

SUBSTITUTE

RESOLUTION No. 37473 As Amended

Direct the Bureau of Development Services, in coordination with Portland Parks & Recreation and Bureau of Planning and Sustainability, to conduct stakeholder engagement, analysis, and develop three proposals to address recommendations made by the Planning and Sustainability Commission and Urban Forestry Commission, regarding Trees in Development Situations (PCC 11.50) (Resolution).

WHEREAS, Portland's urban forest is a unique community asset and critical infrastructure, providing a broad array of valuable ecological, social, and economic benefits, including cleaner and cooler air and water, reduced urban heat island impacts, reduced stormwater runoff, reduced landslide and flood impacts, carbon sequestration, neighborhood beauty and walkable streets, public health benefits, wildlife habitat, and enhanced property values. The urban tree canopy requires protection and management for the health and safety of all people living in or visiting Portland.

WHEREAS, Portland's Climate Action Plan and Climate Preparation Strategy contain goals, policies, and actions calling for improved quality, quantity, and equitable distribution of tree canopy throughout the city.

WHEREAS, The City Forester and the Bureau of Development Services (BDS) Director each administer portions of Portland City Code (PCC) Title 11, Trees, as described in PCC 11.10.010. The BDS Director is responsible for reviewing development permits for compliance with PCC 11.50, Trees in Development Situations, for private trees. The bureau with lead responsibilities for each portion of the Title coordinates amendments to Title 11 in consultation with other City bureaus as described in PCC 11.10.040.

WHEREAS, Portland City Code (PCC) Chapter 11.50, Trees in Development Situations, in part, regulates tree removal, tree preservation, and tree planting associated with development projects including regulations for when tree preservation is required and what mitigation is required when certain trees are not preserved.

WHEREAS, in response to public concern about removal of especially large sized trees in development situations, City Council passed Amendments to Title 11, Trees, (Ord. 187675, effective May 13, 2016) to strengthen tree preservation regulations on private property in development situations as an interim measure until such time a more comprehensive evaluation and amendment of Title 11, including regulations for tree preservation in development situations could be undertaken. These amendments were adopted with a sunset date of December 31, 2019.

WHEREAS, the Bureau of Development Services has conducted an initial review of some of the specific amendments adopted in Ordinance 187675, but has not been able to conduct a comprehensive review of the specific amendments adopted in Ordinance 187675. Therefore, the Bureau of Development Services, with the support of the City Forester, initiated a proposal to extend the sunset date of the amendments adopted in Ordinance 187675 from December 31, 2019 to December 31, 2024 to allow for additional time to complete a more comprehensive evaluation of the regulations. (Exhibit A)

WHEREAS, the Planning and Sustainability Commission (PSC) and Urban Forestry Commission (UFC) held hearings and made recommendations to City Council on the proposal as required by Title 11. (Exhibit B and Exhibit C)

WHEREAS, the PSC and UFC made recommendations on the staff proposal to extend the sunset date for regulations passed on Ord. 187675. Both Commissions made additional recommendations. The additional recommendations pertain to removal of an exemption for tree preservation and planting regulations for certain zones and to a reduction in a critical tree size threshold for some regulations. Specifically, the PSC and UFC recommended removing the existing exemptions for Title 11 Tree Preservation Regulations on IH, IG1, EX, and CX zoned lands. The UFC also submitted additional testimony advising removal of the exemption from Tree Density (Planting) Regulations on IH, IG1, EX, and CX zoned lands and reducing the tree size threshold that triggers inch-for-inch mitigation when trees subject to tree preservation requirements are removed from 36-inches to 20-inches in diameter.

WHEREAS, the PSC and UFC are valued Commissions whose recommendations are integral to the legislative process for amending Title 11, and whose recommendations should be considered by City Council.

WHEREAS, there was not stakeholder engagement or adequate analysis or notification of the additional recommendations prior to the staff report of August 23, 2019, and it is not feasible to complete appropriate stakeholder engagement, analysis, and notification regarding the additional recommendations without sufficient time and resources.

WHEREAS, all people living in or visiting Portland do not have equal access to the protection and benefits of the urban tree canopy, which impacts their ability to breathe healthy air, exercise, stay cool, and pursue happiness. These people include children, houseless, elderly, and those living in low income areas.

NOW, THEREFORE, BE IT RESOLVED that the Bureau of Development Services (BDS), in coordination with Portland Parks & Recreation (PP&R) and Bureau of Planning and Sustainability (BPS), shall conduct stakeholder engagement, analysis, and develop proposals that address tree preservation in development situations (PCC 11.50.040) based on best available science.

BE IT FURTHER RESOLVED that BDS, BPS, and PP&R shall immediately prepare a proposal to address the exemption from regulations for certain zones. BDS, BPS, and PP&R, shall conduct technical analysis and coordinate legal review to develop an analysis that addresses the exemption from preservation and density regulations in IH, IG1, EX, and CX zones. Based on this initial analysis, stakeholder feedback, and legal review, BDS, in coordination with BPS and PP&R, shall develop a proposal to remove the exemption and submit it to City Council no later than July 7, 2020, if the analysis and legal review allow for removal of the exemption.

BE IT FURTHER RESOLVED, concurrently with the first proposal, BDS and PP&R, in coordination with BPS, shall prepare a proposal to amend the regulations for tree

preservation adopted by Ordinance 187675, including evaluating reduction of critical tree size threshold for inch-for-inch mitigation from 36-inches to 20-inches. BDS and PP&R shall return to Council with this second proposal no later than July 7, 2020, if the analysis and legal review allow for reduction of critical tree size threshold.

BE IT FURTHER RESOLVED, BDS and PP&R shall coordinate with BPS to develop a scope of work for additional updates to strengthen Title 11. BDS and PP&R shall bring a scope for Council review no later than December 7, 2020.

BE IT FURTHER RESOLVED that BDS shall develop a detailed scope and budget for this work and submit it to the Council for review and approval as part of the FY 19-20 Spring BMP and any future budget process. The scope shall include specific steps to include the most impacted communities in decisions regarding tree preservation.

BE IT FURTHER RESOLVED that PP&R shall develop a request for budgeted resources and submit it to the Council for review and approval as part of the FY 19-20 Spring BMP and any future budget process.

BE IT FURTHER RESOLVED that BPS shall develop a request for funding and submit it to Council for review and approval as part of the FY 19-20 Spring BMP and any future budget process.

BE IT FURTHER RESOLVED, the directives in this Resolution are Binding City Policy.

Adopted by the Council: JAN 08 2020

Mayor Ted Wheeler
 Prepared by: Emily Sandy, BDS and Sam Diaz,
 Office of Mayor Ted Wheeler
 Date Prepared: January 8, 2020

Mary Hull Caballero
 Auditor of the City of Portland

By



Deputy

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 Agenda No.
RESOLUTION NO. 37473 As Amended
 Title

Direct the Bureau of Development Services, in coordination with Portland Parks and Recreation and Bureau of Planning and Sustainability, to conduct stakeholder engagement, analysis, and develop a proposal to address recommendations made by the Planning and Sustainability Commission and Urban Forestry Commission, regarding Trees in Development Situations (PCC 11.50) (Resolution)

INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>JAN 10 2019</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler	Mary Hull Caballero Auditor of the City of Portland By: Deputy ACTION TAKEN:
Position 1/Utilities - Fritz	
Position 2/Works -	
Position 3/Affairs - Hardesty	
Position 4/Safety - Eudaly	
BUREAU APPROVAL Bureau of Development Services Rebecca Esau, Director	
Prepared by: Sam Diaz Date Prepared: January 8, 2019	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date January 8, 2020, 3:45 TC	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: 3:45 TC Total amount of time needed: 75 minutes (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Vacant	2. Vacant		
3. Hardesty	3. Hardesty	_____	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	