



CITY OF PORTLAND

# URBAN FORESTRY COMMISSION

1120 SW FIFTH AVENUE, PORTLAND, OREGON 97204

PHONE 503-823-5396 FAX 503-823-5570



AMANDA FRITZ, COMMISSIONER

MIKE ABBATÉ, DIRECTOR

February 15, 2018

Commissioner Fritz  
Portland City Hall  
1221 SW Fourth Ave  
Portland, OR 97204

Dear Commissioner Fritz,

On behalf of the Urban Forestry Commission, we would like to take an opportunity to share our perspective with you as it relates to the controversial situation involving the cottonwood tree located at SW 45<sup>th</sup> and Vermont Street in the Multnomah Village neighborhood.

Our understanding is that this tree is located on developable land and a new home is replacing an old, run down dwelling. The developer applied for permits to remove a number of trees in accordance with Title 11 and was granted those permits. However, an additional permit to remove a cottonwood tree greater than 40" dbh was also submitted. It included a private arborist report stating the tree was unhealthy and dying. The additional permit was submitted based upon one factor, the health assessment of the tree. The City Forester assessed the condition of the tree, deemed it viable and calculated the mitigation fee based on Title 11. We then learned that a financial hardship request was presented and all fees were waived. Since then, numerous emails and visits with Commissioner Eudaly's office about this situation have occurred but it appears that the decision to waive the mitigation fees for removing this very large and healthy tree has been settled.

The Forestry Commission is very concerned about this situation for two main reasons. First, the decision can easily set a precedent, opening a floodgate for other developers to claim financial hardship. The other reason is because the community advocated in earnest to increase the mitigation fees so that large, healthy trees are valued to compensate for the loss of environmental and human health benefits.

As Parks Commissioner, you lead the effort to improve this regulatory flaw and together, we successfully increased the mitigation fees for large, healthy trees. At that council meeting, a brief discussion about dealing with financial hardship ensued. While we didn't agree to specifics then, we did acknowledge financial hardships exist and we would need to manage this issue. Unfortunately, that discussion and process didn't occur prior to this situation and it has forced the City's hands to make a decision that was not in service to our community and canopy goals.

We agree that a financial hardship situation deserves to be examined and incorporated into a decision, but do not support a complete waiver particularly when a developer is building a new home and has already removed the majority of trees from the property. The mitigation fees for removing a sizable and healthy tree as per Title 11 is \$350 per inch over **36" dbh**. In this instance, the fee would have been close to \$15,000, a considerable but not exorbitant sum. A compromise could have been reached instead of a complete waiver, demonstrating to the local and greater Portland community that the City is serious about preserving its large, healthy trees. The other point that we want to underscore is that



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when a private arborist's assessment differs from Forestry, the default is with the City Forester as per Title 11.

Going forward, let's find a better and more equitable way to manage these types of situations that will likely occur again. We look towards your leadership and commitment to grow our urban canopy for all Portland residents. We welcome your ideas and are ready to work with you and Commissioner Eudaly's office on this matter.

Sincerely,

Daniel Newberry, Chair Urban Forestry Policy Committee

Vivek Shandas, Chair, Urban Forestry Commission