185654
EXHIBIT A

Recommended Draft Report to City Council

HOUSEKEEPING AMENDMENTS

TITLE 11, TREES &
TITLE 33, PLANNING AND ZONING

September 2012

City of Portland
Bureau of Development Services & Portland Parks and Recreation
1900 SW Fourth, Suite 5000
Portland, Oregon 97201

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CITY OF PORTLAND

URBAN FORESTRY COMMISSION

PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland

• Nick Fish, Commissioner • Mike Abbaté, Director

June 5, 2012

Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Dear Mayor Adams and City Council Members:

On May 17, 2012, the Urban Forestry Commission voted unanimously to forward the Proposed Housekeeping Amendments to Title 11, Trees to City Council for approval. Specifically, the commission recommended that the Council:

Adopt the recommended housekeeping amendments to Title 11, Trees and Title 33 Planning and Zoning, and direct the Bureaus of Parks and Recreation and Development Services to:

1. Track and monitor street and private tree removal permit activity, including trees removed, planted, violations, etc.;
2. Monitor the effectiveness and enforceability of on-line street tree pruning permits and size threshold;
3. Clarify terminology in code amendment commentary;
4. Monitor situations where a public notice is not required for removing one tree larger than 20" diameter per year on residentially zoned properties; and
5. Produce easy-to-understand outreach materials to ensure Portlanders are aware of and understand the code requirements.

Three written responses were received before the hearing, and two additional people testified at the public hearing. Most of the comments did not specifically relate to the proposed amendments. Instead, they focused on the applicability and clarification of existing regulations and the already-adopted new regulations. Specific requests were to:

1. Clarify "per year" in reference to requirements that address removing large trees on private property;
2. Consider revising the ¼" street tree pruning permit size threshold; and
3. General questions of when a permit is required.

The Urban Forestry Commission focused their attention on the need for a comprehensive and far-reaching communications plan. As with any new regulations, people are initially unsure of how the new code will specifically apply to them. The Commission emphasized the need for staff to create easy-to-understand handouts in plain language. Staff is committed to providing an inclusive training and public outreach program that will provide many avenues for public access. Staff will work with Public Information Officers from the Bureaus of Development Services, Parks and Recreation, and Environmental Services to design an effective outreach strategy that will reach organizations such as the Homebuilders Association, arborists, Neighborhood Coalitions and Associations, and individual property owners.

In summary, the proposed amendments combined with comprehensive outreach and code monitoring will create a solid framework for Tree Code implementation and ongoing administration.

Thank you for considering our recommendations.

Very truly yours,

Joseph Poracsky

Joseph Poracsky, Chair
Portland Urban Forestry Commission

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Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

Portland Planning and Sustainability Commission

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June 13, 2012

Portland City Council
Portland City Hall
1211 SW Fourth Avenue
Portland, OR 97204

Dear Mayor Adams and City Council Members:

On May 22, 2012 the Planning and Sustainability Commission voted unanimously to forward the Proposed Housekeeping Amendments to Title 11 Trees & Title 33 Planning and Zoning to City Council for approval. The Planning and Sustainability Commission played a significant role in the Citywide Tree Project approved in April 2011 that created the new Title 11 Trees, and amended significant portions of Title 33 Planning and Zoning. These proposed housekeeping amendments are consistent with the adopted policies and will provide a solid foundation for implementation and ongoing administration of the new regulations.

The Commission received three written responses to the proposed amendments. The comments generally focused on the requirements of the new regulations and were outside the scope of the proposed amendments. In response to these concerns, the Commission encouraged staff to conduct comprehensive outreach that will provide simple answers to the most commonly asked questions, such as "Do I need a permit", and to coordinate with neighborhood associations, arborists, developers and other community stakeholders. The Commission understands that the Bureau of Development Services and Parks and Recreation are committed to developing an inclusive outreach and training program and materials over the next year leading up to implementation of the new regulations.

The proposed housekeeping amendments along with a strong education and outreach component will create a solid framework for effective implementation of Portland's new and updated tree codes. Thank you for your consideration of our recommendations.

Sincerely,

André Baugh

André Baugh, Chair
Planning and Sustainability Commission

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Housekeeping Amendments
Title 11, Trees & Title 33, Planning and Zoning

Recommended Draft Report to City Council

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Project Summary

On April 13 2011, Portland City Council adopted Ordinances #184522, and #184524 that together created a new Title 11, Trees, and amended Title 33, Portland Zoning Code. Implementation of the new regulations was staggered with some of the code going into effect in July 2011 and the bulk of the changes effective July 1, 2013. This phasing strategy was designed to provide time for the bureaus to become familiar with the new requirements, set up new permit procedures and communicate the new regulations to City staff and Portland residents.

Over the course of establishing protocols to administer the new tree regulations, staff from the Bureau of Development Services and Portland Parks and Recreation Urban Forestry Division (the two primary bureaus responsible for implementing the new regulations) identified some glitches in the codes that require amendments. These amendments will improve the day-to-day usability of the regulations and ensure a coordinated and seamless implementation. The amendments do not change the intent of the adopted policies; rather they are designed to further the objectives of the tree project by simplifying and clarifying the regulations for staff and customers.

Title 11 amendments fall into one or more of the following categories:
A more detailed summary of the recommended tree code amendments for each topic area as well as the Title 33 amendment can be found on page 3.

- **Clarify Policy** to describe permit requirements for all tree removal scenarios.
  Currently, some permit requirements are not explicit.
  The amendments make permit requirements explicit for all regulated tree sizes and species.

  Includes Amendments #2 *Correct Permit Procedures Summary Table 30-1*, #4 *Clarify and expand Table 40-1.*

- **Eliminate Unintended Consequences** regarding amendment procedures, requiring a permit for all street tree removal permits and issuance of civil penalties.
  Currently, the tree code requires duplicative public hearings to be held by the Urban Forestry Commission and Planning and Sustainability Commission for amendments that previously went through a public process.
  The amendments will allow staff to efficiently update Title 11 by eliminating duplicative hearing requirements.

  Currently, the adopted street tree removal size threshold requires permits to remove only some small-sized trees, creating confusion as to when a permit is required.
  The amendments will require a permit for all street tree removals creating a clear and consistent requirement.

  Currently, the tree code unintentionally disallows assessment of civil penalties to third party contractors who violate the code.
  The amendment will allow issuance of a penalty to any third party contractor.

Includes Amendments *#1 Amend Process for Updating Title 11, #3 Eliminate Street Tree Removal Minimum Size Threshold, #7 Modify Enforcement Tools to Provide More Options.*

- **Fix Technical Errors** to eliminate ambiguous language, correct references and fix typos.

  Currently, Title 11 contains terminology that is applied inconsistently with Title 33 definitions. Some sections contain incorrect references and require minor technical corrections.

  The amendments will create consistency between Titles 11 and 33 and correct typos and section references.

  Includes Amendments *#5 Modify Tree Permit Summary Table 40-2 and 40-3, #6 Correct References and Typos, Replace Inconsistent Terminology.*

Planning and Sustainability Commission and Urban Forestry Commission Recommendation

The Urban Forestry Commission held a public hearing on May 17, 2012. Two people testified at the hearing in regards to the adopted street tree branch pruning size threshold. Although this particular policy was not addressed in the proposed amendment package, the Urban Forestry Commission asked staff to monitor the effectiveness of the pruning size threshold after Title 11 implementation. The Commission also asked staff to monitor the frequency of permit requests for removing multiple large trees on private property under one permit.

The Planning and Sustainability Commission met on May 22, 2012 and received no public testimony. Following the staff presentation, the Commission encouraged staff to conduct a robust and inclusive outreach plan to ensure the public is knowledgeable of the new regulations.

Both the Urban Forestry Commission and the Planning and Sustainability Commissions voted unanimously to forward the Proposed Housekeeping Amendments to Title 11 Trees & and Title 33, Planning and Zoning to City Council for approval.

I. Introduction

Background

Why are we proposing these amendments?

Since adoption of new tree regulations in April 2011, staff from the Bureau of Development Services and Portland Parks and Recreation has been working to set up systems to administer the new code. During this process, staff from these two bureaus raised questions and concerns regarding various components of the new regulations. In some cases, these questions highlighted areas where the intent of a regulation was not clear, while others identified unintended consequences not directly discussed during code development. Other questions brought to light inconsistencies between the Zoning Code and Title 11. The proposed amendments will clean up the new tree regulations ensuring a solid foundation for implementation and ongoing administration.

Project Scope

The scope of the recommended housekeeping amendments is narrow. The implementing bureaus identified the changes as necessary for efficient and effective implementation. Public comments and questions received in response to the amendments were related to general Title 11 requirements and not specifically to the proposed amendments. Given the narrow scope of this project as minor housekeeping amendments, staff was not able to address requests to re-examine adopted policies. For example public testimony received at the Urban Forestry Commission hearing requested staff to review the street tree branch pruning size threshold. Since the adopted threshold does not affect implementation staff did not include this request in the scope of work. However, the street tree branch pruning size threshold will be monitored after implementation for effectiveness and enforceability.

Some of the public responses asked for greater explanation of general code requirements, while other comments included simple suggestion to improve clarity. These comments helped staff to hone aspects of the code language and ensure that policy intent was clear. Staff incorporated suggestions where possible. Some of these changes are included in the section entitled "Additional Staff Amendments" (EXHIBIT C). Questions related to general code requirements will be addressed through the public outreach and education campaign that will explain regulations and adopted policies in plain language.

Topic Area Descriptions

Clarify Policy

Title 11 includes four separate tables in the non-development section of the code that are designed to provide at-a-glance information for tree permit requirements. The tables serve as a tool for readers to quickly and easily determine permit requirements. As staff began setting up protocols based on these tables they discovered that some tree removal scenarios were inadvertently not included. This amendment makes intended policy more explicit.

Correct Permit Procedure Summary Table 30-1

Chapter 11.30 includes application requirements and procedures for obtaining tree permits for City, Street and Private Trees. Table 30-1 was included as a means of quickly identifying the public notice requirements and appeal opportunities for Type A and B permits. The existing table does not capture several situations where Type B tree removal permits are required. For example, removing a nuisance species healthy street tree requires a Type B process but was not reflected in the current table. The table also does not clearly address situations where multiple city or street trees smaller than 12 inches in diameter were proposed for removal. This amendment expands the existing table to include the requirements for all tree removal scenarios.

Clarify and Expand Table 40-1
Table 40-1 is intended to provide a quick reference to inform readers whether the regulations of Title 11, Trees or Title 33, Planning and Zoning applies to tree removal requests in certain plan districts and overlay zones. This amendment expands the table to provide a more complete reference tool for situations where the Zoning Code applies. This will create a more user-friendly table and reduce the potential for inadvertent violations.

Modify Tree Permit Summary Tables 40-2 and 40-3
Table 40-2 summarizes the distinctions between Type A and Type B permits for City and Street Trees, including tree replacement requirements and when public notice opportunities for public appeal are required. Changes to this table are intended to clarify tree replacement and public notice requirements for different tree size thresholds. The changes identify two tree size categories that were omitted from the previous version of this table: trees smaller than three inches diameter; and trees that are at least three inches and smaller than 12 inches diameter.

Similar to Table 40-2 (Summary Table for City and Street Trees), Table 40-3 summarizes the distinctions between Type A and Type B permits for Private Trees, including tree replacement requirements, and when public notice and opportunities for public appeal are required. Amendments to this table are made to keep formatting, terminology, and footnotes consistent with the changes made to Table 40-2.

Together, these amendments will create clear regulations that are easier for staff to implement and customers to understand.

Correct Unintended Consequences

There are situations where the regulatory effect of the adopted code results in unintended outcomes. These unintended consequences result in; 1) reduced violation enforcement tools, 2) regulations that create administrative obstacles and 3) will require a permit for some, but not all small-sized tree removal requests.

Modify Enforcement Tools to Provide More Options
Under the criminal and civil penalty contained in Title 20 (Street tree and other Tree Regulations), the City Forester may impose a civil penalty on any person or company that violates the code. This penalty can be assessed for up to $1,000 and may be issued to first time offenders. This penalty serves as an effective deterrent for people who may choose to otherwise conduct tree work without a permit.

The new tree code replaces the criminal and civil penalty option with a requirement for staff to first seek corrective action. This enforcement model is effective for property owners and places an emphasis on restoring lost canopy. However, it removes the

ability to penalize a third party contractor, such as a tree service provider, who may have conducted work for a homeowner without a permit. For example, if a tree service company removed a street tree without first obtaining a permit from Urban Forestry, Title 11 would require the homeowner to replace the tree. Once replaced, the enforcement case would be closed. There is no ability of staff to enforce a violation on the company who conducted the work and failed to get a permit. Furthermore, a tree care company could continue to conduct work on other properties without obtaining a permit and without penalty. The City should be able to discourage this activity by imposing a fine. Staff is recommending that the ability to issue penalties to third party contractors be added back into the regulations.

Eliminate Street Tree Minimum Size Removal Threshold

Under today's regulations a permit is required to remove any street tree. Title 11 changes this requirement by creating a minimum size threshold. This change eliminates the need to obtain a permit for removing trees less than 3 – inches in diameter. However, Title 11 still requires a removal permit for these small trees if it was planted as a requirement of a previous permit, land use review, or landscaping plan. This creates an administrative burden for staff that would need to research a particular tree removal request to determine if the tree was required to be planted as a condition of a previous permit. This also makes it challenging to explain to a customer when a permit is required, causing confusion and uncertainty for the public and increasing the risk of inadvertent violations. For example, is a permit needed to remove this two-inch street tree? The answer would be "no, unless that tree was planted under a street tree planting permit, as a requirement of a previous tree removal permit, as part of a development requirement, or as required mitigation." Urban Forestry would be responsible for researching each application to make this determination.

In addition to creating an administrative challenge, this new size threshold would allow some small trees to be removed and not replaced in kind. This is problematic since the majority of newly planted trees are less than a 3- inch diameter. Allowing these small trees to be removed and not replaced could reduce Portland's future urban canopy. This amendment eliminates the 3-inch size threshold for street trees and maintains the current tree removal policy. Requiring a removal permit for all street trees creates a simple and implementable policy and ensures that trees removed will be replaced.

The 3-inch size threshold will continue to apply to trees on City properties and the 12-inch diameter threshold size (6-inches in some overlay zones and plan districts) will continue to apply to trees on private property.

Simplify Amendment Procedures

Staff is recommending adding an additional amendment procedure that will allow staff to keep Title 11 current with other applicable City titles. Conforming amendment procedures are required when changes to other city titles affect the regulations in Title 11. For example, if changes to zoning code plan district regulations result in no longer requiring land use reviews for tree removal, Title 11 would need to be updated to reflect the change. Since these substantive changes to Title 33 require public hearings, it would be duplicative and unnecessary to require additional public hearings to keep Title 11 current with these types of policy shifts. This amendment will also allow staff to update Title 11 in a timely manner.

This amendment eliminates duplicative hearings, allowing Title 11 to remain current with other City and State titles in a more timely and efficient manner, without reducing citizens' access to the code amendment process.

Technical Corrections

Technical corrections address typos, fix references, and create consistent terminology between Title 11 and Title 33. The proposed amendments will better align Titles 11 and 33 facilitating a consistent and cohesive system.

Replace Inconsistent Terminology

The Tree Code and Zoning Code together create an integrated regulatory system for citywide tree requirements. As such, the Zoning Code and Tree Code contain similar terminology. Staff has identified inconsistencies between the use of terms in Title 11 and the definition in Title 33. For example in some sections the term "site" is used instead of "lot". "Site" refers to property under common ownership and may include several lots or parcels of land. "Lot" is a more narrow definition referring to a distinct plot of land, sometimes constituting only a portion of a "site."

In addition the term "frontage" has been replaced with "abutting right of way". Site "frontage" refers to the portion of a site that abuts a street, rather than the portion in the right of way that abuts a property. This clarification reflects the intent of particular sections which is to address street trees in the right of way.

Other amendments that fall into this category include fixing minor typos such as spelling corrections and section references.

Rescind Conflicting Amendments to Title 33, Planning and Zoning

Title 33 amendments pertaining to environmental regulations in certain plan districts conflict with the existing Airport Futures project (effective May 13, 2011). Although not related, the two concurrently developed projects addressed some of the same environmental regulations in the same plan districts, creating inconsistencies.

The Airport Futures project comprehensively overhauled the environmental regulations in the Cascade Station/Portland International Center (CS/PIC), and created a third airport related district called the Portland International Airport. The Airport Futures project reorganized and changed substantial portions of the plan district language.

The changes proposed by the Citywide Tree Project were intended to make the language between the general environmental zones and Cascade Station/Portland International Center Plan District environmental regulations more consistent. The Airport Futures project resolved those inconsistencies by referring the CS/PIC Plan District environmental regulations back to the general environmental regulations.

Rescinding the amendments to Title 33 proposed with the Citywide Tree project will eliminate the conflicting amendments, while retaining consistent requirements for trees in the environmental zones of those plan districts.

II. Tree Project Implementation Activities

City Council phased the implementation of the new Tree Code and related Title 33 amendments to provide time for staff to prepare for implementation. In addition to this amendment package, staff has been working on numerous implementation components. This section provides an overview of some of these activities.

Communication & Outreach

At each of the two public hearings the Urban Forestry and Planning & Sustainability Commissions voiced the importance of a comprehensive outreach and training program to explain the new regulations to staff and the general public. Both the Bureau of Development Services and Portland Parks and Recreation are committed to implementing an inclusive outreach plan that communicates regulations in simple language. Staff is collaborating with public information officers from the Bureau of Environmental Services, Bureau Development Services, Portland Parks and Recreation, and the Bureau of Planning and Sustainability to create an effective outreach and training plan. This plan includes partnering with stakeholders to review outreach materials and beta-test the new website, presenting information at community such as those hosted by Friends of Trees, conducting targeted training classes for those most impacted by the code such as arborists and developers, posting articles in local publications, and creating an outreach page on the new Tree Website that will be available this winter. The website will contain a calendar of events, a way for people to request a training, download brochures, and stay current with tree code implementation activities.

Tree Website

The Citywide Tree Project includes the creation of a tree website designed to provide a single source of tree information for a wide variety of customers. The website is intended as a community resource to help support other public tree investments such as grey to green. It will provide information about Portland's urban forest, tree care, and volunteer opportunities. In addition to information on how to manage and care for trees, the website will provide easy access to tree permit requirements in development and non-development situations, the ability to check the status of an existing permit, who to contact in an emergency and how to report a violation. Some of the features of the new website include:

- An online street tree pruning permit portal that will allow customers to apply for and receive a pruning permit for basic pruning requests, from their home or office;
- A violation portal for people to report suspected tree violations;
- Access to downloadable applications and permit instructions,
- An online customer service survey;
- Answers to commonly asked questions about tree care including planting, pruning and removal;
- Volunteer opportunities for tree programs in the city;
- Information on heritage tree walks; and
- Information on the benefits of trees and links to urban forest resources.

Staffing

Another key element of code implementation includes determining specific staffing needs and identifying initial and ongoing funding sources.

BPS, BDS and PP&R worked collaboratively to develop the initial budget requirements for the first year of implementation as well as ongoing cost estimates for the second, third and fourth years of administration. PP&R and BDS are updating these estimates based on continued examination of development activity, the code requirements and development of implementing procedures. Reorganization of existing staff and workloads will occur, however the code expands regulatory responsibilities and creates customer service improvements that can not be achieved with existing staffing levels. In order to meet the high expectations of the new regulations and customer service goals, additional staff is necessary for full implementation. PP&R and BDS are in the process of creating a revised budget proposal for council consideration.

Processes and Procedures

Both Urban Forestry and Development Services will take on new roles and responsibilities under the new regulations and in some situations will share responsibilities. Title 11, Trees generally separates responsibilities into two sections; regulations applicable at the time of development (BDS), and regulations applicable when no development is proposed (Urban Forestry). Although there are two separate sections of the code there are many areas where responsibilities overlap. For example the zoning code will continue to regulate some trees in non-development situations in city designated plan districts and environmental zones. Since multiple regulations may effect any single property the bureaus are working together to revise existing and create new procedures that will make permit review and issuance simple for staff to implement and efficient for customers requesting a permit. Some procedures currently under development include the following:

- Creating procedures for new A and B tree permits ;
- Updating procedures for permit review;
- Creating and revising enforcement procedures for various types of violations; and
- Programming TRACS (the citywide permitting database) to capture the necessary data for permit processing, tracking and reporting.

Project Monitoring

The bureaus are in the process of creating a tree project monitoring plan that will track staff and customer experiences with the new regulations. The code will be monitored to determine appropriate staffing levels, effectiveness of the new customer service improvements, and overall improvements to the City's urban forest as described in the Citywide Tree Project. If funding and staffing allows, the new regulations will be monitored to evaluate the following;

- A change in tree preservation during new single family construction; and
- A change in tree canopy in neighborhoods with fewer trees compared to other Portland neighborhoods;
- The effectiveness of new enforcement regulations;
- Tree fund expenditures;
- Customer satisfaction with new regulations and associated customer service improvements.

EXHIBIT B

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Recommended Housekeeping Amendments

Title 11, Trees, and Title 33, Planning and Zoning

September 2012

Code Amendments and Commentary

The Bureau of Development Services and Portland Parks and Recreation

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How changes are shown in this document

Language added to the City Code is underlined; language deleted is shown in ~~strikethrough.~~

The left-hand page provides staff commentary for the code language shown on the right-hand page.

In order to limit the size of this document, only those sections of the Code that are being amended are included in this document. This document is not intended to replace the entire code.

COMMENTARY

Amendment #1

AMEND PROCESS FOR UPDATING TITLE 11, TREES

Section 11.10.040 Amendments to this Title

Section 11.10.040 addresses the public hearing and notification requirements for amending Title 11. Two types of amendments are described; substantive and technical:

- *Substantive amendments* involve new policy or a change to existing policy and require public hearings to be held by both the Urban Forestry Commission and the Planning and Sustainability Commission prior to a City Council Hearing. These hearings provide an opportunity for the public to review and comment on a proposed amendment.
- *Technical Amendments* include minor code clarifications, typos, misspellings, renumbering sections, or reorganizing the code. Since no policy changes result from a technical amendment, no public hearings are required. The City Attorney or the Auditors Office can make these amendments without public comment or review. Other than technical amendments, Title 11 does not make a distinction between policy changes, and non-policy related changes. As a result public hearings are required for non-policy related amendments, such as amendments necessary to bring Title 11 into conformance with other code Titles.

Changes to this section add a third category to address conforming amendments.

- *Conforming amendments* are required when changes to other city titles affect the regulations in Title 11. For example, if changes to zoning code plan district regulations result in no longer requiring land use reviews for tree removal, Table 40-1 in Title 11 would need to be updated to reflect that change.
- City codes require public hearings to amend. It would be duplicative and unnecessary to require additional public hearings to keep Title 11 current with these types of policy shifts.

This amendment eliminates duplicative hearings, and allows Title 11 to remain current with other City and State titles in a more timely and efficient manner, without reducing citizens' access to the code amendment process.

11.10.040 Amendments to this Title.

A. General.

1. Substantive ~~changes~~ amendments to this Title or amendments necessary to ensure conformance with other City Titles may be prepared by any bureau but will be coordinated by the Bureau charged with those responsibilities in the Title in consultation with the Bureaus of Planning and Sustainability, Parks and Recreation, Development Services, Environmental Services, Transportation, and Water.

2. Technical corrections and matters of simple clarification may be prepared and approved by the Auditor or City Attorney.

B. Urban Forestry Commission (UFC). ~~hearing required.~~ The UFC shall hold at least one public hearing for proposed amendments to this Title before making a recommendation on such an amendment. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles. However, notification of any amendment shall be sent to the Urban Forestry Commission a minimum of 14 days prior to a decision.

C. Planning and Sustainability Commission (PSC). The PSC ~~will~~ may provide ~~advice~~ input on the proposed amendments to the UFC. The PSC shall hold a public hearing for any proposed substantive amendments to Chapter 11.50 Trees in Development Situations, Chapter 11.60 Technical Specifications, or Chapter 11.70 Enforcement. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles.

D. Public notice for the hearing.

1. ~~Who is notified~~. UFC or PSC Hearing. Notice of any public hearing held by the UFC or PSC to consider a proposed substantive amendment to this Title shall be mailed to Metro, the Oregon Department of Transportation, all recognized organizations, affected bureaus, and interested persons who have requested such notice. Notice shall also be published in a recognized newspaper and mailed at least 30 days prior to the hearing.

~~2. Notice time frame. The notice shall be mailed at least 30 days prior to the hearing~~

2. City Council Hearing. Notice of the hearing shall be mailed to those who testified at the UFC hearing, either in person or in writing, or those who requested such notice. If hearings were not held by the UFC or PSC, notice shall be mailed to all affected

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bureaus and persons who have requested such notice. Notice shall be published in a recognized newspaper and mailed at least 14 days prior to the hearing.

E. City Council. The City Council shall hold at least one public hearing on all amendments that are not considered technical. ~~the proposed amendment. Notice of the hearing shall be mailed to those who testified at the UFC hearing, either in person or in writing, or those who requested such notice. The notice shall be sent at least 14 days before the hearing.~~ City Council makes the final decision on amendments, after considering the recommendations of the UFC and PSC and after hearing testimony from the public.

F. [No Change]

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Amendment #2

CORRECT PERMIT PROCEDURE SUMMARY TABLE 30-1

Table 30-1

Chapter 11.30 includes application requirements and procedures for obtaining tree permits for City, Street and Private Trees. Table 30-1 was included as a means of quickly identifying the public notice requirements and appeal opportunities for Type A and B permits. The existing table does not capture several situations where Type B tree removal permits are required. For example, removing a nuisance species healthy street tree requires a Type B process but was not reflected in the current table. The table also does not clearly address situations where multiple city or street trees smaller than 12 inches in diameter were proposed for removal. This amendment expands the existing table to include the requirements for all tree removal scenarios. Formatting changes have also been made to improve readability.

[Replace Table 30-1 in Section 11.30.020 with the following proposed table - Underlining has been omitted in the proposed table for readability]

Table 30-1
Public Notice and Appeal requirements for City, Street and Private Trees

Permit Type	Proposal	City/Street or Private Tree	Public Notice/ Public May Appeal [1]
A	Any Type A request	City/Street Private	No
B	Up to four healthy < 20" diameter nuisance and non-nuisance species trees	City/Street	No
	≥ 20" diameter, healthy non-nuisance species tree [2]	Private	Yes
	More than four healthy ≥12" diameter non-nuisance species trees	Private	
	≥ 20" diameter, healthy nuisance or non-nuisance species tree	City/Street	
	More than four healthy ≥ 12" diameter nuisance and non-nuisance species trees	City/Street	

Note [1] The applicant may appeal any Type A or B permit decision.
Note [2] No public notice or opportunity for public appeal is required for removal of one healthy non-nuisance species tree ≥20" diameter per lot per calendar year in any residential zone.

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Amendment #3

ELIMINATE STREET TREE MINIMUM SIZE REMOVAL THRESHOLD

Section 11.40.020 When a Tree Permit is Required

Chapter 11.40 addresses most tree work (planting, pruning, root cutting, removal) when development is not proposed or occurring.

The amendment to this section will eliminate the minimum street tree size threshold and clarify that a permit is required to remove all street trees with specified exceptions. Also see related Amendment #4 and Amendment #5 where this change is reflected in the revised Table 40-1 and Table 40-2 respectively.

The purpose of the recently adopted three-inch diameter minimum size threshold was to provide additional efficiency, enforceability, and clarity for property owners and managers. To address smaller, newly planted trees (typically 1.5") a footnote was included requiring permits for these as well. However, from an implementation standpoint the new minimum size threshold will make it challenging to explain when a permit is required, causing confusion and uncertainty for the public and increasing the risk of inadvertent violations. For example, is a permit needed to remove this two-inch street tree? The answer would be "no, unless that tree was planted under a street tree planting permit, as a requirement of a previous tree removal permit, as part of a development requirement, or as required mitigation." Urban Forestry would be required to research each application to make this determination. Requiring a removal permit for all street trees creates a simple and implementable policy and ensures that trees removed will be replaced. Caveats have been added to exclude permit requirements for the removal of small volunteer saplings or sucker shoots to address some of the concerns that were raised during the initial tree code adoption.

Street Trees - Removing the three inch size threshold is consistent with City policy that is still in effect, so should not be perceived as a change from current practice.

City Trees - The City Tree minimum size threshold will remain unchanged at three inches diameter, along with the stipulation that any trees that were required to be planted (as part of required mitigation, landscaping, or tree replacement) will still be required to be maintained, and replaced if removed.

Private Trees - No changes are proposed to the size threshold for private trees.

11.40.020 When a Tree Permit is Required.

A tree permit is required for all trees in the City of Portland as further described below, unless the activity is exempt from the requirements of this Chapter as specified in Section 11.40.030.

A. ~~City Trees and~~ **Street Trees**. ~~City and Street Trees 3 or more inches in diameter are regulated by this chapter.~~ Street trees of any size are regulated by this chapter unless otherwise specified in Table 40-1 or 40-2.

B. ~~Private Trees.~~ **City Trees.** City trees 3 or more inches in diameter are regulated by this chapter unless otherwise specified in Table 40-1.

C.~~1.~~ ~~Generally.~~ **Private Trees.** Private trees 12 or more inches in diameter ~~on all lots and tracts~~ are regulated by this chapter ~~except as specified in B.2.~~ unless otherwise specified in Table 40-1. Trees required to be preserved by ~~a tree preservation plan~~ a condition of a land use review ~~or provision of this Title or the Zoning Code~~ may be subject to other requirements.

~~**2.** Specified overlay zones and plan districts. Trees 6 or more inches in diameter in overlay zones and plan districts are regulated as noted in Table 40-1.~~

[Table 40-1 Tree Removal in Overlay Zones and Plan Districts]

[Re-letter C - F to D – G]

185654

Amendment #4

CLARIFY AND EXPAND TABLE 40-1

Table 40-1 Overlay Zones and Plan Districts

In some plan districts and overlay zones, certain tree removal is regulated by the Zoning Code rather than Title 11. Table 40-1 was included in this section to direct readers to the appropriate set of regulations and to serve as a useful "at a glance" tool for readers to quickly determine which regulations apply. However, the currently adopted table does not contain all scenarios where zoning code regulations apply. These gaps in information may result in readers inadvertently applying the wrong set of regulations or assuming their tree is exempt (from either Title 11 or Title 33 or both) when it is not.

This amendment expands Table 40-1 to capture the vast majority of situations where zoning code regulations apply. Including this information will help prevent inadvertent zoning or tree code violations.

This amendment also includes revisions to capture the elimination of the minimum street tree size threshold proposed in Amendment #3.

[Replace Table 40-1 in Section 11.40.020 with the following proposed table - Underlining has been omitted in the proposed table for readability]

Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 zoning review for removing
Environmental conservation and protection overlay zones "c" "p" See: 33.430.080	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the listed situations
Greenway overlay zones "n" "q" "g" "i" "r" See: 33.440.320	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Nuisance species trees ▪ Dangerous trees ▪ Trees landward of the greenway setback in "g" "i" "r" overlays	**Street** all **City** all **Private** all	▪ Native Trees ▪ Non-native non-nuisance trees ▪ Dead or dying trees ▪ Trees not meeting the listed situations when located within or riverward of the greenway setback in "g" "i" "r" overlays ▪ Trees not meeting the listed situations when located in "n" "q" overlays
Pleasant Valley Natural Resources Overlay Zone "v" See: 33.465.080	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the listed situations
Scenic Resource Overlay "s" Only applies to trees in **Scenic Corridors** that are within the minimum street setback or the first 20 feet from the street lot line where no street setback exists. See: 33.480.040.B.2.g	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Trees within 20 feet of a public safety RF Transmission Facility ▪ Any Private or City trees <12" provided that replanting is met in accordance with 33.248.030 [3]	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees within the street setback or first 20 feet from the street lot line that do not meet the listed situations

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

Amendment #4 Commentary Continued

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CLARIFY AND EXPAND TABLE 40-1

Table 40-1 Overlay Zones and Plan Districts

The following summarizes key amendments to the table:

1) Two existing plan districts have been added to the first column; Cascade Station/Portland International Center Plan District; and Portland International Airport Plan District. These two plan districts include special environmental zone provisions that differ slightly from the general environmental overlay zone provisions.
2) Zoning Code references are moved to the first column to make them more prominent in the table.
3) New columns have been added identifying the applicable tree size and type for both the Tree Code and Zoning Code regulations for greater clarity.
4) Requirements for tree removal associated with repair and maintenance of water, sewer or storm water lines have been added to the Scenic Corridor, Rocky Butte Plan District, and Johnson Creek Basin Plan District.
5) Requirements for tree removal near Radio Frequency Transmission Facilities have been added to the Scenic Corridor.
6) Where the zoning code specifies location and/or numbers of replacement trees to qualify for a Title 11 tree permit process, these specifications have been added to the relevant overlay or plan district.
7) Footnotes have been added to reinforce the requirement that replacement trees are required in all cases, except when the City Forester modifies or waives that requirement. This was added to address concerns that including specific replacement requirements from the zoning code for those overlay or plan district areas noted above, the table may imply that replacement is not required in other areas or situations.

Table 40-1 (Continued) [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing [2]	T33 Tree Size	Title 33 zoning review for removing
Cascade Station/Portland International Center Plan District See: 33.508.340 Only applies to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the listed situations
Columbia South Shore Plan District See: 33.515.262 & 33.515.274 Only applies to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the listed situations ▪ Healthy non-native non-nuisance trees that do not meet the listed situations
Johnson Creek Basin Plan District 33.537.125 Only applies to trees: ▪ Within 20 feet of the Springwater Corridor lot line; ▪ On a site with any portion in the special flood hazard area; and/or ▪ On a site with any portion in the South Subdistrict.	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Nuisance species trees ▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Any other 6" to 12" tree provided that at least two trees are planted. [3] Trees removed within 20 feet of the Springwater Corridor must be replaced within 20 feet of the corridor	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees within 20 feet of the Springwater Corridor lot line; on a site with any portion in the special flood hazard area; and/or on a site with any portion in the South Subdistrict that do not meet the situations listed

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

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Table 40-1 (Continued) [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing [2]	T33 Tree Size	Title 33 zoning review for removing
Portland International Airport Plan District See: 33.565.540 Applies only to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. This does not apply in landscaped areas of golf courses ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the situations listed
Rocky Butte Plan District See: 33.570.040	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Nuisance species trees ▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Any other 6" to 12" diameter tree provided that at least two trees are planted [3]	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees that do not meet the situations listed
South Auditorium Plan District See: 33.580.130	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Dead, Dying, or Dangerous trees provided at least one tree is planted in the same general location or in accordance with the adopted landscaping plan	**Street** all **City** ≥ 6" **Private** ≥ 6"	▪ Trees that do not meet the situations listed

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

Amendment #5

MODIFY TREE PERMIT SUMMARY TABLES

Table 40-2 and Table 40-3

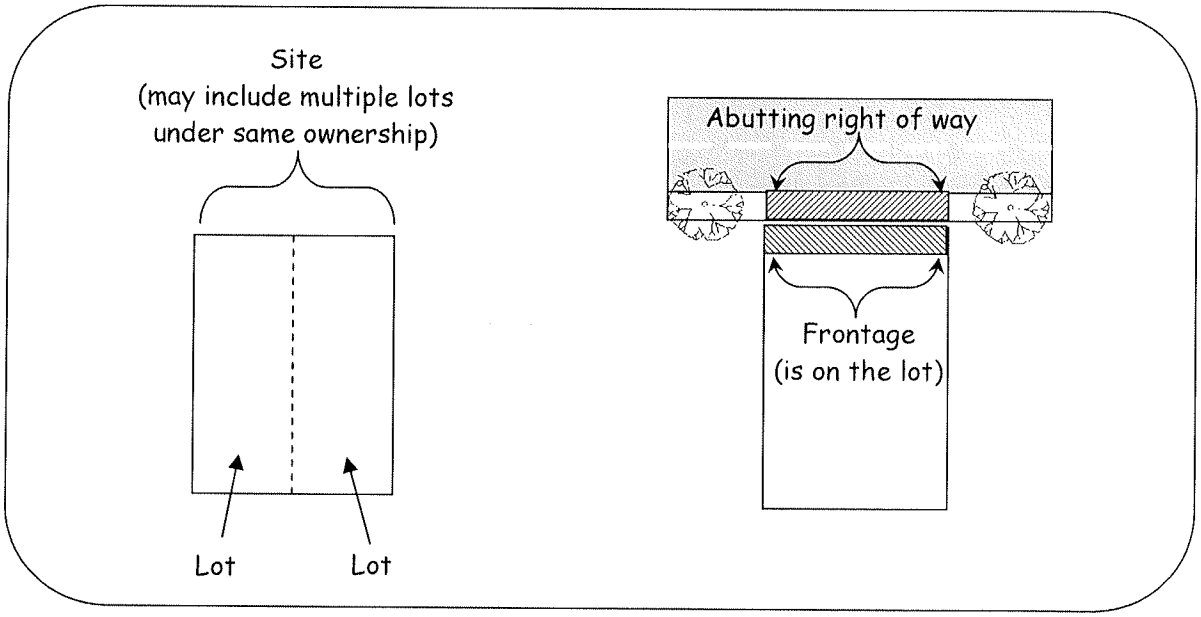
Table 40-2 summarizes the distinctions between Type A and Type B permits for City and Street Trees, including tree replacement requirements, and when public notice and opportunities for public appeal are required.

Changes to this table are intended to clarify tree replacement and public notice requirements for different tree size thresholds. The changes identify two tree size categories that were omitted from the previous version of this table: trees smaller than three inches diameter; and trees that are at least three inches and smaller than 12 inches diameter.

Other changes to this table include consistent use of the term "site" instead of "lot". "Site" refers to property under common ownership and may include several lots or parcels of land. "Lot" is a more narrow definition referring to a distinct plot of land, sometimes constituting only a portion of a "site".

In addition the term "frontage" has been replaced with "abutting right of way". Site "frontage" refers to the portion of a site that abuts a street, rather than the portion in the right of way that abuts a property. This clarification reflects the intent of this section which is to address street trees in the right of way.

Language has also been added to make it clear that a permit is not required for removing sucker shoots and small self-sown trees.



[Replace Table 40-2 in Section 11.40.040 with the following proposed table- Underlining has been omitted in the proposed table for readability]

Table 40-2
Summary of Permit Requirements for City and Street Trees

Activity	Permit Type	Tree Replacement [1] (See Section 11.40.060)	Public Notice / Public May Appeal
No Permit is required for: - **pruning** branches or roots <1/4"; - **removing** City Trees <3" in diameter; - **removing street trees** that are sucker shoots, self-sown trees < 1/4"; or - **other** activities that are exempt from the requirements of this Chapter (see 11.40.030).			
Planting trees **Pruning** branches or roots larger than ¼" **Other activities** as described in 11.40.040 A.3	A	n/a	No
Removal of any regulated tree that is: - dead, dying, or dangerous	A	tree for tree	No
Removing up to 4 healthy trees per site, or abutting right of way per year as follows:			
- less than 3" in diameter	A[2]	tree for tree	No
- 3 to <12" in diameter	B	tree for tree	No
- 12 to <20" in diameter	B	tree for tree	No
- 20" and larger in diameter	B	inch for inch	Yes
Removing more than 4 healthy trees per site, or abutting right of way per year as follows:			
- less than 3" in diameter	A [2]	tree for tree	No
- 3 to <12" in diameter	B	tree for tree	No
- > 12" in diameter	B	inch for inch	Yes
- 20" and larger in diameter	B	inch for inch	Yes

[1] "Tree for Tree" means one tree is required to be planted for each tree removed, "inch for inch" means the City Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed.

[2] Applies to all Street Trees, in addition to any other City Trees planted as part of a landscaping or mitigation requirement, including trees planted to replace trees removed under a previous tree permit.

Amendment #5 Commentary Continued

MODIFY TREE PERMIT SUMMARY TABLES

Table 40-2 and Table 40-3

Similar to Table 40-2(Summary Table for City and Street Trees), Table 40-3 summarizes the distinctions between Type A and Type B permits for Private Trees, including tree replacement requirements, and when public notice and opportunities for public appeal are required.

Amendments to this table are made to keep formatting, terminology, and footnotes consistent with the changes made to Table 40-2 including consistent use of the terms "site" instead of "lot". "Site" refers to property under common ownership and may include several lots or parcels of land. "Lot" is narrower and refers to a distinct plot of land, sometimes constituting only a portion of a "site".

[Replace Table 40-3 in Section 11.40.050 with the following proposed table Underlining has been omitted in the proposed table for readability]

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Table 40-3
Summary of Permit Requirements for Private Trees

Activity	Permit Type	Tree Replacement[1] (See Section 11.40.060)	Public Notice / Public May Appeal
No permit is required for: - **planting** trees - **pruning** trees outside of the environmental protection (p), environmental conservation (c), or Pleasant Valley Natural Resource (v) overlay zones; - **removal** of trees smaller than the sizes regulated by this chapter (see 11.40.020 B.); or - **other** activities that are exempt from the requirements of this chapter (see 11.40.030)			
Pruning native trees in c, p, or v overlay zones	A	n/a	No
Removal of any tree that is: - dead, dying, or dangerous - a nuisance species identified in the Portland Plant List - located within 10 feet of building or attached structure	A	tree for tree	No
Removing up to 4 healthy non-nuisance species trees per site per year as follows:			
- Smaller than 20" diameter	A	tree for tree	No
- 20" diameter and larger	B	inch for inch	Yes[2]
Removing more than 4 healthy non-nuisance species trees per site per year as follows:			
12" diameter and larger	B	inch for inch	Yes

[1] "Tree for Tree" means one tree is required to be planted for each tree removed, "inch for inch" means the City Forester may require up to an equivalent number of inches be planted for the total diameter inches of the tree being removed.

[2] No public notice or opportunity for public appeal is required for removal of one healthy tree $\geq$ 20" diameter per lot per year in any residential zone.

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Amendment #6

CORRECT REFERENCES AND REPLACE INCONSISTENT TERMINOLOGY

11.40.040 City and Street Tree Permit Standards and Review Factors

11.40.050 Private Tree Permit Standards and Review Factors; and

11.40.060 Tree Replacement Requirements.

Section 11.40.040 lays out the standards and review factors for evaluating Type A and Type B permits for City and Street Trees.

This section includes a reference to 11.40.020 relating to removal of trees that are located in overlay zones and plan districts. Amendment #2 reorganized 11.40.020. Consequently, this amendment replaces the reference with a more direct reference to Table 40-1 (Tree Removal in Overlay Zones and Plan Districts).

In addition, the reference to tree preservation required by a "tree plan" is unnecessary, since a tree plan is only in effect during a development project. An "A" or "B" permit would not be issued if a site is under development. Instead, tree removal and planting requirements would be subject to 11.50 "Trees in Development Situations."

Conversely, the reference to "conditions of a land use review" is retained. This is because for some land use decisions, conditions of approval may require the long-term retention of certain trees. Removal of these trees, even after the approved development has been completed, would be subject to the requirements of the particular land use decision.

11.40.040 City and Street Tree Permit Standards and Review Factors.

Type A and B permit applications for tree related work affecting City or Street Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

[Table 40-2 Summary of Permit Requirements for City and Street Trees]

A. [No change]

B. [No change]

1. [No change]

a. For trees located in one of the overlay zones or plan districts identified in ~~Subsection 11.40.020 B.2~~. Table 40-1, the proposed removal is exempt or allowed by Title 33, Planning and Zoning;

b. The tree is not required to be preserved by ~~a tree plan,~~ a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;

c. [No change]

2. [No Change]

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Amendment #6 Commentary Continued

CORRECT REFERENCES AND REPLACE INCONSISTENT TERMINOLOGY

11.40.040 City and Street Tree Permit Standards and Review Factors

11.40.050 Private Tree Permit Standards and Review Factors; and

11.40.060 Tree Replacement Requirements.

Section 11.40.050 lays out the standards and review factors for Type A and B permits for Private Trees.

This amendment replaces the erroneous reference to "City and Street Trees" from this section which is specific to "Private Trees".

Similar to the requirements for City and Street trees, this section referenced 11.40.020 which relates to removal of trees that are located in overlay zones and plan districts. Amendment #2 reorganized section 11.40.020. Consequently, this amendment replaces the reference with a more direct reference to Table 40-1 (Tree Removal in Overlay Zones and Plan Districts).

Like the amendment proposed for City and Street Trees, the reference to preservation required by a "tree plan" is removed since tree plans are only in effect during a development project. An "A" or "B" permit would not be issued if a site is under development. Instead, tree removal and planting requirements would be subject to 11.50 "Trees in Development Situations."

The reference to "conditions of a land use review" is retained. This is because for some land use decisions, conditions of approval may require the long-term retention of certain trees. Removal of these trees, even after the approved development has been completed, would be subject to the requirements of the particular land use decision.

11.40.050 Private Tree Permit Standards and Review Factors.

Type A and B permit applications for tree related work affecting ~~City or Street Trees~~ Private Trees shall be reviewed using the following applicable review factors and standards in accordance with the application procedures set forth in Chapter 11.30.

[Table 40-3 Summary of Permit Requirements for Private Trees]

A. Standards and Review Factors for Type A Permits for Private Trees.

1. a-b [No change]

2. a-e [No change]

f. Healthy trees. Up to 4 healthy trees may be removed per site per calendar year if each tree meets the following:

(1) Each tree is less than 20 inches in diameter;

(2) None of the trees are Heritage Trees; and

(3) None of the trees are required to be preserved by a ~~tree plan~~, a condition of a land use review, provision of this Title or the Zoning Code, or as part of a required stormwater facility;

B. Standards and Review Factors for Type B Permits for Private Trees. Because Type B permits for Private Trees are required only for removal; the standards and review factors of this Subsection are specific to tree removal.

1. Standards. The City Forester shall determine that the following standards are met before granting a Type B permit:

a. For trees located in one of the overlay zones or plan districts identified in ~~Subsection 11.40.020 B.2~~. Table 40-1, the proposed removal is exempt or allowed by Title 33, Planning and Zoning;

b. The tree is not required to be preserved by ~~a tree plan,~~ a condition of a land use review, or provision of this Title or the Zoning Code; and

c. Trees removed shall be replaced as specified in Table 40-3.

2. [No change]

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Amendment #6 Commentary Continued

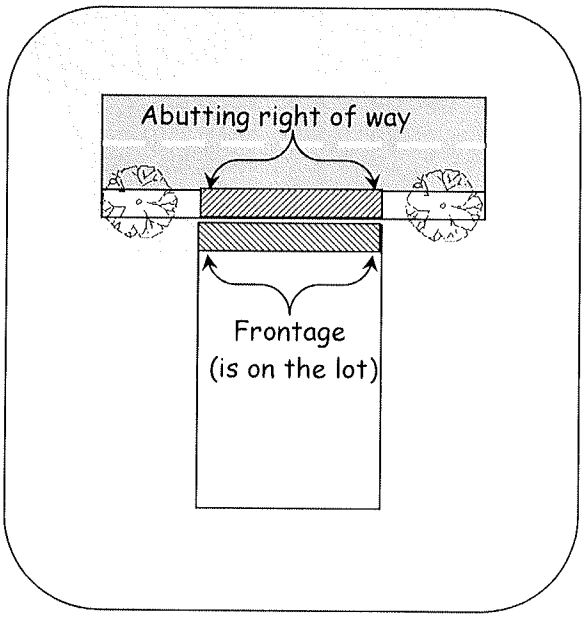
CORRECT REFERENCES AND REPLACE INCONSISTENT TERMINOLOGY

11.40.040 City and Street Tree Permit Standards and Review Factors

11.40.050 Private Tree Permit Standards and Review Factors; and

11.40.060 Tree Replacement Requirements.

Section 11.40.060 specifies tree replacement requirements for A and B permits. Terminology is changed to clarify tree location consistent with Table 40-2. Since "frontage" refers to the portion of property that abuts a street, rather than the portion in the right of way that abuts a property, this term has been replaced by "abutting right of way".



11.40.060 Tree Replacement Requirements.

Generally, the City Forester will require replacement of trees removed under a Tree Permit as specified in Subsection A. However, the City Forester may instead allow payment into the Tree Planting and Preservation Fund as specified in Subsection B., or may waive or reduce the replacement requirement as specified in Subsection C.

A.-B. [No change]

C. Waivers. The City Forester may waive or reduce the replacement requirement when the City Forester determines:

1. The ~~street frontage~~ abutting right of way and site already meet the tree density standards of Chapter 11.50; or

2. [No change]

Amendment #7

MODIFY ENFORCEMENT TOOLS TO PROVIDE MORE OPTIONS

11.70.080 Correcting Violations of this Title, and 11.70.090 Enforcement

The Citywide Tree Project developed an enforcement process that prioritizes correcting a violation as opposed to a lengthy and staff-intensive enforcement process. However, in so doing, a valuable tool to penalize third party contractors (i.e. tree service companies) that repeatedly violate the code was lost.

As adopted, the code requires restorative actions be taken (namely replanting, or paying a fee in lieu of planting). Only when the responsible party fails to correct the violation may enforcement actions (like fines) be levied. This limits the City's ability to penalize tree service companies that repeatedly violate since the remedies will primarily fall on the property owner (since only the property owner is able to plant trees on his/her property). Only when a property owner refuses to correct the violation, can the enforcement actions be instituted and the contractor be cited.

In the majority of cases, correcting the violation should be sufficient, and ensures that trees are replaced. However, when a tree service contractor has misrepresented that they either had tree permits or that permits were not needed when they were, the City should be able to discourage this activity by imposing fines. This is consistent with current City enforcement policy.

Amendments to sections 11.70.080 and 11.70.090 remove the stipulation that enforcement options are only accessible if attempts at correcting the violation are not successful, and thereby broaden the tools available to discourage deliberate non-compliance.

11.70.080 Correcting Violations of this Title.

A. General. The following list of remedies gives the City Forester and BDS Director broad discretion in applying a reasonable and effective means to restore a tree or site where trees have been illegally removed or damaged. The rights and remedies provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law including the enforcement actions described in Section 11.70.090. The City Forester or BDS Director may adopt administrative rules to establish priorities and guidelines for the following remedies.

B. Standard remedies. Standard remedies are intended to address a wide variety of violations of this Title. Additional remedies specific to City and Street Trees, and trees in development situations are described in Subsections C. and D. When the City determines that a violation of this Title has occurred, any or all of the standard remedies described in this Subsection, and any applicable additional remedies described in this Section may be required depending on the severity and extent of the violation. ~~If the property owner or responsible party fail to correct the violation within the time provided, the City may invoke the enforcement actions described in Section 11.70.090.~~

[Remainder of this section is unchanged]

11.70.090 Enforcement Actions.

A. General. The following list of enforcement actions gives the City Forester and BDS Director additional means to obtain compliance with the requirements of this Title, ~~when the remedies previously described are not effective or when a property owner or responsible party refuses to comply within the time limits prescribed by the City Forester or BDS Director.~~ The rights and remedies provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law. The City Forester or BDS Director may adopt administrative rules to establish priorities and guidelines for the following enforcement actions.

[Remainder of this section is unchanged]

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Amendment #8

RESCIND CONFLICTING AMENDMENTS TO ZONING CODE CHAPTER 33.508

33.430 Environmental Zones

33.508 Cascade Station/Portland International Center Plan District (CS/PIC)

The Airport Futures project (effective May 13, 2011) adopted substantial amendments to chapter 33.508 for the Cascade Station/Portland International Center (CS/PIC) Plan District in addition to creating a plan district specific for the Portland International Airport (Chapter 33.565). The Airport Futures project removed duplicative regulations for the environmental zones within these plan district areas and instead, the plan district relies on a framework of environmental regulations that either supplement or supersede the general environmental overlay regulations found in Chapter 33.430.

The revision to section 33.430.030 simply adds a reference to the Cascade Station/ Portland International Center (CS/PIC) Plan District to the list of Plan Districts and other areas that contain additional or replacement environmental regulations.

The reference to the CS/PIC is removed from section 33.430.060 (where these Regulations Apply) and the last sentence in this section has been replaced with a more general cross reference to section 33.430.030 to provide readers with a cross reference to help remind them of the supplemental or superseding regulations found within particular plan districts and/or natural resource management plan areas.

In addition to the above revisions, this amendment proposes rescinding the changes adopted through the Citywide Tree Project for the CS/PIC plan district. At the same time Airport Futures revised Chapter 33.508, the Citywide Tree project amended Chapter 33.508 in order to include consistent requirements pertaining to trees in both the environmental zone chapter and the environmental regulations found within the plan district. Since Airport Futures removed these requirements from the plan district and relies instead on the general environmental zone regulations for tree related requirements, the Citywide Tree Project amendments are unnecessary. Moreover, the Citywide Tree Project amendments do not line up with the version of Title 33 as amended by Airport Futures (since that project reorganized and changed substantial portions of the plan district language).

To reconcile these conflicting amendments, this amendment proposes to simply withdraw the amendments that were proposed with the Citywide Tree Project, and leave the Airport Futures amendments, which are currently in effect, intact.

33.430.030 Relationship To Other Environmental Regulations

Some of the eight study areas discussed under Section 33.430.020 impose additional environmental regulations in Plan Districts. These additional regulations either supplement or supersede the regulations of this Chapter. Paragraph 33.700.070.E describes the hierarchy of regulations within the Zoning Code.

Additionally, Natural Resource Management Plans may contain regulations that supersede or supplement the regulations of this chapter. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter. Maps 430-9, 10, 11 and 12 show Natural Resource Management Plan areas.

The following Plan Districts and Natural Resource Management Plans have additional regulations that may supersede or supplement the environmental regulations of Chapter 430:

- *The Balch Creek Watershed (see Chapter 33.563, Northwest Hills Plan District)*
- *Cascade Station/ Portland International Center Plan District (see Chapter 33.508)*
- *The Columbia South Shore within the Columbia Corridor (see Chapter 33.515, Columbia South Shore Plan District)*
- *Johnson Creek Basin (see Chapter 33.537, Johnson Creek Basin Plan District)*
- *Northwest Hills Natural Areas (see Chapter 33.563, Northwest Hills Plan District)*
- *Skyline West Conservation Plan area (see Chapter 33.563, Northwest Hills Plan District)*
- *East Columbia Neighborhood Natural Resources Management Plan (separate document)*
- *Smith and Bybee Lakes Natural Resources Management Plan (separate document)*
- *Forest Park Natural Resources Management Plan (separate document)*
- *Natural Resources Management Plan for the Peninsula Drainage District No. 1 (separate document)*
- *Portland International Airport Plan District (see Chapter 33.565)*

This chapter contains only the City's environmental regulations. Activities which the City regulates through this chapter may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

33.430.060 Where These Regulations Apply

These regulations apply to all environmental zones, except those in the Columbia South Shore Plan District that are south of NE Marine Drive, ~~those in the Cascade Station/Portland International Center Plan District,~~ those that are within the Smith and Bybee Lakes Natural Resources Management Plan area, City-owned land within the Forest Park Natural Resources Management Plan area, and the Peninsula Drainage District No. 1 Natural Resources Management Plan area. See also Section 33.430.030, Relationship to Other Environmental Regulations. ~~Chapter 33.515, Columbia South Shore Plan District, Chapter 33.508, Cascade Station/Portland International Center Plan District, the Smith and Bybee Lakes Natural Resources Management Plan, the Forest Park Natural Resources Management Plan, or the Natural Resources Management Plan for the Peninsula Drainage District No. 1.~~

COMMENTARY

Note:

The Citywide Tree Project adopted amendments to Chapter 33.508 are included for reference. All revisions shown here are proposed to be rescinded. For readability, these rescinded amendments are not shown in strikethrough.

Environmental Zones

33.508.312 Items Subject to These Regulations
[No change.]

33.508.314 Items Exempt From These Regulations
The following are exempt from the development standards and required reviews stated in Sections 33.508.300 through 33.508.340 ~~this section:~~. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees must still be met. When no development or other activities are proposed that are subject to the development standards or review requirements of this chapter, tree removal allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

A. – K. [No change.]

L. Removing ~~a~~ trees or plants listed ~~on~~ the Nuisance Plants List;

M. Removing trees that are within 10 feet of an existing building and structures attached to existing buildings, such as decks, stairs, and carports;

N. Removing ~~other~~ dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing ~~these~~ portions is exempt only if all sections of wood ~~greater~~ more than 12 inches in diameter either:

1. ~~R~~remain, or are placed, in the resource area of the same ownership on which they are cut; or
2. Are removed, if the City Forester authorizes removal of diseased wood because leaving it in the resource area of the same ownership will threaten the health of other trees; and

O. Pruning trees in accordance with Title 11 permit requirements.

Note:

The Citywide Tree Project adopted amendments to Chapter 33.508 are included for reference. All revisions shown here are proposed to be rescinded. For readability, these rescinded amendments are not shown in strikethrough.

33.508.330 Development Standards

A. [No change.]

B. Land uses and activities within an environmental zone must meet the following standards:

1. – 4. [No change.]

5. All development or activities which disturb ground or remove vegetation must conform to Chapter 24.70, Clearing and~~,~~ Grading~~, and Erosion Control~~ and to the *Erosion Control Manual* ~~Technical Guidance Handbook~~. In addition, the following standards must be met:

   a. – d. [No change.]

6. – 8. [No change.]

9. Construction and ongoing maintenance for overhead or underground utilities, including sanitary sewer connections to individual lots and stormwater outfalls, cannot affect more than a 10-foot-wide corridor across the resource for private utility connections and a 15-foot-wide corridor for public utilities. These activities cannot result in the killing or removal of trees ~~over~~ 6 or more inches in diameter~~, measured 4-1/2 feet above the ground~~.

10. – 13. [No change.]

14. Construction of the trail or recreation facilities cannot result in the removal of trees ~~more than~~ 6 or more inches in diameter~~, measured 4-1/2 feet above the ground,~~ and are not required to be located within wetlands subject to state or federal regulations.

15. – 17. [No change.]

EXHIBIT C

185654

ADDITIONAL STAFF AMENDMENTS

Recommended Housekeeping Amendments to Title 11, Trees

September 2012

The amendments in this section were identified after the Urban Forestry Commission and Planning and Sustainability Commission hearings. They represent minor changes not previously reviewed. Additional amendment rational is included.

185654

Amendment #1

AMEND PROCESS FOR UPDATING TITLE 11, TREES

Section 11.10.040 Amendments to this Title

Section 11.10.040 addresses the public hearing and notification requirements for amending Title 11. Two types of amendments are described; substantive and technical:

- *Substantive amendments* involve new policy or a change to existing policy and require public hearings to be held by both the Urban Forestry Commission and the Planning and Sustainability Commission prior to a City Council Hearing. These hearings provide an opportunity for the public to review and comment on a proposed amendment.
- *Technical Amendments* include minor code clarifications, typos, misspellings, renumbering sections, or reorganizing the code. Since no policy changes result from a technical amendment, no public hearings are required. The City Attorney or the Auditors Office can make these amendments without public comment or review. Other than technical amendments, Title 11 does not make a distinction between policy changes, and non-policy related changes. As a result public hearings are required for non-policy related amendments, such as amendments necessary to bring Title 11 into conformance with other code Titles.

Changes to this section add a third category to address conforming amendments.

- *Conforming amendments* are required when changes to other city titles affect the regulations in Title 11. For example, if changes to zoning code plan district regulations result in no longer requiring land use reviews for tree removal, Table 40-1 in Title 11 would need to be updated to reflect that change.
- City codes require public hearings to amend. It would be duplicative and unnecessary to require additional public hearings to keep Title 11 current with these types of policy shifts.

This amendment eliminates duplicative hearings, and allows Title 11 to remain current with other City and State titles in a more timely and efficient manner, without reducing citizens' access to the code amendment process.

Additional Staff Amendment

Additional clarification has been added to this section to specify public notification responsibilities for all amendment types.

11.10.040 Amendments to this Title.

A. General.

1. Substantive amendments to this Title or amendments necessary to ensure conformance with other City Titles may be prepared by any bureau but will be coordinated by the Bureau charged with those responsibilities in the Title in consultation with the Bureaus of Planning and Sustainability, Parks and Recreation, Development Services, Environmental Services, Transportation, and Water.

2. Technical corrections and matters of simple clarification may be prepared and approved by the Auditor or City Attorney.

B. Urban Forestry Commission (UFC). The UFC shall hold at least one public hearing for proposed amendments to this Title before making a recommendation on such an amendment. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles. ~~However, notification of any amendment shall be sent to the Urban Forestry Commission a minimum of 14 days prior to a decision.~~

C. Planning and Sustainability Commission (PSC). The PSC may provide input on the proposed amendments to the UFC. The PSC shall hold a public hearing for any proposed substantive amendments to Chapter 11.50 Trees in Development Situations, Chapter 11.60 Technical Specifications, or Chapter 11.70 Enforcement. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles.

D. ~~Public Notice for the hearing~~. Notification Requirements.

1. UFC or PSC Hearing. Notice of any public hearing held by the UFC or PSC to consider a proposed substantive amendment to this Title shall be mailed to Metro, the Oregon Department of Transportation, all recognized organizations, affected bureaus, and interested persons who have requested such notice. Notice shall also be published in a recognized newspaper and mailed at least 30 days prior to the hearing.

2. The Urban Forestry Commission shall additionally be notified of any amendment needed to ensure conformance with other city titles or technical corrections a minimum of 14 days prior to a final decision.

~~2~~.3 City Council Hearing. Notice of the hearing shall be mailed to those who testified at the UFC hearing, either in person or in writing, or those who requested such notice. If hearings were not held by the UFC or PSC, notice shall be mailed to all affected Bureaus and persons who have requested such notice. Notice shall be published in a recognized newspaper and mailed at least 14

days prior to the hearing.

4. The notifications required by this section shall be the responsibility of the Bureau coordinating the amendment or technical correction.

E. City Council. The City Council shall hold at least one public hearing on all amendments that are not considered technical. City Council makes the final decision on amendments, after considering the recommendations of the UFC and PSC and after hearing testimony from the public.

F. [No Change]

Amendment #4

CLARIFY AND EXPAND TABLE 40-1

Table 40-1 Overlay Zones and Plan Districts

In some plan districts and overlay zones, certain tree removal is regulated by the Zoning Code rather than Title 11. Table 40-1 was included in this section to direct readers to the appropriate set of regulations and to serve as a useful "at a glance" tool for readers to quickly determine which regulations apply. However, the currently adopted table does not contain all scenarios where zoning code regulations apply. These gaps in information may result in readers inadvertently applying the wrong set of regulations or assuming their tree is exempt (from either Title 11 or Title 33 or both) when it is not.

This amendment expands Table 40-1 to capture the vast majority of situations where zoning code regulations apply. Including this information will help prevent inadvertent zoning or tree code violations.

This amendment also includes revisions to capture the elimination of the minimum street tree size threshold proposed in Amendment #3.

Additional Staff Amendment

Additional clarification has been added to the column addressing Title 33, Zoning Code applicability, including revising the header in the last column to reflect zoning "code" review, as well as additional language in this column that specifies that if a tree does not meet the Title 11 situations "listed in the table" then a Title 33 zoning code review is required. This revision is indicated in the proposed table by underlining added language and ~~strikethrough~~ deleted language.

[Amend Table 40-1 in Section 11.40.020 with the following changes in the proposed table]

Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 ~~z~~Zoning Code review for removing:
Environmental conservation and protection overlay zones "c" "p" See: 33.430.080	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table
Greenway overlay zones "n" "q" "g" "i" "r" See: 33.440.320	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Nuisance species trees ▪ Dangerous trees ▪ Trees landward of the greenway setback in "g" "i" "r" overlays	**Street** all **City** all **Private** all	▪ Native Trees ▪ Non-native non-nuisance trees ▪ Dead or dying trees ▪ Trees not meeting the listed situations when located within or riverward of the greenway setback in "g" "i" "r" overlays ▪ Trees not meeting the listed situations when located in "n" "q" overlays
Pleasant Valley Natural Resources Overlay Zone "v" See: 33.465.080	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table
Scenic Resource Overlay Zone "s" Only applies to trees in **Scenic Corridors** that are within the minimum street setback or the first 20 feet from the street lot line where no street setback exists. See: 33.480.040.B.2.	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Trees within 20 feet of a public safety RF Transmission Facility ▪ Any Private or City trees <12" provided that replanting is met in accordance with 33.248.030 [3]	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees within the street setback or first 20 feet from the street lot line that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District; the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

The following summarizes key amendments to the table:

1) Two existing plan districts have been added to the first column; Cascade Station/Portland International Center Plan District; and Portland International Airport Plan District. These two plan districts include special environmental zone provisions that differ slightly from the general environmental overlay zone provisions.
2) Zoning Code references are moved to the first column to make them more prominent in the table.
3) New columns have been added identifying the applicable tree size and type for both the Tree Code and Zoning Code regulations for greater clarity.
4) Requirements for tree removal associated with repair and maintenance of water, sewer or storm water lines have been added to the Scenic Corridor, Rocky Butte Plan District, and Johnson Creek Basin Plan District.
5) Requirements for tree removal near Radio Frequency Transmission Facilities have been added to the Scenic Corridor.
6) Where the zoning code specifies location and/or numbers of replacement trees to qualify for a Title 11 tree permit process, these specifications have been added to the relevant overlay or plan district.
7) Footnotes have been added to reinforce the requirement that replacement trees are required in all cases, except when the City Forester modifies or waives that requirement. This was added to address concerns that including specific replacement requirements from the zoning code for those overlay or plan district areas noted above, the table may imply that replacement is not required in other areas or situations.

Table 40-1 (Continued) [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 ~~z~~Zoning Code review for removing:
Cascade Station/Portland International Center Plan District See: 33.508.340 Only applies to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table
Columbia South Shore Plan District See: 33.515.262 & 33.515.274 Only applies to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table ▪ Healthy non-native non-nuisance trees that do not meet the ~~listed situations~~applicable Title 11 situations listed in this table
Johnson Creek Basin Plan District 33.537.125 Only applies to trees: ▪ Within 20 feet of the Springwater Corridor lot line; ▪ On a site with any portion in the special flood hazard area; and/or ▪ On a site with any portion in the South Subdistrict.	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Nuisance species trees ▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Any other 6" to 12" tree provided that at least two trees are planted. [3] Trees removed within 20 feet of the Springwater Corridor must be replaced within 20 feet of the corridor	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees within 20 feet of the Springwater Corridor lot line; on a site with any portion in the special flood hazard area; and/or on a site with any portion in the South Subdistrict that do not meet ~~the situations listed~~applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District; the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

Table 40-1 (Continued) [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 ~~z~~Zoning Code review for removing:
Portland International Airport Plan District See: 33.565.540 Applies only to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. This does not apply in landscaped areas of golf courses ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table
Rocky Butte Plan District See: 33.570.040	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Nuisance species trees ▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Any other 6" to 12" diameter tree provided that at least two trees are planted [3]	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees that do not meet the ~~situations listed~~applicable Title 11 situations listed in this table
South Auditorium Plan District See: 33.580.130	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Dead, Dying, or Dangerous trees provided at least one tree is planted in the same general location or in accordance with the adopted landscaping plan	**Street** all **City** ≥ 6" **Private** ≥ 6"	▪ Trees that do not meet the ~~situations listed~~applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

New Amendment #9

INCLUDE A DEFINITION FOR THE "h" OVERLAY

Chapter 11.80 Definitions and Measurements

Section 11.40.050 provides standards and review factors for private trees. This includes requirements for Type 'A' pruning permits. Some trees may receive an "Exception" to the requirements and may be pruned without obtaining a permit. One of these existing exceptions is for crown maintenance and crown reduction of trees within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District when they exceed the protected height limit delineated by the "h" overlay zone for the safety of aircraft operations.

The "h" overlay, or aircraft landing zone, is already a designated overlay zone shown on the Official Zoning Map. While the "h" overlay is referenced in Title 11, a definition for this zone was inadvertently left out, leaving it somewhat ambiguous to what the "h" overlay zone referred. This amendment adds a definition for the "h" overlay, ensuring consistency between the zoning code and Title 11, and eliminating this ambiguity.

CHAPTER 11.80

DEFINITIONS AND MEASUREMENTS

11.80.010 [No Change]

11.80.020 Definitions and Measurements.

A. [No Change]

B. The definition of words with specific meaning in the tree code are as follows:

1 – 18. [No change]

19. "Overlay Zones and Plan Districts" refers to any of the following overlay zones or plan districts as shown on the Official Zoning Map, unless the specific regulation states otherwise:

a – d. [No Change]

e. Aircraft Landing Zone, for trees located within the aircraft landing zone, shown on the Official Zoning Map with an "h".

f. Johnson Creek Basin Plan District, only applied to the South Subdistrict, to areas within the special flood hazard area, and to sites that abut the Springwater Corridor.

~~f~~.g. Rocky Butte Plan District

~~g~~.h. South Auditorium Plan District