

August 11, 2015

To: Administrative Rule Oversight Committee
From: Urban Forestry Commission

Dear Committee Members,

On behalf of the Urban Forestry Commission, I am writing to express our position on the Administrative Rule. Our recommendations are based on arboriculture best practices, citywide goals articulated in the Comprehensive Plan, Climate Action Plan, the Urban Forestry Management Plan and the Citi-wide Tree Project. Additionally, our recommendations are informed by public opinion. The Commission held a public hearing on August 4th and listened to two hours of testimony. The vast majority of people expressed a very strong desire for the city to protect large canopy trees and to fully compensate for the true environmental, economic, social, and public health benefits provided by them. The Commission heard residents from across Portland say that a \$1200 cap in development situations was way too low. While this particular issue is not part of the Administrative Rule process, the Commission considers this a very significant topic that needs to be addressed in the near future.

The Commission believes that the Administrative Rule enacted on April 20th, 2015 needs to be revised in the following ways;

- In non-development situations, the mitigation cap should only apply to single-family homes on fully developed lots. There may be instances where a homeowner decides to remove several trees on his/her lot for any purpose. In this case, the homeowner should not be held to just a \$1200 mitigation cap. City Forester discretion should be retained in this situation to determine the appropriate level of removal. The mitigation fee, as established by City policy, should only apply to fully developed lots with a single family residence.
- The directive that caps the fee in lieu at \$1200 for non-development situations should be removed from the Administrative Rule identified on page 4, paragraph 3.

- Street tree permit applicants must replant at a ratio of 2:1 or to meet the minimum site density in right of ways.
- Healthy trees between 12-20”dbh should be replaced at a ratio of 2:1. For trees larger than 20” dbh refer to the following table.

DBH	# Of 1.5 “ replacement trees
20-30”*	3
>30-36”	4
>36-42 **	5
>42-48 **	6
>48-54 **	8
>54 **	10

* In development, Capital Improvement Projects and Right of Way situations, replacement trees must be provided with a minimum soil volume as described in the urban forestry planting standard guidelines.

**City Forester discretion determines the species to compensate for the full loss of the resource.

- The City Forester should retain an appropriate level of discretion. While the public and private sectors require consistent and predictable rules regarding tree removal and planting, the administrative rule basically eliminates the city foresters discretion and with it, the ability to successfully manage the urban forest, while addressing citywide goals.
- Replacement of city-owned trees and trees in the public right-of-way must meet a higher, exemplary standard. The City should serve as a model to the public and private sector and contribute to improving the urban canopy. City owned or managed sites; transportation and Capital Improvement Projects should replace healthy trees between 6-20’ dbh at a ratio of 2:1. For trees larger than 20” dbh, refer to the above table.

The Commission requests the Oversight Committee develop performance measures that track how Title 11 is working for city residents. The Commission was very disappointed that the City Forester was excluded from developing the Administrative Rule. Not only does this undermine her expertise and authority, it sends a weak message to the public about managing the urban canopy for the common good. Furthermore, as the appointed body that advises the city forester on matters related to protecting, stewarding and managing trees, the Forestry Commission requests meaningful involvement early on in processes that pertain to Portland's urban forest.

Thank you for giving the Urban Forestry Commission an opportunity to comment on the Administrative Rule.

Sincerely,

Meryl A. Redisch,
Chair, Urban Forestry Commission