

Proposed Resolution for Title 11, Trees, Review

PUBLIC COMMENT SUMMARY AND RESPONSE ON DRAFT RESOLUTION

Public Comment Period:

December 12, 2019 through December 27, 2019

INTRODUCTION

Earlier this year, BDS proposed an amendment to Title 11, Trees, to extend the sunset date of certain regulations passed in 2016 that strengthened tree preservation requirements (especially preservation of large sized trees) in development situations on private property. As part of that process, the Portland Planning and Sustainability Commission (PSC) and the Urban Forestry Commission (UFC) made additional recommendations relating to tree preservation in development situations on private property.

The PSC and UFC recommend that the City of Portland: (1) remove an exemption from tree preservation in development situations on portions of sites zoned CX, EX, IG1 and IH until December 31, 2021 and (2) reduce the tree size threshold for trees subject to required tree preservation or fee in lieu of preservation; and “inch-per-inch” mitigation fee in-lieu of preservation from 36” to 20”, for the duration of any future Climate Emergency declared by City Council.

In response to the PSC and UFC recommendations and community interest in Title 11, Trees, Mayor Wheeler’s Administration proposes a Title 11 Resolution. Mayor Wheeler shared an initial draft resolution on December 12, 2019 during City Council session. The public received the opportunity to comment on this draft resolution until 5:00 pm on December 27, 2019. The Bureau of Development Services website included information about the Resolution, a link to the draft resolution, an opportunity to submit comments online, and staff contact information. Mayor Wheeler’s Administration received input from 132 commenters in this time period. Each commenter received a number and a code for identification purposes. However, with the exception of comments made by City Commissioner’s, Bureaus or Commissions, personal identification information has been removed from this version.

COMMENT SUMMARIES AND RESPONSES

Comments are categorized into three broad positions in relation to the express terms of the proposed resolution: (A) comments supporting the proposal, (B) comments suggesting revisions to the provision, and (C) comments that are outside the scope of the resolution. Within each of these broad positions, comments are further sorted into themes.

Commenters provided many distinct comments within their submissions. To indicate where each comment originated, numeric codes at the beginning of each comment summary correspond to the written comment submission.

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Many of the comments raised similar issues. Categorical responses are therefore provided to similar comments. Those responses specify which comments are addressed. In cases where a more distinct response is required, the response immediately follows the unique comment.

A. COMMENTS SUPPORTING THE DRAFT RESOLUTION

	SUPPORT FOR TITLE 11 AS A WAY OF CREATING AND MAINTAIN THE CITY OF PORTLAND’S TREE CANOPY
1	(0004-1)(0003-3)(0002-5)(0001-5)(0006-1 and 0006-2)(0010-1)(0023-1)(0045-1)(0091-2)(0111-1)(0127-1)(0098-1) Commenter supports amendments to preserve and protect trees from development.
	SUPPORT FOR CLEAR RESOLUTION FOR THE CITY TO REVIEW AND TAKE ACTION ON TITLE 11 GENERALLY
2	(0002-1); (0011-1)(0016-1)(0020-1)(0022-1); (0081-1)(0085-1)(0124-1) Commenter supports the development of a clear resolution to further study and take action on mitigation requirements.
3	(0026-1); (0028-1)(0029-1)(0030-1)(0031-1)(0032-2)(0035-1)(0037-1)(0038-1)(0041-1)(0042-1)(0047-1)(0050-1)(0054-1)(0056-1)(0059-1)(0063-4)(0069-1)(0071-1)(0075-1)(0072-1)(0073-1)(0078-1)(0080-1)(0084-1)(0086-1)(0090-1)(0091-1)(0092-1)(0094-1)(0097-1)(0099-1)(0100-1)(0103-1)(0106-1)(0108-1)(0110-1)(0110-1)(0113-1)(0116-1)(0117-1)(0119-1)(0120-1)(122-1)(0121-8) Commenter calls for the City to protect the trees without delay.
	SUPPORT FOR CITY BUREAUS TO FOCUS ON UFC AND PSC RECOMMENDATIONS TO TITLE 11
4	(0001-1)(0036-1) Commenter supports the Resolution’s language of honoring UFC’s recommendation to decrease the size requirement for a large tree to 20” diameter, noting the need for research, process, and funding to conclusively extend it indefinitely and to do so without delay.
5	(0011-2)(0095-1)(0095-2) Commenter supports focusing on the recommendations from PSC and UFC to evaluate the effects of: (1) excluding some zoning (e.g. CX) from tree preservation requirements, and (2) reducing the tree size threshold to cover smaller trees.
6	(0013-2)

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	Commenter supports the proposed sequence of work in the resolution. First, focus on PSC and UFC recommended amendments to Title 11. Then, conduct a broader review of the tree code.
7	(0066-1)(0127-2 and 0127-3) Commenter supports Resolution language that does not delay the hearings on the issue of exemptions in commercial and industrial lands.
8	(0088-1) Commenter supports the proposals focused on removing an exemption from tree preservation in development situations on portions of sites zones CX, EX, IG1 and IH until December 31, 2021 (or a later date).
9	(0088-1) Commenter reduces the tree size threshold for trees subject to required tree preservation or fee in-lieu of preservation; and “inch-per-inch” mitigation fee in lieu of preservation to and from 36” and 20” for the duration of any future Climate Emergency declared by City Council.
10	(0095-3) Commenter supports a date where Bureaus have sufficient time to implement a comprehensive evaluation of the regulation.
11	(Commissioner Eudaly; 0130-1) Commenter supports the directive to BDS to return with UFC and PSC’s recommendation to address certain exemptions.
12	(UFC; 0125-1) Commenter supports the focus for exemption in commercial and industrial zones to apply to tree preservation and tree density standards.
	Response to Comments 1-12 The Mayor’s Office appreciates the comments supporting the proposed approaches of the draft Resolution.

B. COMMENTS SUPPORTING REVISIONS TO THE PROPOSAL

	REDUCE THE AMOUNT OF TIME CITY BUREAUS SPEND ON DEVELOPING TITLE 11 AMENDMENTS GENERALLY
13	(0005-1)(0004 -2)(0003-2)(0014-5)(0070-1)(0093-1)(0121-1)


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	<p>Commenter believes that the proposed timelines in the Resolution are too long. The City of Portland cannot postpone adoption of the recommendations. It must be sooner.</p>
<p align="center">ADOPT THE UFC AND PSC RECOMMENDED AMENDMENTS TO TITLE 11 IMMEDIATELY (JANUARY 8, 2020)</p>	
14	<p>(0005-2); (0003-4)(0017-3)</p> <p>Commenter urges Council to adopt the tree-size definition amendment immediately. Specifically, the amendment reads: “reduce the tree size threshold for trees subject to required tree preservation; and “inch-per-inch” mitigation fee in-lieu of preservation of any future Climate Emergency declared by City Council.”</p>
15	<p>(0005-3)</p> <p>Commenter urges Council to adopt the tree-size definition amendment as a pilot project immediately.</p>
16	<p>(0002-4)(0017-2)</p> <p>Commenter urges Council to remove exemptions in commercial zones immediately.</p>
17	<p>(0002-3)(0017-1)</p> <p>Commenter urges Council to remove exemptions in industrial zones immediately.</p>
<p align="center">ADOPT THE UFC AND PSC RECOMMENDED AMENDMENTS TO TITLE 11 SOONER THAN PROPOSED</p>	
18	<p>(0001-3)(0021-1)(0123-11)(0123-1)</p> <p>Commenter notes that six months to one year before Council votes on removing the exemption in industrial zones is too long of a timeline. Instead, Council should vote by April 2020.</p>
19	<p>(0001-4)(0021-2)(0104-2)(0123-10)(0123-1)</p> <p>Commenter notes that six months to one year before Council votes on removing the exemption in commercial zones is too long of a timeline. Instead, Council should vote by April 2020.</p>
20	<p>(0001-7)()</p> <p>Council should adopt the UFC recommendation to reduce the width requirement for additional large tree protections to 20” by September 1, 2020 after a public process.</p>
21	<p>(0013-1)(0018-1)(0034-1)(; 0116-2)</p>

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	<p>Commenter notes that the proposed timelines for removing commercial and industrial exemptions and reducing the mitigation threshold from 36 inches to 20 inches are not acceptable and do not reflect the climate crisis we are currently facing. The deadline should be March 1, 2020.</p>
22	<p>(0103-5)(0110-5)</p> <p>Commenter requests to reduce the amount of time taken regarding the commercial and industrial exemptions. Council should hold hearings on lifting exemptions for protecting trees on commercial and industrial lands (preservation and density standards) no later than March 1, 2020.</p> <p>Commenter notes that the City needs to specifically mandate that the hearings should be grounded in the best available environmental science and include significant stakeholder participation by organizations that represent communities in our city who are on the frontlines of climate change and air pollution.</p>
23	<p>(0107-1)</p> <p>Commenter supports BDS proposing code changes pertaining to zone exemption removal to Council no later than May 1, 2020.</p>
24	<p>(0107-2)</p> <p>Commenter supports BDS proposing specific proposal to reduce tree size threshold to Council no later than July 1, 2020.</p>
25	<p>(0015-1)(Urban Forestry Commission; 0125-3)</p> <p>Commenter requests an earlier deadline for removing mitigation exemptions in industrial zones.</p>
26	<p>(0015-2)(Urban Forestry Commission; 0125-2)</p> <p>Commenter requests an earlier deadline for removing mitigation exemptions in commercial zones.</p>
27	<p>(0027-1)(0030-2)(0033-1)(0039-1)(0040-1)(0043-1)(0044-1)(0048-1)(0049-1)(0051-1)(0052-1)(0053-1)(0055-1)(0057-1)(0060-1)(0058-1)(JPullman; 0061-1)(0062-1)(0063-1)(0065-1)(0067-1)(0077-1)(0077-1)(0082-1)(0083-1)(0087-1)(0089-1)(0090-2)(0096-1)(0097-2)(0099-2)(0131-1)(0100-2)(0101-1)(0105-1)(0112-1)(0017-1)(0126-1)(0128-1)(0121-2)</p> <p>Commenter requests an earlier timeframe for exemptions on commercial and industrial lands. Council should hold hearings on lifting exemptions no later than April 1, 2020.</p>
28	<p>(D-Rios;)(0030-3)(0033-2)(0039-2)(0040-2)(0043-2)(0044-2)(0048-2)(0049-2)(0051-2)(0052-2)(0053-2)(0055-2)(0057-2)(0060-2)(0058-2)(0062-2)(</p>

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	<p>0063-2)(0065-2)(0067-2)(0077-2)(0077-2)(0082-2)(0083-2)(DEnsign 0087-2)(0089-2)(0096-2)(0097-3)(0099-3)(0131-2)(0100-3)(0101-2)(0105-2)(0112-2)(0117-2)(0126-2)(0128-2)</p> <p>Commenter requests an earlier timeframe for amendments on the tree threshold size for mitigation. The Bureau of Planning and Sustainability, in coordination with Portland Parks and Recreation and Bureau of Development Services, should conduct a public process to evaluate reducing the threshold for inch-for-inch tree mitigation from 36 inches diameter to 20 inches diameter and return to council with a recommendation no later than December 31, 2020.</p>
<p>29</p>	<p>(0103-6)(0110-6)</p> <p>Commenter requests reducing the time taken to decrease the tree threshold size. The Bureau of Planning and Sustainability, in coordination with Portland Parks and Recreation, the Urban Forestry Commission and Bureau of Development Services, should conduct a public process to evaluate reducing the threshold for inch-for-inch tree mitigation from 36 inches diameter to 20 inches diameter and return to council with a recommendation no later than June 1, 2020.</p> <p>Commenter notes that the City needs to specifically mandate that the public process should be grounded in the best available environmental science and include significant stakeholder participation by organizations that represent communities in our city who are on the frontlines of climate change and air pollution.</p>
<p>30</p>	<p>(0114-1)</p> <p>Commenter requests shorter timeframes to bring the UFC and PSC recommendations to Council.</p>
<p>31</p>	<p>(Commissioner Eudaly; 0130-2)</p> <p>Commenter requests City Bureaus to return to Council regarding the reduction of critical tree size threshold from 36” to 20” no later than July 6, 2022.</p>
<p>32</p>	<p>(0121-3)</p> <p>Commenter requests City Bureaus to evaluate the reduction of critical tree size threshold so that the issue can be advanced to Council with a recommendation no later than April 1, 2020.</p>
	<p><u>Response to Comments 13-32</u></p> <p>The Resolution proposes a strategic sequence to squarely address the Urban Forestry and Planning and Sustainability Commissions’ recommendations to</p>

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	<p>Title 11. The timelines reflect direction to City Bureaus to act with urgency in order to bring a legally defensible proposal. No delays are proposed.</p> <p>Specifically, City staff shall immediately prepare a proposal to address the exemption from regulations for certain zones by July 7, 2020.</p> <p>After conclusion of the first proposal or as early as deemed feasible by the Bureau of Development Services Director, City staff shall immediately prepare a proposal to address the regulations for tree preservation adopted by Ordinance 187675, including evaluating reduction of critical tree size threshold from 36-inches to 20-inches, and the application of the tree preservation regulations for private trees to city and street trees. BDS shall return to Council with this second proposal no later than July 30, 2021.</p> <p>The Resolution also adds a third, broader focus area. After the conclusion of the second proposal or as early as deemed feasible by the BDS and PP&R Directors, City staff shall immediately coordinate to develop a scope for additional updates to strengthen Title 11 for Council review no later than January 31, 2022.</p> <p>Notably, Resolutions do not allocate funding for City staff to accomplish the proposed work. As such, the Resolution directs City staff to develop a detailed scope and budget that prioritizes these proposals.</p>
INCLUDE PROVISION TO PREVENT ANY TREE DEMOLITIONS	
33	<p>(0001-6)(0103-7)(0104-6)(0110-7)(0116-3)</p> <p>Commenter urges Council to pass a moratorium on tree cutting in the City of Portland until the Tree Code issues are resolved.</p>
34	<p>(0121-7)</p> <p>Commenter urges the city to adopt interim regulations that either apply Title 11 to commercial and industrial lands until the permanent regulations are adopted, or require commercial and industrial landowners to report any tree cutting that occurs during this interim period and allow the City to apply any new mitigation requirements that are adopted in the next 12 months to tree cutting that has occurred during the interim.</p>
	<p><u>Response to Comments 33-34</u></p> <p>The Resolution does not include a provision directing the creation of a Moratorium.</p> <p>City staff can develop a moratorium if circumstances allow for such action.</p>
SUPPORT REVISIONS TO BROADER REVIEW AND UPDATE OF TITLE 11	

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35	<p>(0046-1)</p> <p>Commenter notes that the 3-year timeframe is taking too much time for a Title 11 revamp.</p>
36	<p>(0013-4)</p> <p>Commenter notes that a Title 11 review should not require years to complete because “relevant city entities already have lists of desired changes they’d like to see in the tree code.”</p>
37	<p>(0103-2)(0110-2)(0120-2)(0123-13 and 0123-14)(0123-2)(Urban Forestry Commission; 0125-2)</p> <p>Commenter requests the Resolution include enacting a comprehensive review and update of Title 11.</p>
38	<p>(0123-3)</p> <p>Commenter requests the comprehensive Title 11 update be completed by December 31, 2022.</p>
39	<p>(0123-2)</p> <p>Commenter notes that the budget the broader Title 11 update be submitted to City Council by September 30, 2020 for consideration in upcoming budget processes.</p>
40	<p>(Commissioner Fritz; 0129-1)</p> <p>Commenter adds provisions to expand the “subsequent proposal” so that the Bureau also: “identifies critical tree size by species and other amendments necessary to address concerns and conflicts that have become evident since implement of Title 11.”</p>
	<p><u>Response to Comments 35-40</u></p> <p>The Resolution incorporates a revision to direct City staff to focus on a broader Title 11 Review after the first and second proposals.</p> <p>Specifically, after the conclusion of the second proposal or as early as deemed feasible by the BDS and PP&R Directors, City staff shall immediately coordinate to develop a scope for additional updates to strengthen Title 11 for Council review no later than January 31, 2022.</p> <p>Notably, Resolutions do not allocate funding for City staff to accomplish the proposed work. As such, the Resolution directs City staff to develop a detailed scope and budget that prioritizes these proposals.</p>

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41	<p>(Commissioner Fritz; 0129-2)</p> <p>Commenter clarifies that BDS’s detailed scope and budget for FY 19-20 Spring BMP focus solely on the second project.</p>
	<p><u>Response to Comment 41</u></p> <p>The Resolution incorporates this clarification on BDS’s detailed scope and budget, focusing BDS’s scope and budget only on the second and third proposals.</p>
<p align="center">CITY BUREAUS SHOULD STUDY AND PROPOSE OTHER AMENDMENTS NOT RECOMMENDED BY THE UFC OR PSC AS PART OF TITLE 11 REVIEW</p>	
42	<p>(0003-5)</p> <p>Commenter requests all fees for removal/mitigation be updated to reflect the actual costs of the same and be adjusted for inflation.</p>
43	<p>(0003-7)</p> <p>Commenter cautions the creation of a stakeholder group because of commenter’s belief in the person who is making the appointments to control the outcome.</p>
44	<p>(0003-6)</p> <p>Commenter requests that the City Attorney and Urban Forestry research how other jurisdictions protect trees vs. only placing a price on them.</p>
45	<p>(0003-8)</p> <p>Commenter wants information about the survival rate/health of trees planted as part of mitigation.</p>
46	<p>(0003-9)</p> <p>Commenter requests that any tree plants for mitigation by the City or by developer need to be large and with some ecologic value vs. ornamental value.</p>
47	<p>(0003-11)</p> <p>Commenter voices concern about coming zoning changes in residential areas, particularly Residential Infill Project and House Bill 2001. Comment believes that the changes will increase the footprint [of development] on a lot and that many trees will be lost because of this. Commenter requests that Council protect these trees.</p>
48	<p>(0003-12)(0045-5)</p> <p>Commenter requests removal of exemption in Title 11 for lots under 5,000 sq ft.</p>

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49	(0001-9) Commenter requests a report to Council on the completed evaluation of Title 11 no later than July 1, 2021.
50	(0104-5) Commenter requests a report to Council on the completed evaluation of Title 11 no later than December 31, 2020.
51	(0006-3) Commenter requests focus on mitigation fees for tree removal in commercial zones.
52	(0006-4) Commenter requests focus on mitigation fees for tree removal in industrial zones.
53	(0007-1) Commenter requests amendment that protects all trees within the City that are older than the city itself.
54	(0007-2) Commenter requests consideration to conserve the American chestnut tree.
55	(0008-1)(0009-1) Commenter requests that the Title 11 review develop approaches to encourage street trees in development situations, with particular focus on Portland City Code 11.50.060.
56	(0012-1) Commenter requests permanent protection for all remaining “raw acreages” (wooded or not) for the species’ sake, climates’ sake, and peoples’ sake. (0012-2) Commenter requests Portland and Oregon to regulate plants on every new development.
57	(0025-1) Commenter requests protection of Portland’s large trees on residential properties, noting climate change as a main motivation.

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58	<p>(0027-3)(0030-4)(0033-3)(0039-3)(0040-3)(0043-3)(0044-3)(0048-3)(0049-3)(0051-3)(0052-3)(0053-3)(0055-3)(0057-3)(0060-3)(0058-3)(0062-3)(0063-3)(0065-3)(0067-3)(0077-3)(0079-3)(0082-3)(0083-3)(0087-3)(0089-3)(0096-3)(0097-1)(0131-3)(0099-4)(0100-4)(0101-3)(0105-3)(0112-3)(0117-3)(0126-3)(0128-3)(0121-5)</p> <p>Commenter requests a shorter timeframe for a comprehensive review of Title 11. The Bureau of Planning and Sustainability in coordination with Portland Parks and Recreation and Bureau of Development Services should prepare a budget proposal for the spring 2020 Budget Monitoring Process for a comprehensive review and update of the Portland Tree Code (Title 11) and report back to Council no later than September 1, 2021.</p>
59	<p>(0103-4)(0110-4)</p> <p>Commenter requests a shorter timeframe for a comprehensive review of Title 11. The Bureau of Planning and Sustainability in coordination with Portland Parks and Recreation and Bureau of Development Services should prepare a budget proposal for the spring 2020 Budget Monitoring Process for a comprehensive review and update of the Portland Tree Code (Title 11) and report back to Council no later than September 1, 2020.</p> <p>Commenter also notes that the City needs to specifically mandate that the comprehensive review and update to the code should be grounded in the best available environmental science and include significant stakeholder participation by organizations that represent communities in our city who are on the frontlines of climate change and air pollution.</p>
60	<p>(0045-6)</p> <p>Commenter requests changes to Title 11 so protections extend to all lots not just one-third of the lot.</p>
61	<p>(0045-2)(0074-2)(0091-3)</p> <p>Commenter requests expediency on raising the fees in lieu of preservation.</p>
62	<p>(0045-3)</p> <p>Commenter requests a more effective approach for smaller tree fees.</p>
63	<p>(0045-4)</p> <p>Commenter requests 30 inches diameter the threshold for the highest per inch fee.</p>
64	<p>(0091-4)</p>

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	Commenter notes that fines related to tree removal should be dramatically increased.
65	(0091-5) The minimum diameter of protected trees should be reduced.
66	(0046-2) Commenter requests a lowering of the threshold for the highest fees to 28 inches.
67	(0116-6) Commenter demands new developments that design with trees in mind (especially mature trees).
68	(0132-1) Commenter adds other policy areas related to Title 11 review: “best practices for providing flexible root protection zones, fees for trees that the city requires to be removed during development.”
69	(0098-2 and 0098-3) Commenter encourages a more thorough review of Title 11 that answers the following questions: “How do we better balance competing priorities in general, and bureau conflicts specifically, across the entire tree code? What impact does Title 11 have on new housing? How do the current regulations impact neighborhoods and communities, specifically as viewed using an equity lens? Are certain communities left out of the conversation and review? Is Title 11 effective at preserving large-sized trees, specifically when the tree is affected by proposed development? Do the current notification processes work? Are they effective?”
70	(0098-4) Commenter notes that “any substantive changes to Title 11 must address the following four critical issues: <ul style="list-style-type: none"> • Provide flexibility in order to manage Title 11 requirements in unique situations. A one- size-fits-all approach does not work citywide. There should be site specific review that allows for variances.

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	<ul style="list-style-type: none"> • Create language that allows City forestry professionals to analyze individual properties and consider the landowner’s environmental vision. Create better capacity to engage landowners as environmental partners that may have unique concerns and perspectives. • Ensure that Title 11 requirements do not directly conflict with other City requirements. The current regulations often run afoul of other Bureaus’ standards. Absent proper inter-Bureau coordination, private parties are tasked with resolving intra-city conflicts. The City should use an update of Title 11 to work through these issues and ensure consistency across all Bureaus’ regulations. • Provide a clear and concise accounting of the funds collected pursuant to Title 11. How is the City managing and spending these funds? Are there ways to improve the management of the tree canopy with these dollars?”
<p>71</p>	<p>(0121-6)</p> <p>Council should consider lowering the threshold for application of Title 11 Tree protections to residential properties of 3,000 square feet and larger as part of the Residential Infill Project that is currently moving through the City adoption process.</p>
<p>72</p>	<p>(0115-1)</p> <p>Title 11 Review conversations should address:</p> <ul style="list-style-type: none"> • “Do we know what our overarching plan is for this urban landscape? Over what time period? • Has the deeper thinking been done to re-imagine our development in a way that enhances our urban forest over time, over the coming several generations? • What about plantings that enhance our water catchment and replenish it? That add to the recharge process? Are we looking there as these small decisions are enacted? • Are we making efforts and plans for shoreside plantings that clean all along our riversides and their tributaries? • Are we thinking about the intersection of private and public lands and waterways? And re-thinking how to cooperate more fully over a longer geologic time period into the future? That's different than the plans that only last as long as the life of the current ownership, private or corporate or public.

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	<ul style="list-style-type: none"> I submit that this 'small' decision affects all 'development'. That means the future, regardless of ownership and control by any particular entity. Can this City Council imagine, plan, and serve to that future?"
73	<p>(0024-1)</p> <p>Commenter requests extension of protections for big trees on residential properties.</p>
	<p><u>Response to Comments 42-73</u></p>
	<p>The Mayor’s Office appreciates the broad and diverse list of potential focus areas for Title 11 review. The Resolution incorporates a revision to direct City staff to focus on a broader Title 11 Review after the first and second proposals.</p> <p>Specifically, after the conclusion of the second proposal or as early as deemed feasible by the BDS and PP&R Directors, City staff shall immediately coordinate to develop a scope for additional updates to strengthen Title 11 for Council review no later than January 31, 2022.</p> <p>The broader Title 11 scope may include any and all of these proposed focus areas. The scope is determined based on a number of factors including City staff capacity, budget availability, and technical expertise.</p> <p>Notably, Resolutions do not allocate funding for City staff to accomplish the proposed work. As such, the Resolution directs City staff to develop a detailed scope and budget that prioritizes these proposals.</p>
	<p align="center">ADD/EDIT LANGUAGE TO EFFECTIVELY DESCRIBE THE BENEFITS OF PORTLAND’S TREE CANOPY AND STRATEGIES TO STRENGTHEN TITLE 11</p>
74	<p>(0014-3)</p> <p>Commenter requests edits to the description in the beginning of the Resolution to be clear about how important a successful outcome is, including: “urban forest is critical infrastructure that requires protection and careful management for the health and safety of all people living in or visiting Portland.”</p>
	<p><u>Response to Comment 74</u></p> <p>The Resolution incorporates the proposed language in the second paragraph.</p>
75	<p>(PDX City Forester; 0019-1)</p> <p>Commenter requests adding “tree planting” and code citations in the fourth and eleventh paragraphs when describing the activities regulated pursuant to Chapter 11.50.</p>

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	<p><u>Response to Comment 75</u></p> <p>The Resolution incorporates the proposed language in the fifth paragraph (formerly, the fourth paragraph) and the ninth paragraph.</p>
76	<p>(0068-1)</p> <p>Capitalize Commissions when referring to the PSC and UFC.</p>
	<p><u>Response to Comment 76</u></p> <p>The Resolution incorporates the capitalization.</p>
77	<p>(0103-3)(0110-3)</p> <p>Commenter requests that the City mandate all Title 11 tree codes to be reviewed, created, and/or revised based on the best available science, and with significant stakeholder participation from community organizations that represent communities whose health and well-being are on the frontlines of negative effects of climate change and air pollution.</p>
	<p><u>Response to Comment 77</u></p> <p>The Resolution does not explicitly incorporate the proposed revision but does add the third paragraph to firmly call for an improved quality, quantity, and equitable distribution of tree canopy throughout the city.</p> <p>Relatedly, Mayor Wheeler introduced a budget directive that requires a “climate test” to help ensure the Resolution’s activities use the best available science (e.g., changes in Portland’s climate).</p>
78	<p>(0123-4)</p> <p>Commenter suggests specific revision to the first paragraph: “Direct the BDS and Portland Parks and Recreation, and the Bureau of Planning and Sustainability to develop and submit a proposed scope and budget for a comprehensive update of Title 11.”</p>
	<p><u>Response to Comment 78</u></p> <p>The Resolution does not incorporate this change in the first paragraph, but incorporates the comprehensive update of Title 11 as an additional focus area of work for City staff to develop and submit a proposed scope and budget.</p>
79	<p>(0123-5)</p> <p>Commenter suggests specific revision to the second Whereas: “Please correct. The Bureau of Development Services has primary responsibility for administering Title 11 as pertains to private trees on development sites.”</p>
	<p><u>Response to Comment 79</u></p>

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	The Resolution includes a fuller description of the responsibilities in the third Whereas (formerly, the second Whereas).
80	(0123-6) Commenter suggests specific revision to the third Whereas: “Please clarify. Ch 11.50 regulates tree removal, tree preservation, and tree planting associated with development projects, including what mitigation is required when trees subject to tree preservation standards are not preserved.”
	<u>Response to Comment 80</u> Resolution includes revised language.
81	(0123-7) Commenter suggests specific revision to the fifth Whereas: “Please correct. The Bureau of Development Services did in fact conduct an initial review of some of the amendments adopted in Ordinance 187675, and presented their analysis to the Urban Forestry Commission, and the Planning and Sustainability Commission. However, time and data to conduct the review were limited which led to the proposal for extension.”
	<u>Response to Comment 81</u> Resolution includes revised language.
82	(0123-8) Commenter suggests specific revision to the seventh Whereas: “Please correct. Both the PSC and UFC recommended removing the zone-based exemption from the Title 11 Tree Preservation requirements. The Urban Forestry Commission additionally recommended removing the exemption from Title 11 Tree Density (planting) standards, and reduction of the tree-size threshold that triggers inch-for-inch mitigation from 36” to 20” dbh.”
	<u>Response to Comment 82</u> Resolution includes revised language.
83	(0123-9) Commenter suggests adding another Whereas to state: “Whereas noting the strong direction provided in the City’s recently updated Comprehensive Plan, the City’s Climate Action Plan, and Climate Preparation Strategy, calling for improved quantity, quality, and equitable distribution of tree canopy across the city.”
	<u>Response to Comment 83</u>

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	The Resolution now includes reference to the Climate Action Plan and the Climate Preparation Strategy as the third paragraph (second Whereas).
84	(0121-4) If it is not feasible to address the critical tree size threshold change by April 1, 2020, a resolution regarding lifting exemptions on commercial and industrial lands should not be delayed and should move independently.
	<u>Response to Comment 84</u> The Resolution specifies the sequence for City staff to address Title 11 in order to accelerate the development of the proposals, ensure accuracy and defensibility, and provide focus. Specifically, City staff shall immediately prepare a proposal to address the exemption from regulations for certain zones by July 7, 2020. After conclusion of the first proposal or as early as deemed feasible by the Bureau of Development Services Director, City staff shall immediately prepare a proposal to address the regulations for tree preservation adopted by Ordinance 187675, including evaluating reduction of critical tree size threshold from 36-inches to 20-inches, and the application of the tree preservation regulations for private trees to city and street trees. BDS shall return to Council with this second proposal no later than July 30, 2021. The Resolution also adds a third, broader focus area. After the conclusion of the second proposal or as early as deemed feasible by the BDS and PP&R Directors, City staff shall immediately coordinate to develop a scope for additional updates to strengthen Title 11 for Council review no later than January 31, 2022. Notably, Resolutions do not allocate funding for City staff to accomplish the proposed work. As such, the Resolution directs City staff to develop a detailed scope and budget that prioritizes these proposals.

C. COMMENTS OUTSIDE THE SCOPE OF THE EXPRESS TERMS OF THE PROPOSED REGULATION

	BUILD TRUST AND AWARENESS IN THE PROCESS TO PROVIDE INPUT ON TITLE 11
85	(0003-1)(0104-1) Commenter requests clarity about process for the Title 11 Resolution.

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86	<p>(0001-10)</p> <p>Commenter requests that the City bring public awareness to this issue [Tree Code] and what the City is doing about it.</p>
87	<p>(0003-7)</p> <p>Commenter cautions the creation of a stakeholder group because of commenter’s belief in the person who is making the appointments to control the outcome.</p>
88	<p>(0011-3)</p> <p>Commenter notes that the proposed stakeholder engagement and analysis process is appropriate to develop proposals incorporating the PSC and UFC recommendations. Requests to be notified [if] this group is being established because it would like to be included in this process.</p>
89	<p>(0120-3)</p> <p>Commenter volunteers to be part of the process to evaluate and update Title 11.</p>
90	<p>(0127-4)</p> <p>Commenter requests response to the submitted comment letter, including schedule for associated hearings.</p>
91	<p>(0098-3)</p> <p>Commenter requests that staff be assigned to work with ad hoc committee to establish a starting framework by a given date and set goals for measurements and a defined reporting mechanism.</p>
	<p><u>Response to Comments 85-91</u></p> <p>Due to the time-sensitive nature of comments regarding process, the Mayor’s staff reached out to commenters to clarify the process straightaway.</p> <p>Because the Resolution does not specify community engagement strategies for how City staff shall develop the proposals, the Resolution does not make any revisions in response to these comments.</p>
	<p align="center">ALLOCATE ADEQUATE FUNDING TO MAKE TITLE 11 CHANGES</p>
92	<p>(0003-10)(0002-2)(0001-8)(0013-3)(0014-4)(0015-3)(0017-4)(0018-2)(0066-2)(0074-1)(0104-4)(0114-2)(0116-5)(0125-3)</p> <p>Commenter requests adequate funding for Title 11 review.</p>
	<p><u>Response to Comment 92</u></p>

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	Resolutions do not allocate funding for City staff to accomplish the proposed work. As such, the Resolution directs City staff to develop a detailed scope and budget that prioritizes these proposals.
ADDRESS PERSONNEL AND AUTHORITY FOR TITLE 11 REVIEW	
93	(0012-3) Commenter urges the City to hire more field biologists.
94	(0116-4) Commenter requests decision-making authority on all Portland vegetative matters to be transferred from BDS to BPS.
95	(0105-4) Commenter demands that Margot Black stay on the Housing Bureau commission.
	<u>Response to Comments 93-95</u> The Resolution does not assign specific City staff, propose changes to any Commission, reassign statutory responsibilities, or authorize the hiring of additional staff to accomplish the proposed work. The Resolution directs City staff to develop a detailed scope and budget that prioritizes these proposals.