



PORTLAND PARKS & RECREATION™

Healthy Parks, Healthy Portland

October 21, 2019

Mayor Ted Wheeler and Members of Portland City Council
Portland City Hall
1221 SW Fourth Ave
Portland, OR 97204

Dear Mayor Wheeler and City Commissioners:

On October 17, 2019 the Urban Forestry Commission (UFC or Commission) held a public hearing to consider an urgent amendment to Title 11, our Tree Code. The amendment is for extending the sunset date of tree preservation requirements in development situations (11.50.040.C) from December 31, 2019 to December 31, 2021. These preservation requirements were originally approved by City Council in 2016 (ORD 187685). Our hearing was subsequent to similar approvals by the Bureau of Development Services (BDS), and the Planning and Sustainability Commission (PSC).

The Commission also considered a recommendation by the PSC to remove the exemption from tree preservation requirements in development situations for industrially and commercially zoned sites (IH, IG1, CX and EX).

Following a briefing by City staff, public testimony, and Commission discussion, we approved two separate motions:

- 1) The Commission recommends the following amendments to Title 11. These recommendations are consistent with those approved by the PSC:
 - a. Amend Title 11 to extend the sunset date of those certain regulations regarding tree preservation for private trees in development situations, identified above, from December 31, 2019 to December 31, 2021; and
 - b. Amend Title 11 to remove the exemption for tree preservation in development situations for sites zoned IH, IG1, EX and CX (11.50.040.B.1) with the removal of the exemption to sunset on December 31, 2021
- 2) The Commission recommends that, should a climate emergency be declared by City Council, the following code amendments shall be effective for the duration of the declaration:
 - a. The sunset clause regarding tree preservation for private trees in development situations (11.50.040.C) shall be removed; and
 - b. The 36" DBH threshold for inch-for-inch mitigation shall be reduced to 20" DBH (Table 50-1); and
 - c. The 36" DBH threshold for required preservation or fee-in-lieu payment shall be reduced to 20" DBH. (11.50.040.C.1.b)

These recommendations have the support of public testimonial letters and discussions held during the last UFC meeting. The Commission was in full agreement that trees provide

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multiple ecosystem services, including climate comfort, clean air, wildlife habitat, genetic resources, cultural and social values. In addition, the additional time will allow the Commission to evaluate the potential implications of the code and develop an equitable solution before the next sunset date.

The public also expects that all zone classes follow the same regulations regarding Title 11 to maintain the distribution of ecosystem services along the city. Additional testimony by the PSC underscored the importance of social equity in removing current exemptions for sites zoned IH, IG1, EX and CX because many abut lower income households, who face the harshest effects of increasing temperatures and persistent urban flooding – both climate-induced events that are expected to rise in frequency and intensity over the coming years.

In 2015, before the sunset amendment, BPS data show that trees between 20-29” represented 34% of the canopy loss. Reducing the fee-in-lieu payment to 20” DBH allows smaller trees to grow and increase their contributions to urban forestry services.

Since Portland has a goal to increase urban tree canopy to 33% by 2030, the UFC recommendations meet the Climate Action Plan through ensuring its Equity goals, which include to expand tree preservation programs, provide an equitable distribution of canopy over the city, and integrate ecosystem services in land use, prioritizing historical and current underinvested areas. These changes will have no net impact on City budgets and will have the additional benefit of ensuring consistent application of Title 11 across all zones.

With this additional time, consistency of applying Title-11, and reduction of the loss of tree canopy, Portland can increase its resilience to future climate pressures, which other PNW cities, such as Seattle¹² and Vancouver³, are now struggling address. Reducing the threshold for required preservation or fee-in-lieu, and inch-per-inch mitigation, to 20” DBH creates an additional requirement to save the trees that will provide ecosystem services to future generations and perpetuate environmental values.

The press for a climate emergency has been repeatedly requested on the UFC meetings by local groups, during the public comments. Young generations and East Portland residents are the most vulnerable to a climate crisis⁴. We request that you approve both motions and help to secure a safe, equitable, and resilient Portland for current and future generations.

Sincerely,



Vivek Shandas, UFC Chair

¹ <https://www.seattle.gov/trees/docs/Seattle2016CCAFinalReportFINAL.pdf>

² <https://www.seattle.gov/trees/canopycover.htm>

³ <https://vancouver.ca/files/cov/urban-forest-strategy.pdf>

⁴ <https://www.opb.org/news/article/east-portland-most-vulnerable-to-flooding-extreme-heat/>