

**Testimony to Planning & Sustainability Commission on January 12, 2016, regarding proposed emergency amendments to Title 11 pertaining to tree protection in development situations:**

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As a Portland resident who sees that the future of Portland's livability as well as the ecological integrity of our city at risk under the current policies that regulate trees in development, I would like to share with you three critical concerns that the Urban Forestry Commission has regarding any version of an emergency tree code amendment that may under consideration:

- 1) First, an incredibly important aspect of large tree mitigation that is not addressed by either proposal is that of the form of the replacement trees. By "form" I am referring to the size class of a tree. As data collected since Title 11 went into effect last January have shown, more often than not, large form trees (trees like sequoia, Doug-fir, cedars, and mature oaks) are being "replaced" with smaller form trees. The current, supposed "mitigation" planting requirements can only amount to a net loss of canopy over time. **Not all trees are created equally, and as such, high performance species (approximated by "form") must be replaced by equally valuable species or a higher replacement/fee schedule should be applied in addition to higher schedules for large size alone.**
- 2) Regarding increased replanting or fee requirements for the removal of large specimen trees, while the both proposals show some attempt to require more proportionate replanting or fees-in-lieu for large trees, neither is formulated to truly protect large trees. The Parks proposal only ramps up protections on trees 4 feet in diameter which make up less than 2% of Portland's trees, and the tiered fee-in-lieu schedule proposed by BDS still places fees at levels that can easily be rolled into the general costs of doing business. **To begin with, the definition of "large trees" needs to take into consideration trees at a lower size threshold in order to ensure we have any large trees in the future. Furthermore, repercussions for removing large trees need to be high enough to truly disincentivize the line of thinking where trees are considered dispensable elements of a property.**
- 3) And finally, while I very much appreciate this responsiveness of the City to respond to citizen outcry over the increased loss of large trees in recent months, I believe that any emergency amendment needs to be taken as a temporary fix, as part of a stop gap effort to protect trees while a more comprehensive assessment of the new code and the implications of any proposed actions can be undertaken. **Any emergency amendment should have a predetermined sunset, at which time Council will revisit it along with additional recommendations for adjustments to Title 11. And a process for code evaluation and revision needs to be initiated and should be led by the PP&R's Urban Forestry Division.**

Thank you in advance for carefully considering the implications of either of the official proposals and what may be missing from them before making your recommendations to Council. I look forward to hearing your conclusions.