

Stop Work order

For clarity and to be in alignment with other instances of stop work order clauses we are eliminating the phrase “and public health or safety is threatened” altogether.

This will bring Title 11 in alignment with other City codes such as (but not limited to) Title 26 Electrical regulations, Title 25 Plumbing Regulations, Title 10 Erosion and Sediment Control, and Title 32 Signs and Related Regulations. Title 11 points to Title 3.30.080 to regulate the stop work order process which mirrors the BDS procedure.

Current Code

Stop Work Orders. When any work is being conducted in violation of this Title, and public health or safety is threatened, the City Forester or BDS Director may issue a stop work order as stated in the requirements of Section 3.30.080.

Proposed Code

When any work is being conducted in violation of this Title, ~~and public health or safety is threatened~~, the City Forester or BDS Director may issue a stop work order as stated in the requirements of Section 3.30.080.

Dangerous Tree Definition

We heard the PSC’s concern about having a limitation to the type of site alterations the City might require in order to preserve a tree. To address this we are adding a “practicable” qualifier to the site modifications. This qualifier is used elsewhere in the code and is flexible enough to allow case-by-case determinations on what is or isn’t “practicable”.

Current Code

"Dangerous Tree" is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

Modified Proposal

"Dangerous Tree" is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment, or pruning, **or by making practicable site condition modifications**. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

“Practicable” elsewhere in Title 11

[11.40.040 City and Street Tree Permit Standards and Review Factors. | Portland.gov](#)

Dangerous trees. The City Forester will evaluate the removal request by first evaluating **practicable** alternatives to the removal. If the City Forester finds either that the cost of the alternatives significantly exceeds the value of the tree, or that such alternatives will not substantially alleviate the dangerous condition, the City Forester will grant the permit.

[11.40.050 Private Tree Permit Standards and Review Factors. | Portland.gov](#)

Dangerous trees. The City Forester may evaluate the removal request by first evaluating **practicable** alternatives to the removal. If the City Forester finds either that the cost of the

alternatives significantly exceeds the value of the tree, or that such alternatives will not substantially alleviate the dangerous condition, the City Forester will grant the permit.

[Chapter 11.50 Trees in Development Situations | Portland.gov](#)

This Chapter regulates the removal, protection and planting of trees through the development process to encourage development, where **practicable**, to incorporate existing trees, particularly high quality or larger trees and groves, into the site design, to retain sufficient space to plant new trees, and to ensure suitable tree replacement when trees are removed.

[11.60.030 Tree Protection Specifications. | Portland.gov](#)

Performance Path. When the prescriptive path is not **practicable**, the applicant may propose alternative measures to modify the prescriptive root protection zone, provided the following standards are met: