

ORDINANCE No. 186900

Amend regulations in the Public Improvements and Building Regulations Code that were adopted through the Citywide Tree Policy and Regulatory Improvement Project, to conform to subsequent changes to City Code (Ordinance; amend Ordinance No. 184522; amend Code Titles 17 and 24)

The City of Portland ordains:

Section 1. The Council finds:

1. On April 13, 2011, the Portland City Council adopted Ordinance No. 184522. Adoption of this ordinance represented the culmination of Citywide Tree Policy and Regulatory Improvement Project (Citywide Tree Project), which overhauled the City's tree-related regulations and directed a number of customer service improvements. The regulatory update was intended to advance the City's urban forest management goals in balance with other City goals and policies.
2. Ordinance No. 184522 consolidated most of the City's tree-related regulations into a new code title, Title 11, Trees. This ordinance also amended titles 3 Administration, 8 Health and Sanitation, 14C Public Order and Police, 16 Vehicles and Traffic, 17 Public Improvements, 20 Parks and Recreation, 24 Building Regulations, 29 Property Maintenance Regulations, and 31 Fire Regulations.
3. The initial effective date for these code change established in Ordinance No. 184522 was February 1, 2013. In response to serious City budget cuts, the City Council passed two subsequent ordinances to delay the effective date of the new and amended regulations. Ordinance No 185448 (June 21, 2012) delayed the effective date to July 1, 2013. Ordinance No 186053 (May 29, 2013) delayed the effective date to January 1, 2015.
4. In the intervening period, Council adopted two other ordinances through unrelated projects that amended some of the the same sections of City Code that had been amended by Ordinance No. 184522.
 - a. Ordinance No. 184957, passed by the Council on October 26, 2011, amended several chapters of Title 17. Among other changes, this ordinance amended the Public Improvement Code to more accurately reflect the Bureau Director and City Engineer responsibilities, updated, clarified and reorganized sections, and deleted outdated sections.
 - b. Ordinance No. 185798, passed by the Council on December 12, 2012, amended Title 24, which among other changes, repealed Chapter 24.95 (special Design Standards for Five Story Apartment Buildings). This chapter was made obsolete by the passage of regulations pertaining to the

same subject matter in the International Building Code and Oregon Structural Specialty Code. In order to avoid inconsistencies with state law, this chapter was deleted.

5. The code amendments adopted through Ordinance Nos. 184957 and 185798 created inconsistencies with several amendments adopted through Ordinance 184522. Several amendments to Chapters 17 and 24 are needed to rectify these inconsistencies. The proposed amendments are solely for the purpose of conforming to subsequent code amendments and do not modify the intent or meaning of amendments adopted through Ordinance 184522. Specifically:
 - a. Ordinance No 184522 directed that a provision pertaining to “Tree tubs” be moved from Chapter 17.52, Trees, to Chapter 17.44, Street Obstructions, section 17.44.015, Revocable Permits to Construct and Maintain Structures in the Street Area. Ordinance No 184957 has since repealed section 17.44.015. The Provision pertaining to Tree Tubs is now proposed to remain unchanged in Chapter 17.52, Trees.
 - b. Section 17.48.030 Moving Permit, was amended through Ordinance No. 184957. Tree-related amendments are consistent with the intent of amendments adopted through Ordinance No. 184522. One minor change is proposed to this section for additional clarity.
 - c. Section 17.48.040 Regulations, was amended through Ordinance No. 184957. Tree-related amendments are consistent with the intent of amendments adopted through Ordinance 184522. No additional modifications to current language are warranted.
 - d. Sections of Chapter 17.52 are proposed to be replaced. Section 17.52.010 Relationship to Other City Regulations, replaces several existing sections in which Ordinance No. 184522 had moved the content of those sections into Title 11, Trees. Section 17.52.010 is now proposed to provide a simple reference to Chapter 11.60, Technical Specifications, where the content of those sections is now located. 17.52.050 Tree Tubs, is proposed to be retained in this chapter, as described in a. above under section 17.52.020.
 - e. Chapter 24.95 Special Design Standards for Five Story Apartment Buildings, was repealed through Ordinance 185798, to avoid conflicts with related provisions of the state building code. Ordinance 184522 had amended Chapter 24.95 to clarify that provision of access for fire-fighting must be designed to avoid required root protection zones and provide mitigation for trees not planted or preserved as would be required in Title 11, Chapter 11.50, Trees in Development Situations. No additional amendments are needed to address the repeal of Chapter 24.95 because

requirements to address tree preservation, planting, and mitigation will still apply through Title 11 and through chapter 24.70.020 Clearing and Grading.

NOW THEREFORE, the Council directs Ordinance No. 184522 as outlined in the Tree Project Report, Volume 3 be amended as follows:

- a. Remove Section 17.44.015 because it has been repealed.
- b. Amend section 17.48.030 as follows:

17.48.030 Moving Permit

A.-C. [No change]

D. A moving permit shall not be issued until the applicant has deposited with the Treasurer a sum sufficient, in the judgment of the Director of the Bureau of Transportation, to cover the cost of repairing any and all damage or injury to street or streets, or the improvements therein including street trees, which may result from the moving operation, and also such sums as the Bureau of Transportation and Portland Fire & Rescue, and any other City bureau involved, may require to cover the cost of moving, repairing, restoring or replacing any wires, signals, trees or other properties or installations which may be necessary in preparation for or in consequence of any moving operation. Upon completion of the moving operation, the bureau or bureaus which may have required such deposit and the Director of the Bureau of Transportation shall submit to the Treasurer a statement of the costs of any operations, repairs or replacements occasioned by or as the result of the moving operation, and other information as the Treasurer may request, in order to reimburse the proper account from the money so deposited, and shall authorize the Treasurer in writing to refund the remaining portion of such deposit, if any, to the depositor. If the cost exceeds the amount deposited, the depositor shall promptly reimburse the affected bureau or bureaus for such additional cost.

- c. Remove amendments to Section 17.48.040 as they are no longer necessary. The code has already been separately updated and includes these amendments.
- d. Chapter 17.52, TREES is replaced as follows:

17.52.010 Relationship to Other City Regulations

Specifications and responsibilities for maintenance of trees with regard to public improvements are found in Chapter 11.60 of Title 11, Trees.

17.52.020 Tree Tubs.

Any person desiring to place a tub or receptacle for a tree or shrub on top of the paved or hard surfaced portion of street area shall first apply to the Director of the Bureau of Transportation for a permit. The permit may be issued by the Director of the Bureau of Transportation under such safeguards and conditions as the Director of the Bureau of Transportation and the City Attorney may find necessary or appropriate to protect the public safety and to protect the City against claims of liability. The permit may be revoked by the Director of the Bureau of Transportation for any violation of conditions or terms of the permit, or for neglect of the plantings or abandonment of use. After revocation, it is unlawful for the permittee or permittee's successor in Title to the abutting property to allow the tub or receptacle to remain in street area.

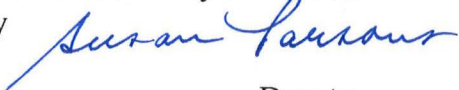
- e. Remove Chapter 24.95 Special Design Standards for Five Story Apartment Buildings as it has been repealed.

NOV 26 2014

Passed by the Council:

Commissioner Amanda Fritz
Prepared by: Morgan Tracy/Roberta Jortner, BPS
Date Prepared: November 19, 2014

LaVonne Griffin-Valade
Auditor of the City of Portland

By 
Deputy

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Agenda No.
ORDINANCE NO. 186900
Title

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<p>INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz</p>	<p>CLERK USE: DATE FILED <u>NOV 14 2014</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz <i>Amanda Fritz</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Paul L. Scarlett <i>PLS</i> and Mike Abbate <i>Mike Abbate</i> Bureau Head: Directors, Bureau of Development Services and Portland Parks & Recreation</p> <p>Prepared by: Leanne Torgerson Date Prepared: 11/12/14</p> <p>Financial Impact & Public Involvement Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/></p>	<p>ACTION TAKEN:</p> <p>NOV 19 2014 PASSED TO SECOND READING NOV 26 2014 9:30 A.M.</p>
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances <i>Tom</i></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	
<p>Council Meeting Date 11/19/14, 10:15 TC</p>	

AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:15 a.m.</u></p> <p>Total amount of time needed: 30 minutes (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 30 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	✓
2. Fish	2. Fish	_____
3. Saltzman	3. Saltzman	✓
4. Novick	4. Novick	✓
Hales	Hales	✓