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MEMO

DATE: September 17, 2014

TO: Toni Anderson, Deputy Auditor - Council and Contracts

FROM: Morgan Tracy, City Planner

CC: Mieke Keenan, Tree Project Program Coordinator
Roberta Jortner, Senior Planner

SUBJECT: Clarification of Housekeeping Amendments (Ord. No. 185654)

Thank you for your August 11th review of the new City Code Title 11, which is slated to go into effect January 1, 2015. In your review you noted a few inconsistencies between the adopted ordinances and the printed document. This memo includes our response to those items, including clarification of the particular amendments that were not properly formatted.

In your review, you noted several points of corrections. These are listed below with our response and proposed correction where appropriate. It is our hope that this clarifies our legislative intent, and will satisfy the requirements of the Auditor's office:

1. Your cover sheet incorrectly refers to Ordinance No. 185655, it should refer to Ordinance 185654. Also Ordinance No. 186053 should be shown.

RESPONSE: We have updated the final document to reflect those corrections.

2. A change in 11.10.040 C. was not shown as added in Ordinance 185654: The word "amendment" in the first sentence is plural ("amendments"), but the s does not show as being added.

RESPONSE: The term "amendments" was included in the ordinance, but the "s" was inadvertently not formatted with underlining to indicate it as an addition. This was an oversight/omission in formatting, and our intent was to make this addition. While removing (or keeping) the "s" would not impact the meaning of the regulation, our intent is to have consistent use of the plural form to remain consistent with the remainder of this section, which refers to "amendments".



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3. A change to 11.10.040 D.1. was not shown as added in Ordinance No. 185654. The word **substantive** in the first sentence does not show as being added.

RESPONSE: The term “substantive” was included in the ordinance, but was inadvertently not formatted with underlining to indicate it’s addition. This was an oversight/omission in formatting, and our intent was to make this addition. Including the term is important for clarity as it helps distinguish between other types of amendments cited in this section (substantive amendments, conforming amendments, technical corrections). Subsections 040. B. and C. make it clear that hearings are not required for conforming amendments or technical corrections, so omitting the term would not change the intent or meaning of the regulation, but could be more confusing.

4. Some changes to 11.10.040. as identified in “Additional Staff Amendments (Exhibit C - Ordinance 185654)” were not included. Specifically changes to remove language from 040.B, rename 040.D., add 040.D.2. and 040.D.4.

RESPONSE: We have updated the final document to reflect those amendments.

5. Table 30-1 does not match Ordinance 185654. The items in Permit Type B (column City/Street or Private Tree) are not in the same order.

RESPONSE: The order of items in the table was revised to keep City/Street tree rows together, as opposed to being interspersed with the Private tree rows. As we updated the final document, we changed this for ease of readability, but the text and requirements remain unaltered from the text adopted in Ordinance 185654.

6. Table 40-1 was moved to the end of the Section. This is not where it originally was.

RESPONSE: As we updated the final document the placement of Table 40-1 in Section 11.40.020 was moved to the end of the section for ease of reading the entirety of the section uninterrupted. This was made necessary due to the size of the table increasing from 2/3 of a page to nearly 3 pages.

7. Table 40-1 Johnson Creek Basin in the last columndo not meet **the** applicable Title 11 situations.....Ordinance 185654 removes “**the**”.

RESPONSE: While the strikethrough formatting indicates deletion of the word “the”, our intent was to utilize consistent phraseology as other cells in the column, i.e. “...that do not meet **the** applicable Title 11 situations listed in this table.” The strikethrough formatting was an error, and the word “the” should be included. This does not affect the meaning or application of this regulation.

