

City Council Meeting - Thursday, October 29, 2020 2:00 p.m.

No.	First	Last	Zip
1	Robert	Sallinger	97212
2	Solomon	Duke	97215
3	Piper	Wyrick	97202
4	Deanne	Ford	97220
5	Ezra	Hammer	97202
6	Whitney	Dorer	97203
7	Justin	Wood	97211
8	Albert	Kaufman	97215
9	Catherine	Mushel	97202
10	Laura	Sciortino	97219-3430
11	Judy	Todd	97232
12	Alyson	Berman	97210
13	Megan	Van de Mark	97217
14	Felice	Kelly	97214
15	Ellen	Wax	97201
16	Ted	Labbe	97232
17	Gwenn	Baldwin	97205

From: [Ryan Winterberg-Lipp](#)
To: [Council Clerk – Testimony](#)
Subject: Title 11 Amendments
Date: Friday, September 25, 2020 1:35:49 PM

Good afternoon, Members of City Council—

I am writing to you regarding the proposed Amendments to Title 11 – Tree Code and the hearing scheduled for October 29th.

I am offering commentary from the perspective of an affordable housing developer. I work for Human Solutions, a developer/owner of affordable housing and community services in East Portland. We have a portfolio of 16 affordable housing projects, with several more new buildings in the pipeline.

We appreciate that the exemption of tree preservation mitigation payments for affordable housing developments was maintained in the most recent draft of Title 11. Affordable housing is always so cost constrained, and we know that there were many competing priorities in developing these proposed amendments to the Tree Code. We appreciate that the proposed Tree Code amendments were able to recognize the other important City-wide priority of encouraging affordable housing production and avoiding cost impacts. Thank you for balancing the holistic needs of the community.

We are working on a new affordable housing project, and estimated that tree mitigation payments would have been in the tens of thousands of dollars if the exemption for affordable housing was removed. Instead, we will be able to use those limited funds to design a quality project with durable materials that benefits the community and residents alike. Since many of our projects in Portland also receive funding from the Portland Housing Bureau, we are able to use those valuable funds in the most impactful ways by maintaining the affordable housing fee exemption.

Thank you for your consideration.

Sincerely,
Ryan Winterberg-Lipp

Ryan Winterberg-Lipp
Senior Project Manager

Pronouns: She/Her/Hers

Human Solutions
12350 SE Powell Blvd.
Portland, OR 97236
Phone: 850.982.1219 (cell during remote work)
Fax: 503.761.1043
rwinterberg-lipp@humansolutions.org
www.humansolutions.org

Human Solutions: Building Pathways Out of Poverty

YOU'RE INVITED TO BECOME AN ANTIRACIST: Please join us for a (virtual) evening of art & powerful conversation with two incredible people: Dr. Ibram X. Kendi and Portland City Commissioner Jo Ann Hardesty (also Human Solutions' Board VP). Register today, space is limited – and it's free. [Details and registration here.](#)

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From: [Sandy, Emily](#)
To: [Council Clerk – Testimony](#)
Subject: Fw: Tree Protection Regulations
Date: Sunday, October 11, 2020 8:41:24 AM

Hello Cindy,

Thanks for taking the time to offer your comments. I am forwarding this to the Council Clerk who is taking testimony on this matter to be heard on October 29 and who will forward this to City Council members.

Thanks,
Emily

Emily Sandy, Analyst II

City of Portland, Bureau of Development Services
1900 SW 4th Avenue, Suite 5000
Portland, OR 97201

p: 503-865-6570
hours: M-F, 8:30-5

From: Cindy Capparelli <cindycapparelli@gmail.com>
Sent: Saturday, October 10, 2020 12:32 PM
To: Sandy, Emily <Emily.Sandy@portlandoregon.gov>
Subject: Tree Protection Regulations

Hello!

First of all, thank you for taking the time to review our tree protections.

I'm relieved to hear that the tree size limitations have been decreased and hope this will have a positive impact on our canopy coverage!

I strongly encourage, however, eliminating tree protection exemptions for ALL commercial and industrial zones including heavy industrial. There's no reason for the city to support these areas becoming wastelands, especially considering they often border our most vulnerable and underserved communities.

Thanks for your time and best of luck with the negotiations.

Cindy Capparelli
AAS Landscape Technology
Certificate of Landscape Design
Small Business Owner

From: [Marie Biondolillo](#)
To: [Council Clerk – Testimony](#)
Subject: Tree Code Update testimony
Date: Saturday, October 17, 2020 4:19:33 PM

Hi,

My name is Marie Biondolillo and I am a community member living in SE Portland.

I've been following the tree code updates for a while. Re: this item: "The Urban Forestry Commission also recommended removing exemptions for tree preservation and tree density for private trees, and trees on City-owned or managed property in the Heavy Industrial (IH), while the Planning and Sustainability Commission recommended keeping those exemptions in the Heavy Industrial (IH zone). Both of these recommendations are included in the ordinance," I'd just like to chime in and say that I agree with the Urban Forestry Commission's recommendations.

Portland's trees are an essential part of the city's character, and they also provide an ecologically important canopy to Portland. Strong canopies reduce hot temperatures, provide wildlife habitats, decrease air pollution, and are aesthetically pleasing. Just because a certain area is zoned IH, that doesn't mean it's not part of our city.

Likewise, trees on privately owned land still affect all of us in Portland. Therefore, the same rules should apply to them. I urge City Council to follow the Urban Forestry Commission's lead on this topic.

Thank you for the opportunity to provide testimony.

Best regards,

Marie Biondolillo

From: [Jynx Houston](#)
To: [Council Clerk – Testimony](#)
Subject: RE RECENT PROPOSED TREE CODE AMENDMENTS
Date: Saturday, October 17, 2020 4:23:12 PM

I am a resident of Portland & totally oppose any amendments that allow for the removal of any size tree in the city or that allow exemptions for development. KEEP ALL TREES IN PORTLAND FOREVER. No exceptions.

Thank you,
Jynx Houston
7605 SE Lincoln St.
Portland, OR 97215

From: lita batho
To: [Council Clerk – Testimony](#)
Subject: Testimony for Portland Tree Code Changes
Date: Monday, October 19, 2020 11:55:42 AM

I would like to offer testimony on the value of cultivating and maintaining our urban tree canopy as the City Council is reviewing potential tree code changes on October 26.

These include lowering the diameter of trees subject to preservation from 36 to 20 inches etc. which is a change to the Parks & Recreation Urban Forestry Title 11, Trees Fee Schedule.

As a resident of the Piedmont neighborhood, which enjoys some large trees and tree cover, but also a resident of North Portland, which generally does not, I find the removal of large trees, in particular by housing developments and residents worrisome.

I support the proposal which recommends a broader application of a different mitigation fee in lieu of preservation intended to provide an incentive to preserve more trees when development occurs on private and city-owned property.

Please do approve these changes to support and sustain our city's urban trees and natural beauty. They are a huge asset and contribute to the energy efficiency, beauty, air quality, health and enjoyment of residents, add to property values, and support the future of our city.

thank you,
Lita

Licensed Real Estate Agent in Oregon

c. 503.539.6226

e. lita@bathohomes.com



9755 SW Barnes Rd. Portland 97225

A referral is the highest compliment: please share my name with friends or family who may be buying or selling a home.

October 20, 2020

Memorandum

TO: Mayor Wheeler and the Portland City Council

From: Roberta Jortner

SUBJECT: Proposed Amendments to Title 11, Trees

Thank you for the opportunity to provide input on the Bureau of Development Services proposal to amend Title 11, Trees for the upcoming hearing October 29.

During my 25-year tenure with the City of Portland, I worked on many water supply, watershed, natural resource, land use, and climate related planning projects, including managing the Citywide Tree Policy and Regulatory Improvement Project which generated Title 11, Trees. As such, I am very familiar with the topics under consideration at this hearing, specifically the zone-based exemptions from the Title 11 Tree Preservation and Tree Density Standards, and the tree size thresholds established to trigger mitigation for trees removed on development sites. Since retiring in 2016, I have continued participating in urban forest-related activities, including the evolution of Title 11, as a volunteer with several organizations. However, this testimony represents only my own viewpoints.

I appreciate the efforts of City staff from the Bureaus of Development Services, Parks and Recreation/Urban Forestry, and Planning and Sustainability. It is apparent that a lot of analysis was done by many parties in a relatively short period of time. The reports have been informative, well-written, and addresses a host of complex issues clearly and succinctly.

My comments on the proposal are as follows:

1. I support the proposal to reduce the tree size threshold for required tree preservation and in-for-inch mitigation from 36" to 20" dbh.

Staff's analysis indicates that Title 11 amendments that City Council adopted in 2016 to strengthen the tree preservation standards seem to be working, as the data show increased preservation of trees 36" dbh or larger. While this finding is gratifying, the data also show that the proportion of trees that are 36" dbh or larger is small. Reducing the trees size threshold that triggers in-for-inch mitigation to 20" dbh would apply this standard to many more trees, thereby creating a stronger incentive to preserve trees on development sites.

In addition, the BDS report dated August 14, 2020 states that the current mitigation fees are far lower than the "annual structural value" (benefits) provided by large trees and the cost of replacing those benefits. The report also states that reducing the size threshold to 20" dbh would bring the mitigation fees closer to those values, but that even with this change the fees would in most instances remain lower than the value provided by preserving large trees.

“However, it is important to note even while reducing the size threshold for increased mitigation, for all size/zone categories except 24 inch dbh/residential, the one-time fee in lieu of preservation would still be less than the annual structural value of the tree. Reducing the size threshold for inch per inch mitigation from 36 inches dbh to 20 inches dbh brings the cost of mitigation closer to the structural value of the tree but does not match the monetary investment retained with large tree preservation.” (page 24)

Reducing the tree size threshold would be step toward better balancing City goals for environmental quality, climate mitigation and adaptation, public health, and development. The additional mitigation fees would also provide revenue for the city to plant trees in tree-deficient areas.

2. While I support the proposal to eliminate exemptions from Title 11 Tree Preservation and Tree Density requirements for developments in the IG1, EX, and CX zones, I do not support the proposal to retain the exemptions for trees on development sites in the IH zone for the following reasons.
 - A. The area and the existing tree canopy within the IH zone are by far the largest of the zones to which the exemptions currently apply. Retaining the exemptions from Title 11 Tree Preservation Standards and Tree Density Standards would perpetuate the inequitable distribution of responsibility for helping to sustain Portland’s urban forest among development types. I am troubled by the notion that only the City’s most intensive industrial developments would not be required to contribute to the City’s urban forest infrastructure, to the detriment of adjacent residential neighborhoods such as Kenton, Portsmouth, and St. Johns, and to sensitive habitat areas and fish and wildlife species.
 - B. The zone-based exemptions under consideration were adopted with the initial Title 11 adoption in April 2011. These exemptions were not part of the Recommended Draft that the UFC and PSC forwarded to the City Council. That draft would have applied the Title 11 standards on development sites equally in all zones (recognizing that there are other exemptions based on site-size and building-coverage). The zone-based exemptions were added toward the end of the hearing process due to concerns that the City had not yet updated its out of date Economic Opportunities Analysis and might be out of compliance with Statewide Planning Goal 9. It was clear at that time that the exemptions were not equitable, and the Council expressed its intent at that time to revisit the exemptions in a timely manner.

It is troubling that the City finds itself again, almost a decade later, reluctant to take actions in support of many City goals and policies due to the perceived constraints of Statewide Planning Goal 9. During the staff briefing to the Urban Forestry Commission, staff confirmed that the economic analysis land supply with jobs was a traditional approach to dealing with Goal 9. It seems unlikely that the analysis addressed how trends in manufacturing (e.g., automation) are shifting the ratio of land supply to jobs. More important, it is unclear how the City can possibly provide a 20-year industrial land supply indefinitely, given that we are a land-locked jurisdiction and cannot expand our urban growth boundary.

City staff also pointed out that the lack of remaining large, uncontaminated, vacant sites, poses a key challenge to meeting Portland’s industrial land supply needs. During

development of Portland's recently updated Comprehensive Plan 2035, a collaborative City staff/stakeholder effort identified options to meet City goals for both industrial land supply and watershed health. Cleaning up contaminated sites was identified as a high priority to meet these goals because, though costly, it would provide multiple economic, social, and ecological benefits. It is unfortunate that there has been little progress toward cleaning up sites that would provide an industrial land supply surplus, and as a result, the proposal is to continue exempting development in IH zones from basic tree preservation and tree density standards. It is also notable that the City has also allowed and is considering further allowing large industrial parcels to be converted to other to other uses.

I encourage the City to revisit how it addresses Goal 9 in the next Economic Opportunities Analysis (EOA) update, as recommended by both the Planning and Sustainability Commission and the Urban Forestry Commission in their letters to the City Council. The Goal 9 administrative rule directs: *"Plans directed toward diversification and improvement of the economy of the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources"*. The proposal to retain the Title 11 exemptions for development sites in the IH zone seems to ignore this directive. The City's approach to Goal 9 precludes meeting other important goals, including public health and equity, protection of natural resources and environmental quality, climate mitigation and adaptation, and overall livability and sustainability. This approach also helps perpetuate disparities and disproportionate impacts associated with not being able to meet these goals.

- C. Finally, I am concerned that the proposal to maintain the Title 11 exemptions in the IH zone pits the economic and equity benefits associated with jobs against the economic, equity, and ecological benefits associated with the urban forest infrastructure. I recognize the importance of jobs that do not require a college degree and that industrial uses employ a relative high level of people of color. However, I am troubled that the proposal prioritizes the projected impact of removing the Title 11 exemptions on jobs over the negative air quality, urban heat island, fish and wildlife habitat, and other impacts associated with areas deficient in tree canopy.

The BDS report points out that these industrial areas are have some of the highest temperatures in the city, and that they abut neighborhoods that are also tree deficient and that are relatively low income with higher levels of people of color. Recent PSU research has shown that Portland neighborhoods have some of the highest disparities in temperature in entire nation, and that areas with the highest temperatures have low tree canopy and are highly correlated with historic redlined areas. The residents of such neighborhoods would be disproportionately affected by a decision to retain the exemption from Title 11 Tree Preservation and Tree Density standards in the IH zone. Retaining these exemptions would relegate to present and future workforces in this zone degraded air quality, higher temperatures, and less access to nature on their work sites. And again, the IH zone locate within and proximate to waterways, riparian corridors, wetlands, and floodplains that provide habitat for fish, wildlife, and plant species that are sensitive to air and water temperature and microclimate impacts.

Further, the economic analysis that underlies this proposal was applied narrowly and does not provide the full picture. Specifically, the analysis did not evaluate public benefits that could potentially outweigh projected negative impacts. The BDS report states:

“It should be noted that this analysis evaluated impacts on predicted development outcomes under a range of assumptions and did not assess canopy related environmental and public health services associated with the proposed changes. The analysis only looks at the impacts of regulatory changes on predicted development outcomes and does not represent a full cost/benefit analysis. The regulatory proposals are likely to have significant public benefit that would offset potential costs. While we recognize the existence of public benefits, this analysis does not attempt to quantify these.” (page 38)

Given that these benefits were not evaluated, the City Council does not have a strong policy basis to maintain the Title 11 exemptions for development sites in the IH zone.

Thank you for your consideration.

From: [Roberta Jortner](#)
To: [Council Clerk – Testimony](#)
Subject: Title 11, Trees - Comments re Amendments for October 29 Hearing
Date: Tuesday, October 20, 2020 8:39:10 AM
Attachments: [Title11 comments to CityCouncil RJortner Oct20 2020.docx](#)

Dear Mayor Wheeler, City Council and Council Clerk,

My testimony is attached. Thank you and let me know if you have questions.

Best,

Roberta Jortner

From: [Holly Whitney](#)
To: [Council Clerk – Testimony](#)
Subject: written testimony on Tree Code Updates
Date: Tuesday, October 20, 2020 9:09:21 AM

To Portland City Council,

While I applaud the change in diameter proposal to 20" dbh (for private property), it seems obvious that the backtracking from 36" means that the general citizenry is disgusted with the degradation of our city.

My neighborhood — Arbor Lodge/ Overlook — has lost dozens of big trees, in a development frenzy that has ruined our air quality. Thank you, City "Planners". Why are the people who have lived here for 30+ years so ignored? Because of development fees?

My opinion is that no trees over 10" dbh should be removed from any classification of property; no mitigation fees. I don't believe that developers who scalp my neighborhood and destroy the 2-bedroom, moderate homes (for their profit), deserve any kind of break.

Sincerely,

Holly Whitney
2235 N. Alberta St.
Portland, OR 97217
503-289-5175

Sent from my iPad

Dear Mayor Wheeler and City Council,

I appreciate the opportunity to provide input on the Bureau of Development Services proposal to amend Title 11, Tree Preservation requirements in commercial, employment and industrial zones and reducing the threshold for preservation from 36-20" dbh on private property.

I am writing to you as a Portland resident who cares about tree preservation, and as a former Urban Forestry Commissioner with direct historical knowledge about the development and implementation of Title 11.

I want to recognize the good work that City staff from the Bureaus of Development Services, Parks and Recreation/Urban Forestry and Planning and Sustainability. The collaborative approach taken to identify, collect and present the qualitative and quantitative data and analysis in these reports is excellent.

Thank you for considering the following comments:

I agree with and support the proposal to reduce the threshold for required tree preservation and inch for inch mitigation from 36" to 20" dbh on private property. This much-needed change is a substantial move in the right direction. A greater number of trees will be preserved under this new scenario and allowed to grow to their full maturity and value. However, according to the report, the current mitigation fee in lieu of preservation remains insufficient to compensate for the full value of the tree and should be reevaluated soon.

I am pleased to see that the BDS staff recommended eliminating the exemption from Title 11 Tree Preservation Standards and Tree Density requirements for developments in the IG1, EX, and CX zones. These exemptions were not supported by a large sector of the community during the development of Title 11 and were adopted when Portland was hit hard by the 2008/9 recessions.

I do not support the recommendation to retain the Tree Preservation and Density requirements in the IH zone. The report shows that this industrial zone actually contains the largest amount of tree canopy. The City of Portland has promoted and demonstrated a promising commitment to mitigate the impacts of climate change, lessen the urban heat island impact, and improve the livability for all residents. In my view, retaining the exemptions in this zone runs counter to those important human and environmental health goals as well as to the work that the public, private, and NGO sectors perform. Although I am not well versed in the rules and policies associated with Oregon State Goal 9, which requires cities to maintain a 20 -year supply of industrial land for economic growth, it seems to me that a flexible approach for addressing Goal 9 could be something that City leadership can do. A good start is to use the upcoming Economic Opportunities Analysis process and to reimagine the future without resorting back to the status quo in terms of numbers and types of jobs.

In the last two decades, our society has learned a great deal about the carrying capacity of our natural resources and sensitive habitats, including the ways people and native wildlife benefit.

We have also learned about the health and social impacts which industrial zones and tree deficient neighborhoods have on low income and communities of color. As a society, we can achieve economic productivity, healthy communities, and places for birds and wildlife to thrive.

I urge you to support reducing the threshold required for tree preservation and inch for inch mitigation from 36 to 20" dbh on private property and eliminating the Tree Preservations and Density requirements in **all zones**.

Respectfully,
Meryl A. Redisch

1918 SW Pendleton Street
Portland, Oregon 97239

From: [Meryl Redisch](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony re: Tree Code Amendments-October 29th
Date: Wednesday, October 21, 2020 8:44:58 PM
Attachments: [Tree Preservation Testimony to city council.docx](#)

Thank you for including this testimony about the Tree Code Amendments that will be on the City Council agenda on October 29th, 2020.

Sincerely,

Meryl A. Redisch

From: [Laura Donohue](#)
To: [Council Clerk – Testimony](#)
Subject: Save our trees
Date: Thursday, October 22, 2020 9:43:00 AM

I live in Centennial.

Our Neighborhoods last little patch of doug firs got cut down last year. By a company building an apartment. Most of these companies belong to people who don't even live in the United States. They are opportunists who don't care about our wildlife or our quality of life.

The closest we've got to hope for- for a tree canopy is a scraggly batch of poorly planted ornamentals. This damage will take years to fix.

PLEASE protect our trees!

Laura Donohue

Sent from my iPhone

From: [Bryan Brock](#)
To: [Council Clerk – Testimony](#)
Subject: adopt exhibit B in the proposed amendments that removes the exemption for tree protections on Heavy Industrial lands!
Date: Thursday, October 22, 2020 10:03:59 AM

To whom it may concern,

I strongly support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

Only one proposal (Exhibit B) includes removing exemptions for tree protections on Heavy Industrial Lands (IH). Under the Planning and Sustainability Commissions' (PSC) proposed package, Heavy Industrial land owners along the Columbia and Willamette Rivers and Columbia slough will continue to be exempted from any tree regulations! Protecting trees on Heavy Industrial lands is critically important--these lands produce high levels of air pollution, have some of the highest urban heat island effects in the city, pollute our rivers, and negatively impact surrounding neighborhoods. It is long past time for these wealthy corporate landowners to be held accountable for doing their fair share to protect our urban trees. Applying tree protections on heavy industrial lands would not reduce the industrial land base. Property owners have a choice of either retaining trees or paying into a mitigation fund to plant trees nearby when trees are not preserved.

thank you,
Bryan Brock, PharmD

From: [gwendy_reyes-illg](#)
To: [Council Clerk – Testimony](#)
Subject: Protecting Trees in Portland
Date: Thursday, October 22, 2020 10:56:46 AM

Dear Portland City Council,

I am a concerned citizen and a veterinarian who works in Portland, at times with native wildlife. I am writing regarding proposals to update Portland's Tree Code.

I encourage you to **adopt exhibit B in the proposed amendments**. Trees on Heavy Industrial lands need to be protected MORE -- they are even more important, in terms of the ecosystem services and wildlife habitat they provide -- and they should NOT be exempted.

I support amendments that would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on IG1, EX, and CX zones.

Thank you for your time and attention to this extremely important issue.

Sincerely,
Dr. Gwendy Reyes-Illg

From: [Rick Sany](#)
To: [Council Clerk – Testimony](#)
Subject: Portland City Tree Code amendment proposals before the Council on October 29th, 2020
Date: Thursday, October 22, 2020 11:02:18 AM

Dear City Council,

You will soon be helping decide some important quality-of-life issues for Portland and it's tree canopy.

I strongly support the amendments which would require inch-for-inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

I urge you to adopt exhibit B in the proposed amendments that removes the exemption for tree protections on Heavy Industrial (IH) lands.

As a city, we will not be reducing our industrial land base. Property owners will have a choice of either retaining trees or paying into a mitigation fund to plant trees nearby. Albeit an additional expense but a cost of maintaining our livability.

Thank you for your consideration.

Rick Sany
1504 SE 71st Ave
Portland, Oregon - The Beaver State

From: [Kathryn Sheibley](#)
To: [Council Clerk – Testimony](#)
Subject: Portland's Tree Code
Date: Thursday, October 22, 2020 11:16:46 AM

I urge the Council to adopt the Tree Ordinance with Exhibit B which includes the removal of exemption for protecting trees in Heavy Industrial (IH) Lands. This action is important to protect natural resource areas along the Willamette and Columbia Rivers, to reduce urban heat islands, to improve air quality, and to protect neighborhoods and vulnerable populations. It's time for heavy industrial land developers to do their part to protect trees.

Kathryn Sheibley

From: [Mary Jo Mann](#)
To: [Council Clerk – Testimony](#)
Subject: Strongly support Exhibit B - Tree Code (Title 11)
Date: Thursday, October 22, 2020 2:46:03 PM

“Portland is committed to improving the city’s air quality, public health, and livability by enhancing and maintaining the health of the urban forest, investing millions of dollars each year planting trees.” This is the first statement from Portland’s “Citywide tree planting strategy” document of December 2018.

The City Council has an opportunity now to follow through with this commitment by adopting “Exhibit B” in the proposed amendments that removes the exemption for tree protections on Heavy Industrial lands. Heavy Industrial zones border some of our most vulnerable and diverse neighborhoods.

Currently, North Portland neighborhoods have less tree cover than other parts of the city. Scientific data shows temperature differences can be as much 15 degrees Fahrenheit between forested areas of Portland and areas with few trees and more asphalt (such as North and East Portland). A dense tree canopy is a tool that can be used to reduce the impact of climate change and air pollution on public health.

Additionally, I urge the city council to support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

All of Portland’s citizens should be considered and treated equally when implementing our tree code. Business and industry should do their fair share to help improve the quality of life in our city. I’m calling on Mayor Wheeler and the City Council to revise the proposed tree code to hold Heavy Industrial zones to the same standards as the rest of the city.

Mary Jo Mann
2036 SE Lincoln St
Portland, Oregon 97214

From: [Sandy Joos](#)
To: [Council Clerk – Testimony](#)
Subject: Please don't exempt tree protections on heavy industrial lands
Date: Thursday, October 22, 2020 6:01:32 PM

Dear Portland City Council, I urge you to adopt exhibit B in the proposed amendments that removes the exemption for tree protections on Heavy Industrial lands. Protecting trees on Heavy Industrial lands is critically important! These lands produce high levels of air pollution, have some of the highest urban heat island effects in the city, pollute our rivers, and negatively affect surrounding neighborhoods. Corporate landowners need to be held accountable for doing their fair share to protect our urban trees.

Sandra Joos
4259 SW Patrick Pl
Portland, OR 97239

From: [Lloyd Vivola](#)
To: [Council Clerk – Testimony](#)
Subject: VOTE EXHIBIT B PORTLAND TREE CODE TITLE 11
Date: Friday, October 23, 2020 8:43:18 AM

Email to: The Portland City Council Clerk
RE: Support Exhibit B of the Portland Tree Code

Date: October 23, 2020

I am writing today to urge the Portland City Council to adopt Exhibit B when considering proposed amendments to the Portland Tree Code (Title 11) on October 29.

I am pleased that all amendments being considered will require inch for inch mitigation for trees over 20 inches and that they will remove the standing exemptions for tree protection in the IG1, EX, and CX Zones.

I am distressed however that Heavy Industrial land owners might still be afforded an exemption from new tree code standards at this critical time in Portland's commendable history of forward-looking ecological policy-making.

At a time of daunting climate disruption and increased concerns about health risks and pollution in neighboring residential areas, we need more than ever to now ensure that wealthy industrial corporations do their part to support 1) the environmental sanity and integrity of the Willamette-Columbia confluence; and 2) the success of Portland's long-term goals for social equity and effective, citywide, tree-canopy design.

Accordingly, I urge you to stop postponing a just, common sense action on this ecological issue. Please adopt Exhibit B when you vote on amendments to the Tree Code. Let us then move on to tackle the many other pressing concerns facing our city and our neighbors at this time.

Respectfully,
Lloyd Vivola
12120 SE Foster Place
Portland, Oregon 97266

From: [Hillary Tiefer](#)
To: [Council Clerk – Testimony](#)
Subject: Tree Protection
Date: Friday, October 23, 2020 10:35:10 AM

Dear Council,

I am personally aware of the terrible urban pollution around heavy industry near the Columbia River where it meets the Willamette. As a volunteer for the Oregon Humane Society, I regularly walked dogs in this area and noted the pollution of the air as well as the near-by swampy water. Volunteers come daily to walk dogs here and suffer from this unhealthy environment. It will also be hotter in consequence. No doubt people living and working in this area feel it as well. Trees help to present some of this air pollution.

Please adopt Exhibit B in the proposed amendments that removes the exemptions for tree protections in heavy industrial lands. Portland Audubon provides the following effective arguments:

- To strongly support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.
- To Adopt the Tree Ordinance with Exhibit B to which also includes removal of the exemption for protecting trees on Heavy Industrial (IH) lands.
- Heavy industrial areas overlap with some of our most important natural resource areas such as the banks of the Willamette and Columbia Rivers and Columbia Slough.
- Heavy industrial areas have some of the highest urban heat island effects in Portland. Trees are essential to reducing urban heat island for workers and adjacent communities.
- Heavy industrial areas have some of the worst air pollution, Trees are vital to protect air quality.
- Heavy industrial areas are directly adjacent to neighborhoods which are often more diverse and lower income. Trees are vital to protecting neighborhoods and vulnerable populations
- Applying tree protections on heavy industrial lands would not reduce the industrial land base. Property owners have a choice of either retaining trees or paying into a mitigation fund **to plant trees nearby** when trees are not preserved.
- It is long past time for heavy industrial land developers to be required to do their part to protect trees.

Thank you,
Sincerely,
Hillary Tiefer

From: [Jim Wentworth-Plato](#)
To: [Council Clerk – Testimony](#)
Subject: Proposed Tree Code Change for Oct 29
Date: Friday, October 23, 2020 10:41:54 AM

I'm writing to support the proposed the code change to remove exemptions IG1, EX, and CX zones.

I also support reducing the threshold of inch per inch fees down to 20" diameter trees.

I also believe the codes should change on 1H property to require additional canopy cover.

I sat on the panel of stakeholders in the original Title 11 creation and fought for these same controls back then. Unfortunately, there were more developers and paid people in the room than community members or certified arborists like me.

It's been proven time and again that plants reduce particulates, help retain and clean storm water, lower heat island effects, and improve human well-being. These benefits are greater in areas of industry. These benefits are increasingly important as Portland continues it's trend of developing smaller and smaller parcels leaving no room for replacement with comparable large trees.

Much of the public believes that Portland has lost it's shine, partly because density has increased beyond a livable threshold and this 'tree city' has seen more and more steel and concrete on the skyline than tree canopy. Please give our children some hope for a healthier world.

--

Emerald Tree
The Art and Science of Tree Care

From: [Laurie Holtz](#)
To: [Council Clerk – Testimony](#)
Subject: Save the Trees
Date: Friday, October 23, 2020 1:51:12 PM

Hi there...

I wanted to write in support of changing the city's tree code in order to protect older growth trees. I live on the border of Concordia and Beaumont-Wilshire and the difference in the amount of trees in each neighborhood is staggering. There are so few trees north of Prescott compared to south in the B-W/Alameda neighborhoods and beyond. It just kills me when I see one of the sporadic older trees get torn down for a couple of cookie-cutter houses.

Please change the code so developers can't destroy Portland's greenery to line their own pockets.

Thank you for your consideration.

Laurie Holtz
4536 NE 41st Ave

From: [Linda Leyva](#)
To: [Council Clerk – Testimony](#)
Subject: Reforming our Tree Code
Date: Friday, October 23, 2020 1:54:48 PM

Dear City Council,

I'm writing to urge you to adopt the tree ordinance with Exhibit B, removing the exemption for protecting trees on Heavy Industrial (IH) lands. It is long past time for heavy industrial land developers to be required to do their part to protect trees.

Applying tree protections on heavy industrial lands would not reduce the industrial land base. Property owners have a choice of either retaining trees or paying into a mitigation fund to plant trees nearby when trees are not preserved. This is important for many reasons, including the fact that the areas in question have some of the highest urban heat island effects in our city, produce some of the worst air pollution, and are adjacent to lower income neighborhoods which deserve the protection that the trees of an urban forest provide. I support support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

Sincerely,
Linda Leyva

From: [JAY MARSHALL](#)
To: [Council Clerk – Testimony](#)
Subject: Trees
Date: Friday, October 23, 2020 3:35:15 PM

I live in Concordia neighborhood and have seen way too many huge trees succumb to developers. Trees make our neighborhood livable and house countless animals. I support much stronger rules to preserve old growth and our larger trees.

Jay Marshall

From: [Lynn Herring](#)
To: [Council Clerk – Testimony](#)
Subject: Portland Tree Code (Title 11) Amendments
Date: Friday, October 23, 2020 7:11:44 PM

To the Portland City Council:

Regarding update of the City's tree code (Title 11),

First, I applaud the Amendment Package, which includes strong new inch for inch mitigation requirements for trees greater than 20 inches diameter at breast height (DBH) and would remove exemptions from tree protections that are currently in place for General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

However, I must urge you to adopt Exhibit B in the proposed amendments to remove the exemption for tree protections on Heavy Industrial Lands (HI).

Biological remediation for Heavy Industrial Lands in the form of simple tree retention is extremely important for many reasons including the following:

- Existing trees (and hopefully trees yet to be planted) can offset the biological sterility of Heavy Industrial lands -- typically adjacent to Portland's lower income neighborhoods.
- Trees help absorb urban air pollution through carbon sequestration.
- Tree transpiration and canopy offset overall intense urban heat island effects.
- Tree transpiration and canopy provide cooling shade for riparian areas with huge wildlife benefits both along and in the Willamette and Columbia Rivers and Columbia Slough.
- Trees are wildlife habitat by providing food and shelter for resting and nesting from mycorrhizal fungi to numerous invertebrate and vertebrate species!

In support of all efforts to protect Portland's trees and their intrinsic ecological values throughout the City,

Lynn Herring
Lynnhe@outlook.com

From: [Kris Hatch-McCarter](#)
To: [Council Clerk – Testimony](#)
Subject: Title 11 City's Tree Code Written Testimony for the City Council
Date: Saturday, October 24, 2020 10:27:01 AM

Dear City Council Clerk:

I strongly support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones. I urge the Council to Adopt the Tree Ordinance with Exhibit B to which also includes removal of the exemption for protecting trees on Heavy Industrial (IH) lands. Heavy industrial areas overlap with some of our most important natural resource areas such as the banks of the Willamette and Columbia Rivers and Columbia Slough. Heavy industrial areas have some of the highest urban heat island effects in Portland. Trees are essential to reducing urban heat island for workers and adjacent communities. Heavy industrial areas have some of the worst air pollution, Trees are vital to protect air quality. Heavy industrial areas are directly adjacent to neighborhoods which are often more diverse and lower income. Trees are vital to protecting neighborhoods and vulnerable populations. Applying tree protections on heavy industrial lands would not reduce the industrial land base. Property owners have a choice of either retaining trees or paying into a mitigation fund to plant trees nearby when trees are not preserved.

It is long past time for heavy industrial land developers to be required to do their part to protect trees.

Thank you for your time and consideration.

Kris Hatch-McCarter
1338 SE Malden St
Portland, OR 97202

From: [Evrin Icoz Photography](#)
To: [Council Clerk – Testimony](#)
Subject: Comment on Tree Code (Title 11) amendments
Date: Saturday, October 24, 2020 12:33:10 PM

This is in regards to changes to the Portland Tree Code:

I am for the changes pertaining to the INDUSTRIAL areas only.

I am strongly AGAINST the code change from 36inch to 20inches.

The changes will DISCOURAGE tree planting, and will ENCOURAGE removal of trees that are getting close to the limit. It will also discourage trees that will get big to be planted at all.

I am hardly an anti-tree person. I am an organic gardener, I have Gold level certification in Backyard Habitat Certification program and I recycle and use renewable energy. I am hardly someone against conservation.

My main objection is a) 20inches is too broad and should be a more reasonable amount such as 26-30inches b) this section should EXCLUDE residential single family lots.

- The change says: "Reduce the threshold for required preservation of trees on private property from 36 inches to 20 inches in diameter" This should have excluded the single family and smaller lot sizes. If you buy a house and it has a tree that is too close to your home or placed in the wrong area or just not a tree you would want in your lots (say a walnut tree that spreads and rains walnuts on your head or an elm tree with millions of seedlings in your yard), you are stuck.

- It will encourage people to cut down trees getting to 20 inches. I personally will strongly consider cutting down one tree because of this change and already cutting another tree because it is getting to close to the 12inch rule that was also written in a way to not exclude people with small lots. I might plant a native tree that will stay small, but the fact remains that two large mature trees are being cut down to avoid being penalized harshly. I have a tiny lot. These punitive and too broad rules DISCOURAGE tree conservation and planting.

- It will discourage people from planting trees that will get big like cedars (or really any decent sized tree). The current 12 inch rule already is a major discouraging factor. Not to mention the incredibly restrictive sidewalk strip tree rule that basically means that if you plant a tree in your sidewalk, you are stuck with trees forever. So we do not need another measure to discourage tree planting. Please do exclude single family residential structures from this.

- It is classist. It punishes regular folks who cannot pay the high fees and does not do much to

discourage developers. Developers / Industry will easily pay the extra amounts easily while regular folks with small lots and pockets will be potentially stuck with trees they do not want or end up cutting prematurely to avoid this very situation.

So I SUPPORT the industrial sections and ask for a) increase from 20 inch to (say) 26 inches and b) exclude single family lot sizes from this.

Thanks!

However, due to the existing 12 inch tree removal permit process and fine structure, I am going to be cutting a tree that is 10.5 inches before it is too late. Also I have not planted any trees (I spent over \$1000 buying new plants, not one of them a tree) because of this punitive code.

A lot of us have small lots. Telling us that we cannot cut a tree without a major headache, or we have to replace it is not constructive but actually creates disincentives for planting trees. Me and my neighbors have actually held off on planting trees because of the punitive code that doesn't exempt homeowners with small lots.

I do strong preserving old trees with exceptions for small lots and the 20inch rule is way too broad. I have another tree that is coming to 20inches and I will remove that one as well before this passes (because let's face it, the city doesn't care about our input once they made up their mind, esp. Commissioner Eudaly) because of these incredibly punitive changes.

I am strongly against reducing the limit to 20inches. THAT is too low. Also I am very much against these limits for people with small lots and have existing trees.

It DISCOURAGES people from planting trees.

Evrin Icoz
503 341 4762

From: [Lyn Larson](#)
To: [Council Clerk – Testimony](#)
Subject: Protecting Trees
Date: Saturday, October 24, 2020 1:50:25 PM

To whom it may concern,

Corvallis has a Heritage Tree program that offers protection to significant trees such as the sequoia that's threatened in the Sabin neighborhood. Check it out on the City's web site and consider using it in Portland (I can't believe you don't already...). No need to reinvent the wheel.

Please don't just list your values in vision statements and goals and whatnot. Act on them to make them real! A local preservation group, PreservationWORKS!, is battling the City of Corvallis and ODOT right now to save our historic Van Buren Bridge, and that's what's happening: vision statements and official agency manuals, and transportation and parks plans and goals that are all being ignored.

Please advocate for trees! Don't be like that Joni Mitchell lyric: "They (that's you!) cut all the trees, put 'em in a tree museum and charged the people (that's us!) a dollar and a half just to see 'em."

Think about it.

Lyn Larson
Corvallis

October 24, 2020
Portland City Council
Title 11 Amendments Testimony
1221 SW Fourth Avenue, Room 130
Portland, Oregon 97204

RE: Public Hearing: Amendments to Title 11.

The exemption of IG1, EX, and CX from Title 11 was a mistake. The inclusion of these zones in Title 11 requires the City to elevate the sophistication of its regulatory authority.

I work as a planning consultant in Portland on complicated projects. I have never found Title 11 to be a problem. This includes an experience with a subdivision and heritage tree (the tree remains). I live in the forest and grow trees. The issue is the adversarial situation created because the public experiences a lack of consistency in the City's forestry response and reacts defensively. The Forestry program does not have a clear point of entry. The forestry staff's quality advice is compromised by a management that prohibits access or consistent individual communication.

The exempted zones are ecological complex. They may appear simpler than a forest, yet these are the places of greatest human production. The Central City has many older and beautiful trees that have no protection. The area requires a more measured regulatory structure than simply removing an exemption. The Planning Bureau and Sustainability should begin by being directed to do a Central City Tree Inventory. Industrial areas also require a different regulatory framework than a residential neighborhood.

Trees are challenged by Portland's aggressive policies to build density throughout the city. Trees can be incorporated as assets.



A forty-foot high redwood in the brand-new project at Burnside and MLK, trees incorporated into the Yard, and the "tree farm" building at Third and Morison are good examples of very new creative solutions.

Design Review provides the flexibility. Land use decisions are specifically exempt from Title 11. **(5. Trees exempted from this standard by a land use decision.)**

The 85% site area cover exemption is a mistake. The interplay between height and FAR determines if the buildings are tall and skinny or short and squat. Tall thin buildings provide more air and light and creative landscaping. The exemption needs to be eliminated.

Sincerely,

Peter Finley Fry

Peter Finley Fry

**303 NW Uptown Terrace #1B
Portland, Oregon USA 97210
peter@finleyfry.com**

From: [Peter Fry](#)
To: [Council Clerk – Testimony](#)
Subject: Title 11 Amendments - Testimony
Date: Saturday, October 24, 2020 4:32:21 PM
Attachments: [Tree Testimony city council.docx](#)

Please find attached

Peter Finley Fry AICP PhD MUP
303 NW Uptown Terrace; Unit 1B
Portland, Oregon 97210
503 703-8033

Sent from [Mail](#) for Windows 10

From: [Heather Smith Harvey](#)
To: [Council Clerk – Testimony](#)
Subject: SAVE THE TREES
Date: Saturday, October 24, 2020 10:28:35 PM

Hello there.

I am a longtime resident of Portland, Oregon and felt it was my duty to send a note asking the city to amend the tree code and preserve old growth trees throughout the city. Please don't give in to greed by these builders seeking to maximize lot spaces for profit. I've heard too many heartbreaking stories of 100+ year old trees getting cut down as this city expands.

Doug Firs, Giant Sequoias and other giants deserve to live and grow in our beautiful city.

Lets put the environment & ecosystem first. Profit last.

Thank you for listening.

Heather Harvey
NE Portland

--

Heather Smith Harvey | Production | Wieden + Kennedy | 224 NW 13th Ave | Portland OR
97209 | o 503.937.7730 | m 503.475.5776

From: [Rory C](#)
To: [Council Clerk – Testimony](#)
Subject: Protect Trees
Date: Sunday, October 25, 2020 9:25:22 AM

Hello,

I appreciate the City of Portland's willingness to consider voices from the community regarding tree protection regulations. I also appreciate the extensive analysis and initial steps staff has taken to address some of the problems with the Tree Code (Title 11) in this draft policy proposal. As a Portland resident, I expect industrial corporations to do their fair share in protecting trees and all of the benefits that trees provide our community. Heavy industrial areas overlap with some of our most important natural resource areas such as the banks of the Willamette and Columbia Rivers and Columbia Slough.

I strongly support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

Please adopt the Tree Ordinance with Exhibit B which also includes removal of the exemption for protecting trees on Heavy Industrial (IH) lands.

I support the proposal to reduce tree size threshold and the greater protection for trees that comes with that.

However, I urge staff to eliminate exemptions for ALL commercial and industrial zones INCLUDING HEAVY INDUSTRIAL (IH). Protecting trees on industrial lands is essential to achieve the City's commitment to build climate resilient equitable communities.

Thank you,
Rory Cowal



7688 Capitol Hwy, Portland, OR 97219

“We envision that the Multnomah Neighborhood will remain a place defined by conscientious decision about the preservation of our canopy of trees, open space, and natural areas; limited and thoughtful residential and commercial development; small businesses; and safe streets. It is our vision that the Neighborhood will retain and judiciously improve on its small-town historic charms and small-scale main street Village character. The [Plan’s] policies and objectives were formulated to help realize our vision for Multnomah’s future.”

(Multnomah Neighborhood Plan 1995)

October 25, 2020

To: Council Testimony cctestimony@portlandoregon.gov

Cc: Mayor Wheeler, mayorwheeler@portlandoregon.gov
 Commissioner Eudaly, chloe@portlandoregon.gov
 Commissioner Fritz, amanda@portlandoregon.gov
 Commissioner Hardesty, joann@portlandoregon.gov
 Director Adena Long, adena.long@portlandoregon.gov
 Director Andrea Durbin, Andrea.durbin@portlandoregon.gov
 Director Rebecca Esau, Rebecca.esau@portlandoregon.gov
 City Forester Jenn Cairo, jenn.cairo@portlandoregon.gov
 Brian Landoe brian.landoe@portlandoregon.gov
 BDS Ken Ray, ken.ray@portlandoregon.gov
 Friends of Trees, FOT@FriendsofTrees.org
 Urban Forestry Commission
 SWNI Board & Neighborhood Chairs
 Multnomah Neighborhood Board and Committee Chairs

Testimony: [Ordinance to Amend Trees In Development Situations Code](#)

Southwest Portland’s hilly terrain and clay soils are susceptible to erosion, flooding, and stormwater management complications. Maintaining the tree canopy and pervious surfaces are critical in maintaining and potentially reducing costs to taxpayers.

Residents of the Multnomah Neighborhood care deeply about tree preservation and development that retains large trees and are grateful for this opportunity to offer these comments. We appreciate the collaborative effort of staff from BDS, Planning, and Parks.

- We support removing the exemptions on tree preservation for general industrial (IG1), central employment (EX), and central commercial (CX) zones.
- We do NOT support retaining the tree preservation and tree density exemptions in areas zoned as heavy industrial (IH).
- We support proposing changes to state goal 9 that requires a 20-year supply of buildable lands for strictly economic growth and create more flexibility for cities to implement goal 9. Portland is unique from other cities insofar that we have an urban growth boundary and are surrounded by cities that collide with the buildable land supply requirement.

Chair—Maria Thi Mai * Treasurer—Sim Hyde* Committee Chairs: Equity—Will Fuller *
 Land Use—Jim Peterson * Transportation—Katherine Christensen *
 Watershed—Murphy Terrell * Special Advisor—Carol McCarthy



7688 Capitol Hwy, Portland, OR 97219

- We support reducing the threshold for tree preservation and inch for inch mitigation from 36—20” DBH on private lands. This change is a move in the right direction. A greater number of trees should be preserved under this new scenario and allowed to grow to their full maturity and value.

We believe trees have great social and ecological benefits to our community. Trees help us thrive. Thank you for your thoughtful consideration of our comments.

Respectfully,

Maria Thi Mai
Multnomah Neighborhood Association Chair
7688 SW Capitol Hwy Portland OR 97219
503.539.4966 Multnomah-chair@swni.org
<https://swni.org/multnomah>

cc: Multnomah Neighborhood Board Members and Committee Chairs
SWNI Chair, Leslie Hammond thinkleslieh@gmail.com
SWNI Director, Sylvia Bogert Sylvia@swni.org

From: [Maria Thi Mai](#)
To: [Council Clerk – Testimony](#); [Multnomah-chair@SWNI](#)
Cc: [Carol McCarthy](#); [Edith and Will Fuller](#); [Jim Peterson](#); [Katherine Christensen](#); [Murphy Terrell](#); [Sim Hyde](#); [SWNI Board](#); [SWNI Neighborhood Chairs](#); [parks-committee@swni.org](#); [Director, Parks Bureau](#); [parks-chair@swni.org](#); [Ray, Ken](#); [Wheeler, Mayor](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); [Commissioner Hardesty](#); [Long, Adena](#); [Esau, Rebecca](#); [Cairo, Jenn](#); [FOT@friendsoftrees.org](#); [Landoe, Brian](#); [Durbin, Andrea](#)
Subject: TESTIMONY: Tree Code-Oct 29
Date: Sunday, October 25, 2020 1:10:00 PM
Attachments: [2020_Oct_29_Tree_Code_Testimony.pdf](#)

Testimony: [Ordinance to Amend Trees In Development Situations Code](#)

Southwest Portland's hilly terrain and clay soils are susceptible to erosion, flooding, and stormwater management complications. Maintaining the tree canopy and pervious surfaces are critical in maintaining and potentially reducing costs to taxpayers.

Residents of the Multnomah Neighborhood care deeply about tree preservation and development that retains large trees and are grateful for this opportunity to offer these comments. We appreciate the collaborative effort of staff from BDS, Planning, and Parks.

- We support removing the exemptions on tree preservation for general industrial (IG1), central employment (EX), and central commercial (CX) zones.
- We do NOT support retaining the tree preservation and tree density exemptions in areas zoned as heavy industrial (IH).
- We support proposing changes to state goal 9 that requires a 20-year supply of buildable lands for strictly economic growth and create more flexibility for cities to implement goal 9. Portland is unique from other cities insofar that we have an urban growth boundary and are surrounded by cities that collide with the buildable land supply requirement.
- We support reducing the threshold for tree preservation and inch for inch mitigation from 36—20" DBH on private lands. This change is a move in the right direction. A greater number of trees should be preserved under this new scenario and allowed to grow to their full maturity and value.

We believe trees have great social and ecological benefits to our community. Trees help us thrive. Thank you for your thoughtful consideration of our comments.

Respectfully,

Maria Thi Mai
 Multnomah Neighborhood Association Chair
 7688 SW Capitol Hwy Portland OR 97219
 503.539.4966 Multnomah-chair@swni.org
<https://swni.org/multnomah>

cc: Multnomah Neighborhood Board Members and Committee Chairs
 SWNI Chair, Leslie Hammond thinkleslieh@gmail.com

SWNI Director, Sylvia Bogert Sylvia@swni.org

--

Smiles and sunshine,

Maria Thi Mai

503.539.4966

thimai.maria@gmail.com

"Leaves are verbs that conjugate the seasons." Gretel Ehrlich

From: [Matt Stine](#)
To: [Council Clerk – Testimony](#)
Subject: Save TREES!!!!
Date: Sunday, October 25, 2020 9:15:13 PM

Dear City Council,

I strongly support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

I urge Council to Adopt the Tree Ordinance with Exhibit B to which also includes removal of the exemption for protecting trees on Heavy Industrial (IH) lands.

<!--[if !supportLists]-->• <!--[endif]-->Heavy industrial areas overlap with some of our most important natural resource areas such as the banks of the Willamette and Columbia Rivers and Columbia Slough.

<!--[if !supportLists]-->• <!--[endif]-->Heavy industrial areas have some of the highest urban heat island effects in Portland. Trees are essential to reducing urban heat island for workers and adjacent communities.

<!--[if !supportLists]-->• <!--[endif]-->Heavy industrial areas have some of the worst air pollution, Trees are vital to protect air quality.

<!--[if !supportLists]-->• <!--[endif]-->Heavy industrial areas are directly adjacent to neighborhoods which are often more diverse and lower income. Trees are vital to protecting neighborhoods and vulnerable populations

<!--[if !supportLists]-->• <!--[endif]-->Applying tree protections on heavy industrial lands would not reduce the industrial land base. Property owners have a choice of either retaining trees or paying into a mitigation fund **to plant trees nearby** when trees are not preserved.

- <!--[endif]-->It is long past time for heavy industrial land developers to be required to do their part to protect trees.

Sincerely,

Matt Stine
3962 SE Oak Street
97214

September 21, 2020

Mr. Ted Wheeler, Mayor
 Portland City Council
 1221 SW 4th Avenue, Room 130
 Portland, OR 97204

Dear Mayor Wheeler and members of the City Council,

Last Thursday, September 17, 2020, the Urban Forestry Commission (UFC) completed its public hearing on proposed changes to Title 11, Trees, that began during our two commissions' joint hearing on September 8.

After closing the public comment period at our September 17 hearing, the UFC (joined by several PSC members and City staff), had a discussion that weighed city goals, centering social justice and the long-term environmental health of the City. We then voted to approve City staff's proposal with one exception as noted below. The City staff proposal was delineated in a letter from Emily Sandy, Bureau of Development Services, to the PSC and UFC on August 14.

Specifically, the UFC voted on September 17 to make the following recommendations to the Portland City Council.

"1. Remove the exemptions from tree preservation and tree density in IG1 (General Industrial 1), EX (Central Employment), CX (Central Commercial) and IH (Heavy Industrial) zone, on private or City-owned/managed property, during development situations, and

2) Reduce the threshold for required preservation of trees on private property, in development situations, from 36 inches to 20 inches in dbh¹, wherever tree preservation is required, and

3) Reduce the threshold for inch-per-inch fee in lieu of preservation for trees on private property, in development situations, from 36 inches dbh to 20 inches dbh."

The UFC's vote differs only from the City staff proposal in the treatment of exemptions for IH-zoned lands: The staff proposal is to retain this exemption. The UFC voted to remove this exemption.

We understand staff's rationale for retaining the IH exemption, including consideration of the City's 2016 Economic Opportunity Analysis (EOA) -- a required component of the City's compliance with statewide Goal 9 -- that claims that retaining large trees on IH land will increase development costs on this land. However, the UFC respectfully disagrees with the City staff conclusion. The analysis concludes that such costs would limit development, which would

¹ 'dbh' refers to Diameter at Breast Height, and reflects a standard measure used in the field of forestry science to describe the physical size of a tree.

in turn shrink the future supply of developable industrial land (and thus limit the number of industrial jobs).

However, the UFC believes this analysis is far too narrow upon which to base this important decision. In fact, the staff report itself states that the economic analysis did not take into account the potential benefits of improvements to public and ecological health that would likely offset the projected negative impacts.

Absent in the EOA methodology is consideration of many other City goals and policies, including those calling for aggressive action to mitigate and prepare for climate change and its inequitable impacts on low-income, mainly BIPOC, communities. In particular, a City policy that facilitates the removal of large trees in areas such as the IH zone will amplify ambient temperatures, exacerbating the already disproportionate heat island effects on employees working within those areas, and on adjacent communities. The extensive amounts of impervious surfaces in all these land use categories, though especially in the heavy industrial zone, retains the heat and increases temperatures on nearby communities by upwards of 15-degrees Fahrenheit, which could be the difference between life and death for many in historically marginalized communities.

Cities around the country are actively addressing these urban heat islands, and Portland should be no exception. Removing these exemptions on all the zones under consideration will provide a stronger incentive to both preserve valuable shade from existing trees and to plant new trees which over time will reduce temperatures as future heat waves increase in frequency and intensity.

Our recommendation also aligns with the City's climate emergency declared earlier this year and that describes the importance of advancing climate equity and environmental justice. Allowing the exemption for IH-zoned land to remain is a step backwards on both fronts. We believe that the City Council must take bold action to ensure that the responsibility to preserve and enhance tree canopy infrastructure is borne equitably. **The UFC also recommends that the City evaluate these climate and equity considerations in the next Economic Opportunity Analysis, which is scheduled for 2021.** Following our recommendations would be an important step in that direction.

Thank you for the opportunity to collaborate on this issue and for consideration of our recommendations.



Vivek Shandas, Chair
Urban Forestry Commission

cc: Planning and Sustainability Commission, Bureau of Development Services

From: [Kenton Neighborhood](#)
To: [Council Clerk – Testimony](#)
Subject: Public testimony for tree code updates Oct. 29
Date: Monday, October 26, 2020 9:17:34 AM
Attachments: [UFC CityCouncil Title11_20200921_FINAL.pdf](#)

Greetings,

The Kenton Neighborhood Association supports the position of the Urban Forestry Commission (see attached) that seeks to:

- Preserve large trees
- Increase mitigation fees
- Remove exemptions from all land use zones

Sincerely,

--

KNA Vice Chair Tyler Roppe
503-558-5628 (General KNA line)
knachair@gmail.com

From: [Paul Del Vecchio](#)
To: [Council Clerk – Testimony](#)
Subject: Tree Code Update - Item #866 | Written Testimony
Date: Monday, October 26, 2020 10:50:07 AM
Attachments: [PastedGraphic-1.png](#)

To Whom it May Concern,

I am writing to provide written testimony on the contemplated Tree Code Update (Agenda item 866). I am a portland resident and am a principal at both a commercial brokerage firm and a multifamily development firm that are active in the City of Portland. Over the past four years, a combination of Council led legislative initiatives and bureau led interpretation initiatives have imposed so many new requirements on development that the cumulative affect has made the industry barely able to function within the current economic climate. Each marginal change is rooted in well meaning aspirations for our city, however the outcome is that in aggregate these items become a priority over housing, which is a basic human need. The tree code overhaul is the latest in a torrent of additional restrictions on an already overburdened industry.

Trees should not be prioritized over people in the urban core. We only have so much urban land on which to build and we must make the best use of it and maximize density. In circumstances where a development could be built to the lot line, or have near 100% lot coverage, there is no reasonable justification to allow an existing tree to drive the future of the property. In circumstances where a tree has grown partially onto public property, from private property, this should not be considered a public tree. The existing tree code already balances the value of our tree canopy with the needs of a growing city.

It is worth noting that this contemplated code changes could have adverse affects as property owners realize that large trees will lessen property value. One would be incentivized to remove trees before they are large enough to qualify for protection.

Our economic system is organized in a way that has private enterprise providing basic needs to society, such as housing. The financial viability of these businesses has to be considered. Please consider passing this tree code update until the city, its residents, and its housing industry have once again found stable economic footing.

Best,
Paul Del Vecchio

Paul Del Vecchio | Founding Principal
2222 NE Oregon Street | Suite 209 | Portland, OR 97232
o: 503.205.0806 | m: 971.806.6255
w: ethosdevelopmentllc.com

ethos
DEVELOPMENT

From: [candace larson](#)
To: [Council Clerk – Testimony](#)
Subject: Please Adopt Tree Ordinance with Exhibit B
Date: Monday, October 26, 2020 10:56:20 AM

Dear Council,

•

• Thank you for your efforts to protect Portland's trees, for our community health and for the health of the planet. I'm pleased to see the incorporation of inch-for-inch mitigation on 20 inch dbh trees, and the removal of exemptions for general industrial and central commercial zones. **I strongly urge you adopt the Tree Ordinance with Exhibit B**, which will provide critical mitigation on our heavy industrial lands. These protections will not reduce the industrial land base, and will provide support and protection for adjacent neighborhoods, many of which trend poorer and browner than other areas of Portland. HI lands already contribute to disproportionate health concerns for BIPOC residents. HI lands also have some of the highest urban heat island effects and worst air pollution in the city, both of which can be mitigated by tree protections. Please vote to adopt the Tree Ordinance with Exhibit B.

Sincerely,
Candace Larson
Portland 97202

From: [Robert Bernstein](#)
To: [Wheeler, Mayor](#); [Commissioner Eudaly](#); [Commissioner Hardesty](#); [Commissioner Fritz](#); [Council Clerk – Testimony](#)
Subject: Tree Code-Title 11
Date: Monday, October 26, 2020 12:34:07 PM

Climate change is real. Many of Portland's trees are already struggling. Our surviving trees have shown their ability to weather these changes. Taking nearly half a human lifetime were it even to occur, we can't count on newly planted 'mitigation' trees to replace them.

We ask that the exemptions for 'Heavy Industrial' lands be removed. Many of these areas provide prime habitat. They offer cooler summer temperature for vulnerable citizens. And you should know by now the panoply of other beneficial things a healthy mature canopy gives us all.

Industry needs to do its share. It's part of being Portland.

As the 'fee in lieu of preservation' dates back five yrs, It's only reasonable that it be adjusted for inflation.

Respectfully,

Robert B. Bernstein
Laura Webb
7415 SE Main St.

From: [Lori Haslacher](#)
To: [Council Clerk – Testimony](#)
Subject: Oct 29 Hearing to Update Tree Code
Date: Monday, October 26, 2020 1:35:40 PM

To the Council,

I am writing to strongly urge you to support the amendments to the Tree Code which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

I am also writing to strongly urge you Adopt the Tree Ordinance with Exhibit B to which also includes removal of the exemption for protecting trees on Heavy Industrial (IH) lands.

Thank you,
Lori Haslacher
1623 SE Harrison, Portland

From: [Jean Brodah](#)
To: [Council Clerk – Testimony](#)
Subject: City tree code proposal Title 11
Date: Monday, October 26, 2020 2:51:08 PM

Hello,

I live in the Cully neighborhood of Portland and am writing today to strongly support the amendments to the tree code which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IH), Central Employment (EX), and Central Commercial (CX) zones.

In addition, it is important that Tree Ordinance with Exhibit B be adopted, to remove the exemption for protecting trees on heavy industrial lands.

Heavy industrial areas overlap with some of our most important natural resource areas such as the banks of the Willamette and Columbia Rivers and Columbia Slough – something we are very aware of here in Cully!

Trees in heavy industrial are essential to reducing urban heat island for workers and adjacent communities and they protect air quality. Here in the Cully neighborhood, more needs to be done to improve our air quality. Removing mature trees around the slough would further damage our air quality.

Applying tree protections on heavy industrial lands would not reduce the industrial land base. Property owners have a choice of either retaining trees or paying into a mitigation fund when trees are not preserved.

It is long past time for heavy industrial land developers to be required to do their part to protect trees.

Thank you for advocating for Portland's tree canopy and the environmental and community benefits it provides.

Sincerely,

Jean

Jean Brodahl

Portland 97218

My name is Catherine Mushel. I am here on behalf of Trees for Life Oregon. We appreciate the opportunity to testify. We urge you to preserve healthy large-form trees and space for them everywhere and for everyone in Portland. We believe no zone should be exempt from tree regulations; and that the value of trees should be better reflected in our tree code.

Why?

Because everyone in Portland should be counted as important enough to receive the health benefits of a large-form tree: Everyone traveling our roads, everyone working in and owning local manufacturing, everyone caring for young children and the elderly nearby those manufacturing facilities. It is not enough to have big trees on one side of a major arterial such as Columbia Boulevard. Everyone needs the whole-street air conditioning that trees the size of oaks and firs provide along the industrial side of the roadway as well.

Please vote against making heavy industrial zones exempt from tree preservation standards.

When we say we want trees for life, we mean life in every sense. Even just one big tree next to where people live or work brings people together. Across history and many different cultures, a large tree has often served as a community's gathering place.

A focus group study of Asian immigrant residents in Portland's Jade District revealed the emotional connection some of these Portlanders have to childhood memories of social gatherings held under large trees.

As City staff recommends, please vote to make the development mitigation threshold size 20 inches--about the size of an oak when it is truly benefiting everyone around its leafy core.

Again as city staff recommends, please remove exemptions for tree preservation in commercial, central employment, and general industrial zones, as well as in heavy industrial zones.

Consider what trees mean to everyone's health and well-being in their daily lives. All zones count, all people count, and everyone needs big trees for life.

From: [Catherine Elaine Mushel](#)
To: [Council Clerk – Testimony](#)
Subject: 866: 2 p.m.
Date: Monday, October 26, 2020 4:55:40 PM
Attachments: [29OCT.TEST,TreeCode.TFLO.CEM.docx](#)

Thank you for accepting our testimony in writing.

Sincerely,

Catherine Mushel

Trees for Life Oregon

From: [Thomas Meinzen](#)
To: [Council Clerk – Testimony](#)
Subject: Testimony for Portland City Council consideration of tree code updates
Date: Monday, October 26, 2020 5:05:53 PM

Dear Portland City Council,

I would like to submit testimony in support of the proposed updates to the City Tree Code, to be considered at the Council's Oct. 29 meeting. I would also like to support the Urban Forestry Commission's recommendations to remove exemptions for tree preservation and tree density for private trees, and trees on City-owned or managed property in the Heavy Industrial zone.

I work in the Columbia Slough watershed, a largely-industrial watershed in north Portland. The proposed amendments to incentivize the preservation of more trees in General Industrial (IG) areas (which constitute much of the watershed) would help address many of the environmental and public health challenges the Columbia Slough watershed faces, including urban heat island effects, sun-loving aquatic vegetation clogging the Slough, and excessive stormwater runoff.

While planting new trees is important, new trees will take years, if not decades, to provide the heat reduction and other services needed to improve quality of life and habitat in the Columbia Slough watershed. Thus, the value of preserving already-existing trees in industrial areas, especially those larger than 20 inches dbh, cannot be understated. These changes can help our community move toward reducing urban heat islands and improving habitat, as well as improve environmental conditions for Portland's industrial workers.

Thank you for considering this testimony and supporting the preservation of Portland's trees.

Sincerely,
Thomas Meinzen
Portland, OR



7688 Capitol Hwy, Portland, OR 97219

“We envision that the Multnomah Neighborhood will remain a place defined by conscientious decision about the preservation of our canopy of trees, open space, and natural areas; limited and thoughtful residential and commercial development; small businesses; and safe streets. It is our vision that the Neighborhood will retain and judiciously improve on its small-town historic charms and small-scale main street Village character. The [Plan’s] policies and objectives were formulated to help realize our vision for Multnomah’s future.”

(Multnomah Neighborhood Plan 1995)

October 27, 2020

To: Council Testimony cctestimony@portlandoregon.gov

Cc: Mayor Wheeler, mayorwheeler@portlandoregon.gov

Commissioner Eudaly, chloe@portlandoregon.gov

Commissioner Fritz, amanda@portlandoregon.gov

Commissioner Hardesty, joann@portlandoregon.gov

Commissioner Dan Ryan, ryan@portlandoregon.gov

Director Adena Long, adena.long@portlandoregon.gov

Director Andrea Durbin, Andrea.durbin@portlandoregon.gov

Director Rebecca Esau, Rebecca.esau@portlandoregon.gov

City Forester Jenn Cairo, jenn.cairo@portlandoregon.gov

Brian Landoe brian.landoe@portlandoregon.gov

BDS Ken Ray, ken.ray@portlandoregon.gov

Friends of Trees, FOT@FriendsofTrees.org

Urban Forestry Commission

SWNI Board & Neighborhood Chairs

Multnomah Neighborhood Board and Committee Chairs

Multnomah Neighborhood Board Members and Committee Chairs

SWNI Director, Sylvia Bogert Sylvia@swni.org

Testimony: [Ordinance to Amend Trees In Development Situations Code](#)

Residents of the Multnomah Neighborhood care deeply about tree preservation and development that retains large trees and are grateful for this opportunity to offer these comments. We appreciate the collaborative effort of staff from BDS, Planning, Parks and the Urban Forestry Commission. Southwest Portland’s hilly terrain and clay soils are susceptible to erosion, flooding, and stormwater management complications. Maintaining the tree canopy and pervious surfaces are critical in maintaining and potentially reducing costs to taxpayers.

This testimony supports the Urban Forestry Commission’s (UFC) recommendations to:

1. Remove the exemptions from tree preservation and tree density in IG1 (General Industrial 1), EX (Central Employment), CX (Central Commercial) and IH (Heavy Industrial) zone, on private or City-owned/managed property, during development situations.
2. Reduce the threshold for required preservation of trees on private property, in development situations, from 36 inches to 20 inches in dbh1, wherever tree preservation is required.



7688 Capitol Hwy, Portland, OR 97219

3. Reduce the threshold for inch-per-inch fee in lieu of preservation for trees on private property, in development situations, from 36 inches dbh to 20 inches dbh.

We take umbrage with the City's conclusion for retaining the IH exemption in the Economic Opportunity Analysis (EOA). We agree with the UFC that the City's analysis is far too narrow upon which to base this important decision. The conclusion contradicts the staff report noting that the economic analysis did not consider potential benefits of improvements to public and ecological health that would likely offset the projected negative impacts. Furthermore, the EOA methodology is in contrast to important City goals and policies for climate change, socio-economic equity, and environmental justice.

Allowing the exemption for IH-zoned land to remain is a step backwards. We believe City Council must take bold action to ensure that the responsibility to preserve and enhance tree canopy infrastructure. We also support the UFC recommendation that the City evaluate these climate and equity considerations in the 2021 Economic Opportunity Analysis.

We believe trees have great social and ecological benefits to our community. Trees help us thrive. Thank you for your thoughtful consideration of our comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Maria Thi Mai".

Maria Thi Mai
Multnomah Neighborhood Association Chair
7688 SW Capitol Hwy Portland OR 97219
503.539.4966 Multnomah-chair@swni.org
<https://swni.org/multnomah>

From: [MNA Chair Multnomah NA](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); [Commissioner Hardesty](#); ryan@portlandoregon.gov; [Long, Adena](#); [Esau, Rebecca](#); [Cairo, Jenn](#); [Ray, Ken](#); FOT@friendsoftrees.org; [Durbin, Andrea](#); [Murphy Terrell](#); [James Peterson](#); [Edith and Will Fuller](#); [Katherine Christensen](#); [Sim Hyde](#); daniel@jwcw.org; knachair@gmail.com; board@swni.org; neighborhood-chairs@swni.org
Subject: City Council Hearing Tree Code Amendment
Date: Tuesday, October 27, 2020 9:17:53 AM
Attachments: [2020_Oct_28_Tree_Code_Testimony.pdf](#)

Please consider the attached file as the Multnomah Neighborhood Associations official testimony to the City Council's October 29, 2020, 2pm Time Certain Agenda item #866.

This testimony supports the Urban Forestry Commission's (UFC) recommendations to:

1. Remove the exemptions from tree preservation and tree density in IG1 (General Industrial 1), EX (Central Employment), CX (Central Commercial) and IH (Heavy Industrial) zone, on private or City-owned/managed property, during development situations.
2. Reduce the threshold for required preservation of trees on private property, in development situations, from 36 inches to 20 inches in dbh1, wherever tree preservation is required.
3. Reduce the threshold for inch-per-inch fee in lieu of preservation for trees on private property, in development situations, from 36 inches dbh to 20 inches dbh.

--

Regards,
Maria

President - Maria Thi Mai
 Treasurer: Sim Hyde

Email: multnomah-chair@swni.org
thimai.maria@gmail.com
 503.539.4966

Multnomah's Vision:

We envision that the Multnomah Neighborhood will remain a place defined by conscientious decision about the preservation of our canopy of trees, open space, and natural areas; limited and thoughtful residential and commercial development; small businesses; and safe streets. It is our vision that the Neighborhood will retain and judiciously improve on its small-town historic charms and small-scale main street Village character. The [Plan's] policies and objectives were formulated to help realize our vision for Multnomah's future. (SW Plan 1992)

From: [Melissa Marcus](#)
To: [Council Clerk – Testimony](#)
Subject: TREE PROTECTIONS IN PORTLAND, OR
Date: Tuesday, October 27, 2020 12:07:23 PM

To The City Council,

I urge you to adopt exhibit B in the proposed amendments that removes the exemption for tree protections on Heavy Industrial Lands.

Sincerely,
Melissa Marcus
Portland, OR

From: [Neena](#)
To: [Council Clerk – Testimony](#)
Subject: Protect Portland's Trees
Date: Tuesday, October 27, 2020 12:27:45 PM

I strongly support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

I urge you to please adopt the Tree Ordinance with **Exhibit B** to which also includes removal of the exemption for protecting trees on Heavy Industrial (IH) lands.

Heavy industrial land developers need to start doing their part to protect our citizens and our lands. Protect our TREES NOW!

Thank you,
Neena Petersen
Portland, OR

From: [Linore Blackstone](#)
To: [Council Clerk – Testimony](#)
Subject: Tree code amendments
Date: Tuesday, October 27, 2020 1:02:18 PM

Hello, thank you for this opportunity to express my objection, distress and confusion about why the City does not want to delete the exemption for heavy industry's targeting and cutting trees.

Commissioners, you all must know the value, the necessity of the tree beings—as I call them—and how late it is for us to change course and begin to protect and enhance the lands and trees and wild beings.

Heavy industry can be required to figure out how to preserve the canopy.

What is your ethic?

Please register my voice and my taking a stand for trees.

Regards,

Linore Blackstone

Linore Blackstone
llblackstone@comcast.net

October 27, 2020

Re: Agenda #866

Dear Council Members:

This is the first time I've given public testimony. I am moved to do so because I cherish Portland's trees.

I'm a mother and writer with no background in development, forestry, or politics. Please excuse any misuse of terminology.

My testimony concerns the amendment to the Development Situations Code (Ordinance, amend Code Chapter 11.50). Not only am I for it, I would favor even farther-reaching requirements. I am especially speaking to the "threshold for required preservation from 36 inches to 20 inches in diameter at breast height (dbh) wherever tree preservation is required" and the reduction of the "threshold for the application of an inch-per-inch fee in lieu of preservation for trees on private property from 36 inches dbh to 20 inches dbh."

My husband, son, and I have lived here for almost nine years. Our Southwest Portland neighborhood is a mix of families, singles and couples, and elders.

- We loan ingredients, share garden veggies, and watch each other's pets and kids
- Bonnie, across the street, has lived in the same house she and her husband Rex bought in 1962, where they raised their children. Kids build stick forts in her yard and eat apples from her tree
- Our streets are still "unimproved" and we don't have sidewalks
- Last year, our beloved 85-year-old neighbor Ortrud was taking her morning power walk when she was struck and instantly killed by a hit and run driver
- To many who grew up in the neighborhood, Ortrud was like a grandmother; she passed out homemade cookies at Halloween and hosted a plant sale in her tiny front yard each spring
- Whenever I see a Vision Zero yard sign, I think of Ortrud

Like many cities, Portland faces a long list of challenges, pedestrian safety among them. But I think the list of opportunities and resources is even longer. I could go on for days about our city's best features, and my list would be different from the ones each of you would write.

To me, one of our most distinctive features is our tree canopy.

As just one example, a few doors down from Ortrud's old house there's a Coastal Redwood with at least 72 inches dbh. The children growing up with that beauty in their front yard will no doubt have a wise perspective about what belongs on this earth.

On the edge of our lot, along Garden Home Road, stand four towering Douglas Firs.

- There were five of them when we moved in
- But a few years ago, one died
- I had two arborists confirm it; I needed to be sure
- A tall dead tree next to a busy road is dangerous, so it had to come down

That's when I first learned about Portland's tree code. When I recounted the situation to friends in other cities, they couldn't believe it.

- Wait, they'd ask, the tree is in the right of way, not even on your property, and *you're* responsible for it?
- *And* you have to apply for a permit *and* pay to have it cut down and hauled away?

But at the end of the day, I felt glad to live in a city that seriously understands and value its trees.

- Significant trees matter to more than just the people living on that property
- My layperson understanding is that the more mature and well rooted a tree is, the more work it does:
 - Preventing landslides
 - Absorbing rainwater
 - Filtering air
 - Providing shade and more

Each tree is a counterbalance to climate change.

But what I did not know then is that the chapter of the tree code that applies to homeowners is quite different from the one that applies to developers of residential homes. Our neighborhood learned this the hard way when, diagonal to us, across Garden Home Road, a very special property, even by Portland standards, went up for sale.

- From my kitchen window, I used to marvel at the swath of green; you could barely even see the house itself because of the mature rhododendrons and many medium and large old trees
- It sold to a developer, and where there had been one house, there would be six
- We watched as healthy trees of all sizes began to be taken down, one by one
- An especially large tree remained; thank goodness, we thought, at least they're leaving that one; but we were wrong

How could this be? As homeowners, we must apply for a city permit (which may not be approved) in order to cut down any tree on our own property with a 12-inch or greater dbh because trees of this size are significant to the community.

The city ought to provide developers a meaningful incentive to preserve what homeowners are required to preserve.

How much did the developer pay to remove those trees? I don't know. With those trees gone, their roots were gone with them. House foundations in the vicinity had water damage. The developer even removed all the magnificent rhododendrons along Garden Home Road. We noticed a big concrete drain was built (which I later learned is called a bioswale), I assume this is infrastructure that the city required.

Yet mature trees are infrastructure of the highest order, are they not? They were already there, providing many essential functions simultaneously.

I don't think Portland should be anti-development or anti-business.

But how the code applies to development situations should consider profit and cost for all involved. This is not an either-or situation.

If we amend this chapter of the tree code, giving greater incentive for developers to preserve more of our trees, I don't fear that they will stop developing. Developers might have to learn and apply some new methods. And this is what all of society needs to do. For we don't believe that their profit margin is more important than the quality of life of the taxpaying residents who live in and near the houses they construct, do we?

What is the cost to a neighborhood when developers are not compelled to preserve more trees? What is the cost to property values when a neighborhood's trees are cut down? What is the cost to the quality of life?

As I stated at the beginning of my testimony, I'd favor even farther-reaching changes to this chapter of the code. As I understand it, residential developers are already given a massive exemption by being allowed to cut down two-thirds of existing trees on a property. That seems like more than reasonable. Why shouldn't they pay inch for inch for each and every one of the trees that they remove as part of this arrangement?

Our 12-year-old 's climate is changing radically from the one we grew up in. If I don't try my best to persuade you to do more to preserve more trees in our city, I'll regret it. Thank you for your serious consideration. I appreciate your public service.

Laura Sciortino
Portland, Oregon

From: [Laura Sciortino](#)
To: [Council Clerk – Testimony](#)
Subject: Written Testimony for Agenda #866
Date: Tuesday, October 27, 2020 1:33:08 PM
Attachments: [Sciortino Testimony.102720.docx](#)

Hello,

Regarding Agenda #866. my attached testimony concerns the amendment to the Development Situations Code (Ordinance, amend Code Chapter 11.50).

I have signed up to give oral testimony as well.

Thank you,
Laura Sciortino

312 560 1015

From: [Joan Ottinger](#)
To: [Council Clerk – Testimony](#)
Subject: City Tree Code Update
Date: Tuesday, October 27, 2020 2:06:44 PM

I support Exhibit B because it removes the exemption for tree protection on heavy industrial land. Trees protect the environmental. Thank you for considering my comment. Joan Ottinger

From: [Greg Snider](#)
To: [Council Clerk – Testimony](#)
Subject: Tree Code Vote on October 29, 2020
Date: Tuesday, October 27, 2020 3:13:01 PM

Dear Mayor and Commissioners

The latest Tree code revisions are coming before City Council on October, 29, 2020. It is time the City of Portland starts to take the current Climate Emergency seriously. Any other other actions will be catastrophic. Trees are one of the best defenses we have against escalating climate change and the impact that unchecked human actions will continue to have on the planet and all living things on it.

While the current revisions to the tree code do not go nearly far enough, I urge you to Adopt the Tree Ordinance with Exhibit B which includes the removal of exemptions for protecting trees on Heavy Industrial (IH) lands.

I ask you to support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX) and Central Commercial CX) zones.

Seriously, these are baby steps where giant, forward thinking strides are necessary. Please continue to push for greater Tree Code reform, enactment and enforcement.

The time is now. There is no later.

Greg Snider
SE Portland
(503) 853-6957

From: [Will Risser](#)
To: [Council Clerk – Testimony](#)
Subject: trees
Date: Tuesday, October 27, 2020 3:13:13 PM

We urge the City Council to adopt exhibit B in the proposed amendments on Portland trees that removes the exemption for tree protections on heavy Industrial lands.

Jan Risser

William Risser

Portland, OR



October 27, 2020

VIA EMAIL

City Council Clerk
1221 SW Fourth Ave., Room 130
Portland OR 97204
cctestimony@portlandoregon.gov

Dear City Council:

I write on behalf of the Land Use & Transportation Committee of the Sabin Community Association, regarding the amendments proposed by the Bureau of Development Services to Title 11, Trees in Development Situations.

Package of Amendments Recommended by the Bureau of Development Services:

The Sabin Community Association supports:

- Reducing the threshold for required preservation of trees on private property, in development situations, from 36 inches to 20 inches in dbh, wherever tree preservation is required.
- Reducing the threshold from 36 inches to 20 inches in diameter at which inch-per-inch fees in lieu of tree preservation begin, for development on privately owned sites.
- Removing the exemptions on tree preservation for general industrial (IG1), central employment (EX), and central commercial (CX) zones.

We ask City Council to vote in favor of these amendments. We believe that development of Portland's housing stock can be compatible with preservation of the City's tree canopy and we support new methods in development that design with trees in mind. The toxic air that enveloped Oregon this past month was a reminder that trees are more than decorative objects. Their value to the City cannot be pegged to the human-made zones in which they grow or to an arbitrary 36-inch threshold. They are critical to our survival, even the smaller ones and even those growing in non-residential areas.

Portland City Council
October 27, 2020
Page 2

Repealing the Exemption for Heavy Industrial Zone

In addition, although we realize that repealing the tree preservation exemption for land in the Heavy Industrial (HI) zone is not being recommended at this time, we would support making that change to the Tree Code as soon as it can be done without violating state land use law. Again, trees have value to the Portland community regardless of where they are located, and the property owner should be subject to the same tree preservation requirements regardless of property zoning.

Repealing the Exemption for Residential Lots Under 5,000 Square Feet

Finally, we urge the City to study repealing the current exemption for residential lots under 5,000 square feet. *See* PCC § 11.50.040(B)(2). Many lots in our neighborhood are less than 5,000 square feet—sometimes only by a few feet—and many other lots are eligible to be divided into small lots. We do not think it makes sense for trees on some lots to be protected while others are exempt. For instance, earlier this year, the owner of the property at 1510 NE Fremont removed two large, mature trees in order to build a duplex on the property. According to public records, that lot is 4,588 square feet. Thus, it was apparently exempt from the tree preservation and fee-in-lieu-of-preservation requirements (although the Landmarks Commission did require the owner to plant one replacement tree for continuity with the historic character of the area). In the interests of consistency and equal regulation, and to promote tree canopy in areas of the City whose historical development patterns created smaller lots, we ask the City to develop a proposal to address this exemption as soon as possible.

Please feel free to contact me should you have any questions about these recommendations. Thank you for considering our comment.

Sincerely,



Chair, Sabin Land Use & Transportation Committee

cc via email:

Mayor Wheeler (mayorwheeler@portlandoregon.gov)
Commissioner Eudaly (chloe@portlandoregon.gov)
Commissioner Fritz (amanda@portlandoregon.gov)
Commissioner Hardesty (joann@portlandoregon.gov)
Sabin Community Association Board
Sabin Land Use & Transportation Committee

From: [Rachel Lee](#)
To: [Council Clerk – Testimony](#)
Cc: [Wheeler, Mayor](#); [Commissioner Eudaly](#); [Commissioner Fritz](#); [Commissioner Hardesty](#)
Subject: Testimony re Proposed Tree Code Amendments, Agenda Item 866
Date: Tuesday, October 27, 2020 3:15:12 PM
Attachments: [2020.10.27 Letter to City Council re proposed Tree Code amendments.pdf](#)

City Council,

Attached please find a letter from the Land Use & Transportation Committee of the Sabin Community Association regarding the proposed amendments to the City Tree Code, which are set to come before City Council as Agenda Item No. 866 on Thursday, October 29, 2020.

Please let me know if you have any questions, and thank you for considering our views on this subject.

Regards,

Rachel Lee
Sabin LUTC Chair

From: [Barb Greene](#)
To: [Council Clerk – Testimony](#)
Subject: B for trees!
Date: Tuesday, October 27, 2020 4:07:07 PM

Please adopt exhibit B in the proposed amendments that removes the exemption for tree protections on Heavy Industrial lands.

Climate change is an existential crisis for all of us - this vote couldn't B more important!

Thank you for standing up for what's right!

Barb Greene
No Po

From: [Sherry Salomon](#)
To: [Council Clerk – Testimony](#)
Subject: Save the trees
Date: Tuesday, October 27, 2020 4:42:15 PM

Dear City Council,

Please save the trees and do not allow developers continue to destroy over tree canopy in Portland.

Please see Portland Audubon for specific instructions.

Please side with the environment over greed! Keep in mind that it is possible to continue the project without destroying our precious trees!

Sherry SALOMON
2393 SW Park Place Unit 204
Portland, Oregon 97205

Sent from my iPad

From: [Gary Sultany](#)
To: [Council Clerk – Testimony](#)
Subject: trees
Date: Tuesday, October 27, 2020 4:49:09 PM

I support tree mitigation inch for inch. Isn't it about time we realize the importance of trees?

Ca- mon!

G Sultany

From: [Stephanie Christensen](#)
To: [Council Clerk – Testimony](#)
Subject: Tree Ordinance
Date: Tuesday, October 27, 2020 9:35:55 PM

To Mayor Wheeler and Portland City Council Members,

I am a citizen of Portland, and I am writing today to express strong support for the proposed improvements to the Tree Ordinance. Specifically, I urge the council to adopt changes to the ordinance to protect larger trees and require inch by inch mitigation of trees greater than 20 inches in diameter - and REMOVE the exemptions for General Industrial, Central Employment, and Central Commercial zones.

In addition, and most importantly - I strongly urge the council to adopt Exhibit B in the proposed amendments to include REMOVING exemptions to large tree protections on heavy industrial lands. I believe that the corporate landowners of these heavy industrial lands should be required to do their fair share to protect Portland's urban trees, as well as improve the livability of neighborhoods adjacent to these lands.

Sincerely,
Stephanie Christensen
Portland, Oregon

Sent from my iPad

From: [Ray, Ken](#)
To: [Council Clerk – Testimony](#)
Cc: [Susan Weedall](#)
Subject: Testimony of Susan Weedall on proposed tree code updates (item #866 on Oct. 29 city council agenda)
Date: Wednesday, October 28, 2020 10:03:59 AM

City Council Clerk --

Per her request, I am forwarding the testimony of Susan Weedall on the proposed amendments to the tree code (see message below). Please include this in the record for item #866 on the City Council agenda for Thursday, October 29.

Thank you.

Ken Ray, Public Information Officer
[City of Portland Bureau of Development Services](#)
503-865-6236 | Ken.Ray@portlandoregon.gov

[Facebook](#) | [Instagram](#) | [LinkedIn](#) | [Nextdoor](#) | [Twitter](#) | [YouTube](#)

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From: Susan Weedall <weedallfamily@gmail.com>
Sent: Wednesday, October 28, 2020 9:30 AM
To: Ray, Ken <Ken.Ray@portlandoregon.gov>
Subject: Re: Reminder: Public testimony invited for Portland City Council consideration of tree code updates Oct. 29

Dear Ken,

Thanks for this update on the tree ordinance revision City Council process..

I just spent about 10 minutes clicking on recommended links to best understand how to submit my comments. Unfortunately, that process is still unclear to me. If you are able to forward my comments to Council, I would be very appreciative.

My comments:

"Given that underserved communities often live adjacent to areas zoned as Heavy Industrial, and, given that trees play an essential role in air and water pollutant reduction, I recommend that tree protection regulations in the Heavy Industrial (IH zone) be held to the same standard as other zones that cover both residential and commercial uses."

Thanks very much, Ken,

Susan Weedall
3124 NE Knott St.
Portland, OR 97212

On Fri, Oct 23, 2020 at 4:15 PM Ray, Ken <Ken.Ray@portlandoregon.gov> wrote:

I wanted to send you a quick reminder of the opportunity to offer testimony to the Portland City Council on updates to the city's tree code.

The proposed ordinance will come before the City Council at 2 p.m. on Thursday, Oct. 29. The City Council meeting will be held online and the agenda for that meeting has [now been posted](#); see item #866 under the "Thursday 2 p.m." header.

Testimony is submitted through the City Council Clerk. The deadline to sign up to give verbal testimony at Thursday's City Council meeting is 4 p.m. on Tuesday, Oct. 27.

More information about the proposed tree code ordinance and ways to provide testimony are available on the [Bureau of Development Services web page](#).

We appreciate your interest and involvement in this topic and look forward to receiving your guidance and feedback.

Ken Ray, Public Information Officer
[City of Portland Bureau of Development Services](#)
503-865-6236 | Ken.Ray@portlandoregon.gov

[Facebook](#) | [Instagram](#) | [LinkedIn](#) | [Nextdoor](#) | [Twitter](#) | [YouTube](#)

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From: Ray, Ken

Sent: Thursday, October 15, 2020 4:42 PM

To: Sandy, Emily <Emily.Sandy@portlandoregon.gov>

Subject: Public testimony invited for Portland City Council consideration of tree code updates Oct. 29

You are invited to review and provide testimony before the City Council on a package of

updates to Portland's tree code. The proposed changes address the removal of exemptions from requirements to preserve and plant trees in certain development situations. The proposal also recommends a broader application of a different mitigation fee in lieu of preservation intended to provide an incentive to preserve more trees when development occurs on private and city-owned property.

This ordinance will come before the Portland City Council on Thursday, Oct. 29, no earlier than 2 p.m. (time certain). The City Council meeting will be held online.

More information is available on the [Bureau of Development Services website](#), including information on how to provide verbal and written testimony to the City Council.

We appreciate your interest in and engagement on this topic and hope you will have an opportunity to share your thoughts with the City Council on this matter.

Ken Ray, Public Information Officer

[City of Portland Bureau of Development Services](#)

503-865-6236 | Ken.Ray@portlandoregon.gov

[Facebook](#) | [Instagram](#) | [LinkedIn](#) | [Nextdoor](#) | [Twitter](#) | [YouTube](#)

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Date: October 26, 2020
From: Audubon Society of Portland
To: Portland City Council
Re: Title 11 Amendments

Dear Mayor Wheeler and Members of the Portland City Council,

I am writing on behalf of Audubon Society of Portland and our 17,000 members in the Portland Metro Area regarding the proposed amendments to Title 11. Audubon served on the stakeholder advisory committee that developed Title 11 as well as many other City of Portland tree-related public processes. The restoration of our urban tree canopy is essential to meet the community's environmental, climate and equity goals.

Audubon strongly supports the proposed amendments contained in both the Urban Forest Commission (UFC) and Planning and Sustainability Commission (PSC) recommendations. Specifically we support amending Title 11 to require inch-for-inch mitigation when trees greater than 20 inches diameter at breast height (DBH) are removed and elimination of exemptions from Title 11 that are currently in place for General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones. Each of these amendments represents an important step forward in protecting our urban tree canopy.

We also believe that it is imperative that the City remove the tree code exemption that is currently in place for heavy industrial lands (IH). On this issue, the UFC and PSC diverged with the UFC recommending immediate removal of the exemption and the PSC recommending that a decision be delayed until the City's Economic Opportunities Analysis (EOA) can be updated. Audubon supports the UFC recommendation. However, if the City believes that it cannot legal apply Title 11 to IH zoned lands until the EOA is updated, then we would recommend much stronger language than is currently included in the draft resolution.

Specifically, if the City delays applying Title 11 to heavy industrial lands, we believe the language in the resolution should be much more prescriptive. Specifically we would recommend the following:

- 1) The City should instruct BPS to develop and EOA alternative that creates adequate capacity to allow full application of Title 11 as well as other environmental code updates on Heavy Industrial Lands
- 2) The City should commit to revisiting application of Title 11 to industrial lands concurrent with completion of the EOA update.

We would recommend the following language be added to the ordinance:

Be it further resolved, City Council recognizes that application of Title 11 on heavy industrial lands is essential to meeting the city's tree canopy, climate, equity and environmental goals. City Council also recognizes that addressing this important issues has already been delayed for more than a decade. Council instructs the Bureau of Planning and Sustainability to complete work on updating the City's Economic Opportunities Analysis with inclusion of an alternative that allows full application Title 11 as well as other environmental code updates on Heavy Industrial (IH) Lands. City Council will revisit application of Title 11 on heavy industrial lands concurrent with completion of the updated EOA.

We are deeply concerned that as currently written, the PSC approach to heavy industrial lands is actually weaker than what City Council committed to in 2011, nearly a decade ago. When Title 11 was brought before Council in 2011, it included application of Title 11 to all lands in Portland including Heavy Industrial Lands. Council made a last minute decision to exempt commercial and industrial lands from Title 11 due to the fact that the City's EOA was out of date and Council believed that application of Title 11 on commercial and industrial lands could potentially be successfully challenged at LUBA under Statewide Land Use Planning Goal 9. The decision to exempt commercial and industrial lands was strongly opposed by the community at large. However, based on advice from legal counsel, City Council incorporated the exemptions with strong assurances to the community that the exemptions would be revisited as soon as the EOA was updated. Despite the fact that the EOA was in fact updated in 2015, with capacity included to accommodate environmental code updates, Council never revisited the Title 11 issue. Five years later, the City finds itself in the same unfortunate position as it was in 2011 with regards to heavy industrial lands: an EOA that has once again gone stale and in potential legal jeopardy if it moves forward applying Title 11 to heavy industrial land prior to an update.

We disagreed with the City's logic regarding the EOA in 2011 and we disagree with the logic underpinning BPS' recommendation now. Title 11 allows for either protection of trees on site or payment into a mitigation fund to be used elsewhere if trees are removed. Therefore, there is no necessity under Title 11 to apply it in a manner that reduces the city's industrial land base. The offsite mitigation option allows for both maintenance of the industrial land base and replacement of lost trees. We believe that the City is in error in terms of viewing tree protection on industrial land as potential violation of Goal 9.

Further, we would note that while the City has cited our limited industrial land base as a basis for not applying Title 11 on heavy industrial lands, it has simultaneously allowed for repeated up-zoning of heavy industrial lands for other uses by industrial land owners. To the degree that the city has a deficit of heavy industrial lands, it is a direct result of up-zoning of industrial land at the behest of industrial land owners who then turn around and use the deficit that they themselves created as a basis to oppose environmental regulations. Industrial land owners profit while the environment and our communities are degraded.

The impacts of the City's failure to apply Title 11 to industrial lands are real and substantial. For example, a significant portion of Brodmoor Golf Course is being converted to industrial use. Hundreds of large form trees will be removed at this site with no mitigation at all because Title 11 does not currently apply. The impacts are compound at this site because, as with much of our heavy industrial landscape, this area is adjacent to neighborhoods that have high diversity and lower income levels, is bordered by high value natural resource sites, and is marked by stormwater challenges and high urban heat island effects. Failure to apply Title 11 at this sites such as Brodmoor means that areas of the City that are the most in need of tree protection instead receive no protection at all.

To the degree that Statewide Land Use Planning Goal 9 ultimately remains a serious impediment to protecting trees or other natural resource values on industrial lands, we believe it is time for the City to explore modification of Goal 9 at the state level. Goal 9 requires that the City maintain a twenty-year supply of industrial land, without reference or concern as to how this mandatory obligation might affect other community goals and aspirations. In a city such as Portland that has no room to expand, Goal 9, as written, has a real potential to erode the City's ability to meet other equally important community needs such as a healthy environment and ecosystem function. In fact, it is clear that Goal 9 is already having exactly this effect. Protecting industrial jobs is important, but it cannot be done in a way that places workers, our neighborhoods or our environment at risk. It may be time to explore whether Goal 9 needs modification to allow for a more holistic approach to integrating jobs with other community priorities.

We appreciate the amendments that were agreed upon by the PSC and UFC but we believe application of Title 11 to heavy industrial lands is also urgent and imperative. Heavy industrial lands have far more existing trees as well as opportunities to plant trees in the future than the other land use types where exemptions are proposed for removal. Heavy Industrial lands are also the landscapes where tree protection is particularly urgent due to proximity to high value natural areas, waterways, and underserved neighborhoods, stormwater impacts, air and water quality impacts, light and noise impacts and high urban heat island effects, Applying Title 11 is essential to protect the health of the environment, workers in the heavy industrial zone, and adjacent neighborhoods.

We respectfully urge Council to adopt all of the amendments supported by the UFC and PSC and to take meaningful action to advance tree protection on heavy industrial lands.

Thank you,

Bob Sallinger
Conservation Director

Micah Meskel
Activist Program Manager

From: [Bob Sallinger](#)
To: [Council Clerk – Testimony](#); [Wheeler, Mayor](#); [Amanda Fritz](#); [Commissioner Eudaly](#); [Commissioner Hardesty](#); [Bradley, Derek](#); [Watson, Amanda](#); [Diaz, Samuel](#); [Crail, Tim](#); jim.middaugh@portlandoregon.org; [Commissioner Ryan Office](#)
Subject: Audubon Testimony on Title 11 Amendments
Date: Wednesday, October 28, 2020 11:26:41 AM
Attachments: [10-28-2020 Audubon comments to City Council on Tree Code Amendments.pdf](#)

Dear Mayor Wheeler and Portland City Council,

Please accept the attached testimony from Portland Audubon regarding the proposed tree code amendments that will be heard this Thursday afternoon.

Thank you

Bob

--

Bob Sallinger
Conservation Director
Audubon Society of Portland
5151 NW Cornell Road
Portland, Oregon 97210
Phone: (503) 380-9728

From: [Elizabeth Hildebrand](#)
To: [Council Clerk – Testimony](#)
Subject: Tree Code Hearing
Date: Wednesday, October 28, 2020 2:49:36 PM

Inbox



2:27 PM (2 minutes ago)

Hello City Council Members!

You have an opportunity to positively impact the quality of life for current and future generations of Orgonians. It is not very often someone has the opportunity to do this.

Right now there are a lot of bad things happening in the world. Trees are good! Speak for the trees. Protect them. If you don't, no one else will. Please do the right thing.

1. Remove the exemption from tree preservation tree density in IG1 (General Industrial), EX (Central Employment) and CX (Central Commercial) zones on private and City-owned and -managed property **YES**

2. Reduce the threshold for required preservation of trees on private property from 36" to 20" in diameter at breast height (dbh), wherever tree preservation is required. **YES**

3. Reduce the threshold for inch-per-inch fee in lieu of preservation trees on private property from 36" to 20" dbh **YES**

4. Retain the exemption from tree preservation and tree density in 1H (Heavy Industrial) zone on private and City-owned or -managed property. **NO**

Thank you for all your hard work. Be well.

Elizabeth Hildebrand
6326 NE 26th ave
Portland 97211
971.325.3407

Member Concordia Tree Team 2010
Neighborhood Tree Steward Class of 2012
Dedicated Tree Hugger

From: [Susan Mates](#)
To: [Council Clerk – Testimony](#)
Subject: Tree Code Reform
Date: Wednesday, October 28, 2020 6:05:52 PM

October 28, 2020
To: Portland City Council

I urge you to adopt Exhibit B in the proposed amendments that remove the exemption for tree protections on Heavy Industrial lands.

These areas are exactly where we should most be worrying about the creation of air pollution, the pollution of the Columbia and Willamette Rivers and the Columbia slough, and high urban heat islands. These are also places where some of our most important natural resources areas overlap with Heavy Industrial areas. Protecting trees in these areas is critically important to help mitigate those effects.

In addition, this is yet another matter of social justice, since heavy industrial areas are often directly abutting or near neighborhoods which are often more diverse and lower income. Trees in these places protect these neighborhoods and their more vulnerable populations.

Holding heavy industrial land developers accountable for the part they play in these problems is long overdue. Since these tree protections for heavy industrial lands would not reduce the industrial land base, it is confusing why they should be granted exemptions.

Please give trees the strongest possible protections and adopt Exhibit B.

Thank you,
Susan Mates
8945 NW Oak Street
Portland, OR 97229

From: [Anna Fritz](#)
To: [Council Clerk – Testimony](#)
Subject: Proposed changes to tree code
Date: Wednesday, October 28, 2020 11:37:47 PM

Greetings to the members of Portland City Council.

I would like to offer testimony on the proposed changes to the tree code being considered today.

I have lived and worked in this city for 20 years and have watched far too many of our precious trees felled to make room for various kinds of new development. In fighting the slide toward climate chaos, trees are one of our most powerful allies - as carbon sinks, as natural air conditioners, and in the host of ways they make our city more livable.

I am heartened to see that the proposed amendments before the council today include removing the exemptions of tree preservation for general industrial (IG1), central employment (EX), and central commercial (CX) zones; and reducing the threshold from 36 inches to 20 inches in diameter at which inch-per-inch fees in lieu of tree preservation begin, for development on privately owned sites. I do hope you adopt these suggested changes.

BUT I am horrified that the Planning and Sustainability Commission saw fit to ignore the community's concerns about retaining tree preservation and tree density exemptions in areas zoned as heavy industrial (IH). I share the concern that others have expressed about tree preservation and job growth being considered mutually exclusive. They are not. And we are not in a moment where we can afford to lose precious urban canopy for the sake of industrial growth. I stand with the Urban Forestry Commission in asking you to remove these exemptions from the code as well.

In the future, I hope to see more sweeping protection for trees in the city's code. I believe that we can and should take great pains to accommodate these important beings to whom we owe so much and on whose lives we depend for our own. At the very least, we can take the actions I've detailed here.

Thank you for your time and attention.

Respectfully,

Anna Fritz

NE Portland resident

From: [suzanne sherman](#)
To: [Council Clerk – Testimony](#)
Subject: PLEASE Protect our Trees by Adopting the Tree Ordinance with Exhibit B
Date: Thursday, October 29, 2020 2:20:21 AM

Good Day,

I am writing to ask that you reform our City's Tree Code by adopting the Tree Ordinance with Exhibit B. It is time to really protect our trees!

I support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IH), Central Employment (EX), and Central Commercial (CX) zones.

Heavy industrial areas overlap with some of our most important natural resource areas such as the banks of the Willamette and Columbia Rivers and these industrial areas have some of highest urban heat island effects as well as worst air pollution in Portland. Our trees are necessary for reducing these heat effects and protecting our air quality. It is time that heavy industrial land developers be required to protect our trees.

Thank you,

Suzanne Sherman
Mt Tabor Resident



190200
1820 NE 21st Ave
Portland, OR 97212
503-281-1485
350PDX.org

October 28th, 2020

To:

Mayor Ted Wheeler

Commissioner JoAnn Hardesty

Commissioner Amanda Fritz

Commissioner Dan Ryan

Commissioner Chloe Eudaly

350PDX Comments on Proposed Amendments to the City of Portland Tree Code

Protecting and expanding Portland's urban forest is an issue of environmental justice. 350PDX strongly supports removing the exemption from tree preservation and tree density standards in General Industrial 1, Central Employment, and Central Commercial zones and reducing the threshold for preservation of trees on private property from 36 inches to 20 inches in diameter, wherever tree preservation is required, as laid out in the proposed changes to the city's tree code. However, we believe that the tree code should apply to the whole city, and strongly urge the City to remove the exemption from tree preservation and tree density in Heavy Industrial zones, as proposed in Exhibit B.

The City of Portland recently adopted the Climate Emergency Declaration, a document that will guide efforts to reduce greenhouse gas emissions and improve the city's resilience in the face of climate change. The Declaration directs the Bureau of Planning and Sustainability "to work collaboratively with the Bureau of Development Services, Bureau of Environmental Services, and Portland Parks and Recreation to update regulations that protect and enhance tree canopy to reduce heat island impacts on public health, particularly in East Portland." The tree code is an important tool to realize this goal, and the City Council should take advantage of this opportunity to make the tree code a tool to fight the history of environmental racism that is damaging the health of Portlanders today.

Portland's trees are essential for community health

The tree canopy varies widely in Portland, from 5% coverage to 70% coverage depending on neighborhood. These disparities have serious health effects. One of the most important benefits that trees provide is reducing neighborhood temperatures in the summer. Research led by Portland State University professor Vivek Shandas has shown that Portland has one of the greatest urban heat island effects in the country. These urban heat islands are concentrated in parts of the city that were deemed "hazardous" by the racist redlining homeloan policies of the 1930s and beyond -- policies that still reverberate in these communities today. Higher temperatures are not just a matter of comfort: deaths due to heat are on the rise as climate disruption increases temperatures. Heat waves cause more deaths in US cities than all other weather events combined, and the increase in average global temperatures make extreme heat events more likely.

Building the climate justice movement.

The last five years have been the five hottest years on record, and global temperatures will continue to rise for the foreseeable future. If Portland does not address the urban heat island effect, high summer temperatures will be increasingly deadly for poor people and people of color who live in the hottest parts of the city.

There is broad scientific consensus that increasing the urban canopy will keep cities cooler, and this is especially true in Portland where the urban heat island effect is tightly correlated with the tree canopy coverage. In a study modelling multiple interventions to cool the heat islands of Portland, Dr. Shandas and his team found that increasing vegetation was one of the most effective strategies to reduce temperatures. Importantly, the study also found that the loss of vegetation would result in increased temperatures, which underscores the value of preserving existing tree cover. This is one of the most important aims of the proposed changes to the Portland Tree Code.

The proposed changes are essential for protecting the urban tree canopy

Since trees are so important to Portland, the tree code should apply to the whole city, should work to protect the valuable mature trees that we have, should ensure new trees are planted when trees must be removed, and should advance tree canopy equity. All of the proposed changes move us closer to those goals, and so 350PDX supports the inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones. We understand that there is some disagreement over whether to apply the tree code to the whole city, and that the recommendations were split with regards to whether Heavy Industrial (IH) zone properties should be required to abide by tree protections.

IH should also be covered by the tree code

We support the recommendation in Exhibit B that includes the IH zone in the application of the city tree code. Though this is only one category of industrial lands, it covers a huge area, and exempting it from the tree code requirements will allow commercial interests to continue to contribute to heat and pollution that harm vulnerable Portland residents. Much of the IH zone sits adjacent to the neighborhoods highlighted as being under-treed, such as the area along Columbia Boulevard, including the neighborhoods of St. Johns, Portsmouth, and Kenton. These are heat island areas, and home to a higher proportion of residents of color. Zone IH is exactly where the city should be working to protect and grow the tree canopy in order to promote tree equity and health equity.

In the analysis of whether Zone IH should be included, there were concerns about the conflict between the tree code revisions and State Planning Goal 9, which requires that the city demonstrate that there is an adequate inventory of land available for development. There are two problems with this analysis. First, it extends the paradigm that maintaining basic environmental integrity is an optional add-on to doing business, where we need to analyze it as a fundamental part of business responsibility. This land is not excluded from development. The tree code simply places minimal requirements on tree loss when development takes place, and gives the developer multiple different ways to mitigate that tree loss. If a plan requires the removal of all trees, the developer can pay a fee to ensure that the city can offset the damage being done by this specific plan by increasing trees elsewhere.

The second major issue with this analysis is that it does not consider State Planning Goal 6, which governs Air, Water, and Land Resource Quality and includes thermal pollution. The exclusion of Zone IH from the Tree Code runs at least as great a risk of degrading the airshed within North Portland neighborhoods, by increasing local temperature and air pollution, as it does significantly reducing economic development within this area. This risk should be addressed in the analysis of the proposed exclusion of roughly three-quarters of the estimated industrially zoned land within the city from basic tree protections.

Excluding the majority of these industrial lands leaves vast contiguous areas in the city vulnerable to continued tree loss. This area is highly developed, but still contains a lot of trees, as shown in the analysis in the draft proposal. Considering large trees alone, the IH zone contains about 250 trees larger than 36 inches in diameter. The estimated structural value of just these largest trees, within the 20-year time frame being considered here, is nearly \$150 million. Within the proposal, we believe that the value of the trees that are present has not truly been accounted for, or weighed against the estimated economic harm of protecting those trees.

Conclusion

Climate change and pollution-related disease are complex issues that require immense changes. While trees are not a panacea for these crises, they are a simple and cost-effective tool to help our city respond to both. The changes proposed to strengthen Portland's Tree Code will help to preserve our urban forest and to mitigate the urban heat island effect, especially if they are coupled with tree planting in low-canopy neighborhoods. Results of the survey during this process showed how much Portlanders value trees, and we want our laws to reflect those values. For too long we have looked at environmental protection as an optional part of doing business, but it is an essential and integral part of how industrial and commercial owners operate within a community, especially when we consider the health benefits of trees briefly described here.

To ensure that the responsibility for environmental protection is met, Zone IH properties should be included in the Portland Tree Code, both for tree preservation and tree density. If this large area, adjacent to urban heat islands, is excluded then this revision to the tree code will not be effective in the larger goals of tree-equity, environmental justice, and preserving the city's tree canopy. We also urge the Portland City Council to develop a clear and measurable plan for using the funds collected in the Tree Planting and Preservation Fund to increase the tree canopy within urban heat islands, and especially within minority communities that are most impacted by the health effects of climate change. Specifically, future tree canopy goals should include both an overall goal for the city-wide canopy and neighborhood specific goals for increasing tree coverage in under-treed neighborhoods. We look forward to continuing this discussion, and growing the Portland forest together.

From: [Felice K](#)
To: [Council Clerk – Testimony](#)
Subject: testimony from 350PDX on the Proposed Amendments to the City Tree Code
Date: Thursday, October 29, 2020 8:59:08 AM
Attachments: [Tree Code Ammendment Testimony 350PDX .pdf](#)

Good Morning,

Please find attached here written testimony from 350PDX on the proposed amendments to the city tree code.

Thank you,
Felice Kelly
350PDX, Forest Defense Team
202-494-2852

From: [Torie Baldwin](#)
To: [Council Clerk – Testimony](#)
Subject: Tree code proposal testimony
Date: Thursday, October 29, 2020 9:34:19 AM

Hello,

I'm writing this morning to urge Council to adopt the tree code proposal with exhibit B, as it is vital that the exemption for IH be removed. This is important because these zones are some of the worst polluters in the city and are next to some of the more economically diverse neighborhoods. Trees mitigate the negative effects of these properties and are move towards environmental equity for these communities. The property owners in these zones would have the option to either preserve trees or to pay into a fund to plant more nearby, so the industrial land base would not decrease.

Thank you,
Torie Baldwin

From: [Linda](#)
To: [Council Clerk – Testimony](#)
Subject: Title 11 Tree Code Update
Date: Thursday, October 29, 2020 10:00:33 AM

Dear Mayor Wheeler & City Council Members,

Before detailing my support for the proposal before you, I want to express my appreciation for the work of the Forestry Commission & the staff involved in this effort. There were Commission hearings, focus groups, multiple surveys along with multiple reminders using multiple channels urging us to weigh in. I was impressed by this comprehensive effort at engagement.

I'm writing to express my strong support for the keys aspects of the proposal:

- 1) lowering the size of trees on private property requiring replacement/mitigation from 36" to 20"
- 2) the removal of the exemptions in the commercial & industrial zones — INCLUDING THE IH HEAVY INDUSTRIAL ZONE

I just attended a briefing on the update of the Economic Opportunity Analysis and I am aware of Portland's struggles to maintain an adequate supply of industrial land that will meet LCDC requirements. However, in cases where the planting of trees could impact heavy industrial operations, there is an opportunity to contribute to a mitigation fund. These funds could in turn be used to provide trees in nearby residential areas, often home to lower income communities or communities of color or to nearby natural resource areas, often home to other vulnerable species.

Regarding the removal of the exemption from the rest of commercial and IG-1 zones — I live near the Central Eastside in a neighborhood whose boundaries extend all the way to the river. I have looked at the heat island mapping and know how "red" the CES registers on those maps. Expanding the tree canopy in those areas as new development occurs is critical to addressing the heat island effect and meeting other climate goals.

Thank you for considering my concerns.
Linda Nettekoven

Sent from my iPhone

From: [Real Gardens Grow Natives](#)
To: [Council Clerk – Testimony](#)
Subject: Comments on Tree Code updates
Date: Thursday, October 29, 2020 10:11:56 AM

Dear Portland City Council Members:

As a biologist, landscape designer, and climate and wildlife advocate, I support the amendments which would require inch-for-inch mitigation for non-invasive trees over 20 inches—if not 12 inches—and the removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones.

Please adopt the tree ordinance with Exhibit B, which removes the exemption for tree protection on Heavy Industrial (IH) land, which contains important habitat.

Trees are essential for good air quality, carbon sequestration, combatting the urban heat effects and extreme pollution caused by IH land, and providing essential wildlife habitat. Requiring IH land developers to do their part to protect trees is long overdue!

Finally, I strongly urge the City to promote and plant regional native species, which are vital for all members of the ecosystem.

Sincerely,

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

From: [Dawn Smallman](#)
To: [Wheeler, Mayor](#); [Commissioner Fritz](#); [Commissioner Hardesty](#); [Commissioner Eudaly](#); [Commissioner Ryan Office](#); [Council Clerk – Testimony](#)
Subject: comment on Tree Code/Tree Ordinance vote today
Date: Thursday, October 29, 2020 10:35:11 AM

Dear Mayor and Commissioners

I'm writing to urge you to vote for the adoption of Tree Ordinance with Exhibit B proposal - the version that removes all exemptions for tree protections on Heavy Industrial (IH) lands. Heavy Industrial lands are often significant parcels of our watersheds. There is no landscape more in need of trees than a watershed - trees help prevent toxic city rain runoffs into streams and rivers, help clean water and provide critical habitat near water for wildlife. Heavy Industrial lands are often the lands with poor air quality due to industrial pollution - trees are the answer to these problems.

Sadly, not only have these important lands been greatly stripped of proper tree canopy which negatively impacts the environment and wildlife, the lack of tree canopy on Heavy Industrial Lands also impacts the health of lower income communities (often communities of color and immigrant communities) because of the industries' pollution emissions and the "heat island" effect created by the lack of trees. The increased temperatures impacting nearby neighbors will only worsen with climate change, so requiring these lands to have intact tree canopy (or to pay a mitigation fee to fund tree canopy offsite but nearby their land) is essential for the future.

It is not equitable or moral to give industries an exemption to our Tree Codes at the expense of our community's health - especially when those impacted community members are typically BIPOC and immigrant neighbors.

Portland cannot be a climate leader and a green city leader until we own our participation in addressing environmental justice. This is your moment to do so. I'm asking you to place our vulnerable community members' health and wellness, our environmental health, our wildlife and our water quality - over heavy industries' profits.

Dawn Smallman
Portland resident

From: [Tina Enberg](#)
To: [Council Clerk – Testimony](#)
Subject: Please adopt Plan B
Date: Thursday, October 29, 2020 11:14:59 AM

Please Save urban trees !!! Thank you.

Sent from my iPhone

From: ellen.wax@workingwaterfrontportland.org
To: [Council Clerk – Testimony](#)
Subject: Title 11, Trees - Proposed Tree Code Ordinance (City Council Hearing, October 28, 2020) testimony
Date: Thursday, October 29, 2020 1:02:26 PM
Attachments: [WWC Council 10 28 2020 tree code ltr.PDF](#)
Importance: High

Please see attached letter of testimony for today's City Council hearing regarding Title 11 – Trees.

Ellen M. Wax

Executive Director

Working Waterfront Coalition

503.220.2064 | 503.295.3660 fax

200 SW Market Street, Suite 190

Portland, OR 97201

ellen.wax@workingwaterfrontportland.org

www.workingwaterfrontportland.org





NOW LEASING
503-726-7220
CALL OR TEXT

HALSEY 28













From: [Harmonee Welch](#)
To: [Council Clerk – Testimony](#)
Subject: Amendment 11 testimony PICTURES to be SENT SEPARATELY
Date: Thursday, October 29, 2020 1:45:45 PM

My name is Harmonee.

I am a long time resident of Portland, OR.

I moved here nearly 15 years ago for the weather, the “WEIRD” culture and of course the TREES. But a lot has changed since then.

The temperature has increased, the population and expensive square box condos have increased, the homeless numbers have increased but our OLD GROWTH TREES and Urban Canopy has significantly DECREASED.

As buildings started going up and the horizon steadily disappeared I wondered, where did all the trees go? I’m fortunate enough to live in a neighborhood with a beautiful canopy but my travels have become much less lush.

I’d like to share with you my personal experiences and grievances regarding Portlands urban canopy in the hopes of encouraging you to re evaluate the removal and replanting requirements during construction in accordance with Amendment 11 aka Portlands Tree Code. I have included pictures to help support my objective and provide better understanding of our current management of U.F. replanting requirements. Please help me with expanding and preserving our unique community asset.

Our current mission is to, “focus on achieving baseline tree preservation and total tree capacity on a site”, and to, “to encourage development, where practicable, to incorporate existing trees, particularly high quality or larger trees and groves, into the site design, to retain sufficient space to plant new trees, and to ensure suitable tree replacement when trees are removed”. (11.50.10). Those are optimal words but here are some pictures to counter argue those statements.

IMAGES: 7661, 7670,

<https://www.sandy28apartments.com/sandy28-portland-oregon/>

I’ve witnessed the (very long) construction of the Sandy-28th condos from inception to completion. The street trees were the final touch on this monstrosity. The trees are planted in a completely enclosed 9 foot by 4 foot coffin preventing any opportunity for the trees to grow and thrive. There is no drainage causing water runoff and root suffocation. Trees are broken and dying. Some have already been replaced 3 times. Behind the street trees and planted directly against the condos and under overhead balconies are a number of MAPLE trees in a similar coffin. They are all not yet a year old.

IMAGES: 7684, 7691, 7707

Further up NE 28th towards NE Broadway are the Halsey st apartments. This building is nearly finished. According to Tree Code we should be “ensuring suitable tree replacement when trees are removed”. (11.50.10)

Here we have another MAPLE TREE trapped within a courtyard (no room to thrive) and surrounded by walls preventing adequate sunlight. The two trees planted up front are both against

and under the buildings structure feigning prosperity, and near the back we have another tree planted directly next to a fence in a space too small to accommodate it's growth. This tree will most likely be removed in the future due to potential structural damage. Additionally it is already deteriorating and has dead leaves on it's underside.

IMAGES: 7360, 7682

Lastly we have the lot bordering Sandy blvd. located between NE 33rd and NE 30th ave. Also known as the lot formerly accomodating the Tonic Lounge, a 100 year old semi castle shaped Portland landmark recently demolished to make way for another giant box. Half of this lot supplies the last visible street side canopy along NE Sandy blvd. This land was purchased by a CALIFORNIA investment firm for ONE MILLION DOLLARS (now estimated at twice that amount). This entire street side oasis has been approved for removal. Decreasing tree preservation size from 36 inches to 20 inches is a great start, but it's not enough. According to our Tree Code we should be "encouraging development to incorporate existing trees into site design", and, "achieve baseline tree preservation and total tree capacity on a site (11.50.10). Unfortunately the Tree Code also sais that, "For each tree not preserved and protected below the 1/3 requirement, payment to the Tree Planting and Preservation Fund is required". A large firm having paid ONE MILLION DOLLARS for a lot to build a box, the removal of some large trees for a few hundred dollars means nothing. Portland Parks & Recreation Urban Forestry's mission is to manage and ensure Portland's urban forest infrastructure for current and future generations

Here's what I'm being told:

-Our Tree Code is here to, "To enhance and protect the cities important ecological, cultural, and economic resources for the benefit of the City's residents and visitors".

-Failure to properly maintain trees. It is unlawful for any person to fail to comply with any of the tree maintenance specifications set forth in Section 11.60.060.

What I see:

Trees are being cut down (by multi million dollar companies) for a small fee.

Trees are being replanted (according to code) but improperly and without care. These trees cannot thrive and therefor are not adequate "REPLACEMENT" trees for development.

Here's what I, a semi long term Portland resident, would like to see change:

-We need regulations, protections and management of replacement trees in developmental situations.

-Verification and standardization of proper landscaping techniques.

-A designated TREE PROFESSIONAL to oversee that the tree species, planting and preservation is designed for a trees long term prosperity and life.

-Follow through to make sure our trees are thriving.

-Encourage a more symbiotic relationship between the City Forester and the Director of the Bureau of Development Services (BDS Director). Follow "The Code", incorporate nature, stress the importance of this asset to our developers, discourage removal.

Worse case scenario:

If we are going to simply charge a fee in exchange for cutting down our canopy, large

developments should be paying more than a simple resident.
Perhaps a percentage of the cost of land? A percentage of the overall cost of the development?
Are these trees important to us? YES!

Our current canopy goal for 2035 is 33%

Currently we are at 26%

"the plan"

<https://www.portlandonline.com/portlandplan/?a=288088&>

We cannot accomplish this goal and sustain our beautiful eco system if we continue to remove our older trees. Especially if the Trees planted to replace them are not appropriate, healthy and prosperous. This is not adequate REPLACEMENT of trees. It is also more difficult to educate people on the importance of trees when the examples shown to us by our city is that trees are only worth a small fine in exchange for something takes beauty away from our environment.

Thank you for reading and listening to this testimony.

We are so lucky to live here in this beautiful city.

Trees are our life.

Trees are irreplaceable.

Long live the trees.

Sincerely,

Harmonee

503.419.8093

From: [tert](#)
To: [Council Clerk – Testimony](#)
Subject: Title 11 Code Amendments
Date: Thursday, October 29, 2020 1:59:00 PM

City Council
City of Portland

The rapid pace of growth in Portland is placing our trees in more danger than before. If the City is to promote development, then the conservation of trees must also be strengthened beyond what it is now.

Unmitigated removal of trees in commercial and industrial zones or buildable lots smaller than 5,000 sq ft should not be exempt from similar regulations set up for other private properties.

If standards are not already in place, the City should honor the same standard, or a higher one, for tree preservation on private property. Any stopgap policies adopted now should apply equally to the City, right-of-way, and private property.

Thank you for your consideration, on behalf of the Tree Emergency Response Team of Elisabeth Jones Art Center.

Sincerely,

Joe Horner

Joe Horner

Tree Emergency Response Team Coordinator

Elisabeth Jones Art Center

516 NW 14th Ave.

Portland, Oregon 97209

(208) 821-2036

www.elisabethjones.art/tree-emergency-response-team.html



Mayor Ted Wheeler and
Portland City Commissioners
Portland City Hall
1221 SW 4th Avenue
Portland, Oregon 97204

October 28, 2020

Subject: Title 11, Trees - Proposed Tree Code Ordinance (City Council Hearing, October 28, 2020)

Dear Mayor Wheeler and Portland City Commissioners:

The Working Waterfront Coalition (WWC) respectfully requests an amendment to the Portland Planning and Sustainability Commission (PSC) recommendation to City Council to retain the exemption from tree preservation and tree density in the Heavy Industrial (IH) zone.

The requested amendment is to the PSC "specific expectations" for the EOA update, which reads as follows:

"...evaluate the Title 11 tree preservation and density exemptions for IH zone as part of the Economic Opportunities Analysis (EOA) update, consistent with City goals including those related to tree canopy, climate change and urban heat islands."

The WCC requests amending the PSC recommended ordinance language to include the City goals for middle-wage jobs and economic equity. The requested amendment would read as follows:

*"...evaluate the Title 11 tree preservation and density exemptions for IH zone as part of the Economic Opportunities Analysis (EOA) update, consistent with City goals including those related to tree canopy, climate change, urban heat islands, **middle wage jobs and economic equity.**"*

Adding tree preservation and tree density regulations to the IH zone further constrains industrial land capacity and development in the City of Portland. The Johnson Economics study commissioned by the City estimated that the combined code proposal would significantly reduce likely development on affected sites in Portland's harbor and airport industrial areas and reduce associated job growth over 20 years.

The IH zone is located mainly in the Portland harbor industrial area. Industrial land and harbor access land in Portland, especially on its edges near more expensive and higher density

Working Waterfront



C O A L I T I O N

residential areas of northwest Portland, is under significant redevelopment pressure. Currently there are multiple project studies and regulatory and planning proposals that will impact the supply of industrial land. These include proposals to redevelop Terminal 2 and adjacent land to include a baseball stadium and commercial and residential development, extend the streetcar through the northwest industrial area to Montgomery Park, apply new federal floodplain requirements, update Portland's environmental zone regulations, and this proposal to remove the tree preservation exemption in industrial zones, which will overall decrease development capacity.

The Portland harbor is an economic engine that has existed as a source of jobs and vitality for the Portland metro area for more than a century. The industrial marine businesses support more than 29,000 direct local middle-wage jobs bringing more than a billion dollars in personal income to the region's economy. These jobs are in high demand, are diverse and depend on different levels of skills and/or education, and provide opportunities for Portlanders from a variety of backgrounds. Industrial work includes ship repair and ship building, barge and railcar manufacturing, steel fabrication, manufacturing of cement for the construction of highways, bridges, light rail, and sidewalks. Job types include electricians, carpenters, welders, to name a few.

Industrial jobs pay well and are in demand. If continued elimination of industrial land capacity occurs then it will impact opportunities for much needed middle-wage/family wage job growth in Portland.

Sincerely,



Ellen Wax
Executive Director

Established in 2005, the Working Waterfront Coalition, with its extensive knowledge of harbor industry needs and active industry participation, is dedicated to working with its partners to ensure an appropriate balance between environmental concerns and the needs of river-related, river-dependent employers. Portland's Harbor is a vital employment area: home to thousands of valuable high-wage, high-benefit jobs. In addition, WWC members are conscientious stewards of the environment, making significant investments in the harbor consistent with state and federal laws.

October 7, 2020

To: Mayor Ted Wheeler
Commissioners Chloe Eudaly
Commissioner Amanda Fritz
Commissioner Jo Ann Hardesty
Commissioner Dan Ryan

Re: Urgent Actions Needed to Stabilize Development and Housing Production in Portland

We understand that there are many critically important issues the Council faces in addition to the pandemic, such as systemic racism, housing affordability and the houselessness crisis, climate change and economic inequality. The purpose of this letter is to focus on housing supply, an issue in which the undersigned have expertise and can help solve.

Five months ago, many of the co-signers of this letter wrote to you with a list of urgent actions needed to expedite housing investment in the early weeks of the COVID-19 crisis, stabilizing our region and laying the foundations for equitable growth in the future.

Our city, state and region are still in a serious deficit position on adequate housing supply to meet the needs of our growing population, following a decade of underbuilding housing. Yet we had reason to be hopeful, despite the COVID-19 crisis: Portland was still seen as a prime real estate investment opportunity and housing production had the potential to be a path to recovery for our region.

Unfortunately, five months later, housing production at all levels of affordability – and all local development, including employment-related development – *is at greater risk than ever*. While COVID-19 continues to have an impact on all of our lives, our greatest concerns right now about the future of development in the community have little to do with the pandemic.

Most housing development relies upon investors who consider a variety of markets. Current investor perspectives across the board are that Portland is now a dangerous and uncertain place to invest due to property damage and violence. Investor disinterest is also fueled by persistent issues with permitting, regulatory unpredictability and recent Council decisions that combined, communicate to the development world that the City of Portland is now closed for new development business — at a time when we need to be fighting for every investment dollar.

Those recent Council decisions include:

- The Council's remand of the Hyatt Place project back to the Design Review Commission—which had originally unanimously affirmed that the project met design guidelines, and which the Mayor stated clearly met the required guidelines during Council deliberation. The remand—despite meeting all required guidelines—signals to

the development community that the application of zoning or guidelines has become less and less predictable after significant investment has been made in a project.

- Council recently voted to majorly shift policy to require relocation assistance for any rent increase – which went into effect immediately and lasts until March 31, 2021 – with little notice or outreach to constituents impacted by this proposal. Not one person testified on this legislation, for or against—which was not from disinterest, but a lack of outreach. While we appreciate the public health concerns and the Mayor’s acknowledgment of the hardship this action places on building owners, this issue does not sit in isolation from all the other development dynamics in Portland. The lack of outreach regarding this major shift in policy that affects the housing market is particularly concerning when the council documents indicate they were prepared three weeks ahead of the hearing.

While we appreciate that the Alamo Manhattan appeal was rejected on the merits, these other recent decisions exacerbate the uncertainty in the midst of the pandemic and the roadblocks to development that pre-date the pandemic—issues we have flagged repeatedly as impediments to housing and other investments in Portland, including added costs of new regulations like bird-safe glass, systemic issues that add unnecessary delays to the permit process, and newer challenges that are holding up issuance of approved permits.

The City is damaging investors’ and developers’ long-term confidence in Portland’s market. As a result, Portland is missing out on development opportunities now and years into the future, including vital affordable housing opportunities.

Multiple project deals have already fallen through, based on the City’s action or inaction, and others are at major risk:

- **A downtown development near the site of ongoing Justice Center protests will not be moving forward, after the City denied a necessary extension on the project’s entitlement permits.** With near-daily protests so close to the site, and the larger issues associated with Portland’s economy, it was not prudent for construction to begin.
- **One real estate lender will no longer be lending in Portland specifically, and will impose considerably tighter underwriting standards for every other project in Oregon.** As a result, two projects—an affordable 38-unit micro housing project on E Burnside at 122nd and a 122-unit project in Lents—are both losing their construction financing.
- **Another downtown project was lost in recent weeks because of onerous tree requirements, and inflexibility from staff in urban forestry to find a path that meets the City’s canopy goals while allowing a project to move forward.** In addition, Urban Forestry staff continue to designate trees that no one else would consider street trees, based on even an inch of trunk crossing the property line. Developers are regularly shocked late in the development process that a tree that appears on professional surveys to be clearly located on private property – and for which they have planned the

project in accordance with the clear private tree preservation standards – is being classified by Urban Forestry as a street tree that must be preserved with no opportunity for mitigation.

- **A significant financial investment into a multi-block development on the Eastside fell through within the past few weeks. The funds will now go to a project in a different market.** From a representative of the investment group: “The main concern was Portland for the long term and its ability to capture and retain talent and companies for future growth. If we add COVID on top of this, we think there is too much uncertainty today to go to this city, in this location, with a development play, where equity check is still a relevant size.”
- **Other projects have run into challenges related to implementation of inclusionary housing requirements.** For example, the City adopted rules to implement Inclusionary Housing in a consolidated building on a site but did not also prepare the form covenant required to implement those rules, delaying project implementation and adding development costs. When the City adopts new rules that affect development, it must also have ready the tools necessary to implement those rules, or projects will be further delayed. The overdue inclusionary housing market study could help address some of these challenges, but the study is currently unfunded and has not begun.
- **Costs related to building risk/insurance have increased 30 to 50% in Portland’s current environment.**
- An October 1 article in the Portland Business Journal noted **the vacancy rate in the central business district is now 16.6 percent**, according to Colliers, with around 236,000 square feet emptied out in Q3 2020.

The Council is not responsible for all the challenges facing development in Portland, but it is responsible for the actions it takes—or fails to take—to prevent or mitigate these challenges without exacerbating them.

Businesses involved in development are optimistic problem solvers by nature. We are ready to collaborate on solutions, and have numerous proposals on how the City can provide regulatory and process certainty, and efficiency—as well as mitigate other negative perceptions among those that finance projects—so the development community has a fighting chance to attract investment and keep projects and jobs moving forward .

Specifically, we call on the City to:

1. Extend implementation timelines for approved building permits—as the Council recently approved for land use reviews—to provide flexibility for projects.
2. Require building and public works permits to be processed by the City and complete in 120 days, similar to the timelines that apply to most land use reviews.

3. Immediately release permits that are ready to issue. There are consistently nearly 100 approved permits on BDS' pre-issuance list, with most spending at least two weeks on the list before the permit is out the door.
4. End the practice of having all City feedback required before any check sheets can be addressed. This was intended to be an efficiency process improvement but continues to cause significant delays and is unworkable for some projects; allow applicants to respond to check sheets as they are ready, and process check sheets as the applicant responds.
5. Remove the seismic upgrade requirement to transfer historic FAR. As the City just acknowledged in disbanding the URM workgroup, seismic update costs are prohibitive and now reduce the ability to shift FAR to better suited projects.
6. End the permit sequencing practice for larger, complex projects. Allow abatement, demolitions, and public works permitting to proceed concurrently. Likewise, allow multiple reviews on complex sites concurrently. Current practice both bogs down permitting by weeks and in some cases creates an impossible loop of requirements that can't be met sequentially.
7. Provide BDS with the equipment it needs to do its job remotely, expeditiously, and effectively. BDS is still waiting for laptops and cell phones for the entire team; this lack of equipment has limited their capacity to handle the remote workload.
8. Cease BDS furloughs and layoffs and provide funding to keep BDS staff at full capacity. BDS's inability to effectively work remotely and the rolling furloughs have caused expensive project delays. In order to keep development moving forward, BDS must be fully staffed and fully funded—with general fund support, if needed, to smooth the BDS staffing boom-bust cycle when economic downturns impact application fee bureau revenue.
9. Fund and impose a deadline for when the inclusionary housing market study must be complete. We do not have an analysis of the effectiveness of the City's inclusionary housing program, and what revisions may be appropriate in order to increase the City's housing supply. A critical, and overdue, first step is completing the study.
10. Implement a moratorium on new regulations until the economy stabilizes, by pausing code and regulatory projects that will add additional cost and complexity. In the last 18 months, Portland has adopted new, complex and expensive code, including: Central City 2035 (twice) that included expensive bird glass and green roof requirements; bike parking code that reduced the efficiency and feasibility of housing units; complex and time consuming neighborhood contact requirements; PED PDX; a requirement for ground floor retail even on streets where residential would make more sense; and SDC fees that rose from \$14,500/unit to close to \$22,000/unit in just the last few years—with more increases coming. Pausing new requirements has the added benefit of freeing up planning staff to better resource BDS, which could expedite permits and keep development projects in the pipeline moving forward.

Specific code and zoning projects that should and can be delayed include:

- Revising flood plain maps
- Historic Resources Code Project
- Tree Code Amendment Project
- E-zone map correction project

The implementation of these 10 proposals must be complemented by a strong communications and marketing strategy that makes it clear Portland is a city that is open for business, and a City leadership focus on solid delivery of basic city services that demonstrate a commitment to making Portland a place where economic recovery is prioritized as equity is achieved.

We request you act on these proposals quickly and can meet with you immediately to discuss each specific request to address the significant investment barriers facing Portland for years to come.

Together, we can do this, and create a more prosperous and economically resilient community for all Portlanders.

Sincerely,





190200

October 28, 2020

Mayor Ted Wheeler and City Commissioners Eudaly, Fritz, Hardesty and Ryan
1220 SW Fourth Ave.
Portland, OR 97201

Dear Mayor Wheeler and Commissioners,

Oregon Smart Growth (OSG) has been closely tracking the Tree Code Amendments project, and thanks you for the opportunity to provide comment on the proposed amendments. OSG is a coalition of developers, investors and allied professions that supports policies encouraging walkable, compact development that is economically, environmentally and socially sustainable.

Our primary concern with the proposed amendments is the proposed removal of the exemption from tree preservation and tree density standards in EX and CX zones—the areas we have designated for the highest density housing development in Portland.

Removing this exemption will further burden the development of housing in Portland during a critical time of housing shortage—adding cost and complexity to projects when the city is already behind on housing production targets. These changes will have a long-term impact on the viability of dense urban development in the Central City.

We also **oppose the removal of the IG1 zone from the exempted zones**, as the City is critically close to the threshold for our needed supply of industrial development capacity.

Please see the attached October 5 letter to Council, which details our broader concerns related to multiple recent changes in regulations such as this one. Housing production at all levels of affordability and all local development, including employment-related development – *is at greater risk than ever*. This is due to the impacts of the pandemic, coupled with ongoing challenges with the permitting process and timelines, and recent Council decisions that have told the development world that **the City of Portland is now closed for new development business—at a time when we need to be fighting for every investment dollar**. Multiple projects have already fallen through.

Additionally, we have concerns related to how Title 11 has been enforced—which Council has an opportunity to remedy by adding a clearer definition of a street tree.

The proposal does not accurately depict how the Urban Forester has interpreted current code—which says that “a tree that straddles a private property line and the street is a street tree”—as it applies to trees located along the boundary of a property.

Currently, Urban Forestry considers a tree, planted on private property, as a street tree if the tree has grown in such a way that any portion of the tree trunk extends into the right of way area—even by an inch. This interpretation has serious impacts on the predictability of the implementation of this code because of drastic differences in how private trees and street trees are regulated.

Street trees do not have clear preservation standards that allow developers to plan a project in accordance with code. Rather “applicants are required to consult with the City Forester” and the City Forester – not trained as an architect or engineer – than has subjective discretion to decide if removal is needed for the project and if mitigation is an option or not.

Developers are regularly shocked late in the development process that a tree that appears on professional surveys to be clearly located on private property – and for which they have planned the project in accordance with the clear private tree preservation standards – is

President
Sam Rodriguez
Mill Creek Development

Vice President
Sarah Zahn
Urban Development Partners

Secretary/Treasurer
Tim O'Brien
Urban Asset Advisors

Board Members

Dennis Allen
Urban One

Doug Burges
Greystar

Brenner Daniels
Holland Partner Group

Brian Fleener
OTAK

Matthew Goodman
Downtown Development Group

Jeremiah Jolicoeur
Alliance Residential Company

Noel Johnson
Cairn Pacific

Elia Popovich
Oregon Law Group

Mike Kingsella
Up for Growth Action

Dana Krawczuk
Stoel Rives

Michael Nagy
Wood Partners

Michi Slick
Killian Pacific

Damian Uecker
Banner Bank

Christe White
Radler White Parks & Alexander LLP

Executive Director
Gwenn A. Baldwin
gbaldwin@oregonsmartgrowth.org

being classified by Urban Forestry as a street tree that must be preserved, with no opportunity for mitigation.

Our members have multiple examples of how Title 11 has been enforced by Urban Forestry that have significantly impacted the permit review process or the cost of these changes on the design review process. We would be happy to meet to share these examples.

We ask that the City provide a clear standard of what “straddles” means as it defines a street tree. A reasonable reading of the word “straddles” would mean perhaps 50 percent or more of the tree is located on public property. We would propose that 50 percent of the diameter of the trunk must be located in the right of way for the tree to be considered a street tree.

Thank you for the opportunity to weigh in on the proposed Tree Code Amendments. We look forward to continuing to engage with the City Council as this project progresses.

Sincerely,

A handwritten signature in blue ink that reads "Gwenn A. Baldwin". The signature is written in a cursive style with a large initial 'G'.

Gwenn A. Baldwin
Executive Director

From: [Amy Ruiz](#)
To: [Council Clerk – Testimony](#)
Cc: [Michelle Plambeck](#); [Diaz, Samuel](#); [Montez, Chariti](#); [Runkel, Marshall](#); [Oswill, Andres](#)
Subject: OSG testimony on Tree Code Amendments
Date: Thursday, October 29, 2020 3:07:31 PM
Attachments: [Urgent Actions Needed to Stabilize Development and Housing Production in Portland--Sign on letter FINAL 10-7-20.pdf](#)
[10-28-2020 OSG City Council testimony Tree Code Amendments.pdf](#)

Thank you!

From: [Dianne Ensign](#)
To: [Council Clerk – Testimony](#)
Subject: Please adopt strong protections for Portland's trees
Date: Thursday, October 29, 2020 9:05:12 PM

- Dear City Council,

Thank you for the opportunity to comment on tree code reform. The fate of the environment is the defining issue of our time, and I am deeply concerned about environmental protection. That is why I ask you to please adopt the Tree Ordinance with Exhibit B which also includes removal of the exemption for protecting trees on Heavy Industrial (IH) lands.

-

- It is long past time for heavy industrial land developers to be required to do their part to protect trees. Heavy industrial areas overlap with some of our most important natural resource areas such as the banks of the Willamette and Columbia Rivers and Columbia Slough. These industrial areas have some of the highest urban heat island effects in Portland and some of the worst air pollution. Trees are essential to reducing urban heat island for workers and adjacent communities and to protect air quality.

-

- Applying tree protections on heavy industrial lands would not reduce the industrial land base. Property owners have a choice of either retaining trees or paying into a mitigation fund to plant trees nearby when trees are not preserved.

-

- I strongly support the amendments which would require inch for inch mitigation for trees over 20 inches and removal of exemptions for tree protections on General Industrial (IG1), Central Employment (EX), and Central Commercial (CX) zones. Thank you for your consideration of my comments.

Sincerely,

Dianne Ensign
11600 SW Lancaster Rd.
Portland, OR 97219

Written testimony re: proposed Title 11 Tree Code changes

I am submitting this testimony as a long-time Portland resident (fortunate to live in a relatively leafy part of NE Portland!), as an ecologist, and as a parent concerned about the choices we are making for our children's future, for our city, and for our planet.

I support the recommendation to reduce the size threshold for inch-by-inch mitigation from 36 inches to 20 inches, and the removal of the exemption for commercial and some industrial lands. However, **I strongly urge City Council to also remove the exemption for heavy industrial lands (IH). I believe that there were flaws and oversights in Johnson Economic's analysis of the impact on and importance of heavy industrial lands that should be examined and corrected, as I think they would change the predicted impacts of this removal.**

First, in determining whether sufficient land would be available for development as specified under the State's Goal 9, Johnson Economics examined the potential increase in cost to develop heavy industrial (IH) lands if the tree code exemption were to be removed. As you know, the Tree Code requires either 1) payment of a fee for trees that are cut OR 2) planting of replacement trees (either on site or elsewhere). In many cases, it would be far more economical to plant new trees than to pay the fee. However, Johnson Economics decided, somewhat arbitrarily, to assume that all landowners would utilize the pay the fees option rather than planting replacement trees. Not too surprisingly, this potentially unrealistic assumption resulted in high costs for development. Before drawing any final conclusions about the potential economic impact of removing this exemption for industrial lands, this analysis should be repeated, utilizing the assumption that landowners would plant new trees, rather than pay fees.

Second, an argument was made that development of heavy industrial lands is important from an equity standpoint because industrial jobs represent solid middle wage jobs that employ a relatively high percentage of people of color – and that impacting the development of industrial lands could have a negative impact on these jobs. What this assessment doesn't take into account is the fact that these jobs themselves represent a significant equity issue. Industrial land-owners stand to gain a great deal from the development of their property – the workers, not so much. The lack of tree cover, and the resulting heat island and air quality implications, in and adjacent to industrial lands, is just one of the many aspects of industrial zone employment that impacts the health and well-being of workers.

In their report, the authors admit that “The analysis only looks at the impacts of regulatory changes on predicted development outcomes and does not represent a full cost/benefit analysis. The regulatory proposals are likely to have significant public benefit that would offset potential costs. While we recognize the existence of public benefits, this analysis does not attempt to quantify these.”

We can no longer continue to act as though business and development are the only things that matter. We can no longer set up the false narrative that we can have jobs or we can have environmental health. We can no longer continue to disregard the critical environmental and public health benefits provided by trees, wetlands, and healthy watersheds.

Portland passed a resolution recognizing that we are in a Climate Emergency and making it clear that we must center the needs of frontline and marginalized communities in City policy.

Written testimony re: proposed Title 11 Tree Code changes

Strengthening the tree code so that it applies to all property in Portland should be very low-hanging fruit in the City's actions towards climate stability and environmental justice. I urge you not to let this opportunity to do the right thing for current and future generations pass by. I ask that, along with the current recommendations, you also remove the exemption for heavy industrial (IH) lands.

Katherine Muller, Ph.D.

From: [Katherine Muller](#)
To: [Council Clerk – Testimony](#)
Subject: Title 11 Tree Code amendments
Date: Friday, October 30, 2020 9:35:32 AM
Attachments: [Katherine Muller - Testimony, Tree Code amendments.pdf](#)

Please accept the following as written testimony regarding the proposed amendments to the Title 11 Tree Code.

Thank you.

Katherine Muller