

RESOLUTION No.

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 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).

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 responsible for the responsibilities of the Title, in consultation with other City bureaus as described in PCC 11.10.040 coordinates amendments to Title 11.

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 (BDS), 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 industrial and commercially zoned lands. The UFC also recommended removing the exemption from Tree Density (Planting) Regulations) on industrial and commercially zoned lands and reducing the tree size threshold that triggers inch-for-inch mitigation when trees subject to tree preservation requirements are removed.

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.

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

BE IT FURTHER RESOLVED that BDS and BPS shall immediately prepare a proposal to address the exemption from regulations for certain zones. BDS and BPS, in coordination with the City Forester, shall conduct technical analysis and coordinate legal review to develop an analysis that addresses the exemption from regulations for certain zones no later than March 31, 2020. Based on this initial analysis, stakeholder feedback, and legal review, BDS shall return to Council with this first proposal no later than July 7, 2020.

BE IT FURTHER RESOLVED, after conclusion of the first proposal or as early as deemed feasible by the BDS Bureau Director, BDS in coordination with PP&R, the City Forester, and BPS shall immediately prepare a proposal to address the regulations for tree preservation adopted by Ordinance 187675, including evaluating reduction of critical tree size threshold from 36" to 20" and the application of those regulations to city and street trees. BDS shall develop an analysis to address this second proposal no later

than January 29, 2021. Based on this analysis, stakeholder feedback, and legal review, BDS shall return to Council with this second proposal no later than July 30, 2021.

BE IT FURTHER RESOLVED, after conclusion of the second proposal or as early as deemed feasible by the BDS Bureau Director, BDS shall immediately coordinate with PP&R, the City Forester, and BPS to develop a scope to develop additional updates to strengthen Title 11. BDS shall bring a scope for Council review no later than January 31, 2022.

BE IT FURTHER RESOLVED that BDS shall develop a detailed scope and budget for the second and third proposals 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 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.

Adopted by the Council:

Mayor Ted Wheeler
Prepared by: Emily Sandy, BDS and Sam Diaz,
Office of Mayor Ted Wheeler
Date Prepared: December 31, 2019

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy