



[Home](#) / [Council Documents](#)

# 191030

Ordinance

## Amend Trees Code to improve clarity, efficiency, and outcomes of tree regulations (amend Code Title 11)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. Portland's urban forest is a unique community asset, providing a broad array of valuable ecological, social, public health, and economic benefits, including cleaner air and water, cooler summer temperatures, reduced stormwater runoff, reduced landslide and flood impacts, carbon sequestration, neighborhood beauty and walkable streets, and public health outcomes.
2. The City Forester, together with the Bureau of Development Services (BDS) Director, administers Portland City Code (PCC) Title 11, Trees.
3. Title 11 was adopted on April 13, 2011 (Ordinance No. 184522) and was amended by Ordinance Nos. 185448, 185654, and 186053 before it was effective. Title 11 was effective January 1, 2015.
4. On January 8, 2020, through Resolution 37473, the Portland City Council directed Portland Parks & Recreation (PP&R) and the Bureau of Development Services (BDS), together with the Bureau of Planning and Sustainability (BPS), to develop a scope of work to strengthen Title 11.
5. In fulfillment of the directive in Resolution 37473, in May 2021 PP&R, in coordination with BDS and BPS, presented a multi-phase project to update Title 11 and the Urban Forest Management Plan. The first phase of the project proposed technical and minor policy changes to Title 11 to be completed in 2022.
6. In July 2021, staff briefed the Urban Forestry Commission (UFC) and the Planning & Sustainability Commission (PSC) on the amendment project. Both Commissions provided feedback and expressed

### Introduced by

[Commissioner Carmen Rubio](#)

### Bureau

[Parks & Recreation](#)

### Contact

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### Requested Agenda Type

Regular

### Date and Time Information

**Requested Council Date**  
October 12, 2022

Changes City Code

preferences for their participation in the process.

7. On March 17, 2022, staff briefed the Urban Forestry Commission on the proposed amendments. On the same date, staff also briefed the Development Review Advisory Committee (DRAC). All subsequent electronic notices of project updates were sent to DRAC members.
8. On March 22, 2022, staff briefed the Planning and Sustainability Commission on the proposed amendments.
9. On April 16, 2022, notices of public hearings of the Urban Forestry Commission and the Planning and Sustainability Commission were published in the *Oregonian* and the *Business Tribune*. Notices were posted online and submitted to additional interested parties as required by Title 11.
10. On April 19, 2022, the proposed amendments were published on the PP&R website and distributed electronically through various channels with a comment period through May 19, 2022.
11. On May 19, 2022, the UFC held a public hearing on the proposed amendments and voted to support the amendments.
12. On May 24, 2022, the PSC held a public hearing on the proposed amendments and voted to support certain amendments and requested that staff make revisions to others.
13. On June 14, 2022, the PSC reviewed the revised amendments and voted to approve the full package of amendments.
14. There are multiple proposed changes to Title 11 impacting multiple chapters. The proposed changes are presented in Exhibit A. Exhibits B and C provide additional information on the proposed changes.
15. In accordance with the notification requirements of Title 11, on June 20, 2022 a notice of the City Council hearing was mailed to those who testified at the Planning and Sustainability Commission and Urban Forestry Commission hearing, either in person or in writing, and those who requested such notice. On the same date, notice of the City Council hearing was published in the *Oregonian* and the *Business Tribune* in accordance with the notification requirements of Title 11.

NOW, THEREFORE, the Council directs:

- A. Amend Title 11, Trees, as shown in Exhibit A.

## Documents and Exhibits

-  [Exhibit A - Title 11 Amendments](#) (1.24 Mb)
-  [Exhibit B - Description of Amendments](#) (210.89 Kb)
-  [Exhibit C - Title 11 Amendments Annotated](#) (1.43 Mb)
-  [Planning and Sustainability Commission Transmittal Letter](#) (342.36 Kb)
-  [Urban Forestry Commission Transmittal Letter](#) (295.92 Kb)
-  [Urban Forestry Response to Follow Up Questions from Council Meeting October 5, 2022](#) (197.43 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
October 12, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

### Purpose of Proposed Legislation and Background Information

On January 8, 2020, through Resolution 37473, the Portland City Council directed the Bureaus of Development Services (BDS), Planning and Sustainability (BPS), and Parks & Recreation (PP&R) to return to City Council with a scope of work to proposed updates to Title 11 Trees. In March 2021, PP&R presented to Council a multi-phase approach to making needed Title 11 improvements and update the Urban Forest Management Plan.

- Phase 1: Technical and minor policy amendments to clarify existing code, resolve conflicts with other city codes, formalize current code interpretations, and improve code implementation.
- Phase 2: Update the Urban Forest Management Plan. The 16-year-old UFMP predates implementation of Title 11 and currently includes outdated canopy targets and inadequate consideration of critical issues such as climate change and environmental justice, particularly in relation to low-income, BIPOC, immigrant, and refugee communities.
- Phase 3: Propose additional substantive Title 11 amendments informed by the updated UFMP.

This ordinance fulfills Phase 1 by submitting a package of technical and minor policy amendments for City Council's consideration.

### **Financial and Budgetary Impacts**

The amendments in this package were primarily selected to improve the clarity and efficiency of Title 11. Attention was taken to minimize the resources necessary for implementation. In many cases, the amendments will reduce workload by improving clarity and process efficiency. As such, staff do not anticipate any financial or budgetary impacts for the PP&R operating budget.

### **Community Impacts and Community Involvement**

Project staff established a project website with up-to-date information on project status and opportunity for involvement. Staff also provided briefings and updates at each stage of the process to the Urban Forestry Commission, the Planning & Sustainability Commission, and the Development Review Advisory Committee.

On May 19, the Urban Forestry Commission held a public hearing on the proposed amendments. The majority of the public comments received supported the package. Some comments urged the City to go beyond the proposed amendments to improve protections for trees in both development and non-development situations. Additionally, some comments expressed disappointment that a proposed amendment to reduce permit requirements for pruning in the Environmental Overlay Zone and Wildfire Risk Hazard Zones were removed from the final draft.

The Planning and Sustainability Commission held a public hearing on May 24, 2022. Written testimony was generally supportive of the proposed amendments. The PSC voted to support most of the amendments with the condition that staff make revisions to the amendments impacting stop work orders and the definition of a dangerous tree. Staff revisions were reviewed and accepted by the PSC.

The proposed amendments are expected to have positive community impacts by improving clarity, addressing known deficiencies, and improving the overall implementation of Title 11.

## 100% Renewable Goal

N/A

## Budget Office Financial Impact Analysis

No anticipated fiscal impact.

## Agenda Items

### 836 Regular Agenda in [October 5-6, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading October 12, 2022 at 9:30 a.m.

### 854 Regular Agenda in [October 12, 2022 Council Agenda](#)

Passed

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Nay

Mayor Ted Wheeler Yea