Norway Maple is as aggressive and dangerous as claimed, why has the species not been more successful in the over hundred years that they have been popular on Portland Streets? According to Clty Forester Dave McAlister, there are currently over 20,000 of them planted in Portland's parking strips!

Let me re-iterate that my neighbors support the efforts of city staff to provide the right incentives to enhance the urban canopy. They got most of this right. We agree that city policy should discourage or prohibit the introduction of tree species that threaten our parks and wild lands. We are not convinced, however that an exception to the Norway Maple prohibition for 10 short streets in Ladd's Addition, which is over 2 miles downstream and usually downwind from the nearest wild area poses a dangerous threat to the environment. We have had a close partnership (for many years) with Urban Forestry and Friends of Trees that would make the permit exception administratively simple.

Ladd's Addition is a unique urban neighborhood. We understand that the uniform street tree plantings may not be appropriate for all neighborhoods. Ladd's Addition, however, is much like a formal garden and a time capsule. The landscape designers had a vision of how streets would look, and consciously selected tree species with the shape, size, and color to meet their vision. We wish to maintain that 100 year old vision for a small corner of the urban landscape.

Setting city policy almost always involves balancing competing values. In this case, Ladd's Addition and HAND neighbors are asking for a proportional and balanced implementation of tree policy that acknowledges the importance of healthy parks and wild areas, but also recognizes important cultural and historical values represented by our unique street-scape. We ask you to amend the proposed tree code and let the existing historic tree planting guidelines supersede the new code before it becomes law.

David Kaplan  
President, SAVE OUR ELMS  
1630 SE Elliott Ave  
Portland, Oregon 97214  
[info@saveourems.org](mailto:info@saveourems.org)  
503.232.2559

**Proposed Amendments to the draft Tree Code  
Ladd's Addition Historic District Guidelines and  
Chapter 11**

**February 2, 2011 City Council Hearing**

**HAND RECOMMENDED ALTERNATIVES  
for Ladd's Addition & other Historic Districts**

**HAND COMMENTARY**

**Ladd's Addition Open Space Guidelines and  
Tree Planting in City Historic Districts**

**HAND proposes the attached Amendments to the Ladd's Addition Guidelines and Title 11, Tree Planting in Historic and Conservation Districts, as alternatives to the City-Recommended Volume 4, Exhibit B and Title 11, Trees. The Recommended Title 11, Trees guidance on Tree Planting, Species Requirements and the City-proposed Ladd's Guidelines changes do not reflect an appropriate balancing of historic and environmental concerns. They will result in the destruction of the historic character of a unique district while providing negligible environmental gains.**

**1. HAND's Ladd's Guidelines Amendment would amend and clarify the Ladd's District Guidelines for Street Tree Replanting and Street Tree Plan (and allow "comparable" Norway Maple and other cultivars to continue to replace original trees).**

**2. HAND's Amendment to Title 11.60.020D Species**

**Requirements would require City Forester to concur with and defer to Landmarks Commission adopted historic district guidelines or plans, that affect street tree species selection.**

1. Ladd's Addition Guidelines Issues:

The Portland Landmarks Commission's review of Ladd's Addition issues found that "replanting, as necessary, with Norway maples is critical to maintaining the integrity of the Historic District" (12-20-10 Letter to Council). Both the City Recommended Amendment to the Ladd's Addition Conservation District Guidelines (Volume 4, Exhibit B) **and** the Proposed Title 33 Ordinance Findings on Goal 5 (Finding #30) fail to recognize the historic significance of particular street trees to the cultural landscape of the Ladd's Addition.

The City's Recommended Guidelines changes would alter a street tree plan that has fostered a dramatic restoration of street tree canopy since 1986 (60% to 90%) in this nationally important cultural landscape, without credible evidence that modifying the plan will be of significant or even measurable environmental benefit to city natural areas.

2. Why is Ladd's Addition's Cultural Landscape Important?

The Ladd's district plan is a nationally acclaimed icon of Victorian-era Residence Park design. The street plan, parks design and specific tree plantings all fit together to reflect Portland and national City Beautiful ideals of this era (1890-1920). Towering elms fit the scale of the central boulevards, Ladd and Elliott, which converge at Ladd Circle. Smaller-scale Norway Maples, with bright yellow fall colors, frame the narrow secondary streets, which converge on four formal rose gardens. Smaller trees of different species are planted on several narrow cross streets. Wide parking strips (up to 12 ft) and

overhead utilities in alleys support the large canopy street trees. The Ladd's Addition's cultural landscape blends three historically significant elements: The original 1891 radial street and park system plan by William S. Ladd, early Portland Mayor and business leader; the 1909 Central Park and rose gardens design by Olmsted Associate and Portland Parks Supt. E.T Mische; and the coordinated planting of American elms, Norway maples, and other street trees around 1910 by the Ladd Estate Co. The Ladd Estate Co, Portland's most innovative early 20th century community builder, went on to develop Eastmoreland, Westmoreland, Laurelhurst, Dunthorpe and much of Lake Oswego.

National Register Guidelines for Cultural Landscapes (1996) support the restoration of these special places with original or "comparable" trees, as defined in the Guidelines. The guidelines would support an exception to a citywide ban on Norway Maples and allow the continued planting of Norway Maple cultivars in Ladd's Addition, because the guidelines advise restoring landscapes with the original species whenever possible. When an original species cannot be replanted, the guidelines could support substituting a new tree, as long as the replacement has a "**comparable scale, color, form, shape and texture**" to the original. (Source: National Register Guidelines for Restoring Cultural Landscapes, National Park Service, 1996, p 109). Ladd's Addition Open Space Guidelines # 7 Street Tree Replanting, and #8 Street Tree Plan, require the same thing.

Foresters, arborists, and landscape architects know more about trees than we knew over 100 years ago, but this does not justify displacing the historic characteristics of Ladd's Addition by planting a different species of tree from the original street tree, unless there is an environmental benefit that can be demonstrated by clear and convincing evidence. The premise of an historic district is that it retains its archaic features. In such cases, unless there is a legitimate health or safety concern or the species of trees is threatened for some reason –as with the

American Elm and Dutch Elm Disease – the original tree should be retained. Even minor deviations weaken the impact of historic street tree plantings. Using maples as an example, distinct varieties can have different forms, sizes and leaf colors. They bloom and shed their leaves on similar, but distinctly different, schedules. Replacing the Norway Maple in Ladd's Addition with the sugar maple, which has markedly different fall colors, shape and height, will destroy the effect desired by the original planners of the neighborhood.

Because few historic or conservation districts (in Oregon) outside Ladd's Addition are recognized or designated for their original street tree plantings or have adopted tree plans, the impact of preserving and continuing historic tree plantings on the city as a whole will be slight. The importance of preserving the historic quality of Ladd's Addition and, perhaps, other historic neighborhoods by continuing the original street trees or comparable cultivars exceeds the negligible impact these trees could have on the city's ecology as a whole.

### 3. Citywide Historic and Conservation District Tree Plantings Title 11

Maintaining the integrity of historic public tree plantings is critical to the historic nature of neighborhoods where they exist. The Recommended Title 11 Trees Species Requirements should be changed to better protect the value of historic plantings citywide, and to resolve issues when the City or property owners select new trees in historic districts. (Chapter 11.60.020D Technical Specifications, Species Requirements)

# HAND ALTERNATIVES

*Amendments in Bold and Bookman font*

## **Amendment 1**

### **Alternative to Recommended Exhibit B**

#### **Amendments**

#### **Ladd's Addition Conservation District Guidelines**

Amend the Ladd's Addition Historic Conservation District Guidelines

Add new page after cover pages, with the following text:

#### **Addendum to Ladd's Addition Historic Conservation District Guidelines**

#### **OPEN SPACE GUIDELINES:**

##### **7 Street Tree Replanting and 8 Street Tree Plan**

###### **A. Policy.**

**Ladd's Addition's parks and street trees work together with the radial street plan to create the district's distinctive historic character. The rows of mature American Elms and Norway Maples are a unique natural treasure and a significant part of the district's character, which subsequent replacement plantings have maintained. Except in cases like the American Elm, where the Dutch Elm Disease requires the substitution of a disease-resistant species of elm, the original historic tree species shall be retained. Where a substitution is required, the replacement cultivar shall resemble the original species as much as possible, and shall be**



consistent with the character, height, canopy and spacing of a street's original plantings, the width of the parking strip, and the scale and function of the street within the district.

National Register guidelines for Cultural Landscapes support continued planting of disease-resistant new Elms and Norway Maple cultivars in Ladd's Addition, because these guidelines advise restoring landscapes with the original species whenever possible. When an original species cannot be replanted, these national guidelines support substituting a new tree, as long as the replacement has a "comparable scale, color, form, shape and texture" to the original. (Source: National Register Guidelines for Restoring Cultural Landscapes, National Park Service, 1996, p 109) In general, this means that a species of tree not used as a street tree in the city when Ladd's Addition was developed (c 1910) should not be used as a replacement tree for the original historic tree species.

**B. Street Tree Plan.** The Street Tree Plan adopted as part of the "Ladd's Addition Conservation District Guidelines," as amended, shall govern street tree selection and replacement on each street and shall supersede any nuisance tree prohibition contained in any other part of Title 11, Trees or Title 33, Planning and Zoning. The Historic Landmarks Commission must approve any changes to the plan, with the City Forester's concurrence and implementation, in consultation with affected community organizations and residents.

**C. Street Tree Conservation, Removal and Maintenance.** All prudent measures should be taken by the City, utility companies and property owners to preserve original street trees, including the American Elms and Norway Maples. The City shall notify the Hansford-Abernethy Neighborhood Association (HAND) and property owners within 150 feet of requests for removal permits. Removal is warranted only when a danger to the public exists.

**Sidewalk repairs and other excavation or construction near trees shall preserve tree roots. Pruning practices shall respect natural growth habits. Topping, shearing and pollarding of street trees is prohibited.**

**D. Street Tree Replanting. In the event a street tree must be removed, a replacement tree shall be replanted. On all frontages, replanting of replacement or missing street trees shall be done in accordance with the Ladd's Addition Street Tree Plan.**

## **Amendment 2**

### **Citywide Historic and Conservation District Tree Plantings Title 11, Trees**

#### **CITY RECOMMENDED TITLE 11, TREES**

**Amendments in Bold and Bookman Old Style font**

##### **Chapter 11.60 Technical Specifications**

December 2010 Citywide Tree Project - Recommended Draft Page 113

##### **11.60.020 Tree Planting Specifications.**

###### **D. Species requirements**

**1. Species diversity. On a single site, if there are fewer than 8 required trees, they may all be the same species. If there are between 8 and 24 required trees, no more than 40 percent can be of one species. If there are more than 24 required trees, no more than 24 percent can be of one**

species. This standard applies only to the trees being planted, not to existing trees. The City Forester may make an exception to this requirement for Street Trees in order to fulfill or complement an adopted street or landscape plan.

**2. Nuisance species. Except as stated in paragraph 6, below,** trees listed in the “Nuisance Plants List” are prohibited for proposed planting or required replacement.

**3. Native species.** Any trees required to be planted in environmental (c, p), greenway (n, q or greenway setback and riverward portion of g, i, and r overlay zones), river environmental (e), scenic corridors (s), or Pleasant Valley Natural Resource (v) overlay zones shall be native species. Refer to the “Portland Plant List” for information on appropriate native species for the specific site conditions. Planting activities shall be conducted with hand tools, and may not disturb other native vegetation. In streets, the City Forester may make an exception to allow planting of non-native street trees in these areas when the proposed species of tree will not likely displace native species, and the soil conditions, available growing space, or other site constraints make planting a native tree species infeasible.

**4. Adopted guidelines.** The City Forester will require species that do not conflict with the requirements of this section and, to the extent practical, are consistent with characteristics set forth in applicable historic design or other adopted guidelines.

**5. Street Tree species.** Street Tree species shall conform to the City Forester’s “Recommended List of Street Trees”. The City Forester may approve or require an alternate or unlisted species when the alternate species is an appropriate and viable selection and is consistent with applicable objectives of an adopted area-specific tree plan or guidelines.

**6 In historic and conservation districts, the City Forester shall defer to street tree species in adopted district guidelines or street tree plans, if such guidelines and plans are adopted by the Historic Landmarks Commission with the concurrence of the City Forester.**

## ATTACHMENT

### **Staff Recommended Tree Code Volume 4, Exhibit B Amendments to Ladd's Addition Conservation District Guidelines**

December 2010 Citywide Tree Project - Recommended Draft

#### **Commentary**

##### **Amendments to Ladd's Addition Conservation District Guidelines**

Title 11 includes a new citywide prohibition on planting trees that are on the City's Nuisance Plants List on any City owned or managed property, including City rights of way. This is consistent with the City's Invasive Species Management Strategy objectives and will help align Title 11 with current prohibitions in Title 33 on planting identified nuisance/invasive species plants or trees in City-required landscaping on private property.

The Ladd's Addition Conservation District Guidelines include a street tree plan that calls for planting several trees that are listed on the City's Nuisance Plants List (part of the Portland Plant List). These include Norway Maple, Single Seed Hawthorne and Globe Locust. When Title 11 becomes effective, planting these trees as street trees will be prohibited.

To address this discrepancy and help avoid confusion among the public and staff who use the Ladd's Addition Guidelines, clarifying amendments are proposed to the Guidelines. The amendments are as follows:

- An addendum located at the beginning of the document that alerts the user to the new City regulation prohibiting the planting of City listed nuisance species and refers them to the City Forester for information on appropriate trees to plant and required permitting.
- A footnote added to the Street Tree Plan guideline reiterating the prohibition on planting nuisance species and indicating that the original street plan should be used as a guide in selecting alternate tree species to maintain the overall historic character of the streetscape as trees are be replaced.

The City Forester has begun the process to identify appropriate replacement trees for the streets of Ladd's Addition. Additional work should occur in the period between code adoption and implementation, to finalize this work with the neighborhood.

In addition, staff recommends a future project to address the discrepancy with the Ladd's Addition Conservation District Guidelines in a more comprehensive manner. One option would be to replace the existing street plan in the Guidelines with a conceptual plan and general direction about the form and character of street tree plantings within the District, along with a more specific list of trees recommended for Ladd's Addition that could be maintained by Urban Forestry.

**Page 2 Citywide Tree Project - Recommended Draft December 2010  
Amendments to Ladd's Addition Conservation District Guidelines**

**Amend the Ladd's Addition Historic Conservation District Guidelines  
Add new page after cover pages, with the following text:**

**Addendum to Ladd's Addition Historic Conservation District Guidelines**

Trees identified as nuisance species in the Portland Plant List may not be planted on any City owned or managed property or right of way (Title 11, Trees). Please consult with the City Forester to determine which tree species are appropriate to plant on City property or as a street tree, and to obtain the required tree planting permit.

**Add footnote to Open Space Guideline #8, Street Tree Plan (page 7) as follows:**

8. STREET TREE PLAN: A Street Tree Plan adopted by the City for Ladd's Addition governs street tree selection and replacement on each street. 1 Species designated in the plan should be consistent with the character, height, canopy and spacing of a street's original plantings, the width of the parking strip, and the scale and function of the street within the district.

Footnote:

1. Norway Maple, Single Seed Hawthorne, and Globe Locust are identified as nuisance species in the Portland Plant List, and therefore may no longer be planted as a City street tree. This historic street tree plan provides guidance on the selection of trees that may be planted to maintain a similar historic streetscape character over time.

□

Richard N. Ross, AICP

2041 SE Elliott Ave.

184522

Portland, Or. 97214

H 503-235-8194 C: 503-807-0612 Fax: 503-235-8194

184522

**Parsons, Susan**

---

**From:** richardnross@earthlink.net  
**Sent:** Wednesday, February 02, 2011 11:10 AM  
**To:** Parsons, Susan  
**Subject:** Items for Trees Code hearing, for Hosford Abernethy Neighborhood Testimony  
**Attachments:** Emerald Queen Norway Maple, WSU Clark County Extension.doc; Warren LetterPortland Ladds Addition Norway Maples.pdf; ACPL in PP&R properties with context.jpg; Letter to Council phlc-citywide-tree-project 12-20-10.pdf

**Susan**

Here are four items I plan to hand out to Council during my comments at tonight's Tree Code hearing

1. Landmarks Commission Letter to Council
2. Keith Warren Letter to Council
3. OSU data sheet on Emerald Queen Norway Maple
4. Portland Parks Map of Norway Maple occurrence in natural areas

**Yours Richard Ross,**

Richard N. Ross, AICP  
2041 SE Elliott Ave.  
Portland, Or. 97214  
H 503-235-8194 C: 503-807-0612 Fax: 503-235-8194

## Washington State University Clark County Extension

## Pacific Northwest Plants Database

<http://www.pnwplants.wsu.edu/PlantDisplay.aspx?PlantID=366>

## Emerald Queen Norway Maple



**Scientific name:** *Acer platanoides* 'Emerald Queen'

Taxonomy

Plant Requirements

**Family:** Aceraceae

**Zone:** 4 to 8

**Type:** Deciduous tree

**Sun:** Full sun

**Native:** NO

Plant Characteristics

**Height:** 65 ft

**Bloom:**

Spring flowers

**Width:** 40 ft

**Bloom**

April

**Time:**

**Bloom**

Yellow

**Color:**

Additional Characteristics

- |  |   |   |
|--|---|---|
| Trees <input type="checkbox"/> Small               | Leaves  | Wildlife value                                |
| lot suitable                                       | <input checked="" type="checkbox"/> Good Fall color | <input type="checkbox"/> Attract hummingbirds |
| <input checked="" type="checkbox"/> Flowering tree | <input type="checkbox"/> Leaves fragrant            | <input type="checkbox"/> Attract butterflies  |
| <input type="checkbox"/> Safe for                  | <input type="checkbox"/> Gold foliage               | <input type="checkbox"/> Attract birds        |
| beneath power lines                                | <input type="checkbox"/> Evergreen                  | Poisonous                                     |
| Fruit <input type="checkbox"/> Showy               | Bark  | <input type="checkbox"/> Foliage              |
| <input type="checkbox"/> Edible                    | <input type="checkbox"/> Showy                      | <input type="checkbox"/> Fruit                |

**Description** The cultivar Emerald Queen is generally considered one of the most urban tolerant of the different Norway maple cultivars.

### Morphology:

This large deciduous shade tree grows to a height of 60'-70', with a width of 35'-40'. It features a dense oval canopy. It bears simple leaves which are up to 7" across. They are set opposite from one



another. Leaves are star-shaped and have 5 prominent sharp lobes. Leaf venation is classified as palmate. During the summer the leaves are green but in the fall they turn a brilliant yellow before they are shed for the winter.

Bloom occurs in April before the leaves emerge. The flowers are greenish yellow. Flowers give rise to winged samaras (up to 1 1/2" long) which can spread well out from underneath the canopy.

**Adaptation:**

This species prefers full sun, but can take partial shade.

**Pests:**

No serious insect or disease problems. In the Pacific Northwest *Verticillium* wilt is not a major problem.

Images



Mature tree shape



Fall foliage



Summer foliage



Surface roots on younger tree

184522

184522



*The Wholesale Tree Growers*

P.O. Box 189 • Boring, Oregon 97009 • (503) 663-4128 • FAX (503) 663-2121 • <http://www.jfschmidt.com>

February 1, 2011

Mayor and Portland City Council  
Portland City Hall  
1221 SW Fourth Ave  
Portland, OR 97204

Re: Citywide Tree Policy Review and Regulatory Improvement Project

Dear Mayor and City Councilors:

During the last two months, I have been contacted by several people asking for advice regarding the controversy over planting Norway Maples as street trees in Ladd's Addition. My professional experience is from a 36 year career in the nursery business as a horticulturist and plant breeder for the nation's leading deciduous tree producer, which followed my education as a botanist. Regarding invasive species issues, I was appointed and served the State of Oregon for a three year term at the founding of the Oregon Invasive Species Council. I also served on the national nursery association's Invasive Species Task Force which submitted input and supplied a member to the national U.S. Invasive Species Council. I am quite familiar with both sides of the Norway Maple issue, and quite frankly I recognize that both sides have good points.

Over a much longer period, perhaps 10 to 20 years, I have had numerous discussions of Norway maple with City of Portland personnel involved in parks, environmental protection, and street tree plantings. I do feel that the city has been somewhat heavy handed in their overall treatment of Norway maple, especially during more recent years. I know that Portland's initial concerns about invasiveness all related to designated environmental zones including parks. Initially, Portland park and environmental personnel wanted to be able to remove Norway Maple without the need of a tree removal permit. Now, this concern has been enlarged and is emerging as a complete ban.

Norway maple is indeed an invasive plant in New England, but they have a climate that is different than ours. Plants like English ivy, English holly, and Himalayan blackberry are serious invaders here, but not there. Japanese Barberry, Winged Euonymus, and Norway maple are serious invaders there, but not here. A plant's ability to invade is dependent on its adaptation to the local climate. Norway Maple can become established in the wild in Oregon, but the frequency of this is not common in most environments. I think the average citizen could tell you multiple locations where they know Himalayan blackberry is growing in an invasive manner, but you would have to search a long time to find an average citizen who could tell you where to find a wild growing Norway Maple.





*The Wholesale Tree Growers*

P.O. Box 189 • Boring, Oregon 97009 • (503) 663-4128 • FAX (503) 663-2121 • <http://www.jfschmidt.com>

While some Norway maple trees have become established in natural areas in Oregon, the numbers are small, and the locations that I have seen have been restricted to unusually moist areas- edges of wetlands or roadside ditches and moist north facing slopes. Ladd's addition is well maintained, highly urban, and at a long distance from sensitive environmental zones. I just don't see a real world risk in planting more Norway maples here. There is already a huge seed bank of Norway maple in the city, often growing much closer to environmental zones that could be affected. I think the proposed planting would be a "drop-in-the-bucket" of the Norway seed bank in Portland, and it in a low risk area.

If this was adjacent to parkland or a conservation area, or if a city-wide Norway Maple eradication program was in place, I would feel differently. But, given the location of the proposed planting and the great number of trees of this species already in the city, my opinion is that planting additional Norway maples in Ladd's addition is very unlikely to make a "real world" difference to parks or environmental areas in Portland.

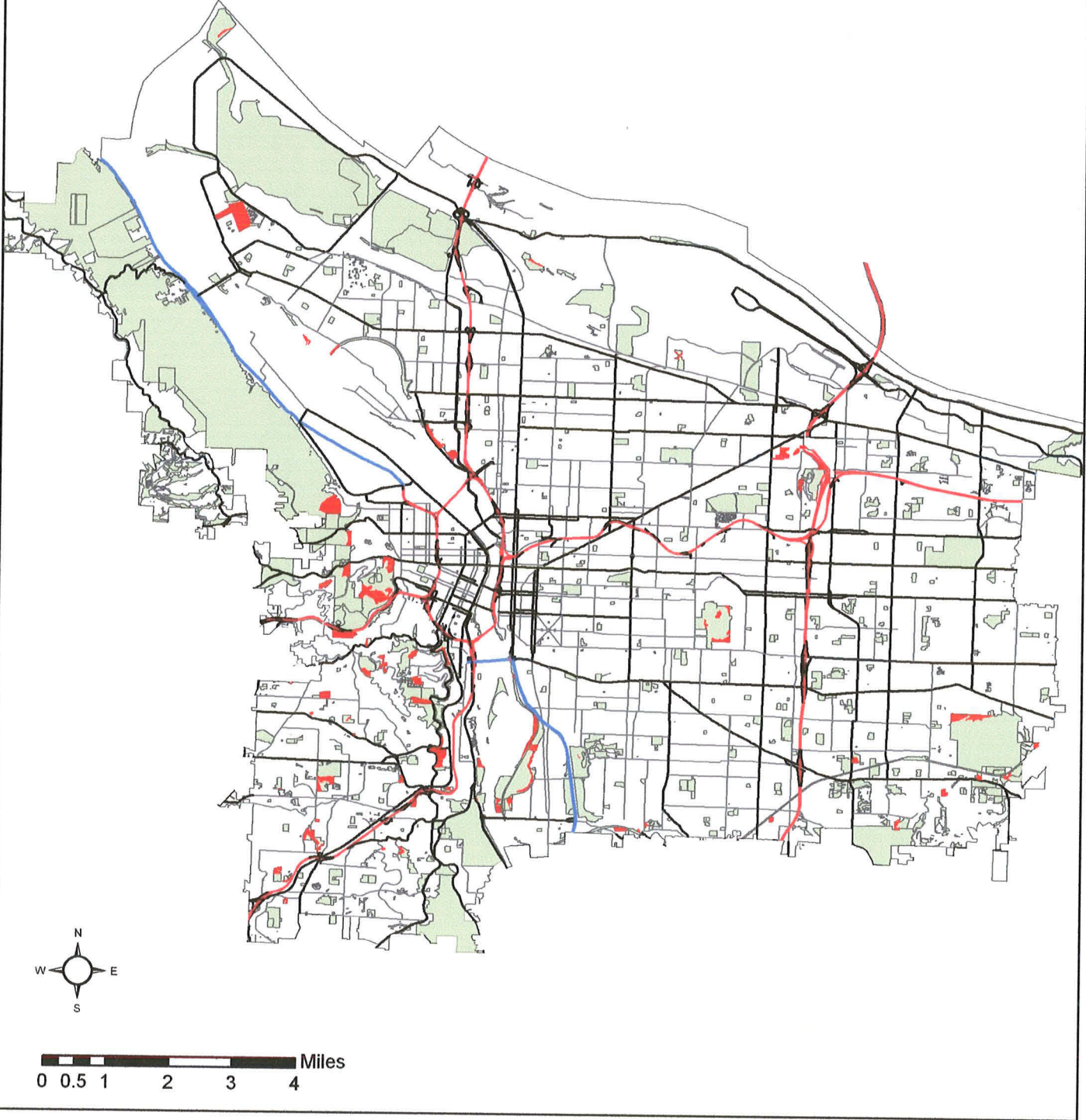
Very truly yours,

Keith Warren  
Director of Product Development





Norway maple presence (in red) in Portland Parks & Recreation properties





City of Portland  
Historic Landmarks Commission

1900 SW Fourth Ave., Suite 5000  
Portland, Oregon 97201  
Telephone: (503) 823-7300  
TDD: (503) 823-6868  
FAX: (503) 823-5630  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

December 20, 2010

Mayor Sam Adams  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Randy Leonard  
Commissioner Dan Saltzman  
City of Portland  
1221 SW 4<sup>th</sup> Avenue  
Portland, OR 97204

Re: Citywide Tree Project

Dear Mayor and Commissioners:

The Portland Historic Landmarks Commission (PHLC) has had two briefings on the *Citywide Tree Policy Review and Regulatory Improvement Project*. At these meetings, the PHLC heard staff testimony from the Bureaus of Planning and Sustainability (BPS), Environmental Services (BES) and Portland Parks and Recreation – Urban Forestry, the City's Urban Forester, as well as individuals representing the Hosford-Abernethy Neighborhood Development (HAND), Save our Elms and other interested individuals. The testimony focused on the importance of the Norway Maple to the character of the Ladd's Addition Historic District, and the impacts its retention would have on nuisance plant control city-wide.

As an introductory matter, the PHLC acknowledges that its expertise is in historic resources rather than in botany or nuisance plant expansion. Similarly, the City's tree and natural area experts are not well-versed in historic resources. Therefore, it is important to balance these different perspectives.

The PHLC finds that this issue requires a review comparing the potential harmful impact of retaining Norway Maples within the fairly limited Ladd's Addition subdivision against one prohibiting that District from replacing these trees with a like kind as needed. For example, notwithstanding HAND and the Friends of Elms' valiant efforts at protection, the contagion of Dutch Elm disease to the American Elm forced finding a suitable replacement. As explained in greater detail below, testimony has not convinced the PHLC that the danger from Norway Maples is as unavoidable as was the case with the American Elm. For that reason it should be exempt from nuisance designation when planted as identified in the Design Guidelines for Ladd's Addition.

Unlike any other historic district, which typically relies on the vertical built environment for its historic character, Ladd's Addition relies heavily on its unique urban plan and its integral landscape planning.

Norway Maples have always been a key component of Ladd's Addition. Ladd's Addition consists of a series of primarily early 20<sup>th</sup> Century residences placed in a distinctive geometric pattern. This geometry was further enhanced by the Olmsted Brothers and E.T. Mische to include a hierarchy of streets organized around a central circle, four secondary diamond shaped rose gardens and large street trees giving the impression of houses nestled within a large garden. Mr. Mische was hired in 1908 by the City of Portland Parks Commission as Superintendent of Parks including overseeing the installation of Norway Maples in Ladd's Addition.

The National Register Nomination for Ladd's Addition does not mention tree species but it does base its significance on the additional geometric emphasis established by the planting of uniform species

for street trees. As Chrissy Curran from the State Historic Preservation Office has explained in her letter dated November 18, 2010, the street trees in Ladd's Addition create a uniform, over-arching canopy that gives the neighborhood distinction and is one of the character defining features of the district. This suggests that it is not the tree species, per se, that established the district but the sheer size, canopy, and uniformity of species that contributes so significantly to the district. This uniformity and geometry could be undermined through the slow replacement of trees with a different species.

The Ladd's Addition Design Guidelines, adopted in 1988, assured the continued uniformity of street trees by specifically identifying the Norway Maple species. These guidelines provide:

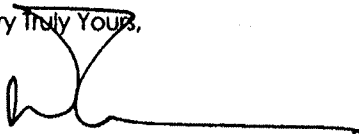
"Ladd's Addition's parks and open spaces work together with the radial street plan to create the District's special historic character. The parks were designed and planted in 1909-10. At the same time, continuous rows of street trees were planted on parking strips throughout the district....the remaining rows of mature American Elms and Norway Maples are a unique natural treasure and a significant part of the District's character." P. 6-7.

Recognizing Ladd's Addition as a "unique national treasure," the PHLC found that replanting, as necessary, with Norway Maples is critical to maintaining the integrity of the Historic District. The PHLC agreed with HAND that the Sugar Maple was not a suitable alternative because its leaves turn a noticeably more vibrant and intense color of red in the fall unlike the Norway Maple. Slowly replacing the Norway Maple with Sugar Maple would impair the uniformity of the street tree canopy in a way that would compromise the District.

As with the inevitable demise of the American Elm, the PHLC was cognizant that certain District traditions sometimes must give way. We are also aware that some traditions must be modified when it is determined that they are harmful to other resources. However, no harm has resulted from the Ladd's Addition Norway Maples. City staff noted that Norway Maple seedlings have been known to travel great distances. However, given the lack of natural resource areas in close proximity to the Ladd's Addition District, the PHLC did not see any harm in exempting the Ladd's Norway Maples from the nuisance plant prohibition at this time. If evidence of nuisance impacts to other natural areas in the City emerges in the future, the City can revisit its decision.

We look forward to discussing this matter in greater detail with you during your hearing on this matter in January.

Very Truly Yours,



Art DeMuro  
Chairman

- cc: Commissioner Carin Carlson
- Commissioner Brian Emerick
- Commissioner Kirk Ranzetta
- Commissioner Carrie Richter
- Commissioner Harris S. Matarazzo
- Commissioner Paul Solimano
- Tim Heron
- Paul Scarlett

Parsons, Susan

---

**From:** Stites, Nancy  
**Sent:** Wednesday, February 02, 2011 12:16 PM  
**To:** Adams, Sam; Fish, Nick; Fritz, Amanda; Leonard, Randy; Saltzman, Dan  
**Cc:** Moore-Love, Karla; Jortner, Roberta (Planning)

**Attachments:** Tree Project\_001.pdf

The Portland Parks Board wishes to submit the attached letter in support of tonight's hearing on the Citywide Tree Project.



Tree  
ct\_001.pdf (7

*Nancy Stites*  
*Director's Executive Assistant*  
*Portland Parks & Recreation*  
*503-823-5135*  
*503-823-6007 (fax)*  
*[www.PortlandParks.org](http://www.PortlandParks.org)*

Please note new e-mail address:  
[nancy.stites@portlandoregon.gov](mailto:nancy.stites@portlandoregon.gov)



## PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

February 2, 2011

Mayor Sam Adams  
 Commissioner Nick Fish  
 Commissioner Amanda Fritz  
 Commissioner Randy Leonard  
 Commissioner Dan Saltzman  
 1221 SW Fourth Avenue  
 Portland, OR 97204

Dear Mayor Adams and Commissioners:

The members of the Portland Parks Board wish to express our strong and unanimous support for the adoption and implementation of the Citywide Tree Project. The Parks Board has been briefed on the Tree Project throughout the public process and two members served on the stakeholder advisory group which met throughout 2009 and early 2010. We believe that City staff, the stakeholder advisory group, Planning Commission and Urban Forestry Commission have done an outstanding job crafting a comprehensive and cost effective strategy to protect, preserve and enhance our urban tree canopy.

Our urban tree canopy is estimated to be worth in excess of \$5 billion and the City is investing millions of dollars each year to plant new trees. Our urban tree canopy improves neighborhood livability, increases property values, creates equitable access to nature and provides a variety of natural resource functions including stormwater benefits, wildlife habitat, carbon sequestration and reduction of urban heat island effect. Yet the City currently lacks an adequate system to protect this incredible resource.

The Parks Board is highly sensitive to the budgetary challenges facing the City as few bureaus have been hit as hard by recent budget cuts as the Parks Bureau. We believe, however, that the adoption and implementation of the Citywide Tree Project is a wise and prudent investment. Continuing to invest millions per year in tree planting only makes sense if we have the regulatory, educational and enforcement systems in place to care for and protect our existing canopy. This plan addresses each of these deficiencies while also simplifying and consolidating existing tree regulations. At approximately \$250,000/year to start-up the program and \$150,000/year for ongoing implementation (after fees), this program should be recognized both for its cost efficiency and for its remarkable return on investment.

---

### Portland Parks Board

*Julie Vigeland, Chair*

*Mike Alexander • Mary Anne Cassin • Loen Dozono • Bill Hawkins  
 Nichole June Maher • Andy Nelson • Linda Robinson • Shelli Romero  
 Bob Sallinger • Keith Thomajan • Tricia Tillman • Jeff Tryens*

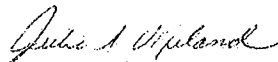


The problems that this plan addresses are real. We would note that this process was initiated not by the City, but rather by neighborhoods in Southwest Portland concerned about enforcement of current regulations, gaps and inconsistencies in regulations protecting trees, and inadequate public education and enforcement resources to assist the public in caring for our urban tree canopy. The City will only achieve success on adopted policy objectives, including the Urban Forest Plan and the Climate Change Action Plan, if we realize a significant increase in urban canopy coverage. However, despite ambitious planting programs, the City is currently only holding ground due to attrition of our existing canopy. It takes years, sometimes decades, for a tree to reach maturity and provide the full spectrum of benefits to our local communities. Comprehensive protection for our existing canopy, backed by strong education and enforcement programs, is the most cost effective path forward.

We commend the City, stakeholders, and the Urban Forestry and Planning Commissions for a thoughtful and inclusive process and for delivering a comprehensive, simplified, cost effective path forward. We urge adoption and implementation without further major modifications.

Thank you for your consideration of our comments.

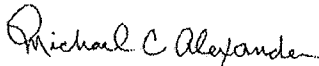
Respectfully,



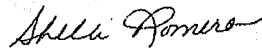
Julie Vigeland, Chair



Linda Robinson




Mike Alexander



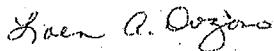
Shelli Romero



Mary Anne Cassin



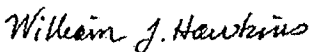
Bob Sallinger




Loen Dozono



Keith Thomajan



Bill Hawkins



Tricia Tillman



Nichole Maher



Jeff Tryens



Andy Nelson

---

## Portland Parks Board

*Julie Vigeland, Chair*

*Mike Alexander • Mary Anne Cassin • Loen Dozono • Bill Hawkins  
Nichole June Maher • Andy Nelson • Linda Robinson • Shelli Romero  
Bob Sallinger • Keith Thomajan • Tricia Tillman • Jeff Tryens*



## Metro | *Making a great place*

February 2, 2011

Portland City Council  
c/o Council Clerk  
1221 SW 4<sup>th</sup> Avenue, Room 104  
Portland Oregon, 97204

Testimony in support of the Tree Ordinance by  
Janet Bebb  
Principal Regional Planner  
Metro, 600 NE Grand Avenue, Portland 97232  
On behalf of Smith Bybee Wetlands Management Committee

Thank you for this opportunity to testify in support of the Tree Ordinance.

The Tree Ordinance contains a new zoning code provision, 33.860 for Comprehensive Natural Resources Plans (CNRP). This is a no-cost provision that is of keen interest to Metro and the Smith Bybee Management Committee for several reasons:

- The Natural Resources Management Plan was included in the Zoning Code in 1988 in order to protect natural resources.
- It has proven to be ineffective
  - Four plans have been written – none since 1997
  - The process requires a legislative rather than quasi-judicial process
  - Smith Bybee NRMP hasn't changed in 20 years
  - A fresh document/vision is costly and cumbersome process

The best solution is to replace the NRMP with the CNRP, as proposed in the Tree Ordinance. Benefits include:

- Landowners can develop their own plans
- The judicial process will save government and landowners money
- Properties can rely on the current environmental code rather than a code frozen in time with the NRMP process.
- More large natural resource properties will develop 10-year plans and keep them up to date.

On behalf of the Committee I'd like to thank Planning staff Roberta Jortner and Chris Scarzello for their diligent work on this provision. The Management Committee is crafting a new vision for Smith Bybee Wetlands and we'd like to be able to use the new document type. This vision will coordinate 2000 acres of wetlands within the City of Portland, and describe natural resource management measures across landowners including the City, the Port and Metro. Thank you.

**Parsons, Susan**

---

**From:** Susan Shawn [sbshawn@comcast.net]  
**Sent:** Tuesday, February 01, 2011 10:50 PM  
**To:** Parsons, Susan  
**Subject:** Citywide Tree Project

Dear Portland City Council,

I'm writing as a resident of Clackamas County, and a board member of a local watershed council. What we've learned here in the county is that tree canopy is an absolute necessity for wildlife habitat, for climate change response, and for all types of stormwater ecological services, not to mention public safety and good housing prices.

Your project as written does so much! Increasing tree canopy, improving your watersheds and neighborhoods, streamlining the whole tree code process. The education process sounds good to me, too. We've seen how the bigger trees can prevent erosion and landslides, and do so much for us that concrete infrastructure simply cannot do, and for a far cheaper price.

All in all, I'm quite jealous. We tried to pass a simple tree protection and enhancement ordinance here in the urban area of the County, and didn't get very far, after several years of hard work.

This is a great project. I hope you pass it with great enthusiasm and pride. And then talk to my Commissioners, will you!

Thanks for all your hard work,

Susan Shawn  
13939 SE Fair Oaks Way  
Oak Grove, Oregon 97267

**Parsons, Susan**

---

**From:** Maryhelen Kincaid [jamasu88@msn.com]  
**Sent:** Tuesday, February 01, 2011 10:14 PM  
**To:** Parsons, Susan  
**Cc:** Jortner, Roberta (Planning); McKnight, Bonny; Kelley, Mary  
**Subject:** Testimony for New Tree Code  
**Attachments:** Testimony for Tile 11 Tree Code Adoption.doc

Susan,

I have attached testimony for the proposed new Title 11 Tree Code being presented at City Council on Feb 2nd.

Thank you,

Maryhelen Kincaid  
503-286-3354

I imagine there will be quite a bit of testimony both for and against the proposed new tree code. Scientific facts and statistics will be presented. Passion will be on both sides. My comments and testimony are not going to focus on the science nor the specific economics of the code. I intend to focus my comments on how this proposed code can, and I predict will, specifically affect neighborhood land use chairs and the character of a neighborhood. My comments will be personal and based on actual experiences.

I am a board member and the Land Use chair of East Columbia Neighborhood. Our neighborhood has a diverse amount of zoning with industrial land abutting open space, older, established housing stock, pockets of new land subdivisions tucked in between farmland which borders wetlands and environmentally protected properties. Our one park, the Children's Arboretum once had a species of tree from every state in the United States and is one of only a few natural parks in the city. Oddly we have one of the lowest percentages of tree canopy for neighborhoods in the City (statistics from the Portland Plan). We have large parcels of land in various stages of the development process. The entire neighborhood is in a managed flood plain and parts are in the 100 year flood zone. We have opposed several land divisions over the past few years based on the belief that removal of trees and creation of impervious surfaces would cause increased flooding. In the land use cases, we faced tree regulations that were confusing and conflicting. Parks, Urban Forestry, BES, PBOT and BDS all had opinions, policies, standards and codes that were nearly impossible to reconcile. Some would say a tree could stay, some would say the same tree needed to be removed. Developers were challenged in how best to deal with the variety of ways trees were governed. When trees were proposed to be removed because of development it took experts to determine calipers of tree size for replacements. And conditions varied wildly based on type of tree and age. Identification of nuisance trees was subjective. Enforcement of tree removal was not consistent. For neighbors concerned about illegal cutting of trees it was frustrating to wade through the confusing maize of options to try and halt illegal cutting. Most often mature trees came down before any type of action could be taken. Developers wanting to do innovative planning and landscape design to preserve trees, or protect root zones, were/are forced into tree removal by City regulations and codes.

We currently are facing a multi-year project to remove a highly invasive plant from ponds in a mitigated wetlands in our neighborhood. Part of the project is to develop a management plan for future maintenance and develop ways to contain future growth of the invasive aquatic weed. One of many suggestions is the of planting native trees to shade the areas of invasive plant growth. Many trees were previously cut down by neighbors who disliked the trees because their view of the water and waterfowl were blocked or inhibited. And while not scientifically proven, this unchecked tree removal might have been a contributing cause to the rapid growth of the invasive plant. Regulations and the enforcement of what might be applicable regulations were not clear, so trees disappeared, unchecked or documented.

As a land use chair with little resources to hire experts to explore or dispute any claims by persons wanting to remove trees, I am currently left with the history of prior or similar cases and many hours spent researching tree issues. Oftentimes vital misinformation has been overlooked or lost in the confusion of code and policy. When developers are forced to hire experts to wade through the process of permits specifically dealing with trees, one has to realize that there is something wrong with the process. Anytime a process requires additional consultation to interpret that very process, it is inherently flawed.

I have been attending meetings of the Citywide Land Use Group for a little over 3 years and one of my first meetings was a presentation on the "tree code project". Staff talked about how they had been working on this project for almost 3 years. I thought "that's a long time!" Later I learned the project was born out of the work of some Southwest neighborhoods who had previously invested over 4 years to bring attention to the issue. And now here we are 3 more years later still testifying that the protection of trees and the clarification of the regulations surrounding them is vital to our City planning process. Permits and policies need to be streamlined and not spread over many agencies, regulations need to be standardized and clearly defined, enforcement of adherence to code and policy should be clear and simple. This new tree code does all that. In creating a new single tree code the livability of our City will be improved.

This issue has many people arguing with their passion or their pocketbook. Reasonable, intelligent people have put thousands of hours into the creation and crafting of this proposed new tree code, all the while listening to the passions and the pocketbooks. It seems to me the experts have done this task for the sole purpose of clarifying a terribly confusing process, created a consensus for a workable platform for all parties, and developed a code that will protect and improve the ecological balance of our environment, while allowing reasonable development.

I believe it is time you trust the abilities of these experts and adopt the code for the betterment of the City and preservation of our tree canopy.

Thank you for this opportunity.

Maryhelen Kincaid  
2030 NE Blue Heron Drive  
Portland, Oregon 97211

184522

**Parsons, Susan**

**From:** Deb Scott [dscottnw@comcast.net]  
**Sent:** Tuesday, February 01, 2011 8:47 PM  
**To:** Parsons, Susan  
**Cc:** Moore-Love, Karla  
**Subject:** Re: in support of Tree Reforms

My email is acting up. Sorry about that blank message.

I am emailing in strong support of the Tree Reform coming before the council.

I live in a neighborhood with beautiful trees, but many are aging and have to be removed to protect homes and property. As new (infill) homes are built in my neighborhood some folks are discounting (not understanding) the benefit of replacing the lost canopy. Education is imperative for people to be able to change their points of view. (One neighbor planted tiny trees so he fulfilled the requirement, but brags that he will take them out. How can I help him understand -- without getting into a brawl?! Education! Trees are our life!)

I support all of the following:

- \* Increase future tree canopy by 100-acre per year through increased tree protection and planting.
  - \* Safeguard millions of dollars in public and private investment to improve Portland's watersheds.
  - \* Improve neighborhood livability by enhancing air and water quality, scenery, and wildlife habitat while reducing summertime temperatures, landslide hazard, and flooding over the long-term.
  - \* Increase neighborhood property values and public safety, especially by ensuring street trees are better protected.
  - \* Consolidate and simplify tree regulations into one code chapter. Standardize and streamline the tree permit system.
  - \* Improve enforcement and establish a single city hot line for all tree related issues so that residents can get their questions answered.
  - \* Protect tree canopy more consistently across the city and help achieve Portland's targets for increasing tree canopy.
  - \* Elevate planning and protection for trees in the planning and development review process for public and private development projects.
  - \* Expand education through a community tree manual and neighborhood tree plans.

Thank you~

Deb Scott  
4731 SW Admiral Street  
Portland, OR 97221

184522

----- Original Message -----

From: "Deb Scott" <dscottnw@comcast.net>

To: "Susan Parsons" <Susan.Parsons@portlandoregon.gov>

Cc: "Karla Moore-Love" <Karla.Moore-Love@portlandoregon.gov>

Sent: Tuesday, February 1, 2011 8:40:55 PM

Subject: in support of Tree Reforms

184522

**Parsons, Susan**

**From:** Greg Madden [gmadden@madfab.com]  
**Sent:** Wednesday, February 02, 2011 8:40 AM  
**To:** Parsons, Susan  
**Subject:** FW: Citywide tree planting project - testimony submittal

**Attachments:** council testimony letter.doc

Susan, I would like to submit letter to council on behalf of the Northwest Industrial Neighborhood Association in regards to the Citywide tree planting project being submitted today in council. I would like to attend the meeting tonight but my schedule might not allow it so, please let me know you received it and it's been passed onto all the council members. Thank you for your time. Greg

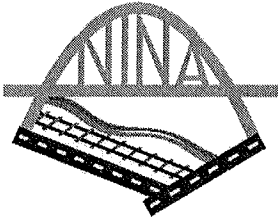
Greg Madden  
Madden Fabrication  
2550 NW 25th Place  
Portland, OR 97210  
503-226-3968  
503-242-2446 fax  
<http://www.madfab.com>

#### CONFIDENTIALITY NOTICE

The materials in this electronic mail transmission (including all attachments) are private and confidential and are the property of the sender. The information contained in the material is privileged and is intended only for the use of the named addressee(s). If you are not the intended addressee, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this material is strictly prohibited. If you have received this electronic transmission in error, please immediately notify the sender by telephone at (503) 226-3968 or send an electronic message to <<mailto:gmadden@madfab.com>> , and thereafter, destroy it immediately.

2/2/2011





Northwest Industrial  
Neighborhood Association  
2257 NW Raleigh St.  
Portland, OR

Date: February 1, 2011

Subject: Citywide Tree planting project

Dear City Commissioners,

As a board member of the Northwest Industrial Neighborhood Association (NINA), I was authorized at our January 11, 2011 board meeting to submit this written testimony to the City on behalf of NINA. We do not have any specific comments to share on the city-wide tree planting project at this time but we are requesting that city council **not approve** the current plan until the member businesses of NINA have had an opportunity to be formally familiarized with the extensive project. Along with the massive size of the project documents, there are several addendums associated with zoning and trees that we would need more time to review.

The board and members of NINA have valuable experience and knowledge to share in regards to the effects this tree planting plan may have on the Guilds Lake Industrial area. I attended the tree planting plan open house on January 19<sup>th</sup> to acquire information on the plan for our board. My attendance at the open house has resulted in NINA setting up a specific meeting for BPS members to speak about the plan at our February 8, 2011, NINA board meeting. The invitation for BPS to speak at our meeting is in anticipation that the council accepts our request to **not approve** this most recent CTP plan at your February 2<sup>nd</sup> hearing.

Along with our efforts to have BPS share the CTP plan at our Feb 8<sup>th</sup> meeting, I am also attaching an email that I sent to BPS on December 24, 2010 asking a question about the CTP as it relates to environmental issues that conflict with the City's current landscaping plan and the resulting automatic reply from the BPS. Although I have no reason to believe that BPS hasn't done an extensive amount of work for outreach and education for their plan, I feel that the robot reply and no additional follow up shows that BPS and all citizens involved in the CTP need more time to evaluate the plan before council feels comfortable approving it.

Thank you for your time and consideration on NINA's request to **not approve** the city-wide tree planting project at this time. Feel free to contact either myself or any of NINA's board thru our email account [board@ninapdx.org](mailto:board@ninapdx.org). We look forward to working with BPS to review and share our input to their ongoing CTP plan review.

Sincerely,

Greg Madden  
NINA Board Member  
503-226-3968  
[gmadden@madfab.com](mailto:gmadden@madfab.com)

**Greg Madden**

---

**From:** Greg Madden [gmadden@madfab.com]  
**Sent:** Friday, December 24, 2010 12:39 PM  
**To:** 'BOPCTP@ci.portland.or.us'  
**Subject:** Question about the city tree planting plan

Property owners in the Guilds Lake Industrial area are often required by the city to put in plantings but restricted to do so by EPA or DEQ requirements not to disturb soil or impervious membranes on their properties. Does this new plan deal with these conflicting City/State/Federal issues?

Greg Madden  
Madden Fabrication  
2550 NW 25th Place  
Portland, OR 97210  
503-226-3968  
503-242-2446 fax  
<http://www.madfab.com>

**CONFIDENTIALITY NOTICE**

The materials in this electronic mail transmission (including all attachments) are private and confidential and are the property of the sender. The information contained in the material is privileged and is intended only for the use of the named addressee(s). If you are not the intended addressee, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this material is strictly prohibited. If you have received this electronic transmission in error, please immediately notify the sender by telephone at (503) 226-3968 or send an electronic message to <<mailto:gmadden@madfab.com>> , and thereafter, destroy it immediately.

184522

**Greg Madden**

---

**From:** BPS City Tree Project [BPSCTP@portlandoregon.gov]  
**Sent:** Friday, December 24, 2010 12:39 PM  
**To:** Greg Madden  
**Subject:** Out of Office: Question about the city tree planting plan

Thank you for your comments! Your input is valuable. If you have asked to be added to our e-mailing list, we will send you project updates and other items of interest as they become available.

**PLEASE NOTE:**

If you have concerns about a tree issue that is happening right now, please contact the Urban Forester at (503) 823-4489 or the Planning and Zoning Hotline for construction-related tree matters at (503)823-7526.

Also, due to the volume of questions and comments we receive, we cannot respond individually to each inquiry; however, if a question comes up repeatedly, we will add it to the list of Frequently Asked Questions on our project website.

Parsons, Susan

184522

---

**From:** KOLOMECHUK Cindy [cindy.kolomechuk@state.or.us]  
**Sent:** Tuesday, February 01, 2011 4:32 PM  
**To:** Moore-Love, Karla  
**Subject:** City Council Comments  
**Attachments:** Tree Code Support.pdf

Dear Karla,  
Good afternoon. Attached, please find Oregon Department of Forestry's written testimony to be submitted at the February 2<sup>nd</sup> City Council hearing. This is regarding the Citywide Tree Policy Review and Regulatory Improvement Project.  
Thank you,  
Cindy

*Cindy Kolomechuk*  
Oregon Dept. of Forestry  
Office: 503-829-2216  
Cell: 971-275-4397  
ckolomechuk@odf.state.or.us

184522



# Oregon

John Kitzhaber, Governor

## Department of Forestry

Molalla Unit

North Cascade District

14995 S Highway 211

Molalla, OR 97038

Phone: (503) 829-2216

FAX: (503) 829-4736

January 27<sup>th</sup>, 2011

Portland City Council

RE: Title 11; Citywide Tree Policy



"STEWARDSHIP IN FORESTRY"

Oregon Department of Forestry has been working in collaboration with City of Portland and Multnomah County Staff toward the development of a Multnomah County Community Wildfire Protection Plan (CWPP) since August, 2010. The City of Portland's Wildfire Technical Committee provided the structure to enable this large-scale strategic planning effort designed to reduce hazards and potential losses from wildfire events.


Oregon Department of Forestry (ODF) commends the proactive and collaborative approach the City of Portland has taken to balance the ecological benefits of trees in the urban areas with the potential wildfire hazards they pose. As the primary wildfire response agency in the State of Oregon, ODF supports adoption of Title 11 because it allows more pruning of trees in preservation zones than Title 33, within ten feet of homes and accessory buildings, and ladder fuels within 30 feet of structures. Further vegetation modifications for defensible space purposes may be achieved through the permit process, and the plan must reflect sound arboricultural practice and be approved by City staff. Looking at the citywide tree issue through a fire safety lens, these allowances are appropriate; the further a tree is from a burning structure, the less likely the fire will spread from the structure to surrounding trees. Requiring that the pruning be done under permit provides the necessary balance between tree preservation and competing interests that could provide rationalizations to denude the City.

Recognizing that Title 11 is not proposed to become effective until 2013, we recommend that the amended tree pruning exemptions (section 11.40.050) be added to the list of first phase Title 33 amendments that will become effective in July of 2011.

ODF supports Portland Fire in requesting that the phrase "shrubs within 10 feet of structures" be retained in Title 33.430.080.C which will continue the allowance for homeowners in environmental preservation zones to modify vegetation close enough to a home that it poses a fire hazard.

If you would like further discussion on this matter, please do not hesitate to contact me.

Sincerely,

  
Kenneth J. Cushman  
Oregon Department of Forestry  
Molalla Unit Forester

184522

**Parsons, Susan**

**From:** tosterink@gmail.com on behalf of Tina Osterink [tina.osterink@sellwood.org]  
**Sent:** Tuesday, February 01, 2011 4:15 PM  
**To:** Parsons, Susan  
**Cc:** Jortner, Roberta (Planning)  
**Subject:** Fwd: SMILE Testimony: Tree Project Hearing  
**Attachments:** PB140448.JPG; SMILE tree project support letter.pdf

Please reply to all to confirm this came through the second time electronically.

Thanks,  
 Tina

----- Forwarded message -----

**From:** Tina Osterink <tina.osterink@sellwood.org>  
**Date:** Tue, Feb 1, 2011 at 9:28 AM  
**Subject:** SMILE Testimony: Tree Project Hearing  
**To:** susan.parsons@portlandoregon.gov, samadams@ci.portland.or.us,  
 sam@portlandoregon.gov, amanda@portlandoregon.gov, nick@portlandoregon.gov,  
 dan@portlandoregon.gov, randy@portlandoregon.gov  
**Cc:** roberta.jortner@portlandoregon.gov, SMILE Board <board-1@sellwood.org>

Dear Mayor Adams and City Councilors:

On behalf of the Sellwood-Moreland Improvement League (SMILE) Board, I respectfully request that you consider and support the proposed Citywide Tree Project recommendations. The proposed recommendations to advance City goals to protect and enhance the urban forest and to meet tree canopy targets were unanimously endorsed by the SMILE Board at its meeting on January 19, 2011.

The Sellwood-Moreland neighborhood is home to some rare and beautiful heritage trees that allow us to access our unique neighborhood roots. Many neighbors also have a strong attachment to this neighborhood because of the tree lined streets in front of our homes and businesses.

Over the last year, neighborhood residents, business owners and community leaders have participated in a number of tree-related events that included neighborhood tree walks, heritage tree workshops and local tree plantings. As individuals and neighbors, we are learning about the extensive benefits that trees provide our neighborhood, which include:

- Providing access to nature, beautifying our streets, cleaning our air, increasing walkable routes and slowing traffic;
- Increasing our property resale values;
- Enhancing our local business district;
- Improving community cohesion by fostering safer and more sociable neighborhood environments; and
- Providing wildlife habitat, especially within the natural areas of Oaks Bottom, Sellwood Park and Westmoreland Park.

While Friends of Trees recently successfully planted over 150 trees in the Sellwood-Moreland Neighborhood, we are also becoming painfully aware that we are losing valuable tree resources on some of our single-family lots.

For instance, last fall the neighborhood lost a mature and healthy Sequoia over 60-inches in diameter located in the yard of a single family lot when the new property owner cut it down (see attached photo). It is our understanding that the proposed Tree Code changes could provide both provisions to protect these grand trees and a process for neighbors to voice their concerns prior to removal.

We would like to thank the Bureau of Planning and Sustainability staff for their hard work on developing this

2/1/2011

proposal and for our opportunity as a neighborhood to provide input. We appreciate your consideration of our comments and urge you to adopt the Citywide Tree Policy Review and Regulatory Improvement Project recommendations.

Sincerely,

Tina Osterink  
SMILE Vice-President

--

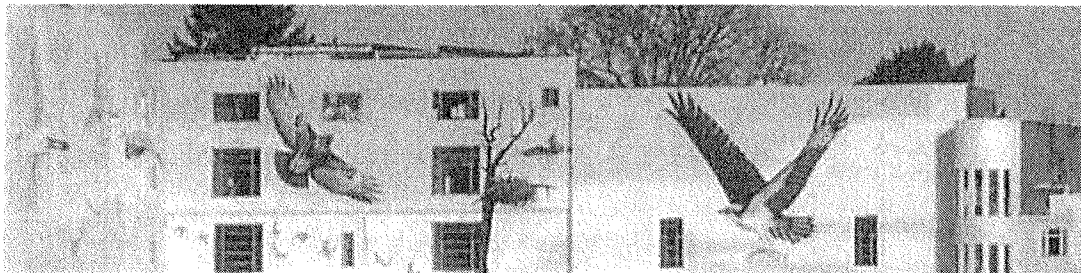
Tina Osterink  
Vice President, SMILE  
Sellwood Moreland Improvement League  
[tina.osterink@sellwood.org](mailto:tina.osterink@sellwood.org)  
503.740.7285

General Meetings First Wednesday of Each Month  
8210 SE 13th Ave, 97202  
[www.sellwood.org](http://www.sellwood.org)

--

Tina Osterink  
Vice President, SMILE  
Sellwood Moreland Improvement League  
[tina.osterink@sellwood.org](mailto:tina.osterink@sellwood.org)  
503.740.7285

General Meetings First Wednesday of Each Month  
8210 SE 13th Ave, 97202  
[www.sellwood.org](http://www.sellwood.org)



Sellwood Moreland Improvement League  
8210 SE 13th Avenue  
Portland, OR 97202

Oaks Pioneer Church 503 233-1497

January 31, 2011

Portland City Council  
City of Portland  
1221 SW 4<sup>th</sup> Avenue, Room 140  
Portland, OR 97204

Dear Mayor Adams and City Councilors:

On behalf of the Sellwood-Moreland Improvement League (SMILE) Board, I respectfully request that you consider and support the proposed Citywide Tree Project recommendations. **The proposed recommendations to advance City goals to protect and enhance the urban forest and to meet tree canopy targets were unanimously endorsed by the SMILE Board at its meeting on January 19, 2011.**

The Sellwood-Moreland neighborhood is home to some rare and beautiful heritage trees that allow us to access our unique neighborhood roots. Many neighbors also have a strong attachment to this neighborhood because of the tree lined streets in front of our homes and businesses.

Over the last year, neighborhood residents, business owners and community leaders have participated in a number of tree-related events that included neighborhood tree walks, heritage tree workshops and local tree plantings. As individuals and neighbors, we are learning about the extensive benefits that trees provide our neighborhood, which include:

- Providing access to nature, beautifying our streets, cleaning our air, increasing walkable routes and slowing traffic;
- Increasing our property resale values;
- Enhancing our local business district;
- Improving community cohesion by fostering safer and more sociable neighborhood environments; and
- Providing wildlife habitat, especially within the natural areas of Oaks Bottom, Sellwood Park and Westmoreland Park.

While Friends of Trees recently successfully planted over 150 trees in the Sellwood-Moreland Neighborhood, we are also becoming painfully aware that we are losing valuable tree resources on some of our single-family lots.

For instance, last fall the neighborhood lost a mature and healthy Sequoia over 60-inches in diameter located in the yard of a single family lot when the new property owner cut it down (**See attached photo**). It is our understanding that the proposed Tree Code changes could provide both provisions to protect these grand trees and a process for neighbors to voice their concerns prior to removal.

We would like to thank the Bureau of Planning and Sustainability staff for their hard work on developing this proposal and for our opportunity as a neighborhood to provide input. We appreciate your consideration of our comments and urge you to adopt the Citywide Tree Policy Review and Regulatory Improvement Project recommendations.

Sincerely,

*Tina Osterink*

Tina Osterink  
SMILE Vice-President



SMILE

184522



184522

**Parsons, Susan**

**From:** N. Nash [nana\_nash@hotmail.com]  
**Sent:** Tuesday, February 01, 2011 12:14 PM  
**To:** Jortner, Roberta (Planning); Parsons, Susan  
**Cc:** FOT-Scott Fogarty, Executive Director  
**Subject:** public hearing on the Citywide Tree Project/ comments directly to the City Council - thank you, roberta!

Hi Roberta! I will forward my comments directly to Susan Parsons. So glad I made your day. I just love FOT, all they do and the people who work there, so thank you for writing back!

Hello Susan: My comments about tomorrow's public hearing on the Citywide Tree Project are below. Please work with Friends of Trees! They have everything down to an art and a science about the importance of community, good health, safety and the incredible benefits of creating a wider and fuller urban canopy with tree-planting. Thanks for listening.

-Nana Nash, M.A. / Longtime volunteer for Friends of Trees (tel. 503-239-6336)

---

**From:** Roberta.Jortner@portlandoregon.gov  
**To:** nana\_nash@hotmail.com  
**Date:** Tue, 1 Feb 2011 12:09:02 -0800  
**Subject:** RE: yes please! - Comments for public hearing on the Citywide Tree Project, Wednesday, February 2nd, 6:00 p.m.

Dear Nana,

Thanks for your enthusiastic email. Made my day. However, I encourage you to send your comments directly to the City Council at [Susan.Parsons@portlandoregon.gov](mailto:Susan.Parsons@portlandoregon.gov).

Thanks and have a great day.

Roberta

**Roberta Jortner**  
 Environmental Planning Program  
 City of Portland Bureau of Planning and Sustainability  
 1900 SW Fourth Ave. Rm 7100  
 Portland, OR 97201-5330  
 (503) 823-7855 [Roberta.Jortner@portlandoregon.gov](mailto:Roberta.Jortner@portlandoregon.gov)

---

**From:** N. Nash [mailto:nana\_nash@hotmail.com]  
**Sent:** Tuesday, February 01, 2011 11:48 AM  
**To:** Jortner, Roberta (Planning); FOT-Scott Fogarty, Executive Director  
**Subject:** yes please! - Comments for public hearing on the Citywide Tree Project, Wednesday, February 2nd, 6:00 p.m.

Thank you for your email, Roberta!! I have been a longtime volunteer with Friends of Trees (FOT). It is an incredible organization, run by the vision and fortitude (like an oak) of Scott Fogarty, FOT's Executive Director. FOT has always wanted to create an "urban canopy" for trees which have many benefits: trees planted on streets slow down cars in neighborhoods, make a safer neighborhood for children and pedestrians, make home values higher (look at laurelhurst compared to north portland because of the trees planted there), make homes for animals like squirrels and birds, trees planted clean the air, make our community more beautiful, shade us and help keep the rain off us, and make color and texture come alive, provide sweet smells of sap and flowers in spring/summer/fall and help keep snow off the streets in winter.

In short, an URBAN CANOPY is a great plan and the Citywide Tree Project should do all it can to work with FOT to provide jobs for so many people and artists out of work, to beautify our neighborhoods. Tree-planting is an activity where, for example, all neighbors on FOT's planting days, help their neighbors plant the trees. Yet, each person gets to talk and has a chance to get to know one another, have some coffee in the cold (since we plant trees in fall and winter for spring and summer new growth).

Please have the city and all the counties continue to work with one of my absolute favorite non-profits, Friends of Trees, to help make Portland even greater than it is!!

Thank you for asking for comments. Please contact me if you would like or need any further information or input. With appreciation and best regards, -Nana Nash, M.A., Portland, OR

p.s. My apologies that I cannot attend the 2-2-11 meeting. I am working in a play at the Milagro Theatre on SE 6th x Stark called "Ana in the Tropics" and rehearsal's from 6-10pm.

2/1/2011

From: Roberta.Jortner@portlandoregon.gov  
 To: BPSCTP@portlandoregon.gov  
 Date: Tue, 1 Feb 2011 09:02:13 -0800  
 Subject: Reminder: Tree Project at Council Tomorrow!

184522

**The Portland City Council will hold a public hearing on the Citywide Tree Project, Wednesday, February 2nd, 6:00 p.m.**

**Email your comments to the City Council at: [Susan.Parsons@portlandoregon.gov](mailto:Susan.Parsons@portlandoregon.gov) .**

**Testify at the City Council hearing.** The hearing, on February 2nd at 6 p.m., will be in Council Chambers at City Hall (1221 SW Fourth Avenue). Metered and pay parking is available in the vicinity. For transit info call TriMet at 503-238-7433 or check their Internet site at <http://www.trimet.org/schedule/> for routes and schedules.

**Write to City Council.** Send written testimony to the Council Clerk at 1221 SW Fourth Avenue, Room 140, Portland, OR 97204, or FAX comments to 503-823-4571. **Written testimony must be received by the time of the hearing and must include your name and address.**

Additional information about the project is provided after this email. Please call or email us at [BPSCTP@portlandoregon.gov](mailto:BPSCTP@portlandoregon.gov) if you would like a CD or draft reports, or if have questions.

*Thanks for your participation.*

---

**The Citywide Tree Project Recommended Draft is posted on the project website.** [www.portlandonline.com/bps/treeproject](http://www.portlandonline.com/bps/treeproject)

**Volume 1 - Recommended Draft Report to City Council (includes brief project summary)**

**Volume 2 - Appendices to Recommended Draft Report**

**Volume 3 - Title 11, Trees, Amendments - other Titles, Amendments - City/Co IGA**

**Volume 4 - Title 33, Planning and Zoning Amendments, Amendments to Ladd's Addition Conservation District Guidelines.**

**The proposal will respond to community concerns, enhance the urban forest, and support City environmental, social and economic sustainability goals by:**

- Consolidating tree regulations under a new single tree code (Title 11, Trees), elevating trees as a critical component of Portland's "green infrastructure"
- Clarifying and broadening the roles of Urban Forestry Program, Plan, and Commission, and the City Forester
- Standardizing and streamlining Portland's tree permit system, and creating a simple permit process for homeowners
- Establishing a programmatic permit, streamlined permits to prune trees in environmental zones or to remove trees if required by federal or court order
- Refining the Comprehensive Natural Resource Plan to allow longer-term management of trees and natural resources on sites with resource overlay zones
- Establishing new flexible development standards, and more flexible root protection options, to encourage tree preservation
- Improving standards for tree preservation, replacement and planting when public or private development projects are proposed, without unduly increasing permitting time or cost. Standards are designed to encourage preservation of large healthy trees, native trees and groves.
- Clarifying tree regulations that apply in environmental resource overlay zones and specified plan districts

- Prohibiting planting Nuisance (invasive) trees on City property and rights of way (adding clarifying language to Ladd's Addition Conservation District Guidelines)
- Simplifying and clarifying enforcement procedures

***These changes are projected to generate at least 100 more acres of future tree canopy per year through improved tree preservation and planting, and improve the quality and health of Portland's urban forest.***

**The proposal also include customer service improvements:**

- Single point of contact for public inquiries
- 24-hour tree hotline
- Community tree manual
- Improved tree permit tracking system (accessible online)
- Neighborhood tree plans

The Citywide Tree Project proposal includes estimated costs and a proposed budget to fund administration and enforcement of the updated regulations and customer service improvements. A phased implementation strategy is proposed to provide time to develop the tree manual, informational materials and procedures, and to provide public education and staff training before the updated regulations go into effect.

**Roberta Jortner**  
Environmental Planning Program  
City of Portland Bureau of Planning and Sustainability  
1900 SW Fourth Ave. Rm 7100  
Portland, OR 97201-5330  
(503) 823-7855 Roberta.Jortner@portlandoregon.gov

184522

**Parsons, Susan****From:** David Pell [David.Pell@oregonzoo.org]**Sent:** Tuesday, February 01, 2011 2:53 PM**To:** Parsons, Susan**Subject:** urban trees

Howdy Susan,

Just to cover the bases, here's a good list of tree values (shortened from an ISA list). This site links several good lists. <http://www.treelink.org/linx/?navSubCatRef=56>

- Provide sound buffers
- Lower utility bills when planted properly.
- Reduces flooding by intercepting rainfall.
- Create a feel of community, not simply concrete and asphalt.
- Help to cool cities by reducing heat sinks. Heat sinks are 6-19 degrees Fahrenheit warmer than their surroundings (Global Releaf-Georgia). A tree can be a natural air conditioner. The evaporation from a single large tree can produce the cooling effect of 10 room size air conditioners operating 20 hours a day. (USDA pamphlet # FS-363)
- Cleans the air. Removes dust, particulates, absorbs ozone, carbon monoxide, sulfur dioxide and other pollutants.
- Soften harsh contours of buildings.
- Increase commercial and residential property values. Homes on lots with many trees have 6% - 12% higher appraised values. \* Trees can help increase the value of your property, sometimes by 10% - 20%. (USDA pamphlet # FS-363)
- Reduce urban blight by adding beauty.
- Trees act as a carbon-sink by removing the carbon from CO2 and storing it as a cellulose in the trunk while releasing oxygen back into the air. \* Trees can absorb carbon dioxide at the rate of 26 pounds per year - especially young trees that are still growing. (Global Releaf-Georgia). One tree that shades your home will also save fossil fuel, cutting CO2 buildup as much as 15 forest trees. (The National Arbor Day Foundation pamphlet # 90980005)
- Prevent soil erosion
- Freshen the atmosphere with the trees own pleasant fragrances. For example, 1 cherry tree can perfume the air with 200,000 flowers. (USDA pamphlet # FS-363)
- Provide wildlife habitats for birds, squirrels, etc.
- Provide Privacy.
- Direct Pedestrian Traffic.
  - \* Trees have also been shown to lower crime rates, decrease healing times for the sick, and decrease vehicle accidents.
  - \* I'd be happy to see more use of natives and edibles and an end to Norway Maple (invasive), Bradford Pear (weak), Purple Plum (weak and ugly most of the year).

Thanks,  
 Dave Pell  
 Oregon Zoo Horticulture  
 Gardener I  
 503-226-1516 X5543

A society is defined not only by what it creates, but by what it refuses to destroy. --John Sawhill

2/1/2011

Ali Young  
1737 SE Maple Ave  
Portland, OR 97214

AUDITOR 02/01/11 PM 2:15

184522

I am a Ladd's Addition resident and would like City Council to know that I am opposed to planting Norway Maple as a replacement tree in my parking strip. I want to commend the work that Save Our Elms has done to protect American Elms. Without their devotion we would have lost much of the beauty and habitat within our neighborhood.

However, Norway Maples are invasive- their seeds spread miles, choke out native trees and compromise the health of the few fragmented natural areas we have left in the city. Norway maples have been found on Mount Tabor and other local natural areas with no nearby parent tree source. Their seeds collect in wheel wells, windshields, roof racks and bike fenders, blow outside the neighborhood and spread. When the seeds are falling I remove hundreds from my car daily and I know I can't remove them all. I visit local natural area parks, the Columbia River Gorge, Mt. Hood, the coast range and other treasured scenic areas regularly. I have no doubt that Norway Maple seeds have made their way to these areas via my car.

I understand that the historic integrity of Ladd's Addition is similarly important. It is one of the reasons I live there. But if there is one thing we can learn from history it is to not repeat the mistakes of the past. Nobody today would advocate for planting English Ivy, Himalayan Blackberry, or Japanese Knotweed, in parking strips. But at one time those were plants of choice among landscape architects. I am convinced that if Mr. Ladd and the landscape architects that designed this beautiful neighborhood knew that Norway Maples were invasive they would have chosen a different tree. Well we can do that today.

We can work with Urban Forestry to find a more suitable, non-invasive replacement tree for Norway Maple so that we can begin reducing the seed source. One that upholds the beauty and history of our neighborhood without compromising the ecology and integrity of our local and regional natural areas.

Finally, I have spoken with many of my neighbors about this issue. Most of them never realized that they are invasive but everyone felt that there surely must be a suitable replacement tree. So I urge you to take your time. This is a new issue to most people in the neighborhood and most haven't had a chance to weigh in.

**Parsons, Susan**

---

**From:** Parsons, Susan  
**Sent:** Tuesday, February 01, 2011 10:41 AM  
**To:** Jortner, Roberta (Planning); Ruiz, Amy; Beaumont, Kathryn; Auerbach, Harry; Adams, Sam; Commissioner Fish; Commissioner Fritz; Leonard, Randy; Saltzman, Dan  
**Subject:** FW: tree policy reform

Sue Parsons  
Assistant Council Clerk  
City of Portland  
503.823.4085  
Susan.Parsons@portlandoregon.gov

-----Original Message-----

**From:** Linore Blackstone [mailto:llblackstone@comcast.net]  
**Sent:** Tuesday, February 01, 2011 10:35 AM  
**To:** Parsons, Susan  
**Subject:** tree policy reform

I support the tree policy reform package. Can anyone give me the arguments against the policy? Are there those who do not want trees in their neighborhoods or some protection for them? That is not a rhetorical question. Please do inform me of the arguments against and count my voice in support of the policy.

Regards, Linore Blackstone

184522

**Parsons, Susan**

---

**From:** Parsons, Susan  
**Sent:** Tuesday, February 01, 2011 8:24 AM  
**To:** Jortner, Roberta (Planning); Ruiz, Amy; Auerbach, Harry; Beaumont, Kathryn; Reeve, Tracy; Adams, Sam; Commissioner Fish; Commissioner Fritz; Leonard, Randy; Saltzman, Dan  
**Subject:** FW: Letter in support of CITYWIDE TREE POLICY PROJECT from SWHRL Neighborhood Association  
**Attachments:** Citywide Tree Policy support 1-2011 NB.doc

**Sue Parsons**

Assistant Council Clerk  
City of Portland  
503.823.4085  
Susan.Parsons@portlandoregon.gov

---

**From:** Nancy Seton  
**Sent:** Monday, January 31, 2011 10:14 PM  
**To:** Karla.Moore-Love@portlandoregon.gov  
**Cc:** Jim Thayer ; Simone Goldfeder ; Don Livingstone ; Roberta Jortner  
**Subject:** Letter in support of CITYWIDE TREE POLICY PROJECT from SWHRL

Please pass this letter on to City Council before the Wed. Feb. 2 hearing. We wish to express our support of the CITYWIDE TREE POLICY PROJECT. Several of us from the Southwest Hills Residential League (SWHRL) neighborhood association will be at the Wed. Feb. 2 City Council hearing as well.

Thank you,  
Nancy Seton  
SWHRL Land Use Chair, Board member



January 31, 2011

184522

RE: Citywide Tree Policy Review and Regulatory Improvement Project

Dear Portland City Councilors:

The Southwest Hills Residential League (SWHRL) Neighborhood Association enthusiastically supports the proposed Citywide Tree Policy Review and Regulatory Improvement Project to be submitted to City Council in February 2011. We are gratified that the planners have incorporated suggestions for improvement of tree policies from the Southwest Neighborhoods Inc (SWNI) document created years ago. The new Tree Policy should be approved and implemented now, before many more of our valuable trees are lost.

Our tree canopy is fundamental to the character of the SW Hills, and we need the best tools to protect and enhance it. Trees add beauty to our neighborhood, maintain our property values, help prevent landslides on our steep slopes, moderate temperatures, and provide wildlife habitat.

We on the SWHRL Land Use Committee have often wished for clearer tree regulations, for stronger incentives / requirements for developers and homeowners to protect trees, especially significant native trees and groves on our slopes. Current codes are confusing and not consistently enforced – not at all user friendly for neighborhood land use volunteers trying to respond to land use notices.

We strongly support components of the new policy as outlined by BPS, especially:

***“Title 11 Trees consolidates City tree rules into a cohesive framework -- addressing trees on public and private property in development and non-development settings. Title 11...treats trees as infrastructure.”***

***“Designing with trees through land use reviews. Code amendments will improve tree preservation in land divisions, prioritizing large healthy trees, native trees, and groves.”***

We support a process where a developer considers and designs around the natural features and the trees on a site.

***“New Tree Density Standards will maintain a minimum level of tree canopy on development sites. Applicants can meet the standard by preserving trees, planting new trees, or paying into the Tree Fund.”***

***Tree preservation standards: “The standard requires preserving 35 percent of trees at least 12” in diameter, or a mitigation payment to the Tree Fund.”***

***Refining the Comprehensive Natural Resource Plan to allow longer-term management of trees and natural resources on sites with resource overlay zones.***

***Trees on Property Lines and Adjacent Sites better protected.*** This is a common issue we have faced in development proposals in our neighborhood. We’ve struggled to protect groves of trees and significant trees which straddle property lines, and will be grateful for improved code protections.

***Streamlined, Standardized Tree Permit System.***

**Single point of contact, 24-hour hotline and automated permit tracking system.**

Yes! There have been many occasions where we've needed this.

**Community Tree Manual**

This public education component is important. We need neighbors to understand the benefits of trees, and the importance of protecting them.

**Neighborhood Tree Plan.**

This would be a good community building and educational tool.

The Tree Project team has taken a lot of time to listen to neighborhoods and other stakeholders, and to incorporate our requests. We sincerely appreciate their hard work and dedication. We urge you to support this needed update to Portland's tree policies.

Thank you!

Nancy Seton

SWHRL Neighborhood Assn. Land Use Chair, Board Member

Tel: 503-224-3840

nancyseton@comcast.net

Parsons, Susan

184522

**From:** Livingston, Peter [plivingston@SCHWABE.com]  
**Sent:** Tuesday, February 01, 2011 9:45 AM  
**To:** Parsons, Susan  
**Subject:** FW: Citywide Tree Policy Review; Ladds Addition Norway Maples  
**Attachments:** Portland Ladds Addition Norway Maples.pdf

Susan:

Please make certain these comments make it into the record. Thank you.

Peter Livingston  
 1524 SE Poplar Ave  
 Portland, OR 97214

**From:** Keith Warren [mailto:KeithW@jfschmidt.com]  
**Sent:** Tuesday, February 01, 2011 7:46 AM  
**To:** sam.adams@portlandoregon.gov; nick@portlandoregon.gov; Amanda@portlandoregon.gov;  
 randy@portlandoregon.gov; dan@portlandoregon.gov  
**Cc:** Livingston, Peter; Roberta.Jortner@portlandoregon.gov  
**Subject:** Citywide Tree Policy Review; Ladds Addition Norway Maples

Dear Mayor and City Council Members,

Please see attached letter regarding the Citywide Tree Policy Review and the Ladd's Addition tree controversy.

Thank you,  
 Keith Warren

---

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

---

NOTICE: This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.



*The Wholesale Tree Growers*

P.O. Box 189 • Boring, Oregon 97009 • (503) 663-4128 • FAX (503) 663-2121 • <http://www.jfschmidt.com>

February 1, 2011

Mayor and Portland City Council  
Portland City Hall  
1221 SW Fourth Ave  
Portland, OR 97204

Re: Citywide Tree Policy Review and Regulatory Improvement Project

Dear Mayor and City Councilors:

During the last two months, I have been contacted by several people asking for advice regarding the controversy over planting Norway Maples as street trees in Ladd's Addition. My professional experience is from a 36 year career in the nursery business as a horticulturist and plant breeder for the nation's leading deciduous tree producer, which followed my education as a botanist. Regarding invasive species issues, I was appointed and served the State of Oregon for a three year term at the founding of the Oregon Invasive Species Council. I also served on the national nursery association's Invasive Species Task Force which submitted input and supplied a member to the national U.S. Invasive Species Council. I am quite familiar with both sides of the Norway Maple issue, and quite frankly I recognize that both sides have good points.

Over a much longer period, perhaps 10 to 20 years, I have had numerous discussions of Norway maple with City of Portland personnel involved in parks, environmental protection, and street tree plantings. I do feel that the city has been somewhat heavy handed in their overall treatment of Norway maple, especially during more recent years. I know that Portland's initial concerns about invasiveness all related to designated environmental zones including parks. Initially, Portland park and environmental personnel wanted to be able to remove Norway Maple without the need of a tree removal permit. Now, this concern has been enlarged and is emerging as a complete ban.

Norway maple is indeed an invasive plant in New England, but they have a climate that is different than ours. Plants like English ivy, English holly, and Himalayan blackberry are serious invaders here, but not there. Japanese Barberry, Winged Euonymus, and Norway maple are serious invaders there, but not here. A plant's ability to invade is dependent on its adaptation to the local climate. Norway Maple can become established in the wild in Oregon, but the frequency of this is not common in most environments. I think the average citizen could tell you multiple locations where they know Himalayan blackberry is growing in an invasive manner, but you would have to search a long time to find an average citizen who could tell you where to find a wild growing Norway Maple.



184522



*The Wholesale Tree Growers*

P.O. Box 189 • Boring, Oregon 97009 • (503) 663-4128 • FAX (503) 663-2121 • <http://www.jfschmidt.com>

While some Norway maple trees have become established in natural areas in Oregon, the numbers are small, and the locations that I have seen have been restricted to unusually moist areas- edges of wetlands or roadside ditches and moist north facing slopes. Ladd's addition is well maintained, highly urban, and at a long distance from sensitive environmental zones. I just don't see a real world risk in planting more Norway maples here. There is already a huge seed bank of Norway maple in the city, often growing much closer to environmental zones that could be affected. I think the proposed planting would be a "drop-in-the-bucket" of the Norway seed bank in Portland, and it in a low risk area.

If this was adjacent to parkland or a conservation area, or if a city-wide Norway Maple eradication program was in place, I would feel differently. But, given the location of the proposed planting and the great number of trees of this species already in the city, my opinion is that planting additional Norway maples in Ladd's addition is very unlikely to make a "real world" difference to parks or environmental areas in Portland.

Very truly yours,

Keith Warren  
Director of Product Development





City of Portland  
Design Commission

1900 SW Fourth Ave., Suite 5000  
Portland, Oregon 97201  
Telephone: (503) 823-7300  
TDD: (503) 823-6868  
FAX: (503) 823-5630  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

February 1, 2011

Mayor Sam Adams  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Randy Leonard  
Commissioner Dan Saltzman  
Portland City Hall  
1221 SW 4<sup>th</sup> Avenue, Room 230  
Portland OR 97204

Re: Citywide Tree Project

Dear Mayor and Portland City Council:

As part of the Portland Citywide Tree Project that is underway we strongly encourage the Bureau of Development Services to reconsider landscaping requirements as they are currently written in the Title 33 Code, Sections 33.248 – Landscaping and Screening and 33.266 – Parking and Loading.

Both the practicing landscape architect and a real estate developer on our commission called our attention to issues with the landscaping requirements as written today. The Design Commission feels that there are conflicts in the code as written that are leading to overplanting of trees, particularly on small and medium sized sites.

The first issue is that the required size of trees and related tree spacing indicated in Title 33 for perimeter screening and parking lot planting is too tight for the classification of Large, Medium and Small trees in the code referenced "Portland Tree and Landscaping Manual". The trees as classified in the Manual, on average, have a mature diameter that is twice the required spacing for type. For instance, while the spacing requirement for large trees is 30' apart, the typical tree classified as a large tree in the Manual grows to have a diameter of over 60' wide. Medium and small trees have similar spacing/size issues.

We believe that the trees listed in the Manual are too large for their classification. The trees listed in the "large" category grow to be huge trees, the trees in the "medium" category are actually large trees, and the trees in the "small" category contain both medium and small trees.

Another area of conflict is where parking lot perimeter tree planting requirements and landscape screening requirements are adjacent to street tree planting requirements. Because of the size of trees required by the Manual are so large for their category, they can overcrowd trees in the right-of-way.

We have found that on small sites, the code requirements for tree planting leads to 80%-100% tree canopy cover at tree maturity. The Urban Forestry Management Plan's target is 33% tree canopy coverage citywide. While we do strongly support adding tree canopy in the city, access to sunlight is important too, and overly shady environments can cause problems such as moss growth, particularly in our rainy climate. We believe the code planting requirements need to be adjusted to reflect a mature canopy cover of 33%.

As more buildings and developments are incorporating LEED standards, and it is also now the City's Green Building policy to shut irrigation off two years after planting for public buildings, this overcrowding of plant material leads to additional stress on trees as they compete for resources such as water and sunlight. Ultimately, overplanting does not meet sustainable goals as it is an overuse of material that requires additional watering and maintenance.

Our last concern with the code planting requirements has to do with tree diversity requirements. While we support tree diversity, the requirement that "if there are more than 24 required trees, no more than 24% of them can be of one species" seems arbitrary, and leads to a hodgepodge of tree types with no clear composition or structure to the planting. Landscape architects often use tree types to help define wayfinding in parking lots, or in ways that enhance the relationship between the architecture and the landscape design. When large buildings or large parking lots come up against the 24% rule, an integrated design can be difficult to achieve. Furthermore, the dense canopy of the required trees tends to obscure significant architecture from public view, rather than enhance it. This code requirement, in addition to the other code tree planting requirements described, makes tree selection for any given project overly complicated and much more difficult than it should be. The requirements are overly prescriptive, and in our opinion do not lead to the best designs possible. We believe there is a better balance that can be achieved with the code requirements, and strongly urge BDS to reconsider both the code for tree planting and conduct a reorganization of tree classifications in the manual as part of the Portland Citywide Tree Project.

Thank you so much for your time and consideration today,

Sincerely,



Guenevere Millius, Portland Design Commission, Chair

CC: Design Commissioner David Wark, Vice Chair  
Design Commissioner Jane Hansen  
Design Commissioner Andrew Janski  
Design Commissioner Ben Kaiser  
Design Commissioner David Keltner  
Design Commissioner Katherine Schultz  
Roberta Jortner, BPS  
Tim Heron, BDS

**Parsons, Susan**

**From:** Annette Mattson [annettemattson@yahoo.com]  
**Sent:** Monday, January 31, 2011 8:03 PM  
**To:** Moore-Love, Karla  
**Cc:** Commissioner Fritz; Commissioner Fish; Leonard, Randy; Commissioner Saltzman; Adams, Mayor  
**Subject:** Citywide Tree Policy

184522

Mayor Adams and Commissioners Fish, Fritz, Leonard and Saltzman:

I am writing in regard to the proposed changes in Citywide Tree Policy. I have been watching this process and have participated in meetings due to the devastating effects that current policy has had on the character of east Portland neighborhoods with the loss of too many of our trees. Beautiful Douglas Firs that once defined the neighborhoods of east Portland and gave the David Douglas School District its name have been wiped out due to poorly planned infill and confusing rules about trees. It is time to bring balance and common sense to Portland's tree policy. The current proposals come closer and I appreciate all the hard work done by city staff. I want to share with you my remaining concerns.

One of my first suggestions is that the Community Tree Manual be made available in multiple languages on-line and in many languages in hard copy. My part of our city has over 60 different languages in the school district alone. All of our neighbors need this information. Please work with IRCO and similar organizations to translate this information broadly so that new residents do not unwittingly find themselves in trouble with the city because no one gave them the information in a language they could read.

In setting penalties for illegal tree cutting, make sure they are large enough to be a real deterrent. I have seen the stump of a 30 inch diameter fir taken out in the middle of the night. I have seen a back yard clear cut for a little ATV track, which then spread dust and noise to the adjoining lots. We need REAL penalties.

I also suggest no-cost permits for dead trees. They can quickly become a danger and should come out as soon as possible. Free permits would help.

Tree cover in the city of Portland is inadequate. To remove mature existing trees which are benefiting the environment, and replace them with little saplings in another part of town does not make sense. I suggest you require the new trees to be planted in the same neighborhood association area. If money is paid into a fund when trees are removed, the funds should be designated for plantings in that same neighborhood association area.

Fees related to removal of trees for new development are inadequate in the proposed changes. A lot can still be clear cut and covered from set-back to set-back with a big, ugly box apartment building and an asphalt parking lot, at a cost of only \$1200 per tree removed. Three more apartments for one more \$1200 tree is an easy set up for a chain saw.

I strongly object to R1 zoning areas being exempted from any tree protection. This means - again - that much of development in east Portland is exempt from tree protection. More clear cuts to allow for ugly big-box apartment buildings or cheap and ugly individual dwellings such as those at SE 122nd and Ramona is what this will mean. R1 areas should not be exempt. If it takes down-zoning to preserve mature, oxygen producing trees, so be it.

The protections for adjoining lots need to be increased. I know from certified arborists that when a lot is clear cut, the Douglas Firs on the adjoining lot are exposed to wind and elements for the first time and become what are called "danger trees." Once part of a larger grove, they are now open and exposed. They have not developed root systems to deal with the additional strain. The adjoining property owner may now find their home at risk for falling trees because of the actions by a neighbor. Neighboring property owners need more protection than the proposed changes allow.

Page 4 of the Recommended Draft Report to City Council states that the proposal will help ensure that tree preservation and planting are equitably dispersed in the city, including areas where future development is occurring. This is critical to the east Portland neighborhoods. We have suffered most of



184522

the infill - we at least need the character of our neighborhoods preserved through the trees that defined us. South of Foster Road, 60% of the tree cover can still be found past 110th. Let's keep it that way and retain the native cedars and firs that do so much for both the beauty of our property and the quality and coolness of the air we breath.

In short - these changes are good but they do not go far enough in tree protection in developing neighborhoods. The fees paid for removal for development are too low. There will be no protection - as now - for R1 zoning areas. There will be no protection when a big, multi family lot-swallowing box goes into place on a lot.

Do more than the currently proposed requirements. Protect our mature trees, our neighborhoods, our city, our air, our planet.

Respectfully,

Annette Mattson  
12045 SE Foster Place  
Portland OR 97266  
503-761-2585

To whom it may concern:

As residents of the Ladd's Addition historic district in southeast Portland, we strongly support the City of Portland's granting an exception for our district to the proposed tree code.

The Norway Maples that are planted within our district are an important element in the streetscape and in the city's reputation and quality of life, especially so because judicious elimination of entire blocks of our Dutch Elms due to disease and threat of disease has resulted in the loss of a great deal of the shade and sightlines which are so important to our personal and city-wide environment, value, and reputation.

Allowing residents to remove trees because they are deemed 'nuisance' under the new code, not replacing trees with a like species, and the natural lifespan of such trees, will only contribute to the demise of the livability of our neighborhood in every way. The City of Portland is known for its tree cover and we are proud to be living in a district which has been instrumental in and responsible with both its personal and public plantings.

The risk of this exception is small; Ladd's Addition features a very small percentage (less than 3 percent) of the Norway Maples within the city of Portland and is miles from the closest wild area. The city's own BES department has reported that seed transmission is not a problem.

We respectfully ask that the City allow the Ladd's Addition Historic District to continue its responsible management and contributions to the city's treescape and quality of life.

Thank you.

Alene and Bruce Bikle  
2228 SE Tamarack Ave.  
Portland OR 97214

*Alene & Bruce Bikle*

184522

**Parsons, Susan**

---

**From:** Parsons, Susan on behalf of Moore-Love, Karla  
**Sent:** Monday, January 31, 2011 8:31 AM  
**To:** Adams, Sam; Jortner, Roberta (Planning); Ruiz, Amy  
**Cc:** Reeve, Tracy  
**Subject:** FW: Citywide Tree Project testimony  
**Attachments:** Citywide Tree Project Letter\_Final.pdf

**Sue Parsons**

Assistant Council Clerk  
City of Portland  
503.823.4085  
Susan.Parsons@portlandoregon.gov

---

**From:** Lindberg, Carolyn - Portland, OR [mailto:Carolyn.Lindberg@or.nacdn.net]  
**Sent:** Friday, January 28, 2011 5:18 PM  
**To:** Commissioner Fish; Commissioner Fritz; Leonard, Randy; Commissioner Saltzman  
**Cc:** Moore-Love, Karla  
**Subject:** Citywide Tree Project

Dear Portland Mayor, City Commissioners and Council Clerk:

Please accept this letter of support and comment regarding the Citywide Tree Project.

If you have questions, please contact District Manager Dick Springer, dick (at) wmswcd.org.

Thank you,

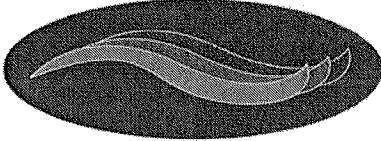
*Carolyn*

Carolyn Myers Lindberg  
*Communications Coordinator*  
West Multnomah Soil & Water Conservation District  
2701 NW Vaughn Street, Ste. 450  
Portland, OR 97210  
503/238-4775, ext. 101  
[www.wmswcd.org](http://www.wmswcd.org)

*"Conserving and protecting soil & water resources for people, wildlife and the environment"*

# WEST MULTNOMAH

184522



SOIL & WATER CONSERVATION DISTRICT

January 21, 2011

Portland Mayor and City Commissioners  
c/o Council Clerk  
Portland City Hall  
1221 SW Fourth Avenue, Room 140  
Portland, OR 97204

Dear Mayor and Portland City Commissioners:

On behalf of the West Multnomah Soil & Water Conservation District (WMSWCD), I would like to state our support and encourage efforts of the Citywide Tree Project and provide comment on ways that urban forestry can further align its goals with local and regional urban native plant establishment, invasive removal/prevention and food security efforts.

Portland's urban forests provide many ecosystem functions including providing wildlife habitat, filtering stormwater runoff, cooling stream temperatures, and capturing greenhouse gases. Our organization works to promote these same functions on urban and rural land throughout West Multnomah County and Sauvie Island. We believe the Citywide Tree Project will continue to protect and enhance our precious urban forests.

WMSWCD would like emphasis placed in four areas:

- Retain urban forests that surround streams, wetlands, and other sensitive ecological sites. Forest vegetation plays a crucial role in filtering sediment, cooling water, and supplying valuable fish and wildlife habitat.
- Develop outreach that encourages the use of native trees and shrubs on residential properties. Expand the street trees list to include more native choices to those that are aiming to create native habitats within the urban environment. We have had great success in the urban environment using native plants which are adapted to our local climate and serve as ideal habitat to urban wildlife.
- Encourage the planting of fruit trees on residential properties, parks and along sidewalks. Fruit trees can help feed the citizens of Portland. There is increased food security in a community that grows its own food while the consumption of locally produced food also compliments our efforts to reduce greenhouse gas emissions. This action is in line with Portland Multnomah Food Policy Council's vision that *"all residents have access to a wide variety of nutritious, affordable food, grown locally and sustainably."*
- Prohibit the planting of City-listed Nuisance Tree Species on city property and rights-of-way. We encourage the city to consult with the local Cooperative Weed Management Area (CWMA) partners to assure that the Nuisance Tree Species list includes appropriate species. This action is in line with the City of Portland's ambitious Invasive Plant Strategy goals.

WMSWCD appreciates the opportunity to comment on the Citywide Tree Project draft to the Portland City Council. The District also applauds the efforts of all those involved in crafting a document that will protect our valued urban forest.

Sincerely,

Dick Springer  
District Director

184522



RECEIVED  
MAYOR'S OFFICE  
10 JAN 31 AM 10:29

900 S.W. Fifth Avenue, Suite 2600  
Portland, Oregon 97204  
main 503.224.3380  
fax 503.220.2480  
www.stoel.com

January 28, 2011

STEVEN W. ABEL  
Direct (503) 294-9599  
swabel@stoel.com

Mayor Sam Adams  
Members of City Council  
City of Portland  
1221 SW Fourth Avenue, Suite 340  
Portland, OR 97204-1995

**Re: Tree Regulatory Improvement Project**

Dear Mayor Adams and Members of the Council:

At a distance, I have watched the efforts made by BPS Staff to provide City Council with amendments to tree regulations in the City of Portland. I have not participated in any of the hearings leading up to the proposal that is now before the Council. However, in light of the content of the draft now proposed, I simply could not let the proposal come before you without providing comment.

As many of you know, I served on the Planning Commission for about eight years. In that time, the Commission stressed code simplification as a guiding light in preparation of policy and adopting code language.

I personally followed an approach which contained five steps:

1. Precisely identify the issue to be resolved;
2. Find simple, understandable solutions to the issues presented;
3. Use the power of education and respect the stewardship qualities of property owners as implementing tools;
4. Make administration simple and cost effective; and
5. Minimalize collateral issues which might arise and eliminate them to the greatest extent practicable.

I am concerned that the proposal before you does not follow this discipline. Instead, it presents some 100 pages of complex regulation which is not intuitively understandable and, simply, is not reasonable.



Mayor Sam Adams  
Members of the City Council  
January 28, 2011  
Page 2

Please consider these points:

1. Failure to clearly identify the issues to be resolved and craft a program to resolve those issues. While City Staff attempts to identify the issues that need resolution, it appears the regulations proposed far exceed what is necessary in order to resolve the issues. I think it is important for the City to have proportionate regulations to resolve the issues presented and do so in the context of other city regulations as well as with a consciousness of resolving unintended consequences.
2. Failure to recognize existing land use statutory requirements. I believe the permit system is prone to uncertainty and litigation. While City Staff attempts to relegate tree administration to Chapter 11 of the City Code, such an approach will not avoid the requirements of land use law for land use decision making. Notice, opportunities to be heard, appeal rights, and legislated time frames are basic fundamental requirements for land use decisions. The decisions made under the tree ordinance are land use decisions, yet the code does not respect the statutory requirements for the land use system. Without harmonizing the proposal with existing land use statutory requirements, the proposal will be the source of unnecessary and costly confusion and litigation.
3. Enforcement is harsh. Enforcement under the draft is harsh and not proportionate to the scope of possible violations. The provisions of the ordinance will be surprising to most Portland citizens and thus, inadvertently many citizens will violate the code. Let me give you a simple example. The code requires a permit for the pruning of a street tree for a branch of greater than 1/4" in diameter. One-quarter inch is the diameter of a pencil. While it is easy to question whether such intense restriction is necessary, it is clearly the case that most citizens would not recognize that a permit is necessary to trim tree branches in excess of 1/4".
4. The permit system overreaches. Likewise, the permit system will come as a shock to most citizens within the city. This will be the first time, at least that I know of, that cities have chosen to administer the landscape maintenance of private property in a nondevelopment scenario. Fees for those permits will add insult to the injury. I'm sure citizens will be concerned about the fact that a permit will be necessary in those circumstances. Compounding the problem is the fact that each one of those decisions will be, if the code is written correctly, subject to appropriate decision making processes with appropriate notices, rights to be heard, and appeal rights. The administrative burden will be immense.



184522

Mayor Sam Adams  
Members of the City Council  
January 28, 2011  
Page 3

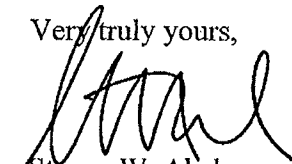
5. Administrative burden. Perhaps most critical in the proposed draft is the amount of administrative burden to be placed upon the Bureau of Development Services. BDS is currently understaffed to handle the current case load of existing proposals within the city. Recent experience has taught me that a lack of appropriate personnel within BDS significantly impacts the ability of the City to respond to development proposals in a timely way. This failure further contributes to a sense that Portland does not want business expansion. Simply stated, in these lean economic times, staff resources must be used appropriately in order to maximize economic value for City citizens.

Recommendation.

The issues presented in this letter are not meant to question the value of the regulation of trees and the protection of trees. However, the letter is an effort to caution the City to not repeat the mistakes it has made in the past with respect to environmental regulation. For example, when the City first promulgated environmental zones in the city the same sorts of overreaching and harsh regulatory regimes were proposed and adopted. Ultimately these programs ended up in litigation and, one could argue, resulting in statewide legislation aimed at halting such activity on the part of cities through the adoption of Measure 37. More importantly, regulatory programs that do not have general acceptance by the city's citizens or which lead to confusion simply do more harm than good.

I would urge the City Council to consider a regulatory regime which is reasonable and understandable to its citizens and one which can be administered in a cost effective way. It should balance regulatory solutions with nonregulatory solutions. Of course, this may require wholesale revision to the proposal before you.

Very truly yours,



Steven W. Abel

cc: Susan Anderson  
Paul Scarlett

184522

**Parsons, Susan**

---

**From:** Adams, Sam  
**Sent:** Friday, January 28, 2011 7:08 PM  
**To:** Moore-Love, Karla  
**Cc:** Ruiz, Amy  
**Subject:** FW: Tree Policy [done sp]  
FYI. Cevero

---

**From:** Mark White [markpdx@spiritone.com]  
**Sent:** Friday, January 28, 2011 11:28 AM  
**To:** Adams, Sam; Commissioner Fritz; Commissioner Fish; Commissioner Saltzman; Leonard, Randy  
**Cc:** Mark White  
**Subject:** Tree Policy

Mayor Adams and Commissioners,

The upcoming tree policy vote is of great importance to the Powellhurst-Gilbert Neighborhood.

Trees, most notably the Douglas firs that still remain in our Neighborhood, are deeply rooted in our history and vitally important to our future — the protection of existing mature trees is of particular importance to us. Trees contribute significant value to every facet of life. For example, a recent Portland study ([http://blog.oregonlive.com/health\\_impact/print.html?entry=/2011/01/more\\_trees\\_in\\_a\\_city\\_bring\\_sur.html](http://blog.oregonlive.com/health_impact/print.html?entry=/2011/01/more_trees_in_a_city_bring_sur.html)) reported that pregnant women living in houses with more trees were significantly less likely to deliver undersized babies. This is of incredible importance to a Neighborhood that has more children and families than any other in the entire City of Portland.

There are numerous reasons for this policy to be approved, which I'm sure is being provided in great detail by numerous citizens across Portland.

Powellhurst-Gilbert strongly encourages the passage of the tree policy and even more strongly encourages you to provide the necessary support to implement and enforce it.

Sincerely,

Mark White  
President, Powellhurst-Gilbert Neighborhood Association  
[www.pgpride.org](http://www.pgpride.org)  
503-761-0222

1/31/2011





**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Randy Leonard, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

184522

**MEMO**

**Date:** January 28, 2011

**To:** Mayor Adams, Commissioner Leonard, Commissioner Fritz, Commissioner Fish, and Commissioner Saltzman

**From:** Rebecca Esau, Land Use Services Division Manager, BDS

**Subject:** **BDS Comments on the Citywide Tree Project**

The goal of the tree project is to increase the City's overall tree canopy from 26% to 33%, and at the same time to simplify, consolidate, and streamline the City's existing tree regulations, with goals of equity, clarity, etc. The Bureau of Development Services is completely supportive of these goals, and has worked with Bureau of Planning & Sustainability and project stakeholders throughout this process to achieve these goals.

The project is impressive in its scope and detail and the project staff are to be commended for how far the project has come and the long hours of work and energy they have devoted to it. However, BDS recommends that the proposal not be adopted in its current form, and that additional work be done in the following areas:

1. **BDS requests Council direction regarding finding the appropriate balance between reliance on regulatory vs. non-regulatory tools to achieve the goal of increased tree canopy, and further exploration of non-regulatory tools/programs;**
2. **The regulations themselves still need further work, related to:**
  - **simplification & regulatory restraint**
  - **equity**
  - **direct correlation between the problem we're trying to solve and a specific regulation**
3. **Work is needed on the administrative aspects of the proposal, including roles and responsibilities, systems, processes, and finding opportunities for greater efficiency;**
4. **Timing of implementation in relation to the City's new computer permit tracking system (Accella); and**
5. **The need for a commitment to monitor the first 18 months of implementation, and return with a package of amendments within two years to make necessary changes after testing it. Also, the need to monitor program costs and funding to ensure cost recovery.**

Attachment "B" includes examples of a few of the more detailed comments BDS staff have provided to BPS. The BPS project staff have compiled a spreadsheet of comments that includes BDS staff comments, and that more comprehensive set of comments can be obtained from BPS. We request that these comments be considered.

We want to emphasize that BDS is completely supportive of the project's goals and knows the importance of having the right tools in place to achieve success. We are committed to continued work on this project, to make it the best Tree Program possible.

The following is a description of the five broad issues that BDS is most concerned about. Examples and additional information is provided under each heading. We hope this information is useful to you, and respectfully request your consideration of these points.

## REGULATORY & NON-REGULATORY TOOLS

With this project, City Council has a rare opportunity to decide HOW the City should accomplish the project goals. A large part of the reason for this project was that the public thought the regulations were too complicated, and located in different City Titles, and that the project should consolidate, simplify and streamline the tree regulations.

If Council were to step back, and hit the "reset" button on this project, there is a full spectrum of ways in which the City could try to accomplish the above goals.

- At one end of the spectrum is a reliance on regulations, reviews, permits, inspections, and a bureaucracy supporting this system; and
- At the other end of the spectrum is a program light on regulations that is focused on education, outreach, partnerships, meaningful incentives, and collaboration with the public to promote more tree planting and preservation, and appropriate maintenance of the City's street trees.

The proposal before you is a regulatory package with a few non-regulatory components, such as a proposal to develop a Tree Manual and to provide the public with a single point of contact. It is our understanding that BPS was charged with developing a regulatory package, and that is what they have produced. BDS is concerned that the non-regulatory programs and tools have not been explored, and that a more balanced approach is needed. The regulations are so extensive that it comes across that people can't be relied upon to plant, preserve, or maintain trees without being forced to do so; and it gets carried away, regulating extensively and to a detailed level that isn't necessary for the City to meet its tree canopy goals.

### The downside of this extensive, detailed, and complex regulatory approach:

- A) It is complicated and difficult for the public to understand;
- B) It doesn't satisfy a fundamental goal of the project which was to simplify & streamline the City's tree regulations;
- C) It is expensive to administer, due to its complexity and detail;
- D) It can be founded on an assumption that the regulations will solve the problem (everyone will have to comply with the regulations) and that's all there is to it. Regulations in themselves do not guarantee compliance --- i.e., you can write all of the regulations you want, but it won't prevent people from cutting down a tree, or topping a tree if that's what they want to do. And no one can afford the inspections or compliance program that would be necessary to police the public to ensure compliance. So it's a program reliant on people's willingness to comply. In which case, why doesn't the City just work with people in a more non-regulatory way to get us closer to our goal? A model of a successful and positive program is the BES Downspout Disconnect Program. (To be clear, we are not suggesting that regulations are not needed. Instead, we are suggesting that a lighter approach to the regulations is needed, in combination with a robust ongoing, outreach and education program.)
- E) Extensive and onerous regulations have a negative impact on people who otherwise might have willingly planted trees on their lot, and will likely have the unintended consequences of people hearing about the rules, fees, penalties, required payments to the tree fund, etc. and then being reluctant to voluntarily plant trees, for fear of what the bureaucracy will do to them later. Word gets out...."it's going to cost you a lot, the City has all these requirements, you better not plant a tree, or you'll be sorry."
- F) A proposal that relies heavily on regulations, especially when imposed on aspects of people's property that they thought they had some control over, and regulations that feel cumulatively restrictive and costly, can reach a breaking point and result in a backlash, for example, Oregon Ballot Measure 37. It's important to focus on the problems that need solving, and address them, but to also try to strike a balance with what seems reasonable to people when taken in combination with everything else already required of them.

Along the lines of public outreach and education:

- The proposal includes funding for development of a Tree Manual with a section called the "Code Made Easy". BDS staff had hoped the regulations themselves would be Code Made Easy, so a separate document explaining them wouldn't be necessary. The code itself should be simplified so it is easy to understand.
- The proposal would include a new City website about trees and tree regulations and the value of trees, and helpful information for property owners. This is good, and should be funded and pursued. A website requires ongoing maintenance and updating, and should be funded accordingly.
- The proposal also includes a Single Point of Contact for the public to call to find out what tree requirements apply to their property or what permits they need, etc. This is good, and should be funded and pursued.
- But if the approach were more focused on outreach and education and promoting tree planting and preservation, it would be helpful to have an ongoing program that has staff work with partners in the community, and go out and work with property owners, targeting:
  - Areas of the City that have the most opportunity sites for gaining canopy, and working with those property owners to get trees planted.
  - Areas of the City that have lost the most tree canopy, and finding out why, and addressing those issues by working with people.
  - Continuing to build partnerships with non-profits, schools, community groups, religious organizations, etc. to achieve the City's goals of increased tree preservation and tree planting.

We hope it's not too late to question this fundamental balance between regulatory and non-regulatory methods to achieve the project goals, and that the City will choose to explore and invest in non-regulatory programs to achieve project goals.

### **COMPLEXITY & OVER-REGULATION**

The proposed regulations are written as if people can't be trusted to take care of trees in an appropriate way and it micro-manages what people do with trees with a very detailed, complex, and extensive set of regulations. Examples include:

- a permit is required to prune ¼" and larger branches off of a street tree;
- if emergency tree pruning or removal is done on your property, an application must be made within 7 days with documentation to prove that an emergency existed, and BDS will evaluate the documentation to determine whether an emergency actually existed. Failure to submit an application within 7 days or provide the documenting information may be pursued as a violation;
- the canopy size calculations: "canopy factor" = (Mature height of tree) x (Mature canopy spread) x (growth rate factor) x 0.01. The growth rate factor is 3 for fast-growing trees, 2 for medium-growing trees, and 1 for slow-growing trees. If a tree has a canopy factor of less than 40, it's considered a "small tree", and if it has a canopy factor of 40-90 it is considered a "medium tree" and if it has a canopy factor greater than 90, it is considered a "large tree". Which then leads to the minimum area requirements for your trees to be planted per the Tree Density Standard:

Canopy Size Category	Number of trees required per size of "tree area" (we haven't explained yet how you calculate the required "tree area", which is in another table)	Minimum required area per tree (min. dimension)
Large	1 per 1,000 sf	150 sf (10' x 10')
Medium	1 per 500 sf	75 sf (5' x 5')
Small	1 per 300 sf	50 sf (3' x 3')

Imagine yourself trying to explain this to someone, and then factor in that English may not be the person's first language. Imagine the staff time involved to get an average person to understand not just this, but all of the tree regulations that would apply to their property. And not just the tree regulations, but all of the other development regulations they need to know about. How long would it take? And imagine the time involved with doing a plan review to make sure the plans comply with all of this.

At a minimum, BDS recommends eliminating the column on the right, and ideally, not even regulating the canopy size category, and instead letting go a little.....letting the property owner choose trees that will grow to sizes appropriate for their placement on the site. (This issue also falls under the heading of "regulatory restraint".)

**EQUITY - The tree regulations should be equitable and predictable between property owners –**

For example, for situations where no development is proposed, eliminate the complexity and inequity resulting from the distinction about if the site is large enough to divide or not (as expressed in the table of zones and lot sizes in Title 11, page 61, Title 11.40.020 - table 40-1). It increases complexity in administration because you would need to find out how big a lot is before you knew if there had been a violation or not.

Also, it seems unfair between property owners. For example, you live on a 9,500 sf lot in an R5 zone, and I live next door to you on a 9,400 sf lot in the same zone. The trees 12 inches and larger on your lot are regulated, but only the 20-inch and larger trees on my lot are regulated.....not very intuitive for people. Keep it simple, and just regulate a single size tree, regardless of the size of the lot and whether it is dividable or not.

BDS recommends regulating trees 20 inches and larger, and eliminate Table 40-1.

We also recommend exempting lots less than 5,000 sf in area from the Tree Preservation Standard, because it's difficult to accommodate all of the things the City requires on these small lots. This would give people the flexibility on these small lots to have vegetable gardens, and solar panels, and/or trees, but to not be so constrained in their options by where their existing trees happened to be located.

The reason for recommending the 20" size threshold is that by regulating a larger size tree, you are regulating fewer trees, and this allows the staff to take the code on a "test run" to work the bugs out, and to track the actual costs of administration, etc. The size threshold can be reduced later after the code and new computer system are tested, if funding is available.

**IDENTIFY THE SPECIFIC PROBLEM AND WRITE REGULATION TO SOLVE IT**

The City's tree program needs to be efficient, both in what is required but also in how it's executed, to make the best use of the City's time and money, and to get as much tree canopy for the dollar as possible. The existing problems need to be more clearly defined, so they can be addressed more specifically and efficiently. For example:

Permits for Pruning Street Trees - The existing and proposed regulations for pruning street trees are both very onerous. Currently you need a permit to cut a twig of any size off of a street tree. The proposed regulations liberalize this by allowing you to cut twigs without a permit if they are smaller than 1/4-inch. A large number of people will not get a permit. Are we trying to train the public to ignore the City's regulations? What is the actual problem we are trying to solve? From what BDS understands, it's that the City doesn't want people to top their trees, or to mutilate the tree canopy while trying to prune the branches away from overhead wires. If that's the case, then simply state that topping trees is prohibited, explain/illustrate what this is, and that the people who do this will be subject to fines and/or mitigation.

Eliminate the requirement for a tree pruning permit. Instead, provide outreach and assistance to help people learn how to prune their street trees properly. Assistance doesn't generate revenue, so this lighter regulatory approach would need General Fund support, or financial support from other sources, but the City would gain buy-in and goodwill from the public.

### **ADMINISTRATION / IMPLEMENTATION -- EVALUATE EXISTING WAYS OF DOING THINGS**

Once we nail down the regulatory portion of the project, it is only fitting that we also examine the processes and systems we have in place to implement these regulations. When we know a system or process is broken, let's acknowledge that, and find appropriate solutions to fix it. And for things that are working fine, let's examine them to see if we can improve on them or make them more efficient. For example:

1. Re-think inspections in development situations (both the timing, and the expertise of who does them):  
In a development situation, there are multiple things to inspect:
  - The building itself (building code & zoning code requirements)
  - The connections to existing infrastructure
  - On-site stormwater systems (stormwater manual)
  - On-site requirements related to the Zoning Code (ped. connections, landscaping, parking lots and associated landscaping, etc.)
  - On-site grading and tree preservation throughout that process
  - On-site tree planting
  - Street tree planting
  - Private street construction

There are building inspectors, whose expertise is the Building Code. There should be site inspectors, for the non-building code requirements on the site, who have the expertise needed to inspect for those site regulations. Currently BDS building inspectors are expected to inspect not only the building, electrical, plumbing, and structural code requirements but the zoning code requirements, erosion control requirements, street tree planting, mitigation landscaping, etc. Problems with the current system include:

- BDS Inspections Division is too short-staffed to have time to do the street tree and on-site tree /landscaping inspections
- BDS Building Inspectors have no expertise in trees, or plant species identification, the on-site Zoning Code requirements, etc.
- Timing/season for planting - The timing of when the building inspector is at the site is driven by the phase of the building construction, which is not necessarily when existing trees need to be protected, or the time of year when new trees/landscaping should be planted. If trees have to be planted when the building is near completion, it could be the middle of summer, a bad time to plant trees if you want them to survive, and in many cases no one will take care of the tree during the lag time before the new building occupant arrives. So trees and landscaping for new development, if planted at the wrong time, can die.
- BDS does not have staff or funding to do Erosion Control inspections, and to be out in the field when grading is going on to ensure tree protection fencing is in place, etc. Again, this is not work that Building Inspectors should be doing. Their expertise is the Building Code.

#### Examples of Ways the City could Address the Identified Problems:

- **Part I** – If it is a new development, change the timing of when street trees are required to be planted. One idea would be to get the cost for the planting from the applicant prior to final sign-off of the permit. Then have that money used by Parks and Friends of Trees (or some similar partnership) to get the street trees planted at these addresses during the course of the following year, so the new owner/occupant is involved, and so the tree is planted in the right season, to help ensure a better chance of survival. This solution would result in a greater survival rate, and eliminate the need for a street tree inspection.

- **Part II** - Totally re-think who does inspections for things on-site that aren't buildings. Have several tree/ landscape / grading / stormwater / zoning inspector positions funded on an ongoing basis, to do inspections of preliminary site grading and tree protection measures, landscaping requirements (including vegetated stormwater swales), invasive species removal, tree planting on the lots, and on-site Zoning Code requirements. Site grading and tree protection go hand in hand, and there is efficiency in having the same person inspect both.
2. Re-examine how the money from the Tree Fund is spent to get more trees planted - the City should look at how it uses the money collected by the Tree Fund, to see if there are ways to maximize the planting we get from this money. For example, in development situations, (11.50.050.A.2) the mitigation requirement for one tree is to pay the cost for Parks to manage the planting and establishment of two trees through two summers (which is \$1,200). This number is from the requirement that the trees being planted each be 2-inches, and that the cost per inch to plant and establish the tree for a period of two years is \$300. If the \$1200 amount to get two trees planted is the right amount to create the appropriate disincentive to remove trees, that's one thing. But is it possible to get more than two trees planted and established with that amount of money? The City should re-think what we do with that money, to get more trees planted and established for the dollar. Currently, the trees are mostly planted by Parks through their community tree program – so the trees are mostly being planted at schools in conjunction with school kids and other volunteers. Establishment is being done in non-traditional ways, with a combination of volunteers, teens Parks hires as a mentoring program, and Parks' community forestry staff. The money covers buying the tree, and coordinating all of this, and getting the trees watered regularly in the summer, etc. We should re-think who plants the trees and the size requirements for the new trees to try to get more bang for the buck:
- The requirement is that the trees be 2 inches in size. Why not reduce that to 1.5 inches? Smaller trees are cheaper and get established faster.
  - If you gave the money to Friends of Trees, or to the BES Reveg. Program, how many more trees could you get planted in that same neighborhood or watershed? If it was through Friends of Trees, you'd get property owners to care for the trees and get them established, saving money...money that could be used on more trees.
- In other words, is there a more efficient way to use the money to get more trees, and have other people take care of getting them established to save the City that expense? It's something to consider.

#### **TIMING OF CODE IMPLEMENTATION IN RELATION TO THE NEW COMPUTER SYSTEM**

Having a permit tracking computer system programmed, tested, and ready to use is ESSENTIAL for implementing the new tree regulations:

- so City staff can see who got permits for which tree cutting activity;
- to allow prospective & existing property owners to view tree preservation plans on a particular lot;
- to allow the public to view permit and tree preservation requirements in their neighborhood.

Also, the City and the public need the system set up for online application and issuance of tree cutting permits, to handle them in a timely, efficient way. Currently there is no way to submit and pay for a tree permit online.

Implementation of the bulk of the code (Phase II of the current proposal), should be timed to coincide with when the new computer system is ready, regardless of when that is. If Accella is not ready by the proposed effective date of the tree regulations, the effective date of the tree regulations MUST be postponed. The City cannot go forward with the administration of these regulations without it.

**MONITORING & RE-VISITING THE CODE TO AMEND IT AS NEEDED**

A period of monitoring needs to be set (BDS recommends a period of 18 months), and a commitment made to re-visit the tree regulations within two years of the effective date to fix what isn't working, and to assess the funding system proposed to see if fees are covering anticipated costs.

**MONITORING THE COSTS OF THE PROGRAM**

With the staffing and financial situation at BDS, and the bureau struggling or unable to provide some of its core services, such as Title 32 - Sign Code enforcement, Title 11 - Erosion Control, Neighborhood Inspections, responding and resolving complaints about non-compliance, the Noise Program, the Land Use Services Program, and struggling to provide timely service to our customers, it is difficult to say that a new Tree Program is more important than these other basic services, and it should receive funding as a higher priority. BDS has expressed concerns at every opportunity regarding how the project would be funded, and the need to keep the regulations simple to reduce administration costs. The Bureau of Planning & Sustainability has made strides in simplifying the regulations from where they started, but the proposal is still much too complicated, not only from the standpoint of costs of administration, but just from the standpoint of having staff and the public understand it. In summary, even if there were enough funding to administer the regulations as they are proposed, the regulations should still be simplified further, the City should evaluate existing processes/administration, and the City should strive for more of a balance between regulatory and non-regulatory methods of increasing and managing the City's tree canopy.

It will be important to monitor the actual costs of the program, and re-visit the costs and funding strategies after a period of implementation.

**RECOMMENDATION**

BDS advocates for continued work on the project, and a lighter and simplified regulatory approach that is phased in over time, balanced with more investment in non-regulatory methods of achieving the City's tree canopy goals. The timing of this project results in the unique challenge of coordinating its implementation date with the City's new permit tracking computer system, so it would be best to "ease into the water", to make sure the regulations and the computer system work as intended.



**ATTACHMENT "B"**  
**EXAMPLES OF OTHER REQUESTED CHANGES**

#	Topic	Code Section	Problem or Reason for Recommended Change	BDS Proposal
1	What size trees should we regulate?	Throughout proposal	<p>Too many different tree size thresholds. Sometimes it's 3", 6", 12", 20", etc. This increases:</p> <ul style="list-style-type: none"> <li>• <b>Confusion</b> - The public can't keep it straight</li> <li>• <b>Complexity</b> - It adds complexity and time in administration, for no proven gain</li> <li>• <b>Cost</b> - The smaller the size of the tree we regulate, the more lots and situations are regulated, and the cost of the program administration increases. Conversely, if you start by regulating only the larger trees, then the cost of the program is reduced.</li> </ul>	<p>Start by regulating all trees 20 inches and greater (unless in an Environmental Overlay Zone).</p> <p>In future years, once the program is established, and we have tested the new computer permit tracking system, THEN consider changing to a smaller tree size if there is funding to support the resulting increase in costs.</p>
2	Reduce situations that trigger "Tree Review" and instead provide standards track	<p>Examples: Vol. 4 -</p> <ul style="list-style-type: none"> <li>• page 137 - Table 570-1, Rocky Butte</li> <li>• page 129 - Table 537-1, Johnson Creek</li> <li>• page 111 - Table 480-1, Scenic Overlay</li> </ul>	<p>Too many situations require a person to apply for a Land Use Review called a "Tree Review", to consider a proposal to remove a tree. We can never charge a fee high enough: a) to cover our costs <u>and</u> b) that would seem reasonable to anyone. We can't expect people to pay that much. Also, we don't gain much from these reviews. It's inefficient (high cost for little gain).</p> <p>For example, page 137 of Vol. 4, requires a Tree Review to remove one or more trees 12 inches or larger in the Rocky Butte Plan District. This is excessive and inefficient. Create standards for replacement and/or payment.</p>	<p>Need a two track system - (i.e., track 1 is meeting clear and objective standards for replanting and/or payment, with no Land Use Review required; track 2 is the Tree Review if they can't or don't want to meet the standards in Track 1)</p>
3	Trees in Development Situations - tree density and preservation standards	Vol. 3 - page 91 - Chapter 11.50	<p><b>Fix the existing T1 standard which gives people options, and expand it, rather than creating two separate requirements for tree preservation and tree density</b></p> <p>Trees in development situations - The problems with the existing "T1" standard in the Zoning Code:</p> <ul style="list-style-type: none"> <li>• It only applies to new single-dwelling development (this can easily be expanded to apply in more situations)</li> <li>• Under the planting option, in many cases the calculations work out to require too many trees on a lot. It doesn't provide a way to prevent people from over-planting the lot, when we know the trees will not be kept to maturity. So it is just a waste of planted trees. They prefer to do this because it's cheaper than paying into the tree fund, even though they know the trees are too dense for the site.</li> </ul> <p>Proposed code abandons the T1 in favor of two separate</p>	<p>Expand a modified version of the T1 standard to all new development in the Single-Dwelling, Multi-Dwelling and Commercial Zones, on lots 5,000 sf and greater.</p> <p>Re-calibrate the "Preserve, Plant, or Pay" options to fix the over-planting problem that resulted under the existing code.</p> <p>Keep a system of options, so they can make choices.</p>

184522

			requirements: one for tree preservation and one for tree density. Eliminate these, and instead, provide a set of <u>options</u> , similar to the "T1" standard (Preserve, plant, or pay into the Tree Fund). Giving people options gives them flexibility. You get more buy-in from people being given a choice from several options.	
4	Achieve preservation through incentives	Throughout	There is not enough emphasis placed on meaningful incentives for tree preservation, and on partnerships and outreach.	Find out what incentives really motivate people: <ul style="list-style-type: none"> <li>• If we are shifting the paradigm to trees being part of the City's infrastructure, then a reduction in SDC's or sewer charges seems appropriate in some situations, as an incentive for preserving trees.</li> <li>• Create meaningful incentives in the Zoning Code, such as additional height allowance to build up another story, to avoid impacts to large trees, and more generous density bonuses. These are the things that help a project pencil out.</li> </ul>
5	Make sure pieces fit together as a whole and make sense, and policy hierarchies are maintained	Throughout Example: Vol. 4 - <ul style="list-style-type: none"> <li>• page 137 - Table 570-1, Rocky Butte</li> <li>• page 129 - Table 537-1, Johnson Creek</li> <li>• page 111 - Table 480-1, Scenic Overlay</li> </ul>	Example: The standards for tree replacement need to be re-calibrated. It doesn't make sense that the Environmental Overlay Zone tree replacement standard would be less demanding than areas outside of the Environmental Overlay Zone. This is a sign that some regulatory restraint and a more balanced approach is needed outside the e-zone.	Maintain policy hierarchies and make sure different pieces work in relationship to each other from a policy perspective.
6	Performance Guarantees	Vol. 3 - page 21 - Section 11.10.060.	Requiring Performance Guarantees for deferral of tree planting is not recommended because these are clumsy and expensive to administer. For the dollar amounts we are talking about, it would cost more to administer these guarantees by City staff than to just pay to have the trees planted by someone else, and arrange planting for a later date.	Have them pay a certain amount set by Parks for each tree that is supposed to be planted, and collect that. Then partner with Parks and Friends of Trees and the future owner to get the trees planted at the appropriate time of year at that address.
7	Incentivize removal of nuisance trees	Vol. 3 - Page 43 - Table 30-1	Make it simpler, easier, and cheaper to remove nuisance trees, so people are encouraged to do this.	Remove requirement for a Type A permit, and requirement for replacement trees to be planted.

184522

184522

**Moore-Love, Karla**

---

**From:** Dave Nielsen [daven@hbapdx.org]  
**Sent:** Thursday, January 27, 2011 2:28 PM  
**To:** Adams, Sam; Commissioner Fritz; Commissioner Fish; Leonard, Randy; Commissioner Saltzman  
**Cc:** Moore-Love, Karla  
**Subject:** Home Builders letter re: Citywide Tree Policy  
**Attachments:** Ltr to City Council re proposed tree policy.doc

Mayor Adams and Honorable Commissioners,

I will be faxing this over to the Council Clerk as well, but wanted to get it to you directly in case that gave you or the appropriate staff person in your office more time to review it prior to next Wednesday's Council meeting. I have also been in direct communication with and sent a copy of this letter to BDS, BPS, and the Mayor's Office of Sustainability.

I believe we will have several members of our industry attending the Wednesday meeting in case there are any questions we can answer as you review the Draft Report and our comments on it. Thanks in advance for your courtesy in reviewing and considering our feedback.

Dave

David Nielsen, CAE  
CEO  
Home Builders Association of Metro Portland  
15555 SW Bangy Rd., Ste. 301  
Lake Oswego, OR 97062  
503-684-1880  
503-684-0588 (fax)

**Your HBA membership could be worth money!** Being an HBA member means getting huge discounts on employee health insurance, workers comp, fuel, cell phones, credit card processing and more. Your membership doesn't just pay for itself. It can pay you back. [Click here](#) to find out how to get the most from your HBA membership.

Want to follow us online? Connect with us on [Facebook](#), [Twitter](#), and [LinkedIn](#)!

1/27/2011



Home Builders Association  
of Metropolitan Portland

184522

January 27, 2011

Portland City Council  
City of Portland  
1221 SW 4th Avenue, Rm. 140  
Portland, OR 97204

Re: Citywide Tree Project and proposed tree code amendments

Mayor Adams and Honorable Commissioners:

So as not to spend a lot of time on introductory remarks, I want to start by stating I'm sure we all agree that trees are important to our communities and region. In addition to various environmental benefits, they also enhance neighborhoods aesthetically and are generally viewed as a benefit of communities, including newly developed and built communities. The Home Builders Association and our members support a healthy tree canopy and have approached this policy review with that in mind.

We also sincerely appreciate the work done by the Bureau of Planning and Sustainability to include industry discussion and feedback as a part of their process. There were certainly challenges with the existing tree code, especially in areas that were more open to subjective interpretation or that had requirements that just weren't practical. One of the goals of this process, as outlined by BPS, was to establish a clear, cohesive, consistent regulatory framework. I believe much progress was made to that end. The conversations with BPS were always professional, straightforward and transparent. In some cases, changes proposed by BPS were very clear and addressed a challenge with the existing code that we could fully support. In other cases, concerns brought up by our industry with proposed amendments resulted in additional changes made by BPS and are reflected in the final code amendments approved by the Planning Commission. We very much appreciate that consideration and understanding. And in still other cases, questions or concerns raised by our industry were explained such that we ended up agreeing with where BPS landed on a policy issue. This kind of discussion and give and take was extremely beneficial, and we hope to build on it in as we continue work on tree policy as well as other issues with the City of Portland.

There are a few remaining issues that still create challenges for developers and builders in meeting Portland's desired density and infill goals without undue process or financial hardships. We have previously provided these to both BPS and the Mayor's Office of Sustainability and we believe additional amendments may be proposed to address those concerns. Again, we appreciate the working relationship we've had with BPS and the Mayor's Office and hope these few remaining, but very

important, policy and code issues can be made to provide a better balance between tree preservation and development needs. We've summarized these concerns in an attachment to this letter.

Stepping back from some of the actual code changes, I want to make four points that I believe bear clarification or further discussion on the policy itself.

- 1) We absolutely support a tree policy that addresses existing concerns with the interpretation or subjectivity of the current tree policies and improves on that language. That is where we've focused our attention. However, we strongly believe that other reasons for addressing this, such as a concern with a decrease in Portland's overall tree canopy or problems with trees being unnecessarily cut down by the development community, are unfounded. According to a report released by PSU, Portland's tree canopy actually increased between 1972-2002, in large part due to the trees put in by new development and how they matured over that time. Regardless of the variety of reasons, there certainly isn't any reason to suggest that the tree canopy is decreasing. In addition, the number of violations of existing tree policy by the development community over the last two years, over hundreds and hundreds of permits, is not much more than a handful. And my understanding is that most if not all of these were resolved successfully. While it is easy for certain activists to create alarm over supposed "tree loss", the facts do not back it up. We understand that we now need to look forward as well, with an eye towards how we can make sure our overall tree canopy is maintained and potentially increased with future development. We appreciate and support this, but that brings us to my second point.
- 2) City policies must be looked at in conjunction with other city policies. Tree policies, solar energy policies, and infill/density policies all have good objectives but can come into conflict with each other, or create unnecessary hardship on either citizens or businesses trying to implement them, if not well thought out in conjunction with each other. With the increased density and infill requirements desired by the City of Portland and Metro, tree policies shouldn't be created that penalize a developer or builder from building what the City and region desire, especially when there are few choices for how this is done on a smaller lot. Again, many of our concerns with the policies themselves have been addressed, and we are hopeful that our remaining concerns will also be addressed with this in mind. However, nothing in the proposed policies that we're aware of takes into consideration what flexibility is provided for homes that desire to maximize ability to use solar energy. This should be addressed. There are also still concerns that don't directly impact our industry. Some deal with general property owner rights/issues, such as the requirement that a property owner needs to get a permit to prune a branch on a street tree on their property if it's bigger in diameter than a pencil. Some deal with concerns raised by others regarding impacts these policies might have on commercial and industrial land

availability. We believe these all merit further consideration and would ask that appropriate parties be involved to review and address them where changes might be needed.

- 3) We are also aware of and want to address concerns raised by the City's Bureau of Development Services (BDS) and the City's Development Review Advisory Committee (DRAC). BDS has raised concerns with the complexity of the new tree policies and the costs required monitoring and enforcing them. HBA has focused our time on the summary of the tree code issues provided by BPS, and so we can't comment as to their complexity as fully detailed in the manuals nor to their enforcement challenges. However, we support BDS's concerns and ask that they be further evaluated to ensure there is the funding and ability to implement whatever policies are finally adopted. We also believe, since a healthy tree canopy is an overall community benefit, that funding should come out of the general fund to support any administrative, educational and enforcement costs. In addition, DRAC is concerned with the implementation of the policies, and has expressed concerns echoed by our members that "the devil is in the details." While we are confident we can work with the City once a revised policy is in place to address implementation issues, this is a definite area of interest and potential concern. As much as additional costs drive up the price of housing and hurt housing affordability, delays in the building process can have an equal and sometimes even greater impact on housing prices. We respectfully request that issues related to the implementation of the policies, as well as any further amendments made to these policies, consider this as a significant factor and that our industry be actively engaged in future discussions and decisions related to implementation or amendments.
- 4) Finally, we understand that these policies are not intended to place an imbalanced burden in meeting tree preservation or canopy enhancement goals on the backs of new housing. We would ask that the Council gain further assurances or understanding as to how tree canopy can be enhanced in existing developed areas so as to complement expectations on new development. I believe this is an interesting catch-22 challenge among the public. Citizens don't like seeing a mature tree come down in a new development, but citizens have also shown resistance to having their own property rights restricted or in having additional trees planted on their property even when provided by organizations such as Friends of Trees. Finding some way to create a better dialogue among neighborhood associations on these kinds of issues and possibly creating incentives for additional tree canopy enhancement in existing neighborhoods can further help achieve the City's goals.

I sincerely thank you for the courtesy of your time in hearing our feedback and for the way our input has been solicited and received over the last year plus. I look forward to continuing to work with the City on this and other housing issues in the future.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Nielsen', with a stylized flourish at the end.

David Nielsen  
Chief Executive Officer

## Addendum: HBA Requests for Additional Policy/Code Changes

1. The new tree preservation standards call for 35% of onsite trees that are greater than 12" diameter to be preserved. We would recommend that this number be changed to 33% to allow for a more applicable number. 35% does not translate into a hard number until you get above 20 trees on a site (which is rare). 33% makes for an even number for every multiple of 3 trees. On a site with 3 trees, for example, this means the difference between having to save one tree (33%) or two trees (67%).
2. Lots smaller than 3,000 sq ft are exempt from the new tree preservation standards. We appreciate BPS' understanding of small lot concerns, but the reality is any lot 5,000 sq. ft. or less should be defined as a small lot and have it be exempt from tree preservation standards (but not density standards). The reality is that the building pads combined with access requirements on small lots only have so much flexibility as to their location, and penalizing a builder for taking down a tree when there is very little flexibility on the lot makes no sense. For example, if a small stand of three mature trees is right in the middle of a 50x100 ft. lot, there is no way of preserving them given the dimensions of the lot.
3. Exemptions are also made for lots with greater than 90% building coverage. From a practical standpoint, this would only impact high-rise condominiums or buildings downtown. If this is meant to provide flexibility for other lower-rise buildings (such as four-story condos, apartments, etc), this percentage should be modified. For example, a building with 85% coverage still needs to have room for sidewalks and rainwater detention facilities, which leaves very little space for tree replanting. We recommend that the 90% coverage figure include parking, sidewalks and storm water facilities to provide for a more realistic number.
4. The new policy does not take street trees into the equation from a preservation standpoint or a tree density standpoint. If builders are able to save trees in the right of way or are required to plant new trees into the right of way then these should count towards tree preservation and density goals. A tree is a tree, and preserving one and/or planting one should count towards the overall tree canopy regardless of its classification as a street tree or not.
5. The new policy also does not address solar energy to new homes. With the push for solar energy on homes, the tree policy density standards could be problematic for new homes that are developed with solar energy, especially as newly planted trees mature. Allowances should be made to allow for reduced density or preservation in places where solar energy is to be utilized on new homes.
6. Last, there are no incentives for developers/builders to save greater than 35% of the existing trees on a site. Again, our industry typically saves trees when it can. However, we encourage the City to provide an incentive, such as allowing credits for excess preserved diameter to be transferred to another project, much like floor area ratio is transferred for commercial developers. For example, if 45% of the large diameter trees are able to be preserved on property A and only 25% could likely be preserved on property B, a 10% credit could be transferred to property B to satisfy the minimum requirement. This type of flexibility might encourage a developer to be more creative in attempting to preserve as much diameter on each site as possible and ultimately still works to address overall desired tree preservation goals.



SAVE OUR ELMS  
PORTLAND, OREGON1630 SE Elliott Avenue  
Portland, Oregon 97214  
[www.saveourems.org](http://www.saveourems.org)*Emailed  
to Council  
1/26/11  
kan*

January 24, 2011

Council Clerk  
Portland City Council  
1221 SW Fourth Avenue, Room 140  
Portland, OR 97204

RE: Proposed Citywide Tree Ordinance (Title 11)

My name is David Kaplan. I live at 1630 SE Elliott Avenue in Ladd's Addition. I serve on the Hosford-Abernethy Neighborhood (HAND) Association Board of Directors, and currently serve as President of SAVE OUR ELMS. HAND and SAVE OUR ELMS are both on record in support of the goals expressed in the new Title 11 tree code. We value the environmental and livability vision that is codified in the proposal. Both organizations are, however, seeking a limited exception to the proposed new policies that would (if adopted as written) prohibit new permits to plant Norway Maples in the public right of way. The new tree code would explicitly overturn established city policy that recognizes the historical value of the landscape plan as defined in the Ladd's Addition Conservation District Guidelines. The Landmarks Commission supports the modification we are proposing. The exception we ask for balances the values of historic preservation with the goal of protecting natural areas. We are convinced that both can be done.

Over the past 25 years, volunteers in Ladd's Addition have worked tirelessly to maintain and restore the canopy in the neighborhood. Aerial photos of Ladd's Addition taken in 2010 show a significant increase in canopy cover since the early eighties. We have achieved this through a program of tree maintenance and inoculation for Dutch Elm Disease, and by planting over 600 new trees in conformance with historic district guidelines. Ladd's Addition neighbors have contributed countless hours and over a quarter million dollars to protect and enhance the canopy while preserving the vision of the original landscape design.

The Planning Bureau has proposed a city-wide ban on planting Norway Maples. The ban is designed to protect wild areas from botanical invasion by non-native species. The documentation you have seen postulates that a city-wide zero tolerance policy is the only way to keep Norway Maples from taking over and out-competing native species in our valuable wild areas. We agree that fostering groves of Norway Maples in close proximity to wild areas poses a potential real problem. We are not convinced, however,

that compromising important historical arboreal assets in Ladd's Addition, which represents less than three percent of the Norway Maples on city streets, is required to meet that objective.

We have spoken with several professional foresters and arborists about the threat.

According to Kieth Warren of Schmidt's Nursery, Norway Maples have been a problem in the Northeastern United States, however, climate differences in the Pacific Northwest make the wide-spread propagation here much less likely. Tim Griffith, who manages street tree programs for the City of Seattle agrees that the danger of aggressive invasion of natural areas from street plantings is relatively small. Seattle does not plant Norway Maples in or near parks and natural areas, but has not banned the tree for street planting.

Our conversations with professionals at the OSU School of Forestry and the State of Oregon Department of Forestry dismiss the likelihood of successful seed propagation beyond a half mile radius of origin.

Planning staff makes an argument for wide dispersal of seeds by hitch hiking on automobiles. The German study that is cited does show that such dispersal of some seeds is possible. A closer look at the study cites only one species that appeared to travel a distance of three miles attached to cars. Those seeds were from a weed called Clammy Goosefoot which produces a seed which is one tenth the mass of a Norway Maple samara. While it is possible that viable seeds could travel from Ladd's Addition to the Oaks Bottom vicinity, it is our belief that such transport does not pose a serious or unmanageable threat.

Staff has also assembled a collection of studies that suggest that the Norway Maple seeds are easily spread long distances by wind and water. The study they cite shows a wind propagation curve describing how many seeds will travel to various distances.

*Their own study* shows the outside limits of wind propagation for similar seeds to be 110 meters. This is far short of our location; Two mile distance (typically downwind) from Oaks Bottom. Ladd's Addition has a well developed street drainage system that would carry seeds through storm drains to the CSO pipe and on to the city's filtration/treatment facility. It is extremely unlikely that the seed load from the neighborhood would find its way to the wild areas.


The maps presented to you by staff suggest that a wide-spread invasion of Norway Maples in wild areas has already occurred. The maps present an exaggerated view of the current problem. Any park or wild area that has a single maple volunteer growing is displayed. In the "Frequently Asked Questions" document, Table 1 also suggests a wide-spread invasion. A closer look, however, shows that natural areas with significant canopy cover of Norway Maples (20% or greater) was limited to just 10.7 acres. Another analysis of the numbers provided by staff would show that less than two tenths of one percent (.2%) of Portland's park and natural areas currently have Norway Maple cover. This includes those trees deliberately planted as part of the park landscape! Compared to the damage caused by ivy, holly, and blackberries, this does not appear to be alarming.

Most of the natural areas impacted by Norway Maple propagation are in close proximity to some of the thousands of Norway Maples that line the streets in nearly every Portland neighborhood. The park that has seen the largest impact (George Himes Park) is located directly adjacent to a street heavily planted in Norway Maples. The Parks Bureau did remove a large number of trees in the park, but also removed a number of trees along the street that were the assumed seed source. The total ban also raises the question: If the Norway Maple is as aggressive and dangerous as claimed, why has the species not been more successful in the over hundred years that they have been popular on Portland Streets? According to City Forester Dave McAlister, there are currently over 20,000 of them planted in Portland's parking strips!

Let me re-iterate that my neighbors support the efforts of city staff to provide the right incentives to enhance the urban canopy. They got most of this right. We agree that city policy should discourage or prohibit the introduction of tree species that threaten our parks and wild lands. We are not convinced, however that an exception to the Norway Maple prohibition for 10 short streets in Ladd's Addition, which is over 2 miles downstream and usually downwind from the nearest wild area poses a dangerous threat to the environment. We have had a close partnership (for many years) with Urban Forestry and Friends of Trees that would make the permit exception administratively simple.

Ladd's Addition is a unique urban neighborhood. We understand that the uniform street tree plantings may not be appropriate for all neighborhoods. Ladd's Addition, however, is much like a formal garden and a time capsule. The landscape designers had a vision of how streets would look, and consciously selected tree species with the shape, size, and color to meet their vision. We wish to maintain that 100 year old vision for a small corner of the urban landscape.

Setting city policy almost always involves balancing competing values. In this case, Ladd's Addition and HAND neighbors are asking for a proportional and balanced implementation of tree policy that acknowledges the importance of healthy parks and wild areas, but also recognizes important cultural and historical values represented by our unique street-scape. We ask you to amend the proposed tree code and let the existing historic tree planting guidelines supersede the new code before it becomes law.



David Kaplan  
President, SAVE OUR ELMS  
1630 SE Elliott Ave  
Portland, Oregon 97214  
[info@saveourems.org](mailto:info@saveourems.org)  
503.232.2559



Emailed  
to Council  
1/26/11  
lan

January 25, 2011

Council Clerk  
1221 SW Fourth Ave Room 140  
Portland, OR 97204

AUDITOR 01/26/11 PM12:17

184522

To Whom It May Concern:

I received an email about the Citywide Tree Project and responded with a question concerning maintenance of the many trees that would be planted. I was told there was no maintenance allowance included in the proposal. This is a serious concern of mine.

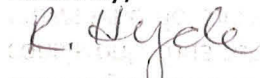
I live on Reed College Place where, to my knowledge, the trees on the City owned center strip had not been properly pruned for the 35 years that I have lived in my home. Also, the City of Portland gave up total maintenance of the center strip this past year, leaving it to home owners to maintain with no compensation of any kind. In fact, the Eastmoreland Neighborhood Association was even billed for watering the grass last summer, after getting permission from the City to do so. The solution to the lack of pruning was to collect \$700 from most home owners on Reed College Place and hire a private company to do the work. This was an expensive and unfair solution, however necessary. It should not be repeated.

In my travels around Portland, I've noticed that many of the green spaces around the City are overgrown with weeds and have accumulated too much garbage. I called someone in the City to find out if it was possible to organize friends to help clean up some of this mess. Apparently, there is no system set up for such a process and I was discouraged from doing so because of the dangers involved (e.g. traffic and needles) and because volunteers are not always consistent, thus removing an area from the City's "radar" if they stop. I know there are inmate crews who do this work, but not enough of them. Meanwhile, Portland continues to look dirty and shabby in too many areas.

I work at Mt. Scott Community Center and see how maintenance is also deferred there. The building needs a new HVAC system in the old section but this is continually put off to some future date. Two years ago, during the extended summer heat spell, I had work mates go home ill because the inside of the building was too hot. Also, there was a "riot" in the lobby which I am sure was heat related. Still, there's been no upgrade to the system.

While I think the Citywide Tree Project sounds great, I firmly believe that money needs to be set aside for pruning all new, and maybe existing City trees, within that project. Lack of maintenance around the City is becoming a bigger and bigger issue. It's time to take the necessary steps to curtail that issue at the beginning of new programs instead of when the problem becomes critical. Thank you.

Sincerely,



Roberta Hyde  
7220 SE Reed College Place  
Portland, OR 97202

184522

**Moore-Love, Karla**

---

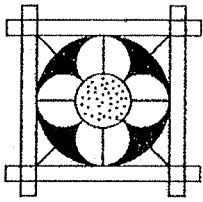
**From:** Donna Giguere [giguereid@comcast.net]  
**Sent:** Monday, January 24, 2011 6:46 PM  
**To:** Moore-Love, Karla  
**Subject:** Tree Policy review-Written testimony  
**Attachments:** Tree Policy Review Written testimony 001.jpg; Tree Policy Review Written testimony.jpg

Dear Karla Moore-Love,

Attached is my written testimony for the Tree Policy meeting February 2nd. I am not able to attend the meeting. I hope that my 2 page testimony will reach the appropriate people for voicing my concerns.

Respectfully,  
Donna Giguere

Donna Giguere, APLD  
Landscape Design & Consultation  
[www.giguere landscapedesign.com](http://www.giguere landscapedesign.com)  
503 777-1177



184522

## Donna Giguere, APLD Landscape Design

Council Clerk &/or  
Karla Moore-Love  
1221 SW 4<sup>th</sup> Avenue  
Room 140  
Portland, Oregon 97204

January 24, 2011

### Written testimony:

Citywide Tree Policy Review & Regulatory Improvement Project –February 2, 2011

### Some background:

Recently a very large home was built next door to me on a divided lot. Three native Western red Cedars straddled the property line with one cedar fully on the builder's side and the other two halfway on my side. These cedars average 2 feet in diameter at 4.5 feet (DBH) and average 50 feet in height. The builder removed the cedar on his side of the property line and encouraged me to let him remove the 2 straddling our property line because they would most likely die. At my insistence, the builder brought in a consulting arborist. The construction plan was mitigated with the foundation on the new home moving 3 feet and a portion of the 2<sup>nd</sup> floor cantilevered to allow room for the cedars roots. Up to ½ of the cedars roots have been removed and the trees have been skirted above the roof of the new house. Often it takes years for a tree to die after construction, but the arborist has assured me that these trees will survive. Unfortunately, if the 2 remaining trees die in 5 years I will be the one paying for removal.

In experiencing this process first-hand, I have some questions and concerns that should be addressed.

1. Inventory trees before dividing-Existing trees should be inventoried and sited before dividing of a property occurs so they are on record. Many landscape professionals should be able to do this for a nominal fee. After inventory, cutting requests should be accessed individually based on size, species, health and distance to neighboring properties.
2. Stormwater management-The builder needs to show a stormwater management program yet, when he removes mature trees and perhaps kills neighboring trees, he affects stormwater management on neighboring property. The builder is creating more impermeable surface with his home and driveway.
2. The builder gets an Energy Star credit for energy efficiency, yet he can remove trees that provide shade for my home, clean our air and stormwater.
3. On a real estate value note-The trees have value. The trees create a remarkable setting for my home. Their removal will devalue my property.

3651 S.E. Bybee Boulevard \* Portland, Oregon \* 97202-7733

Phone: (503) 777-1177 \* Web: [giguere landscapedesign.com](http://giguere landscapedesign.com)

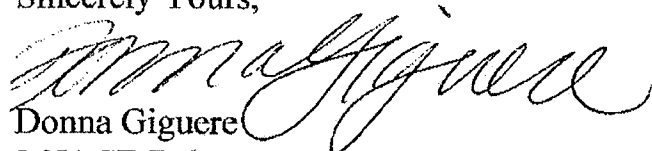
4-Wildlife habitat-These trees provide cover for local and migrating birds. Studies show that native plants attract the insects that feed a diversity of native birds.

6-Urban density-I do believe in reducing suburban sprawl but in addition we need to retain the tree canopy for cooling and cleaning the air. Portland has lost much of its tree canopy in the past 30 years. Cohesion needs to occur within the City particularly with Building and Development and BES. I am not opposed to a house next door. I am opposed to the removal or injury to mature trees that are not necessarily in the way of a new home.

7- Thuja plicata-western red cedar-The Northwest native tribes made their canoes and baskets out of these-they are historical and soulful.

I have resided here at my home in Southeast for 22 years.

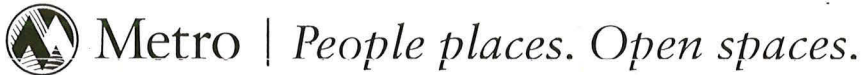
Sincerely Yours,



Donna Giguere

3651 SE Bybee

Portland, Oregon 97202



January 19, 2011

The Honorable Sam Adams  
Portland City Council  
City of Portland  
1221 SW Fourth Avenue, Room 140  
Portland, OR 97204

AUDITOR 01/20/11 AM 10:08  
Emailed to  
Council 1/20/11  
JAU

Dear Mayor Adams and City Commissioners:

We are writing to express our support for the Citywide Tree Policy Review and Regulatory Improvement Project (Citywide Tree Project) as recommended to you by the Portland Planning Commission and Portland Urban Forestry Commission. Metro applauds the extraordinary effort by city staff, numerous stakeholders and two city commissions to develop a comprehensive tree policy that provides a clear and consistent regulatory framework for trees while enhancing the overall urban forest of the city.

There are some key components of the Citywide Tree Project that are beneficial to the City's phased compliance strategy to meet the requirements of Metro Urban Growth Management Functional Plan (Functional Plan) Title 13: Nature in Neighborhoods, to protect and conserve water quality and fish and wildlife habitat. Specifically, Council adoption and funding support to implement the proposal includes:

- A more consistent application of stream and wetland setbacks in existing environmental zones. This will help prevent impacts to riparian and vegetation in the Habitat Conservation Areas where possible, and improve mitigation of impacts when they occur;
- New requirements to replace non-native trees and trees in 1,400 acres of environmental zone transition area;
- Improved tree preservation and planting requirements for all development types citywide; and
- New prohibitions on planting nuisance (invasive) trees on City property and rights of way that will help prevent the spread of invasive species in natural resource areas.

In addition, the proposal also includes recommendations to refine Title 33 chapter 33.860 for Comprehensive Natural Resource Plans (CNRP) so they could more readily be used for long-term management of areas like Smith and Bybee Wetlands. The proposed code calls for findings of consistency with Natural Resource Management Plans (NRMP) but if the NRMP is terminated, the CNRP could stand on its own as a long-term management plan.

In closing, we urge your support of the Citywide Tree Project through the adoption of a new comprehensive tree code as proposed Title 11 and minor amendments to other City titles which support the City's compliance efforts with Metro's Functional Plan Title 13 and provide the flexibility for long-term management of Metro-owned and other natural areas.

Sincerely,

Robin McArthur, AICP  
Director, Planning & Development Department

Jim Desmond  
Director, Sustainability Center

c: Councilor Rex Burkholder, District No. 5  
Susan Anderson, Director, Bureau of Planning & Sustainability  
Roberta Jortner, Bureau of Planning & Sustainability  
Mary Anne Cassin, Planning & Development  
Christina Deffebach, Long Range Planning  
John Williams, Deputy Director, Planning & Development



January 11, 2011

AUDITOR 01/18/11 AM 10:12  
Emailed to Council  
1/18/11. BU

To Whom It May Concern:

184522

The purpose of this letter is to express our concern regarding the planting of maple trees in Ladd's Addition. The article that appeared in the Oregonian on December 24, 2010, "Replanting Norway Maples Disputed In Ladd's Addition" focused on the debate between the historic precedent of Norway Maples and City officials targeting Norway maples as a nuisance species. I understand that the neighborhood will ask City Council on February 2nd, 2011 for an exception to the city's tree policy to re-plant Norway Maples. Nowhere in the article, was there any mention of verticillium wilt which is a problem in Ladd's Addition.

We chose to live in Ladd's Addition in large part because of the historic district designation and the beautiful mature tree canopy. However, we are concerned that we are going to lose a large portion of this canopy by requiring the replacement of Norway maple trees with more maples. In an era where sustainable living and ecological responsibility is in the forefront of our lives, the simple act of responsible tree planting through the selection of appropriate and disease resistant trees needs to be addressed to insure we maintain the mature tree canopy in Ladd's Addition for the next 100 years. Save Our Elms has done a great job over the years with the Elm trees, and we would like to see the same level of education applied as the maples in our neighborhood are replaced.

When we moved into our home on Tamarack Avenue in December, 2004, our house was graced with a lovely but clearly diseased Norway maple. Over the next 4 years we tried saving our tree, but in the summer of 2008 it was clear the tree needed to be removed. The entire center was rotted and many of the branches were dead, and we had already lost several giant limbs.

We called the City of Portland Urban Forestry Department and received a notice to remove the tree within 30 days and to replace it with another maple. When an arborist at Wind Thin removed our tree, he pointed out green rings in the trunk and told us this was a clear indication that the tree was infected with Verticillium Wilt- a soil borne fungus. This fungus invades susceptible host plants, including maples, and plugs up water conducting vessels in the roots and stem of the tree causing great stress to the tree and branch die-off. Once a diseased tree is removed, the fungus remains in the soil and the only "cure" is to plant a tree that is resistant to this fungus. All trees in the acer family are susceptible to this fungus and by planting a maple, regardless of maple variety, in the same location where the infected maple was removed only perpetuates the problem. At the bottom of this letter I have included links to information on verticillium wilt from Oregon State University and Washington State University.

After we lost our maple, I spent several months over the fall of 2008 working on getting permission from Friends of Trees to order a tree resistant to Verticillium wilt, i.e., not a maple tree, and thankfully a beautiful Zelkova was planted.

We urge the neighborhood, the Historic Landmarks Commission, the Urban Forestry Commission and City Council to re-think this exception. Our chief and primary concern is maintaining a healthy large tree canopy for Ladd's Addition. As much as we love and appreciate the maples- for both aesthetic and historic reasons, verticillium wilt is a problem in areas of Ladd's Addition, and in those areas, replanting maples will only diminish the long term health and beauty of our gracious canopy.

Thank you,  
Alyssa Isenstein Krueger and Robert Krueger  
2348 SE Tamarack Ave.  
Portland, OR 97214  
503-231-9393 [alyssaisenstein@yahoo.com](mailto:alyssaisenstein@yahoo.com)

<http://plant-disease.ippc.orst.edu/disease.cfm?RecordID=715>  
<http://www.treesforyou.org/Planting/TreeCare/Healthy/vertwilt.htm>

Emailed to  
Council 1/14/11.  
RL

184522



# PORTLAND FIRE & RESCUE



Randy Leonard, Commissioner  
Erin Janssens, Fire Marshal  
Prevention Division  
1300 SE Gideon Street  
Portland, OR 97202  
(503) 823-3700  
Fax (503) 823-3969

January 10, 2011

Portland City Council

RE: Title 11; Citywide Tree Policy

Fire & Rescue supports the citywide tree policy improvement project, moving tree regulations from multiple City titles and rules, and placing as many of those rules as practical into the new Title 11. The code consolidation will make it easier for City staff, the public, and developers to navigate tree rules.

While Fire & Rescue is in agreement on the importance of trees to the City--the aesthetics, ecology, heritage and even a recent study that indicates that local traffic on streets lined with trees more closely adheres to posted speed limits --because of our public safety mission, it is incumbent on Fire to insert some caution into the process. One truth about trees is that under fire conditions, they are fuel. If the purpose of the Title 11 is to preserve and protect trees, it is not a leap to provide tools to homeowners in wildland urban interface areas to protect their trees, and therefore their homes from fire.

Title 11 allows more pruning of trees in preservation zones than Title 33, within ten feet of homes and accessory buildings, and ladder fuels within 30 feet of structures. Further vegetation modifications for defensible space purposes may be achieved through the permit process, and the plan must reflect sound arboricultural practice and be approved by City staff. Looking at the citywide tree issue through a fire safety lens, these allowances are appropriate; the further a tree is from a burning structure, the less likely the fire will spread from the structure to surrounding trees. Requiring that the pruning be done under permit provides the necessary balance between tree preservation and competing interests that could provide rationalizations to denude the City.

Recognizing that Title 11 is not proposed to become effective until 2013, we recommend that the amended tree pruning exemptions (section 11.40.050) be added to the list of first phase Title 33 amendments that will become effective in July of 2011.

Fire also asks that the phrase "shrubs within 10 feet of structures" be retained in Title 33.430.080.C which will continue the allowance for homeowners in environmental preservation zones to modify vegetation close enough to a home that it poses a fire hazard.

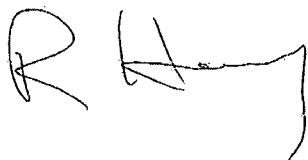
Concerning further provisions in the Title 11 draft, Fire has worked closely with Parks over that past few years to adopt future desired vegetation conditions in Oaks Bottom, Powell Nature Park, and Forest Park that will help reduce the chance of catastrophic fire conditions on those properties. The programmatic permit outlined in 11.45 will be a great help in implementing these plans.

Fire takes no issue with the proposed change to Title 31, the consideration of existing trees when designing fire access roads; and changes to Title 24.95 aerial access provisions for 5 story wood frame structures, in which similar existing tree considerations will also be added.

And finally, Fire would like to take this opportunity to thank Planning and Sustainability for the valuable experience, insight, and hard work they have put into several city and region-wide disaster resiliency initiatives. Staff from Planning and Sustainability helped craft the Portland Office of Emergency Planning's 2005 Natural Hazards Mitigation Plan; the 2006-09 Fuels Reduction and Wildland Urban Interface Gap Analysis grant; the County Wide Protection Plan; and the 20010-11 update of POEM's Natural Hazards Mitigation Plan.

If you would like further discussion on this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R Haney', with a stylized flourish at the end.

Dick Haney, Assistant Fire Marshal  
Portland Fire & Rescue  
503-823-3930  
cc. Fire Marshal Janssens