

ORDINANCE No. 188278 As Amended

Improve City tree regulations through the Regulatory Improvement Code Amendment Package 8-Technical Amendments (Ordinance; amend Title 11)

The City of Portland Ordains:

Section 1: The Council finds:

1. The Regulatory Improvement Workplan is an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as RICAP (Regulatory Improvement Code Amendment Package), followed by a number. This ordinance pertains to the amendments to Title 11, Trees contained in RICAP 8. The remaining amendments, which include amendments to Titles 17, 24 and 33, will be adopted by separate ordinance.
2. Portland's urban forest is a unique community asset, providing a broad array of valuable ecological, social, and economic benefits, including cleaner air and water, reduced stormwater runoff, reduced landslide and flood impacts, carbon sequestration, neighborhood beauty, enhanced property values, walkable streets, and other public health benefits.
3. The City Forester and Bureau of Development Services (BDS) Director administer Portland City Code (PCC) Title 11, Trees.
4. PCC Title 11, Trees, addresses trees in both development and non-development situations and seeks to enhance the quality of the urban forest and optimize the benefits that trees provide.
5. On April 28, 2015 the Planning and Sustainability Commission held a hearing and adopted the RICAP 8 workplan. The adopted workplan included 37 potential amendments. Ten of these amendments related to Title 11 and 27 related to Title 33, Planning and Zoning. Since the adoption of the work plan, additional high priority amendments were identified and included in RICAP 8. Nine of these potential amendments related to Title 11 and six related to Title 33, for a total of 51 potential code amendments.
6. During the summer and fall of 2016, BPS staff conducted research and worked with BDS staff, as well as staff from other City agencies, to develop a proposal for each of the 51 potential code amendments. Forty-four of the 51 workplan items were determined to warrant an amendment to City code; seven of the potential amendments identified in the workplan – including one tree code amendment – were determined to be either not timely or not warranting an amendment to City code.
7. On November 14, 2016 notice of the proposal, as well as the December 7, 2016 Urban Forestry Commission and the December 13, 2016 Planning and Sustainability Commission RICAP 8 hearings, was mailed to all neighborhood associations, neighborhood coalitions,

and business associations in the city of Portland, as well as other interested persons, as required by ORS 227.186 and PCC 33.740.

8. On December 7, 2016 the Urban Forestry Commission held a hearing on the RICAP 8 Proposed Draft. The Urban Forestry Commission voted to make a few minor amendments to the proposal, and then voted to recommend approval of the 18 RICAP 8 Title 11 amendment items and to forward them to City Council for adoption.
9. On December 13, 2016 the Planning and Sustainability Commission held a hearing on the RICAP 8 Proposed Draft. The Planning and Sustainability Commission heard testimony from the Urban Forestry Commission and the public. The Planning and Sustainability Commission voted to make a minor amendment to one tree-related item. This change was not in conflict with those amendments requested by the Urban Forestry Commission. The Planning and Sustainability Commission then voted to recommend approval of all 44 RICAP 8 code amendment items and to forward them to City Council for adoption.
10. On January 30, 2017 notice of the February 15, 2017 City Council hearing on RICAP 8 was mailed to those who presented testimony orally or in writing to the Planning and Sustainability Commission and provided a name and address, those who asked for notice, and other interested persons.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Regulatory Improvement Code Amendment package 8 (RICAP 8): Planning and Sustainability Commission and Urban Forestry Commission Recommended Draft*, dated January 2017 as amended by Council.
- b. Amend Title 11, Trees, as shown in Section V of Exhibit A, *Regulatory Improvement Code Amendment package 8 (RICAP 8): Planning and Sustainability Commission and Urban Forestry Commission Recommended Draft*, dated January 2017 as amended by Council.
- c. Adopt the commentary and discussion in Exhibit A, *Regulatory Improvement Code Amendment package 8 (RICAP 8): Planning and Sustainability Commission and Urban Forestry Commission Recommended Draft*, dated January 2017 as amended by Council; as further findings and legislative intent.

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

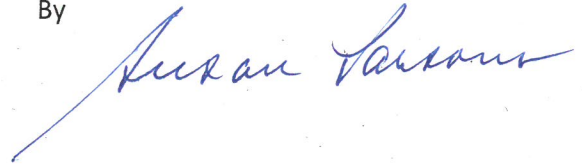
188278

Passed by the Council: MAR 15 2017

Mary Hull Caballero

Auditor of the City of Portland

By

A handwritten signature in blue ink, appearing to read "Susan Larson", written over a horizontal line.

Mayor Ted Wheeler

Prepared by: Jeffrey Caudill

Date Prepared: January 20, 2017

Deputy

159 - 170 - 207 - 229 - 248

Agenda No. **ORDINANCE NO. 188278** As Amended
Title

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<p>INTRODUCED BY Commissioner/Auditor: Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>FEB 07 2017</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Wheeler <i>YSD</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>Michael Armstrong</i></p> <p>Prepared by: Jeffrey Caudill Date Prepared: January 20, 2017</p> <p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances <i>Tam</i></p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p> <p>Council Meeting Date February 15, 2017</p>	<p>ACTION TAKEN:</p> <p>FEB 15 2017 CONTINUED TO FEB 22 2017 11:00 am <i>Time Certain</i></p> <p>FEB 22 2017 PASSED TO SECOND READING MAR 01 2017 <i>As Amended 9:30 A.M.</i></p> <p>MAR 01 2017 CONTINUED TO MAR 08 2017 9:30 A.M.</p> <p>MAR 08 2017 PASSED TO SECOND READING As Amended MAR 15 2017 <i>9:30 A.M.</i></p>

<p>AGENDA <i>2 of 2</i></p>
<p>TIME CERTAIN <input checked="" type="checkbox"/></p> <p>Start time: <u>3pm</u></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly <input checked="" type="checkbox"/>	
Wheeler	Wheeler <input checked="" type="checkbox"/>	