



AMANDA FRITZ, COMMISSIONER

MIKE ABBATÉ, DIRECTOR

To: Commissioner Fritz  
From: Urban Forestry Commission  
Date: May 3, 2017  
RE: Title 11 Priority List for Audit

Dear Commissioner Fritz,

Thank you for giving the Urban Forestry Commission the opportunity to provide you with a list of items that should be considered as part of the Title 11 Audit review. Although Title 11 has demonstrated numerous successful outcomes since implementation, it remains flawed in a number of areas. While the Title 11 amendments approved through the RICAP 8 process resulted in some improvements, other serious issues persist, including how to effectively manage the “large tree stop-gap amendment” that will sunset in two years. Furthermore, with the rapid pace of new private development, capital improvement initiatives and transportation projects, public and private trees are at risk for removal. Coupled with that projection is the diminishing number of spaces required for planting large, form trees. Urban Forestry staffing levels are not sufficient to manage the high volume of citywide permits, and storm and climate related events. These issues and the ones below are worthy of resolving soon. I have attempted to categorize the UFC’s highest priorities and recommendations and used information from the Tree Code Oversight Advisory Committee’s Report, as well as public memos and comments produced by the Urban Forestry Committee since Title 11 was implemented.

**Private Trees in Development Situations**

1. Title 11 has “tree preservation standards” but these are not required. No requirement in the code compels or incentivizes developers to save large, healthy trees, even if doing so is feasible under allowed or desired zoning densities. Additionally, other City-wide policies require lot line setbacks, off-street parking and height restrictions that force developers to removed large, healthy trees. There are requirements to preserve Portland’s Heritage trees, but Heritage trees are a small fraction of Portland’s canopy on both private and public sites. We recommend adding methods to provide incentives for tree preservation and flexible development options.
2. Title 11 tree preservation standards exist on lots over 5,000 square feet. This is a serious and far reaching concern as the city promotes increased density and developers divide the lots first and then apply for permits to build multiple units. We recommend that tree preservation standards apply to smaller size lots.
3. Title 11 standards are exempt on commercial and industrial zones. To fully “meet the multi-purposed objectives of the Urban Forest Plan, including reaching and sustaining canopy targets for various urban land environments,” every

- commercial and industrial development site should not be exempt from Title 11 standards.
4. It's necessary to review the "interim" code changes adopted by City Council in 2016 and the Administrative Rule from 2015. Specifically, use additional thresholds and measurements to determine preservation or mitigation including: size, health, species, and ecological and social function. Apply a graduated fee schedule based on the above factors and revise all fees to reflect the current and future costs for planting and maintaining trees.

### **Right of Way/Street Trees**

1. Unlike trees in private development situations, there are no public notification requirements for street tree removals. A notification process should occur when ROW/Street Trees are slated for removal due to development or capital improvement project.
2. There needs to be a consistent process that allows the public to challenge PBOT over street tree removal. It should be mandatory for PBOT to consider using new design and technology opportunities that could preserve trees, particularly, large, healthy trees. Currently, the Administrative Rule precludes PBOT from adhering to the same tree replacement standards as required for other development situations.
3. A ROW/Street Tree Maintenance Program should be seriously considered soon. Currently, maintaining street trees is entirely left to landowners or infrastructure bureaus like PBOT and the Water Bureau. Studies show that this financial burden contributes to a lack of large, healthy trees in less affluent and non-homeownership communities. Portland's ROW/Street Tree Canopy is a \$5 billion investment worthy of preserving and maintaining

On behalf of the Urban Forestry Commission, thank you for considering this memo. I welcome any questions that you may have.

Sincerely,

Meryl A. Redisch,  
Chair, UFC Policy Committee

CC: Mike Abbate  
Pooja Bhatt  
Jenn Cairo  
Mark Bello