



January 26, 2017

VIA EMAIL AND US MAIL

Brandon Rogers
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Bureau of Development Services
City of Portland
1900 SW Fourth Avenue, Suite #5000
Portland, OR 97201-5380

Dear Mr. Rogers:

I am writing on behalf of the Land Use & Transportation Committee of the Sabin Community Association, regarding Case File Number LU 16-273495 LDP for 1735 NE Skidmore.

We object to the partition proposal because, as far as can be determined from the information provided, the applicant has not shown that the partition meets the applicable approval criteria.

City Code 33.660.120 provides that a land division will be approved if “the applicant has shown that all of the following approval criteria have been met.” Those approval criteria include that “[t]he standards and approval criteria of Chapter 33.630, Tree Preservation, must be met.” City Code 33.660.120(B). Thus, this partition cannot be approved unless the applicant has satisfied the tree preservation requirements.

The notice for this partition proposal acknowledges that the 34 inch diameter street tree on the property is not exempt from the tree preservation standards. However, the notice states that the applicant intends to mitigate rather than preserve that tree. City Code 33.630.100 prescribes “minimum tree preservation standards” in the form of six options, all of which would require the preservation of this large street tree. Mitigation in lieu of preservation is permissible *only* if the minimum preservation standards “can not be fully met, as determined by evaluating the . . . criteria” listed in City Code 33.630.200(A)-(C). City Code 33.630.200(D). Those criteria involve an assessment of many factors, including the benefits and priority of preserving large, healthy trees, the suitability and long-term viability of the tree, the specific development proposed, the intensity of development expected in this R5 zone, any requirements to provide services to the site, and site constraints. City Code 33.630.200(B)-(C).

It is the applicant’s responsibility to “demonstrate how the proposed tree plan” meets the enumerated criteria. City Code 33.630.200. Here, the notice provides none of the necessary information. In effect, the notice simply tells the community that the applicant wants to cut

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down the tree because the applicant wants to build a driveway near where the tree is. It is impossible to tell whether it is actually necessary to remove this tree to build this driveway and whether there are other options for siting the driveway. We contacted the applicant to ask for more information. The applicant initially stated that she or her project designer would respond to our questions with as much information as possible, but then failed to provide any information at all.

City Code Chapter 33.630 implements the City's "goal of preserving high value trees" due to the many benefits that they provide, including reducing air pollutants, providing visual screening and summer cooling, reducing energy demand and urban heat island effects, reducing stormwater runoff, and providing habitat and food for wildlife. City Code 33.630.010. The chapter sets forth a thorough and thoughtful list of criteria to evaluate when tree preservation is incompatible with allowing reasonable development. City Code 33.630.200. However, Chapter 33.630 will be merely an empty formality if City Code 33.630.200 is interpreted to mean that a proposal to cut down a large street tree will be rubberstamped in the absence of any information about the criteria, simply because the applicant would like to install concrete in the tree's place.

As far as can be determined from the information provided in the notice, the applicant has failed to demonstrate that the removal of the tree meets the requirements of City Code Chapter 33.630. Thus, to the best of our knowledge, the applicant has not shown that the approval criteria of Code 33.660.120(B) are satisfied, and we recommend that the proposal be rejected.

Finally, if the applicant did provide additional relevant information about the tree and BDS chose to omit that information from the notice to the Sabin Community Association and the public, we remind BDS that it frustrates the purpose of giving neighborhood associations and local residents notice and an opportunity to comment on land use proposals if BDS withholds key information from the notice.

Please feel free to contact me at (503) 964-8417 or at rach.c.lee@gmail.com should you have any questions about the recommendation of the Sabin Land Use & Transportation Committee. Thank you for considering our comment on this proposal.

Sincerely,



Rachel Lee
Chair, Sabin Land Use & Transportation Committee

cc via email: Sabin Community Association Board
Sabin Land Use & Transportation Committee