

Exhibit B: Description of Amendments

Amend ment #	Proposed Amendment	Issue	Solution	Code Section
1	Recognize trees as urban infrastructure	The ordinance (184522) implementing Title 11 noted the intent of the code was to manage trees in the city as infrastructure. Specifically, it stated that Title 11 "Treats trees as a fundamental component of the City's green infrastructure and a basic site development requirement similar to stormwater management and erosion control." This language was left out of the code itself.	Incorporate language into 11.05.010 which identifies trees as urban infrastructure consistent with the intent of the implementing ordinance. This is also consistent with City Policy ENN-5.02 which directed PP&R, BES, and PBOT to recognize trees as City infrastructure assets.	11.05.010
2	Clarify Urban Forestry's responsibility over street & city trees in development	In development situations, BDS is responsibility for regulating on-site trees and the City Forester regulates street and city trees. This is not always clear by the code language though.	Amend the code to more clearly distinguish City Forester and BDS Director responsibilities.	11.10.010.B1
4	Grant City Forester authority to add Heritage Trees to property deeds	Title 11 places the responsibility for recording the presence of a heritage tree on the property deed with the property owner. However, more than 140 heritage trees on private property have not been recorded. This can make it difficult for property owners to be aware that a heritage Tree is on their property.	Grant the City Forester the ability to add Heritage Tree status to the property deed.	11.20.060
6	Add admin review step to appeal process	When a permit appeal application is received, the City Forester currently conducts an internal administrative review prior to the Appeals Board Hearing. This often results in the applicant either withdrawing their appeal, or the initial permit decision being overturned by the City Forester. This is a time intensive process which is currently not detailed in code.	Create an administrative review process in between the permit decision being issued and a formal appeal to the Appeals Board. .	11.30
7	Tree Removal on Sites that have both Type A and Type B permits	11.30.020 describes how a permit can be a Type A or a Type B. But it does not clarify how to process permits with trees that meet both Type A and Type B review factors.	Clarify that the Type A Review factors are used for trees that qualify for Type A review factors and Type B review factors are used when the tree does not qualify for type A Review factors. The procedure used will be Type B if any of the trees are being reviewed under Type B review factors.	11.30.020.B ; 11.40.040
8	Restrict new information being submitted at an appeal hearing	Permit decisions are made based on the available information at the time the application is submitted. Subsequently, the Appeals Hearing is based on review of the information used to issue the permit decision and included in the appeal application. New information submitted at the appeal hearing has not been reviewed by staff and could alter the permit decision.	Amend code to state that only information included in the appeal application can be considered at the appeal hearing.	11.30.050.D.3.c
9	Title 33 Landscaping Standards and Tree Removal Permits	Non-development section of the code does not reference replanting requirements in the zoning code for plan districts, overlay zones or parking lots. As such a UF removal permit could push applicants out of planting requirements in the 33.200s (buffer zones, parking lots, plan districts such as airport plan district which has spacing/species requirements.)	Amend Tree Replacement Requirements to note the City Forester may waive mitigation if it would result in non-compliance with Title 33.	11.40.060.C.3
10	Consider tree removal impacts to other trees.	The code does not provide enough flexibility to allow UF to assess tree removal when some of the trees are large/healthy and others are small, dead, dying, or dangerous. Removing the small or DDD trees could compromise the larger trees and in some cases shouldn't be allowed to be removed.	Amend Type B review criteria to provide the City Forester the discretion to deny removal of a tree if it will negatively impact the health of nearby healthy trees.	11.40.000
11	Discrepancy between T11 and T33 regarding pruning trees in greenway zones	Title 11 references pruning requirements in the conservation overlay zones of title 33 but not the river overlay zones. Greenway zones have pruning restrictions in 33.475.440.K.	Amend Table 40-1 to be consistent with Title 33 and other improvements to the table to address usability and clarity.	11.40.000
12	Review Factors for City Trees Type B	The removal review factors for City and Street Trees say "The City, in the absence of extraordinary circumstances, will not permit the removal of a healthy, functioning Street Tree." The intent of the code is for this to apply to both City and Street trees, but this is unclear.	Amend this language to clarify review factors for both Street and City trees.	11.40.040.B.2
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	City development, early consultation requirement	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 silent 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 preserved 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 trees but used towards the preservation standard. This prioritizes the preservation of this species.	11.50.040.C.1
18	City development, preservation language	Current code states "For development on City owned or managed sites, new public streets, or improvements to existing streets, applicants are required to consult with the City Forester at the preliminary project design phase if City or Street Tree removal is likely to occur to complete the project." "Consult" is an imprecise term which can lead to varying understandings of the role of the City Forester in retaining existing trees.	Work with other infrastructure bureaus to clarify this language. Language seems unnecessary since 11.10.010.A.2 already states the City Forester is responsible for reviewing development for compliance with City and Street tree preservation.	11.50.040.C.2.a
19	Clarify Development Street tree Planting Requirements	Title 11 is unclear on how street tree planting requirements apply when there is existing infrastructure in the right-of-way.	Clarify that existing driveways, trees, and other utilities result in an exemption from street tree planting.	11.50.060

20	Clarify the 200' threshold for street tree planting standards	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.	Remove "When the prescriptive path is not practicable."	11.60.030.C.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.	11.60.060
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.	Provide distinct terms for each reference.	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. This amendment was intended to be in RICAP 8 but was inadvertently left out of the final draft.	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.	11.80
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
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 regulated activity is occurring without a permit.	11.70.090.B.7
33	Clarify Enforcement Action B.2	Current reference in Title 11 points to the wrong section.	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
35	Include Public Nuisance definition in Title 11 definitions	Title 11's enforcement chapter uses the term "nuisance" but does not define it.	Define the term. May point to Title 29.20.010.H.4	11.80.000
38	Tree Density and Shared Trees	Title 11 does not provide guidance on how trees straddling a property line should count towards meeting on-site tree density standards.	Codify BDS' existing practice into Title 11.	11.50.050.D
39	Separate Applications for each site and activity	Current code allows multiple activities to be proposed on one application. This is extremely difficult to implement and is not current practice.	Amend to require separate application for each activity type.	11.30.030.B
40	Update T11 development type definitions to match Title 33	Title 11's Development Types and definitions are no longer consistent with Title 33's following the Residential Infill Project changes.	Update T11 definition of Multi Dwelling to match T33. Update Table 50-2 to read "One to Four Family Residential" to include triplexes and fourplexes.	Table 50-2; Table 60-1
41	Remove "without compensation" from UFC section	Title 11 currently requires UFC members to serve without compensation. PP&R is piloting compensation for city advisory committees in order to remove barriers to participation. Compensation may become standard practice in the future.	Remove "without compensation" to allow this possibility in the future.	11.20.020
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 and considered site conditions.	Require the arborist report to including a development site plan to demonstrate how the protection plan conforms to the site and the proposed development activity	11.60.030.C.2.b
45	Middle Housing Land Division Clarification	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.	11.50.070.A
47	Clarify modifying potential street tree planting areas requires fee-in-lieu	Title 11 establishes a street tree planting standard of one tree for every 25 feet of frontage. A fee-in-lieu is required if that standard is not met. Street modifications which eliminate a potential planting location consistent with the 25-foot standard have inappropriately been interpreted to be exempt.	Clarifies that Title 11 street tree planting standards include both existing and potential tree planting areas	11.50.060.B