

REGULATIONS FOR TREE PRESERVATION IN DEVELOPMENT SITUATIONS**TESTIMONY WILL BE TAKEN ON AMENDMENTS**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Michael Withney	3808 SW Mt. Adams Dr 97239	michaelwithneyTX@gmail.com
✓ Mark Bello	2146 NE 9th Ave 97212	markrichardbello@gmail.com
✓ Justin Wood		JUSTIN@Fidconstructurellnw.com
✓ Paul Grove McCarthy	15555 SW Bandy, LO	
✓ Carol McCarthy	4311 SW Freeman St. 97219	carolmcc@amerimailbox.com
✓ MARTIE SUCEC	7005 SW 34th PDX 97219	Martie.sucec@gmail.com
✓ Linda Robinson	1115 NE 135th 97230	lrobinspdx@comcast.net
✓ Bob Salling	4001 NE 5th Ave PDX	
✓ Sara Long	528 NE Tillamook 97212	Saralongpdx@gmail.com

Moore-Love, Karla

From: Washington, Mustafa
Sent: Friday, April 01, 2016 11:21 AM
To: Moore-Love, Karla
Subject: FW: Notes from testimony from March 30

Testimony for you.

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

From: Joe Petrina [mailto:joe@petrinaconstruction.com]
Sent: Wednesday, March 30, 2016 2:48 PM
To: Hales, Mayor <mayorcharliehales@portlandoregon.gov>
Subject: Notes from testimony from March 30

Mayor Hales,

My name is Joe Petrina
 I am a remodeling contractor
 Years in business 35
 Born and raised in the city of portland
 I live in laurelhurst

As a remodeling contractor I come to you to suggest improving the existing tree code to serve both the urban forest and as well the residents in our city. I believe the spirit of this code however I believe the present code has some unintended consequences to the remodeling industry and landscape contractors.

I am a member of the Oregon remodelers association as well as a member of the home builders association which are two professional associations that represent the building community. I believe in the spirit of the new code. I love trees as much as all of you. My house in portland has a large canopy including 1 pin oak 100 feet tall, two sweet gum trees that are 80' tall. A rock maple tree that is 40' tall two red leaf maple trees that are both 25 to 30' tall. And two smaller dogwoods. I believe in how trees beatify the city, how they help us with our rain runoff , how they improve the value of our property, our neighborhood and our city as a whole however I am not in favor of some of its present restrictions. I have come to the council to express my concern of expensive procedures that are in my mind unnecessary measures the code currently enforces. Speaking to the building community, the city inspectors, city planners, city building officials I have come prepared to make 4 proposed changes for remodeling projects.

The Four proposed changes would
 Change the code with regard of how to protect the trees

1st proposed change for remodeling

Instead of using in chain link fence We would suggest a contractor could use 4' high orange protection fencing and use standard metal posts that can driven into the ground.

The cost of the chain link fence is expensive to purchase and expensive to install. Most contractors will rent it. The home owner will pay for it.

Orange fencing is relatively inexpensive and contractors could afford to have it as just another item in their shops. 6' high chain link fence is expensive and difficult to store. Many contractors cannot afford to buy chain link fencing. So most contractors will rent the fencing and pass the cost onto the homeowner and mark it up. Now it is another step in construction. Orange fencing can be used time and time again. Will last for years. This will lower the cost to the homeowner for their remodeling and still keep in the spirit of the code for remodels.

The 2nd proposed change for remodeling

We suggest that the following items should be exempt

Hand dug footings and foundations should be exempt.

For decks story about a a \$2,000 deck and then several hundred dollars for tree protection per tree. I believe small contractors will avoid permits. None of us want to see that.

For small additions for less than 200 sq ft

For any window well including egress hand dug window wells

For other related items that would not effect tree roots.

Save the homeowner unnecessary expenses but still live by the spirit of the tree code.

The 3rd proposed change

That trees that are located on a building site in a remodel should only be protected for a specific distance and or path from construction. What this would mean. If a project was occurring in the back of the house and a tree in today's code would need protection even if it was not anywhere near the work being done. The contractor would just have to prove on the plans where materials and work would be staged.

Again Save the homeowner Unnecessary expenses

A couple examples

Building a garage on the east property line at the end of an existing driveway with a tree on the property located on the west side of the yard in front. I told a client we needed to protect the tree in the front of the yard and it will cost approximately \$500 to rent the fencing, to set up the fencing and to remove it. The client was in disbelief which I could understand.

There is tree located in an adjacent yard of neighbors where a we are building a garage three feet off e property line. Even though the neighbors tree is within the canopy for protection we are not required to protect that tree not should we be.

I've been building for thirty five years and never in my career have I heard not been part of killing a tree because of construction means. I'm not sure why the city believes that trees dying is an epidemic but st is the way this code is being implemented.

Street trees in parking strips are constantly being challenged with street improvements, new sewer lines, repairing has lines, replacing water meters, repairing sidewalks. These trees with all the construction around them you would think we couldn't perform any work with these present codes. I live in laurelhurst and many trees on both side of the street touch each other with their canopies. We have trees all over our city 80 to 100 years old that have lived and thrived with this disruptive construction.

The final proposed change is to reduce the code to a trifold

In the review just that came out in March in want to read you the opening introduction. It is a short paragraph about clear and easily understood

The present tree code is 95 pages long

The review is 50 pages long

It should be shortened to a pamphlet so the average person, homeowner, small landscaper small builder and city officials even can understand what the spirit of the code is. Let's make this code better.

Most professionals I have spoken to have said it is one of the more difficult codes ever implemented. Making everyone's job much more difficult. From inspectors to plans examiners to contractors to homeowners who pay the expense for this code.

I truly believe that the spirit of this code has several unintended consequences and would appreciate the councils and commissions consideration in this matter.

187675

Regards
Joe Petrina
503-516-1995

Joe Petrina
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Years in business 35
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Read the paragraph

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Sent from my iPad

Moore-Love, Karla

From: James Peterson <customwoodworking@msn.com>
Sent: Wednesday, March 30, 2016 12:08 PM
To: Council Clerk – Testimony
Subject: FW: Title 11
Attachments: SWNI Letter to City Council Tree Code.pdf

Seventeen neighborhood associations that the tree code apply to lots with out an exemption for development.

James Pwterson
2502 SW Multnomah Blvd.
Portland, OR 97219

From: sylvia@swni.org
To: customwoodworking@msn.com
CC: carolmcc@amerimailbox.com; ellenhouston03@msn.com
Subject: Re: Title 11
Date: Tue, 29 Mar 2016 12:45:19 -0700

See attached.

Sylvia Bogert, Executive Director
Southwest Neighborhoods Inc. (SWNI)
7688 SW Capitol Hwy
Portland, OR 97219
503-823-4592

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

From: James Peterson
To: Sylvia
Cc: Carol ; Ellen Gentry and HM
Sent: Tuesday, March 29, 2016 9:38 AM
Subject: Title 11

Hi
Will you please forward SWNI letter on Title 11. Date about 2/16/16
Thanks
Jim



187675

Southwest Neighborhoods, Inc.

7688 SW Capitol Highway, Portland, OR 97219 (503) 823-4592

www.swni.org

February 16, 2016

Mayor Charlie Hales and members of the Portland City Council
City of Portland
1221 SW 4th Avenue
Portland, OR 97204

Re: Title 11 of the City Code (Tree Code)

Dear Mayor Hales and City Council members:

In January, the Multnomah Neighborhood Association sent to you the attached letter that opposes Title 11 amendments proposed by the Bureau of Development Services and Portland Parks & Recreation and supports amendments proposed by the Audubon Society.

The SWNI Board at their January 26 monthly meeting voted to support Multnomah's letter.

Sincerely,

Sam Pearson
President
Southwest Neighborhoods, Inc.



7688 Capitol Hwy, Portland, OR 97219

January 19, 2016

TO: Jenn Cairo, City of Portland, City Forester, jenn.cairo@portlandoregon.gov
 Meryl Redisch, Urban Forestry Commission, Chair, merylredisch@portlandoregon.gov
 Urban Forestry in the Parks, trees@PortlandOregon.gov
 Amanda Fritz, City Commissioner, amanda@portlandoregon.gov
 Council Clerk, cctestimony@portlandoregon.gov

CC: Portland Planning and Sustainability Commission, pssc@PortlandOregon.gov
 Portland Audubon Society, mmeskel@audubonportland.org

RE: AMENDMENTS TO PORTLAND'S TREE CODE

The Multnomah Neighborhood Association (MNA) objects to amendments to Title 11, Trees Chapter 11.50, *Trees in Development Situations*, proposed by the Bureau of Development Services (BDS) and Portland Parks and Recreation (PP&R). We support the amendments proposed by the Audubon Society (AS). The proposed amendment references are:

1. PP&R Proposal: *Mitigating the removal of large trees in development situations*, Memorandum from Jenn Cairo, City Forester, to Mike Abbate, PP&R Director, November 3, 2015;
2. BDS Proposal: *Proposed Draft for Proposed Amendments to Title 11, Trees, Chapter 11.50, Trees in Development Situations*, Memorandum from Emily Sandy, Code and Policy Analyst, BDS, to the Planning and Sustainability Commission, December 11, 2015; and
3. AS Proposal (attached): *Why reform Portland's Tree Code (Title 11)?*

The value of the tree canopy is documented in the US Forest Service publication *The Large Tree Argument* that is cited in the PP&R proposal. On page 6, this publication defines large- and medium-stature trees as:

Large - Greater than 40 feet tall and wide with trunk diameters commonly over 30 inches.
 Medium - 25 - 40 feet tall and wide with trunk diameters 20 - 30 inches.

The PP&R and BDS proposals offer new protections for "especially large trees" with 48-inch and 50-inch trunk diameters, respectively, and then only to the "non-exempt" trees.

In addition to setting the protected diameter too high, the proposed PP&R and BDS protections would only be applied to non-exempt trees. Exempt trees of any size could still be cut down under these proposals. The proposed PP&R and BDS amendments will not protect the currently exempted trees on development lots smaller than 5,000 ft². All-sized trees on these lots all are being clear cut in unprecedented numbers in our neighborhood right now. These proposed amendments appear to be political window dressing to mitigate the citizen outrage at the City's failure to protect our tree canopy in the poster-child case of the Giant Sequoias in Eastmoreland.

The PP&R and BPS proposals will do little or nothing to address the broader problem of the loss of the valuable tree canopy in our neighborhood, an example of which is shown in the photo below.



Figure 1 - The Tree Code did not protect this Multnomah Neighborhood tree, nor would the proposed PP&R or BPS amendments have protected it.

The AS proposal will offer short-term protection to some of the trees that are of urgent concern to us. The public notice and 30-day delay requirements for the removal of medium and large trees will save us from the shock and distress of chain saw notifications. However, we would like to see the AS proposal strengthened by adding a provision to remove the exemption from the Tree Code on development lots smaller than 5,000 ft².

Finally, we applaud the spirit of the AS. It is obvious that they recognize the economic, aesthetic, and environmental value of Portland's tree canopy to the City, its tame and wild residents, and to the planet.

Please add this to the record.

Thank you,

Carol McCarthy

Carol McCarthy, Chair
Multnomah Neighborhood Association

Why reform Portland's Tree Code (Title 11)?

What does Portland Audubon advocate and why?

Portland's Tree Code (Title 11) was developed and adopted in 2009 and 2010 after the collapse of the housing market. Portland's neighborhoods are currently experiencing extensive tree cutting driven by a highly lucrative real estate development market. Title 11's very lenient preservation standards:

- Do not apply on sites within the commercial and industrial zones and on residential sites less than >5000 square feet,
- Do not require that any trees in development situations be preserved at any location in the City, and
- Do not require cut trees be fully replaced. Many healthy native, non-nuisance trees are exempted from mitigation. Where fees-in-lieu of mitigation apply, the City requires a maximum of only \$1,200 (the cost of planting two trees) to compensate for the removal of trees regardless of size or species. This amount is inadequate to replace the functions and value of large healthy native trees.

An abundance of scientific research documents that large healthy trees of most species provide environmental functions and values as well as public health benefits to a much greater degree than smaller trees. These include provision of clean air and water, increased biodiversity, reduced urban heat island effect, and energy conservation. Past urbanization has undervalued trees in an urban setting, making large healthy trees rare. Through creative design it is possible to preserve more large healthy trees and accommodate new development in a way that enhances public health, environmental quality, and the affordable and walkable neighborhoods Portlanders desire.

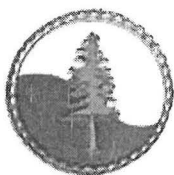
Therefore Audubon Society of Portland advocates for the following reforms of Title 11 and current development code:

I. Immediately require public notice & delay on all trees \geq 20 inches dbh

Require public notice and a 30-day delay for removal of all trees greater than \geq 20" dbh permitted for removal in both development and non-development situations.

II. Immediately require \$300 an inch mitigation for removal of healthy trees \geq 30 inches dbh in development situations.

Establish an inch-for-inch mitigation for cutting large, healthy, non-dangerous and non-nuisance trees \geq 30" dbh in development and non-development situations until Title 11 preservation standards can be reformed.



Southwest Neighborhoods, Inc.

7688 SW Capitol Highway, Portland, OR 97219 (503) 823-4592

www.swni.org

February 16, 2016

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City of Portland
1221 SW 4th Avenue
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Sincerely,

Sam Pearson
President
Southwest Neighborhoods, Inc.



7688 Capitol Hwy, Portland, OR 97219

January 19, 2016

TO: Jenn Cairo, City of Portland, City Forester, jenn.cairo@portlandoregon.gov
 Meryl Redisch, Urban Forestry Commission, Chair, merylredisch@portlandoregon.gov
 Urban Forestry in the Parks, trees@PortlandOregon.gov
 Amanda Fritz, City Commissioner, amanda@portlandoregon.gov
 Council Clerk, cctestimony@portlandoregon.gov

CC: Portland Planning and Sustainability Commission, psc@PortlandOregon.gov
 Portland Audubon Society, mmeskel@audubonportland.org

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Finally, we applaud the spirit of the AS. It is obvious that they recognize the economic, aesthetic, and environmental value of Portland's tree canopy to the City, its tame and wild residents, and to the planet.

Please add this to the record.

Thank you,

Carol McCarthy, Chair
Multnomah Neighborhood Association



This Deodora Cedar tree, brought as a sapling from England in the early 1900s, will be destroyed on or after April 5th. It is treasured throughout the neighborhood and by many others beyond. It was particularly cherished by its ailing elderly owner who was promised it would survive when the property was sold for \$185,000—and then within three week resold by a realtor to a developer for \$450,000. City support of rampant clearance and redevelopment is resulting in more of these kinds of predatory situations.

Several activists and neighbors met with a representative of the developers, in an effort to see if the tree could somehow be saved. Since the company plans to squeeze in two large houses that will sell for \$800,000 each, he said that “tree is gone.” We concurred that the tree’s root system may be damaged and a consequent dying tree would pose a danger and be extremely costly to remove. Right now, this magnificent specimen tree can just be bulldozed.

The developer’s representative told us that “Portland is the only area we can do this”—demolish houses and large trees with abandon—and that he is a businessman with the goal of making money, so he and other developers are “taking advantage” of Portland’s lax restrictions on redevelopment, its lack of protections.

This goal is totally understandable. What isn’t at all understandable is why Portland is a place where this happens so rampantly and why Portland can’t say “no” or “not so far or fast” to the destruction of perfectly fine houses that may need energy updating and of irreplaceable trees by insisting on more judicious building and design codes. Elite planners could easily find ways and places to provide for density without widespread destruction of neighborhood character, as has happened all over the City. I nominate Foster, Sandy, and Barbur as obvious locales among many others.

While, the Tree Code in Development Situations is a positive effort, it doesn’t go far enough. It doesn’t protect trees on 5,000 sq ft lots “as long as density is a policy” of the City (as a commissioner said). This makes no sense—large trees provide enormous environmental benefits no matter the size of the lot they grow on. What’s mostly happening is that one modest house of good structural quality and critical pervious surface, with well-established robust habitats and/or gardens for pollinators and growing food, can be bulldozed and huge house built can cover almost the entire lot and sell for an enormous price—and thus

continue the march toward, as one developer about to build in our neighborhood put it, replacing the demographic [of modest neighborhoods].

Your policies have not only promoted destruction of the prized tree canopy in many places, they have displaced many working class citizens (they can go “live in “Milwaukee,” as your planning director has callously said) and now they are displacing middle class citizens as the gentrification of their neighborhoods continues with frightening speed.

Modest neighborhoods that are losing trees and witnessing the displacement of affordable houses in favor of the intrusion of dominating huge houses can't afford to buy the property this gorgeous tree is on, as the Eastmoreland neighborhood could afford in order to save three Sequoias from being destroyed after at least three were lost. We know the Mayor wouldn't intervene, as in Eastmoreland, to negotiate on our neighborhood's behalf to save this tree and many others that are gone or will certainly go in the near future. Nonetheless, we strongly applaud Eastmoreland in protecting a few of its trees.

Urban Forest Comm
The ~~Audubon Society~~ has called for a moratorium on cutting trees until these provisions of the Tree Code are adopted; they had also called for protecting trees on 5,000 and 3,000 sq ft lots. You need to do this. Have the political courage, or put aside alliances/allegiances to mega-developers to conserve, protect, and truly sustain some of the vital elements of Portland's character that you are turning away from by not encouraging prudent and truly sustainable development throughout neighborhoods beyond the Central City.

I call on you to use your emergency powers in a noble action that would protect the trees until the new code provisions go into effect. I call on you to begin to say “no” or “not so far” to this kind of destruction and to development that so drastically alters neighborhoods—scores of citizens throughout scores of neighborhoods want our City to have the courage to say “no” and would support the legal defense of the always-threatened law suits. Communities and neighborhoods have this expectation—that you'll stand up for development that respects their character.

All other things being more or less equal (employment, schools), people choose to live in a neighborhood for the character of the place. In very many Portland neighborhoods, the canopy of trees is high on this list. Please do more now to protect it from the blatant destruction we're seeing. There is no way to remedy what's happening—trees can't be glued back together, and little trees will not restore habitat and improve air quality for decades.

Martie Sucec
7005 SW 34th Ave
Portland OR 97219

Moore-Love, Karla

From: Lipai, Natasha
Sent: Wednesday, March 30, 2016 7:21 AM
To: Moore-Love, Karla
Subject: FW: Urban Forestry Commission support and additional code suggestion regarding large tree/affordable housing balance
Attachments: UFC Saltzman Prop Amendment Letter DRAFT CEM.docx; ATT00001.txt

Good Morning Karla,

I was wondering if you had received this letter (attached) from Mark Bello of the Urban Forestry Commission regarding Commissioner Saltzman's proposed amendment for the tree code. Can this be considered testimony for the tree code item (following the Citywide Tree Project Year One report on the agenda)?

Thanks,
 -Natasha

Natasha Lipai
 Operations Aide (CSA II) | Urban Forestry Portland Parks & Recreation
 503-823-8398 (mobile)

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

From: Mark Bello [mailto:markrichardbello@gmail.com]
Sent: Saturday, March 26, 2016 12:48 PM
To: Pierce, Tera <Tera.Pierce@portlandoregon.gov>; Bhatt, Pooja <Pooja.Bhatt@portlandoregon.gov>; Finn, Brendan <Brendan.Finn@portlandoregon.gov>; Warner, Chris <Chris.Warner@portlandoregon.gov>; Commissioner Fish <nick@portlandoregon.gov>
Cc: Cairo, Jenn <Jenn.Cairo@portlandoregon.gov>; Redisch, Meryl <merylaredisch@gmail.com>; Lipai, Natasha <Natasha.Lipai@portlandoregon.gov>
Subject: Urban Forestry Commission support and additional code suggestion regarding large tree/affordable housing balance

Mayor and Commissioners,
 We thank you for the time and consideration you have taken regarding the Emergency Tree Ordinance. The attached letter recognizes the affordable housing crisis and also provides a limited safeguard for our large trees.

Thank you for your consideration; I hope we have an opportunity for continuing dialogue. Meryl Redich will continue to be closely involved as she is now transitioning from Chair to Policy Committee chair.

Respectfully,

Mark Bello
 Chair, Urban Forestry Commission



CITY OF PORTLAND
URBAN FORESTRY COMMISSION
1120 SW FIFTH AVENUE, PORTLAND, OREGON 97204
PHONE 503-823-5396 FAX 503-823-5570



AMANDA FRITZ, COMMISSIONER

MIKE ABBATÉ, DIRECTOR

March 25, 2016

187675

Mayor Hales and City Council
City of Portland
Portland, Oregon

Dear Mayor Hales and City Commissioners:

Please find our proposed language in support and also clarification of Commissioner Saltzman's affordable housing amendment to the Emergency Tree Ordinance. We understand that Council received testimony after the March 3 Council hearing indicating that mitigating for the removal of large trees would add to development costs. The Urban Forestry Commission recognizes this conflict and proposes a solution that will be less optimal for the urban forest but not hinder the construction of affordable housing. The solution follows the same policy impulse that motivates waiver of SDC charges; namely, despite the need for infrastructure, whether physical infrastructure, or green infrastructure, fees may be waived to facilitate construction of affordable housing projects.

Unfortunately, this solution will continue the general perception that trees are amenities. Waiving tree mitigation fees means ignoring that trees are crucial, especially for underserved communities—improving air quality (especially for children), helping reduce heat stress for the elderly, making our streets safer by slowing traffic, sequestering carbon, helping to reduce crime, and making our neighborhoods livable by connecting people with nature and one another.

We know that the best developers consider the neighbors and all residents within our airshed, not to mention the city's climate change objectives. We therefore suggest that tree mitigation only be waived in conjunction with the waiver of SDC fees for affordable housing, and only when retention of healthy, non-nuisance species trees has been sought and demonstrated to be unreasonable. We are asking our affordable housing providers to consider site design as well as dollars and cents. Trees and affordable housing alike should be considered a long-term investment in our city's future. Our trees and our residents, especially those who call affordable housing home, deserve no less.

Here is our code suggestion:

City Code 11.50.040.C.1.b.(2)4. Support of Tree Preservation for Affordable Housing Developments. Affordable Housing Developments shall design projects to retain healthy, non-nuisance trees. The applicant is exempt from 11.50.040.C.1.b(2) if the new development will be an affordable housing development approved for system development charge exemptions under Section 30.01.095. To be exempt from complying with Title 11.50.040.C.1.b(2), the applicant must submit a tree survey of the pre-demolition site conducted by a certified Arborist, demonstrate that no reasonable design alternative to retention of existing healthy, non-nuisance trees is possible, and demonstrate that the requirements of Title 11.50.040.C.1.b.(1) in Tree Preservation Standards and Tree Protection Specifications in Title 11.60.030 Tree Protection Specifications cannot be met with the development proposed by the applicant.

Sincerely,

Mark R. Bello
Chair, Urban Forestry Commission

From: Mh Kincaid <jamasu88@msn.com>
Sent: Tuesday, March 29, 2016 4:52 PM
To: Moore-Love, Karla; Parsons, Susan
Cc: Grumm, Matt; Commissioner Fish; Fritz, Amanda; Commissioner Novick; Hales, Charlie
Subject: Testimony for Tree Code Amendment
Attachments: tree code testimony 30mar16.pdf

I have attached my testimony for the Tree Code Amendment proposal being heard by Council Wednesday March 30th.

What a day it will be! Office of Equity, LTIC and the Tree Code....

I hope to attend the hearings, but in case I don't, I wish you all the best of luck in your decision making process.

Maryhelen
503-286-3354

Testimony for Agenda item #315 tree code preservation amendment
March 30, 2016
Maryhelen Kincaid
2030 NE Blue Heron Dr

187675

You are already aware that DRAC has continued to support the original BDS proposed amendment to the tree code. This testimony is a collection of my thoughts and suggestions based on conversations with builders, fellow DRAC members, landowners, neighbors and random strangers.

Emergency or not, the tree code needs to make sense, and be reasonable, so another "emergency" is not created. Many smart, intelligent, and respectable people have offered testimony on this amendment as individuals or as members of a committee or commission. The only common denominator among all testimony is that trees are important to our City livability standards, and should be preserved. It is the size of the tree that triggers a per inch fee that has a wide variety of opinion. But does anyone know how many trees are in each of those size categories, and what the revenue produced would be? Does anyone know what revenue is exempt with each of the possible sizes? If most of the trees are in the public right of way or on land being developed by nonprofits, what consideration is made for the loss of revenue?

My father was born in a house "in the woods" at NE 24th and Weidler. 5 houses within a mile of each other. That was 1909. Times have changed and probably one or two trees still stand, but not the over 100 that he remembered.

Sustainable urban tree canopy is the goal of the tree code and a way to balance with how to provide an equitable way to meet housing density goals on lots with mature trees or in the public right of way. If preserving trees is the objective of the tree code, there should be no exceptions as a valuable tree is a valuable tree and its physical place or "ownership" should not matter. Placing a value on tree loss should not depend on ownership. Why should a 100 year old Douglas fir be any less valuable on a public right of way than in my backyard? Would the 3 sequoias of Eastmoreland been less valuable if they were in the way of a PBOT street improvement, or if a nonprofit developer owned the land? With the new amendments there is a financial difference and it doesn't make sense. The City is requiring preservation but not applying those standards to its own work.

In a November 3, 2015 memo to Parks Director, Mike Abate, Jenn Cairo, City Forester, said the size limit of a tree that should trigger inch by inch mitigation should be 48". That memo indicated there was agreement from Urban Forestry, the Tree Code Implementation Committee and Bureau of Planning and Sustainability that the "City should be held to a higher standard than the public." Now UF says 36" and the City is not being held accountable for tree loss. What happened? What changed? Is there a financial consideration for this change? Does there need to be more fees collected to cover the cost of the tree amendment program, thus by lowering the size, increases the fees collected, and more money for the program? What are the numbers of trees, revenue produced and reasoning for the change?

To my knowledge there is no reliable data on numbers of trees in the City by size. DRAC received information from an urban forestry presentation that if using the 50" BDS proposal there were 18 trees that were possibly affected and 9 of them were diseased or dying. 9 trees would have been impacted by the \$ per inch fee. No other numbers were known for sizes.

There are far too many loopholes, and I think potential unintended consequences, to move forward with this ordinance at any lower than the UF original recommendation of assessing the inch-for-inch fee on any tree over 48". Who is going to measure the tree size and what will that process "cost"? How will it be verified? This added fee is only going to add to the cost of the new house, and will not result in the effort to save trees. More effort needs to be focused on creative design to build around existing trees, or groves. Someone needs to measure the impact of loss of different size trees.

Instead of using punitive measures, use creative ideas. In paraphrasing John Wooden's quote of "Don't let what you can't do interfere with what you can do:

You cannot stop trees from being cut down by assessing fees, but you can stop trees from being cut down by developing good policy with incorporating alternative design standards into the design of the new or remodeled home.

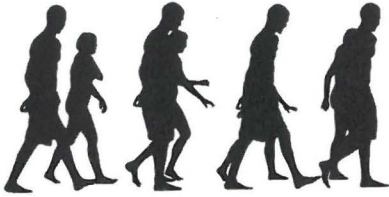
From: Rebecca Hamilton <becca.s.hamilton@gmail.com>
Sent: Tuesday, March 29, 2016 12:12 PM
To: Council Clerk – Testimony
Cc: Townsen, Steve; Henderson, Maurice; Layden, Dan; Warner, Chris; Gailey, Lola; Gabriel, Alexis; Averbeck, Roger
Subject: PAC testimony RE: Title 11 mitigation fees
Attachments: PAC_title11Exemption_3-29-16.pdf

Dear Karla,

Attached please find the Pedestrian Advisory Committee's testimony regarding the proposal that PBOT be exempted from mitigation fees incurred when removing large trees during right-of-way projects. Could you please forward it on to the appropriate parties at City Council and enter it in to the public record?

Best Regards,

Rebecca Hamilton & Roger Averbeck
Co-Chairs, City of Portland Pedestrian Advisory Committee



Portland Pedestrian Advisory Committee

1120 SW 5th Avenue, Suite 800
Portland, OR 97204

March 29, 2016

MEMBERS

Chairs

Rebecca Hamilton, Co - Chair
Roger Averbeck, Co - Chair

Members-At-Large

Chase Ballew
Anthony Buczek
David Crout
Mandia Gonzales
Arlene Kimura
Doug Klotz
Scott Kocher
Brenda Martin
Rod Merrick
Eve Nilenders
Elaine O'Keefe
Suzanne Stahl

SUBJECT: Opposition to PBOT Title 11 Exemption

Dear Mayor Hales and Members of City Council,

The Pedestrian Advisory Committee opposes exempting the Portland Bureau of Transportation from the Title 11 mitigation fees for removing large trees. Large trees and their shade are important to creating a pleasant environment for pedestrians, and such fees will encourage PBOT to find creative ways to keep these trees.

Thank you for your consideration.

Sincerely,

Rebecca Hamilton
PAC Co-Chair

Roger Averbeck
PAC Co-Chair

CC: Karla Moore-Love
Steve Townsen
Maurice Henderson
Dan Layden
Chris Warner
Lola Gailey
Alexis Gabriel

Moore-Love, Karla

From: Lipai, Natasha
Sent: Tuesday, March 29, 2016 12:12 PM
To: Hales, Mayor; Pierce, Tera; Bhatt, Pooja; Fritz, Amanda; Finn, Brendan; Commissioner Saltzman; Warner, Chris; Novick, Steve; Warner, Chris; Saltzman, Dan; Fish, Nick; Moore-Love, Karla
Cc: Cairo, Jenn
Subject: FW: Audubon Comments on proposed amendment to exempt tree mitigation requirements in affordable housing situations
Attachments: 3-28-16 Audubon Letter regarding tree mitigation exemption for affordable housing.docx

Good Afternoon,

Please see the email below and attached letter form Audubon Society Director Bob Sallinger. These are regarding Commissioner Saltzman's proposed amendment of Title 11 to exempt affordable housing development from tree mitigation requirements as part of the recent stop-gap amendment proposals.

Sincerely,
 -Natasha

Natasha Lipai
 Operations Aide (CSA II) | Urban Forestry
 Portland Parks & Recreation
 503-823-8398 (mobile)

From: Bob Sallinger [<mailto:bsallinger@audubonportland.org>]
Sent: Tuesday, March 29, 2016 8:23 AM
To: Lovell, Kaitlin <Kaitlin.Lovell@portlandoregon.gov>; Bacchieri, Jane <Jane.Bacchieri@portlandoregon.gov>; Michael Rosen <michaelrosen503@gmail.com>; Jortner, Roberta <Roberta.Jortner@portlandoregon.gov>; Anderson, Susan <Susan.Anderson@portlandoregon.gov>; Edmunds, Sallie <Sallie.Edmunds@portlandoregon.gov>; Zehnder, Joe <Joe.Zehnder@portlandoregon.gov>; Cairo, Jenn <Jenn.Cairo@portlandoregon.gov>; Abbate, Mike <Mike.Abbate@portlandoregon.gov>
Subject: Fwd: Audubon Comments on proposed amendment to exempt tree mitigation requirements in affordable housing situations

Dear Mayor Hales and Members of City Council,

Please accept the following comments from Audubon Society of Portland related to the proposed amendment from Commissioner Dan Saltzman exempting affordable housing developments in some situations from tree mitigation requirements. Audubon believes that this proposal simply substitutes one inequity for another and more holistic and equitable solutions are available.

Respectfully,

Bob Sallinger
 Conservation Director
 Audubon Society of Portland



187675

March 28, 2016

Dear Mayor Hales and Members of the Portland City Council,

I am writing on behalf of the Portland Audubon Society to express our concerns about the new proposed amendment to the Title 11 Interim Tree Preservation Standards which would exempt affordable housing developments from tree preservation mitigation requirements. While we are sympathetic to the concerns expressed by affordable housing advocates, we view this approach as simply addressing one inequity by exacerbating another. Specifically, we are concerned that underserved neighborhoods that already typically have the lowest percentage of tree canopy among Portland neighborhoods will continue to see unmitigated loss of what is already recognized as seriously deficient tree canopy.

The City's 2015 Climate Action Plan explicitly calls out the importance of prioritizing protection of trees in underserved neighborhoods. The plan reads on page 109 as follows (emphasis added):

*HUMAN POPULATIONS VULNERABLE TO CLIMATE CHANGE IMPACTS Low-income populations and communities of color may be more susceptible to climate impacts, particularly heat and associated poor air quality. Urban heat island impacts, which can cause an increased incidence of heat-related illness, can often be exacerbated in these communities. For example, many low-income people are reliant on transit, and walking to and from and waiting at transit stops can result in exposure to extreme heat conditions. Also, communities of color in Portland have historically lived in areas with poor air quality, including high concentrations of diesel particulate matter in areas along Columbia and Interstate-5 corridors (Oregon DEQ, n.d.). To deal with the unequal impacts these communities will face, this Climate Action Plan prioritizes actions that improve resilience in disproportionately affected communities. **A key means of dealing with these disparities is to increase vegetation and decrease the coverage of paved surfaces, especially in low-income neighborhoods and communities of color. For example, increasing tree canopy in under-served communities can provide vital shading, and ecoroofs can help reduce some of the impacts of extreme heat.***

This amendment continues an unfortunate trend of council of addressing inequities, especially related to the environment, in lower income communities as a zero sum game. Recent examples include pitting tree preservation against sidewalks, tree preservation against affordable housing, removing toxics and making resident fish safer to eat in the Willamette River against street safety and earthquake preparedness, Park SDCs versus affordable housing, and ecoroofs versus affordable housing. We strongly reject these kinds of false choices. The choice should not be between trees (or other environmental health related objectives) versus affordable housing in underserved communities; it should be between comprehensively addressing all major inequities in underserved communities relative to expenditures throughout the entire budget. A city that can still afford huge subsidies to developers does not need to make a false choice about whether out most vulnerable communities should have a roof over their head or a tree over their roof.

Even without this amendment, the interim tree code preservation standards already put lower income neighborhoods at a disadvantage. While the proposal to implement the inch for inch mitigation requirement at 36 inches represents a significant improvement, the fact is that lower income neighborhoods tend to have very few trees that ever reach 36 inches. This mitigation standard will primarily benefit wealthier neighborhoods with larger numbers of large diameter trees, while lower income neighborhoods with fewer trees in general and very few larger trees at all, will remain unlikely

to see much of their canopy reach the point where the stronger mitigation standards kick in. They will remain in a cycle of having few trees and small trees, and receiving inadequate mitigation when those trees are lost.

The new amendment adds insult to injury. In the relatively rare instances where large trees do persist in lower income neighborhoods, the loss of these larger trees, when impacted by affordable housing, would not be mitigated at all. It would just be a complete loss of those resources. The communities that need these large trees the most and have the fewest large trees to begin with, also now will have no mitigation for large trees when they are lost in affordable development situations.

We urge the City to take another approach. If the City believe that affordable housing development should in some situations be exempted from the tree mitigation standards, we would recommend the following:

- 1) The City should put in place strong safeguards to ensure that a rigorous process is in place to ensure that tree loss cannot be avoided in cases where an exemption is potentially triggered. This should include an onsite inspection and consultation with the developer. In cases where the tree removal can be avoided, the exemption should be denied.
- 2) The City should create a fund to subsidize the full required tree mitigation that would have been required but for the affordable housing exemption. Creating this fund will avoid increasing costs associated with affordable housing development while at the same time forcing the city to think far more seriously before issuing a specific site exemption. It will also capture the true community costs of issuing such an exemption and assure that our most underserved communities are not also saddled by the weakest natural resource protections which directly affect such inequities as low air quality and increased urban heat island effect.

We strongly urge the city not to approach this situation by pitting tree preservation against affordable housing but rather by using this situation as an opportunity to seek solutions that recognize that we need to prioritize such that we comprehensively address inequity in our most underserved neighborhoods. Nobody wants to drive up the cost of affordable housing, but we don't need to sacrifice tree canopy in our most vulnerable neighborhoods to achieve this objective.

Respectfully,



Bob Sallinger
Conservation Director
Audubon Society of Portland

Moore-Love, Karla

From: Stacey Barrett/ORA <sbarrett@oregonremodelers.org>
Sent: Monday, March 28, 2016 5:00 PM
To: Council Clerk – Testimony
Subject: City of Portland Title 11 Trees Code Testimony from Oregon Remodelers Association
Attachments: ORA Testimony - City of Portland - Title 11 Trees.pdf

To Whom It May Concern,

Attached is testimony from Oregon Remodelers Association regarding the City of Portland Title 11, Tree Code.

Thank you.

Stacey Barrett

--



Stacey Barrett, Association Manager

Oregon Remodelers Association, a chapter of NARI

147 SE 102nd Avenue | Portland, OR 97216

t 503.788.2274 | f 503.253.9172

sbarrett@oregonremodelers.org |



www.oregonremodelers.org



187675



March 25, 2016

Portland City Council
1221 SW Fourth Avenue, Room 130
Portland, Oregon 97204.

RE: City of Portland, Title 11, Trees

Testimony from Oregon Remodelers Association, local chapter of National Association of the Remolding Industry

The Oregon Remodelers Association (ORA) understands the intent of the Title 11, Tree Code effective January 1, 2015. The health and vitality of the urban forest is important for maintaining this cities livability and functioning ecosystem. We feel however the existing tree code and certainly the proposed amendments go too far in identifying and enforcing a balance standard in the context of remodeling projects to established housing.

Since the implementation of the code our design professional and general contractor members have experienced frustration addressing the new code's requirements and fees. We are service providers and a majority of our projects are at owner occupied properties. Since the code implementation we have been in a position of educating our customers about the additional costs for tree protections and removal. The most frustrating has been the required protections for trees simply on the property and not in proximity to proposed ground disturbance such as a new foundation, etc. We have not experienced the same community expectation and support noted in the draft Report to Council, Report to Year One of Implementation of the Citywide Tree Project. Our clients and customers are angry and frustrated by tree preservation and protection measure that are excessive and unreasonable. We feel the current code and proposed changes do not have a balanced support from the general Portland community and an industry that services that community.

We request that more time and consideration be given to identifying an alternative plan to the current prescriptive path and the proposed amendments in the context of remodeling and improving existing housing. We have a remodeling representative now on the Tree Code Oversight Advisory Committee (OAC). The impact of this code is significant and far reaching and adequate time should be given to new code requirements that serve the general public.

We thank you for your consideration of this request.

Oregon Remodelers Association/NARI Board of Directors

Moore-Love, Karla

From: BMKLENA@aol.com
Sent: Monday, March 28, 2016 3:31 PM
To: Council Clerk – Testimony
Subject: more flooding

So 7707 SE Alder has a huge cedar tree that will be taken down if 12 condos are built which the developer promised would happen.

How many more trees? How much more flooding in neighborhoods. I hear from so many what is happenng when trees go - flooding. Is there no way of checking to see what other developers are doing and what has been done will affect the neighborhood? I have four trees next to my fence - huge trees and the demolisher for the property next door at 7707 SE Alder has the right to do whatever to the roots of those trees together with that cedar on their land. They can cut the branches and demolish the roots because it's their property.

You know I keep being told "people have a right to their property". But these are not PEOPLE. They don't live on the street, they don't live in the neighborhood. They don't about the future of the community that does live there. WE DON'T WANT A CONDO ON A STREET WITH 100 YEAR OLD SINGLE FAMILY HOMES. HAVE THE ZONING ON THIS STREET LOOKED AT AGAIN. MISTAKES WERE MADE. THIS IS ONE OF THEM.

Barbara

Kite

**Executive Speaking,
Professional Acting**

**Coach
and**

Speaker

www.barbarakite.com

503-423-7437

emailed
to BPS
3/24
pw

187675

March 22, 2016

City of Portland
1221 SW 4th Ave.
Portland, OR 97204
City Council, Council Clerk

Re: Title-11 Enhancements

Dear City Council,

On March 30th a meeting where tree policies, codes, regulations may be discussed, and unfortunately I've a conflict in attending meeting. Please review my enclosures and this attempt to save a worthy significant tree that lives at 7316 SW 33rd Ave, Portland, Oregon. A fine Cedrus deodora, or Deodor Cedar that is probably 80 years old and counting, and has been properly cared for through the years.

The benefits are many that trees provide many species, including mankind. Trees also communicate (not woo woo) with each other through aerosols, isotopes, and other releases of natural chemicals to talk of insect attack or changes. One can validate this in studies from around the globe.

Trees in Portland are disappearing, and to save them our group began the quest to get Title-11 passed to protect/preserve significant, large trees. Today, developers are abusing this policy that was implemented in January of 2015. A fee of \$1200.00 to cut down an inconvenient tree of size, instead of paying a fee of a trees worth, in the case of the Cedar at the above-listed address, should be \$10K to \$25,000.00, and replacements are twigs.

This is happening city-wide, and if the habit of removing our larger trees continues, the heritage for generations now and in the future will be severely compromised. The value of larger trees are many and Portland's own regulations, 11.30.050, states that "the impacts of tree removal are mitigated" to be a necessity when considering tree removal.

Also in the codes/regs the City Forester can authorize tree removals, without an opinion from a neighborhood or Certified Arborist.

The secret to saving the Cedar is designing the lot to accommodate the tree and two homes, as proposed by the developer. A win-win.

Thanks for considering alternatives and please make speedy, the additions of two outstanding amendments to Title-11.

Sincerely,
Greg Schifsky 
4131 SW Lee St. Portland, OR 97221-3667

September 24, 2010

187675

Tree Testimony City Council—new Title T-11

Part of the economic malaise in America is due to the rush for more unbridled growth, and this acts as a catalyst for more, ever more. Development in any city U.S.A. describes this condition instead of what's commonly referred to as "sustainable". But the driver is sometimes referred to as the development community is only a tiny fraction of the existing real community in Portland, which includes all species that inhabit this region.

The development community is a minority compared to the general population and both have differing perspectives and values when it comes to appreciating trees. Without recognizing the greater need for what provides a healthy community, such as tree protections, and a reminder that trees act as lungs for this regional eco-system and are still the best water quality enhancer known to science, it's clear that supporting the implementation of the BOP Tree Project's goals is more important than ever when considering the long-term health of this City and its inhabitants.

Water quality, the salvation of the noble Salmon, and all species living in these surroundings depend upon a larger tree canopy. I have no pearls of wisdom or license that can explain some backward slide to a darker age the country is caught in. Let me share this related abrasive story: Korea was denuded of almost all of its trees in the last century by an occupying power. Korea was also stripped of its topsoil 400 years ago by some island nation and forced to use human fecal matter to fertilize her crops. Do we return to such a dark time or preserve and protect today, what will enhance living conditions for our descendents?

Greg Schifsky
4131 SW Lee St.
Portland, OR 97221
503-246-2714

TREE PERMIT PROCEDURES**Sections:**

- 11.30.010 Purpose.
- 11.30.020 Description of Tree Permits.
- 11.30.030 Applications.
- 11.30.040 Procedure for Type A Permits.
- 11.30.050 Procedure for Type B Permits.
- 11.30.100 Regulations That Apply After Permit Approval.

11.30.010 Purpose.

This chapter establishes application requirements and procedures for all tree permits required by this Title to ensure that the legal rights of individual property owners and the public are protected. Tree permits are generally required for specific tree related activity when not associated with development.

11.30.020 Description of Tree Permits.

- A. Generally. Tree permits are required for tree-related activities not associated with:

- 1. Heritage Trees (see Chapter 11.20);
- 2. Programmatic Permits (see Chapter 11.45); or
- 3. Tree plans or activities that require a development permit (see Chapter 11.50).

- B. Types of Permits.

There are two types of tree permits, A and B. This chapter sets out the procedures for each permit type, including when public notice and opportunity for public appeal are required. Applications for activities subject to both a Type A and Type B permit will be processed as a Type B permit. The type of permit may be modified during the course of the review when the City Forester finds that the standards or review factors are not met or when the approved scope of the tree activity is changed. For example, a Type A tree permit application to remove a dangerous tree may be modified to a Type B removal request when the City Forester finds the tree is not dangerous. Conversely, the City Forester may modify a Type B request to remove a Street Tree by granting a Type A pruning permit instead of allowing the removal. The standards and review factors for granting Type A or B permits are in Chapter 11.40.

Table 30-1 summarizes the public notice and appeal procedures applicable to a Type A or Type B permit.

Table 30-1
Public Notice and Appeal requirements for City, Street and Private Trees

Permit Type	Proposal	City/Street or Private Tree	Public Notice/ Public May Appeal [1]
A	Any Type A request	City/Street/ Private	No
B	Up to four healthy < 20" diameter nuisance and non-nuisance species trees	City/Street	No
	≥ 20" diameter, healthy nuisance or non-nuisance species tree	City/Street	Yes
	More than four healthy ≥ 12" diameter nuisance and non-nuisance species trees	City/Street	
	≥ 20" diameter, healthy non-nuisance species tree [2]	Private	
	More than four healthy ≥ 12" diameter non-nuisance species trees	Private	

Note [1] The applicant may appeal any Type A or B permit decision.

Note [2] No public notice or opportunity for public appeal is required for removal of one healthy non-nuisance species tree ≥ 20" diameter per lot per calendar year in any residential zone.

11.30.030 Applications.

- A.** Applications for Tree Permits shall:
1. Be made in writing or electronically upon forms furnished by the City;
 2. Be legible, accurate, and contain sufficient information in order to evaluate the request; and
 3. Be accompanied by the correct fee.
- B.** A separate application is required for each site, but each application may address multiple trees and multiple types of activities, such as planting, pruning, or removal.
- C.** Marking trees to be removed. Applicants for permits for tree removal shall mark each tree proposed for removal by tying or attaching yellow tagging tape around the trunk of the tree at 4.5 feet above ground level.
- D.** Consent to site access. By submitting an application for a tree permit, the owner and applicant agrees that authorized City representatives may enter the site during business hours for the purpose of conducting inspections related to the tree permit request.

11.30.050 Procedure for Type B Permits.

Type B permits involve the consideration of relevant technical and qualitative factors to prevent risks to public health and safety or significant undue impacts on neighborhood character, and to ensure that the impacts of tree removal are mitigated. Type B permits are reviewed administratively by the City Forester, and the decision may be appealed to the Urban Forestry Appeals Board by the applicant and any person adversely affected or aggrieved by the decision.

impossible

A. Application.

1. Generally. Application for a Type B Tree Permit shall meet the requirements of Section 11.30.030, Applications.
2. Additional information required.
 - a. If the City Forester requires additional information to review an application, the City Forester will send a notice to the applicant requesting the additional information.
 - b. The applicant will have a maximum of 30 days from the date of the City Forester's notice to submit the additional information.
 - c. If the additional information is not received by the City Forester within 30 days from the date of the City Forester's notice, the application will be voided on the 31st day. The City will not refund the filing fee.

B. Decision by the City Forester.

1. The City Forester's decision shall be based on an evaluation of the facts and applicable standards and review factors in Chapter 11.40.
2. The City Forester may issue the permit, deny the permit, or may apply conditions of approval to the permit to ensure the request complies with the applicable review factors and standards.
3. Any work done under a permit shall be performed in strict accordance with the terms and provisions of this Title and conditions of approval of the permit.
4. If the application is denied, the City Forester shall notify the applicant of the decision in writing.
5. If the application is tentatively approved, and public notice is required per Table 30-1, the City Forester shall send notice of the pending approval to the applicant and the neighborhood association. The applicant shall post a copy of the notice on the site in a location clearly visible from the street nearest the tree.

Parking? Street Plg. on SW 33rd Ave.
instead of disturbing tree - an option?

trees within the City of Portland and trees on sites within the County Urban Pocket Areas in the following situations:

- a. On sites. Development activities with ground disturbance where there are Private Trees 12 or more inches in diameter and/or City Trees 6 or more inches in diameter and the site:

- (1) is 5,000 square feet or larger in area; and
- (2) has existing or proposed building coverage less than 85%.

- b. In streets. Development activities with ground disturbance where there are Street Trees 3 or more inches in diameter.

- 2. Any Heritage Trees and trees required to be preserved through a land use condition of approval or tree preservation plan cannot be removed using the provisions in this Chapter, but may be counted toward the tree preservation requirements of this Section.

*Cedar deodora
shades
asphalt &
provides
cooling*

B. Exemptions. The following are exempt from the tree preservation standards of this Section:

- 1. On portions of sites located within an IH, IG1, EX, CX, CS, or CM zone.
- 2. Trees that are dead, dying, dangerous, or a nuisance species, as documented in a Tree Plan per Subsection 11.50.070 B. These are subtracted from the total number of trees to be addressed by the standards.
- 3. Trees exempted from this standard by a land use decision.
- 4. Tree preservation requirements approved in a land division or planned development review under Title 33, Planning and Zoning and the requirements of that review are still in effect.

What good is the Title?

C. Tree Preservation Requirement. Any trees preserved shall be protected in accordance with the specifications in Section 11.60.030.

1. Private Trees.

- a. **Retention.** An applicant shall preserve and protect at least one-third ($\frac{1}{3}$) of the trees 12 inches and larger in diameter located completely or partially on the development site.

Retaining trees at least 6 and less than 12 inches in diameter that are documented in a report prepared by an arborist or landscape professional to be Garry Oak (*Quercus garryana*),

Pacific Madrone (*Arbutus menziesii*), Pacific Yew (*Taxus brevifolia*), Ponderosa Pine (*Pinus ponderosa*), or Western Flowering Dogwood (*Cornus nuttallii*) species are not included in the total count of trees on the site but may be used toward meeting the preservation standard.

- b. Mitigation. For each tree removed below the one-third ($\frac{1}{3}$) requirement, payment to the Tree Planting and Preservation Fund is required equivalent to the cost of two trees. See Section 11.15.010.

2. City and Street Trees.

- a. Retention. For development on City owned or managed sites, new public streets, or improvements to existing streets, applicants are required to consult with the City Forester at the preliminary project design phase if City or Street Tree removal is likely to occur to complete the project. The purpose of this consultation is to identify potential impacts and opportunities to retain existing trees, as well as any measures required to protect trees on site, on adjacent sites, or in the street.

① What # of trees
inch per inch would
be needed to replace a
69 1/4" diam DBH Trunk Tree
with a large overhead
canopy that extends
40' in the air?

- b. Mitigation. Any required mitigation specified below shall occur on the site, in the street planter strip, or in the same watershed either by planting or a payment into the Tree Planting and Preservation Fund. The City Forester may reduce or waive the following mitigation requirements.

- (1) Approved Street Tree removal in conjunction with improvements to partially or fully unimproved streets. Each tree at least 12 inches in diameter that is allowed to be removed shall be replaced with at least one tree. Trees planted to meet Street Tree Planting Standards will be credited toward meeting this requirement.
- (2) Any other Street or City Tree allowed to be removed that is 6 or more inches in diameter shall be replaced with at least one tree in addition to trees required to meet required tree density or Street Tree planting standards.

POWER



P.O. Box 11527
1478 NE Killingsworth St.
Portland, Oregon 97211
tel: 503.287.9529 fax: 503.287.4649
CCB #100310
habitatportlandmetro.org

187675

Date: March 15, 2016

To: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman

AUDITOR 03/16/16 AM 8:43

Re: **The Effort To Strengthen Regulations for Tree Preservation**
As Introduced by Commissioners Saltzman and Fritz

CC: Clerk: karla.moore-love@portlandoregon.gov
Clerk: susan.parsons@portlandoregon.gov
Council Clerk Testimony: cctestimony@portlandoregon.gov

Dear City Council Members,

I am writing to express my concerns about the effort to strengthen regulations for tree preservation introduced by Commissioners Saltzman and Fritz to amend Code Chapter 11.50. I urge council to look at this issue through an affordability and equity lens.

As you know Habitat develops affordable homeownership as a developer and homebuilder on residentially zoned (R1, R2, R2.5, and R3) lots. We no longer can afford to build on single infill lots but instead typically purchase sites that are ½ acre or larger. We then develop the land and build multiple townhome style homes which are then sold as a condominium to families who earn on average \$33,000 a year. As you can imagine this is incredibly challenging in today's competitive market.

From my reading of the document, I am certain that all of Habitat's projects would be subject to this significant increase in fees. In most cases the properties we develop are vacant or have one house on them, but are zoned for higher density. While Habitat does everything we can to preserve trees on a lot, in most cases trees have to be taken down in order to develop the land to its full potential to house families. We are always happy to replace the trees with appropriately placed trees on the site and often plant more than are required.

For example, a 7 home project we just completed this summer was built on a lot with two 48" trees in the middle of the lot that could not be built around. Other trees were preserved, but these could not be. At \$300 per inch, that would have been almost \$30,000 that Habitat would

have had to come up with prior to developing the homes, basically adding to the cost of the land.

This fee would add tens of thousands of dollars in up front to projects, and I expect in some cases will make the purchase and development of some properties out of reach for affordable housing developers like Habitat. All upfront costs like this are multiplied by the carrying costs of these having to be financed. That could add another 10% of the fee amount for interest if it took two years to build and finally sell the homes.

I am not only concerned about how this will impact Habitat's ability to develop properties, but I also know that the small number of homebuilders out there that are trying to develop entry level homes on the market will be negatively impacted by this additional fee. They work hard and often even risk taking a loss on properties in order to take advantage of the tax abatement and SDC waivers in order to provide market rate homes affordable to moderate income families. This additional fee could be what causes them to give up trying to provide these affordable units.

The changes being discussed would impose a significant fee for any trees that need to be taken down that are over 36". I am very concerned about the impact this will have, as it is another additional cost to develop affordable housing. We are already struggling to find properties that are affordable, especially with the added cost of the required street improvements and storm water mitigation.

It looks like the original proposal was to impose this additional fee only on trees that are 50" or more. That is definitely more reasonable and would have a much smaller impact, and could be something we support. I know the intention of this fee is to discourage taking down trees, but I believe the unintended consequence might just be that it puts properties further out of reach for developers of affordable and entry level homes, and only possible for high end builder who can afford these additional fees.

Adding additional costs for taking down trees, that have to come down for the site to be developed, does not make sense at this time when we have a shortage of affordable homes, and a city wide housing crisis. Thank you for your careful consideration of this matter.

Sincerely,



Steve Messinetti
President and CEO
Habitat for Humanity Portland/ Metro East

Parsons, Susan

From: Steve Messinetti <steve@habitatportlandmetro.org>
Sent: Tuesday, March 15, 2016 6:42 PM
To: Moore-Love, Karla; Parsons, Susan; Council Clerk – Testimony
Cc: Callahan, Shannon
Subject: Habitat Testimony on Tree Fee
Attachments: Tree Ammendment Letter to council.docx

Please see the attached memo to city council regarding the proposed street fee.

In partnership,
Steve

Steve Messinetti

President and CEO | Habitat for Humanity Portland/Metro East
1478 NE Killingsworth St. | P.O. Box 11527 | Portland, Oregon 97211
503.287.9529 ext. 11 | Fax 503.287.4649
habitatportlandmetro.org | Facebook | Twitter



Habitat's HopeBuilder Breakfast is Wednesday, April 27.

RSVP and get inspired at this free one-hour event. [Learn more.](#)

Moore-Love, Karla

From: Mh Kincaid <jamasu88@msn.com>
Sent: Tuesday, March 15, 2016 6:59 PM
To: Moore-Love, Karla; Hales, Mayor; Commissioner Fish; Commissioner Saltzman; Grumm, Matt; Commissioner Novick; Shriver, Katie; Crail, Tim; Fritz, Amanda; Schmanski, Sonia
Subject: Testimony for Tree Code Amendment
Attachments: Testimony for Tree Code amendments 16mar16.pdf

All,

I am sending this testimony as I will not be able to attend the Wednesday, March 2nd Council meeting in person. I have a previous personal commitment that is very important to me. A friend was recently diagnosed with cancer and the prognosis is not good. She is 40 years old, has 3 sons ages 16, 11, and 7, and a wonderful husband. I will be spending the day with her and her husband. Please pray that good things will happen for her and her family.

In the attached testimony I clarified my previous March 2nd comments in which I stated I believed DRAC would support the Fritz/Saltzman proposal. Since that original proposal has changed I can no longer say DRAC would support the proposal.

The biggest issue is the change in tree size from 50" to 36". You can see more comments on that in the attached testimony.

My testimony is a bit long, so if you read nothing else, skip to the end as that is a supposition of my thoughts and suggestions, and a John Wooden quote.(March Madness has begun)

Thank you for your careful consideration of the aspects of this proposed ordinance and I wish you well in your deliberations,

Best,

Maryhelen

I previously testified on March 2 and reiterated that DRAC had sent a letter to the PSC in support of what is called the "BDS proposal". I also surmised that DRAC would support the Fritz/Saltzman proposal as it was originally presented on March 2nd. I left the March 2nd hearing before it ended and later learned that the proposal had been amended and the size at which the \$300 fee began was changed to 36". **I can no longer say DRAC would support this proposal.**

I know you have heard from builders and developers about their concern for the 36" size. You have been shown real life examples of the impacts this would cause, and to me the most telling fact is that most have said this won't save trees, it just increases the cost of building a house. I agree.

Very simply put the whole idea of this initiative was to save large trees. You have just put a higher price on the development of housing. And, it isn't saving *all* trees, only those on lots being developed with new residential housing. Why aren't all trees regardless of their location important?

- **STOP USING FEES AND TAXES AS DISINCENTIVES and FIND CREATIVE INCENTIVES**

Adding costs to building homes makes affordable housing less affordable. If a builder has a unique plan to build around a tree placement, avoid root protection zones or create minimal impact to existing trees they should get special design guidance and approval. Make them want to save a tree.

- **AVOID UNINTENDED CONSEQUENCES**

I think it would be far more prudent to first identify the number of trees that could potentially be impacted on BOTH public and private land. I have a 37" cedar in my backyard that was planted in 1998 when the house was built. It is over 60 ft tall and could crush several houses if it fell. I can cut it down for the price of a tree permit. My neighbor, who has a vacant lot, and the exact same tree would pay \$10,000+ to cut his tree down. I don't believe that is equitable or fair. The City would pay nothing for a similar tree. You need not guess too much how to get around the fee.

- **CREATE A REVIEW PANEL FOR UNIQUE SITUATIONS**

I sit on the Public Works Appeal Panel and review appeals of infrastructure development requirements. City staff is guided by "Standard requirements". I have seen numerous cases where the landowner/developer does NOT want to cut down trees to make room for standard improvements triggered by code regulations and are appealing to save the trees. I can tell you several instances but the most glaring involved a 101 year old white oak, 52" in diameter on N. Dwight. Owner wanted to build a duplex on a lot he owned next to his home. The tree sat at the corner of the lot. The street was unimproved. For over 40 years neighbors had driven around the tree and valued the tree canopy as a mini-park. His proposed development triggered standard street improvements, and the location of his duplex did not conform to lot configuration which resulted in "the City" recommending the removal of the tree. That led to a revolt by the owner and 6 neighbors who lived on the dead end street. They all chipped in to pay for the appeal to save the tree and allow an alternative design for the duplex. Fortunately for all of us the appeal was granted and the tree still stands. Had there not been concerned citizens the outcome would have been very different. This code amendment before you would not have saved that tree. It is the value we put into the process of identifying what is important that needs to change. Find a way to handle these unique and challenging situations. Give people an opportunity to save a tree besides leveraging a fee that will get paid and passed on.

- **CONVENE A COMMITTEE OF PEOPLE WHO CAN COLLABORATE TO FIND REASONABLE SOLUTIONS**

I realize hindsight is better than foresight at times but it seems glaringly apparent that the Tree Code Implementation Committee was doomed before it started. From all "sides" I heard of mistrust and dissatisfaction with the governance and direction of the committee. I have been on several committees to discuss contentious issues but the ground rules and composition of participants were such that contentious issues were discussed in respectful manner and committee members felt engaged and eager to find solutions. Find a way that will result in positive solutions, not just continue "the argument".

You have heard from several respectable builders who have shown you real life examples of the struggle they have had, and would have, with the tree code and the proposed amendments. Please listen to their concerns and evaluate them carefully in your decision making.

It is basketball season and time for a John Wooden quote: "Don't let the things you cannot do interfere with the things you can do."

- You cannot save trees by leveraging a fine
- You can increase the size of the tree back to the original proposal size of 50" or even 48" which was what Jenn Cairo suggested in a memo to Mike Abate on November 3, 2015.
- You can create a review mechanism, or use an existing review panel or committee, to review those unique instances where circumstances don't fit the "standard requirements" and an alternative design or process would save a tree.
- You can create a way to identify the unintended consequences and possible impacts these proposed amendments will have. Can you honestly say you feel comfortable knowing there is enough data to support this?

Go Ducks! May Spokane be a winning City for them!

Moore-Love, Karla

From: Ellen and Houston <ellenhouston03@msn.com>
Sent: Wednesday, March 09, 2016 11:03 AM
To: Council Clerk – Testimony
Subject: tree code amendment

Vote for the Urban Forestry Commission's proposed amendment to the Title 11 Tree Code, which includes reducing the lot exemption to 3000 sf. . Trees and people can coexist. The 5000 sf exemption means density at all costs. Houston Markley, 4629 SW Carson Street, 97219

Moore-Love, Karla

From: Chris Houghton <cvh@twofirs.com>
Sent: Wednesday, March 09, 2016 9:00 AM
To: Council Clerk – Testimony
Subject: Tree Code Amendment

I urge you to vote for the Urban Forestry Commisison's proposed amendments to the City Tree Code, Title 11, Trees in Development Situations, including reducing the lot exemption size to 3000 sf.

Thank you,

Christopher Houghton
8629 SW Capitol Hwy
Portland, OR, 97219

eligo qoud video

Moore-Love, Karla

From: Jennifer Kemnitz <ereshkigal54@hotmail.com>
Sent: Friday, March 04, 2016 10:44 PM
To: Commissioner Fish; Commissioner Novick; Commissioner Saltzman; Commissioner Fritz; Hales, Mayor; Council Clerk – Testimony
Subject: Portland's grand and stately trees

Dear Mayor, Commissioners, and Council Clerk,

I am writing today on behalf of the city's trees. Portlanders love the outdoors, as you must know. Part of why we live here is that it's near so much beauty—Columbia Gorge, Mount Hood, Forest Park, and other treasures. We are all becoming increasingly aware, however, that it is not enough to set aside isolated tracts of land, that we need to create some kind of nature corridor for species of bird and insect to travel across these tracts. Increasingly, citizens are calling for greener cities so that our air is fresher, our mood uplifted every day, not just when we can get away on weekends.

Development is inevitable in such a beautiful, desirable area as ours. It can be painful for us to see structures we once knew torn down to make way for dwellings that accommodate more people, but this is the way of things. Although change is unavoidable, it doesn't have to mean great loss of life; our large, healthy trees do not have to be sacrificed. It is a wound to the land and a wound to the psyche of residents. New residents are moving here to be part of what makes Portland great. They do not want the city eroded in our haste to make room for them.

Portlanders have big hearts. We love the mountains, the rivers, the trees, the wildlife that will consent to call a city home, and we love the trees that make the area habitable in so many ways. It would be a great step forward if the city were to protect its great, healthy trees. If we set a new standard, design and construction will rise to it. It will take our resolve, but it is far from impossible to increase the value that we set on trees in our fair city.

Thank you so much for taking the time to read this.

Sincerely,

Jennifer Kemnitz

TREE PRESERVATION IN DEVELOPMENT SITUATIONSIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Jim Labbe	6325 N. Albina #2	jlbbbe@urbanfarms.org
✓ Shawn Sullivan	210 SW MORRISON ST #600	sullivanarchitecture@outlook.com
✓ Jordan Winkler	210 SW Morrison St #600	Jordan@Winklercompanies.com
✓ Robert Bernstein	7415 SE Main 97215	bobbo1946@yahoo.com
✓ Darrel Lloyd	54 SE 74th Ave. PDX 97215	darvllloyd@gmail.com
✓ Sam Noble	420 SE 62 Ave 97215	Samuelnoble@gmail.com
✓ Ellen Gentry	4624 SW Carson St 97219	ellenhouston@32mish.com
✓ Jo Brody	423 SE 69th PDX, OR 97215	mojobrody@gmail.com
✓ Denny Barnes	9228 SW 7th PDX 97219	dennybarnes@gmail.com
✓ CREG SNIDER	1148 SE 50TH AVE PDX 97215	CREGWSNIDER@GMAIL.COM
✓ Mary Redson	1918 SW penland ST 97239	

TREE PRESERVATION IN DEVELOPMENT SITUATIONSIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Bob Sallinger	5151 NW Cornell Rd PDX	bsallinger@audubonportland.org
✓ ELIZABETH COLLINS	3625 NE ALBERTA CT	CIRCLE2SQUARE@YAHOO.COM
✓ Robert Buhl	8136 SW 54 th ave	buhlrobert@tychoen.com
✓ Paul Grove	# 1555 SW BANCY RD	Paul.Grove@hbxpdx.com
✓ Linda Robinson	1115 NE 135 th Ave 97230	lrobinspdx@comcast.net
✓ Catherine Garvin	0650 SW Lowell ^{#623} Portland 97239	catherineanngarvin@gmail.com
Jessica ^{Deltac} Deltac	3843 SE 41st Ave PDX	j2@studiopi.com
✓ EILEEN STARK	3820 NE WISTARIA DR 97212	ems45@comcast.net
✓ Ted Labbe (Depave rep)	6325 N. Albina Ave# Portland 97217	ted@depave.org

Exceptional Tree Program

Quicklinks

- [Nominate an Exceptional Tree or Palm](#)
- [Apply for Exceptional Tree Crown and/or Root Pruning](#)
- [Photo Gallery](#)



Submitted by
Lorna Lyons
(?)
3/3/2016

ACT 105 – The Exceptional Tree Act

In 1975, the [Hawai'i State Legislature](#) found that rapid development had led to the destruction of many of the State's exceptional trees and passed Act 105 - The Exceptional Tree Act. The Act recognizes that trees are valuable for their beauty and they perform crucial ecological functions. It mandates each county to establish a County Arborist Advisory Committee which enacts regulations to protect trees of exceptional stature. Each county has its own program, set of rules and operating guidelines.

The County Arborist Advisory Committees are mandated the following powers and duties:

- Research, prepare and recommend to the city council exceptional trees to be protected by City ordinance or regulation.
- Advise property owners relative to the preservation and enhancement of exceptional trees.
- Recommend to the [City Council](#) appropriate protective ordinances, regulations and procedures.
- Review all actions deemed by the City Council to endanger exceptional trees.

The Arborist Advisory Committee of the City and County of Honolulu

In the City and County of Honolulu, the Arborist Advisory Committee is overseen by the Department of Parks and Recreation's [Division of Urban Forestry](#). The committee meets monthly with meetings announced one week prior by the [City Clerk's Office](#). The nine member committee is appointed by the [Mayor](#) and includes:

- Director of the [Department of Planning and Permitting](#) (ex officio)
- One certified arborist
- One landscape architect
- Six individuals selected for their experience in urban forestry, community beautification, or ecological sciences

Exceptional Tree Criteria

To be considered for exceptional tree status, the tree or grove of trees must meet one or

- Historic or Cultural Value
- Age
- Rarity
- Location
- Size
- Esthetic Quality
- Endemic Status

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Nominate an Exceptional Tree on O'ahu

To nominate a tree or grove of trees complete the [Exceptional Tree and Palm Nomination Application](#) (57 KB PDF). The committee will review the application, inspect the tree and make a recommendation to the City Council if it deems the tree worthy of exceptional status. Please mail a copy with an original signature to:

Arborist Advisory Committee
3902 Paki Avenue
Honolulu, HI 96815

For more information, please contact the Arborist Advisory committee at (808) 971-7151.

Prune an Exceptional Tree on O'ahu

Exceptional trees require an approval permit prior to tree work being done. Complete the [Application for Exceptional Tree Crown and/or Root Pruning](#) (79KB PDF) and mail a copy with an original signature to:

Arborist Advisory Committee
3902 Paki Avenue
Honolulu, HI 96815

City and County of Honolulu Exceptional Tree Ordinance

To access the Revised Ordinances of Honolulu, Chapter 41, Article 13 – Protective Regulations for Exceptional Trees including the Register of Exceptional Trees on O'ahu, click the following link:

<http://www.honolulu.gov/ocs/roh/193-site-ocs-cat/982-roh-chapter-41.html>

Tax Deduction for Exceptional Tree Maintenance

To access HRS 235-19 which allows an individual tax deduction of up to \$3,000 per tree once in a three year period for expenditures

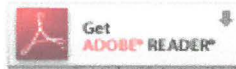
Hawaii Revised Statutes (HRS), Chapter 235 Income Tax Law, Section 235-19 Exceptional Trees; tax deduction:

http://files.hawaii.gov/tax/legal/hrs/hrs_235.pdf

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Please click on this link to view the [Photo Gallery](#)

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Last Reviewed: August 03, 2015

Sec. 41-12.7 Serial numbers--Defacing prohibited.

- (a) No person shall wilfully deface, destroy or alter the serial number, a component part number, or any other identification mark of any bicycle so placed or stamped on a bicycle by the manufacturer for the purpose of identifying the bicycle or its component parts.
- (b) This section does not prohibit the restoration by an owner of an original mark or number, when the restoration is authorized in writing by the director.

(Sec. 13-31.7, R.O. 1978 (1983 Ed.))

Sec. 41-12.8 Applicability.

The provisions of this article shall not apply to any new bicycle sold prior to the effective date of this article. (Sec. 13-31.8, R.O. 1978 (1983 Ed.))

Sec. 41-12.9 Violation--Penalty.

Any person violating the provisions of Sections 41-12.2 and 41-12.7 shall be fined not more than \$500.00. (Sec. 13-31.9, R.O. 1978 (1983 Ed.); Am. Ord. 95-20)

Article 13. Protective Regulations for Exceptional Trees**Sections:**

- 41-13.1 Declaration of legislative intent.
- 41-13.2 Definition.
- 41-13.3 Arborist advisory committee.
- 41-13.4 Powers and duties.
- 41-13.5 Procedures.
- 41-13.6 Enforcing authority.
- 41-13.7 Register of exceptional trees.
- 41-13.8 Regulations.
- 41-13.9 Emergency situation.
- 41-13.10 Violation--Penalty--Injunctive enforcement.
- 41-13.11 Severability.
- 41-13.12 Appeals.

Sec. 41-13.1 Declaration of legislative intent.

- (a) The council of the City and County of Honolulu desires to provide for better environmental control in order to improve the quality of life of its citizens by enacting protective regulations to safeguard exceptional trees within the City and County of Honolulu. The council finds that not only are trees of value for their beauty, but that they perform an important ecological function in that they prevent soil erosion, purify the air, as well as retard flooding. The council also finds that inasmuch as trees contribute to the beauty of the island, they are an important element in achieving the objectives of the new general plan "to protect and preserve the natural environment of Oahu" and "to maintain the viability of Oahu's resort industry."
- (b) While the council recognizes the limitations inherent in the enforcement of this article on federal and state property, exceptional trees located on such property are included herein, as a statement of this council's firm resolve to protect those unique assets to our environment, wherever they might be located on Oahu. Further, it is hoped that this statement of resolve will encourage these federal and state officials entrusted with the care of designated exceptional trees, to take appropriate steps for their protection.
- (c) In the belief that protective regulations to safeguard exceptional trees will promote the health, safety and general welfare of the citizens of the City and County of Honolulu, the city council enacts this article as a means of preserving the environmental character of the city and county within the provisions of Act 105, Session Laws of Hawaii, 1975. The terms of this article shall be liberally construed to effectuate the purpose stated herein.

(Sec. 13-36.1, R.O. 1978 (1983 Ed.))

Sec. 41-13.2 Definition.

"Exceptional trees," for the purposes of this article, means a tree or grove of trees with historic or cultural value, or which by reason of its age, rarity, location, size, esthetic quality or endemic status has been designated by the city council as worthy of preservation. (Sec. 13-36.2, R.O. 1978 (1983 Ed.))

Sec. 41-13.3 Arborist advisory committee.

There shall be an arborist advisory committee consisting of nine members who shall be appointed by the mayor. The committee shall include the director of the department of planning and permitting, or the director's designee. At least one member shall be actively employed in the practice of landscape architecture, at least one member shall be actively employed as a certified arborist, and six other members shall be selected on the basis of their active participation in programs of community beautification, or research or organization in the ecological sciences, including ethnobotany or Hawaiiana. The committee shall be attached to the department of parks and recreation for administrative purposes and the director shall cause employees of the director's office to furnish technical, administrative or clerical services as may be needed by the committee. (Sec. 13-36.3, R.O. 1978 (1983 Ed.); Am. Ord. 00-54)

Sec. 41-13.4 Powers and duties.

The arborist advisory committee shall have the following powers and duties:

- (a) To research, prepare and recommend to the city council exceptional trees to be protected by city ordinance or regulation.
- (b) To advise property owners relative to the preservation and enhancement of exceptional trees by providing educational resources and information to property owners about proper tree care and maintenance.
- (c) To recommend to the city council appropriate protective ordinances, regulations and procedures.

- (d) To review all actions deemed by the city council to endanger exceptional trees.
(Sec. 13-36.4, R.O. 1978 (1983 Ed.); Am. Ord. 10-23)

Sec. 41-13.5 Procedures.

- (a) Any citizen or citizen group may petition the arborist advisory committee to examine a particular tree or grove of trees for the purpose of having it recommended to the city council for designation as an exceptional tree.
- (b) In the event an exceptional tree is found to no longer meet the exceptional tree criteria, the council, upon recommendation from the arborist advisory committee, may delist such tree from the register.
- (c) Upon designation by the council of an exceptional tree, the city clerk shall notify the property owner and/or the occupant of the property by registered mail that such a designation has been made.
(Sec. 13-36.5, R.O. 1978 (1983 Ed.); Am. Ord. 10-23)

Sec. 41-13.6 Enforcing authority.

The department of parks and recreation shall be charged with the enforcement of this article and shall be clothed with police power to do all acts necessary to ensure that the provisions of this article are not violated including, but not limited to, the issuance of citations for the violation of any provisions of this article. The provisions of this article shall not be superseded by any permit issued by any county agency under any other ordinance. (Sec. 13-36.6, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 41-13.7 Register of exceptional trees.

The trees listed in this section are designated "exceptional trees" of the City and County of Honolulu.

- (a) The following trees begin with the letters "a" through "b":

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Acrocarpus fraxinifolius, Pink Cedar Tree	Schofield Barracks, Ulrich Street, west of Building S2107	N/A
Adansonia digitata, Baobab Tree	Queen's Medical Center, 1301 Punchbowl Street*	2-1-035:003
	Grove of 11 trees—Ala Moana Regional Park	2-3-037:001
	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
	University of Hawaii at Manoa, adjacent to the Art Building, 2444 Dole Street	2-8-023:003
Agathis robusta, Queensland Kauri Tree	Harold L. Lyon Arboretum, 3860 Manoa Road	2-9-055:006
	Judiciary Building, Ewa Courtyard	2-1-025:003
Albizia guachapele, Guachapele Trees	3 trees—Wheeler Army Airfield, on the median strip of Wright Avenue between Elleman Road and Foote Avenue	N/A
Albizia niopoides	Schofield Barracks, Sargent Road, between Buildings T-695 and 699A	N/A
Albizia procera, Albizia	4 trees—Wheeler Army Airfield, Wright Avenue, two trees north of building at 147 Langley Loop, one tree north of building at 766 Santos Dumont, one tree in front of quarters at 1078 Wright Avenue	N/A
Albizia saman, Monkeypod Tree	2 trees—Waimea Valley, at the Visitor Center	6-1-002:002
	420 Wyllie Street	1-8-006:007
	Central Union Church—courtyard Atherton Chapel, 1660 South Beretania Street	2-8-011:028
	Both sides of Paki Avenue from Kapahulu to Monsarrat and 4 trees at Waikiki Fire Station	3-1-043:002
	2 trees—Moanalua Gardens, 2850 Moanalua Road	1-1-009:004
	1070 Aalapapa Drive, Lanikai	4-3-006:102
	11 trees—along Koa Kahiku Street, Windward City Shopping Center	4-5-060:061
	Wheeler Army Airfield, 258 Haley Avenue, Apartment 102	N/A
	5 trees—along perimeter of Windward Shopping Center on Aumoku Street	4-5-060:061
	3 Trees—left and right of driveway entrance of Women's Community Corrections Center, Kailua	4-2-003:004
	16 Trees—52 Robinson Lane	1-8-003:002; 1-8-003:003; 1-8-003:005
	"Hitachi Tree," Moanalua Gardens, 2850 Moanalua Road, Honolulu, Hawaii 96819	1-1-009:004
	3 trees—Cooke Estate, 2859 Manoa Road	2-9-019:035
	2 trees—Cooke Estate, 2829 Manoa Road	2-9-019:025
Araucaria bidwillii, Bunya-bunya Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Araucaria cunninghamii, Hoop-Pine Tree*	Harold L. Lyon Arboretum, 3860 Manoa Road	2-9-055:006

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
<i>Araucaria heterophylla</i> , Norfolk Island Pine Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
<i>Araucaria</i> spp., Norfolk Island Pines	33 trees—Schofield Barracks, both sides of General Loop	N/A
<i>Artocarpus altilis</i> , Breadfruit Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
<i>Attalea cohune</i> , Mexican Cohune Nut Palms	Grove of 8 palms—3282 Paty Drive	2-9-041:068
<i>Barringtonia asiatica</i> , Hutu Tree	University of Hawaii at Manoa, mauka side of Bilger Hall at McCarthy Mall area	2-8-023:003
<i>Bertholletia excelsa</i> , Brazil Nut Tree	2616 Pali Highway	1-8-008:001
<i>Bucida buceras</i> , Geometry Tree	Ala Moana Regional Park	2-3:037:001
	Schofield Barracks, Sargent Road, north of Building T-695	N/A

(b) The following trees begin with the letters "c" through "e":

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
<i>Calophyllum inophyllum</i> , Kamani Trees	2 trees—Kualoa Regional Park—corner near fishpond, makai of Kamehameha Highway	4-9-004:001
	25 trees—Wheeler Army Airfield, both sides of Haley Avenue between Elleman and Chanute Roads	N/A
	52 Robinson Lane	1-8-003:002
<i>Canarium vulgare</i> , Pili Nut Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	Northwest corner of J.R. Judd property, Hakipuu, 49-074-C Kamehameha Highway	4-9-001:005
	Washington Place	2-1-018:001
<i>Capparis mollicella</i>	Schofield Barracks, located on the south side of Building 2105, Ulrich Street	N/A
<i>Cassia roxburghii</i> , Red Cassia Tree	45-647 Anoi Road	4-5-081:015
<i>Cassia x nealiae</i> 'Wilhelmina Tenny'/Rainbow Shower Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
<i>Casuarina equisetifolia</i> , Ironwood Trees	Along Kalakaua Avenue from Kapahulu Avenue to Poni Moi Road	3-1-043:001
	Grove of double row—parallel to the Kapiolani Park Bandstand, at Monsarrat Avenue's Waikiki Shell parking lot makai entrance	3-1-043:001
	52 Robinson Lane	1-8-003:002
<i>Cavanillesia plantanifolia</i> , Quipo Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
<i>Ceiba pentandra</i> , Kapok Tree	Grounds of State Department of Agriculture, 1428 South King Street	2-4-005:018
	2 trees—Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
<i>Couroupita guianensis</i> , Cannonball Tree	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
	University of Hawaii/Manoa Campus, next to parking lot, makai side of Sinclair Library	2-8-023:003
<i>Cyrtostachys renda</i> , Sealing Wax Palm	Harold L. Lyon Arboretum	2-9-055:006
<i>Elaeodendron orientale</i> , False Olive Tree	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
<i>Enterolobium cyclocarpum</i> , Earpod Tree	Board of Water Supply—Makiki Pumping Station	2-5-020:001
	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	Waialua Library, 67-068 Kealohanui Street	6-7-016:002
	85-906 Farrington Highway	8-5-010:058
	2020 Kamehameha Avenue	2-9-007:015
	23 trees—Schofield Barracks, north side of Leilehua Avenue, from Baldwin Road to Morris Road	N/A
	Schofield Barracks, Bragg Street, 100 feet from Ayres Avenue intersection	N/A
	2 trees—2823 Oahu Avenue	2-9-014:069
<i>Erythrina sandwicensis</i> , Wiliwili Trees	Grove of 57 trees—Koko Crater Botanical Garden	3-9-012:001
	Grove of 18 trees—Waimea Valley	6-1-001:002
<i>Eucalyptus camaldulensis</i> , River Red Gum Trees	56 trees—Schofield Barracks, south side of Kolekole Avenue, extending from Fournier Avenue to Hewitt Street	N/A
<i>Eucalyptus deglupta</i> , Mindanao Gum Tree	Wahiawa Botanical Garden, 1396 California Avenue*	7-4-017:001

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Eucalyptus robusta, Swamp-Mahogany Trees	Schofield Barracks, row of 110 trees along Wilikina Drive in the Mendonca Park Family Housing area	N/A

(c) The following trees begin with the letter "F":

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Ficus spp., Banyan Trees	46 trees that comprise 4 groves and 7 single trees at Ala Moana Regional Park; 2 Ficus religiosa near the McCoy Pavilion roundabout, 4 Ficus spp. within McCoy Pavilion Courtyard, and 1 large Ficus benghalensis near the Ewa lagoon	2-3-037:001
	Two rows of Ficus benjamina Trees along the [ewa] Ewa side of the Ala Wai Canal and a single row of Ficus microcarpa Trees on the Waikiki side of the Ala Wai Canal, all three rows running between Kalakaua Avenue and Ala Moana Boulevard	N/A
	2616 Pali Highway	1-8-008:001
Ficus sp., Fig Tree	Washington Place, 320 South Beretania Street, front lawn Diamond Head side	2-1-018:001
Ficus benghalensis, Indian Banyan Tree	Honolulu Zoo, 151 Kapahulu Avenue	3-1-043:001
	Makai tree—in front of Honolulu Zoo entrance; corner of Kalakaua Avenue and Kapahulu Avenue	3-1-043:001
	Mauka tree—in front of Honolulu Zoo entrance; corner of Kalakaua Avenue and Kapahulu Avenue	3-1-043:001
	Directly across the street from the Zoo entrance, makai side of Kalakaua Avenue	3-1-043:001
	Ewa side of Queen's Surf Beach Center, makai of Kalakaua Avenue	3-1-030:003
	Ewa side of Waikiki Aquarium, makai of Kalakaua Avenue	3-1-030:003
	Makai tree—in front of the Waikiki War Memorial Natatorium, Diamond Head of the Waikiki Aquarium	3-1-031:003
	Mauka tree—in front of the Waikiki War Memorial Natatorium, Diamond Head of the Waikiki Aquarium	3-1-031:003
	Diamond Head tree—across the street from Diamond Head Tennis Court Center, along the makai side of Pali Avenue	3-1-043:001
	Ewa tree—across the street from Diamond Head Tennis Court Center, along the makai side of Pali Avenue	3-1-043:001
	Diamond Head corner of archery range, along Poni Moi Road near entrance to La Pietra	3-1-043:007
	Makai tree—across the street from the Diamond Head side of the Honolulu Zoo, makai side of the Waikiki Shell parking lot entrance	3-1-043:001
	Mauka tree—across the street from the Diamond Head side of the Honolulu Zoo, makai side of Waikiki Shell parking lot entrance	3-1-043:001
	Grounds of Kaiulani School, 783 North King Street	1-5-005:016
	Grounds of St. Elizabeth's Episcopal Church between 720 North King Street and 766 North King Street	1-7-031:048 and 1-7-031:064
	Iolani Palace grounds	2-1-025:002
	Moana Hotel Courtyard, 2365 Kalakaua Avenue	2-6-001:012
	2 trees—beside the Judiciary Building, Aliiolani Hale, 417 South King Street	2-1-025:003
	Parking lot, Walina Street, The Food Pantry Ltd., 2370 Kuhio Avenue	2-6-021:100
	Kuhio Beach Park	2-6-001:004

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Ficus benghalensis, Indian Banyan Tree (cont'd)	Center of International Market Place, 2330 Kalakaua Avenue	2-6-022:038
	End of Magic Island	2-3-037:025
	1212 Punahou Street	2-4-007:002
Ficus benjamina, Benjamin Fig Tree	Entry circle to left of front lawn of Roosevelt High School	2-4-032:001
Ficus drupacea, Mysore Fig Tree	Schofield Barracks, tree located on the north side of Grant Hall, intersection of Waianae and McCormack Roads	N/A
Ficus elastica, Indian Rubber Tree	University of Hawaii/Manoa Campus, next to Campus Way, mauka side of Sinclair Library	2-8-023:003
Ficus macrophylla, Moreton Bay Fig Tree	Schofield Barracks, tree located at the southwest corner of Building 747, Quad I	N/A
	Kailua Road "Triangle Park," center of Kailua	4-2-018:014
Ficus microcarpa, Chinese Banyan Tree	239 Kulamane Place	3-1-040:061
	3 Trees—Kailua Road "Triangle Park," center of Kailua	4-2-018:014
Ficus petiolaris, Blue Mexican Fig Tree	1941 Ualakaa Street	2-5-001:033
Ficus religiosa, Bo Tree	Moanalua Gardens, 2850 Moanalua Road*	1-1-009:004
	2616 Pali Highway	1-8-008:001
	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002

(d) The following trees begin with the letters "g" through "l":

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Garcinia mangostana, Mangosteen Tree	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Gigasiphon macrosiphon	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Guazuma ulmifolia, West Indian Elm Tree	State Department of Agriculture, 1428 South King Street*	2-4-005:018
Hernandia nymphaeifolia, Jack-in-the box Tree	University of Hawaii/Manoa Campus, mauka Ewa side of Sinclair Library	2-8-023:003
Hibiscus tiliaceus, Hau Tree	3314 Halelani Drive	2-9-035:103
Hura crepitans, Sandbox Tree	2365 Oahu Avenue	2-9-005:056
Hydnocarpus anthelminthicus, Chaulmoogra Oil Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Hyphaene thebaica, Doum Palm, Gingerbread Palm	Foster Botanical Garden, 180 North Vineyard Boulevard*	1-7-007:002
Kigelia africana, Sausage Tree	115 Kuukama Street, Kailua	4-3-014:007
	Coast Guard Station on Kalaniana'ole Highway, Aina Haina	3-5-046:013
Lagerstroemia speciosa, Queen's Crape Myrtle	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	Cooke Estate, 2859 Manoa Road	2-9-019:035
Lagunaria patersonia, White Wood Tree	Schofield Barracks, Glennan Avenue, between Buildings 687 and 688, Health Clinic	N/A
Litchi chinensis, Litchi Tree	2616 Pali Highway	1-8-008:001
	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Lonchocarpus domingensis, Guama Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002

(e) The following trees begin with the letters "m" through "r":

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Macadamia integrifolia, Macadamia Nut Tree	2616 Pali Highway	1-8-008:001
	52 Robinson Lane	1-8-003:002
Mammea americana, Mammee Apple Tree	State Department of Agriculture, 1428 South King Street*	2-4-005:018
Mangifera indica 'Pirie,' Mango Tree	2616 Pali Highway	1-8-008:001
Mangifera indica, Mango Tree	Center of Nuuanu Valley Park	2-2-034:028
	52 Robinson Lane	1-8-003:002
Manilkara zapota, Chicle Tree	2616 Pali Highway	1-8-008:001
	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
Metroxylon amicarum, Caroline Ivory Nut Palm	Castle Ranch, 1385 Maunawili Road	4-2-009:001
Mimusops elengi, Pogada Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Mimosa elengi, Pogoda Tree (cont'd)	41 trees—Wheeler Army Airfield, 148 Curtis Loop, 16 trees line Curtis Loop, Wright Avenue and Warhawk Road; 25 trees line Curtis Loop and Vought and Wright Avenues framing the parking lot	N/A
Olea europaea, Olive Tree	2621 Anuenue Street	2-9-014:070
Phoenix canariensis, Date Palm Trees	Wheeler Army Airfield, row of palm trees on both sides of Wright Avenue, from Frutchey Road to Lilienthal Road	N/A
Phyllanthus emblica, Indian Gooseberry Tree	2616 Pali Highway	1-8-008:001
Pithecellobium dulce, Opiuma Tree	Fernhurst YWCA—1566 Wilder Avenue	2-4-023:087
Pittosporum hosmeri, Ho'awa Tree	Cooke Estate, 2859 Manoa Road	2-9-019:035
Plumeria obtusa, Singapore Plumeria Tree	902-B Prospect Street	2-2-004:048
Pritchardia lowreyana, Loulu Palm	Foster Botanical Garden, 1438 Nuuanu Avenue	1-7-008:002
Pseudobombax ellipticum, Pink Bombax Tree	Queen's Medical Center, front lawn	2-1-035:003
	612 Ahakea Street	3-5-014:036
Psidium cattleianum, Waiawi Tree	2616 Pali Highway	1-8-008:001
Pterocarpus indicus, Narra Tree	Tantalus Drive—on curve near #3665	2-5-012:006
	6 trees—Wheeler Army Airfield, Eastman Road, 2 trees approximately 100 feet north of Wright Avenue intersection, 2 trees 500 feet north of Wright Avenue intersection and 2 trees east of quarters at 459 Eastman Road	N/A
Pterygota alata, Tattale Tree	Foster Botanical Garden, 180 North Vineyard Boulevard	1-7-007:002
Reynoldsia sandwicensis, 'Ohe Makai Trees	2 trees—Waimea Valley	6-1-001:002
Roseodendron donnell-smithii, Gold Tree	2119 Kaloa Way	2-8-020:040
	Cooke Estate, 2829 Manoa Road	2-9-019:025
Roystonea oleracea, Cabbage Palm	Harold L. Lyon Arboretum	2-9-055:006
	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
	2 palms—Schofield Barracks, 227 General Loop	N/A
Roystonea oleracea and Roystonea regia, Cabbage Palms and Royal Palms	Total of 11 palms—Schofield Barracks, west side of Building 360, Flagler Road	N/A
Roystonea regia, Royal Palms	Both sides of Royal Palm Drive from Glen Avenue to Uuku Street, Wahiawa	N/A
	30 line old carriage road—Castle Ranch, 1385 Maunawili Road	4-2-009:001
	Circle Drive, Fort Shafter, palms encircling parade field	1-1-008:005
Roystonea regia and Fraxinus americana, Royal Palms and White Ash Trees	91 Royal Palms and 79 White Ash Trees—Wheeler Army Airfield, planted alternately on both sides of Sperry and Langley Loops north of Wright Avenue	N/A

(f) The following trees begin with the letter "s" through "w":

Name of Tree and/or Scientific Name	Description of Location (if available)	TMK (if available)
Schotia brachypetala, Tree Fuchsia	203 Prospect Street	2-2-003:098
Spondias mombin, Hog Plum Tree	Foster Botanical Garden, 1438 Nuuanu Avenue*	1-7-008:002
Sterculia apetala, Panama Trees	5 trees—Ala Moana Regional Park	2-3-037:001
	Queen's Medical Center	2-1-035:003
Sterculia foetida, Skunk Tree	University of Hawaii/Manoa Campus, Ewa-makai corner of George Hall	2-8-023:003
	Schofield Barracks, 225 General Loop	N/A
	203 Prospect Street	2-2-003:098
Swietenia macrophylla, Mahogany Trees	2 trees—Schofield Barracks, Lewis Street, immediately north of the Foote Avenue intersection	N/A
	Schofield Barracks, Glennan Avenue, between Buildings 672 and 688, Health Clinic	N/A
Swietenia mahagoni, Mahogany Trees	Along Kalakaua Avenue between Beretania Street and Kapiolani Boulevard	N/A
	2616 Pali Highway	1-8-008:001

3581 NE Alberta Ct.

BEFORE

187675



BEFORE

187675



BEFORE

187675





4901/4911 NE 36th Ave.

AFTER

187675



FUTURE

187675

The following information was updated on 4/7/2016. Recent changes shown in blue. Any details here are subject to change without notice.

NE PORTLAND								
STATUS	ADDRESS	NEIGHBORHOOD	TYPE	BEDS	BATHS	SQFT	PRICE	MORE INFO
Design/Planning	4101 NE Stanton	Beaumont-Wilshire	New	4	3	3140	\$999,900	PROPERTY WEBSITE
Permitting	3425 NE Alberta Ct	Concordia	New	3	2.5	2145	624,900	contact us
Permitting/Presold	4907 NE 35th Ave	Concordia	New	3	2.5	1675	499,900	contact us
Permitting	5406 NE Cesar Chavez	Concordia	New	4	3.1	2505	\$649,900	PROPERTY WEBSITE
Construction/Presold	3942 NE 76th Ave	Roseway	New	3	2	1412	\$424,900	PROPERTY WEBSITE
Construction	2581 NE 30th Ave	Grant Park	New	4	3	3409	\$1,049,000	PROPERTY WEBSITE
Construction	225 NE Wygant	King	New	3	2.1	2374	\$649,900	PROPERTY WEBSITE
Construction	4809 NE Garfield	King	New	3	2.1	2374	\$649,900	CONTACT US
Construction	2724 NE 27th Ave	Alameda	Remodel	4	3.1	2709	\$949,700	PROPERTY WEBSITE
Nearing Completion	5050 NE 8th Ave	King	New	4 + ADU	3 + ADU	2532	\$624,900	contact us
Nearing Completion/Presold	1260 NE Wygant	King	New	4 + Den	2.1	2049	\$549,900	PROPERTY WEBSITE
Sale Pending	5040 NE 8th Ave	King	New	4 + ADU	3 + ADU	2532	\$624,900	PROPERTY WEBSITE

Collins View Neighborhood Association
Testimony on Title 11 Tree Code Amendments

My name is Denny Barnes and I am representing the Collins View Neighborhood Association where I serve on the Board and Chair the Collins View Tree Committee. We like to say that “trees have standing” in Collins View. We are alarmed by the destruction of our native evergreen canopy by new development and the failure of the Tree Code to protect mature Douglas Firs, Western Red Cedars and other native conifers in our neighborhood. This destruction is dramatically reducing our quality of life.

Collins View Neighborhood is nestled between Tryon Creek State Natural Area and River View Natural Area. It is a key link in Portland’s West Side Wildlife Corridor. Despite this important role, Portland affords the many native conifers that still grace our neighborhood no special class of protection from developers.

Like many Southwest neighborhoods, Collins View has steep slopes and heavy clay soil. Stormwater runoff is a serious problem during periods of heavy rain like we saw last December. Native conifers like cedars with their dense canopy absorb much rain and greatly slow stormwater runoff. Their destruction creates flooding, overwhelms the storm drains and threatens our watershed.

With the destruction of our native conifers by developers, we are doomed to higher peak summer temperatures, poorer air quality, less dampening of the noise from growing commuter traffic through our neighborhood, disruption of wildlife habitat, less natural beauty, lower property values, reduced quality of life and flooding.

Current law mandates just a \$1200 per tree mitigation fee for just 1/3 of the trees destroyed. This does not begin to represent the loss to our neighborhood. Replacing majestic Douglas Firs and Western Red Cedars with tiny non-native deciduous trees which often die before the property is sold ... can you imagine how distraught we are to witness this destruction to our environment?

Collins View Neighborhood Association strongly supports the Audubon Society’s proposed amendments to the Title 11 Tree Code. We believe these amendments afford the most protection.

We struggle to plant native conifers in our neighborhood faster than developers cut them down.

Mayor Hales & City Council
1221 SW 4th Avenue
Portland, OR 97204

March 3, 2016

Dear Mayor Hales and City Council,

I want to thank Commissioner Saltzman and Commissioner Fritz for jointly developing a proposal for temporary (stop-gap) reform of Title 11 and the ~~the~~ Mayor and entire Council for considering it on March 3. The proposal is desperately needed in order to help stem the loss of large healthy trees in Portland that could and should be preserved with new development. In general the proposal represents a genuine effort to respond to the concerns expressed from the community about the rapid and often needless loss of large healthy trees in Portland's neighborhoods in the current real estate market. The proposal provides an immediate, if temporary, improvement to a major short-coming of Title 11 in not adjusting tree mitigation requirements to the size of trees removed in private development situations. In this respect at least, their proposed graduated tree mitigation system responds directly to the recommendations of the Title 11 Oversight Advisory Committee (OAC), the Urban Forestry Commission (UFC), and the Planning and Sustainability Commission (PSC). Thank you.

However, I wanted to bring to your attention immediately a major problem with this proposal in NOT applying the same graduated mitigation standard to City and Street (publically-owned) trees in development situations. This is a very problematic feature of this proposal and at variance with the specific recommendations of the Title 11 OAC, UFC, and the PSC.

The Title 11 OAC discussed this issue extensively and came to the following recommendation:

"City bureaus must be held to a high standard. The City should set a high bar for its projects, serve as an example to its residents and businesses, and contribute to improving the urban canopy. City bureaus should be required to plant and retain more trees than the 2-for-1 replacement proposed on the sites they manage."

By the same reasoning, setting a LOWER standard for City Bureaus- as proposed- is deeply problematic for at least two reasons. First, out of simple fairness, holding City Bureaus to a lower standard than applies to private development undermines support for the City's Tree Code. It holds the City to a lower standard than it is expecting of its citizens, or least its citizens involved in private development. That looks bad and it is bad. A City government that prides itself in environmental stewardship and holds the private sector to a higher standard should hold itself to at least the same standard.

Clearly Commissioner Fritz and Saltzman- in crafting their joint proposal- have heard and responded to some in the Bureaus who fear the impact of the new policies on the cost of public works projects. The claim is frequently made that since Bureaus are doing work with a "public benefit" they should not have to meet the same standards for tree mitigation as private developers. The Bureaus argue that the proposed graduated tree mitigation system would make their public works projects "less financially feasible" and thus result in reduced "public benefit."

However, what is the public benefit that is so important that it justifies sacrificing the demonstrable public benefit provided by trees, especially large healthy ones in the public domain? I think most Portlanders would and should question the "public benefit" of a "public improvement" that is dependent on the unmitigated loss of large healthy trees to be "financially feasible." They should because the loss of the financial and non-financial benefits of those trees will be shifted back to the community and in many cases back to the city government itself.

For example, we know large healthy trees along streets help slow vehicle speeds, enhance pedestrian safety and pedestrian activity, while providing smarter, cheaper stormwater management, improved business activity, habitat values, and reduced urban heat-island effect where it is often the worse. These goods are expensive to provide and are often provided by trees, sometimes existing trees. Trees- and especially large healthy trees- are an invaluable feature of a truly "complete street," a street that works for all modes of transporation as well as people, public health, and the environment. Yes trees cost more money to preserve and plant and we can't preserve every street tree when the street is torn up, but study after study demonstrate that more often than not street tree preservation and planting more than pay for their cost in the big picture. And should be added that it is in the public right-of-way which is our best hope for expanding tree canopy as Portland grows more dense. Finally, as the

OAC pointed out it is also where the City is farthest behind in achieving its canopy targets.

However PBOT's current mission, policies, and practices do not embrace trees as an essential part of their management of the public right-of-way. In far to many situations, PBOT's policies, practices, and internal culture view street trees as merely impediments to achieving their "primary" mission. Portland desperately needs to make more space for trees in its public right-of-ways both by preserving what we have and by creating wider, deeper tree wells so that trees can grow larger and healthier in every neighborhood. Neighborhoods like Cully or in East Portland are at risk of losing many of their large healthy trees along their many unimproved streets as those streets are upgraded. That is because meeting PBOT's "street improvement standards" almost always means requiring tree removal, in many cases when neither the developer or the neighbors want to remove trees. There are designs and technologies to enable street tree preservation with street improvement that PBOT could and should be using but aren't. That is one of the reasons why the Title 11 OAC recommended comprehensive reform of City tree policies and practices in the public right-of-way to preserve and plant more large trees.

We have heard the same protests from some staff in BES and the Water Bureau about having their development projects held to the increased tree mitigation standards proposed for private development. Given the missions of BES and the Water Bureau, the irony is all the greater. If these Bureaus were really fulfilling their environmental missions they would not be advocating for reduced tree mitigation. This is the kind of special exception that rightfully anger Portlanders. (The concerns of BES and Water Bureau staff are probably over-stated anyway, to the extent much the tree removal and mitigation both of these Bureaus sometimes need to do are in environmental zones which are regulated by Title 33 not Title 11).

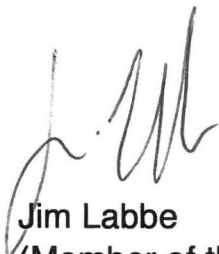
The City Council needs to rise above this narrow bureaucratic provincialism and expect the same higher standard of all City Bureaus implementing public development projects. Public work projects by Bureaus with silo-ed or limited missions are unlikely to fully consider the holistic public benefits of trees to their projects and the City if they are held to a lower standard than the private sector. They are unlikely to develop smarter project designs that preserve large healthy trees or create space to plant trees that will grow large and healthy, unless they face the same incentives as everyone else.

The point of the graduated tree mitigation system proposed by the OAC and UFC and included in the joint Saltzman-Fritz proposal is to begin compensating for the loss of trees based on the environmental services they provide. This was aspiration of the City-wide Tree Project in developing Title 11 but one that was lost in its final adoption and implementation.

I urge the Council to apply the new graduated mitigation standards proposed by Commissioners Fritz and Saltzman to development situations involving City and Street trees as well as private trees.

Thank you,

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Labbe', with a stylized, cursive flourish.

Jim Labbe

(Member of the Title 11 Oversight Advisory Committee)

6325 N. Albina #2

Portland, OR 97217

Good Afternoon Members of City Council,

My name is Vivek Shandas, and I serve on the City's Urban Forestry Commission. I'm also a citizen living in SE Portland and a faculty member in the Toulan School of Urban Studies and Planning at Portland State University. I would like to read a statement that builds on David Diaz's testimony moments earlier.

I begin by asking you the significance of the number 11? Our Title 11 tree code you say? Well, I've recently learned that 11 is also the number of trees that are greater than 200 feet tall and on private property in the city of Portland. That represents 3% of all the largest trees in the city, while 97% (811 in total) of the largest trees are on city owned land. The larger the tree, the greater the likelihood it will be on public land (Figure 1).

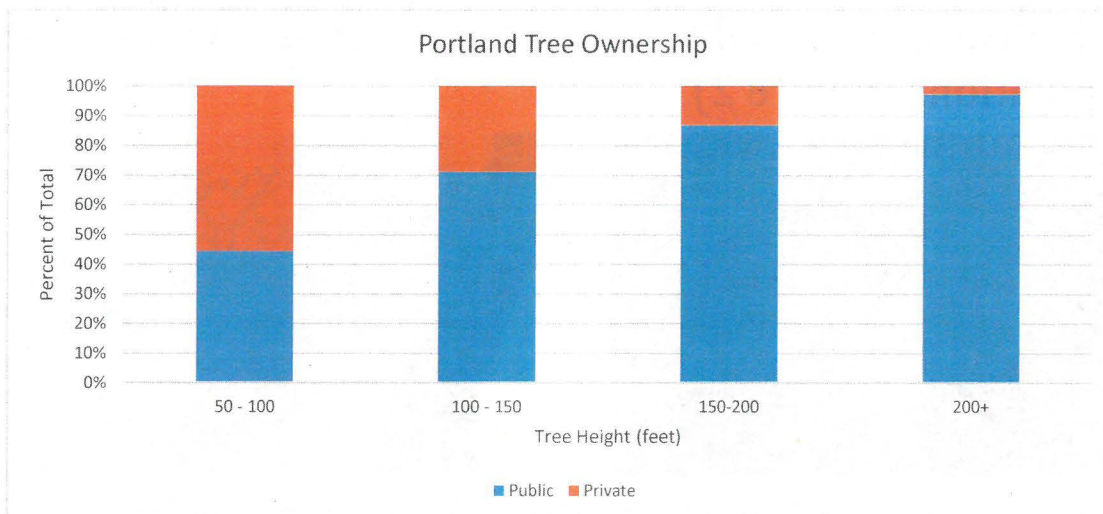


Figure 1: The location of Portland's trees, illustrated by tree height and percentage in public and private lands.

Large trees matter to the health and well being of the citizens of Portland. The city has an obligation to protect these remnants of Portland's past. Our research group has found that Portland's urban forest provides upwards of \$24M per year in public health benefits through improving air quality. We believe this is a highly conservative number. They can also help in discovering the distribution of pollutants, as we have recently learned through the controversy about the heavy metals arsenic and cadmium in Portland's air.

Second, our large trees are also the City's direct line of defense against extreme climate impacts, which are predicted to increase in magnitude, frequency, and duration. Large canopied vegetation can reduce temperatures by upwards of 15-degrees Fahrenheit, which during a heat wave can be the difference of life and death, especially among our most vulnerable populations (Figure 2).

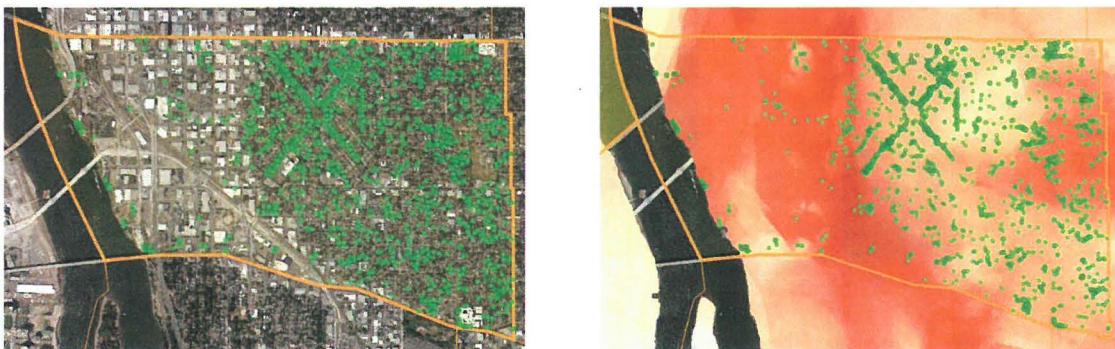


Figure 2: Maps of a SE neighborhood that illustrates the number of trees (left image, green dots), and the temperatures (right image, darker red are hot spots and lighter yellow are cooler areas during a heat wave).

The tree code represents a significant opportunity for improving the health and well being of our citizens. The current code does not value our urban forest for its role in improving our health, economy, infrastructure or quality of life. If Title 11 can help save the 11 remaining giants on private property, it can surely also conserve the majority that are on public land.

Thank you for this opportunity to testify.

Vivek Shandas, PhD

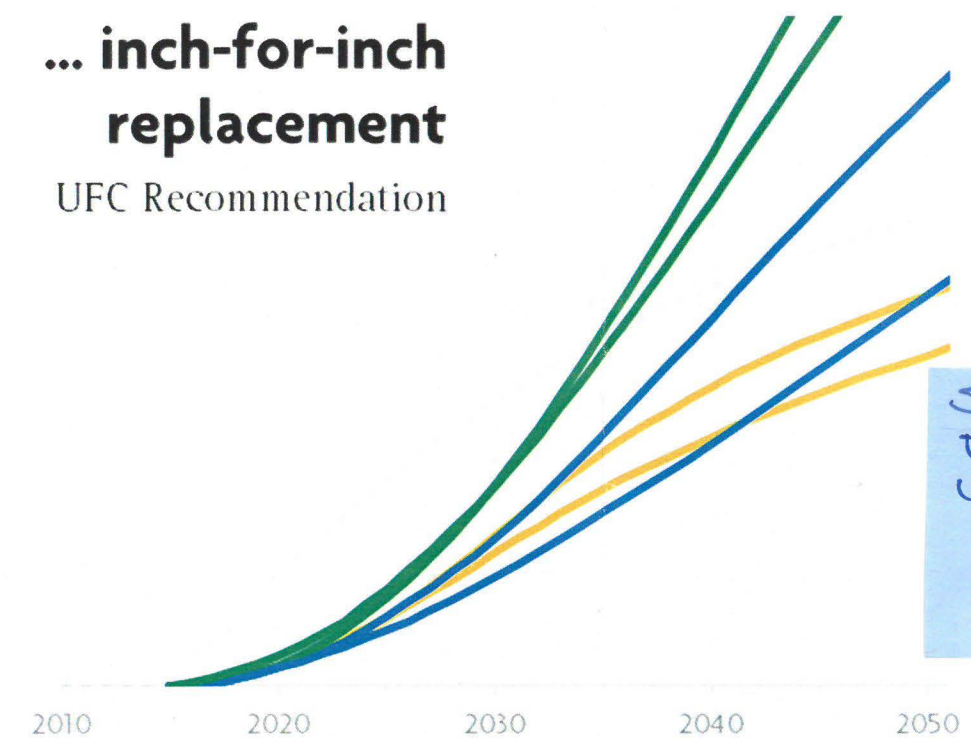
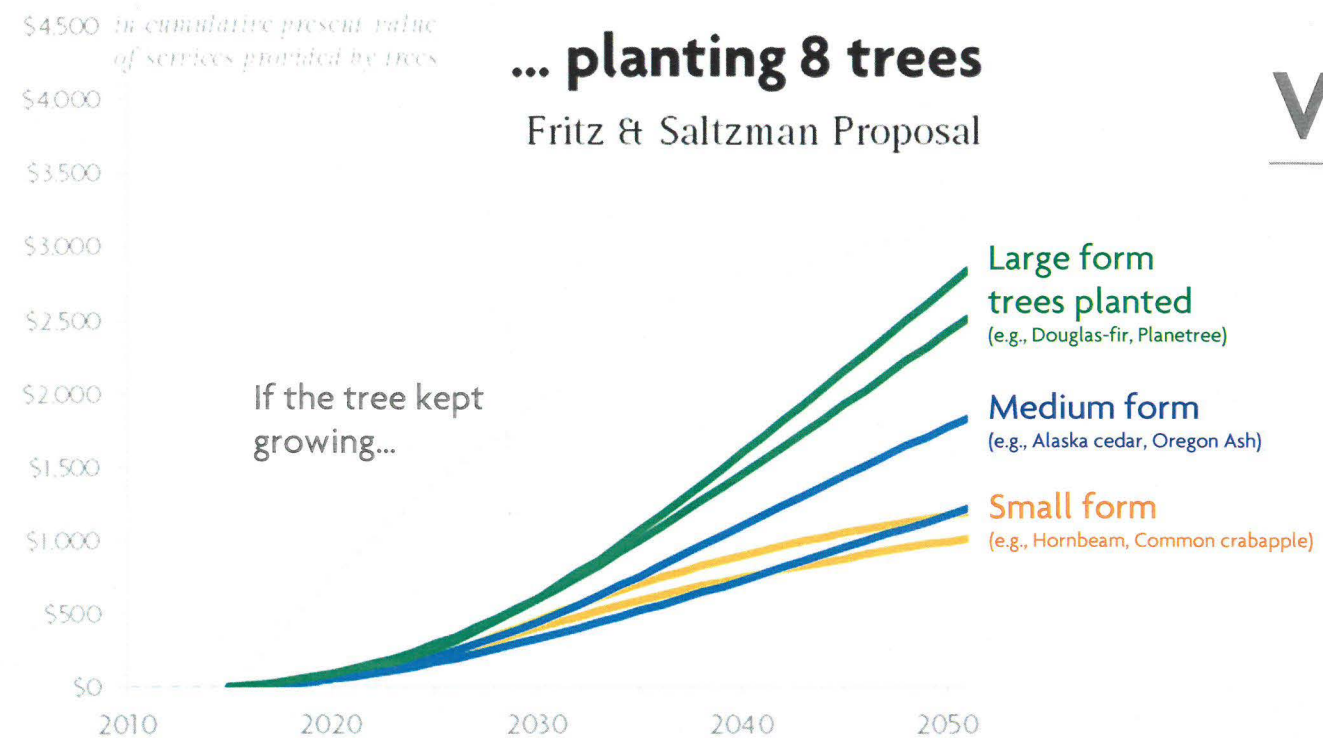
Commissioner, Urban Forestry Commission

SE Portland Citizen

Associate Professor of Urban Studies and Planning (Portland State)

Research Director, Institute for Sustainability Solution (Portland State)

Choosing to mitigate for the removal of a 36" diameter Douglas-fir by...



With eight trees planted for each tree removed:

- ▶ 8 newly-planted *large form* trees take about 15 years to resume providing services at the rate the removed tree was already providing (and could have continued to). Medium form trees take 15-25 years to match the rate, and small form trees take more than 50 years.
- ▶ There is a time lag in the provision of new tree benefits. If the future value of services from these trees over the next 100 years is discounted (5% per year), there are unmitigated losses over at least 100 years unless all of the trees planted are large form trees.
- ▶ Newly planted large form trees would still take at least 50 years to mitigate for the lost present value of the services that would've been provided by the removed tree. Medium or small form trees would never mitigate for the lost present value of the removed tree's services.

With inch-for-inch replacement:

- ▶ 18 newly-planted saplings of a large form tree species take 10 years before they resume providing services at the rate of the removed tree; medium and small form trees take 10-15 years to match it.
- ▶ All planting strategies eventually mitigate for the lost present value of services from the removed tree. If all saplings planted are large form tree species, it takes 20 years to make up the present value of services lost by the original tree removal, medium form trees take 30-40 years, and small-form trees may require 75+ years (if they live that long).

Note: Storm water, air quality, and carbon benefits are factored into the value of services provided by trees (calculated using iTree). This does not capture aesthetic value, reduction of urban heat islands, energy savings, property value enhancements, or additional human health benefits that trees provide.

Let Portland in the healthy ways of life prevail...let Portland lead the healthy way. The last time I walked in Forest Park I stopped and removed ivy from some of the trees. When I took care of my grandsons when they were young our outings included that. Their love of helping out was just joyful play for them and they understood the joy of trees and the love of nature they felt out there.

So please do this because it is healthy. Go for the gusto and the greater good in this matter of protecting all of our community. You and us, we will all rejoice.

From an article:

"Why Large Healthy Trees Matter?"

A healthy urban forest includes a diversity of species with trees of all different sizes, ages, and a range of tree size and age classes. However, an abundance of research has found that large healthy trees provide a number of environmental functions and values to a much greater degree than smaller trees. Since past urbanization has undervalued trees in our cities, large healthy trees are rare. That makes their preservation and protection all the more critical to human health and environmental quality in cities.

A number of studies have found large healthy trees play a particularly critical role in supporting clean air and water, wildlife, human health and energy conservation. Large healthy trees are particularly important for:

- Air Quality - A 2002 study by the USDA found that large, healthy trees greater than >30 inches in diameter remove 70 times more urban air pollution annually than small, healthy trees (<3 inches in diameter) often planted to replace them.
- Urban Heat Island - The size, density, and structure of a tree's canopy - which is directly related to tree health, age and size - influence the extent of shading, the ability of trees to lower temperatures, and thus reduce and mitigate the impacts of the urban heat island effect. Recent research found that Portland has one of the worst urban heat island effects in the United States.
- Water Quality - The ability of trees to intercept, store, and infiltrate rainfall and reduce urban stormwater runoff is directly related to the size of its canopy and root zones.
- Biodiversity - The size, age, and species of trees are critical to supporting urban wildlife and biodiversity. Not surprisingly, larger older trees support a greater diversity of birds.
- Energy Conservation - The size and canopy of urban trees is also directly related to their energy conservation benefits."

Thank you,

Margo Logan

Parsons, Susan

From: Crail, Tim
Sent: Thursday, March 03, 2016 2:58 PM
To: Parsons, Susan
Subject: FW: Keep healthy elder trees because it makes for a healthy community...for all...support Audubon proposal Please submit this into the city council record for today

Sue,

Please include this in testimony for today's hearing per the constituent's request.

Thanks

Tim Crail
503-823-3988
Chief of Staff
Office of Commissioner Amanda Fritz

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2036, TTY 503-823-6868 with such requests or visit http://www.portlandonline.com/ADA_Forms

From: Margo Logan [mailto:crowvision2007@yahoo.com]
Sent: Thursday, March 03, 2016 1:35 PM
To: Crail, Tim <Tim.Crail@portlandoregon.gov>
Subject: Re: Keep healthy elder trees because it makes for a healthy community...for all...support Audubon proposal Please submit this into the city council record for today

Tim,

Please submit my testimony into the city council meeting record for today.

Thanks

Margo Logan

From: Margo Logan <crowvision2007@yahoo.com>
To: "tim.crail@portlandoregon.gov" <tim.crail@portlandoregon.gov>
Sent: Thursday, March 3, 2016 1:29 PM
Subject: Fw: Keep healthy elder trees because it makes for a healthy community...for all...support Audubon proposal

----- Forwarded Message -----

From: Margo Logan <crowvision2007@yahoo.com>

To: "nick@portlandoregon.gov" <nick@portlandoregon.gov>; "novick@portlandoregon.gov" <novick@portlandoregon.gov>; "dan@portlandoregon.gov" <dan@portlandoregon.gov>; "amanda@portlandoregon.gov" <amanda@portlandoregon.gov>; "mayorcharliehales@portlandoregon.gov" <mayorcharliehales@portlandoregon.gov>
Sent: Thursday, March 3, 2016 1:27 PM
Subject: Keep healthy elder trees because it makes for a healthy community...for all...

Dear Council Members and Mayor,

Please pass the Audubon Society's proposal. It is a win-win for everyone. With the three elder redwood trees a consciousness open up in the community. At the time that was happening I intervened where I live when I saw trees being cut that I knew did not need to be cut.

That whole condo built down on the east end of Hayden Island has been a decade long eye sore to the community. Rumor had it the guy back in 2003 had friends in city hall and started building without permits and perhaps all the money? I don't know the full story. 10 years of looking at what I use to look at in Germany 15 years after WW II ended. Like some kind of bombed out dilapidated structure.

Then the finished product. The blueprint plans the construction guy showed me for the approval and prints about the tree cutting...the phone numbers didn't work. The arborist I could not find Googling. I know the trees cut were healthy. Even if no healthy they were on the bank and if they were to fall would fall downward on the bank thus no damage to property would ever happen. They tried to pass off to me that well you know cottonwood trees get bad quickly. NOT so. When I lived at McCuddy's one windy night a cottonwood tree fell down across the docks and hit 2 boats (just missed mine). The arborist came out. Unhealthy trees were cut. They labeled one to be cut that I didn't think was ill and I said so.

They backed off and now, what, all these years later? I think 10 years later that tree still stands over at McCuddy's. It wasn't unhealthy.

We need the large trees and the little trees as you will note below in the article I copied. We need them, we need nature as part of our communities.

Sam Adams was able to make some amends and found some redemption in how well he handled the resolution to the Occupy Portland Movement. I think Charlie Hales has started to do that when he helped end, stopped the developer trying to cut down those magnificent trees. So Mr. Hales works at redemption, not running for re-election and devoting his efforts to the housing situation that is a nightmare. We all make mistakes. We all in various times in life must make amends and seek redemption. Those that do walk away from something bigger than money or rubbing shoulders who were successful at machinations and manipulations. They walk away with a sense of peace and the uplift that happens from merely doing what was right and healthy for the entire community.

At the end of one's life on this planet that is far more satisfying then going to, say, the Cayman Islands. Senator Sanders and Donald Trump are both outliers...there is something afoot in the mass of people, the community members, that has stirred up. If for corruption reasons the next president is a status quo president once more the unsettling amongst the community will stay....and will increase...because ultimately that is the repeating of history throughout time.

Moore-Love, Karla

From: Darvel Lloyd <darvlloyd@gmail.com>
Sent: Thursday, March 03, 2016 9:18 AM
To: Council Clerk – Testimony
Subject: Stop-gap amendments to the Tree Code
Attachments: TESTIMONY TO THE CITY COUNCIL ON WED.docx; ATT00001.htm

To the Council Clerk:

If time allows, I would also like to read my 3-minute testimony (attached below) at this afternoon's public hearing.

Thank you!

Darvel Lloyd
54 SE 74th Ave.
Portland, OR 97215-1443
503-593-2996 (cell)
darvlloyd@gmail.com

Moore-Love, Karla

From: Another State of Mind <anotherstate@hei.net>
Sent: Thursday, March 03, 2016 1:40 PM
To: Council Clerk – Testimony
Subject: Reform Portland's Tree Code to Preserve Large Healthy Trees
Importance: High

I am writing to urge you to support Audubon Society of Portland's proposal to require Inch-for-inch mitigation for cutting large, healthy trees $\geq 30''$ diameter at breast height (dbh) in development and non-development situations with no cap. Use a graduated system to mitigate for trees $\leq 30''$ dbh, which better reflects the value of trees removed. Apply new preservation and mitigation standards to commercial and industrial lands as well as City and Street Trees, and fund Title 11 Comprehensive Reform this year to build on this stop-gap measure.

Thank You for taking steps to better protect large healthy trees in development situations.

Connie Wallace
3615 SE Taylor Street
Portland, OR 97214

Moore-Love, Karla

From: Douglas Fix <dfix@reed.edu>
Sent: Thursday, March 03, 2016 1:31 PM
To: Council Clerk – Testimony
Subject: Tree preservation

Dear City Council members,

I write to you this noon, as I am unable to attend the public hearing today at which Tree Preservation in Development Situations will be discussed. I urge the Council to set aside the proposals by the Parks and BDS, as well as the alternate proposal presented by Commissioners Fritz and Saltzman, and instead adopt the proposal submitted by the Urban Forestry Commission (UFC). If the Council sincerely plants to alter the current destruction of large healthy trees in the current hot real estate climate, the UFC proposal has the best chance of protecting this invaluable part of Portland's urban tree canopy. Furthermore, in order to preserve the tree canopy for which Portland is famous, and to do so effectively and quickly, the City Council does need to quickly reevaluate Title 11 and its daily implementation.

I live at 3646 SE Carlton, on the fringe of Eastmoreland, a neighborhood made famous last fall when hundreds of neighbors and citizens from many other sectors of Portland surrounded the small lots on Martins Street to save three giant sequoias. Since that week in September, numerous other large trees have been cut down by developers unwilling to adjust their large suburban house plans to the small lots that comprise most neighborhoods in Portland proper. Three large redwoods (54 tree rings) growing right on the property line at 44th and Hawthorne no longer stand. All the trees on the block-wide lots at Stark between 11th & 12th cut down by developers, despite the fact that many of them stood close to the property line. I know from our neighborhood blog that similar lot-wide destruction of the urban canopy has occurred in the last three months only in Eastmoreland. Unfortunately that same cutting of our precious resource is being reported in almost every neighborhood in the city.

None of the healthy trees I have listed above, except for the giant sequoias, would have been protected by the Parks and BDS proposals, and the same is true for the Fritz & Saltzman proposal. Data from the Portland tree inventory that was analyzed by members of the UFC indicate that *less* than 2 percent of Portland's current trees would be saved by a preservation threshold of 36 inches DBH. Reducing that threshold to 30 inches would at least save trees like the fifty-some year-old redwoods that used to stand on the property line at 44th and Hawthorne.

However, not even that threshold would protect lots and entire blocks that are being clear cut by developers to put in huge houses that do allow no room for yards, let alone replacement trees.

Thus, I urge the Council to move one step further. Mitigation is certainly not preservation. Mitigation puts a price on trees, which only raises the price developers put on their houses, while at the same time encouraging them to cut back on the quality of the suburban houses they are settling down on lots in Portland neighborhoods. True preservation would require developers to save a percentage of trees in development situations, and encourage developers to build around large healthy trees to save our tree canopy. Small ornamental trees that developers in my neighborhood are placing in the parking strips will never truly replace the 12-inch, 18-inch, and 30-inch douglas fir, redwoods, and oak trees that used to grow on those lots. And very few of those lots were previously vacant lots, like the lot on which the giant sequoias stand.

In addition, there are other basic changes to Title 11 that the Council needs to address, if we are to preserve our valuable tree canopy:

1. Lots less than 5000 square feet should also be brought into the code.

As I walk the neighborhoods between my home and the riverside, I see numerous small lots that currently do have both houses and trees.

Allowing developers to cut down those trees indiscriminately can only do harm to the broader tree canopy.

2. Provide 30-day notice to neighborhoods and neighborhood associations to allow them to attempt to negotiate with developers, to help provide potential solutions for building around large healthy trees or preserving trees that do not affect the building plans.

3. Extend these preservation revisions to street trees and trees on city, commercial and industrial land. Why would we want to create tree deserts in the centers of our city or in neighborhoods where developers seek to create industrial zones? Alternatives to that clear-cut strategy do exist, especially in Portland.

Lastly, I reiterate a fundamental point that the UFC and many urban arborists, as well as the many citizens who have attended the public hearings held to collect and benefit from public opinions regarding Portland's tree canopy: Set a short (2-3 year) limit on the temporary measures. Revisit and thoughtfully revise and amend Title 11, with the help of tree professionals, responsible developers and public input.

The alternative to this process will be to see our tree canopy cut in half before the end of the next decade.

Sincerely

Douglas Fix

3646 SE Carlton Street

From: Jay Withgott <withgott@comcast.net>
Sent: Thursday, March 03, 2016 12:28 PM
To: Council Clerk – Testimony
Cc: Hales, Mayor; Commissioner Novick; Commissioner Fritz; Commissioner Fish; Commissioner Saltzman
Subject: TREE CODE - please support Audubon's reform

Dear Commissioners --

We'd like to strongly urge you to support the Tree Code reform proposal put forth by Audubon Society of Portland. In our neighborhood of Multnomah Village and throughout our city we are losing far too many mature trees unnecessarily to development, and it is costing us in dollars and in quality of life. The Audubon proposal is the best option for our city.

Thank you very much,

Jay Withgott and Susan Masta
7515 SW 34th Ave.
Portland, OR 97219

From: Justin Wood <justin@fishconstructionnw.com>
Sent: Wednesday, March 02, 2016 8:39 AM
To: Moore-Love, Karla
Subject: Portland City Tree Code Testimony

Members of the Portland City Council,

I would like to share with you a few concerns I have about the proposed Tree Code changes that Council will be reviewing tomorrow.

First I would like to say that I think the proposals submitted both by BDS and the Planning and Sustainability Commission were the most fairly crafted proposals, when consideration of all city goals are weighed. Urban Forestry and Parks, while their proposals were well thought out, the charge of these groups is to first and foremost look out for the preservation of trees above all other goals. While tree preservation is important, it must be balanced with other city goals such as affordability, density, solar access, etc. I feel that BDS and the PSC did a good job crafting proposals which did not create a punitive code at the expense of other goals.

That being said, I appreciate the effort of Commissioner Fritz & Commissioner Salesman to try and craft a compromise between the different proposals. While this compromise is better than the proposals put forward by Parks or the Urban Forestry Commission, I do believe it contains a couple of major issues which should be examined.

First, and I feel most importantly is that the proposal you will be looking at on Thursday contains many references and calculations referring to costs of replacement trees or caliper tree value of \$300 per inch. While this proposal has been vetted, it has not in my opinion been vetted with the correct numbers. **At our February DRAC meeting, it was presented to members of the DRAC, that within the next couple of months, Parks intends to come to Council with a package of fee increases. One such increase will include a request to raise the fee from the current \$300 to \$600, effectively doubling every fee and example you are looking at today.** I believe that if this proposal is to be fairly examined for its impacts to affordability in this city, then the proposal must contain accurate numbers. It must also contain some type of a provision locking in the rate for a period of time. I would suggest that the fees included in this proposal be tied to the sunset date of the proposal and held in place while this proposal is tested.

With specific regards to the Saltzman / Fritz Proposal, if the fees were locked in at \$300, then I am generally supportive of the structure of the proposal but believe there are some tweaks needed in order to create a balanced plan.

- Caliper Size for a "large" tree notification - Both BDS and the PSC defined a "large" tree and one that carried the highest costs for replacement, as a tree over 50". Even in the Saltzman / Fritz proposal, the highest cap for the fee in lieu kick in at over 50". This proposal came about in a response to try and preserve the largest trees in development situations, a 36" tree for our purposes is not a "large tree". If the Saltzman / Fritz Proposal were to change the threshold for both the notification requirement, and the 1/3 preservation standard to apply to trees larger than 50", then I believe this would more effectively balance preserving large trees, with not creating onerous costs and regulations for development.
- Cap on Fees - Both BDS and the PSDC suggested a cap for the replacement cost on highest value trees more than 50". I believe this is very important as to create certainty and to establish a fee which does not become extremely onerous. I would suggest looking to the PSC recommendation to establish a cap.
- Consistency in Standards - These changes to the tree code are only being proposed to be placed on lots when they are in a development situation. I believe that if the intent of the code is to preserve large trees then the same standard must be applied to all lots (private homeowners or developers). Why is a tree worth less if it is a private home owner removing it, as opposed to a developer. Further to this point you will create a system where people could "game" the system by having a homeowner remove their tree, prior to it becoming a development situation. Creating a tree code, where there is an opportunity to do things like this should not be a goal of the city.

Lastly, I want to take this time to ask Council to step back and consider a couple of points. The tree code we are under now, was a result of years of work from a variety of stakeholders to try and come up with a tree code which was fair, balanced and weighed other goals of the city such as affordability and density. We are little more than one year into the tree code and we are now proposing to make SUBSTANTIAL changes to the code, undoing the work, time and effort invested by the original Tree Code Committee Members. Earlier this year BDS researched the number of trees removed, due to development, which would have been considered "large trees". After removing trees that were diseased or nuisance trees, I believe that number was 6 trees. In other words we are making substantial changes to the tree code over 6 trees.

The Tree Code was intended to be simplistic, the original tree preservation standards as part of title 33, were complex, onerous and created a system where an Arborist was needed for all but the most simple of tree removals. We strived to develop a code which balanced the goal of preserving trees while establishing a mechanism to preserve where possible, or replant trees where not possible, thus maintaining the integrity of the affordability and density goals of the city. These proposed changes to the code are a departure from those goals.

The last point I would like to make is that everywhere we turn we see that this city has an affordability crisis. Not just for families below the median family income, but also for middle income families who struggle to continue to live in Portland. I build homes for families in this price range. Every time Council passes a new fee, regulation, SDC increase etc, these costs add to the cost to build the homes I build in this city. It is a struggle to continue to build homes in a price range targeted to families at or below 120% of MFI. This is a niche our family owned company has prided ourselves in but we now find ourselves competing against builders who can take the same lot we built a \$300,000 home on and build a \$500,000 house on. Every cost increase further dwindles our ability to build homes to serve this home buying market.

Please consider that Middle Income Families are also being pushed out of the Portland home buying market, and also consider that cost / fee increases while they may be able to be absorbed in the market for high priced homes, are not as easily absorbed in our market. Contrary to what you read in the papers or see on TV, "McMansions in Eastmoreland" are not the only homes being built today.

Sincerely,

Justin Wood

V.P. - Construction

Fish Construction NW, Inc.

503-292-9891 (o) 503-997-7966 (c)

Parsons, Susan

From: john peterson <jkpete@gmail.com>
Sent: Wednesday, March 02, 2016 10:26 AM
To: Commissioner Novick; Commissioner Saltzman; Commissioner Fritz; Hales, Mayor; Council Clerk – Testimony
Subject: Preserve Large Urban Trees

Greetings,

I am urging you to support the strengthening of our city's tree code to help preserve large healthy urban trees. Please consider the Audubon Society of Portland's proposed reforms in this regard.

I have lived in Portland for almost 30 years and in the last 5 years I have been dismayed to see the destruction of dozens of huge healthy trees I regarded as landmarks close to my home in southeast Portland. We need to recognize the value of these large urban trees with regard to wildlife habitat, air quality, spiritual and mental wellbeing, water quality, etc...

thank you,

John Peterson

Southeast Portland

Parsons, Susan

187675

From: Susan Ferguson <oakbay@q.com>
Sent: Wednesday, March 02, 2016 11:55 AM
To: Hales, Mayor
Cc: Commissioner Fish; Commissioner Fritz; Commissioner Saltzman;
steve@portlandoregon.gov; Commissioner Fritz; Commissioner Saltzman
Subject: Protect our large and healthy trees

Thank you for understanding the need to protect our tree canopy through the preservation of large healthy trees which add beauty, clean the polluted air and provide needed bird habitat. The Audubon Society proposal has my support and I hope it has yours as well.

Sincerely,

Susan Ferguson
6119 NE Sacramento Street
Portland OR 97213
Rose City Park Neighborhood
503.284.0048

Sent from my iPad

Parsons, Susan

From: barbara millikan <barb210@comcast.net>
Sent: Wednesday, March 02, 2016 3:16 PM
To: Council Clerk – Testimony
Cc: Nancy Chapman; Peggy Glascock; bruce richard; Jill Punches
Subject: Testimony From Laurelhurst Tree Team RE: Proposed Amendments to Title 11, Trees
Attachments: LTTCity Council.docx; ATT00001.htm

Attn: County Clerk

Good afternoon. Attached please find written testimony for the March 3 hearing regarding Amendments to Title 11, Trees

If you have any questions regarding this testimony please feel free to contact me.

Thank you.

Barb

Barbara Millikan
barb210@comcast.net
503-314-6360

"You can never go down the drain."
Fred Rogers



March 1, 2016

To: City Council Members
From: Laurelhurst Tree Team

RE: Amendments to Title 11, Trees

The Laurelhurst Tree Team represents 30+ residents of Laurelhurst who want to preserve and enhance our urban forest.

We think the proposed changes offer a reasonable approach to allow responsible developers a path for adding needed housing while maintaining ecologically needed trees.

Our urban forest provides air quality, urban heat mitigation, aesthetics, and enhances neighborhood property values.

We hope you share our vision to preserve a critical city resource essential to maintaining our urban canopy. We only wish that property developers conform to the same rules that home are required to follow.

Respectfully Submitted,

Bruce Richard
4016 NE Hazelfern Place
503-893-4330

Nancy Chapman
4214 NE Hazelfern Place
503-234-0162

Barbara Millikan
3334 NE Peerless Place
503-314-6360

Jill Punches
412 NE Hazelfern Place

Peggy Glascock
3421 NE Hassalo
503-232-2406

From: Eileen <eileen@sngdesign.net>
Sent: Wednesday, March 02, 2016 6:34 PM
To: Hales, Mayor; Council Clerk – Testimony
Subject: Comments to City Council Title 11 Amendments
Attachments: Comments to Council March 3 Title 11 Amendments.docx

Dear Mayor Hales and City Commissioners:

I am a Portland resident, landscape designer and author. I speak for friends, neighbors, and voiceless wild animals when I say that we need tree code amendments that champion tree preservation over mitigation.

It is disastrous that Title 11 does not require tree preservation in development situations (despite its original intent) and this must be reversed if Portland is to stop losing more trees. Sapling replacements are mostly small-form nonnatives that will never provide the ecological functions of the tree destroyed—such as wildlife habitat, shade and oxygen production, and sequestration of storm water and our dangerous and insidious CO₂. A recent study (partially performed in Oregon on trees including Douglas-firs) found yet another reason to retain mature trees: As trees mature, they actually grow faster (the opposite of what we previously thought) and thus store more carbon as they age.

Title 11, then, should be completely and comprehensively overhauled as soon as possible so that true *preservation* can take the place of mitigation—a weak and ineffectual disincentive that allows those with enough money to destroy what’s in their way. Preservation means retaining, respecting, and preserving trees, and requiring that builders work around them and protect them, not pay to remove the measly third that are supposed to be “preserved.”

Regarding the current situation which leaves Portland’s trees virtually unprotected from rampant development, I strongly urge you to support the recommendations put forth by the Urban Forestry Commission (UFC), not the Fritz/Saltzman proposal.

Under the Fritz-Saltzman proposal, Portland’s urban forest would continue to degrade; most trees would receive no protection. It sets far too high a threshold for large trees, exempts lots less than 5,000 sq. ft., exempts trees growing on city, commercial, and industrial properties, and requires that neighborhood notice be given only for trees greater than 36 inches (of which there are very few). Furthermore:

- ? Mitigation is not preservation. To be most effective, mitigation must be based on size, but also species (especially native species), via inch-for-inch replacement for trees 20 inches or greater at least \$300 per inch (with no cap on total fee), with a higher fee for Willamette Valley natives. For smaller trees, the old fee-in-lieu of preservation should be updated with Urban Forestry’s current and actual costs of labor and materials for planting a tree and providing it with 2 years of care. This should apply to *all trees on site, not just those subject to the “1/3 preservation.”*
- ? Amendments should not include an exemption for lots less than 5,000 sq. ft. since valuable, healthy trees certainly do exist on small lots! The UFC considers the exemption “a significant loophole that is likely to allow significant unregulated and unmitigated removal of significant trees during development ... [and] recommends that these provisions apply to lots 3,000 sq. ft. and larger.”
- ? In addition to considering species, we need to be wary of the repercussions of removing trees that are, for example, preventing erosion on hillsides, providing a windbreak, or protecting nearby vegetation.
- ? Amendments should apply to trees on private property, but also street trees and trees on city, commercial, and industrial land. Wildlife in need of trees to survive doesn’t care what type of land trees

live on! And while tree species deemed “invasive” may be problematic in some ways, such trees used during nesting season should be spared for that period.

- ? At least 30 days notice should be given to neighbors and neighborhood associations for all trees greater than 20 inches DBH. Moreover, I’d like to see Type II reviews be implemented whenever there are plans to destroy significant trees greater than 30 inches DBH.

Finally, as the 2035 Portland Comprehensive Plan states: “... *potential adverse impacts of development must be well understood and avoided where practicable. These policies also call for an evaluation of design alternatives to minimize negative impacts, and the use of mitigation approaches that fully mitigate unavoidable impacts.*” It also recommends preserving Willamette Valley native trees.

Considering the myriad, priceless benefits—both aesthetic and ecological—that trees provide, please adopt the UFC’s recommendations, which offer the best chance of retaining trees.

Thank you for considering my comments.

Sincerely,

Eileen M. Stark
3820 NE Wistaria Dr.
Portland, OR 97212

<http://oregonstate.edu/ua/ncs/archives/2014/jan/oldest-trees-are-growing-faster-storing-more-carbon-they-age>

Preserving the towering, big-canopy trees that supply environmental and public health benefits is essential, but species is also important. While large trees—especially conifers—are essential ecologically, studies have concluded that certain tree types—some of which grow very slowly or mature at a small stature—are enormously supportive of native insect herbivores, which provide essential food for wild species like birds. Native oaks support the most insect herbivores (over 540 species of butterfly and moth, alone), but oaks—especially the beloved Oregon white oak (*Quercus garryana*)—grow at a very slow rate and to reach even 30 inches DBH could take well over 100 years (depending on conditions)! Other highly productive and beautiful native species, such as madrone (*Arbutus menziesii*), wild cherry (genus *Prunus*), and willow (genus *Salix*), seldom reach 30” DBH.

Parsons, Susan

From: Hull Caballero, Mary
Sent: Wednesday, March 02, 2016 12:59 PM
To: Council Clerk – Testimony
Subject: FW: Portland Parks Board letter of support for UFC recommendations on proposals for Title 11 Amendments
Attachments: Portland Parks Board_letter of support for UFC recommendations on proposals for Title 11 Amendments_3.2.16.pdf

FYI

From: Dirks, Megan
Sent: Wednesday, March 02, 2016 12:33 PM
To: City Elected Officials <CitywideElectedOffDistlist@portlandoregon.gov>; City Elected Officials Exec's <CitywideElectoffexecsDL@portlandoregon.gov>; City Elected Officials Schedulers <CitywideEOSDL@portlandoregon.gov>
Cc: Parks - Parks Board <ParksBoard@portlandoregon.gov>; Cairo, Jenn <Jenn.Cairo@portlandoregon.gov>; Jimenez, Warren <Warren.Jimenez@portlandoregon.gov>; Abbate, Mike <Mike.Abbate@portlandoregon.gov>
Subject: Portland Parks Board letter of support for UFC recommendations on proposals for Title 11 Amendments

Dear Mayor Hales and City Commissioners—

Please see attached letter from the Portland Parks Board in support of the Urban Forestry Commission's recommendations on proposals for Title 11 Amendments.

All best,
 Megan

Megan Dirks

Director's Executive Assistant
 Portland Parks & Recreation
 1120 SW Fifth Ave., Suite 1302
 Portland, Oregon 97204
 503-823-5135 (office)
megan.dirks@portlandoregon.gov
portlandparks.org

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PORTLAND PARKS & RECREATION

187675

Healthy Parks, Healthy Portland

Date: March 2, 2016

To: Portland City Council

From: Portland Parks Board

Re: Proposals for Title II Amendments: Tree Preservation in Development Situations

Dear Mayor Hales and City Commissioners,

Over the past year, the Parks Board has been apprised about the status of the new Tree Code. We were informed about the Administrative Rule directive and most recently, reviewed supporting materials about the various stopgap proposals to preserve large, healthy trees.

We are writing to show our support for the Urban Forestry Commission's comments and recommendations as per their letter dated January 29th, 2016. With less than 2% of the city's trees larger than 48' dbh, the Bureau proposals will do little to preserve what remains of Portland's iconic canopy. The dbh threshold for protecting trees in development situations must be markedly lower if we are to curtail the rampant removal of large, healthy trees. Inch for inch mitigation should begin at that lower threshold as a means to recover the social, economic and environmental benefits from exceptionally large trees.

The Parks Board is in agreement that the amendments should apply to City and Street trees in addition to Private Trees. The City should be eager to protect its \$6 billion dollar asset and serve as a model for the private and public sector to follow.

We support the amendments to adopt a sunset date of three years after the effective date of the amendment ordinance and agree to the notification requirement of 30 days.

Finally, we strongly encourage you to direct the appropriate Bureaus to collaborate together and allocate sufficient resources for revising the Tree Code as soon as possible.

On behalf of the Parks Board, I want to thank you for addressing this important issue that is impacting communities across the city.

Sincerely,



Judy BlueHorse Skelton
Chair, Portland Parks Board

Portland Parks Board

Judy BlueHorse Skelton, Chair

*Jeff Anderson • Tonya Booker • Kendall Clawson • Patricia Frobes • Kathy Fong Stephens
Ian Jaquiss • Dion Jordan • Tony Magliano • Andy Nelson • Jim Owens • Meryl Redisch
Linda Robinson • Gladys Ruiz • Christa Stout • Sue Van Brocklin • Julie Vigeland*

From: Lisa Skube <lisa@journalismaccelerator.com>
Sent: Wednesday, March 02, 2016 2:03 PM
To: Council Clerk – Testimony
Subject: In support of URBAN FORESTRY's PROPOSAL
Attachments: L.Skube - Word doc for PPT - 7209 SW Third Case Study.pdf; Vintage Homes NW - knowingly kills three HUGE city trees 7209 SW 3rd 97219.pdf

With gratitude for consideration --

As a citizen, home owner and long time city of Portland resident I respectfully submit this letter and attachments (please see/submit, two attachments) to voice my support of the Urban Forestry Commission's proposal and STRONG disapproval of the Frits/Saltzman proposal.

I have been tracking, have had MY property values and quality of life directly impacted, supporting advocates of thoughtful policy creation, continued reading, listening and looking at the range of assets, concerns and invaluable attributes of this city that are currently at risk with far too much short sighted impetus seeming to undermine the longer term goals, climate, community and sustainability our amazing city warrants.

It is confounding that development may be given the opportunity to manipulate our city in ways simply unnecessary. Even Seattle has done a better job in this area around protection of "assets" than the kind of politics we are seeing over riding the longer view, and greater win for all citizens and inhabitants of Portland. In fill is absolutely necessary, BUT doing so recklessly abandons and decimates alarmingly few really big trees and those that will become BIG trees (20 inches diameter and up/realistically - its not just the 40" plus category).

The requirements need not be characterized without regard to how truly few of these remaining "assets" we have compared to say... decorative trees, or shrubs -- none of these creating a canopy - which increasingly fragmented is irreplaceable.

Buildings are granted consideration for the historical registry at fifty years, trees however are coming down like kindling with scant community input, awareness or evaluation of their true value - in terms of qualities and contributions that they make as habitat for rare birds, climate benefits, quality of life, health and human safety and preserving the character of a city over run by interests and entities that don't live here. The character of our neighborhoods is defined by the trees that line our streets and protect us from heat, weather, preserve water, improve our air and provide essential habitat for hundreds of insects, birds and other critters.

Our city's citizens expect their elected officials and representatives to protect our city and its trees for the long term, that all interests are properly balanced, keeping what makes Portland, Portland.

My neighborhood has been hit HARD by the lack of enforcement and short sighted developments that are decimating our canopy. A brief attached here, with images to provide essential context. -- *this was before another six MORE trees came down over the six months after this case study drafted.* Half of them not permitted, for Everett Homes down the street currently building a house three times the size of any of the existing traditional homes on a street lined with homes some build in the 1880s - one of these four trees over 64 inches in diameter. ***The three trees killed in the attached case study all over 100 feet - 30" diameter and up - all city trees, none of them replaced - only one still standing (the smallest - about 110 feet)***

Considering the various proposed amendments to Title 11 this coming Thursday at 2 pm in the city council chambers -- **I continue to support the Urban Forestry Commission's proposal which includes reducing the lot exemption size from 5000 sf to 3000 sf.** Though the Fritz/Saltzman includes some additional disincentives (primarily financial) to developer tree removal, they retain the current 5000 sf exemption. **This is not acceptable.**

I appreciate the opportunity to share my concerns and comments, the attachments -- which in my neighborhood's case - the damage we have experienced has gone on unchecked, unmitigated, unaddressed as my taxes (massive in this neighborhood) bear witness to my neighborhood's trees destroyed through negligence, needlessly.

The Urban Forestry's proposal is the ONLY proposal that warrants consideration. Any other proposal completely dismisses the city's citizens, for short term gains with far longer term losses to our city's long range economic, environmental, social, cultural integrity and quality of life.

Thanks for the opportunity to weigh in.

Lisa Skube

7149 SW 3rd Avenue, Portland, OR 97219

Hillsdale Neighborhood

--

Lisa Skube
Journalism Accelerator
Cell | 503-757-8392
on twitter [@journacel](#) | [@lskub](#)

Hillsdale Neighborhood

Case Study: 7209 SW Third Avenue, Portland - 97219

Shared by: Lisa Skube, live across the street - images and my experience offered as a means to create better policy
Email - skubepdx@msn.com

2010 : Four mature city trees – corner lot – thriving

2014: One city tree standing – unchecked development kills three

Issues:

- **"BDS" had been on point around "enforcement"**
- **City forestry group – on point around trees & their preservation & care**
- **Disconnect between bureaus – no observable oversight occurred**
- **Disconnect as lot went up for sale – no communication with our neighborhood**
- **Largest city tree, mature Doug Fir -- based on arborist assessment, had a root structure likely 100 feet in diameter (*Honl Tree Care*)**
- **House setback less than 20/25 feet from tree trunk**

Development unchecked – over built lot, put in a "basement" (above ground)
Development out of character in a Portland "legacy" neighborhood

Development: NW Vintage Home

- **Two law suits** (that we know about) with city
- **City shut down the development at one point with notices of "stop work" posted on the trees**
- **Developer informed neighbor's that shared a property line, goal was to build maximum square footage to make back "losses" -- as development had been delayed and a buyer to take the lot/home off his books**
- **Neighbors who shared property line moved in under a year of development completion (7209 SW 3rd) - which now towers over that house, "basement " of new development/house the view out their kitchen window**
- **Development is 100% out of character** with one of the oldest neighborhoods in Portland (100 years old+)
- **Development prosecuted lot within an inch of its life** and took a priceless resource from our neighborhood that we can't "replace" -- **a needless loss of three mature city trees** - each over 100 feet, each over 50 years old.



Complicating Factor – Water Bureau

Putting in big pipe at the exact same time development got underway -- disrupting existing ecology of largest corner tree beyond its ability to survive

No recourse for neighbors, no feedback channels, BDS never returned one of my phone calls, City of Portland forestry group was far more responsive and helpful

No observable oversight of development, no information provided to the neighborhood on what had been approved

Upside? One tree survived (out of four city trees that lined this lot)

Hillsdale Neighborhood

Case Study: 7209 SW Third Avenue, Portland - 97219

Shared by: Lisa Skube, live across the street - images and my experience offered as a means to create better policy
Email - skubepdx@msn.com

Opportunity?

1. We can learn from this to do it differently – *We can do better. Proactively.*
2. Rules w/out coordination , education, enforcement, incentives, calling out green washing, penalties and monitoring will fail to have the teeth required to achieve compliance.
3. Developers will look for, and find, loop holes. And beg forgiveness -- after the fact. (Not all! But many are.)
4. Our city's communities, shared natural resources and rich ecological diversity are at risk. Portland's canopy, unique neighborhoods, flora and fauna are not safe.
5. Mitigate the current climate of entitlement: developers will line their pockets with our city's legacy – needlessly – motivated by profit. (Not all! But many are doing so now)
6. Inform the surrounding neighborhood of development– give neighbors feedback channels, reasonable recourse and a seat at the table. Provide neighborhoods ability to buy lots and serve as watch dogs for compliance of approved developments. **Reasonably.**
7. Mature trees to replace lost trees, at same location(s). (not little seedlings but larger trees with potential to make it)

Big questions I am left with:

If buildings are eligible at 50 years for consideration of inclusion in the national registry, why aren't our city's trees given the same respect?

How can neighbors be a part of making the new tree rule work, for the right reasons - in the most constructive ways?



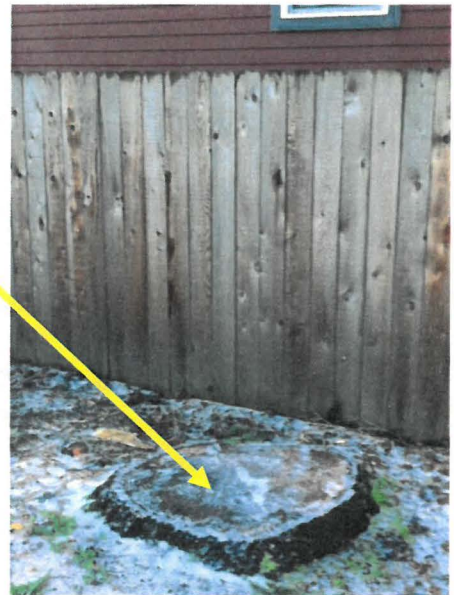
Spring 2010. Lot before sale, corner SW Third and Nevada - 7209 SW 3rd Ave



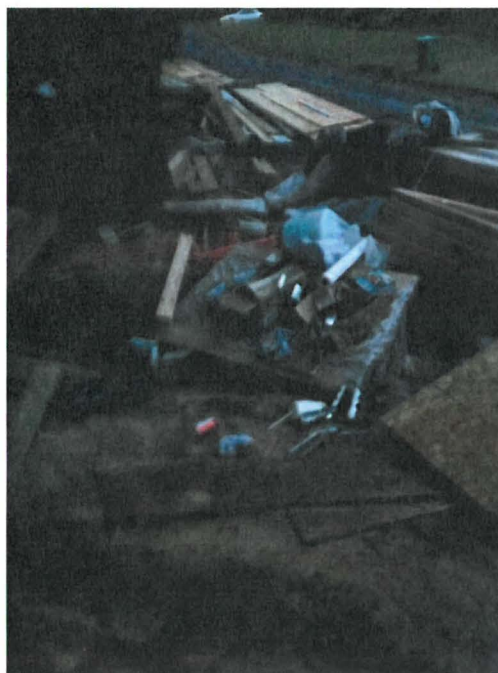
Oct 2014. Mature Doug Fir stump, largest of three PDX CITY trees killed

Nov 2014. What now towers over the existing lot

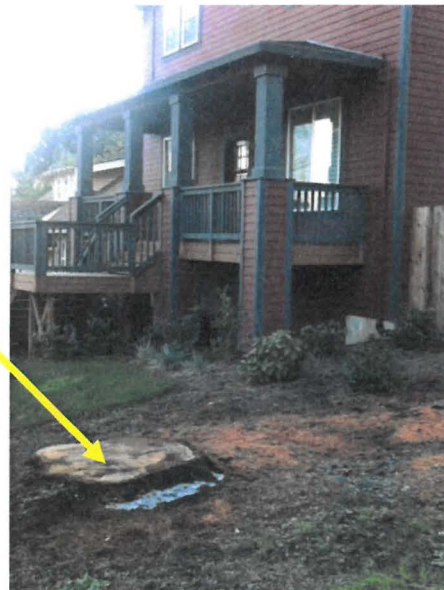
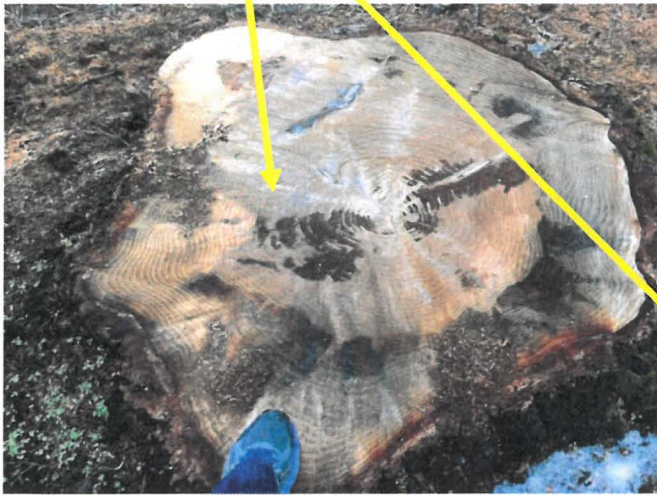
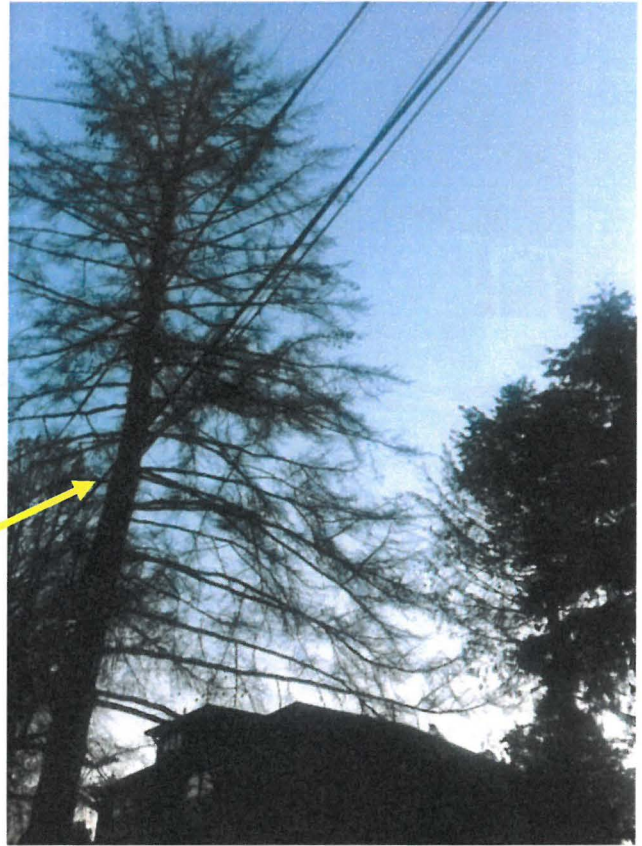


BEFORE

187675



187675





AFTER - TODAY what I look at out my window... Across the street, heinous...



Parsons, Susan

From: Dianne Ensign <roughskinnednewt@hotmail.com>
Sent: Wednesday, March 02, 2016 1:24 PM
To: Council Clerk – Testimony
Subject: Please support Audubon Society of Portland's tree code reforms

Dear Council Clerk,

The numerous environmental and economic benefits of large trees are well documented, and I thank you for taking steps to better protect Portland's large healthy trees in development situations. Please support Audubon Society of Portland's proposal for tree code reform:

- Require inch-for-inch mitigation for cutting large, healthy trees greater than or equal to 30" diameter at breast height (dbh) in development and non-development situations with no cap.

- Use a graduated system to mitigate for trees less than 30" dbh, which better reflects the value of trees removed.

- Apply new preservation and mitigation standards to commercial and industrial lands as well as City and Street Trees.

- Fund Title 11 Comprehensive Reform this year to build on this stop-gap measure.

Title 11 standards are inadequate to protect Portland's remaining large healthy trees. They don't require that any trees be preserved on a site and mitigation fees are too low to compensate for the loss of large healthy trees.

Please address the circumstances that have made our city's trees vulnerable to cutting, and in many instances, unmitigated loss. I have seen it happen in my own neighborhood, with more occurrences imminent as the construction season ramps up again.

Thank you for your consideration.

Sincerely,

Dianne Ensign
11600 SW Lancaster Rd.
Portland, OR 97219

Parsons, Susan

From: Justin Wood <justin@fishconstructionnw.com>
 Sent: Wednesday, March 02, 2016 8:40 AM
 To: Council Clerk – Testimony
 Subject: Portland City Tree Code Testimony

Members of the Portland City Council,

I would like to share with you a few concerns I have about the proposed Tree Code changes that Council will be reviewing tomorrow.

First I would like to say that I think the proposals submitted both by BDS and the Planning and Sustainability Commission were the most fairly crafted proposals, when consideration of all city goals are weighed. Urban Forestry and Parks, while their proposals were well thought out, the charge of these groups is to first and foremost look out for the preservation of trees above all other goals. While tree preservation is important, it must be balanced with other city goals such as affordability, density, solar access, etc. I feel that BDS and the PSC did a good job crafting proposals which did not create a punitive code at the expense of other goals.

That being said, I appreciate the effort of Commissioner Fritz & Commissioner Salesman to try and craft a compromise between the different proposals. While this compromise is better than the proposals put forward by Parks or the Urban Forestry Commission, I do believe it contains a couple of major issues which should be examined.

First, and I feel most importantly is that the proposal you will be looking at on Thursday contains many references and calculations referring to costs of replacement trees or caliper tree value of \$300 per inch. While this proposal has been vetted, it has not in my opinion been vetted with the correct numbers. **At our February DRAC meeting, it was presented to members of the DRAC, that within the next couple of months, Parks intends to come to Council with a package of fee increases. One such increase will include a request to raise the fee from the current \$300 to \$600, effectively doubling every fee and example you are looking at today.** I believe that if this proposal is to be fairly examined for its impacts to affordability in this city, then the proposal must contain accurate numbers. It must also contain some type of a provision locking in the rate for a period of time. I would suggest that the fees included in this proposal be tied to the sunset date of the proposal and held in place while this proposal is tested.

With specific regards to the Saltzman / Fritz Proposal, if the fees were locked in at \$300, then I am generally supportive of the structure of the proposal but believe there are some tweaks needed in order to create a balanced plan.

- Caliper Size for a "large" tree notification - Both BDS and the PSC defined a "large" tree and one that carried the highest costs for replacement, as a tree over 50". Even in the Saltzman / Fritz proposal, the highest cap for the fee in lieu kick in at over 50". This proposal came about in a response to try and preserve the largest trees in development situations, a 36" tree for our purposes is not a "large tree". If the Saltzman / Fritz Proposal were to change the threshold for both the notification requirement, and the 1/3 preservation standard to apply to trees larger than 50", then I believe this would more effectively balance preserving large trees, with not creating onerous costs and regulations for development.
- Cap on Fees - Both BDS and the PSDC suggested a cap for the replacement cost on highest value trees more than 50". I believe this is very important as to create certainty and to establish a fee which does not become extremely onerous. I would suggest looking to the PSC recommendation to establish a cap.

- Consistency in Standards - These changes to the tree code are only being proposed to be placed on lots when they are in a development situation. I believe that if the intent of the code is to preserve large trees then the same standard must be applied to all lots (private homeowners or developers). Why is a tree worth less if it is a private home owner removing it, as opposed to a developer. Further to this point you will create a system where people could "game" the system by having a homeowner remove their tree, prior to it becoming a development situation. Creating a tree code, where there is an opportunity to do things like this should not be a goal of the city.

Lastly, I want to take this time to ask Council to step back and consider a couple of points. The tree code we are under now, was a result of years of work from a variety of stakeholders to try and come up with a tree code which was fair, balanced and weighed other goals of the city such as affordability and density. We are little more than one year into the tree code and we are now proposing to make SUBSTANTIAL changes to the code, undoing the work, time and effort invested by the original Tree Code Committee Members. Earlier this year BDS researched the number of trees removed, due to development, which would have been considered "large trees". After removing trees that were diseased or nuisance trees, I believe that number was 6 trees. In other words we are making substantial changes to the tree code over 6 trees.

The Tree Code was intended to be simplistic, the original tree preservation standards as part of title 33, were complex, onerous and created a system where an Arborist was needed for all but the most simple of tree removals. We strived to develop a code which balanced the goal of preserving trees while establishing a mechanism to preserve where possible, or replant trees where not possible, thus maintaining the integrity of the affordability and density goals of the city. These proposed changes to the code are a departure from those goals.

The last point I would like to make is that everywhere we turn we see that this city has an affordability crisis. Not just for families below the median family income, but also for middle income families who struggle to continue to live in Portland. I build homes for families in this price range. Every time Council passes a new fee, regulation, SDC increase etc, these costs add to the cost to build the homes I build in this city. It is a struggle to continue to build homes in a price range targeted to families at or below 120% of MFI. This is a niche our family owned company has prided ourselves in but we now find ourselves competing against builders who can take the same lot we built a \$300,000 home on and build a \$500,000 house on. Every cost increase further dwindles our ability to build homes to serve this home buying market.

Please consider that Middle Income Families are also being pushed out of the Portland home buying market, and also consider that cost / fee increases while they may be able to be absorbed in the market for high priced homes, are not as easily absorbed in our market. Contrary to what you read in the papers or see on TV, "McMansions in Eastmoreland" are not the only homes being built today.

Sincerely,

Justin Wood

V.P. - Construction

Fish Construction NW, Inc.

503-292-9891 (o) 503-997-7966 (c)

Parsons, Susan

From: sam bean <sambean69@hotmail.com>
Sent: Tuesday, March 01, 2016 7:04 PM
To: Council Clerk – Testimony
Subject: Be a Voice for Portland's Trees!



We can prevent this from happening

Save the Trees!!!! Especially the big ones. We need them, even more so with an increase in traffic in Portland. Let's help preserve our air quality.

◆ Portland's urban forest is dwindling, with large, valuable trees being replaced by species (mostly nonnative) that are small in form and benefits. There are very few huge trees in the city, and it's important to note that many species (even highly beneficial native ones) do not grow to a large diameter (or they are extremely slow-growing, as in the case of Oregon white oak). Removing young trees will eventually result in a lack of mature trees that are so aesthetically and ecologically appealing. The Urban Forestry Commission's recommendations state that "... roughly no more than 2% of trees currently standing in Portland would benefit from [the Parks or BDS proposals]. The PSC proposal would affect ~4% of all trees currently being permitted for removal as tallied by BDS in August 2015."

◆ Mitigation is not preservation-it merely puts a price on trees and does not protect them. For those with enough money, it's a weak and ineffectual disincentive. True preservation prohibits tree destruction and requires developers to build around existing trees. To be most effective, mitigation should be based on size, but also species (especially native species), via inch-for-inch replacement for trees 20 inches or greater (with no cap on total fee). For smaller trees, the old fee-in-lieu of preservation should be updated with Urban Forestry's current and actual costs of labor and materials for planting a tree and providing it with 2 years of care.

◆ The threshold for very large trees should be no more than 30 inches DBH.

- ◆ Amendments should apply to lots less than 5,000 sq. ft., since valuable trees certainly do exist on small lots. The UFC considers it "a significant loophole that is likely to allow significant unregulated and unmitigated removal of significant trees during development ... [and] recommends that these provisions apply to lots 3,000 sq. ft. and larger."
- ◆ Amendments should apply to trees on private property, but also street trees and trees on city, commercial, and industrial land. Wildlife in need of trees to survive doesn't care what type of land trees live on!
- ◆ At least 30 days notice should be given to neighbors and neighborhood associations. Furthermore, [Type II](#) reviews should be implemented whenever there are plans to destroy significant trees.
- ◆ Amendments should only be temporary and be in effect for no more than 3 years.
- ◆ **A complete and comprehensive overhaul of Title 11 is essential following implementation of a temporary stop-gap measure. It should be funded and undertaken ASAP.**

Thanks for considering, Sam
Samantha Bean

From: Suzanne Sherman <suzanne@fatcathatsandsacks.com>
Sent: Tuesday, March 01, 2016 3:25 PM
To: Council Clerk – Testimony; Commissioner Fritz; Novick, Steve; Commissioner Fish; Commissioner Saltzman; Hales, Mayor; Howard, Patti
Subject: Please adopt the Audubon Society of Portland's proposal for Tree Code Reforms

Good Day,

I am writing in support of the Audubon Society of Portland's proposal for Tree Code reforms. I am thankful that you are taking steps to improve the Tree Code so that our large beautiful trees can be protected as our City undergoes so much development. Please adopt the Audubon Society of Portland's proposal. They have worked with the public and City departments to create these recommendations that address the concerns we all have:

- Require Inch-for-inch mitigation for cutting large, healthy trees ≥ 30 " diameter at breast height (dbh) in development and non-development situations with no cap.
- Use a graduated system to mitigate for trees ≤ 30 " dbh, which better reflects the value of trees removed.
- Apply new preservation and mitigation standards to commercial and industrial lands as well as City and Street Trees.
- Require public notice and a 30-day delay for removal of all trees greater than ≥ 20 " dbh permitted for removal in both development and non-development situations...as well as notice to adjacent properties and neighborhood associations.
- Increase the Urban Forester's authority to require adjustment of PBOT's street improvement standards to allow alternative designs and technologies to avoid removing healthy, non-nuisance street trees ≥ 20 " dbh in or near right of ways.
- Fund Title 11 Comprehensive Reform this year to build on this stop-gap measure.

Title 11 as it is has proved to be significantly flawed when it comes to protecting our trees. I am glad you are taking steps to improve it...but please do not delay in adopting these changes...we have already lost way too many of our trees.

Thank you,

Suzanne Sherman
Mt Tabor resident

Sent from my iPad

From: Judy Steinberger <jlasteinberger@gmail.com>
Sent: Tuesday, March 01, 2016 12:00 PM
To: Commissioner Fish
Cc: Council Clerk – Testimony
Subject: Ammending the Portland Tree Code

Dear Portland City Council Member

I am sending a short note to thank you for addressing the recent egregious loss of healthy trees in Portland neighborhoods due to significant development and construction that I believe has engendered many problems unforeseen by local governments.

You have, no doubt, received many comprehensive letters citing specific facts and points, so I will just briefly urge you to support the Audubon Society's proposal for the last stop gap measure to preserve healthy old trees. I was recently traveling in South America, and enjoyed Santiago, Chile during its summer months. While a lovely, vibrant city, replete with many bicycle commuters, the heat that bounced off the sidewalks and buildings was intense, as was the very noticeable, and infamous air pollution. As I walked around, it struck me how very few trees were visible within the extensive city. I was struck by the sharp contrast between Santiago and Portland - with its strong urban canopy. We need to make sure it remains thriving and that trees continue to be seen and protected as the very significant contributors to the quality of Portland's communities.

Thank you

Judy Steinberger

Moore-Love, Karla

From: sjulin@comcast.net
Sent: Monday, February 29, 2016 8:26 PM
To: Commissioner Fritz; Commissioner Saltzman
Cc: Hales, Mayor; Commissioner Fish; Commissioner Novick; Moore-Love, Karla
Subject: City Tree Code Chapter 11.50, Thursday, March 3, 2016, 2:00 p.m.
Attachments: Tree Code Amendment - March, 2016 - letter regarding.docx

Hello Amanda and Dan,

Please include the following as my public testimony for Council item #212 on Council Agenda for Thursday, March 3, 2016, which addresses revisions to the City's Tree Code, Chapter 11.,50.

Also attached to this e-mail as a Word document.

Thanks,
 Jim Sjulín

February 29, 2016

To: Commissioner Amanda Fritz
 Commissioner Dan Saltzman

From: Jim Sjulín, 4028 SE Salmon Street, Portland, OR 97214
 Re: Amendments to Code Chapter 11.50 as to be considered by City Council on March 3, 2016.

I support the Fritz-Saltzman proposal as shown as Exhibit A to the proposed Ordinance. Amidst the confusion of the multiple and differing proposals generated by two City Bureaus plus two City Commissions, it may be the only one that adheres to the problem at hand: the accelerated loss of large trees due to private development on private property coupled with insufficient mitigation.

Additionally, I believe that modification of Code affecting City-owned trees and right-of-way trees should **NOT** be considered at this time. You will continue to hear opinions that the City Code should be modified now to address mitigation standards for trees in the right-of-way and City-owned trees in parks and other city-owned properties. Indeed, the Code may need modification in these areas of application, but it needs to be done in a thoughtful manner. I don't know about the current pace of right-of-way tree removals, but I do know that there is currently no crisis with City-owned tree removals. And it's more than unclear if calls for mitigation prescriptions that add tree canopy in parks or forces parks to pay for adding tree canopy on property owned by others makes any sense at all. If the Urban Forestry Commission and others wish to modify the Code as it applies to rights-of-way and City-owned trees, two things need to happen:

1. Read and follow the lead taken by the City's own *Urban Forestry Management Plan*. It very helpfully divides the City into different Urban Landscape Environments, called ULE's for short (say "you-lees"). This enables the City to analyze the very different challenges and opportunities of each ULE. Rights-of-way, residential, developed parks, natural areas, industrial and commercial are very different from one another. Thus far, the City's Tree Code does not reflect these differences, and it probably needs to. In this policy debate, rather than

following the lead of the *Urban Forestry Management Plan*, the Forestry Commission and others are continuing to lump City-owned trees and right-of-way trees together. Some go further, suggesting (for no real reason) that all public trees should be held to a higher mitigation standard.

2. Affected parties need to be meaningfully involved in the creation of Code changes. Parks have many constituencies and many partners involved in the use and management of their City-owned landscapes. Think golfers, sports leagues, wildlife watchers, public garden visitors and their supporting friends groups. All need to be made aware of and be involved with changes to the tree code as it applies to parks. Thus far, these constituencies are uninformed, uninvolved, and have yet to be uninvited. (I am unaware if PDOT, ODOT, and neighborhoods have been involved in discussions affecting rights-of-way.)

I have recently been involved in obtaining two permits for tree removals at Leach Botanical Garden. I went through two City processes and avoided a third due to exemptions. Needless to say, I do have some thoughts on how regulating City-owned trees might be streamlined without compromising the quality and quantity of the urban tree canopy. I would be happy to add my voice in subsequent discussions.

Cc: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Steve Novick

February 29, 2016

To: Commissioner Amanda Fritz
Commissioner Dan Saltzman

From: Jim Sjulín, 4028 SE Salmon Street, Portland, OR 97214

Re: Amendments to Code Chapter 11.50 as to be considered by City Council on March 3, 2016.

I support the Fritz-Saltzman proposal as shown as Exhibit A to the proposed Ordinance. Amidst the confusion of the multiple and differing proposals generated by two City Bureaus plus two City Commissions, it may be the only one that adheres to the problem at hand: the accelerated loss of large trees due to private development on private property coupled with insufficient mitigation.

Additionally, I believe that modification of Code affecting City-owned trees and right-of-way trees should NOT be considered at this time. You will continue to hear opinions that the City Code should be modified now to address mitigation standards for trees in the right-of-way and City-owned trees in parks and other city-owned properties. Indeed, the Code may need modification in these areas of application, but it needs to be done in a thoughtful manner. I don't know about the current pace of right-of-way tree removals, but I do know that there is currently no crisis with City-owned tree removals. And it's more than unclear if calls for mitigation prescriptions that add tree canopy in parks or forces parks to pay for adding tree canopy on property owned by others makes any sense at all.

If the Urban Forestry Commission and others wish to modify the Code as it applies to rights-of-way and City-owned trees, two things need to happen:

1. Read and follow the lead taken by the City's own *Urban Forestry Management Plan*. It very helpfully divides the City into different Urban Landscape Environments, called ULE's for short (say "you-lees"). This enables the City to analyze the very different challenges and opportunities of each ULE. Rights-of-way, residential, developed parks, natural areas, industrial and commercial are very different from one another. Thus far, the City's Tree Code does not reflect these differences, and it probably needs to. In this policy debate, rather than following the lead of the *Urban Forestry Management Plan*, the Forestry Commission and others are continuing to lump City-owned trees and right-of-way trees together. Some go further, suggesting (for no real reason) that all public trees should be held to a higher mitigation standard.
2. Affected parties need to be meaningfully involved in the creation of Code changes. Parks have many constituencies and many partners involved in the use and management of their City-owned landscapes. Think golfers, sports leagues, wildlife watchers, public garden visitors and their supporting friends groups. All need to be made aware of and be involved with changes to the tree code as it applies to parks. Thus far, these constituencies are uninformed, uninvolved, and have yet to be uninvited. (I am unaware if PDOT, ODOT, and neighborhoods have been involved in discussions affecting rights-of-way.)

I have recently been involved in obtaining two permits for tree removals at Leach Botanical Garden. I went through two City processes and avoided a third due to exemptions. Needless to say, I do have some thoughts on how regulating City-owned trees might be streamlined without compromising the quality and quantity of the urban tree canopy. I would be happy to add my voice in subsequent discussions.

Cc: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Steve Novick

Parsons, Susan

From: Feters, Mark
Sent: Monday, February 29, 2016 12:23 PM
To: Moore-Love, Karla; Parsons, Susan
Cc: Mh Kincaid; Scarlett, Paul; Torgerson, Leanne
Subject: DRAC Letter re: March 3rd City Council hearing on Tree Code amendment proposals
Attachments: DRAC Letter re BDS Tree Code Amendment Proposal Final 01-11-16 (002).pdf

Karla/Sue, the Development Review Advisory Committee (DRAC) would like to submit the attached letter regarding the City Council hearing scheduled for this Thursday, March 3, 2016 at 2:00 p.m. (item #212, "Strengthen regulations for tree preservation in development situations").

Thank you. Please contact me if you have any questions.

Mark Feters
Sr. Management Analyst
City of Portland
Bureau of Development Services
(503) 823-1028
mark.feters@portlandoregon.gov



City of

PORTLAND, OREGON

Development Review Advisory Committee

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7308
FAX: 503-823-7250
TTY 503-823-6868
www.portlandonline.com/bds

January 11, 2016

AUDITOR 02/29/16 PM 2:06

Dear Planning and Sustainability Commissioners and Urban Forestry Commissioners,

We are writing to express our support for the Bureau of Development Services' (BDS's) proposed amendments to the City Tree Code (P.C.C. Title 11), which you will be considering on January 12th and 21st, respectively. We are opposed to the alternative proposal put forward by the Bureau of Parks and Recreation.

We reviewed and discussed BDS's proposal in detail at the Development Review Advisory Committee (DRAC) meeting on December 17, 2015. We believe that BDS's proposal is a well-balanced approach to an issue that has garnered significant community attention. While addressing public concerns over the removal of large trees in development situations, the tiered approach of the proposal recognizes the differing impacts of various sizes of trees. DRAC members include representatives from various development-related industries as well as neighborhood interests, and all but two members (who abstained) expressed approval of BDS's proposal.

We also reviewed and discussed the Parks Bureau's code amendment proposal in a meeting on November 19, 2015. At that time we expressed serious reservations about their proposed amendment and the process by which the proposal was developed. DRAC members acknowledge that the proposed revisions are meant to be a disincentive to the removal of the City's largest trees, but the DRAC had concerns for the "costs" proposed by Parks for tree replacement. The costs will affect other interests, impacting housing costs, homeowners, and efforts to meet the City's infill and density goals. The Parks Bureau proposal was put forward as a "stop-gap" measure, while BDS's proposal represents a more balanced, long-term solution.

We therefore encourage you to give your approval to BDS's proposal. We believe their proposal best serves the needs of the community and the development industry.

Thank you for your time and attention.

Sincerely,

Maryhelen Kincaid
Development Review Advisory Committee (DRAC) Chair

Development Review Advisory Committee
 Letter re: Proposed City Tree Code Amendments
 January 11, 2016

Cc: Commissioner Nick Fish
 Commissioner Amanda Fritz
 Commissioner Steve Novick
 Commissioner Dan Saltzman
 Paul L. Scarlett, Director, Bureau of Development Services

Development Review Advisory Committee (DRAC) Members

<u>Name</u>	<u>Representing</u>	<u>Affiliation</u>
Claire Carder	Neighborhood Coalition Land Use Committees	Neighborhood Coalitions
Hermann Colas	Minority Construction Contractors & Development Professionals	Colas Construction, Inc.
Phil Damiano	Environmental Conservation & Green Building	Johnson Air Products
Maxine Fitzpatrick	Low-Income Housing Developers	PCRI, Inc.
David Humber	Public Works Permit Customers	Humber Design Group Inc.
Rob Humphrey	Small Businesses	Faster Permits
Maryhelen Kincaid	Citywide Neighborhood Interests	Citywide Land Use Interests
Christopher Kopca	Historic Preservation	Downtown Development Group LLC
Dana Krawczuk	Frequent Development Review Customers	Perkins Coie LLP
Jennifer Marsicek	Design Professionals	Scott Edwards Architecture
Kirk Olsen	Large Developers	Trammell Crow Company
Joe Schneider	Large Construction Contractors	Skanska
Justin Wood	Home Builders	Fish Construction NW Inc.

Moore-Love, Karla

From: Katherine Christensen <m_k_christen@yahoo.com>
Sent: Sunday, February 28, 2016 4:59 PM
To: Council Clerk – Testimony

Dear Mayor Hales and City Council Members,

I want to voice my support for the Urban Forestry Commission's proposal and disapproval of the Fritz/Saltzman proposal.

Katherine Christensen

3441 SW Dolph Ct

Portland 97219

Moore-Love, Karla

From: Ellen and Houston <ellenhouston03@msn.com>
Sent: Saturday, February 27, 2016 3:18 PM
To: Council Clerk – Testimony; carolmcc
Cc: Crail, Tim; James Peterson
Subject: Title 11, Tree Code Amendments, Trees In Development Situations

 **Photo E-mail**

[View slideshow](#) | [Download images](#)



Dear Mayor and City Council Persons;

We are writing to voice our support for the Urban Forestry Commission's proposed amendment to the City Tree Code, Title 11, Trees In Development Situations. Council Persons Fritz and Saltzmans' proposal includes some disincentives to developer tree removal, but it did not respond to citizen input and that of the local Audubon Society requesting reduction of the lot size exemption to 3000 sf. We, in the Multnomah Village area have seen several examples in which developers have built on 5000 sf lots and have removed all of the trees, often including large mature trees. As visual evidence of our concern, we attach photos of three lots within 1/2 mile of our home. The 5000 sf exemption gives developers license to clear cut trees. Your vote on this matter will reflect your vision for the future of Portland; in particular the neighborhoods that retain the urban tree canopy.

Do you want to pack in as much development as possible on existing lots or leave the existing lots as they are in those neighborhoods that support the Urban Forest Canopy? In 2009 the Seattle Parks Department found that most of the canopy growth in recent years occurred on single-family properties and most of the loss accrued in city parks. All the city's parks and greenbelts and their street frontage together held just 21 percent of its canopy acreage. Sixty-three percent grew on single-family lots and their street frontage, 49 percent on the parcels themselves. This is why single family properties are important for trees and the non-human species, air, water, health and well-being that they support. Scientific research is replete on this subject. You will be happy to learn that Portland reports a 30% urban canopy coverage, and Seattle only 22%. Why don't we keep the mature trees and our amazing and healthful tree canopy?

Sincerely,

Ellen Gentry and Houston Markley, 4629 SW Carson Street, Portland 97219.

187675

These photos will be available on OneDrive for 30 days. To learn more about OneDrive, click [here](#).
To share high quality pictures with your friends and family using MSN Photo E-mail, [join MSN](#).

Moore-Love, Karla

From: Greg Schifsky <slocomotive9@gmail.com>
Sent: Saturday, February 27, 2016 2:48 PM
To: Council Clerk – Testimony
Subject: city forester

CC

An amendment to my own correspondence of today; Urban Forester is meant to be City Forester. Should not trump Tree Title or have authority to circumvent the intent of the Title011 codes/regs during developments.

Greg Schifsky

Moore-Love, Karla

From: laurawozniak1@gmail.com on behalf of Laura Wozniak <lawoz@comcast.net>
Sent: Saturday, February 27, 2016 11:48 AM
To: Council Clerk – Testimony
Subject: Your proposal does not go far enough to protect trees!

Please, at the minimum, adopt the Urban Forrestry Proposal. Even that does not protect trees. It is already to easy for developers to clear trees by getting large healthy trees declared "dangerous" and the fees are small for the few trees that they have to pay a fine on. Please do nothing to make it easier to destroy our valuable urban forrest.

It is our trees that make our city desirable, beautiful, healthy and protect birds, other wildlife and insects. The "unsuitability" label that developers continue to use to condemn our native Douglas Firs really just protects the square feet they can develop. Portland grew up and has thrived built around these natural guardians. Once gone, the trees can never be replaced. Concrete bordered bioswales and small non-native landscape trees will never replace true urban habitat. Birds and small mammals cannot migrate around big cities - the urban growth boundary is not suitable to their migration needs. They need wildlife corridors and shelter to rest and feed as they move from the Coast Range to the rivers.

Our trees also provide a reservoir of cooling shade, air filtration and sequestering of CO2.

Please do listen before it is too late to soften the damage of development.

Laura Wozniak
7226 SW 29th Ave
Portland, OR 97219
503-312-6176
lawoz@comcast.net

Moore-Love, Karla

From: Greg Schifsky <slocomotive9@gmail.com>
Sent: Saturday, February 27, 2016 11:36 AM
To: Council Clerk – Testimony
Subject: Title - 11

CC Testimony,

The preservation, protection, salvation of significant trees in Portland must be saved via a strong Title - 11, and not favor developers as is the current situation.

No language in the Title, codes, regulations, that circumvent saving our remaining large trees, should be tolerated, and that language removed (such as an Urban Forester empowered to override rules to save significant trees).

Also, in environmental protection and conservation zones, all trees (except invasive ones) need protecting and should not be removed by a BDS or BOP approval. BES guidance is important during this condition, and our State-wide Watershed Councils should also have a say in preserving our great trees.

Greg Schifsky
4131 SW Lee St.
Portland, OR 97221-3667
503-246-2714

Moore-Love, Karla

From: Kellye Just <kellye.just@gmail.com>
Sent: Wednesday, February 24, 2016 9:27 AM
To: Commissioner Fish; Commissioner Novick; Commissioner Saltzman; Commissioner Fritz; Hales, Mayor; Council Clerk – Testimony
Subject: Tree cutting proposals for Portland

Honorable Commission Members:

I am writing you to express my support the Audubon Society recommendations for the upcoming proposed tree code reforms to protect large, healthy trees in Portland. I respectfully urge to support the Audubon's suggestions as well.

Thank you,

Kellye Just

6827 SW Windemere Lp, Portland, OR 97225

Moore-Love, Karla

From: Eileen Schill <eileen_schill@hotmail.com>
Sent: Tuesday, February 23, 2016 9:45 AM
To: Council Clerk – Testimony
Subject: Protect our trees

To Whom It May Concern,

These comments are to be added to the public record.

As a life long resident of Portland I expect this city to operate with integrity. Our tree canopy is a rare and irreplaceable asset. Mitigation is a myth perpetuated by developers. Once a large tree is cut, it is gone forever, it cannot be replaced by a small 1" sapling. The Council must take steps to better protect large healthy trees.

- Require Inch-for-inch mitigation for cutting large, healthy trees ≥ 30 " diameter at breast height (dbh) in development and non-development situations with no cap
- Use a graduated system to mitigate for trees ≤ 30 " dbh, which better reflects the value of trees removed
- Apply new preservation and mitigation standards to commercial and industrial lands as well as City and street trees
- Fund Title 11 Comprehensive Reform this year to put permanent protections in place

All around this city large, beautiful, healthy trees are coming down. Follow the money and greed can be found as the root cause. Where there's development, there are property taxes.

I demand that the Council take action immediately.

Sincerely,
Eileen Schill
NE Portland

Moore-Love, Karla

From: Kate Busby <kfbusby@gmail.com>
Sent: Sunday, February 21, 2016 8:58 PM
To: Commissioner Fish; Commissioner Novick; Commissioner Saltzman; Commissioner Fritz; Hales, Mayor; Council Clerk – Testimony
Subject: Request for the Council to Adopt Audubon Society Recommendations for Large Trees

Hello,

I am a City of Portland resident writing to ask the Portland City Council to adopt the Audubon Society's proposal to protect Portland's beautiful, large healthy and often historical trees.

As the city of Portland rapidly changes and grows, it's our responsibility to steward the environment we live in so that Portland continues to be the "green city" so many of us love. That means protecting large, healthy trees. Please follow the Audubon Society's recommendations, which include:

- Inch-for-inch mitigation for cutting large, healthy trees ≥ 30 " diameter at breast height (dbh) in development and non-development situations with no cap.
- Use a graduated system to mitigate for trees ≤ 30 " dbh, which better reflects the value of trees removed.
- Apply new preservation and mitigation standards to commercial and industrial lands as well as City and Street Trees.
- Fund Title 11 Comprehensive Reform this year to build on this stop-gap measure.

As a concerned Portland resident and voter, I ask you to take into account these recommendations as your decisions directly impact our quality of life and the health of our environment.

--

Kate F Busby, LAc

From: Rick Weber <rweber37@comcast.net>
Sent: Sunday, February 21, 2016 2:55 PM
To: Council Clerk – Testimony
Cc: Eileen
Subject: Comments for Council Hearing on Amendments to Title 11, Trees, Tree Preservation in Development Situations

RE: Comments for Council Hearing on Amendments to Title 11, Trees, Tree Preservation in Development Situations

Dear Mayor Hales and Portland City Commissioners,

I strongly support the Portland Urban Forestry Commissions proposals for changes to the Title 11 code as outlined in the January 29th memorandum to the mayor and city council members. I do not feel that the Fritz/Saltzman proposal is adequate, as the fee schedule is far too small to effectively incentivize a developer to preserve trees.

I also wish to point out that I fully agree with the Urban Forestry Commission comments as listed within their January 29th memorandum, and I would like to emphasize some of the most important points from the UFC comments in the highlighted excerpts below:

Among the public comments received by the UFC, we heard all but unanimous support for strengthening current regulations to encourage the retention of trees on development sites. Complementing these public concerns, every City Committee and Commission has concurred that stopgap measures need to be adopted.

Bravo. Mayor Hales and City Commissioners, the voice of the people has spoken.

Data provided by Parks and BDS staff as well as UFC members show patterns indicating a steady decline in the number of the very largest trees in in Portland and their replacement with small-form trees. These data indicate that roughly no more than 2% of trees currently standing in Portland would benefit from Proposal A (Parks) or B (BDS). Both the UFC and PSC have recognized that such a high threshold would allow ongoing cutting of significant trees before they could grow to reach these protective limits. The ongoing cutting of large healthy trees and their replacement with small-form seedlings embodies an unsustainable trajectory that will ultimate degrade rather than restore the City's urban forest and the values it provides.

The above statement of simple fact clearly illustrates that the existing Title 11 fails in its stated goals, and it is vitally important to preserve existing trees. I wholeheartedly concur.

The Urban Forestry Commission found it challenging to determine the appropriate quantitative limits to the necessary stopgap measure while incorporating the scope and apparent intent of Title 11. Despite language in Chapter 11.50 Trees in Development Situations pertaining explicitly to "Tree Preservation", the code does not actually require preservation of trees in any development situation. Instead, disincentives are provided in a subset of development

situations, and only partial mitigation for the loss of trees is effected. The practice of partial mitigation now in effect contrasts with the original stated intent of this portion of Title 11 articulated in the commentary for the "Tree Preservation Requirement" in Chapter 11.50: "to offset the loss of the established tree and the time lag for new trees to provide benefits."

The UFC correctly points out that Title 11 is by no means a mechanism for "Tree Preservation". This is something that should be corrected in a long term Title 11 fix. True preservation requirements would **prohibit** the removal of tree, and not simply require a fee to be paid to cut down all of the trees on a lot.

Additionally, the Urban Forestry Commission has compiled data that shows the actual cost of installing and maintaining a tree for two years to be **twice** that which is currently required to be paid under the Title 11 statute, which is untenable.

Clearly, much needs to be done to fix Title 11, including requiring preservation of significant trees of ecologically important species and the requirement of developers to build around existing trees instead of allowing for ineffectual "mitigation" payments. For the time being, I believe the UFC is the best proposal on the table and should be implemented.

Yours truly,

Richard Weber
3820 NE Wistaria Drive
Portland, Oregon

Moore-Love, Karla

From: Michelle <michelle@skyisland.com>
Sent: Sunday, February 21, 2016 12:36 AM
To: Commissioner Fish; Novick, Steve; Commissioner Saltzman; Commissioner Fritz; Hales, Mayor; Council Clerk – Testimony
Subject: Adopt Audubon Society of Portland's proposed tree code reforms.

Adopt Audubon Society of Portland's proposed tree code reforms, please.

Developers are destroying Portland. A developer bought the house next door, tore down the cute old house sitting on it, and cut down a perfectly healthy 23" willow tree during the appeal period because they can get away with things like that. Now my neighborhood wildlife habitat has suffered a major loss, and it's made living in my home less enjoyable to the point I'm planning to move out of Portland altogether as soon as I'm able to do so.

Sincerely,

Michelle Hall

Moore-Love, Karla

From: Susan St. Michael <bluheron64@gmail.com>
Sent: Saturday, February 20, 2016 8:18 AM
To: Council Clerk – Testimony
Subject: Tree Preservation Request

To Whom It May Concern,

I have lived in inner Southeast Portland for many years. I am disturbed at the indiscriminate removal of trees, regardless of age and beauty from the lots that developers are clearing for the purpose of building apartment complexes in neighborhoods throughout Portland, with little regard for maintaining the livability of these neighborhoods for residents. I support the proposal to strengthen regulations pertaining to tree preservation, especially preservation of large sized trees in development situations. Please amend the current regulations.

Sincerely,

Susan St. Michael
1333 S.E. 23rd Ave.
Portland, OR 97214

Moore-Love, Karla

From: Tave Fasce Drake <fasce@icloud.com>
Sent: Friday, February 19, 2016 10:08 AM
To: Council Clerk – Testimony
Subject: [User Approved] Proposals for Title 11 Amendments: Tree Preservation in Development Situations

It has come to my attention that there has been a change to the fees charged for removing trees. My feeling is the new fees are wholly inadequate to deter a developer from removing mature trees, and that the "worth" of these trees to the city, as a whole, is far more than the fees proposed (for clean air, for habitat, for shade, for beauty, etc.). Additionally, the worth of trees to our earth as regards climate change is priceless. I won't go into that, except to say the new fees are not an improvement.

I think the 1/3 rule should be followed without the option to pay a fee in lieu of preservation. Without a fee, developers will simply pay, cut away and build.

We are a creative and healthy city. There are ways to make this work for the good of all. Let's not start cutting corners. Let's not continue letting few make easier money at the expense of the rest. I'd like to see Portland stay green. I'd like portland to continue being the city of trees. I'd like my children to be proud of the urban landscape in which they live. I'd like all of us to know we did the right thing, even if it means a little bit more work. We can do this.

Oregon, and Portland in particular, has always been on the forefront of reform and showing other city and states how to do things better. Let's not stop now. There is too much weighing on this. Our healthy future depends on it!

With warmth,

Tave Fasce Drake
3754 SE Madison St.
Portland, OR 97214
(503)975-8855
fasce@icloud.com

From: Catherine Lonsway <catherinethegrape5@yahoo.com>
Sent: Friday, February 19, 2016 12:45 PM
To: Council Clerk – Testimony
Subject: Trees

I lived in Portland for 8 years and still visit at least 10 times a year. My grandson deserves to grow up in an environment that honors trees above large unattractive houses. Small houses make much more sense considering that family size is smaller than in the past plus trees benefit the environment and are esthetically pleasing.

Please enact a sensible plan to preserves trees rather than builders.

From: Jim Wentworth-Plato <jwpfortrees@gmail.com>
Sent: Friday, February 19, 2016 10:42 AM
To: Council Clerk – Testimony; Commissioner Fritz
Subject: Title 11 update

Hi Amanda and crew,

Jim here. I'm a Board Certified Master Arborist living and working in Portland for the past 20 years. still concerned that there is no mention of risk or hazards in the new development mitigation. Often big trees have significant pockets of decay or other structural issues that make removal prior to building a much better idea than building first. If there is a \$4000 permit on top of the \$4000 removal, there is a high probability that developers will build and leave risky trees on site for the new homeowner. As an arborist in this city, I'm dismayed at how easy it is to remove trees and the necessary square footage for roots to sustain trees. Rather than encouraging builders to maintain enough space for trees, attaching these mitigation rules will make people wait even longer to remove problems, putting arborists at risk. Please use science to decide how to treat these trees. Any Tree Risk Assessment Qualified (TRAQ) Arborist knows how to quantitatively represent health and vigor of trees as well as likelihood of failure. Completely healthy trees should have a higher mitigation value than sick rotten old trees.

I'm sorry but I've been working on title 11 from the days of the stakeholder group meetings, and I've watched policy be decided over and over in favor of development not trees. These big trees are like the pandas of the environmental movement. Everyone can stand behind their beauty and age, but meanwhile acres are being turned into asphalt, roofs, and open spaces so small the only trees people can plant will either be so small they should be classified as shrubs, or removed in ten years because they're slapping buildings.

Downhearted,

Jim
BCMA #1314-B

--
Emerald Tree
The Art and Science of Tree Care

Moore-Love, Karla

From: Ruth Gundle <ruth.gundle@icloud.com>
Sent: Friday, February 19, 2016 9:31 AM
To: Council Clerk – Testimony
Subject: Testimony on Proposals for Title 11 Amendments: Tree Preservation in Development Situations

Testimony from Ruth Gundle
624 SE 29th Ave.
Portland, OR 97214
503 233-3936

These proposals for a tiered mitigation payment for removal of trees is wholly inadequate if the purpose is to try to keep Portland's mature trees from being removed. The fees are just too puny. The "worth" of these trees for the benefit of the city, for cleaning the air, for shade, for habitat, for the beauty of the city is far more than the fees proposed.

All this will accomplish is deter the small home owner from removing a tree to build a patio or such. The real problem is the major developers and these fees will do nothing to deter them from removing mature trees, building to the edges of lots, leaving whole parts of a neighborhood devoid of mature trees.

PLEASE do something with more teeth in it. PLEASE do something that will actually preserve these trees, and not just add a pittance to the city's coffers. Mature trees of a certain size should not be able to be removed, period.

Thank you for your consideration.

Moore-Love, Karla

From: Sylvia Bogert <sylvia.bogert@gmail.com> on behalf of Sylvia <sylvia@swni.org>
Sent: Tuesday, February 16, 2016 1:45 PM
To: Commissioner Novick; Fish, Nick; Commissioner Saltzman; Commissioner Fritz; Hales, Mayor
Cc: Gibbon, John; Planning and Sustainability Commission; Portland Audubon Society; Council Clerk – Testimony; Parks - Urban Forestry Trees Mailbox; Cairo, Jenn; Redisch, Meryl
Subject: SWNI Letter Re: Title 11 of the City Tree Code
Attachments: SWNI Letter to City Council Tree Code.pdf

Dear Mayor Hales and City Council members:

Re: Title 11 of the City Code (Tree Code)

In January, the Multnomah Neighborhood Association sent to you the attached letter that opposes Title 11 amendments proposed by the Bureau of Development Services and Portland Parks & Recreation and supports amendments proposed by the Audubon Society.

The SWNI Board at their January 26 monthly meeting voted to support Multnomah's letter.

Sam Pearson
President, Southwest Neighborhoods Inc. (SWNI)

Sylvia Bogert
Executive Director, Southwest Neighborhoods Inc. (SWNI)
7688 SW Capitol Hwy
Portland, OR 97219
503-823-4592

Why reform Portland's Tree Code (Title 11)?

What does Portland Audubon advocate and why?

Portland's Tree Code (Title 11) was developed and adopted in 2009 and 2010 after the collapse of the housing market. Portland's neighborhoods are currently experiencing extensive tree cutting driven by a highly lucrative real estate development market. Title 11's very lenient preservation standards:

- Do not apply on sites within the commercial and industrial zones and on residential sites less than >5000 square feet,
- Do not require that any trees in development situations be preserved at any location in the City, and
- Do not require cut trees be fully replaced. Many healthy native, non-nuisance trees are exempted from mitigation. Where fees-in-lieu of mitigation apply, the City requires a maximum of only \$1,200 (the cost of planting two trees) to compensate for the removal of trees regardless of size or species. This amount is inadequate to replace the functions and value of large healthy native trees.

An abundance of scientific research documents that large healthy trees of most species provide environmental functions and values as well as public health benefits to a much greater degree than smaller trees. These include provision of clean air and water, increased biodiversity, reduced urban heat island effect, and energy conservation. Past urbanization has undervalued trees in an urban setting, making large healthy trees rare. Through creative design it is possible to preserve more large healthy trees and accommodate new development in a way that enhances public health, environmental quality, and the affordable and walkable neighborhoods Portlanders desire.

Therefore Audubon Society of Portland advocates for the following reforms of Title 11 and current development code:

I. Immediately require public notice & delay on all trees ≥ 20 inches dbh

Require public notice and a 30-day delay for removal of all trees greater than ≥ 20 " dbh permitted for removal in both development and non-development situations.

II. Immediately require \$300 an inch mitigation for removal of healthy trees ≥ 30 inches dbh in development situations.

Establish an inch-for-inch mitigation for cutting large, healthy, non-dangerous and non-nuisance trees ≥ 30 " dbh in development and non-development situations until Title 11 preservation standards can be reformed.

The PP&R and BPS proposals will do little or nothing to address the broader problem of the loss of the valuable tree canopy in our neighborhood, an example of which is shown in the photo below.



Figure 1 - The Tree Code did not protect this Multnomah Neighborhood tree, nor would the proposed PP&R or BPS amendments have protected it.

The AS proposal will offer short-term protection to some of the trees that are of urgent concern to us. The public notice and 30-day delay requirements for the removal of medium and large trees will save us from the shock and distress of chain saw notifications. However, we would like to see the AS proposal strengthened by adding a provision to remove the exemption from the Tree Code on development lots smaller than 5,000 ft².

Finally, we applaud the spirit of the AS. It is obvious that they recognize the economic, aesthetic, and environmental value of Portland's tree canopy to the City, its tame and wild residents, and to the planet.

Please add this to the record.

Thank you,

Carol McCarthy, Chair
Multnomah Neighborhood Association



7688 Capitol Hwy, Portland, OR 97219

January 19, 2016

TO: Jenn Cairo, City of Portland, City Forester, jenn.cairo@portlandoregon.gov
 Meryl Redisch, Urban Forestry Commission, Chair, merylredisch@portlandoregon.gov
 Urban Forestry in the Parks, trees@PortlandOregon.gov
 Amanda Fritz, City Commissioner, amanda@portlandoregon.gov
 Council Clerk, cctestimony@portlandoregon.gov

CC: Portland Planning and Sustainability Commission, pssc@PortlandOregon.gov
 Portland Audubon Society, mmeskel@audubonportland.org

RE: AMENDMENTS TO PORTLAND'S TREE CODE

The Multnomah Neighborhood Association (MNA) objects to amendments to Title 11, Trees Chapter 11.50, *Trees in Development Situations*, proposed by the Bureau of Development Services (BDS) and Portland Parks and Recreation (PP&R). We support the amendments proposed by the Audubon Society (AS). The proposed amendment references are:

1. PP&R Proposal: *Mitigating the removal of large trees in development situations*, Memorandum from Jenn Cairo, City Forester, to Mike Abbate, PP&R Director, November 3, 2015;
2. BDS Proposal: *Proposed Draft for Proposed Amendments to Title 11, Trees, Chapter 11.50, Trees in Development Situations*, Memorandum from Emily Sandy, Code and Policy Analyst, BDS, to the Planning and Sustainability Commission, December 11, 2015; and
3. AS Proposal (attached): *Why reform Portland's Tree Code (Title 11)?*

The value of the tree canopy is documented in the US Forest Service publication *The Large Tree Argument* that is cited in the PP&R proposal. On page 6, this publication defines large- and medium-stature trees as:

Large - Greater than 40 feet tall and wide with trunk diameters commonly over 30 inches.
 Medium - 25 - 40 feet tall and wide with trunk diameters 20 - 30 inches.

The PP&R and BPS proposals offer new protections for "especially large trees" with 48-inch and 50-inch trunk diameters, respectively, and then only to the "non-exempt" trees.

In addition to setting the protected diameter too high, the proposed PP&R and BPS protections would only be applied to non-exempt trees. Exempt trees of any size could still be cut down under these proposals. The proposed PP&R and BDS amendments will not protect the currently exempted trees on development lots smaller than 5,000 ft². All-sized trees on these lots all are being clear cut in unprecedented numbers in our neighborhood right now. These proposed amendments appear to be political window dressing to mitigate the citizen outrage at the City's failure to protect our tree canopy in the poster-child case of the Giant Sequoias in Eastmoreland.



Southwest Neighborhoods, Inc.

7688 SW Capitol Highway, Portland, OR 97219 (503) 823-4592

www.swni.org

February 16, 2016

Mayor Charlie Hales and members of the Portland City Council
City of Portland
1221 SW 4th Avenue
Portland, OR 97204

Re: Title 11 of the City Code (Tree Code)

Dear Mayor Hales and City Council members:

In January, the Multnomah Neighborhood Association sent to you the attached letter that opposes Title 11 amendments proposed by the Bureau of Development Services and Portland Parks & Recreation and supports amendments proposed by the Audubon Society.

The SWNI Board at their January 26 monthly meeting voted to support Multnomah's letter.

Sincerely,

Sam Pearson
President
Southwest Neighborhoods, Inc.

Moore-Love, Karla

From: Carol McCarthy <mnachair@gmail.com>
Sent: Tuesday, January 19, 2016 1:56 PM
To: Cairo, Jenn; Redisch, Meryl; Parks - Urban Forestry Trees Mailbox; Commissioner Fritz; Council Clerk – Testimony
Cc: Planning and Sustainability Commission; mmeskel@audubonportland.org
Subject: Multnomah Testimony re: Tree Code Amendments
Attachments: 2016-01-19_TreeCodeAmendments.pdf; title-11-reform-Audubon Society position-statement.pdf

Please find that attached testimony from the Multnomah Neighborhood Association regarding the proposed amendments to the City's Tree Code.

Thank you for your consideration to this important issue,
Carol McCarthy

--

Chair - Multnomah Neighborhood Association
email: MNACHair@gmail.com



This email has been sent from a virus-free computer protected by Avast.
www.avast.com



7688 Capitol Hwy, Portland, OR 97219

187675

January 19, 2016

TO: Jenn Cairo, City of Portland, City Forester, jenn.cairo@portlandoregon.gov
Meryl Redisch, Urban Forestry Commission, Chair, merylredisch@portlandoregon.gov
Urban Forestry in the Parks, trees@PortlandOregon.gov
Amanda Fritz, City Commissioner, amanda@portlandoregon.gov
Council Clerk, cctestimony@portlandoregon.gov

CC: Portland Planning and Sustainability Commission, psc@PortlandOregon.gov
Portland Audubon Society, mmeskel@audubonportland.org

RE: AMENDMENTS TO PORTLAND'S TREE CODE

The Multnomah Neighborhood Association (MNA) objects to amendments to Title 11, Trees Chapter 11.50, *Trees in Development Situations*, proposed by the Bureau of Development Services (BDS) and Portland Parks and Recreation (PP&R). We support the amendments proposed by the Audubon Society (AS). The proposed amendment references are:

1. PP&R Proposal: *Mitigating the removal of large trees in development situations*, Memorandum from Jenn Cairo, City Forester, to Mike Abbate, PP&R Director, November 3, 2015;
2. BDS Proposal: *Proposed Draft for Proposed Amendments to Title 11, Trees, Chapter 11.50, Trees in Development Situations*, Memorandum from Emily Sandy, Code and Policy Analyst, BDS, to the Planning and Sustainability Commission, December 11, 2015; and
3. AS Proposal (attached): *Why reform Portland's Tree Code (Title 11)?*

The value of the tree canopy is documented in the US Forest Service publication *The Large Tree Argument* that is cited in the PP&R proposal. On page 6, this publication defines large- and medium-stature trees as:

Large - Greater than 40 feet tall and wide with trunk diameters commonly over 30 inches.

Medium - 25 - 40 feet tall and wide with trunk diameters 20 - 30 inches.

The PP&R and BPS proposals offer new protections for "especially large trees" with 48-inch and 50-inch trunk diameters, respectively, and then only to the "non-exempt" trees.

In addition to setting the protected diameter too high, the proposed PP&R and BPS protections would only be applied to non-exempt trees. Exempt trees of any size could still be cut down under these proposals. The proposed PP&R and BDS amendments will not protect the currently exempted trees on development lots smaller than 5,000 ft². All-sized trees on these lots all are being clear cut in unprecedented numbers in our neighborhood right now. These proposed amendments appear to be political window dressing to mitigate the citizen outrage at the City's failure to protect our tree canopy in the poster-child case of the Giant Sequoias in Eastmoreland.

The PP&R and BPS proposals will do little or nothing to address the broader problem of the loss of the valuable tree canopy in our neighborhood, an example of which is shown in the photo below.



Figure 1 - The Tree Code did not protect this Multnomah Neighborhood tree, nor would the proposed PP&R or BPS amendments have protected it.

The AS proposal will offer short-term protection to some of the trees that are of urgent concern to us. The public notice and 30-day delay requirements for the removal of medium and large trees will save us from the shock and distress of chain saw notifications. However, we would like to see the AS proposal strengthened by adding a provision to remove the exemption from the Tree Code on development lots smaller than 5,000 ft².

Finally, we applaud the spirit of the AS. It is obvious that they recognize the economic, aesthetic, and environmental value of Portland's tree canopy to the City, its tame and wild residents, and to the planet.

Please add this to the record.

Thank you,

Carol McCarthy

Carol McCarthy, Chair
Multnomah Neighborhood Association

Why reform Portland's Tree Code (Title 11)?

What does Portland Audubon advocate and why?

Portland's Tree Code (Title 11) was developed and adopted in 2009 and 2010 after the collapse of the housing market. Portland's neighborhoods are currently experiencing extensive tree cutting driven by a highly lucrative real estate development market. Title 11's very lenient preservation standards:

- Do not apply on sites within the commercial and industrial zones and on residential sites less than >5000 square feet,
- Do not require that any trees in development situations be preserved at any location in the City, and
- Do not require cut trees be fully replaced. Many healthy native, non-nuisance trees are exempted from mitigation. Where fees-in-lieu of mitigation apply, the City requires a maximum of only \$1,200 (the cost of planting two trees) to compensate for the removal of trees regardless of size or species. This amount is inadequate to replace the functions and value of large healthy native trees.

An abundance of scientific research documents that large healthy trees of most species provide environmental functions and values as well as public health benefits to a much greater degree than smaller trees. These include provision of clean air and water, increased biodiversity, reduced urban heat island effect, and energy conservation. Past urbanization has undervalued trees in an urban setting, making large healthy trees rare. Through creative design it is possible to preserve more large healthy trees and accommodate new development in a way that enhances public health, environmental quality, and the affordable and walkable neighborhoods Portlanders desire.

Therefore Audubon Society of Portland advocates for the following reforms of Title 11 and current development code:

I. Immediately require public notice & delay on all trees ≥ 20 inches dbh

Require public notice and a 30-day delay for removal of all trees greater than ≥ 20 " dbh permitted for removal in both development and non-development situations.

II. Immediately require \$300 an inch mitigation for removal of healthy trees ≥ 30 inches dbh in development situations.

Establish an inch-for-inch mitigation for cutting large, healthy, non-dangerous and non-nuisance trees ≥ 30 " dbh in development and non-development situations until Title 11 preservation standards can be reformed.

IV. Strengthen Title 11 preservation and mitigation standards & increase fee in-lieu

- A. Change and increase the tree preservation standard to require preservation of 33% of *caliper inches* and 1/3 of trees on site in order to preserve more large, healthy, non-nuisance trees.
- | B. Allow a site review process with public notice, input, avoidance criteria and a hearings officer decision. Require site review for exceptional trees.
- C. Within a year, establish a graduated tree mitigation standard based on size and species of tree removed that requires the planting of at least 1 tree for every 6 caliper inches of trees not preserved. Direct the Bureau of Planning and Sustainability to develop -- for City Council consideration and adoption -- a graduated tree mitigation standard to compensate for the loss of public values (social, health, economic, environmental) of urban trees removed.
- D. Update the fee-in-lieu of preservation with the Urban Forestry's latest costs of planting a tree and providing 3-years of maintenance.
- E. Remove the Title 11 exemptions for commercial and industrial lands.

IV. Improve Policies and Practices to Preserve and Grow Large Healthy Street Trees

- A. Increase the authority of the Urban Forester to require adjustment of PBOT's street improvement standards to allow alternative designs and technologies to avoid removing healthy, non-nuisance street trees $\geq 20''$ dbh in or near the public right-of-way.
- B. Initiate a multi-bureau review of street tree policies and practices in order to develop and adopt reforms to allow for the preservation of more large healthy street trees and increase the space for the growth of larger trees in and near the public right-of-way.

If you want to support and help advocate for these Title 11 reforms, urban wildlife and their habitat please email Micah Meskel mmeskel@audubonportland.org to be added to our email list and to our list of supporters for this effort.

Moore-Love, Karla

From: Fritz, Amanda
Sent: Thursday, November 12, 2015 8:22 PM
To: City Elected Officials; City Elected Officials Exec's; Reeve, Tracy; Moore-Love, Karla
Cc: Abbate, Mike; Jimenez, Warren; Cairo, Jenn; Hayakawa, Mike; Keenan, Mieke
Subject: "Nuts about Trees" response

Dear colleagues,

Late this afternoon, Tim sent to Eric Lukens my response to an ill-informed Oregonian Editorial on proposed additional protections for especially large trees.



TreeCodeEditori...

Tim will ask Execs for input on the proposal (linked in my Op Ed) at their next meeting. Council colleagues, please discuss with your Chief of Staff so Tim and I can gauge whether or not to ask the Planning and Sustainability Commission to consider a short-term amendment to Title 11.

As further context, the holiday tree delivered to Pioneer Courthouse Square today is 49 years old, 75' high with a base diameter of 21". Title 11 would currently set a maximum mitigation fee of \$1200 if this tree was removed in a development situation. This size of tree would not trigger any additional process or mitigation under the proposed change I'm asking the Tree Oversight Advisory Committee, Urban Forestry Commission, and Development Review Advisory Committee to review.

Please do not respond-to-all, so we don't deliberate outside of public meetings.

Thank you,

Amanda

Amanda Fritz
Commissioner, City of Portland

The City of Portland is a fragrance free workplace. To help me and others be able to breathe, please avoid using added fragrances when visiting City offices.

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I wish *The Oregonian* had contacted me before posting the "Nuts about Trees" Editorial. http://www.oregonlive.com/opinion/index.ssf/2015/11/nuts_about_trees_editorial_age.html#incart_2box_opinion

If that had happened, perhaps the Editorial would have skipped inflammatory verbiage on my Tree Code amendment proposal, such as the comments, "four members of the city's [Tree Project Oversight Advisory Committee](#).... quit and walked off.... to protest the stunning last-minute distribution of a city memo framing a possible policy change to protect old large trees at potentially enormous expense to property owners". And, "Has anyone, meanwhile, heard about Portland's affordable housing crisis? Metro, the regional government, estimates the number of Portland households will multiply by more than 40 percent over 2005 levels by 2035. Trees could be in the way. The city's tree rules are already too restrictive."

Consider the facts.

1. My proposal, posted here, <http://www.portlandonline.com/fritz/index.cfm?c=49205&a=552391>, is a potential Code change in response to Council concerns on loss of especially large trees in development situations. I'm asking the Tree Oversight Advisory Committee, the Urban Forestry Commission, and the Development Review Advisory Committee for comments and amendments. It's early in the process, not "last minute".
2. The proposed "restriction" is for additional steps and mitigation before cutting trees 45" or more in diameter in development situations. It is not "potentially enormous expense" for most property owners.
3. The Bureau of Development Services (BDS) issued 4,824 construction permits in the first 9 months of 2015. Those 4,824 permits allowed 659 trees to be removed.
4. Of those 4,824 permits and 659 trees removed, only 18 trees were cut that were 45 inches or more in diameter, from 11 sites.

It's hard to understand *The Oregonian's* assertion that asking 11 of 4,824 developers to think carefully when cutting trees 45" wide or greater is "too restrictive" to meet infill goals. Many Portlanders claim my proposal doesn't go far enough. They've asked to delay development permits and charge more for tree removals that involve cutting trees 20+ inches in diameter, rather than 45", especially for some native species that rarely reach 45".

In the future, hopefully community advisory committee members and newspaper editors will consider the facts before responding with outrage to proposals generated by City Council members in response to community concerns.

I am proud of carrying the adoption of the Tree Code in 2011, despite not being in charge of either Parks with the Urban Forestry staff, or the Bureau of Development Services (BDS) at that time. I felt privileged to lead its implementation in 2015 as the Commissioner assigned both bureaus by Mayor Hales, until BDS was reassigned in July. Commissioner Saltzman and I have collaborated to coordinate Parks and BDS since then.

Portland's trees are important for multiple values. Combating climate disruption, reducing stormwater management costs, increasing home values, and protecting neighborhood character are just the beginning of the list of proven virtues of protecting and planting trees. Being named Tree City USA over 30 times represents more than a nice accolade. It reflects a fundamental core value of our community.