

October 14, 2016

Katherine Schultz, Chair, Planning and Sustainability Commission
André Baugh, Vice-Chair, Planning and Sustainability Commission
1900 SW 4th avenue
Portland, Oregon 97201

Dear Chair Schultz and Members of the Commission,

The Urban Forestry Commission was briefed on the Regulatory Improvement Code Package 8 (RICAP) at its September meeting. The UFC submitted comments to Commissioner Fritz that noted technical and policy changes that needed to be addressed as soon as possible. One concern was about Heritage Trees and the pitiful penalty that accompanied either damaging or removing one. We are pleased to see this issue at the top of RICAP 8 and agree that this is a good start.

Following that session, these comments reflect our agreements as well as our concerns. Establishing a separate section within Title 11 makes sense and, at this point, aligning the fees in accordance with the maximum fees currently allowed for City and Street Trees seems appropriate. The UFC is interested in reviewing the effectiveness of these new fees and may offer additional comments in the future.

In general, the UFC agrees with the amendments related to both the minor technical and policy items. The adjustments are practical for the homeowner and the City. However, there are a few technical and policy related items that remain a concern.

- RIW #37 Ground Disturbance – We understand the intent not to require tree preservation for improvements with very little or no ground disturbance. However, applying the proposed minimum threshold of 100 square feet of ground disturbance could result in considerable damage to or loss of trees, depending upon the location of the disturbance relative to the tree. The exemptions for home improvements such as decks, replacing structures, fencings, etc. may have a detrimental impact on the viability of trees in the short and long run. While we don't want to make home improvement projects onerous for owners, we request an alternative solution to the problem that will not pose risks to trees.
- RIW #38 Root Protection Zone, Proximity to Construction Activities – The commentary states the intent to eliminate RPZ fencing requirements for development that is located at some distance from a tree. Yet, the proposed amendment to the Tree Preservation Standards does not seem to address this intent. The proposed amendment would exempt development extending no more than 15 feet from existing structures from the Tree Preservation Standards so long as tree removal is not part of the

AMANDA FRITZ, COMMISSIONER

MIKE ABBATÉ, DIRECTOR

project. However, the amendment does not address the distance between the development impact area and trees or from staging, access, and storage of heavy equipment and construction materials. The amendment could also have unintended consequences, including significant encroachment into the root zone of one or more site trees, and/or damage to tree trunks and crowns. We request an alternative that clearly addresses the distance between a development site and trees rather than the proposed amendment.

- RIW #17 Amenity Bonus – We understand the point of making the tree preservation amenity bonus align with other bonus options in this section. However, we believe that keeping the higher percent option for tree preservation would further the environmental, social, and equity goals that are identified in every City Plan. Keeping the higher amenity bonus for tree preservation does elevate tree protection and sends a signal to developers that the City is serious about reaching its canopy targets. At a minimum, we recommend that the amount of the bonus be variable depending on the size of the tree, providing up to 10 percent bonus for very large, healthy non-nuisance trees. This will encourage preservation of larger trees.

On behalf of the Urban Forestry Commission, we want to thank the Bureau of Planning and Sustainability for meeting with us and addressing these final concerns. We look forward to reviewing the next iteration of the RICAP 8 draft.

Sincerely,

Meryl A. Redisch, Chair, Policy Committee
Mark Bello, Chair, Urban Forestry Commission

Cc. Susan Anderson, Director, BPS
Jenn Cairo, City Forester
Jeff Caudill, City Planner II, BPS
Kathryn Hartinger, City Planner II, BPS
Katie Dunham, Senior Planner, PP&R