

Amendment #	Proposed Amendment	Issue	Solution	Code Section
14	Clarify Street Trees are adjacent to sites and not on a site	Title 11 exempts certain sites from on-site tree preservation standards. These exemptions are not intended to exempt the property from Street Tree preservation standards. However, the way the code is currently written leads to understandable confusion.	Amend 11.50.040.B to clarify the exemptions apply to on-site preservation standards only.	11.50.040
15	Clarify City Forester review is required in City projects	Title 11 has been interpreted as only requiring City Forester review of City Projects when trees will be removed. This is not consistent with the role of the City Forester or the intent of Title 11. Development activity can trigger planting requirements regardless of whether trees will be removed.	Amend to state that City Forester review for determining preservation and planting requirements is required whenever regulated trees are on the property.	11.50.040
16	Clarify when trees can be removed in development	The code provides preservation standards but is not clear on when a tree can be removed in development. Users of the code are left to infer removal criteria.	Specifically state when trees can qualify for removal in the development chapter. This will memorialize the current practice.	11.50.040
17	Clarification of 1/3 trees in development	Title 11 requires 1/3 of regulated on-site trees to be preservation in a development situation. The code does not provide guidance for how to determine the number of trees to preserved when the total number of trees is not cleanly divisible by three.	Amend the code to insert the current practice for this determination. Also add Thuja plicata (western redcedar) to the list of species not included in the total count of native trees used towards the preservation standard.	11.50.040.C.1
19	Clarify Development Street tree Planting Requirements	Title 11 is unclear who street tree planting requirements apply when there is existing infrastructure in the right-of-way. It states that the goal is to "maximize street tree planting" but this is also not defined. It is unclear when a new street tree is required, and subsequently when a street tree location has been removed thus resulting in a mitigation payment.	Work with other infrastructure bureaus to clarify this language.	11.50.060

20	Simplify street tree planting requirements for projects over 200 feet	The street tree planting standards for projects affecting 200 linear feet of frontage or more state that the project should "integrate existing trees and maximize new street tree planting." This language is imprecise and creates a lack of predictability for project managers. It can also make it difficult to determine how many potential planting locations have been removed requiring mitigation fee.	Amend 11.50.060.C.2 to apply the normal standard requiring a street tree every 25 feet.	11.50.060.C.2
23	Performance Path Option	Current code states "When the prescriptive path is not practicable, the applicant may propose alternative measures to modify the prescriptive root protection zone..." As long as the proposed protection follows the performance path requirements and adequately protects the trees the City should not have to determine the practicability of the prescriptive path.	add "when the applicant determines that the prescriptive path is not practicable..."	11.60.030C.2
24	Clarify definition for 'removal'	Title 11's definition of removal is "making a tree dead." This leaves it unclear whether removing an already dead tree is a regulated action.	Rework the definition to align better with the Tree Removal Specification.	11.60.050 11.80.020.B.20.c
26	Nuisance Tree is confused with Public Nuisance	The term "nuisance" is used both to refer to the Nuisance Tree list but is also in the Title 11 enforcement chapter. These two uses are not related and lead to confusion.	Consider distinct terms for each reference. For example, refer to "trees on the Nuisance Tree List" rather than calling them a nuisance tree.	11.70.000 and elsewhere
27	Enforcement Authority	The City Forester has the authority to undertake enforcement actions and issue fines but is not able to place a lien on the property. As a result, UF refers its code enforcement cases to BDS which creates inefficiency and increased costs.	Grant the City Forester the authority to place liens on properties when a violation is not resolved	11.70.000
29	Definition of dangerous does not consider site conditions	Determining whether a tree is dangerous or not requires assessing both tree conditions and site conditions. Title 11 does not currently allow for site conditions to be considered.	Allow City Forester to assess site condition when determining whether a tree can be dangerous. This will provide options for addressing dangerous conditions without removing the tree.	11.70.030 11.80
30	Clarify that injuring a regulated tree is a prohibited action	The current wording of 11.70.050.B leaves it unclear if injuries such as drowning, smothering, or damaging a regulated tree is a prohibited action. This code only says it is prohibited to do without a permit. There are no permits for some of the listed actions.	Clarify that these are prohibited actions. Street and City trees currently have this protection but it is unclear with regard to private trees.	11.70.050 11.40.050
31	Replacement requirement for correcting a violation	Code currently states that during an enforcement action resulting from unpermitted tree removal the "number of replacement trees will be determined by the volume of removed tree canopy." Canopy volume is not used elsewhere in Title 11 and there is no guidance for how to determine this. It is also impossible to determine after the tree has been removed.	Remove this sentence from code.	11.70.080.B.4

32	Provide City Forester authority to issue stop work order when unpermitted tree work is occurring	Current text states that the City Forester or BDS Director may issue a stop work order when work is being conducted in violation of Title 11 and public health or safety is threatened. This can allow unpermitted activity to continue that could lead to the loss of a regulated tree.	Allow the City Forester to issue a stop work order when any regulated activity is occurring without a permit.	11.70.090.B.7
33	Clarify Enforcement Action B.2	B.2 points to "Notice or Citation as described in B.1" B.1 is a description of Civil penalties. Notice and order is in 11.70.070	Change from "Notice or Citation as described in B.1" to "Notice or Citation as described in 11.70.070"	11.70.090.B.2
34	Allow City Forester to extend deadline for Administrative Reviews	Administrative Reviews of 11.70.120 must be submitted within 15 days of a notice. The City Forester has seen cases where 15 days was insufficient for the responsible party to reply (out of town, language barrier, etc.)	Amend the code to allow the City Forester to extend the deadline for good cause, similar to Code hearings officer ability listed in 22.10.030.A	11.70.120.A
38	Tree Density and Shared Trees	Title 11 is silent on how trees straddling a property line count towards tree density standards.	Clarify how tree density standards are applied when a tree is straddling a property line	
40	Update T11 definition of Multi Dwelling to match T33	T11 definition of multi-family (3+ units) vs T33 definition (5+ units)	Update T11 definition of Multi Dwelling to match T33; one solution is to expand the "One and Two Family Residential" category to include triplexes and fourplexes but this would also increase density requirements for these properties. Review with BDS/BPS to ensure this is okay.	Table 50-2; Table 60-1
43	Remove references to "watersheds" from Tree Preservation Requirements with Private Trees and Street Trees	replanting in same watershed is still indicated when mitigation payments are referenced for private trees and street trees even though use of TPPF has already been updated in section 11.15.010.B.1	remove references to planting in same watershed in two sections	11.50.040.C.2.b ; 11.50.060.C.1
44	Arborist Reports for Tree Protection Plans should be required to include a site plan.	Currently for Performance Path Tree Protection Plans the Arborist Report is not required to include a Site Plan so it is unclear if the Arborist has seen the plan.	require inclusion of site plan in Arborist Report	11.60.030.C.2.b - Tree Protection Specifications
45	Clarifies definition of site concerning middle housing land divisions	The definition of a site is being updated in Title 33 as a result of RIP2. Applicants need to be aware that for development on a lot that was created through a middle housing land division, the site is the original site prior to being divided.	Amend 11.50.070 to alert applicants to Title 33's definition of site to understand how to apply Title 11 development requirements.	
46	Clarifies when street tree planting standards apply	Title 11 establishes a standard of a required street tree every 25' or a fee-in-lieu be paid. If a potential street tree space is removed, a fee is paid for the lost planting space. In some scenarios, applicants argue that eliminating a potential street tree planting location should not result in a fee-in-lieu payment.	Clarify that projects which do not modify existing or potential tree planting areas are exempt. Projects which do modify existing or potential planting areas are therefore not exempt.	11.50.060.B