

City Council considers new tree planting and cutting regulations

By Lee Perlman
The Southwest Portland Post

The Portland City Council last month took up the Citywide Tree Ordinance, an attempt to rewrite, unify and streamline all regulations relating to the planting, cutting and pruning of trees on all public and private property.

For southwest Portland activists, it was the culmination of years of work.

The Tree Project has been ongoing for three years. Planner Joe Zehnder said it was inspired by complaints about the current code.

Project manager Roberta Jortner said that current rules, shared by five different bureaus, are "inconsistent, with noticeable gaps."

Among other things, the Project's recommendations call for a single point of public contact, a user-friendly manual, and a hotline for reporting violations.

Regarding this last point, Jortner touched off a debate when she suggested that someone seeing illegal tree cutting on weekends should call 911.

Commissioners Amanda Fritz and Randy Leonard quickly said this would be an inappropriate use of this system. Commissioner Dan Saltzman wasn't so sure. "I can see where 911 is appropriate," he said. "I'm less interested in penalizing people for illegal tree cutting than in preventing it in the first place."

Portland Planning and Sustainability Commission chair Don Hanson, himself a landscape architect, said current tree regulations are "a mess, hard to find and inconsistent."

During the course of hearings the commission heard complaints that the proposed rules go too far and not far enough, he said. While saying, "I won't pretend we resolved all the details," he said he found the end results "rational, understandable and clear."

Michael McCloskey, a southwest resident and member of the Urban Forestry Commission, called for maintaining trees in unimproved right of ways that are "well-established." In southwest, "It's sometimes hard to tell where City property ends and private property begins," he said.

Greg Schifsky, longtime Bridlemile community activist, said, "I hope you support this all the way." He recalled a weekend incident in 1967 when, "I looked at the hillside and there were no trees – it was as if they were denuded by an occupying power. With enactment of this, we can ensure that doesn't happen. Paint yourself green and really mean it."

Fritz told Schifsky, "We wouldn't be here tonight considering this without your advocacy."

Fritz had similar praise for another southwest advocate, Margo Barnett; both women helped create Holly Farm Park. "We've been urging the City to revise the code for years," Barnett said. "I'm very pleased with the fact that this includes many of our recommendations."

The Project has been "a very long process and a balancing act." The authors had tried to be flexible, and that had increased the recommendations' complexity, Barnett said. She did regret that the act did not provide relief for owners whose sidewalks are damaged by tree roots, especially the low-income.

The proposal did have critics. Southwest homeowner Wayne Person criticized new regulations governing tree cutting on developed single-family home sites.

Person was denied a permit to cut down a dangerous tree, he said, and its branches fell "through my roof, through my garage window, within ten feet of me while I was holding my grand-daughter. You should allow

homeowners to cut their own trees when appropriate."

Another southwest homeowner, planner Mark Dane, said, "Infill is the greenest form of development," and the proposals will mean "more consultants, bureaucratic costs, and time. Every time we try to simplify the code it gets thicker."

Developer Justin Wood, while praising the intent of the Project, said the end result is "still fairly complicated, and falls too heavily on the development community."

Wood recommended exempting lots of 5,000 square feet or less from regulation. (The proposals put the minimum at 3,000 square feet.) Other homebuilders called for other changes, such as exempting developments with 80 percent lot coverage (the proposal would exempt those with 90 percent coverage).

Builder John Fiocchi, said, "I'm just about ready to move out of the city." The City already charges \$33,000 in total fees per unit, he said, and of this \$8,500 pertains to trees.

Regulation of private property is inappropriate, Fiocchi said; "This is my private property, I own it, I bought it, I pay taxes on it." Turning to Council he said, "You guys are all smart, look into this more."

In contrast Nancy Seton, land use chair of the Southwest Hills Residential League, said, "We're very pleased to see the changes we asked for. Without trees our homes would be sliding down the slope to Goose Hollow or Highway 26."

According to Seton, "We need to support tree preservation on developable and non-developable land. We need more consistent enforcement of stream setbacks. We need to preserve the canopy, and to do that we need a code that works for, not against, this objective."



John Gibbon, Southwest Neighborhoods, Inc. land use chair, said that tree preservation on private property is a matter of public interest, especially in landslide-prone areas.

Gibbon said in his own Quail Park subdivision there is a requirement that every tree cut must be replaced. "It's not inexpensive, but it's worthwhile."

Simone Goldfedder of Southwest Hills said she "strongly supported" the proposal, and said it "provides many options to approach a (development) site instead of a proscriptive, one-size-fits-all approach."

"This doesn't limit an owner's right to develop; it only emphasizes the importance of tree preservation."

Goldfedder added, "It's clear much of the canopy is in the more affluent neighborhoods, and loss of canopy affects the form and health of neighborhoods."

Bob Sallinger of the Portland Audubon Society called for stronger regu-

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