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2025-122

Public Hearing

Public comment on Urban Forestry operations, enforcement and compliance, fees and fines

Placed on File

Committee will hear public testimony on the Urban Forestry operations specific to Title 11 Trees code enforcement, compliance, fees, and fines.

Document History

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Agenda	Council action
April 1, 2025 Regular Agenda Finance Committee	Placed on File

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Introduced by
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Agenda Type
Regular

Date and Time Information

Meeting Date
April 1, 2025

Time Requested
30 minutes

Portland City Council, Finance Committee
Monday, April 1, 2025, 12:00 p.m.
Written Testimony - 2025-122

	Name or Organization	Position	Comments	Attachment	Created
1	Anonymous	Support with changes	Hello, I'd like to submit testimony of my experience with Urban Forestry. In 2022 my husband and I received a notice that our street trees were not in compliance. This was surprising to us as we had hired Honl about 8 months prior to prune all of the trees on our property and were happy with their work. There was no information about what specific tree or limb had triggered the violation, and when we contacted the listed Inspector on our notice we learned their information was misprinted and the person listed was not the Inspector who had issued the violation. Even more frustrating, in speaking with this Inspector he indicated that he personally would not have issued the violation. We promptly contacted Honl to come back out and they determined it was a limb measuring at 9" over the parking strip into the street. They raised a concern that pruning this limb could leave a large scar that could potentially kill the tree, and that their professional opinion would be to leave it as is (the limb did not extend into traffic and was completely visible for drivers opting to park in front of our house). Ultimately, this was not sufficient for the Inspector that issued the violation and we paid to have the tree pruned further. We walked away with a pretty negative opinion of Urban Forestry and confusion about who/what the code is ultimately meant to serve. One Inspector deciding one way, while another Inspector decides another, didn't give us much confidence in the process. If the purpose of the City's tree code is to protect the trees we have, I would hope that decisions by City employees would be made considering the health of the actual trees in question and not the parking options for a vehicle over 9" tall. Leaving the maintenance of street trees to homeowners with varying opinions on their value is less than ideal, choosing to be punitive to homeowners demonstrating appropriate care for them is even worse!	No	03/28/25 2:32 PM
2	Anonymous		My neighbor and I recently petitioned Urban Forestry to allow us to assess an old dying tree overhanging my property and my neighbor's property. This tree regularly sheds branches that have knocked out data lines, has knocked out power to my neighbor's house, and has dropped large branches on my power line. Despite this, an Urban Forestry inspector assessed the tree's health as "fair" and refused to allow us to take any action to prevent the tree from causing life-threatening harm to our properties. My sense is that my experience is not unusual, and that Urban Forestry's policies prevent homeowners from taking reasonable action to remove dangerous dying trees and replace them with new trees to safely repopulate the urban canopy. These policies should be reexamined so that homeowners are not forced to wait for catastrophic harm to occur before they can take action.	No	03/28/25 4:47 PM
3	Michael Smitasin	Support with changes	The Tree Code should be updated to focus on incentivizing Portland residents to plant and maintain trees, rather than penalizing them. Portland has precedent for successful incentive programs in the Portland Water Bureau's Clean River Rewards program. Fix the Tree Code! https://www.treecode.org	No	03/29/25 3:09 AM
4	Meryl Redisch	Support	I support Urban Forestry's rationale and practical approach to operations, enforcement and compliance, fees and fines that was presented to Council. I was on the Urban Forestry Commission during the development of Title 11 and followed the process by which it was approved and then funded by Council. The TreeCode, while not perfect, was designed to preserve Portland's canopy. The Code utilizes the best practices from other cities of our size and aims to provide clear, fair and consistent regulations across the board, regardless of geography. I do not want to see the fee structure or regulatory applications changed in ways that would significantly diminish the purpose and goals of protecting large trees, allocating more spaces for them or letting development off the hook from paying into the tree fund.	No	03/29/25 3:46 PM
5	Anonymous		Tree of heaven is an invasive tree that aggressively spreads in Portland. While the city recognizes it is a noxious weed, mature trees of heaven receive the same protections as other trees. It is difficult and expensive to get a permit to remove a mature tree of heaven. Maintaining our urban forest canopy is important, but we should be able to remove noxious weed trees without undue bureaucratic and financial hurdles and replace them with trees that are better suited to the urban environment.	No	03/30/25 8:02 AM
6	Anonymous	Oppose	I live on a 6000 sq ft property that has a dozen trees that are 16 ft or taller and does more than its fair share to contribute to the local tree canopy. With the current rules I'm still required to replace a fir tree that failed due to the 2024 ice storm. I think there should be exceptions made for replacing trees. If the property already has 5+ trees that meet the required height of a replacement tree then why require them to plant a new tree?	No	03/30/25 9:51 AM
7	Roberta Jortner		See uploaded PDF. Thanks!	Yes	03/31/25 1:49 PM

March 31, 2025

TO: Portland City Council Finance Committee

FROM: Roberta Jortner

SUBJECT: Tree Code Issues (2025-122) and Fee Proposal (2025-123) – keeping the big picture in mind

I am aware of recent events and media splashes regarding Portland's tree code (Title 11) and its administration. I appreciate the City Council member's interest in trees and the impact of tree-related regulations. I also appreciate concerns about the potential cost burdens or other unintended consequences of City policies, regulations, and enforcement (or lack thereof), and the impacts of hazardous trees. Given the importance of Portland's trees and tree canopy infrastructure to community health, well-being, and equity, climate resilience, and overall livability I urge you and the City Council to:

- 1) approach these concerns with the intent to also understand the cohesive nature of the code, its origin, and the benefits it provides,
- 2) channel concerns to the upcoming Title 11 update project and avoid making quick isolated code changes that can result in unintended consequences,
- 3) seek diverse community and City staff perspectives on tree-related issues, and
- 4) support the proposed investment of PCEF funds to: a) reduce or eliminate tree-related fees (2025-123), and b) launch both a citywide street tree maintenance program and a need-based private tree assistance to reduce costs to Portlanders and help remove barriers to planting new trees.

As a former City staff person, I participated extensively in the project that generated Title 11, Trees. The City Council launched and funded this project in response to persistent community concerns about the loss of trees and impacts on livability, inequitable tree canopy, erratic, inconsistent, and/or conflicting tree regulations spread through multiple city code titles, and regulatory loopholes (e.g., clear cutting trees on private property before submittal development applications). Folks were also concerned about lack of enforcement for unpermitted removal of trees on private property and street trees, and non-existent customer service to provide guidance and answer questions from the public. After 3 years of City and community investment of time and resources, including many public meetings and hearings before the Urban Forestry Commission and the Planning Commission, the City Council approved Title 11 unanimously with broad support across Portland's geography, interest groups, and individuals.

Not surprisingly, the policies underlying Title 11 and the code sections themselves are closely intertwined with each other and with some other City codes (e.g., Title 33 Portland Zoning Code). Therefore, when concerns arise, it is critical to define the problem fully, assess the pros and cons solution options such as changing, implementation procedures, and/or fees, and getting feedback from City staff across programs and the community. Quick, knee-jerk fixes are likely to result in unintended consequences.

The good news is that a Title 11 update project is planned to begin later this year. This project will be informed by Portland's updated Urban Forest Plan that will come before the City Council this spring. I urge you to avoid making spot code changes to Title 11 ahead of these efforts project.

Thank you for your consideration.

	Name or Organization	Position	Comments	Attachment	Created
8	Barbara Wharton			Yes	03/31/25 2:26 PM
9	Anonymous		Dear Finance Committee, I write as someone very concerned about the role our tree canopy plays in climate change mitigation and our apparent failure of resolve as a city to do the hard work necessary to keep them safe. The Tree Code DOES recognize the importance of trees in our sustainable future, and Portlanders resoundingly supported it. It is imperative that we do not make it easy for folks to cut down large trees because these are not private, but community resources, that we will all need more and more as the future grows hotter. Our large trees make up about 60% of our shade, but only 13% of our trees, and the tiny trees folks are planting after cutting down a large tree will either never provide shade (because they are ornamental tree varieties), or will take 80+ years to grow large enough to help us. It is your job as city leaders to educate yourselves about what is coming for us climate-wise, and to educate the public on necessary green infrastructure (such as large trees). Please do not do anything to damage or weaken the Tree Code.	No	03/31/25 4:11 PM
10	Trees for Life Oregon			Yes	03/31/25 5:35 PM
11	Jim Gersbach		Much ado has been made in Willamette Week about the penalties for non-compliance with Portland's Title 11 tree protection ordinance, implying using extremely rare and unrelated examples that these are somehow arbitrary and draconian. The fact is, tree removal in Portland of private trees is allowed in most instances under Title 11. Private trees under a foot in diameter don't have any protection and even over a foot in diameter they can be removed if anywhere within 10 feet of a structure even if healthy and posing no hazard. This means most trees on a typical residential lot can be removed at the whim of the owner. It is only a few large, healthy, non-hazardous trees that are more than 10' from a structure that enjoy some protection from arbitrary removal, as they should. And in development any tree can be removed no matter how large or healthy provided that for exceptionally large trees a developer pays to remove rather than try to save (most pay as a simple cost of doing business). The result is that the city's tree canopy, after years of increasing due to heroic tree planting efforts since the 1990, is now seen to have stalled. Most likely it is actually decreasing with the imposition of higher density infill zoning on formerly single-family residential areas with yards spacious enough to support large shade trees. Newly planted trees will take decades to replace the large mature trees that are a legacy from 20th century plantings. In the meantime, Portlanders are already suffering from urban heat island effects, especially in lower-income neighborhoods designed with inadequate planting strip widths to support large shade trees. Title 11, as modest a protection as it is, must not be further weakened based on a few anecdotes. The numbers show that under Title 11 almost all homeowners get to remove trees that are found to be hazardous or inconveniently close to their dwelling with no penalty whatsoever. If City Council guts Title 11's compliance penalties - weak as they are and waived as often as they are - then we can expect to see an accelerated loss of trees as more people feel entitled to remove trees for any reason whatsoever with no risk of consequences to them, even as they increase the consequences to their neighbors from the removal of these beneficial shade trees. Please support Title 11.	No	03/31/25 7:49 PM

Finance Committee Meeting 4-1-25

Testimony on Urban Forestry Operations, Enforcement, and Compliance

Portland needs more tree canopy now than the city had 20 years ago to offset the impact of climate change, and yet we have shrinking canopy. Not only do we need to correct the trend, but also press forward with even greater effort, so future generations of Portland residents will realize livability standards that are actually met.

Title 11 has been put into question recently. It was disappointing to witness what appeared to be a knee jerk response or acceptance of a recent article in Willamette Week, written and published by folks with no apparent expertise in any field that would grant them authority for the messaging in the piece. I ask that you bear that in mind as you hear from people who do possess expertise to support their own input.

Issues faced today will not be effectively addressed if Title 11 is eliminated or weakened, although it is indeed time to review and improve the code to adapt to changes and growing challenges in Portland. Like many residents I am anxious to see the review process get underway as soon as possible.

Just as there can be property damage or injury sourced to problems with electricity, water, roads, or any other critical infrastructure, trees can also pose risks to property and people at times. Codes are necessary to protect all infrastructure so all are as safe and effective as possible.

From a financial perspective, today is the least costly time to set Portland up for better climate resiliency in 20 years. Trees planted today will appreciate in value, a feature that differentiates trees from other types of infrastructure. Since they become most beneficial 15 years and beyond after planting, maintenance is required. Maintaining the urban forest greatly reduces the chances of future hazard, optimizes the trees' contribution to climate change mitigation, and increases asset valuation.

As you consider Title 11 from a financial perspective please aim toward a goal of growing the urban forest to targeted levels in every single neighborhood, as well as protecting all existing large form trees already in their peak productive years, especially in neighborhoods where they face the greatest threat of removal due to development. Achievement will result in a material improvement in the health and safety of all residents in our city.



To: Portland City Council Finance Committee Members

Fr: Trees for Life Oregon

Date: March 27, 2025

Re: Finance Committee's April 1, 2025, meeting, re: tree code fees/practices

We acknowledge the issues recently raised by the media about Urban Forestry's fees and enforcement. When City leaders address such concerns, the best outcomes are likely to result from adopting a measured approach to revisiting regulations and how they are implemented. Many would agree that revisions and improvements to Title 11, Portland's tree code, are needed. Fortunately, a project to update Title 11 is scheduled to begin at the end of this year. Those changes will be informed by the updated Urban Forest Plan, which is now in draft form and will be heading to City Council this spring.

Portland's tree code is comprehensive and comprises many inter-related elements and connections to other codes. Precipitous, piecemeal code changes should be put on hold. Ideas for amendments should be channeled into the Title 11 update. Changes made quickly and outside a more holistic review, even if small, can have undesirable consequences for the whole.

Writing empathy into a code might be achieved through provisions for hardship, but such provisions require the consideration of many values that might be in conflict with one another.

Our tree code is imperfect, for sure, and elements of it need changing. But Title 11 also contains important features that help protect the trees that, in turn, protect the health and well-being of the broader public.

The tree code matters because Portland's urban forest, among its diverse benefits, has an outsized role in preparing current and future generations for climate resilience. We are in a climate crisis and are experiencing severe weather events, especially scorching heat, that have already taken the lives of Portlanders. Studies indicate that during heat events, neighborhoods with abundant tree canopy are far cooler than those with sparse canopy. Studies also show that our urban forest canopy has been declining for several years, especially in disadvantaged neighborhoods, where most of the 2021 heat dome deaths occurred. Further research, on Portland and other cities, has shown that residents who live near trees are physically and mentally healthier than those who don't. Canopy is therefore a question of equity, livability, and saving public health dollars. Trees are not an amenity but a necessity that are no less important than our other infrastructure.

Title 11 was originally adopted unanimously by the City Council in 2011 with strong community support in response to public outrage about the loss of trees from arbitrary tree removals and the lack of coherent tree rules across agencies. (Budget constraints delayed its implementation until 2015.) The code is complex. Over several years a great deal of thought, public investment, and community engagement went into its creation and the integration of its parts. A great deal of thought must also go into improving the tree code when it is formally revisited this year. A deliberate, thoughtful process with feedback from a wide swath of the public will ensure that the code update will benefit all Portlanders.

In the meantime, we support options to reduce the cost burdens of trees in Portland. We are pleased that the City intends to devote PCEF funds toward a widespread street tree maintenance program, removing from adjacent property owners the cost burden of caring for our valuable street tree assets. We also support the proposal to fund maintenance of trees on private property based on financial need. And we support PCEF-funded efforts, described in agenda #4, exhibit A, that, if approved by City Council, would reduce or eliminate fees related to trees in non-development situations. These steps will help improve equity and remove barriers to planting and caring for trees across our city.

To learn more about the tree code, our suggested design and policy changes to improve it, and the studies that document the impacts of tree canopy on the health and well-being of urban residents, visit our website. www.treesforlifeoregon.org

[Watch here](#) a five-minute video about Portland's urban forest challenges and some proposed solutions.

	Name or Organization	Position	Comments	Attachment	Created
12	Anonymous	Support with changes	<p>Tree canopy is very important to all Portlanders but the current regulations are not enforced uniformly and seem to miss the objective of keeping canopy.</p> <p>On just my street alone, I have seen my neighbors take down every tree on two lots they own and nearly every tree on the 3rd lot they own with no replacements planted.</p> <p>On our property, we struggled for 10 years to get a Douglas Fir that was leaning westward toward our home permitted to be taken down. It was even damaged in an ice storm where the whole East side's branches came down making all the weight on the West side and it was still denied. We all know that Doug Firs have very shallow roots and we saw the damage that fully upright Doug Firs can do in our most recent storm. Still denied.</p> <p>While walking off my property the city worker who stated that my Doug Fir's physics could be fixed by "trimming" said, "Now, if you wanted to take down THAT tree, there would be no problem!" He was pointing at a 30 foot tree giving canopy to my front yard and shading it from the afternoon (sometimes) searing heat. This showed me that he was really focused on the fact that I was trying to take down a native tree vs. one considered less desirable. This, to me was crazy because we need canopy! I was not happy about losing the canopy of my Doug Fir, but we feared for our safety. We would have trouble sleeping on stormy nights worried it would crash into my children's bedrooms, which were closest to it. This person was willing to have us risk our lives to keep ONE tree when he was happy to take down one of no risk to anyone.</p> <p>There is something wrong when we lose sight of our objectives and start thinking there is only one way to get things done or that we need to meet our goals in a way that seems perfect. The climate is changing, we need to be nimble and flexible and remember that cover is cover. We need to update the law to have less specific rules so that there is more compliance. Clearly my neighbor just didn't apply for permits and just chopped down trees. Do not let perfection get in the way of action.</p>	No	04/01/25 4:48 AM
13	n/a		<p>I support the current tree code as it is written. Portland has lost an enormous amount of its urban tree canopy over the last ten years, mainly due to development, increases in housing density. We are on track to lose many more of our trees due to pests and diseases exacerbated by climate change. And as we all know, regrowing adequate tree canopy takes upward of fifty years. As we work to increase density and housing, we must prioritize protection of our urban tree canopy, as well as replanting. In our City and County's 2015 Climate Action Plan we set a goal of 33% of our city being covered by green spaces and urban canopy. However since that time our canopy has decreased rather than increased. Far from abandoning this priority, it is time to renew our commitment to equitable and adequate tree canopy.</p> <p>Thank you, Lynn Merrick Resident of SE Portland</p>	No	04/01/25 11:36 AM
14	Ron Minter	Oppose	<p>Please leave the current Title 11 statutes in place until after the formal tree code revision process is completed later this year. Current Title 11 codes came together with broad based input. The evidence continues to grow (pun intended) around the physical, emotional and social benefits of large form, urban tree canopy to the recipient population. Let us be very intentional in how we steward what takes many decades to create and only minutes to destroy.</p> <p>I believe policymakers should take time to carefully define what changes need to be made. Then determine if the change needs to be through an amendment of the current code language, reinterpretation of its existing administration or adjustments to fees. I also believe City staff can address much of the current frustration with more consistent and fair application of discretionary decisions around removal requests.</p> <p>We all know it's a complex issue so let's really lean in together on finding a balance between urban development with urban livability.</p>	No	04/01/25 11:38 AM

Portland City Council, Finance Committee
April 1, 2025 - 12:00 p.m.
Testimony List

	Document Number	Name
1	2025-122	Don Porth
2	2025-122	Yashar Vasef
3	2025-122	Jeremy Peters
4	2025-122	Micah Meskel
5	2025-122	Bruce Nelson
6	2025-122	Christopher Browne
7	2025-122	Sarah Cline
8	2025-122	Nico Neerman-Cline
9	2025-122	Ginger Edwards
10	2025-122	Geoffrey Donovan
11	2025-122	Vivek Shandas
12	2025-122	Michael Smitasin
13	2025-122	Kelly Gomes
14	2025-122	Brenna Bell
15	2025-122	Keren Eichen
16	2025-122	Zo Gonzales