

Amendment #	Proposed Amendment	Issue	Solution	Code Section
1	Designate trees as urban infrastructure	The ordinance (184522) implementing Title 11 noted the intent of the code was to manage trees in the city as infrastructure. Specifically, it stated that Title 11 "Treats trees as a fundamental component of the City's green infrastructure and a basic site development requirement similar to stormwater management and erosion control." This language was left out of the code itself.	Incorporate language into 11.05.010 which identifies trees as urban infrastructure consistent with the intent of the implementing ordinance.	11.05.010
2	Clarify Urban Forestry role responsibility over street & City trees in development	In development situations, BDS is responsibility for regulating on-site tree and the City Forester regulates street and city trees. This is not always clear by the code language.	Amend the code to state this more clearly and clarify that Capital Improvement Projects are regulated by Title 11's development chapter.	11.10.010.A.2 11.10.010.B1 11.50
3	Clarify Public Hearings process for Heritage trees	Title 11 currently provides no public hearing process for removing or delisting a Heritage Tree. This lack of direction has caused confusion for staff, the UFC, and property owners.	Create a public hearing process to provide direction during requests heard by the UFC to remove or delist a Heritage Tree. Omitted as this issue can be addressed through internal protocol.	11.20.000
4	Grant City Forester authority to add Heritage Trees to property deeds	Title 11 places the responsibility for recording the presence of a heritage tree on the property deed. However, more than 140 heritage trees on private property have not been recorded. This can make it difficult for property owners to be aware that heritage Tree is on their property.	Grant the City Forester the ability to add Heritage Tree status the property deed.	11.20.060
5	Grant City Forester authority to approve removal of dead Heritage Trees without UFC consent.	In the absence of an emergency situation, UFC approval is required to remove a tree that the City Forester has deemed dead, dying, or dangerous. This process creates delays in issuing the removal permit and requires limited UFC time. Applicants have expressed frustration with the delay. There is concern this could discourage property owners in the future to consent to a tree being listed as a Heritage Tree.	Grant the City Forester the authority to approve removal of a Heritage Tree which is dead, dying, or dangerous. Code language would include specific criteria under which the City Forester can exercise this authority.	11.20.060.i
6	Add admin review step to appeal process	When a permit appeal application is received, the City Forester currently conducts an internal administrative review prior to the Appeals Board Hearing. This often results in the applicant either withdrawing their appeal, or in some cases the initial permit decision being overturned by the City Forester. This is a time intensive process which is currently not detailed in code.	Create an administrative review process in between the permit decision being issued and a formal appeal to the Appeals Board. .	11.30
7	Tree Removal on Sites that have both Type A and Type B permits	11.30.020 describes how a permit can be a Type A or a Type B. But it does not clarify how to process individual trees within a permit (i.e., can a tree be reviewed using Type A review factors even when other trees are being reviewed using Type B review factor?	Clarify that the Type A Review factors are used for trees that qualify for Type A review factors and Type B review factors are used when the tree does not qualify for type A Review factors.	11.30.020.B ; 11.40.040
8	Restrict new information being submitted at an appeal hearing	Permit decisions are made based on the available information at the time the application is submitted. Subsequently, the Appeals Hearing is based on review of the information used to issue the permit decision. New information submitted at the appeal has not been reviewed by staff and could alter the permit decision.	Amend code to state that new information cannot be introduced for Appeal Hearings of Type A permits. New information can still be introduced in Type B permit hearings, and the Appeals Board may decide to delay to review.	11.30.050.D.3.c
9	Title 33 Landscaping Standards and Tree Removal Permits	Non-development section of the code does not reference replanting requirements in the zoning code for plan districts, overlay zones or parking lots. As such a UF removal permit could push applicants out of planting requirements in the 33.200s (buffer zones, parking lots, plan districts such as airport plan district which has spacing/species requirements.)	Modify Table 40-1 to incorporate the replanting requirements. Alternately create a new table, or some other method of incorporating the Title 33 requirements.	11.40 Table 40-1 (11.30.000; 33.200s; 33.400s; 33.500s)
10	Consider removal impacts on other trees	The code does not provide enough flexibility to allow UF to assess tree removal when significant adverse impacts may affect nearby trees.	Amend Type A and B review criteria to provide the City Forester the discretion to deny removal of a tree if it will negatively impact the health of nearby otherwise healthy trees.	11.40.000

11	Discrepancy between T11 and T33 regarding pruning trees in greenway zones	Title 11 references pruning requirements in the conservation overlay zones of title 33 but not the river overlay zones. Greenway zones have pruning restrictions in 33.475.440.K.	Amend Table 40-1 to be consistent with Title 33 and consider improvements to the table to address usability and clarity.	11.40.000 33.475.440.K
12	Review Factors for City Trees Type B	The removal review factors for City and Street Trees say "The City, in the absence of extraordinary circumstances, will not permit the removal of a healthy, functioning Street Tree." The intent of the code is for this to apply to both City and Street trees, but this is unclear.	Amend this language to include both Street and City trees.	11.40.040 B.2
13	Definition of Development	Additional guidance is needed to describe when trees are reviewed under 11.40 (no associated development) or 11.50 (Trees in development). Specifically, Trade permits look like development to an outside observer, but are regulated as a non-development permit.	Find better wording for 11.10.020 "Determining what regulations apply". Determine if there is a better way to describe "Development activities" as used in 11.50.040.A.1.a/b Omitted as this item is beyond the scope of the current amendment project.	11.50.000
14	Clarify Street Trees are adjacent to sites and not on a site	Title 11 exempts certain sites from on-site tree preservation standards. These exemptions are not intended to exempt the property from Street Tree preservation standards. However, the way the code is currently written leads to understandable confusion.	Amend 11.50.040.B to clarify the exemptions apply to on-site preservation standards only.	11.50.040
15	Clarify City Forester review is required in City projects	Title 11 has been interpreted as only requiring City Forester review of City Projects when trees will be removed. This is not consistent with the role of the City Forester or the intent of Title 11. Development activity can trigger planting requirements regardless of whether trees will be removed.	Amend to state that City Forester review for determining preservation and planting requirements is required whenever regulated trees are on the property.	11.50.040
16	Clarify when trees can be removed in development	The code provides preservation standards but is not clear on when a tree can be removed in development. Users of the code are left to infer removal criteria.	Specifically state when trees can qualify for removal in the development chapter. This will memorialize the current practice.	11.50.040
17	Clarification of 1/3 trees in development	Title 11 requires 1/3 of regulated on-site trees to be preservation in a development situation. The code does not provide guidance for how to determine the number of trees to be preserved when the total number of trees is not cleanly divisible by three.	Amend the code to insert the current practice for this determination. Also add Thuja plicata (western redcedar) to the list of species not included in the total count of native trees used towards the preservation standard.	11.50.040.C.1
18	City development, preservation language	Current code states "For development on City owned or managed sites, new public streets, or improvements to existing streets, applicants are required to consult with the City Forester at the preliminary project design phase if City or Street Tree removal is likely to occur to complete the project." "Consult" is an imprecise term which can lead to varying understandings of the role of the City Forester in retaining existing trees.	Work with other infrastructure bureaus to clarify this language. Language seems unnecessary since 11.10.040.A.2 already states the City Forester is responsible for reviewing development for compliance with City and Street tree preservation. Addressed in Item #15	11.50.040.C.2

19	Clarify Development Street tree Planting Requirements	Title 11 is unclear who street tree planting requirements apply when there is existing infrastructure in the right-of-way. It states that the goal is to "maximize street tree planting" but this is also not defined. It is unclear when a new street tree is required, and subsequently when a street tree location has been removed thus resulting in a mitigation payment.	Work with other infrastructure bureaus to clarify this language.	11.50.060
20	Simplify street tree planting requirements for projects over 200 feet	The street tree planting standards for projects affecting 200 linear feet of frontage or more state that the project should "integrate existing trees and maximize new street tree planting." This language is imprecise and creates a lack of predictability for project managers. It can also make it difficult to determine how many potential planting locations have been removed requiring mitigation fee.	Amend 11.50.060.C.2 to apply the normal standard requiring a street tree every 25 feet.	11.50.060.C.2
21	Landslides Clause	Currently Title 11 does not speak to how to deal with trees that may have become dangerous or were damaged as a result of a natural disaster such as a landslide.	Language should be added to both non-development and development sections to provide guidance on how to permit and allow for the removal of these trees. Current code language determined to be okay.	11.50.080 11.40.020.D
22	Tree Density and Tree Canopy Calculations: BDS Tree and Landscaping Manual	Tree & Landscaping Manual uses "growth rate factor" in calculations of eventual canopy size, weighing fast growing trees more strongly. This may encourage the planting of weaker trees that are more prone to failure.	Consider removing growth factor or weighing natives, evergreens, and climate-ready trees more strongly within canopy formula. Requires coordination of updates to "Tree and Landscaping Manual."	11.60.020.C. 11.50.050.C.2
23	Performance Path Option	Current code states "When the prescriptive path is not practicable, the applicant may propose alternative measures to modify the prescriptive root protection zone..." As long as the proposed protection follows the performance path requirements and adequately protects the trees the City should not have to determine the practicability of the prescriptive path.	add "when the applicant determines that the prescriptive path is not practicable..."	11.60.030C.2
24	Clarify definition for 'removal'	Title 11's definition of removal is "making a tree dead." This leaves it unclear whether removing an already dead tree is a regulated action.	Rework the definition to align better with the Tree Removal Specification.	11.60.050 11.80.020.B.20.c
25	Liability for ROW trees	City code is inconsistent with regard to clarifying property owner maintenance responsibility for adjacent rights-of-way. Currently the code indicates the property owner is responsible for sidewalks and planting strips, whereas there are many trees in adjacent areas that are not necessarily street planting strips.	Incorporate language used prior to Title 11. 20.40.080.B & 20.40.140 (2014). Beyond scope of current amendment project.	11.60.060.A.2 11.05.110.B
26	Nuisance Tree is confused with Public Nuisance	The term "nuisance" is used both to refer to the Nuisance Tree list but is also in the Title 11 enforcement chapter. These two uses are not related and lead to confusion.	Consider distinct terms for each reference. For example, refer to "trees on the Nuisance Tree List" rather than calling them a nuisance tree.	11.70.000 and elsewhere

27	Enforcement Authority	The City Forester has the authority to undertake enforcement actions and issue fines but is not able to place a lien on the property. As a result, UF refers its code enforcement cases to BDS which creates inefficiency and increased costs.	Grant the City Forester the authority to place liens on properties when a violation is not resolved	11.70.000
28	City not exempt from Title 11	Feedback from bureaus that this is not clear in code	Add specific language stating that the City is not exempt from Title 11 enforcement actions. After consult with City Attorney, it was confirmed that this is clear in code and can be supported through additional commentary text.	11.70.000 & elsewhere
29	Definition of dangerous does not consider site conditions	Determining whether a tree is dangerous or not requires assessing both tree conditions and site conditions. Title 11 does not currently allow for site conditions to be considered.	Allow City Forester to assess site condition when determining whether a tree can be dangerous. This will provided options for addressing dangerous conditions without removing the tree.	11.70.030 11.80
30	Clarify that injuring a regulated tree is a prohibited action	The current wording of 11.70.050.B leaves it unclear if injuries such as drowning, smothering, or damaging a regulated tree is a prohibited action. This code only says it is prohibited to do without a permit. There are no permits for some of the listed actions.	Clarify that these are prohibited actions. Street and City trees currently have this protection but it is unclear with regard to private trees.	11.70.050 11.40.050
31	Replacement requirement for correcting a violation	Code currently states that during an enforcement action resulting from unpermitted tree removal the "number of replacement trees will be determined by the volume of removed tree canopy." Canopy volume is not used elsewhere in Title 11 and there is no guidance for how to determine this. It is also impossible to determine after the tree has been removed.	Remove this sentence from code.	11.70.080.B.4
32	Provide City Forester authority to issue stop work order when unpermitted tree work is occurring	Current text states that the City Forester or BDS Director may issue a stop work order when work is being conducted in violation of Title 11 and public health or safety is threatened. This can allow unpermitted activity to continue that could lead to the loss of a regulated tree.	Allow the City Forester to issue a stop work order when any regulated activity is occurring without a permit.	11.70.090.B.7
33	Clarify Enforcement Action B.2	B.2 points to "Notice or Citation as described in B.1" B.1 is a description of Civil penalties. Notice and order is in 11.70.070	Change from "Notice or Citation as described in B.1" to "Notice or Citation as described in 11.70.070"	11.70.090.B.2
34	Allow City Forester to extend deadline for Administrative Reviews	Administrative Reviews of 11.70.120 must be submitted within 15 days of a notice. The City Forester has seen cases where 15 days was insufficient for the responsible party to reply (out of town, language barrier, etc.)	Amend the code to allow the City Forester to extend the deadline for good cause, similar to Code hearings officer ability listed in 22.10.030.A	11.70.120.A
35	Include Public Nuisance definition in Title 11 definitions	Title 11's enforcement chapter uses the term "nuisance" but does not define it.	Define the term. May point to Title 29-20.010.H.4 Nuisance is referred to in Title 11 and adequately defined in 11.70.050; Title 29's definition of public nuisance is more narrow and needs to be updated. Will need to work with BPS on proposing this update.	11.80.000
36	Definition of a Dangerous Tree	Current definition of a dangerous tree does not consider damage that tree may cause to the urban forest (e.g. spread of pests or pathogens).	Allow the City Forester to deem a tree dangerous because of harm it may cause to the health of the urban forest.	11.80.36.b
37	ISA Certification for Heritage Tree Maintenance	Is not currently required.	Require an ISA Arborist Certification for work performed on Heritage Trees on private property. ISA certification is not required elsewhere in code for tree work. Sometimes, tree care providers have one ISA arborist on staff, while others are trained in tree care but do not have certification (or certification is in progress).	
38	Tree Density and Shared Trees	Title 11 is silent on how trees straddling a property line count towards tree density standards.	Clarify how tree density standards are applied when a tree is straddling a property line	
39	Separate Applications for each site and activity	Current code allows multiple activities to be proposed on one application. This extremely difficult to implement and is not current practice.	Amend to require separate application for each activity type.	11.30.030.B

40	Update T11 definition of Multi Dwelling to match T33	T11 definition of multi-family (3+ units) vs T33 definition (5+ units)	Update T11 definition of Multi Dwelling to match T33; one solution is to expand the "One and Two Family Residential" category to include triplexes and fourplexes but this would also increase density requirements for these properties. Review with BDS/BPS to ensure this is okay.	Table 50-2 ; Table 60-1
41	Remove "without compensation" from UFC section	Title 11 currently requires UFC members to serve without compensation. PP&R is piloting compensation for city advisory committees. Compensation may become standard practice in the future.	Remove "without compensation"	
42	Requested PF&R Amendments	Portland Fire & Rescue has requested changes to what pruning is allowed without a permit in Environmental Overlay Zones and Wildfire Hazard	Amend to align allowed pruning without a permit with PF&R recommendations and FireWise guidance.	11.40.050.A.1.a.2
43	Remove references to "watersheds" from Tree Preservation Requirements with Private Trees and Street Trees	replanting in same watershed is still indicated when mitigation payments are referenced for private trees and street trees even though use of TPPF has already been updated in section 11.15.010.B.1	remove references to planting in same watershed in two sections	11.50.040.C.2.b ; 11.50.060.C.1
44	Arborist Reports for Tree Protection Plans should be required to include a site plan.	Currently for Performance Path Tree Protection Plans the Arborist Report is not required to include a Site Plan so it is unclear if the Arborist has seen the plan.	require inclusion of site plan in Arborist Report	11.60.030.C.2.b - Tree Protection Specifications
45	Clarifies definition of site concerning middle housing land divisions	The definition of a site is being updated in Title 33 as a result of RIP2. Applicants need to be aware that for development on a lot that was created through a middle housing land division, the site is the original site prior to being divided.	Amend 11.50.070 to alert applicants to Title 33's definition of site to understand how to apply Title 11 development requirements.	
46	Clarifies when street tree planting standards apply	Title 11 establishes a standard of a required street tree every 25' or a fee-in-lieu be paid. If a potential street tree space is removed, a fee is paid for the lost planting space. In some scenarios, applicants argue that eliminating a potential street tree planting location should not result in a fee-in-lieu payment.	Clarify that projects which do not modify existing or potential tree planting areas are exempt. Projects which do modify existing or potential planting areas are therefore not exempt.	11.50.060.B