

**Summary of Title 11 Amendment Feedback (4/19/22)**

#	Amendment	Summary of Bureau Feedback Received	Urban Forestry (UF) Response
1	Designate trees as urban infrastructure	Representatives from City infrastructure bureaus asked what the potential implications concerning responsibility and liability for trees.	UF consulted with the City Attorney and no concerns were raised. The proposed amendment is in the Purpose section of the code which is intended to frame how trees are considered in the City. The amendment does not change how City Code assigns responsibility and liability for trees.
2	Clarify Urban Forestry role/responsibility over street & City trees in development	Representatives from City infrastructure bureaus asked if Capital Improvement Projects (CIPs) are considered development activity.  The City Attorney recommended to change to "Private Tree on site" to be consistent with Title 11 definitions.	Adopted City Attorney recommendation.  Title 11 states in 11.80.020B.18. that CIPs are regulated as development activity.
4	Grant City Forester authority to add Heritage Trees to property deeds	Representatives from City infrastructure bureaus asked if additional costs would be incurred by the City.	No additional costs will be incurred. This amendment aligns code with current practice.
5	Grant City Forester authority to approve removal of dead Heritage Trees without UFC consent.	UF received feedback that this change goes beyond the original intent of the Heritage Tree Program and could grant the City Forester overly broad discretion to remove Heritage Trees.	This amendment has been removed from the project.  It will be considered as part of the more substantive amendment project planned in future.
6	Add administrative review step to appeal process	Reducing the time period to submit for an administrative review or a request for appeal to ten days is overly restrictive.  The City Attorney recommended the administrative review request include information on how the City Forester erred in applying the review standards.	The time period to request a review or submit an appeal has been changed to 14 days.  Adopted the City Attorney's recommendation to require administrative review to include information on how City Forester erred in applying the review standards.
7	Tree Removal on Sites that have both Type A and Type B permits	No concerns	
8	Restrict new information being submitted at an appeal hearing	Some respondents requested clarity on why new information is restricted.  Some interpreted this to mean new information could not be included in the appeal application itself.	New information should not be introduced at the time of the hearing because not all parties have had time to review it.  The amendment does not restrict new information from being included in the appeal. This is allowed.
9	Title 33 Landscaping Standards and Tree Removal Permits	No concerns	
10	Consider tree removal impacts to other trees.	Applying this amendment to Type A permits seems inconsistent with the intent of Type as an administrative permit process.  Some bureaus asked if this change could prevent tree removal when needed to access or maintain their infrastructure.	This code amendment will now only apply to Type B permits. The section applying to Type A has been removed.  T11 removal criteria includes "appropriate for its location" which address concerns about access or maintaining City infrastructure.
11	Discrepancy between T11 and T33 regarding pruning trees in greenway zones	No concerns	
12	Review Factors for City Trees Type B	BPS requested additional discussion to clarify the impact of the proposed amendment and whether original Title 11 intended to allow greater flexibility to remove City trees.	UF clarified that Title 11 has been inappropriately interpreted at times to exclude City trees from all removal factors. 11.40 is clear that City trees, 3 inches or greater in diameter, are regulated.

		Some bureaus asked whether tree location creates unreasonable burden for maintaining public infrastructure.	T11 removal criteria includes “appropriate for its location” which address concerns about access or maintaining City infrastructure.
14	Clarify Street Trees are adjacent to sites and not on a site	No concerns	
15	Clarify City Forester review is required in City projects	Recommendations that Title 11 allow for required plantings to occur off-site. Removing the watershed language inadvertently restricts planting to the project site.  Representatives from City infrastructure bureaus asked if Capital Improvement Projects are considered development activity.	Changed proposed code amendment to allow required planting to occur off-site. Title 11 states in 11.80.020B.18 that CIPs are regulated as development activity.
16	Clarify when trees can be removed in development	The code language should be clear that mitigation only applies to removed trees under the 1/3 threshold.  The proposed clarification should also be made to the section pertaining to trees 20 inches or greater.	Recommendations were incorporated
17	Clarification of 1/3 trees in development	Simplify to read “any fractional results will be rounded up to the next whole number.”	Recommended language was incorporated
19	Clarify Development Street Tree Planting Requirements	No concerns	
20	Clarify the 200' threshold for Street Tree Planting Standards	No concerns	
23	Performance Path Option	BDS recommended the new language also reference modifications to protective fencing in addition to RPZ size. It would help to require performance path to address how alternative fencing types would adequately protect trees.	Recommended change was incorporated
24	Clarify definition for 'removal'	Provide clarity on what completing removal means.	Trees that are already dead require a permit in order to remove. This is clearly the intention of Title 11 which includes “dead” as a review factor. Issuing a permit also ensures mitigation planting is required.
26	Nuisance Tree is confused with Public Nuisance	No concerns	
27	Enforcement Authority	No concerns	
29	Definition of dangerous does not consider site conditions	Would the impact of this change lead to a violation of Title 11 if site condition changes cause harm to tree?	The intent of the amendment is not to allow the City Forester to issue a violation. Rather, it is intended to allow altering the site condition as a potential option to mitigate a dangerous tree. For example, a tree may be considered dangerous due to unsafe site conditions. Addressing the site conditions could help preserve an otherwise healthy tree.
30	Clarify that injuring a regulated tree is a prohibited action	No concerns	
31	Replacement requirement for correcting a violation	No concerns	
32	Provide City Forester authority to issue stop work order when unpermitted tree work is occurring	The stop work order authority should be limited only to violations of Title 11.	Title 11 already does this. Current code language states “when any work is being conducted in violation of this Title.”

33	Clarify Enforcement Action B.2	No concerns	
34	Allow City Forester to extend deadline for Administrative Reviews	Question whether Good Shown Cause applies to City or the applicant.	It applies to both. The language is similar to Code Hearings Officer in Title 22.
36	Definition of a Dangerous Tree	Respondent raised that concern that this definition is overly broad and could be used in the future justify unnecessary removal.	This amendment has been removed from the project. It will be considered as part of the more substantive amendment project planned in the near future.
38	Tree Density and Shared Trees	No concerns	
39	Separate Applications for each site and activity	Recommendation that the examples of each activity type in the current code be kept in the new code.  Some concerns that it could be burdensome to require separate application for each activity.	Information required for each type of proposed tree activity is substantially different. It is impractical and likely confusing to include in a single application form.  Incorporated recommendation to keep existing examples in the new language.
40	Update T11 definition of Multi Dwelling to match T33	No concerns	
41	Remove "without compensation" from UFC section	Respondents asked if funding for UFC compensation would come from PP&R.	PP&R is piloting a program to provide compensation to advisory committee members in order to remove barriers to participation. The UFC is not part of this pilot currently, but it is the intention of PP&R to provide a compensation option in the future. This amendment is intended to provide that option. Funding has not been identified but would potentially come from PP&R resources.
42	Amend permit requirements for pruning in Environmental Overlay Zones and Wildfire Hazard Zones	Community groups, including the Urban Forestry Commission and Trees for Life Oregon, expressed concern about the potential harm from unpermitted tree pruning in the environmental overlay.	Amendment has been moved to a future code project for more consideration.  The current Title 11 permit requirements are not burdensome and are intended to ensure the pruning follows arboricultural standards. This section of code also pertains to some of the most ecologically diverse and sensitive areas of the City. Many properties abut City owned natural areas and the distance requirements proposed could lead to unallowed pruning of City trees.
43	Remove references to "watersheds" from Tree Preservation Requirements with Private Trees and Street Trees	No concerns	
44	Arborist Reports for Tree Protection Plans should be required to include a site plan.	BDS recommend this be changed to read "how the protection plan conforms to the site plan and the proposed development activity."	Incorporated the requested language.
45	Reference definition for "site" in Title 33.910.	No concerns	
46	change "or" to "and" in Table 30-1	The original language is correct.	Amendment has been removed.
47	Clarify modifying potential street tree planting areas requires fee-in-lieu	Some reviewers asked for clarification of how this change deviates from existing code.	The amendment does not deviate from existing code. It is intended to clarify current Title 11 regulations which require a fee-in-lieu when existing or potential street tree locations are modified.