

ORDINANCE No. 189605 As Amended

*Remove the designation of five trees as City of Portland Heritage Trees (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. City Code 11.20.060 requires documented permission of the property owner at the time of designation for a private property tree to become a Heritage Tree.
2. In 1999, five American sycamore trees at 230 SW 2nd Avenue were designated by Council as Heritage Trees in the public right-of-way.
3. The current property owner informed the City that there is no record of property owner consent and the trees were on private property at the time of Council action.
4. This claim was researched and confirmed; therefore the trees were designated erroneously in 1999 because no property owner consent was obtained.
5. City Code 11.20.060 instructs that "The Urban Forestry Commission (UFC) makes a recommendation to City Council as to whether the Heritage Tree designation should be removed from a tree...City Council may remove the designation if it finds that the designation is no longer appropriate."
6. The Urban Forestry Commission declined to recommend the Heritage Tree designation be removed from these trees and refers this decision to City Council.

NOW, THEREFORE, The Council Directs:

a. Under the provisions of PCC 11.20.060, Heritage Tree designation is removed from the following five trees because private property owner consent to Heritage Tree status was not obtained when the trees were designated Heritage Trees by City Council in 1999.

- 1) *Platanus occidentalis*, American sycamore, city-owned street tree at 230 SW 2nd Avenue (Heritage Tree 222)
- 2) *Platanus occidentalis*, American sycamore, city-owned street tree at 230 SW 2nd Avenue (Heritage Tree 223)
- 3) *Platanus occidentalis*, American sycamore, privately-owned tree at 230 SW 2nd Avenue (Heritage Tree 224)
- 4) *Platanus occidentalis*, American sycamore, city-owned street tree at 230 SW 2nd Avenue (Heritage Tree 225)
- 5) *Platanus occidentalis*, American sycamore, city-owned street tree at 230 SW 2nd Avenue (Heritage Tree 226)

Section 2. The Council declares that an emergency exists in order to avoid costly delay in resolving this issue; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:
Commissioner Nick Fish JUL 10 2019
Prepared by: Brian Landoe
June 28, 2019

189605

Mary Hull Caballero
Auditor of the City of Portland
By

 Deputy

Agenda No.
ORDINANCE NO. 189605 As Amended
 Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Nick Fish	CLERK USE: DATE FILED <u>JUL 01 2019</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u>[Signature]</u> Deputy
BUREAU APPROVAL Bureau: Parks & Recreation Bureau Head: Adena Long <u>[Signature]</u>	ACTION TAKEN:
Prepared by: Brian Landoe Date Prepared: 6/28/19	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <u>[Signature]</u>	
Council Meeting Date July 10, 2019	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input type="checkbox"/>	1. Fritz	1. Fritz	
REGULAR <input checked="" type="checkbox"/>	2. Fish	2. Fish	✓
Total amount of time needed: 10 (for presentation, testimony and discussion)	3. Hardesty	3. Hardesty	✓
	4. Eudaly	4. Eudaly	✓
	Wheeler	Wheeler	✓