EXHIBIT C

ADDITIONAL STAFF AMENDMENTS

Recommended Housekeeping Amendments to Title 11, Trees

September 2012

The amendments in this section were identified after the Urban Forestry Commission and Planning and Sustainability Commission hearings. They represent minor changes not previously reviewed. Additional amendment rational is included.

Amendment #1

AMEND PROCESS FOR UPDATING TITLE 11, TREES

Section 11.10.040 Amendments to this Title

Section 11.10.040 addresses the public hearing and notification requirements for amending Title 11. Two types of amendments are described; substantive and technical:

- *Substantive amendments* involve new policy or a change to existing policy and require public hearings to be held by both the Urban Forestry Commission and the Planning and Sustainability Commission prior to a City Council Hearing. These hearings provide an opportunity for the public to review and comment on a proposed amendment.
- *Technical Amendments* include minor code clarifications, typos, misspellings, renumbering sections, or reorganizing the code. Since no policy changes result from a technical amendment, no public hearings are required. The City Attorney or the Auditors Office can make these amendments without public comment or review. Other than technical amendments, Title 11 does not make a distinction between policy changes, and non-policy related changes. As a result public hearings are required for non-policy related amendments, such as amendments necessary to bring Title 11 into conformance with other code Titles.

Changes to this section add a third category to address conforming amendments.

- *Conforming amendments* are required when changes to other city titles affect the regulations in Title 11. For example, if changes to zoning code plan district regulations result in no longer requiring land use reviews for tree removal, Table 40-1 in Title 11 would need to be updated to reflect that change.
- City codes require public hearings to amend. It would be duplicative and unnecessary to require additional public hearings to keep Title 11 current with these types of policy shifts.

This amendment eliminates duplicative hearings, and allows Title 11 to remain current with other City and State titles in a more timely and efficient manner, without reducing citizens' access to the code amendment process.

Additional Staff Amendment

Additional clarification has been added to this section to specify public notification responsibilities for all amendment types.

11.10.040 Amendments to this Title.

A. General.

1. Substantive amendments to this Title or amendments necessary to ensure conformance with other City Titles may be prepared by any bureau but will be coordinated by the Bureau charged with those responsibilities in the Title in consultation with the Bureaus of Planning and Sustainability, Parks and Recreation, Development Services, Environmental Services, Transportation, and Water.

2. Technical corrections and matters of simple clarification may be prepared and approved by the Auditor or City Attorney.

B. Urban Forestry Commission (UFC). The UFC shall hold at least one public hearing for proposed amendments to this Title before making a recommendation on such an amendment. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles. ~~However, notification of any amendment shall be sent to the Urban Forestry Commission a minimum of 14 days prior to a decision.~~

C. Planning and Sustainability Commission (PSC). The PSC may provide input on the proposed amendments to the UFC. The PSC shall hold a public hearing for any proposed substantive amendments to Chapter 11.50 Trees in Development Situations, Chapter 11.60 Technical Specifications, or Chapter 11.70 Enforcement. A hearing is not required for technical corrections or amendments needed to ensure conformance with other City Titles.

D. ~~Public Notice for the hearing~~. Notification Requirements.

1**.** UFC or PSC Hearing. Notice of any public hearing held by the UFC or PSC to consider a proposed substantive amendment to this Title shall be mailed to Metro, the Oregon Department of Transportation, all recognized organizations, affected bureaus, and interested persons who have requested such notice. Notice shall also be published in a recognized newspaper and mailed at least 30 days prior to the hearing.

2. The Urban Forestry Commission shall additionally be notified of any amendment needed to ensure conformance with other city titles or technical corrections a minimum of 14 days prior to a final decision.

~~2~~.3 City Council Hearing**.** Notice of the hearing shall be mailed to those who testified at the UFC hearing, either in person or in writing, or those who requested such notice. If hearings were not held by the UFC or PSC, notice shall be mailed to all affected Bureaus and persons who have requested such notice. Notice shall be published in a recognized newspaper and mailed at least 14

days prior to the hearing.

4. The notifications required by this section shall be the responsibility of the Bureau coordinating the amendment or technical correction.

E. City Council. The City Council shall hold at least one public hearing on all amendments that are not considered technical. City Council makes the final decision on amendments, after considering the recommendations of the UFC and PSC and after hearing testimony from the public.

F. [No Change]

Amendment #4

CLARIFY AND EXPAND TABLE 40-1

Table 40-1 Overlay Zones and Plan Districts

In some plan districts and overlay zones, certain tree removal is regulated by the Zoning Code rather than Title 11. Table 40-1 was included in this section to direct readers to the appropriate set of regulations and to serve as a useful "at a glance" tool for readers to quickly determine which regulations apply. However, the currently adopted table does not contain all scenarios where zoning code regulations apply. These gaps in information may result in readers inadvertently applying the wrong set of regulations or assuming their tree is exempt (from either Title 11 or Title 33 or both) when it is not.

This amendment expands Table 40-1 to capture the vast majority of situations where zoning code regulations apply. Including this information will help prevent inadvertent zoning or tree code violations.

This amendment also includes revisions to capture the elimination of the minimum street tree size threshold proposed in Amendment #3.

Additional Staff Amendment

Additional clarification has been added to the column addressing Title 33, Zoning Code applicability, including revising the header in the last column to reflect zoning "code" review, as well as additional language in this column that specifies that if a tree does not meet the Title 11 situations "<u>listed in the table"</u> then a Title 33 zoning code review is required. This revision is indicated in the proposed table by <u>underlining</u> added language and ~~strikethrough~~ deleted language.

[Amend Table 40-1 in Section 11.40.020 with the following changes in the proposed table]

Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 ~~z~~Zoning Code review for removing:
Environmental conservation and protection overlay zones "c" "p" See: 33.430.080	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table
Greenway overlay zones "n" "q" "g" "i" "r" See: 33.440.320	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Nuisance species trees ▪ Dangerous trees ▪ Trees landward of the greenway setback in "g" "i" "r" overlays	**Street** all **City** all **Private** all	▪ Native Trees ▪ Non-native non-nuisance trees ▪ Dead or dying trees ▪ Trees not meeting the listed situations when located within or riverward of the greenway setback in "g" "i" "r" overlays ▪ Trees not meeting the listed situations when located in "n" "q" overlays
Pleasant Valley Natural Resources Overlay Zone "v" See: 33.465.080	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table
Scenic Resource Overlay Zone "s" Only applies to trees in **Scenic Corridors** that are within the minimum street setback or the first 20 feet from the street lot line where no street setback exists. See: 33.480.040.B.2.	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Trees within 20 feet of a public safety RF Transmission Facility ▪ Any Private or City trees <12" provided that replanting is met in accordance with 33.248.030 [3]	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees within the street setback or first 20 feet from the street lot line that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District; the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

The following summarizes key amendments to the table:

1) Two existing plan districts have been added to the first column; Cascade Station/Portland International Center Plan District; and Portland International Airport Plan District. These two plan districts include special environmental zone provisions that differ slightly from the general environmental overlay zone provisions.
2) Zoning Code references are moved to the first column to make them more prominent in the table.
3) New columns have been added identifying the applicable tree size and type for both the Tree Code and Zoning Code regulations for greater clarity.
4) Requirements for tree removal associated with repair and maintenance of water, sewer or storm water lines have been added to the Scenic Corridor, Rocky Butte Plan District, and Johnson Creek Basin Plan District.
5) Requirements for tree removal near Radio Frequency Transmission Facilities have been added to the Scenic Corridor.
6) Where the zoning code specifies location and/or numbers of replacement trees to qualify for a Title 11 tree permit process, these specifications have been added to the relevant overlay or plan district.
7) Footnotes have been added to reinforce the requirement that replacement trees are required in all cases, except when the City Forester modifies or waives that requirement. This was added to address concerns that including specific replacement requirements from the zoning code for those overlay or plan district areas noted above, the table may imply that replacement is not required in other areas or situations.

Table 40-1 (Continued) [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 ~~z~~Zoning Code review for removing:
Cascade Station/Portland International Center Plan District See: 33.508.340 Only applies to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table
Columbia South Shore Plan District See: 33.515.262 & 33.515.274 Only applies to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table ▪ Healthy non-native non-nuisance trees that do not meet the ~~listed situations~~applicable Title 11 situations listed in this table
Johnson Creek Basin Plan District 33.537.125 Only applies to trees: ▪ Within 20 feet of the Springwater Corridor lot line; ▪ On a site with any portion in the special flood hazard area; and/or ▪ On a site with any portion in the South Subdistrict.	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Nuisance species trees ▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Any other 6" to 12" tree provided that at least two trees are planted. [3] Trees removed within 20 feet of the Springwater Corridor must be replaced within 20 feet of the corridor	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees within 20 feet of the Springwater Corridor lot line; on a site with any portion in the special flood hazard area; and/or on a site with any portion in the South Subdistrict that do not meet ~~the situations listed~~applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District; the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

Table 40-1 (Continued) [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 ~~z~~Zoning Code review for removing:
Portland International Airport Plan District See: 33.565.540 Applies only to trees located in a "c" or "p" overlay	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Non-native non-nuisance trees ▪ Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees. This does not apply in landscaped areas of golf courses ▪ Trees projecting into a City-designated view corridor	**Street** all **City** all **Private** all	▪ Healthy native trees that do not meet the ~~listed situations~~ applicable Title 11 situations listed in this table
Rocky Butte Plan District See: 33.570.040	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ All Street Trees ▪ Nuisance species trees ▪ Trees within 10 feet of buildings, attached structures, or right-of-way improvements ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Any other 6" to 12" diameter tree provided that at least two trees are planted [3]	**Street** n/a **City** ≥ 6" **Private** ≥ 6"	▪ Trees that do not meet the ~~situations listed~~applicable Title 11 situations listed in this table
South Auditorium Plan District See: 33.580.130	**Street** all **City** ≥ 3" **Private** ≥ 6"	▪ Dead, Dying, or Dangerous trees provided at least one tree is planted in the same general location or in accordance with the adopted landscaping plan	**Street** all **City** ≥ 6" **Private** ≥ 6"	▪ Trees that do not meet the ~~situations listed~~applicable Title 11 situations listed in this table

Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply.
[2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester.
[3] Minimum planting is required to meet zoning code requirements.

New Amendment #9

INCLUDE A DEFINITION FOR THE "h" OVERLAY

Chapter 11.80 Definitions and Measurements

Section 11.40.050 provides standards and review factors for private trees. This includes requirements for Type 'A' pruning permits. Some trees may receive an "Exception" to the requirements and may be pruned without obtaining a permit. One of these existing exceptions is for crown maintenance and crown reduction of trees within the Portland International Airport Plan District or Cascade Station/Portland International Center Plan District when they exceed the protected height limit delineated by the "h" overlay zone for the safety of aircraft operations.

The "h" overlay, or aircraft landing zone, is already a designated overlay zone shown on the Official Zoning Map. While the "h" overlay is referenced in Title 11, a definition for this zone was inadvertently left out, leaving it somewhat ambiguous to what the "h" overlay zone referred. This amendment adds a definition for the "h" overlay, ensuring consistency between the zoning code and Title 11, and eliminating this ambiguity.

CHAPTER 11.80

DEFINITIONS AND MEASUREMENTS

11.80.010 [No Change]

11.80.020 Definitions and Measurements.

A. [No Change]

B. The definition of words with specific meaning in the tree code are as follows:

1 – 18. [No change]

19. "Overlay Zones and Plan Districts" refers to any of the following overlay zones or plan districts as shown on the Official Zoning Map, unless the specific regulation states otherwise:

a – d. [No Change]

e. Aircraft Landing Zone, for trees located within the aircraft landing zone, shown on the Official Zoning Map with an "h".

f. Johnson Creek Basin Plan District, only applied to the South Subdistrict, to areas within the special flood hazard area, and to sites that abut the Springwater Corridor.

~~f~~.g. Rocky Butte Plan District

~~g~~.h. South Auditorium Plan District