

## Agenda No. 395

### REPORT

Accept the Title 11 Improvement Project scope of work to update the Tree Code and Urban Forest Management Plan (Report)

#### **Title 11 Improvement Project**

May 26, 2021

**Sponsor:** Adena Long, Director, Portland Parks & Recreation (PP&R)

**Bureau Owner:** Jenn Cairo, PP&R, City Forester/Division Manager  
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**Project Background:** On January 8, 2020, Portland City Council directed the following specific actions (referred to as Task 3) in **Resolution 37473:**

BE IT FURTHER RESOLVED, BDS and PP&R shall coordinate with BPS to develop a scope of work for additional updates to strengthen Title 11. BDS and PP&R shall bring a scope for Council review no later than December 7, 2020.

On November 12, 2020, Portland City Council amended the above directive, through **Ordinance 190200:**

Portland Parks & Recreation and affected bureaus are directed to complete Task 3 of **Resolution 37473** by March 31, 2021. The Council will consider funding for the Scope of Work defined for the Title 11 update during the FY 2021-22 City Budget process.

#### **Introduced by**

Commissioner Rubio

#### **Bureau**

Parks & Recreation

#### **Prepared by**

Brian Landoe

#### **Date Prepared**

April 16, 2021

#### **Requested Council Date**

May 26, 2021

#### **Requested Agenda Type**

Regular 30 minutes

#### **Date Filed with Clerk**

May 18, 2021

Amendments to Title 11 would result in better management of our urban forest infrastructure. Urban trees provide important public health and environmental services, such as reduced heat island effect, improved mental and physical health outcomes for people, improved air quality, safer streets, reduced stormwater overflow, and wildlife habitat. Addressing technical errors, clarifying code language, resolving inconsistencies within Title 11 or between city codes, and strengthening tree preservation and tree protection when possible will not only improve the functionality of Title 11, but improve the capacity of our urban canopy to meet the goals of Portland's Climate Action Plan and address existing inequities relative to canopy distribution and vulnerable communities.

Per PCC 11.05.010 and 11.20.050, the Tree Code is an implementation measure of the Urban Forest Management Plan (UFMP; referred to as Urban Forest Plan in Title 11). The UFMP establishes a framework of goals, policies, and actions to guide City management activities and decisions over the short and long term and is to be reviewed and updated at least every ten years. With the most recent update of the UFMP in 2004, updates are overdue.

The scope of work detailed below represents a multi-phase approach to making high priority changes to Title 11 in the near term, updating the UFMP and addressing more substantive amendments over the next 5 years.

**Project Scope:** PP&R will address the need for Title 11 improvements and an update of the Urban Forest Management Plan with a multi-phase approach over the next several years.

In 2021, PP&R will begin a code amendment project focused on high priority technical and minor policy fixes to Title 11 (Phase 1). Following the completion of Phase 1 PP&R will update the UFMP (Phase 2), which will in turn guide more substantive amendments to Title 11 (Phase 3). As per the City Auditor's recommendation (Tree Code Audit report, 2017), this sequence ensures substantive amendment proposals will be based on current urban forest conditions and the technical expertise and stakeholder engagement which will inform the updated UFMP.

*Phase 1 | July 2021 – Early 2022:*

The Phase 1 project will include amendments to clarify existing code, resolve conflicts with other city codes, formalize current code interpretations, and improve code implementation. Given project timeline expectations and limited available

staff, these changes will primarily focus on the nondevelopment chapters of Title 11 and amendments which can be implemented with existing personnel and resources.

*Timeline:* The code amendment project will launch in July 2021 with a target City Council date in early 2022.

*Resources:* This project will be conducted by currently available bureau and division staff and resources with no additional funding requested.

*Bureau Collaboration:* Project staff will work with BDS, BPS and infrastructure bureaus as appropriate to identify technical and minor policy amendments to improve the functionality of the tree code, assess impacts, and coordinate implementation.

*Community Guidance:* The amendments considered in this project will primarily be those identified since Title 11 implementation in 2015. Given these parameters, the project will draw from existing stakeholder and community guidance obtained through development of the Citywide Tree Planting Strategy (Growing a More Equitable Forest), PP&R annual and levy-related surveys, and the Title 11 amendment project conducted in 2020.

Opportunities for public input will be made available throughout the project duration, including public hearings of the Urban Forestry Commission and the Planning and Sustainability Commission.

*Phase 2 and 3 | Mid 2022 - 2025:*

Following the completion of the proposed technical and minor updates to Title 11, PP&R will begin the process of updating the UFMP (Phase 2). The 16-year-old UFMP predates implementation of Title 11 and currently includes outdated canopy targets and inadequate consideration of critical issues such as climate change and environmental justice, particularly in relation to low-income, BIPOC, immigrant, and refugee communities.

New funding provided by the voter-approved PP&R Operations Levy will provide PP&R with the new staff positions necessary to perform this work. Additional one-time funding will also be needed for community engagement, data analysis, and other project requirements.

The UFMP update may produce substantive Title 11 amendment recommendations. Conducting Phase 2 and Phase 3 as a single sequential project maximizes community engagement and policy analysis investments and provides the most current information to both phases.

**Goals:** The project will improve delivery of Title 11 goals by clarifying content, incorporating best urban forest management practices, resolving inconsistencies within Title 11 and between City codes, and providing tools for efficient implementation.

Further, this project will support the goals of the Urban Forest Management Plan:

- Protect, preserve, restore and expand Portland's urban forest;
- Promote stewardship of the urban forest; and
- Provide equitable urban forest benefits for all residents of the city – particularly for BIPOC, low-income, immigrant and refugee communities.

**Deliverables:** Phase 1: July 2021 – Early 2022: High priority technical and minor policy fixes to Title 11.

Phases 2 and 3: 2022 - 2025: Updated Urban Forest Management Plan and Title 11 amendments based on updated Urban Forest Management Plan.

Action Taken: May 26, 2021 Accepted

Commissioners voted as follows (Yea or Nay)

Rubio - Yea

Ryan - Yea

Hardesty - Yea

Mapps - Yea

Wheeler - Yea