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some of the city's core values related to living sustainably.

Labbe emphasized the practical importance of a robust urban canopy. Fully grown, mature trees can absorb up to 80 percent of rainfall, which alleviates pressure on the city's sewer and stormwater management systems. Large trees also improve air quality and provide shade, which lowers summer temperatures and reduces the heat island affect — the absorption of heat, and subsequent higher temperatures, due to a large human population and activities.

Old and healthy trees play a far more important role ecologically than young saplings, especially mature conifers like Douglas firs and sequoias. Those trees provide wildlife habitat and protection for hundreds of different animals, birds, insects and flora, symbiotic relationships that have evolved over millions of years.

Labbe noted that Portland's tree code prior to 2011 was fragmented and applied unevenly throughout the city. The new code is consistent across the city, is more coherent and more clearly defines what developers and homeowners are required to do.

The new administrative rules establish a minimum standard of tree density in the city: one large tree for every 1,000 square feet or three small trees for every 300 square feet. The tree size is measured in terms of the planting area needed: 150 square feet for a large tree; 50 square feet for a small tree.

Anyone wishing to remove a tree, whether a private property owner or public entities such as the city, must first receive a permit from the city's Bureau of Development Services. That is the primary reason the Urban Forestry Commission is able to now track canopy loss and tree removal.

The code also establishes a replacement requirement: Two saplings must be planted for any tree removed due to private development.

A developer or homeowner must pay a \$1,200 fine to remove trees from private property. That is the approximate cost of planting a tree and helping establish it for two years, according to Urban Forestry.

The new rules took effect at the beginning of this year. People wanted them changed almost instantly.

"I didn't expect it to be so soon," Labbe said. "There was a lot achieved in this update, but there are definite gaps that weren't covered."

On Aug. 4, the Urban Forestry Commission held the only public hearing on interim rule. More than two dozen people testified for two hours, representing groups such as Friends of Trees, the Audubon Society of Portland, and concerned residents. Everyone called for replacing the interim rule with stronger regulations that protect large trees.

Kevin Hillery, an arborist and member of Portland's Heritage Tree Commission, commented on the unusual involvement of citizens.

"I've never seen more people save significant trees than in the last few years," he said. "You could always find people in power to help, and that just isn't the case anymore. There needs to be something in

the Tree Code where you save significant trees."

Friends of Trees, the tree planting nonprofit, introduced a call of action at the meeting calling for changes to the code to protect the city's largest trees.

McCullough echoed the belief of many Portlanders, members of the Urban Forestry Commission and other environmentalists who criticize the fines for being too small, especially given the fact the developers

down the walnut in Mt. Tabor.

Nowhere in Portland has the issue of protecting large, healthy trees become more electrified than in Eastmoreland. Earlier this year, Everett Custom Homes, a Beaverton-based home developer owned by Vic Remmers, bought a 1,400-square-foot house on a double lot on Martins Street for \$650,000. The house was demolished, and



PHOTO COURTESY OF STEVE KELLER

One of the Eastmoreland neighborhood sequoias that so far has been spared removal.

paying the fines are making hundreds of thousands of dollars in profit from the sale of splitting lots.

"It's a token," he said.

Trees are also being removed because of street improvement projects spearheaded by the Bureau of Transportation, including building sidewalks in east Portland. Before the interim rule, any capital improvement projects on city-owned property and public right-of-ways were required to replace any trees removed. Now, two trees must be replanted for every tree removed, but critics say that doesn't necessarily equate to replacing the total canopy loss.

"The Bureau of Transportation's street design standards are not very tree friendly," Labbe said. "It's also not about protecting old trees; it's about creating streetscapes where large healthy trees can grow."

Cairo, the city's forester, worries that the rule's replacement requirements will actually lead to the canopy loss, especially in cases where large trees are cut down and replaced with saplings of smaller tree species.

"Less than half of (large trees) are replaced with large form trees," Cairo said. "We're not putting them back."

Vic Remmers has not returned a call for comment. Neither has Steve Melkerson, the developer who originally intended to cut

Remmers planned to build a 2,500-square-foot house on the lot, which would require cutting down the three sequoias.

Neighbors rallied to save the sequoias. McCullough and Eastmoreland resident Elizabeth Leach, owner of the Elizabeth Leach Gallery, began negotiating with Remmers. An 11th-hour deal was struck June 23 the day the sequoias were slated for cutting. Residents agreed to buy the entire lot from Remmers for \$900,000 — a quarter-million dollars more than what he paid a few weeks earlier.

So far, approximately \$550,000 has been raised to purchase the lot. Leach said some individuals are willing to pay a bridge loan to cover the rest of the cost and some foundations have expressed interest in providing funding as well. The lots will be owned by a nonprofit land trust. Neighbors plan to sell the vacant lot to a developer who will build a smaller house and turn the lot with the sequoias into a pocket park.

Eastmoreland's sequoias reveal, in the eyes of Labbe, concerned residents, and other conservationists, how little the city's tree code actually does to protect large, healthy trees.

"The city places great value in having an urban canopy and maintaining the trees we have," said Bob Kellett, the neighborhood planning program manager at Southeast

Uplift, the neighborhood coalition for inner Southeast Portland. "In practice, it's coming down to the neighbors to save the trees and not to the city to regulate."

The situation with the Eastmoreland sequoias prompted Commissioner Amanda Fritz to ask the Tree Code Oversight Advisory Committee, a committee Fritz created under the auspices of the Bureau of Development Services to monitor implementation of the new code, to draft regulations that would protect large healthy trees from removal.

The oversight committee discussed potential regulations during a July 20 meeting, including increasing the mitigation fee, establishing stricter regulations for trees over a particular size, creating a 30- or 60-day delay between a permit application and tree removal, creating approval criteria, and creating a fund to purchase private property that contains large trees.

Creating a prohibition against cutting down large trees, unless they are unhealthy, was never considered.

"It looks to me like the focus is on raising the cost of removing large healthy trees to dissuade development," Labbe said. "This could be problematic since the returns on development are always going up ... so unless that cost goes up at the same rate, then any regulatory deterrence will go down."

The committee met again Aug. 10. The frustration felt by Cairo, members of the Urban Forestry Commission and other committee members was palpable. During a review of the last six months of the new tree code's implementation, Cairo said, "I'm really pleased the (rule) is interim."

A draft of a three-page memo to Commissioner Fritz was circulated, detailing the committee's complaints of the interim rule. Among other things, the committee says there was little to no public process before the interim rule was implemented; that the discretion of the urban forester has been reduced by the rule, in that Cairo is unable to deny permits seeking to remove large trees; that city bureaus, particularly the Bureau of Transportation, can do better to preserve or replace trees as part of street improvement projects; and that the \$1,200 fee established in the tree code is too low.

Mieke Keenan, a program coordinator with the Bureau of Development Services, told the committee that the deadline to ask for a public hearing on the administrative rules is Sept. 16. If a public hearing is held, it will not be in front of city staff or City Council. The finalized rule will be filed in the auditor's office by Oct. 19; after that, the rule can be appealed to City Council.

Many think seeking change through the City Council will be an uphill battle, given the influence of money and growth developers bring. Labbe echoed the sentiment of many involved residents, such as the people in Eastmoreland working to save the three sequoias, saying development and preservation can coexist.

"The trees that are coming out don't need to come out to have that kind of development," Labbe said. "We can have more development and even infill development and preserve these trees. There's a lack of creativity in a segment of the development community."

This report is part of Street Roots' ongoing coverage of growth and development in Portland. awaldroupe@gmail.com