

Exhibits A and B

Amendments to Title 33, Planning and Zoning

See Ordinance No. 184522, Citywide Tree Policy Review Volume 4

Exhibit C

Tree Canopy Benefits, Financial Impacts and Budget Proposal

The previous sections of this chapter present the Citywide Tree Project proposal to update, refine, and strengthen existing City tree regulations and related programs and customer service activities.

This section presents the estimated tree canopy benefits and costs to implement the project, and the current budget proposal. Additional information about the financial impacts of the project is provided in the Financial Impact Statement (exhibit to the ordinances)

Tree Canopy Benefits

Introduction

As described in previous chapters, implementing the Citywide Tree Project Recommended Draft proposal will enhance the quantity and the quality of Portland's trees and associated canopy, and helps ensure that current and future tree canopy is distributed and sustained throughout the city.

Specifically, new Title 11 Tree Preservation and Tree Density Standards will encourage preservation of large healthy trees through new development standards and the updated tree permit system. Preserving existing trees will contribute to the management of this important City asset and help protect and reinforce City and community investments in tree planting. Title 11 will also ensure that a baseline amount of trees is maintained through preservation or planting on development sites.

Title 33, Planning and Zoning updates will now emphasize preserving healthy, high quality trees, native trees, and tree groves, and preserving a minimum amount of trees on land division sites. Title 33 amendments will also prompt consideration of tree preservation in the context of Design Reviews and certain Conditional Uses, where appropriate. Title 33 amendments will also ensure that tree protection and tree replacement are addressed more consistently in existing environmental resource overlay zones and specified plan districts.

In non-development situations, the standardized tree permit system will continue to encourage retention of large healthy trees, while providing for more consistent tree replacement across the city. The new prohibition on planting invasive tree species on City property and rights-of-way will support City and community investments in managing invasive plants and adds consistency with existing prohibitions on planting these trees in required landscaping or natural resource areas.

Canopy estimating approaches are described below for the following project recommendations:

- Standardized tree permit system for trees on private property
- Tree preservation and tree density standards applied to development permits
- Trees and land use reviews
- Trees replacement in environmental zone transition and resource areas

In some instances the estimates are for acres of tree canopy preserved *or* tree canopy planted to replace or mitigate for trees removed or tree standards not met. In these situations, tree preservation and tree planting are inversely correlated. One can see that the future canopy of trees planted will be greater than the area of canopy generated from trees preserved today. This reflects the proposal to give “extra credit” for preserving existing healthy trees, and to require more than a 1:1 tree replacement ratio. This account for the loss of that asset and the time needed for new trees to provide similar benefits to larger trees. Staff has taken an average of preservation and planting to come up with an overall number to use in project discussions.

Like estimates for the financial impacts of the Citywide Tree Project, the tree canopy estimates have been refined as the project proposal has evolved through the Planning Commission and Urban Forestry Commission hearings process.

Approach

The following describes the general methodologies used to estimate incremental increases in tree canopy associated with the different components of the Citywide Tree Project. Changes in tree canopy would occur due to 1) increased preservation of existing trees, and 2) generation of future canopy through increased tree planting to replace existing trees or meet other requirements.

The scenarios developed to estimate the tree canopy generated each year are intended to be both plausible and conservative, to avoid over-estimating the projections. Therefore, the actual incremental tree canopy increases may be greater than the estimates. Relevant assumptions are also consistent with the assumptions used to evaluate potential financial impacts of the proposal (e.g., future development permit activity).

More Standardized Permit System for Trees on Private Property (Absent Development)

Permit System	Acres Preserved	Future Acres Planted
Single Family Lots		3.4
Currently Regulated Lots	0.35	3.59

Single Family Lots Eligible for the Homeowner Permit

As directed by Council, the more standardized permit system will apply to trees on most lots in the city, including many of the single family lots that are currently exempt

from tree permit requirements. Council has replaced this exemption with a different exemption for lots less than 5000 square feet. As a result, the permit system will address trees on approximately 55 percent more lots than addressed by current system.

Currently the public is relatively unaware of the City's permit requirements for trees on private property. Only about 120 permits per year are filed with the City, while several thousand permits per year are filed for activities related to street trees. If private tree permit applications increased by 2 to 4 times given the additional lots and proposed "call before you cut" outreach campaign, the City would process about 500 permits per year, or 380 more permits than the 120 permits currently processed. (The City of Lake Oswego processes roughly 750 tree permits per year.)

The more standardized permit system will establish a streamlined permit for homeowners, requiring replacement of any tree that is least 20 inches in diameter with another tree. If half of the total permit applications were for trees on these homeowner lots, the updated permit system would require replacement of 250 additional trees per year. If these replacement trees were, on average, medium canopy type trees providing about 600 s.f. of canopy at maturity, this would generate 3.4 additional acres of canopy in the future.

$$\begin{aligned} & (250 \text{ trees planted/year} \times 600 \text{ s.f./tree}) / 43,560 \text{ s.f. per acre} \\ & = 3.4 \text{ future canopy acres planted per year} \end{aligned}$$

Currently Regulated Lots

The more standardized permit system will streamline current requirements by requiring 1:1 tree replacement for dead, dying and dangerous trees, and nuisance species trees, and up to 4 healthy trees per year between 12 inches and 20 inches in diameter. The City will continue to require up to inch-for-inch replacement for trees larger than 20 inches in diameter and requests to remove more than 4 healthy trees at least 12 inches in diameter.

UF staff reports that currently ~80 percent of the tree removal permit applications are for trees that are dead, dying or dangerous (DDD). If half of the total permit applications were for trees on the currently regulated lots, and 80% of those applications were for removal of DDD trees, the updated permit system would require replacement of 200 unhealthy trees per year. If these replacement trees were, on average, medium canopy type trees providing about 600 s.f. of canopy at maturity, this would generate 2.75 additional acres of canopy in the future.

$$\begin{aligned} & (200 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ & = 2.75 \text{ future canopy acres planted/year} \end{aligned}$$

For the remaining 50 healthy trees, we assume that most of these trees are large trees that are no longer wanted. If half (25) of the trees are less than 20 inches in diameter and qualify for the 1:1 tree replacement, this would generate an additional 0.34 acres.

$$\begin{aligned} & (25 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ & = 0.34 \text{ future acres planted/year} \end{aligned}$$

If the other half (25) of the remaining healthy trees are at least 20 inches in diameter, the City would require somewhere between one replacement tree and an inch-to-inch replacement. Based on City experience the inch-for-inch replacement requirement often acts as an effective deterrent to tree removal. If City required half of the 25 trees to be replaced with 3 trees (12x3=36 replacement trees), and half to be replaced inch for inch which in effect deterred their removal, and the canopy of those existing trees was on average 1,200 s.f., the canopy effect would be:

$$(36 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ = 0.5 \text{ future acres planted/year}$$

$$(13 \text{ trees preserved/year} \times 1,200 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ = 0.35 \text{ canopy acres preserved/year}$$

Tree Preservation and Density Standards (Applied Through Building Permits)

Development	Acres Preserved	Future Acres Planted
Tree Preservation	60	
Tree Density		121

New Title 11 Tree Preservation Standards will apply to all development permits where site disturbance will occur and trees 12 or more inches in diameter are present, with some exceptions for small lots and additions on single family lots less than 10,000 sq. ft..

Consistent with assumptions used to estimate fiscal impact these standards will address approximately 2,250 permits per year. If on average 1 large healthy tree were preserved on these sites, an additional 2,250 trees would be preserved. If the average canopy of an established mature tree was 1,200 square feet, the proposed standards would preserve an additional 62 acres of canopy per year.

$$(2,250 \text{ sites/year} \times 1,200 \text{ s.f. preserved per tree}) / 43,560 \text{ s.f./acre} = 62 \text{ acres preserved}$$

Given the City Council's direction to increase the small lot exemption from lots up to 3,000 sq. ft. to lots less than 5,000 sq. ft., this estimate could be reduced slightly since the standards would apply to fewer lots during permitting. Given that less than 3% of the existing canopy is located on lots less than 5000 sq. ft., and the percentage of lot area in the city is less than 5 percent, than the impact of this change should be limited. It was projected for fiscal impact assessment the new Tree Density Standards will apply to 4,400 development permits per year. The standards will vary by development type. Across the development types (excluding open space zones), the tree density standards are projected to establish and maintain canopy coverage for distinct urban land elements (ULE's).

One medium canopy tree will generally be required for each 500 square feet of site area not occupied by buildings. If on average, each of the 4400 permits where tree density standards are applied results in planting two medium canopy trees, the net result would be 121 acres of future canopy.

$$\begin{aligned} & (4400 \text{ permits/year} \times 2 \text{ trees planted} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ & = 121 \text{ future acres planted/year} \end{aligned}$$

The City Council has directed an exemption from the tree preservation standards and tree density standards for industrial, employment and commercial zones that do not have existing landscaped area standards (i.e., IH, IG1, EX, CX, CS, and CM). Currently, these zones contain only 2.8% of the existing tree canopy in the city. It is not possible at this time to estimate the annual impact of on future canopy of this exemption, however over time the tree density standard would have generated additional canopy on these sites or in the watershed where development takes place, equivalent to about 4.5% of the 34 percent tree canopy target. If land in these zones is fully developed this increment of canopy loss would need to be generated elsewhere in the city.

Tree Preservation and Land Use Reviews

Land Use Reviews	Acres Preserved	Future Acres Planted
Tree Preservation Criteria	5	
<ul style="list-style-type: none"> Plus improved quality preservation on 200 sites per year 		

The proposed new land division criteria should significantly improve the quality and quantity of tree preservation on more than 165 sites per year. The focus will be on preserving large healthy trees, tree groves and native trees. Additionally, trees on property lines will now be counted toward meeting preservation requirements.

The proposal includes establishing new tree preservation considerations for certain conditional use/master plan and design reviews. It is estimated that this would provide opportunities to preserve trees during an additional 35 reviews per year.

If 2 additional trees were preserved on half of the land division sites (2 trees x 0.5 x 165 sites = 165 trees), and 1 additional tree was preserved on half of the conditional use and design review cases (1 tree x 0.5 x 35 sites = 17 trees), an additional 182 trees would be preserved each year. Preserving these trees would also help applicants meet the preservation and density standards at time of building permit. If the average canopy of an established mature tree was 1200 square feet, this would preserve an additional 5 acres of canopy per year.

$$(182 \text{ trees preserved/year} \times 1,200 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ = 5 \text{ acres tree canopy preserved/year}$$

Tree Replacement in Environmental Zones

Environmental Zones	Acres Preserved	Future Acres Planted
Replacement requirements		4.4
<ul style="list-style-type: none"> Plus conversion of nuisance trees to native tree species 		

The proposal will clarify that trees in environmental overlay zone transition areas (~1,400 acres) must be replaced with native or non-nuisance species trees. This would apply to trees 6 inches or more in diameter, in both development and non-development situations. Currently these trees are not required to be replaced so the potential impact on tree canopy could be substantial over time.

Assuming only 1 tree per 10 acres of transition area received a permit each year, with requirements to replace with another tree, and the replacement trees were medium canopy type trees (on average), the additional replacement would generate almost 2 more acres of future canopy annually.

$$(1400 \text{ acres}) \times (1 \text{ tree planted/year/ per 10 acres}) \\ = 140 \text{ trees planted/year} \\ (140 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f. /acre} \\ = 1.9 \text{ acres future canopy planted/year}$$

Moreover, the proposal clarifies that in the resource areas of environmental zones, replacement trees are required for non-native trees, as well as dead, dying and dangerous trees, and trees located adjacent to structures. These trees are presently exempt from replacement requirements. Replacement trees planted in the resource areas are required to be native species.

Assuming only 1 tree per 100 acres of resource area received a permit each year, with requirements to replace with another tree, and the replacement trees were medium canopy type trees (on average), the additional replacement would generate almost 2.5 more acres of future canopy annually.

$$(18,000 \text{ acres}) \times (1 \text{ tree replaced per } 100 \text{ acres}) = 180 \text{ trees replaced/year}$$

$$\begin{aligned} & (180 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f. / acre} \\ & = 2.5 \text{ acres future canopy planted/year} \end{aligned}$$

Summary of Estimated Canopy Benefits from Tree Project Proposal*

	Acres Preserved	Future Acres Planted
Tree Permits	0.35	7
Development	62	60-121**
Land Use Reviews	5	
Environmental Zones		4.4
TOTAL	67.35	72.4 - 132.4

* These estimates may change to a limited extent based on amendments approved by the City Council. The estimates should be updated after Council takes final action.

**The City's current landscaping standards also generate additional tree canopy, however the Tree Density Standards provide assurances that baseline tree capacity is maintained even if landscape standards do not apply or are modified or waived. Trees planted to meet Tree Density Standards may also be used to meet Zoning Code landscaping standards so these rules are complementary and reinforcing. If it is assumed that only half of the additional tree canopy is attributable solely to the Tree Project proposal then the total annual net increase in tree canopy for development would be about 60 acres.

**Comparing Tree Canopy Generated By the Tree Project Proposal
with Canopy Generated By Tree Planting Alone**

	Acres Preserved	Future Acres Planted
Tree Project Proposal (net)	67.35	72.4
City Tree Planting Alone		12.3

During the Planning Commission and Urban Forestry Commission hearings process stakeholders asked how much tree canopy benefit would be generated if the City invested the equivalent of the project implementation costs solely on planting trees.

The ongoing implementation costs of the project proposal are estimated to be \$535,000 to support the staffing necessary put these programs into action.

According to Urban Forestry staff, the per tree cost of planting and establishing a 2 inch tree is estimated to be \$600:

Tree cost	each/incl. acquisition and delivery	\$175
Volunteer planting	1 hr coordinator	\$60
Establishment	20 visits X .25 hr for 2 seasons	\$375
Total		\$600

By applying the ongoing implementation costs to plant trees instead of administering the proposed regulations, the City could plant approximately 892 trees per year. Assuming the trees were medium canopy type trees (on average), this planting effort would generate approximately 12.3 acres of future canopy annually. However, no trees would be preserved through this approach.

$$(\$535,000 / \$600 \text{ per tree}) = 892 \text{ trees}$$

$$(892 \text{ trees planted/year} \times 600 \text{ s.f. per tree}) / 43,560 \text{ s.f./acre} \\ = 12.3 \text{ acres of future canopy planted/year}$$

Considering that the project proposal would generate a total of almost 200 acres of current and future tree canopy, the proposed regulatory programs would achieve over 16 times the amount of tree canopy than City planting efforts alone.

$$(199.75 \text{ acres gross} / 12.3 \text{ acres}) = 16.24 \text{ times more canopy}$$

Accounting for the fact that existing landscaping requirements of the Zoning Code also generate additional tree canopy that could be reflected in the acres planted through development, the net tree canopy that is solely attributable to this proposal remains well over 130 acres per year and more than 10 times the canopy that would be generated than had the City invested an amount equivalent to the project costs to plant trees only. Moreover, City tree plantings tend to be public property, while the proposal will foster equitable distribution of trees on public and private land throughout the city.

$$(139.75 \text{ acres net} / 12.3 \text{ acres}) = 11.36 \text{ times more canopy}$$

Costs and Budget Proposal

Introduction

Although the Citywide Tree Project proposal is intended to streamline and standardize current City programs the proposal also increases the level of service provided by the City and will require a net additional investment to achieve desired benefits.

Together the City bureaus estimated the cost to implement the Tree Project, including changes in workload, staffing, equipment, and professional services. Staff also identified likely funding sources for each element of the proposal.

Approach

Staff assessed the financial impact for:

- Tree Permits in Non-Development Situations
- Trees in Development Situations and Land Use Reviews
- Customer Service and Community Education Projects

First staff itemized the main tasks for these program areas. Additional tasks and/or time associated with the tasks were noted. The additional time was then multiplied by the estimated number of permits or cases to arrive at a total additional time and associated staffing needs per task. FTE (Full Time Equivalents) were translated into salary using appropriate job classifications. Benefits were included at a rate of 40% of salary. Staff was advised that the level of recommended staffing increases should not trigger additional overhead, however, vehicles and technical services costs were accounted for separately.

Land use review, building permit, and tree permit activity assumptions were generally based on historical data provided by BDS and Urban Forestry, and some assumptions as to how this activity could change based on proposed code updates.

The estimates represent the project incremental changes in time spent on tasks affected by the proposal - not the full time spent on that task. For example, BDS land use review staff currently spend time evaluating tree preservation standards and writing findings. An incremental increase in time is estimated only for staff to apply new and updated tree preservation criteria. . Any current deficiencies in staffing are not captured or addressed by this analysis.

Trees in Non-Development Situations

The proposal includes recommendations to update the City's tree permit system for City, Street and Private trees when no development is occurring. The proposal will streamline the system overall by creating the Type A and Type B permits. The addition of a minimum 3 inch diameter threshold for permitting City and Street Trees will also streamline the system. Other recommendations are not expected to increase permit system staffing costs for City and Street Trees.

For private tree removal permits the proposal to extend City permitting authority to all properties in the city, including currently exempt single family lots, will increase staffing needs.

The staffing estimates for the proposed private tree removal permit program reflect an assumed number of permits each year. A range of potential permitting activity was considered to account for uncertainty. The staff and budget estimates summarized below reflect the high end of the range to ensure that fiscal impacts are not underestimated. An increase in permitting activity is expected as the tree removal permit program will apply to more properties. Public outreach is proposed to occur before and after updated requirements become effective, which will increase awareness of the permit program. The staffing estimates do not reflect program efficiencies and economies of scale that are expected as the number of tree permit applications increase and procedures are become routine.

Currently, this City's tree permit system is paid for with general fund dollars. The \$35 application fee is charged does not cover the City's to administer the permit, inspect trees, deal with appeals, etc. The proposal is to continue charging a nominal fee for the permit to encourage compliance so the program would not be fee-supported.

Trees in Development Situations

The proposal includes a number of recommendations to better address trees in development situations. Additional staff time will be needed to review, inspect and enforce the proposed standards and criteria related to trees. The proposal will also expand the role of Urban Forestry to provide technical assistance.

Land Use Reviews and Private Development Permits

Staff initially used an annual average case load based on the years 2000 to 2008 for land use reviews and 2004 to 2009 for development permit activity. The data from these higher development years were used to ensure that the fiscal impact is not underestimated if and when development activity increases. Staff also used caseloads from 2009 to 2010 to estimate changes staff needs and costs during a period of lower development activity. The bureaus estimated the percentage of cases that would be affected by the proposal and additional time spent on individual tasks.

Additional costs are associated with increased Urban Forestry staff review and consultation and increased BDS staff time to apply updated standards and criteria related to trees, and to inspect for compliance with tree-related preservation, planting and protection requirements.

These activities will be funded through modest increases in land use review and development fees. Potential fee increases were estimated by applying the cost of the program across affected permit/case types. The projected fees include staff salaries, benefits and overhead. Some fees could be pro-rated based on project value or procedure type so that simpler projects pay a lower fee and more complicated projects pay a higher fee. Preliminary estimates of development fees

show ranges between \$50 and \$60 for building permits. For land use reviews, fees could range from \$60 to \$70, to several hundred dollars, depending on how they are applied across cases. BDS and Parks will propose specific fees for City Council adoption.

Capital Improvement Projects and Public Works

The Citywide Tree Project proposal standardizes current infrastructure bureau practice for involving Urban Forestry when public projects are likely to affect trees. Staff estimated the costs for more routine and frequent coordination between Urban Forestry and the infrastructure bureaus on more projects. Costs were also estimated for additional surveying and CADD time to identify trees within and adjacent to the project area on plan sheets. When considered in relation to the overall budget for capital projects, the increase is expected to be minor.

Infrastructure bureau staff also noted that the proposal could result in increased construction costs for City projects in order to avoid impacting trees. These potential costs should be acknowledged, but because they would not be routine and would be very difficult to anticipate or quantify, they have not been estimated in this fiscal impact assessment.

Required mitigation for tree removal could also increase the cost of some CIP projects. However, mitigation requirements are generally equal to or less than current requirements. The proposal will also allow City projects to plant replacement trees on another site in the same watershed, rather than requiring payments for required mitigation. This flexibility should make it possible for most City projects to mitigate without significant cost increases.

Customer Service and Community Education

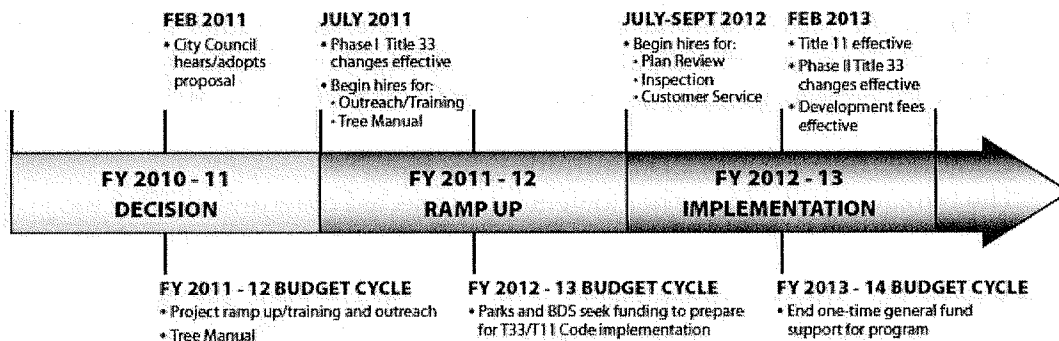
The bureaus worked together to generate projected costs and staffing for customer service improvements as described in previous report sections.

To summarize, the primary implementers of the Tree Project proposal, the Bureau of Development Services (BDS) and the Urban Forestry Division of Portland Parks and Recreation will need additional staff resources to administer and enforce the new tree regulations and provide a single point of contact for the public. There are also additional one-time costs for staffing and services to upgrade the TRACS permitting system, pilot a 24 hour Tree Hotline, and pay for new permit review and inspection staff until sufficient development fee revenue has accrued to allow the BDS to shift to fee-based funding. Other infrastructure bureaus (Water, BES and PBOT) will also experience relatively minor cost increases to address trees more systematically in conjunction with City capital improvement and public works projects.

During the Planning Commission and Urban Forestry Commission hearings the Citywide Tree Project proposal was revised to reduce complexity and implementation costs. Ongoing costs were reduced by 43 percent, and total costs by 33 percent. For example the commissions approved the use of spot-check approach for tree-related inspections to reduce costs, at least for the near term.

In addition, the commissions approved a phased project implantation strategy and funding strategy. The phased approach will provide time to prepare for the new codes to go into effect, including development of informational materials for staff and the public, conducting public outreach, upgrading the TRACS tree permit tracking system, and producing the community tree manual. This approach also allows the initial start up costs to be gradually spread over a longer period, reducing the burden on annual budget. The phased project implementation strategy is outlined below, followed by the three sets Budget Proposal Summary Tables. The first set of tables was submitted to Council in the Recommended Draft to Council (December 2010). The second and third sets of tables represent 2 updated budget estimates that are also provided as attachments in the updated Financial Impact Statement (Exhibit D). Both reflect reduced costs for FY 11-12 and FY 12-13 relative to the December 2010 proposal. Cost reductions are based eliminating funding for the tree manual in FY 11-12 and scaling staffing costs to reflect anticipated mid-year hiring in FY 12-13. Additional costs reductions could be achieved by deferring portions of the tree permit program as shown in Option 2. Note that in each of these scenarios, much of the one-time funding needed for projects and ramp up activities in the first two fiscal years will end or shift to fee supported funding for ongoing program implementation.

- **Decision (spring 2011) - City Council adopts the project proposal** and implementation strategy; directs the bureaus to budget for Phase I program activities.



- **Phase I (Fiscal Year 2011-12) – “Ramp Up”, Tree Manual , Phase I T33 Improvements**
 - City Council approves one-time general funds for project “ramp up” activities, i.e., permit tracking system upgrades, staffing in the Bureaus of Parks and Recreation and Development Services to develop administrative procedures and information on the new development standards and tree permit requirements
 - Cost-neutral Title 33, Planning and Zoning amendments effective July 2011
- **Phase II (Fiscal Year 2012-13) - Implementation “Transition”**
 - City Council approves increases in development and land use review fees and allocates general fund for staff to administer Title 11, Trees and remaining Title 33, Planning and Zoning improvements, to purchase vehicles for new tree inspectors, to hire the single point of contact, and to launch 24-hour tree hotline pilot project.
 - In this first year of implementation, fees will need to accrue before fee supported staff can be hired. For this reason, the proposal reflects one time support of these positions through the general fund, the Urban Forestry Fund, or another alternate source. After this first year, sufficient reserves should be available to support the required staffing.

- c. Title 11, Trees, and remaining amendments to Title 33, Planning and Zoning and other City titles are effective February 1, 2013, unless deferred based on funding availability
- d. Code and program monitoring begins.

- **Phase III (Fiscal Year 2013-14 and future) - Ongoing Program Implementation**

- a. One-time general fund allocations are terminated
- b. Code and program monitoring continues

Budget Proposal Summary Table – Recommended Draft to Council (Dec, 2010)

FY 2011 - 2012

FY 2011 - 2012									
Program Start Up	Use of Funds			Total	Source of Funds				
	Bureau	Use	FTE		GF - OG	time	Fees	CIP	UF Fund
Program Organization and Start-up									
PPR Functions	Parks	Botanic Spec II	0.5	\$48,000		\$48,000			
BDS Functions	BDS	Planner II	0.5	\$47,000		\$47,000			
TRACS upgrade -- Tree permits									
PTE	Parks	Contract		\$32,000		\$32,000			
Tree Manual									
Project manager	Parks	Botanic Spec II	0.5	\$48,000		\$48,000			
"Code Made Easy" Content	BDS	Planner II	0.5	\$47,000		\$47,000			
"Watershed Services" Content	BES	Program Specialist	0.5	\$0					
PTE, M&S	Parks	Contract		\$40,000		\$40,000			
TOTAL			2.5	\$262,000		\$262,000			

FY 2012 - 2013

Year 1 of Full Program	Use of Funds			Total	Source of Funds				
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	UF Fund
Land Use Reviews									
Application Review	BDS	Planner II	0.5	\$0					
Arborist Consultation	Parks	Tree Inspector	0.2	\$17,000			\$17,000		
Building Permits									
Plan Review	BDS	Planner II	1.0	\$95,000		\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.0	\$85,000					\$85,000
Capital and Public Works Projects									
CIP/PW Plan Preparation	Water, BOT, BES	Survey/CADD	0.5	\$90,000				\$90,000	
CIP/PW Review/Inspection	Parks	Tree Inspector	0.3	\$25,000				\$25,000	
Tree Permit Program									
Tree Permit Inspector	Parks	Tree Inspector	1.0	\$85,000	\$85,000				
Vehicles and Equipment									
				\$60,000		\$60,000			
Single Point of Contact/Permit Assistance									
Delta Park Location	Parks	Botanic Spec I	1.0	\$91,000	\$91,000				
24 hour Hotline (pilot)									
Spill Response Line	BES	Overtime (existing staff)		\$10,000		\$10,000			
TOTAL			5.5	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000

FY 2013 - 2014 and future years ongoing

On-going of Full Program	Use of Funds			Total	Source of Funds				
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	UF Fund
Land Use Reviews									
Application Review	BDS	Planner II	0.5	\$47,000			\$47,000		
Arborist Consultation	Parks	Tree Inspector	0.2	\$17,000			\$17,000		
Building Permits									
Plan Review	BDS	Planner II	1.0	\$95,000			\$95,000		
Building Permit Inspection	BDS	Tree Inspector	1.0	\$85,000			\$85,000		
Capital and Public Works Projects									
CIP/PW Plan Preparation	Water, BOT, BES	Survey/CADD	0.5	\$90,000				\$90,000	
CIP/PW Review/Inspection	Parks	Tree Inspector	0.3	\$25,000				\$25,000	
Tree Permit Program									
Tree Permit Inspector	Parks	Tree Inspector	1.0	\$85,000	\$85,000				
Single Point of Contact/Permit Assistance									
Delta Park Location	Parks	Botanic Spec I	1.0	\$91,000	\$91,000				
TOTAL			5.5	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0

Attachment 1 - Modified Tree Project Budget Proposal #1

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Project Ramp Up; absorb/scale Initial Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Program Organization and Start-up										
PPR Functions	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
BDS Functions	BDS	Planner II	0.50	\$47,000		\$47,000				
TRACS upgrade – Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specialist	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
12/2010 Draft Budget			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date & Feb 2013 effective date for T11, Phase 2 T33 amendments, 24-hr hotline]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II (Jan.)	0.25	\$0						
Arborist Consultation	Parks	Tree Insp. (Feb.)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500			\$85,000	
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT,BE S	Survey/CADD(Feb.)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb.)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Insp (Jan.)	0.50	\$42,500	\$42,500					
Vehicles and Equipment (2 vehicles BDS & UF)				\$60,000		\$60,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Bot. Spec I (Jan.)	0.50	\$45,500	\$45,500					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$10,000				\$4,000
TOTAL			2.50	\$276,450	\$88,000	\$150,000	\$4,250	\$30,200	\$0	\$4,000
12/2010 Draft Budget			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Remaining 1-time adds shift to ongoing and fees, 24-Hour Pilot extended 1 year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE S	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$545,500	\$176,000	\$0	\$244,000	\$115,500	\$0	\$10,000
12/2010 Draft Budget			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0

Attachment 2 - Modified Tree Project Budget Proposal Scenario

184524

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Defer/absorb Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Program Organization and Start-up										
PPR Functions	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
BDS Functions	BDS	Planner II	0.50	\$47,000		\$47,000				
TRACS upgrade - Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specials	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
12/2010 Draft Budget			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date, permits for SFR lots <10,000s.f. and SPoC deferred to July 1, 2013]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II (Jan.)	0.25	\$0						
Arborist Consultation	Parks	Tree Insp. (Feb)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500			\$85,000	
Capital and Public Works Projects										
CIP/PW Plan Preparation	BOT, BE S	Survey/CADD (Feb)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for BDS Insp.)				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$10,000				\$4,000
TOTAL			1.50	\$158,450	\$0	\$120,000	\$4,250	\$30,200	\$0	\$4,000
12/2010 Draft Budget			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Homeowner Permit and SPoC are implemented, 24-Hour Pilot extended for full year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	BOT, BE S	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for UF Insp.)				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$575,500	\$176,000	\$30,000	\$244,000	\$115,500	\$0	\$10,000
12/2010 Draft Budget			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0

EXHIBIT D
City of Portland, Oregon

184524

**FINANCIAL IMPACT STATEMENT
For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Roberta Jortner		2. Telephone No. 503.823.7855	3. Bureau/Office/Dept. Planning & Sustainability
4a. To be filed (date)	4b. Calendar (Check One) Regular Consent 4/5ths X <input type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to FPD Budget Analyst:

1) Legislation Title: Citywide Tree Policy Review and Regulatory Improvement Project

Amend and consolidate existing tree regulations into new Code Title 11, Trees, adopt companion amendments in other Titles, and direct the establishment of customer service improvements and implementation funding (Ordinance; add Code Title 11 and amend related Titles)

2) Purpose of the Proposed Legislation: Create clear, consistent, cohesive regulatory framework to address trees in Portland and to protect and enhance the urban forest by:

1. **SUBJECT OF THIS ORDINANCE:** Updating City regulations relating to the Urban Forestry Program and trees in development and non-development situations, and consolidating these regulations into a new City code title – Title 11, Trees. Title 11 contains provisions to authorize the City's Urban Forestry Commission and Urban Forestry Program, standardizes the City's tree permit system and enforcement procedures, establishes new tree preservation and tree density standards that apply through development permits, and establishes technical specifications and definitions. Title 11 clarifies that trees on the City's Nuisance Plants List may not be planted on City property or rights of way.
2. **TO BE ADOPTED THROUGH SEPARATE ORDINANCE:** Amendments are proposed to the existing Intergovernmental Agreement to Transfer Land Use Planning Responsibilities between the City of Portland and Multnomah County, to address the administration of tree-regulations that apply in situations requiring a development permit.
3. **TO BE ADOPTED THROUGH SEPARATE ORDINANCE:** Updating City land use regulations in Title 33 to improve tree preservation and tree planting in land divisions and other specified land use reviews, to encourage tree preservation through new flexible development standards, and improving consistency of tree regulations in specified overlay zones and plan districts. Amendments to the Ladd's Addition Conservation District Guidelines are proposed to clarify that the prohibition on planting nuisance species trees applies and that the street plan guidelines will inform the selection of species to replace nuisance species street trees in the future.
3. **SUBJECT OF THIS ORDINANCE:** Taking actions to improve customer service and access to tree-related information including upgrading the City's tree permit tracking system and establishing a single point of contact to assist the public, a 24-hour tree hotline pilot project, and a community tree manual.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source. While intended to improve program efficiency and cost-effectiveness, this legislation does not, in itself generate or reduce current or future revenues for the City. Portions of the program are envisioned to be funded by increases in tree permit, development and land use fees, however changes to fee schedules would be done through separate legislation

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)*

The estimated costs to prepare for and implement the project proposal are shown in Attachments 1 and 2. The attachments represent two potential cost and funding scenarios, both showing changes in cost compared to the Financial Impact Statement submitted as an exhibit to ordinances contained in Volumes 3 and 4 of the Recommended Draft to Council (December 2010). In addition, these costs do not reflect amendments that City Council has approved 'in concept' on March 9, 2011, and that have the potential to affect workload. These amendments are listed below, with an initial estimate of the general direction of impact on workload.

Council Tentative Direction on 3/9/11Tree Permits

1. New exemption for lots less than 5,000 sq. ft. - workload reduction
2. Eliminating the street tree pruning permit - workload neutral (shift resources to monitoring/enforcement)
3. Adding a programmatic permit option where the City may allow removal of trees larger than 6" diameter with opportunity for public appeal - workload increase

Development Situations

4. Counting street trees toward on-site tree density requirements on lots <3,000 sq. ft. - workload neutral
5. Increasing tree preservation lot size exemption from 3000 to <5000 sq. ft.; changing building coverage exemption from 90% to 85% - both workload reductions
6. Adding tree preservation exemption for sites in several industrial, commercial and employment zones - workload reduction
7. Establishing Comprehensive Natural Resource Management Plans - workload redistribution/reduction

Two scenarios are provided to reflect the fact that certain decisions for staffing and funding will be best made closer to the proposed implementation date.

Attachment 1 outlines the services and cost as follows:

- a. FY 2011-2012 – Funding for tree permit tracking system upgrades, “ramp up” for new code, and – Source: one-time general fund. (Cost for the Community Tree Manual will be absorbed and the project scaled to comport with existing staff resources.)
- b. FY 2012-13 – Funding to staff and implement Title 11, phase 2 Title 33 amendments, vehicles purchase, single point of contact, 24-hour hotline pilot; amendments to Ladd’s Addition Conservation District Guidelines – mix of one-time and ongoing general fund, development and land use review fees, capital improvement project dollars, Urban Forest fund
- c. FY 2013-14 – Funding for ongoing program activities (code administration and enforcement) – ongoing general fund, capital improvement project dollars, development and land use review fees

Attachment 2 reflects a scenario where the costs for the single point of contact and an additional tree inspector (and vehicle) needed to implement the updated Private Tree Removal permit system are deferred to 2014. In actuality, before the FY 12-13 budget process the Bureau of Parks and Recreation (Parks) will determine whether additional General Fund is needed to support these services in FY 12-13, or whether these costs can be deferred to FY 13-14 or covered by an alternative funding source. Parks consider potential savings associated with streamlining of permitting procedures and any potential increases in efficiency or funding opportunities identified during an upcoming discussion of implementation issues and opportunities. If insufficient funding is available Parks could elect to defer program elements such as the new permit requirement for single family zoned lots. Similarly the Bureau of Development Services will consider its funding availability. If insufficient funding is available BDS might need to scale back services such as inspections for the Title 11 tree preservation and density standards.

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? *(If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)* - None.

6) Will positions be created or eliminated in future years as a result of this legislation? - Positions proposed to be created in future years, and budget proposal, are shown in Attachments 1 and 2 (see explanation in 4) above.

Complete the following section if you are accepting and appropriating a grant via ordinance. This section should only be completed if you are adjusting total appropriations, which currently only applies to grant ordinances.

7) Change in Appropriations *(If the accompanying ordinance amends the budget, please reflect the dollar amount to be appropriated by this legislation. If the appropriation includes an interagency agreement with another bureau, please include the partner bureau budget adjustments in the table as well. Include the appropriate cost elements that are to be loaded by the Grants Office and/or Financial Planning. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

APPROPRIATION UNIT HEAD (Typed name and signature)

Attachment 1 - Modified Tree Project Budget Proposal #1

184524

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Project Ramp Up; absorb/scale initial Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Program Organization and Start-up										
PPR Functions	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
BDS Functions	BDS	Planner II	0.50	\$47,000		\$47,000				
TRACS upgrade – Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specials	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
12/2010 Draft Budget			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date & Feb 2013 effective date for T11, Phase 2 T33 amendments, 24-hr hotline]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II (Jan.)	0.25	\$0						
Arborist Consultation	Parks	Tree Insp. (Feb.)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500			\$85,000	
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE S	Survey/CADD(Feb.)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb.)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Insp (Jan.)	0.50	\$42,500	\$42,500					
Vehicles and Equipment (2 vehicles BDS & UF)				\$60,000		\$60,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Bot. Spec I (Jan.)	0.50	\$45,500	\$45,500					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$4,000				\$4,000
TOTAL			2.50	\$276,450	\$88,000	\$150,000	\$4,250	\$30,200	\$0	\$4,000
12/2010 Draft Budget			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Remaining 1-time adds shift to ongoing and fees, 24-Hour Pilot extended 1 year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT,BE S	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$545,500	\$176,000	\$0	\$244,000	\$115,500	\$0	\$10,000
12/2010 Draft Budget			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Defer/absorb Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Program Organization and Start-up										
PPR Functions	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
BDS Functions	BDS	Planner II	0.50	\$47,000		\$47,000				
TRACS upgrade – Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specialis	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
12/2010 Draft Budget			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date, permits for SFR lots <10,000s.f. and SPoC deferred to July 1, 2013]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II (Jan.)	0.25	\$0						
Arborist Consultation	Parks	Tree Insp. (Feb)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500			\$85,000	
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT,BE S	Survey/CADD(Feb)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	4.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for BDS Insp.)				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	4.00	\$94,000	\$94,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$40,000				\$4,000
TOTAL			1.50	\$158,450	\$0	\$120,000	\$4,250	\$30,200	\$0	\$4,000
12/2010 Draft Budget			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Homeowner Permit and SPoC are implemented, 24-Hour Pilot extended for full year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT,BE S	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for UF Insp.)				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$575,500	\$176,000	\$30,000	\$244,000	\$115,500	\$0	\$10,000
12/2010 Draft Budget			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0

COMMISSIONER FRITZ

184524

EX. E

DIRECTION ON SIGNIFICANT TREE TABLE:

#1

New Amendment Language proposed: (Previous Amendment Language)

"Amend the Recommended Draft by adding a reference in the land division approval criteria and direct the Director of the Bureau of Planning and Sustainability to include the information contained in Table 630-1 (Significant Trees) of the zoning code into the Portland Plant List by initiating a change to the List within 180 days of the date this ordinance is adopted."

[(Previous Amendment Language 2.E. Land Divisions (Title 33)): Move to amend the Recommended Draft by adding a reference in the land division approval criteria and include information about native tree growth rates and sizes in the Portland Plant List]

DIRECTION REGARDING NORWAY MAPLE REPLACEMENT IN LADD'S ADDITION.

#2

New Language proposed:

Council directs that the City Forester, Bureau of Environmental Services, and Bureau of Planning and Sustainability, with support from the Office of Neighborhood Involvement and in consultation with the Urban Forestry Commission, work with Ladd's Addition residents and property owners, the Hosford-Abernathy Neighborhood Development (HAND) and Save Our Elms to update the Open Space Guidelines for the street trees in the Ladd's Addition Conservation District Guidelines for Development and Preservation."

Previous Language Proposed: (BPS document dated March 9, 2011, page 7 of 7)

Direct the "Urban Forestry Commission to prepare a neighborhood street plan as developed by the City Forester for the implementation of the Norway Maple Street Tree Replacement Plan for Ladd's Addition Historic District. The Council directed that this be addressed as an implementation action and would not be addressed in code."

Exhibit E
Amendments to Citywide Tree Project December 2010 Recommended Draft
Title 33 Planning and Zoning and Ladd's Addition Conservation District Guidelines

<u>List of Contents:</u>	<u>Page</u>
<input type="checkbox"/> Title 33 Discussion Item Amendments	2
<input type="checkbox"/> 1. Required Outdoor Area (2.D – 3/9/11 Decision Guide).....	2
<input type="checkbox"/> 2. Land Division Approval Criteria (2.E)	2
<input type="checkbox"/> 3. Add New Chapter 33.860 Comprehensive Natural Resource Plans (2.F.2)	2
<input type="checkbox"/> Title 33 Technical Amendments	3
<input type="checkbox"/> 1. Effective date of Title 33 Amendments	3
<input type="checkbox"/> 2. Pedestrian Standards	4
<input type="checkbox"/> 3. Non-conforming Upgrades.....	5
<input type="checkbox"/> 4-7. Environmental Zone.....	5
<input type="checkbox"/> 8. Scenic Corridor Tree Preservation Standards	8
<input type="checkbox"/> 9. Johnson Creek Plan District Tree Removal Standards.....	9
<input type="checkbox"/> 10. Rocky Butte Plan District Tree Removal Standards	9
<input type="checkbox"/> 11-14. Land Division Regulations.....	11
<input type="checkbox"/> 15. Submittal Standards for land use reviews.....	15
<input type="checkbox"/> Ladd's Addition Conservation District Guidelines Technical Amendments.....	13
<input type="checkbox"/> 1. Footnote to Street Tree Plan	13
 Attachment 1 – Example of Portland Plant List Amendments.....	14
Attachment 2 – New Chapter 33.860 Comprehensive Natural Resource Plans	15
Attachment 3 – Renumbering Changes in 33.630.....	20

Title 33, Planning and Zoning - Discussion Item Amendments

Item No.	Code Ref. (Page No.)	Description Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Staff Recommendation Amendments proposed in the Dec. 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .
1	33.110.235.C.3 (p.9)	Required outdoor area. Delete the proposed “flexible development standard” that would allow the required outdoor area to be located partially in the front setback when a tree is preserved in the front setback. City Council directed this amendment to be included on 3/9/11 due to concerns about the possible loss of private defensible outdoor space due to this provision. Delete related commentary.	Delete the amendment proposed in the Dec, 2010 draft, as shown below: 33.110.235.C Required Outdoor Areas - Requirements 3. <u>Location.</u> General landscaped areas which are included as part of the required outdoor area may extend into the required side and rear building setback, but the <u>The</u> required outdoor area may not extend into the front setback up to one-half the depth of the setback <u>be located in the front building setback if at least one tree that is at least 12 inches in diameter is proposed to be preserved within the front setback.</u> Result is no amendment to existing code, shown below: 33.110.235.C Required Outdoor Areas - Requirements 3. General landscaped areas which are included as part of the required outdoor area may extend into the required side and rear building setback, but the required outdoor area may not be located in the front building setback.
2	33.630.200.A <i>(renumbered from 33.630.200.C.1 in Dec 2010 draft - see Att. 3)</i> (p.153)	Land division approval criteria. Add a reference to the criteria that refers to information contained in the Portland Plant List about the size and growth rates of native trees. The Portland Plant List will also be amended to incorporate the information in the “Significant Tree Table” that will be deleted from Chapter 33.630. Revise commentary as follows: A. Guide priorities for preservation toward larger trees and groves and/or trees that provide the greatest environmental and aesthetic benefits for the site and surrounding area. <u>A reference to the Portland Plant List is added to ensure that information on native tree growth rates and priority tree sizes is considered. This information will be moved from the former Significant Tree Table in this Chapter to the Portland Plant List. That information will serve as a resource for applicants and staff when evaluating the relative importance of native trees on the site;</u> See Attachment A, for a recommendation for how the Portland Plant List would be amended. The Portland Plant List will be updated through a separate rulemaking process.	Revise code as shown below: 33.630.200 Land Division – Tree Preservation Approval Criteria A. <u>To the extent practicable, trees proposed for preservation provide the greatest benefits as identified in the purpose of this chapter. In general, healthy, native or non-nuisance species trees that are 20 or more inches in diameter and tree groves, are the highest priority for preservation. However, specific characteristics of the trees, site and surrounding area, should be considered and may call for different priorities, such as preserving native species native tree growth rates and priority tree sizes as described in the Portland Plant List, buffering natural resources, preventing erosion or slope destabilization and limiting impacts on adjacent sites;</u> <i>(renumbered from 33.630.200.C.1 in Dec 2010 draft, see Attachment 3)</i>
3	33.860 New Chapter (See Vol. 1 Report, p.101)	Add new Chapter 33.860 Comprehensive Natural Resource Plans. This chapter was originally adopted in 2010 as part of the River Plan/North Reach code package. It will not be going into effect in the near-term because of the recent LUBA decision remanding the North Reach River Plan. This chapter was not challenged as part of the LUBA case. It is recommended that it be adopted as part of the Citywide Tree Project because it provides an important tool for applicants that wish to take a master plan approach to sites that contain natural resource overlay zones. Some minor changes are proposed to what was originally adopted to clarify that the Comprehensive Natural Resource Plan tool is intended to support the management of natural areas and other open spaces uses, such as golf courses or cemeteries, as well as for traditional development proposals. The new chapter will go into effect with the first phase of Zoning Code amendments on July 1, 2011.	See Attachment 2, New Chapter 33.860, Comprehensive Natural Resource Plans.

Title 33, Planning and Zoning - Technical Amendments

Note: ~~Shaded item numbers~~ indicate a technical change to code content since the 3/9/11 hearing (not shown if change is solely renumbering, restructuring, revised references, or updated commentary.)

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec. 2010 Recommended Draft are shown in single underline and striketrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or striketrough . Language previously proposed to be added that is being deleted is shown with <u>underline/striketrough</u> .
1	Multiple code sections (p.3)	<p>Effective date of Title 33 amendments. Revise to:</p> <ul style="list-style-type: none"> Indicate that the second set of Title 33 amendments will become effective at the same time that Title 11 goes into effect. This will ensure that Title 33 amendments that rely on Title 11 being in place do not precede the effective date of Title 11. Delete 33.110.235 because that section will not be amended per City Council direction. See Discussion Item #1. Add 33.430.080.C.8 to the list of amendments to become effective July 1, 2011 at the request of the Bureau of Fire and Rescue. See Technical Item #4 below for more information. Update numbering in the land division section consistent with Technical Item #11 below. Add Chapter 33.860 to the list of amendments to become effective July 1, 2011. See Discussion Item #3. 	<p>This page precedes the Title 33 code amendments and lists the effective date for the amendments. This section is not code. Revise to add bullets to improve legibility and as shown below:</p> <p style="text-align: center;">Effective Dates for Title 33 Amendments</p> <p>The following list of Title 33 code sections identifies amendments that will become effective on July 1, 2011, <u>unless otherwise indicated in italics</u>. This set of amendments was selected for near-term implementation because they do not require additional funding to be implemented and they can stand alone without other parts of the proposal. The remaining amendments to Title 33 will become effective <u>on the same date that Title 11 goes into effect, currently scheduled for February 1, 2013</u>.</p> <p>Base Zones 33.110.235 Require Outdoor Areas</p> <p>Overlay Zones</p> <ul style="list-style-type: none"> <u>33.430.080.C.8, Environmental Zone Exemptions, pruning coniferous trees (as noted in code section)</u> <u>33.480.040.B Scenic Corridors (except B.2.h, Tree removal without development is deferred until Title 11 goes into effect, currently scheduled for February 1, 2013)</u> <p>Plan Districts</p> <ul style="list-style-type: none"> <u>33.537, Johnson Creek PD (except 33.537.125.D, Tree removal without development is deferred until Title 11 goes into effect, currently scheduled for February 1, 2013).</u> <u>33.570, Rocky Butte (except 33.570.040.D, Tree removal without development is deferred until Title 11 goes into effect, currently scheduled for February 1, 2013).</u> <u>33.580.130 South Auditorium, Preservation of Existing Trees (except 33.580.130.C, Tree removal without development is deferred until Title 11 goes into effect, currently scheduled for February 1, 2013).</u> <p>Land Divisions</p> <ul style="list-style-type: none"> <u>33.630.7600, Recording Tree Preservation Plans and Related Conditions</u> <p>Administration and Enforcement</p> <ul style="list-style-type: none"> <u>33.730.140, Requests for Changes to Conditions of Approval</u> <u>33.853 Tree Review (except 33.853.020.B.2.b. Changing tree preservation requirements following land use approval - exception for dead, dying and dangerous trees - is deferred until Title 11 goes into effect, currently scheduled for February 1, 2013).</u> <p>Land Use Reviews</p> <ul style="list-style-type: none"> <u>33.860 Comprehensive Natural Resource Plans - all</u>

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and striketrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or striketrough . Language previously proposed to be added that is being deleted is shown with <u>underline</u> / striketrough .
2	33.120.255 B.1.a (p.19) 33.130.240 B.1.a (p.27) 33.140.240 B.1.a (p.31)	Pedestrian standards. Reword to refer to a "connection" rather than a "straight line connection" to provide for consistent code construction. Applies in multi-dwelling, commercial and employment/industrial base zones.	Revise the code as shown below: 33.120.255.B.1 Pedestrian Standards – Connections (Multi-dwelling zones) a. Connection between streets and entrances. (1) Sites with one street frontage. <ul style="list-style-type: none"> • <u>Generally.</u> [No change] • <u>Household Living.</u> Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site. <u>The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.</u> • <u>Tree preservation.</u> [No change]. 33.130.240.B.1 Pedestrian Standards – Connections (Commercial zones) a. Connection between streets and entrances. (1) Sites with one street frontage. <ul style="list-style-type: none"> • <u>Generally.</u> There must be a straight line connection between one main entrance of each building on the site and the adjacent street. The straight line connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. • <u>Household Living.</u> Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site. <u>The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.</u> • <u>Tree preservation.</u> [No change] (2) Sites with more than one street frontage. <ul style="list-style-type: none"> • The standard of B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection <u>meeting the standard of B1.a(1)</u> to one main entrance on the site; 33.140.240.B.1 Pedestrian Standards – Connections (Employment and Industrial zones) a. Connection between streets and entrances. (1) Sites with one street frontage. <ul style="list-style-type: none"> • <u>Generally.</u> There must be a straight line connection between one main entrance of each building on the site and the adjacent street. The straight line connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. • <u>Household Living.</u> Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site. <u>The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.</u> • <u>Tree preservation.</u> [No change] (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met: <ul style="list-style-type: none"> • The standard of B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection <u>meeting the standard of B1.a(1)</u> to one main entrance on the site;

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .
3	33.258.070 D.1.a & D.2.b (p.45, 47)	<p>Non-conforming upgrades. Removes existing language in non-conforming upgrades chapter related to expired Adjustments. With the reorganized list of upgrade options, this reference could be mistakenly read to indicate that only parking lot landscaping related to Adjustments approved prior to March 16, 2001 require upgrading. This amendment removes the cross-reference only; 33.730.130.D remains in effect.</p> <p>Add commentary as follows:</p> <p><u>The reference to 33.730.130.D, Expiration of adjustments approved prior to March 16, 2001 is not carried forward to the consolidated list of upgrade options because it could be mistakenly read to indicate that only parking lot landscaping related to Adjustments approved prior to March 16, 2001 require upgrading. Even though the cross-reference is not included, 33.730.130.D remains in effect.</u></p>	<p>Delete the reference to Subsection 33.730.130.D, Expiration of adjustments approved prior to March 16, 2001. Revise code as shown below:</p> <p>33.258.070.D Development that must be brought into conformance.</p> <p>1. Nonconforming development with a new conforming use or new nonconforming residential density.</p> <p>a. <u>Landscaping and trees required for the following areas:</u></p> <ul style="list-style-type: none"> • <u>Exterior display, storage, and work activity areas;</u> • <u>Setbacks for surface parking and exterior development areas;</u> • <u>Interior parking lot landscaping. See Subsection 33.730.130.D, Expiration of adjustments approved prior to March 16, 2001;</u> • <u>Existing building setbacks;</u> • <u>Minimum landscaped areas other than described above; and</u> • <u>Tree density standards of Chapter 11.50 for the site.</u> <p>2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use.</p> <p>b. Standards which must be met.</p> <p>(1) <u>Landscaping and trees required for the following areas:</u></p> <ul style="list-style-type: none"> • <u>Exterior display, storage, and work activity areas;</u> • <u>Setbacks for surface parking and exterior development areas;</u> • <u>Interior parking lot landscaping. See Subsection 33.730.130.D, Expiration of adjustments approved prior to March 16, 2001;</u> • <u>Existing building setbacks;</u> • <u>Minimum landscaped areas other than described above; and</u> • <u>Tree density standards of Chapter 11.50 for the site.</u>
4	33.430.080 C.2 (p.55)	<p>Environmental zone pruning exemptions. Reinstate the existing provision that exempts pruning of shrubs within 10' of a building from environmental zone regulations. This exemption was inadvertently deleted when the current environmental zone tree pruning exemptions were consolidated into Title 11.</p> <p>Revise commentary as follows:</p> <p><u>C.2: Revise the term "structure" to "building and structures attached to buildings..." for consistency throughout code. The exemption for pruning within 10' of a building is retained here to ensure that pruning of shrubs remains exempt. Removes the pruning portion of this exemption, which is addressed under C.8 below.</u></p>	<p>Revise code as shown below:</p> <p>33.430.080 Items Exempt From These Regulations</p> <p>C. Existing development, operations, and improvements, including the following activities:</p> <p>2. Continued maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance Plants List. Change of crop type or farming technique on land currently in agricultural use. <u>Pruning trees and shrubs within 10 feet of structures. Pruning trees and shrubs within 10 feet of buildings and structures attached to buildings, such as decks, stairs and carports;</u></p>

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .
5	33.430.080.C.8/9 (p.59)	<p>Environmental zone pruning exemptions. Add an amendment that will be effective July 1, 2011 to remove the "6' from the ground" restriction on pruning evergreen trees in Wildfire Hazard zones. This same allowance will be incorporated into the pruning permit exemptions in Title 11 when it goes into effect.</p> <p>Revise commentary as follows:</p> <p><u>Pruning Exemptions</u> <u>The pruning exemption will be updated in two phases. In the first phase of amendments (effective July 1, 2011), the restriction on pruning evergreen trees in Wildfire Hazard zones only within "6' from the ground" will be removed.</u></p> <p><u>In the second phase that will go into effect with Title 11, all tree pruning will be exempt provided the requirements under Title 11 are met. C.8: Consolidates pruning-related exemptions and references Title 11 pruning permit requirements. Title 11 <u>will</u> allows limited pruning of native trees in environmental zones subject to a permit, instead of requiring environmental review as is the case under the current regulations. The permit will provide a means to track approved pruning and will involve arborist oversight and the City's Urban Forestry program expertise in considering these requests. Current exemptions for limited pruning in e-zones, including the first phase change described above, are deleted here and are reinstated in Title 11. Pruning of non-native trees is also exempt <u>from the pruning permit requirement.</u></u></p>	<p>Revise the code section as shown below to allow for early implementation of the allowed pruning in Wildfire Hazard areas.</p> <p>33.430.080.C, Items Exempt From These Regulations</p> <p>Effective July 1, 2011:</p> <p>9. Pruning coniferous trees that are within 30 feet of a structure to remove branches up to 6 feet above the ground, when the structure is within the wildfire hazard zone as shown on the City's Wildfire Hazard Zone Map;</p> <p>Effective February 1, 2013 (or same date as Title 11):</p> <p>9-8. Pruning <u>trees in accordance with Title 11 permit requirements.</u> coniferous trees that are within 30 feet of a structure to remove branches up to 6 feet above the ground, when the structure is within the wildfire hazard zone as shown on the City's Wildfire Hazard Zone Map;</p>
6	33.430.140.J.4 (p.67)	<p>Environmental zone tree replacement requirements. Add allowance for applicants to pay a revegetation fee in lieu of planting on site for removal of trees in transition areas and removal of non-native trees. This will ensure that these tree replacement standards would not trigger a land use review unless the applicant chose to that option, as is intended.</p> <p>Revise commentary as follows:</p> <p>Standard J is broken into separate sub-sections <u>paragraphs. Paragraphs 1-3 that address the three categories of trees (native, non-native non-nuisance, and nuisance). Paragraph 4 provides an option for replacement.</u></p> <p><u>4) An allowance is added for applicants to pay a revegetation fee in lieu of planting on site for removal of trees in transition areas and removal of non-native trees. This will ensure that the code is consistent with the intent that these tree replacement standards not trigger a land use review unless the applicant chooses that option.</u></p>	<p>Add new code language as follows:</p> <p>33.430.140.J General Development Standards - Tree removal and replacement standards</p> <p><u>4. For replacement of non-native trees and trees in transition areas, applicants may pay a revegetation fee as described in Table 430-2 in lieu of planting on the site. The fee is based on the number of trees required under Table 430-3, Option A.</u></p>

Item No.	Code Ref. (Page No.)	Description Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Staff Recommendation Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .
7	33.430.150 E.5 (p.69) 33.465.155 F.4 (p.97)	<p>Environmental and Pleasant Valley Natural Resource overlay zone standards for utility lines. Add flexibility in the location of replacement plantings along streams when there is a utility easement does not allow tree planting.</p> <p>Revise the commentary as follows: 33.430.150.E 5. The current requirement about planting trees between the stream corridor and utility is moved to this subparagraph, <u>however flexibility is added in the location of replacement plantings when there is a utility easement that does not allow tree planting.</u> The requirement to plant at least 10 feet from a paved surface is deleted to provide greater consistency within the chapter. There is no other place within the e-zone chapter where planting is required to be set back a specific distance from paving or structures.</p> <p>33.465.155.F Standard F.4 replaces the current restrictions regarding where trees can be planted, <u>however flexibility is added in the location of replacement plantings when there is a utility easement that does not allow tree planting.</u></p>	<p>Revise the code as shown below:</p> <p>33.430.150 Standards for Utility Lines E. <u>Tree removal and replacement standards are as follows:</u> 5. <u>Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting.</u></p> <p>33.465.155 Standards for Utility Lines F. <u>Tree removal and replacement standards are as follows:</u> 4. <u>Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting.</u></p>

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .
8	33.480.040.B.2.g(4) and h (p.109 and 111)	<p>Scenic corridor tree preservation standards.</p> <p>Reword the standard for tree removal related to utility installation to apply to a "site" as opposed to a "lot". The intent was to apply the allowance to development sites which can be made up of several lots.</p> <p>Revise commentary as follows:</p> <p>The requirements for utilities (2.g (4)) now specify that the tree removal is necessary for some aspect of the utility, i.e. maintenance or installation. As currently written, the tree need only be located in an easement to allow its removal, even if removal is not necessary for the utility to be installed or operated. The utility allowance also provides for installation of utilities outside of easements, provided they are restricted to a single 10-foot wide corridor. This allowance has been added to provide for installation of individual service lines to <u>lots development sites</u>, which are typically not located in an easement.</p> <p>Clarify that a Title 11 tree permit is required in non-development situations where the zoning code allows removal without specific replacement requirements (i.e. dead, dying dangerous and nuisance trees). For situations where the zoning code specifies replacement requirements (i.e. removal and replacement of small trees), it is simpler and more consistent for that standard to be reviewed and enforced by BDS through a zoning permit.</p> <p>Revise commentary as follows:</p> <p>A reference to Title 11 is added since Title 11 tree removal permits are required to remove trees if no development is proposed, <u>except where the Zoning Code includes specific replacement requirements (i.e. removal and replacement of small trees). A Title 11 permit can only be issued if the tree qualifies for removal under the plan district standards. In that situation, the tree removal criteria for plan districts and overlay zones in 11.400 would have to be met.</u></p> <p><i>Note: The same revisions are proposed for Rocky Butte and Johnson Creek Plan District chapters (Technical Items 9 and 10 below).</i></p>	<p>Revise the code as shown below:</p> <p>33.480.040.B.2 Development Standards - Scenic Corridors.</p> <p>g. Preservation of trees. (3-4) <u>The tree must be removed due to installation, repair, or maintenance of is-within-a water, sewer, or stormwater services or other utility easement. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor on each lot site;</u></p> <p>h. <u>Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subparagraph 2.g(1) through (6) above is subject to the tree permit requirements of Title 11, Trees.</u></p>

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation															
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .															
9	33.537.125.C.4, C.6, Table 537-1 and D (p.127, 129)	<p>Johnson Creek plan district tree removal standards. Simplify the proposed tree replacement standards, generally consistent with environmental zone standards. <i>Note: The same revision is proposed in the Rocky Butte Plan District chapter.</i></p> <p>Also see Technical Item No.8 for discussion of the proposed revision to 33.537.125.C.4. and D.</p> <p>Revise commentary as follows:</p> <p>C.4: The allowance for tree removal related to utilities requires that the removal be necessary for some aspect of the utility, i.e. maintenance, repair or installation, and provides for installation of utilities outside of easements, which is required in the current allowance for tree removal. This allowance is included to provide for installation of individual service lines to lots, which are typically not located in an easement, and is similar to provisions elsewhere in the zoning code (scenic overlay zone and Rocky Butte Plan District). Installation of new utilities is restricted to a 10-foot wide corridor per lot <u>site</u> to provide for a reasonable utility corridor while limiting the amount of area where tree removal is allowed.</p> <p>D. A reference to Title 11, Trees is added since Title 11 permits would be required for tree removal when no other development is proposed, <u>except where the Zoning Code includes specific replacement requirements (i.e. removal and replacement of small trees).</u> <u>Where a Title 11 permit is required, it can</u> In that situation, a tree removal permit could be granted only if the plan district standards for tree removal in this chapter are met.</p>	<p>Revise code as shown below:</p> <p>33.537.125 C. Tree Removal Standards</p> <p>4. <u>The tree must be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor per lot site;</u></p> <p>6. <u>The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this Subsection, but is replaced according to Table 537-1 with two trees. Replacement plantings must meet Section 33.248.030, Plant Materials. Trees removed within 20 feet of the Springwater Corridor must be replaced within the 20 feet of the Springwater Corridor; or</u></p> <table><tr><th colspan="3">Table 537-1 Tree Replacement In Johnson Creek Basin Plan District Applicants may chose either Option A or Option B</th></tr><tr><th>Size of tree to be removed (inches in diameter)</th><th>Option A (no. of trees to be planted)</th><th>Option B (combination of trees and shrubs)</th></tr><tr><td>At least 6 to less than 9</td><td>1</td><td>not applicable</td></tr><tr><td>At least 9 to less than 12</td><td>3</td><td>2 trees and 2 shrubs</td></tr><tr><td>at least 12</td><td colspan="2">Tree Review Required</td></tr></table> <p>D. Tree removal without development. When no development is proposed, tree removal allowed under the standards of Subsection C.1 through 5, above, is subject to the tree permit requirements of Title 11, Trees.</p>	Table 537-1 Tree Replacement In Johnson Creek Basin Plan District Applicants may chose either Option A or Option B			Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)	At least 6 to less than 9	1	not applicable	At least 9 to less than 12	3	2 trees and 2 shrubs	at least 12	Tree Review Required	
Table 537-1 Tree Replacement In Johnson Creek Basin Plan District Applicants may chose either Option A or Option B																		
Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)																
At least 6 to less than 9	1	not applicable																
At least 9 to less than 12	3	2 trees and 2 shrubs																
at least 12	Tree Review Required																	
10	33.570.040.C.4, C.6 & Table 570-1 (p.135, 137)	<p>Rocky Butte plan district tree removal standards. See discussion under Technical Items No.8 and 9 for changes to 33.570.040.C.4, C.6 and D. Also, add cross-reference to 33.248 for replacement planting sizes.</p> <p>Revise commentary as follows:</p> <p>D. Tree removal without development. Reference to Title 11 is added since a Title 11 permit is required for tree removal when no other development is proposed, <u>except where the Zoning Code includes specific replacement requirements (i.e. removal and replacement of small trees).</u> <u>Where a Title 11 permit is required, it can</u> In that situation, a tree removal permit could be granted only if the plan district standards of this chapter are met.</p>	<p>Revise code as shown below:</p> <p>33.570.040.C Tree removal standards</p> <p>3 4. <u>The tree must be removed for installation, repair or maintenance of is within a water, sewer, or stormwater services or other utility easement. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor per lot site.</u></p> <p>6. <u>The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this Subsection, but is replaced according to Table 570-1 with two trees. Replacement plantings must meet Section 33.248.030, Plant Materials.</u></p> <p>Delete Table 570-1</p> <p>D. Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subsection C.1 through 5, above, is subject to the tree permit requirements of Title 11, Trees.</p>															

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .
11	33.630 (p.141-163) 33.730.D.1.d (2), 3 rd bullet (p.187)	Renumbering in the land division tree preservation chapter. Renumber to provide a more logical flow that is closer to the organization of the existing chapter. Renumber and reorganize commentary to match code sections.	Renumber sections, and related subsections, as shown below and in Attachment 3: Sections: 33.630.010 Purpose 33.630.020 Where These Regulations Apply 33.630.030 Exempt From These Regulations <u>33.630.030 Exempt From These Regulations</u> 33.630.100 Tree Preservation Standards <u>33.630.100 Minimum Tree Preservation Standards</u> 33.630.200 Tree Preservation <u>Approval Criteria</u> Requirements for Trees Located on the Site Methods 33.630.300 Mitigation Option 33.630.400 Modifications That Will Better Meet Tree Preservation Requirements 33.630.500 Tree Preservation Credit 33.630.600 Standard for Trees in Existing Rights-of-Way <u>33.630.7600 Recording Tree Preservation Plans and Related Conditions</u> 33.630.6008700 Relationship To Other Tree Regulations <i>See Attachment 3 for remainder of renumbering changes.</i>
12	33.630 Title, List of Sections 33.630.010 (p.141) 33.630.600 (p.163) 33.654.120.H (p.169)	Street tree standards for land divisions. Consolidate land division standards regarding street trees from two chapters into the Rights-of-way chapter, which applies to all land divisions. Make corresponding change to the purpose statement and title of 33.630 since street tree planting will be addressed in a different chapter. Revise commentary as follows: <p style="text-align: center;">CHAPTER 33.630, TREE PRESERVATION</p> This chapter currently addresses tree preservation on land division sites. While the provisions still focus primarily on tree preservation on the site, the scope is being expanded somewhat to address the preservation and planting of street trees. The chapter title is changed from "Tree Preservation" to "Trees" to reflect this broadening in scope of requirements. Delete commentary for 33.630.600 and revise commentary in 33.654.120.H as follows: H. Standard for Street Trees. A new standard is added that requires <u>the preservation of existing street trees and planting within new rights-of-way of new street trees</u> be considered during the preliminary land division review. The decision about whether the preliminary plan adequately addresses street tree <u>preservation and</u> planting in public streets will be made by the City Forester, in consultation with the and City Engineer. This coordination is necessary as the City Engineer makes decisions about street improvements and the provision of other services within the right-of-way. For private streets, the Bureau of Development Services will make the decision about street trees in accordance with the Administrative Rule for Private Rights-of-Way, which was recently updated to include requirements for street trees. Street tree planting within existing streets will be addressed in 33.630.	Delete street tree standard in 33.630, change title of Chapter 33.630 back to "Tree Preservation" throughout code and update purpose statement consistent with change. Add relevant language to 33.654, Rights-of-way. See code changes below: <u>AMEND CHAPTER 33.630, TREES PRESERVATION PRESERVATION</u> Change chapter title back to "Tree Preservation" where referenced throughout code. Sections: 33.630.600 Standard for Trees in Existing Rights-of-Way 33.630.010 Purpose <u>The land division process provides the flexibility and opportunity to promote creative site design that considers multiple objectives, including integration of trees. The regulations of this chapter preserve trees and mitigate for the loss of trees to require that trees be considered early in the design process with the goal of preserving high value trees, and mitigating for the loss of trees and ensuring space is available for street trees. Desired benefits of trees include: [No change]</u> 33.630.600 Standard for Trees in Existing Rights-of-way A. Where the regulation applies. This standard applies to existing public rights-of-way that are adjacent to the land division or planned development site. B. The City Forester, in consultation with the City Engineer, has preliminarily approved the proposal and found it acceptable for retention of street trees and providing adequate areas for future street tree planting. 33.654.120 Design of Rights-of-Way H. Standard for Street Trees. <u>For new existing and proposed public streets, the City Forester, in consultation with the City Engineer, has preliminarily approved the proposal street tree planting plan and found it acceptable for the retention of existing street trees and providing adequate areas for future street tree planting. For private streets, the Bureau of Development Services has preliminarily approved the street tree planting plan.</u>

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .
13	33.630.020. B (renumbered from 33.630.200. A.2 in Dec 2010 draft- see Att. 3) (p.145)	<p>Land division sites in C, E and I zones. The intent of this provision is to allow built-out land division sites to defer the review of tree preservation until any future redevelopment of the site. At that time, the site would be subject to Title 11 tree preservation standards applied in the building permit process. However, based on the proposed Title 11 amendments, sites in certain C, E, and I zones will be exempt from the Title 11 standards. This amendment will exclude sites in those zones that will be exempt from the Title 11 tree preservation requirements from using this provision, thereby ensuring that tree preservation is addressed during the land division review, as is currently required.</p> <p>Revise commentary as follows: B. A new option is provided for developed sites in C, E and I zones. This allows applicants with developed sites in commercial, employment and industrial zones to defer tree preservation review until redevelopment is proposed. Title 11 tree preservation and tree density standards would apply at that time. Often when such sites are divided, applicants intend to divide the ownership of the site, but are not proposing additional development. As proposed, deferment of tree preservation review would be an option, so the applicant could still choose to address tree preservation during the land division. This may be beneficial in situations where additional development is anticipated in the near-term because the land division review can customize the tree preservation for the site through the discretionary review process. <u>This provision cannot be used in zones that are exempt from Title 11 tree preservation requirements. If the Title 11 exemption for certain C, E, and I zones is removed in the future, the exception that restricts their use of this provision should be removed as well.</u></p>	<p>Revise code as shown below:</p> <p>33.630.020 Where These Regulations Apply</p> <p><u>B. Sites in C, E, and I zones where all of the proposed lots are currently developed with commercial, employment, or industrial development. Such sites may defer tree preservation review to the time of any future development or redevelopment of the site. Sites that use this option are subject to the standards of Title 11, Trees at the time of development.</u></p> <p><u>1. Exception. Sites in the IH, IG1, EX, CX, CS, and CM zones are not eligible to use this provision.</u></p> <p>(renumbered from 33.630.200.A.2 in Dec 2010 draft, see Attachment 3)</p>
14	33.630.400. A and B.2.b(1) (p.159 and 161)	<p>Modifications to standards during land division review. Revise the requirements to qualify for a modification to development standards to clarify that the result must be an improved tree preservation outcome on the site. The current requirement to "better" meet criteria may cause confusion because the criteria require that tree preservation be maximized to the extent practicable.</p> <p>Revise commentary as follows:</p> <p>A. Site-related development standards. Minor edits to the site-related development standards section are intended to clarify terms and <u>to make it clear that the outcome of the modification must be improved tree preservation on the site, that the requirement that the proposal better meet the new tree preservation approval criteria to qualify for the modification.</u></p>	<p>Revise code as shown below:</p> <p>33.630.400 Modifications That Will Better Meet Tree Preservation Requirements</p> <p>A. Site-related development standards. The review body may consider <u>adjustments</u> <u>modifications</u> to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards (such as FAR, or number of units) are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word "prohibited," or a regulation that is a qualifying situation or threshold is prohibited.</p> <p>In order to To approve the modification, the review body must find that the modification will result in <u>improved tree preservation, considering the tree preservation priorities for the site the application proposal better meeting the requirements criteria of Section 33.630.100</u>, and will, on balance, be consistent with the purpose of the regulation being modified.</p> <p>B. Minimum density. <u>2.b. The review body will approve the reduction in minimum density if the following are met:</u></p> <p><u>(1) The reduction in minimum density will result in improved tree preservation, considering the tree preservation priorities for the site the proposal better meeting the criteria of Section 33.630.200; and</u></p>

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Title 33 portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with <u>underline/strikethrough</u> .
15	33.730.060.C.3 (p.185)	Submittal standards for land use reviews. Reword land use review site plan requirements to refer to the development impact area option in Title 11, as opposed to "areas to be disturbed".	Revise site plan submittal standards as shown below: 33.730.060.C.3 Required information for land use reviews except land divisions. 5 th bullet: <ul style="list-style-type: none">• <u>The location, size and species of a</u>All trees greater than 6 inches and larger in diameter, measured 5 feet above the ground, in areas to be disturbed and within 25 feet of areas to be disturbed. On sites where the development impact area option for large sites in Chapter 11.50 will be used, only trees within that area must be shown;

Ladd’s Addition Conservation District Guidelines - Technical Amendments

Note: *Shaded item numbers indicate a technical change to code content since the 3/9/11 hearing (not shown if change is solely renumbering, restructuring, revised references, or updated commentary.)*

Item No.	Code Ref. (Page No.)	Description	Staff Recommendation
		Notes "Page No." refers to the page number in the Ladd's Addition Conservation District Guidelines portion of Volume 4 of the Dec, 2010 Recommended Draft	Amendments proposed in the Dec, 2010 Recommended Draft are shown in single underline and strikethrough . Revisions to the Recommended Draft that add or delete language are shown with double underline or strikethrough . Language previously proposed to be added that is being deleted is shown with underline/strikethrough .
1	Open Space Guideline #8, Street Tree Plan (p.3)	Footnote to the street tree plan. Revise footnote to provide a general reference to nuisance species identified in the Portland Plant List, in addition to the specific tree species listed. This will make it clearer that planting all nuisance species is prohibited and will automatically incorporate any changes to the Nuisance Plants List.	Revise footnote as shown below: Add footnote to Open Space Guideline #8, Street Tree Plan (page 7) as follows: 8. STREET TREE PLAN: A Street Tree Plan adopted by the City for Ladd’s Addition governs street tree selection and replacement on each street. ¹ Species designated in the plan should be consistent with the character, height, canopy and spacing of a street’s original plantings, the width of the parking strip, and the scale and function of the street within the district. <u>Footnote:</u> 1. <u>Norway Maple, Single Seed Hawthorne, and Globe Locust, or any other tree species are identified as a nuisance species in the Portland Plant List, and therefore may not longer be planted as a City Street tree. This historic street tree plan provides guidance on the selection of trees that may be planted to maintain a similar historic streetscape character over time.</u>

ATTACHMENT 1
Example Portland Plant List Amendment

COMMENTARY

EXAMPLE PORTLAND PLANT LIST AMENDMENT

The following is a recommendation for how the Portland Plant List could be amended to address tree growth rates as provided in the Significant Tree table formerly contained in 33.630. Since the Portland Plant List is an administrative rule, the amendment would be done prior to the code going into effect through a separate administrative rulemaking process.

EXAMPLE PORTLAND PLANT LIST AMENDMENT

Portland Plant List, Section 3 Native Plants in Detail

Add new subsection:

3.4, Native Trees Growth Rates and Priority Tree Sizes

Portland’s native trees grow at varying rates and reach different sizes at maturity. For example, some native trees, such as the Pacific yew or Garry oak, might be considerably smaller but older than larger trees such as a Douglas fir. These differences should be taken into consideration when developing priorities for the care, management, preservation and protection of native trees. When trees reach sizes outlined in the table below, they should be prioritized for retention where practical on development and land division sites. Smaller native trees may also be prioritized for preservation and protection, particularly when part of a grove or when they are healthy and appropriately situated. This does not substitute for evaluating specific site conditions, approval criteria or other code requirements that may affect priorities.

Priority Native Tree Sizes		
Common Name	Scientific Name	Diameter
Big-leaf Maple	Acer macrophyllum	18 inches
Bitter Cherry	Prunus emarginata	10 inches
Black Cottonwood	Populus balsamifera ssp. trichocarpa	18 inches
Black Hawthorn	Crataegus douglasii var. douglasii	8 inches
Black Hawthorn	Crataegus suksdorfii	8 inches
Cascara	Rhamnus purshiana	6 inches
Douglas Fir	Pseudotsuga menziesii	18 inches
Garry Oak	Quercus garryana	4 inches
Grand Fir	Abies grandis	10 inches
Madrone	Arbutus menziesii	4 inches
Oregon Ash	Fraxinus latifolia	10 inches
Pacific Yew	Taxus brevifolia	2 inches
Ponderosa Pine	Pinus ponderosa	8 inches
Red Alder	Alnus rubra	18 inches
Scouler Willow	Salix scouleriana	6 inches
Western Flowering Dogwood	Cornus nuttallii	6 inches
Western Hemlock	Tsuga heterophylla	10 inches
Western Red Cedar	Thuja plicata	10 inches

[Renumber current Section 3.4. (Tree Silhouettes) to Section 3.5]

ATTACHMENT 2**Amendment to add new Chapter 33.860 Comprehensive Natural Resource Management Plans****COMMENTARY****Chapter 33.860 Comprehensive Natural Resource Plans**

This chapter was adopted as part of the River Plan/North Reach code package, however it will not be going into effect in the near-term as a result of the recent LUBA decision on the River Plan. This chapter was not challenged as part of the LUBA case. It is recommended that it be adopted as part of the Citywide Tree Project because it provides an important tool for applicants that wish to take a master plan approach to sites in natural resource overlay zones. Some minor changes are proposed from what was originally adopted to clarify that this tool can be used for long-term resource management and enhancement projects, as well as for traditional development proposals to respond to concerns expressed during the Citywide Tree Project process.

This chapter was designed to allow a comprehensive review of multiple development actions occurring over time on sites containing natural resource areas. It will allow applicants to get approval for development and mitigation actions within the City's natural resource overlay zones for up to 10 years under one comprehensive land use review. This review will allow proposals to be evaluated in the context of the overall cumulative impacts on natural resource values and require mitigation accordingly. In addition, through a Comprehensive Natural Resource Plan, a property owner can gain flexibility to conduct mitigation in a phased approach that is more in line with how the planned activities are anticipated to unfold over the years. This will help to avoid situations where mitigation for one development action is conducted and then removed a few years later when additional development is approved. The Comprehensive Natural Resource Plan will allow a coordinated approach to planning development, disturbance and mitigation activities over time so that they will occur in a coordinated, efficient and holistic manner.

These plans are intended as a tool to provide flexibility for users such as universities, golf courses or cemeteries with long-term development and site and vegetation management strategies, and large industrial sites or facilities with ownerships that span multiple overlay zones (such as the Port). In addition, these plans could be used to guide resource management projects and activities in large natural areas, such as Smith and Bybee Lakes.

A Comprehensive Natural Resource Review can take the place of Environmental Review, Pleasant Valley Resource Review, and Greenway Review in the River Natural and River Water Quality overlay zones.

CHAPTER 33.860
COMPREHENSIVE NATURAL RESOURCE PLANS

Sections

- 33.860.010 Purpose
- 33.860.020 When a Comprehensive Natural Resource Plan Is Allowed
- 33.860.030 Duration of a Comprehensive Natural Resource Plan
- 33.860.040 Procedure
- 33.860.050 Amendments to a Comprehensive Natural Resource Plan
- 33.860.100 Application Requirements
- 33.860.200 Approval Criteria
- 33.860.250 Overlay Zone Map Refinement

33.860.010 Purpose

For sites within one or more of the City's natural resource overlay zones, a Comprehensive Natural Resource Plan is intended to allow for the following:

- A.** Comprehensive consideration of future plans for sites where multiple development, disturbance, or resource enhancement actions are anticipated over time within one or more natural resource overlay zones. An adopted resource plan may substitute for case by case Environmental Review, Pleasant Valley Resource Review, or River Review. Comprehensive Natural Resource Plans may be completed at various levels of detail. Generally, the more specific the plan, the less review will be required as the future development is built;
- B.** Comprehensive consideration of the long-term cumulative impacts of development within a natural resource overlay zone, with attention paid to site-specific goals and objectives. With a Comprehensive Natural Resource Plan impacts to natural resources may be avoided by coordinating the timing of different development actions;
- C.** Mitigation and resource enhancement strategies that occur throughout the life of the plan, with greater flexibility for when and how specific mitigation actions occur in relation to specific development impacts;
- D.** Comprehensive consideration of resource management and enhancement projects for large natural areas or open space uses;
- E.** A more integrated structure for considering overlay zone mapping refinements; and
- F.** Greater coordination with local, state and federal agencies.

33.860.020 When a Comprehensive Natural Resource Plan Is Allowed

A Comprehensive Natural Resource Plan is allowed as an alternative to Environmental Review, Pleasant Valley Resource Review, or Greenway Review for sites that are fully or partially within one or more of the following natural resource overlay zones:

- A.** Environmental Protection;
- B.** Environmental Conservation;
- C.** Pleasant Valley Natural Resource;
- D.** River Natural; or
- E.** River Water Quality.

COMMENTARY

33.860.030 Duration of a Comprehensive Natural Resources Plan

The plan may be approved for up to 10 years and must include all proposed development and disturbance activities on the site.

33.860.040 Procedure

Comprehensive Natural Resource Plans will originally be approved through a Type III review. Tentative proposals may be identified in the plan that are generally anticipated, but lack sufficient detail to evaluate their full impact and necessary mitigation. For example, construction management plans may not be available until the specific designs are completed. These tentative proposals can be approved subject to a second Type 1 review to evaluate those details.

33.860.050 Amendments to a Comprehensive Natural Resource Plan

This section specifies the review procedure that will be required if an applicant proposes an activity that is not included in the approved Comprehensive Natural Resource Plan. A Type III procedure is required for significant new impacts, such as new development or disturbance within an environmental protection zone or an increase of more than 10 percent in the area proposed to be developed or disturbed. Other amendments are processed through a Type II procedure.

33.860.030 Duration of a Comprehensive Natural Resources Plan

The Comprehensive Natural Resource Plan may be approved for up to 10 years. The plan must include proposed development, disturbance, or resource enhancement activities, and possible future development, disturbance, or resource enhancement activities that might occur within the next 10 years.

33.860.040 Procedure

A Comprehensive Natural Resource Plan is processed through a Type III procedure. Some proposals in a Comprehensive Natural Resource Plan may be identified as tentatively approved, and subject to an additional Type 1 procedure at a later date. The additional review will evaluate more detailed proposals and ensure conformance with the plan.

33.860.050 Amendments to a Comprehensive Natural Resource Plan

Amendments to a Comprehensive Natural Resource Plan are required for any development within the boundaries of the River Natural, River Water Quality, Pleasant Valley Natural Resources, environmental conservation, or environmental protection overlay zones that is not in conformance with the approved Comprehensive Natural Resource Plan. Amendments are not required for development listed as exempt from the relevant overlay zone regulations. Amendments are subject to the same approval criteria as the initial resource plan. The thresholds and procedures for amendments are stated below.

- A. Type III procedure.** Unless the resource plan specifically provides differently, the following amendments to a resource plan are processed through a Type III procedure:
1. Any proposed development or disturbance within the environmental protection overlay;
 2. A proposed reduction in the area of the environmental protection overlay;
 3. An increase in the area proposed for development or disturbance more than 10 percent from what was included in the original resource plan;
 4. Substantial changes to conditions of approval; and
 5. Proposed development that was previously reviewed, but was denied because it was found not to be in conformance with the approval criteria.
- B. Type II procedure.** Unless the resource plan specifically provides differently, amendments to a resource plan not specifically stated in Subsection A. above are processed through a Type II procedure.

COMMENTARY

33.860.100 Application Requirements

Comprehensive Natural Resource Plans may be completed at various levels of detail. Generally, the more specific the plan, the less review will be required as the future development, disturbance or resource enhancement activities take place.

33.860.100 Application Requirements

An application for a Comprehensive Natural Resource Plan must include the following components:

- A.** An inventory of identified significant natural resources and functional values present within the site. Identified resources and functional values are those identified and described in the applicable City-adopted Natural Resources Inventory. The applicant may choose to provide a site-specific environmental assessment, prepared by a qualified consultant, to more precisely determine the location, type, extent, and quality of the City designated natural resources on the site. This assessment may verify or challenge the site feature information in the City's inventory. Site features include, for example, physical aspects of the site such as streams, wetlands, seeps and springs, topography, floodplains, vegetation, special habitat areas, or use of the site by plant/animal species of interest;
- B.** A description of proposed natural resource overlay zoning map refinements to be approved with the adoption of the resource plan.
- C.** A list of proposed development within natural resource areas to be approved with the adoption of the resource plan. The list must identify the development that will be allowed without further land use reviews, and the development that will be tentatively approved.
- D.** Other information necessary to understand the natural resource impacts associated with the listed development proposals.
- E.** A list of management objectives and strategies that will be used to maintain or enhance identified resources and functional values.
- F.** A description of the specific natural resource enhancement and mitigation actions proposed with the resource plan. This may include actions to be taken both on- and off site, as well as specific physical actions and programmatic actions related to natural resource conservation and protection.
- G.** Site plans and other maps necessary to understand the listed development and mitigation actions anticipated over the life of the resource plan, including maps of areas where mitigation and enhancement will occur and where development and uses will occur.
- H.** Timetables for the development, disturbance, mitigation, and resource enhancement actions;
- I.** A summary of anticipated state and federal permits required for the proposed development, disturbance, mitigation, and resource enhancement actions; and
- J.** The supplemental application requirements that would be required if the proposal were going through Environmental Review, Pleasant Valley Resource Review, or Greenway Review.

COMMENTARY

33.860.200 Approval Criteria

The approval criteria for a Comprehensive Natural Resource Plan have been modeled on the approval criteria for a Conditional Use Master Plan. The criteria focus comprehensively on the proposed development actions that will occur over the life of the plan. The criteria address the cumulative impacts of development over time, mitigation and phasing for mitigation actions, and the integration of resource conservation, protection and enhancement into the overall goals for the site.

33.860.200.D This criterion describes how to balance the need for detailed plans with the level of detail possible with a comprehensive plan. It allows certain actions to be identified for additional review. Tentative approval is appropriate for development that is generally anticipated but lacks specific development plans at the time of the resource plan submittal. The plan may also specify standards that will apply to projects at the time of development permitting. This allows additional flexibility for projects to occur without a future land use review when the scope of impacts can be limited through standards.

Criterion "D", requires that the Comprehensive Natural Resource Plan meet all relevant approval criteria for other reviews that would be required if the proposal was going through a resource review, such as Environmental Review. Therefore, resource enhancement projects will be subject to the relevant criteria for those reviews.

Criterion "D" also requires that the criteria of adopted Natural Resource Management Plans (NRMP) be met. NRMPs govern projects and mitigation for certain geographic areas. During the Citywide Tree Project process, property owners located within these areas raised concerns about adopted NRMPs being out of date and no longer allowing for projects that they would like to undertake. Property owners have expressed interest in using the Comprehensive Natural Resource Plan process to obtain long-term approval of planned activities, however in some cases that may not be possible because the projects do not conform to the current NRMP criteria. NRMPs are difficult to update because a legislative process is required. Because approval and amendment of a Comprehensive Natural Resource Plan is a quasi-judicial process, they can be developed and updated at the request of the applicant.

Applicants in NRMP areas will have the option to use the Comprehensive Natural Resource Management Plan tool, provided they meet the criteria of the adopted NRMP. If they are not able to meet the criteria of the NRMP, they would need to undergo a legislative process to change the NRMP criteria or to remove their property from the boundary of the NRMP.

33.860.200 Approval Criteria

A Comprehensive Natural Resource Plan, or an amendment to a Comprehensive Natural Resource Plan, will be approved if it meets the following approval criteria:

- A.** The plan establishes coordinated phasing of the development, disturbance, or resource enhancement actions within the natural resource overlay zones, with the goal of avoiding impacts that might arise if each action were planned separately. The plan includes the timing of anticipated construction access routes, building construction sequencing, and disturbance area boundaries for the site as a whole;
- B.** The plan will integrate natural resource conservation, protection and enhancement with other site planning plan goals and objectives;
- C.** On balance, the proposed mitigation plan demonstrates that all anticipated significant detrimental impacts on identified resources and functional values will be compensated for within the life of the plan. Each mitigation action is not required to directly correlate with a specific development proposal, but the overall mitigation plan will be evaluated against the overall list of anticipated uses and development actions, including cumulative impacts. The mitigation plan must include performance standards for judging mitigation success, a specific timetable for mitigation actions during the life of the plan, and a specific monitoring schedule;
- D.** The plan must demonstrate that all relevant approval criteria that would apply if the proposal was proceeding through an Environmental Review, Pleasant Valley Natural Resource Review, or Greenway Review, including approval criteria from an adopted Natural Resource Management Plan, are met. Consideration will be given to the level of detail provided with the plan application. Proposals that address most of the relevant approval criteria, but are not detailed enough to address all of the relevant approval criteria may be identified for tentative approval. Conditions of approval may be imposed to list those aspects of the plan subject to tentative approval, and to specify which approval criteria need further evaluation through a later review. The decision may also specify standards for future development or resource enhancement activities.

COMMENTARY

33.860.250 Overlay Zone Map Refinement

This section provides for environmental or Pleasant Valley natural resource overlay zone boundaries to be modified as part of the Comprehensive Natural Resource Plan process, instead of requiring a separate review to make changes. The river natural and river water quality overlay zones are not listed because they are applied to full parcels instead of being mapped based on the location of resources. Therefore, it would not be appropriate to refine/change the boundaries in those overlay zones.

33.860.250 Overlay Zone Map Refinement

The boundaries of the environmental conservation, environmental protection, and Pleasant Valley Natural Resource overlay zones may be modified as part of a Comprehensive Natural Resource Plan in any of the three situations stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

- A. Creation of new resource areas.** The natural resource overlay zone will be expanded as part of the Comprehensive Natural Resource Plan to include areas identified for mitigation.
- B. Loss of existing resource areas.** The natural resource overlay zone may be removed from an existing natural resource zone where approved development will eliminate the natural resource.
- C. Minor modification of natural resource zone boundaries based on a more detailed site-specific environmental study.** The natural resource zone line location may be modified to more accurately reflect the location of the identified resources and functional values on the site. The identified resources and functional values are those identified and described in the applicable City-adopted Natural Resources Inventory. The applicant may supplement the City's inventory information with a site specific assessment. The proposed new overlay zone line must be consistent with any legislative intent expressed when the overlay was applied to the site.

Attachment 3

Renumber 33.630, Tree Preservation

Note: Existing commentary in December 2010 draft will be renumbered and reorganized to match code as revised below.

Sections:

- 33.630.010 Purpose
- 33.630.020 Where These Regulations Apply
- ~~33.630.030 Exempt From These Regulations~~
- ~~33.630.030 Exempt From These Regulations~~
- ~~33.630.100 Tree Preservation Standards~~
- 33.630.100 Minimum Tree Preservation Standards
- 33.630.200 Tree Preservation Approval Criteria Requirements for Trees Located on the Site Methods
- ~~33.630.300 Mitigation Option~~
- 33.630.400 Modifications That Will Better Meet Tree Preservation Requirements
- 33.630.500 Tree Preservation Credit
- ~~33.630.600 Standard for Trees in Existing Rights-of-Way~~
- 33.630.700 Recording Tree Preservation Plans and Related Conditions
- ~~33.630.600~~ 33.630.700 Relationship To Other Tree Regulations

33.630.020 Where These Regulations Apply

~~Unless exempted by Section 33.630.030, this chapter applies to all land divisions in all zones where proposals outside of the Central City plan district.~~

~~33.630.100~~ 33.630.200 Tree Preservation Standards Requirements for Trees Located on the Site

A. ~~Where these regulations apply.~~

A.1. Generally. The regulations of this section chapter apply to all proposals for land divisions on sites outside of the Central City plan district that have at least one tree that is at least 6 inches in diameter, except where all trees on the site are exempt under A.4 33.630.030. Where a tree trunk is partially on the land division site, it is considered part of the site.

B2. [see changes in Technical Amendments, Item 13]

C3. Proposals to divide sites that are partially within an environmental overlay zone or the Pleasant Valley Natural Resources overlay zone and include a concurrent environmental review or Pleasant Valley Resource review are not subject to the tree preservation standards of Section 33.630.100~~200~~.B. However, the tree preservation approval criteria in 33.630.200.C apply to these proposals.

33.630.030 Exempt From These Regulations

4. ~~Trees exempt from these regulations.~~ The following trees are exempt from the tree preservation requirements of this section chapter:

(Renumber a-f to A-F)

33.630.100 B. Minimum Tree Preservation Standards.

A1. The applicant must show how existing trees will be preserved. The options listed below represent minimum tree preservation standards. Additional tree preservation may be required to meet the

approval criteria of Subsection 33.630.200.C. The total tree diameter on the site is the total diameter of all trees completely or partially on the site, minus the diameter of trees that are listed in Paragraph Section 33.630.030~~200~~.A.4, Trees exempt from these regulations. The applicant must choose one of the following options:

[Re-number 1.a-f to A.1-6 and B.2-4 to 33.630.100.B-D]

33.630.200 C. Tree Preservation Approval Criteria.

(Renumber C.1-4 to 33.630.200.A-D)

D4. Mitigation. Where the minimum tree preservation standards of 33.630.100~~200~~.B can not be fully met, as determined by evaluating the above criteria, or when there is a concurrent Environmental Review and the minimum tree preservation standards do not apply, mitigation must be provided as needed to replace the functions of trees removed from the site. Options for mitigation may include preservation of smaller diameter or native trees, permanent preservation of trees within a tree preservation or environmental resource tract, tree planting, payment into the City's Tree Planting and Preservation Fund, or other options that are consistent with the purpose of this chapter.

33.630.400 Modifications That Will Better Meet Tree Preservation Requirements

A. Site-related development standards. The review body may consider ~~adjustments~~ modifications to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards (~~such as FAR, or number of units~~) are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word "prohibited," or a regulation that is a qualifying situation or threshold is prohibited.

~~In order to~~ To approve the modification, the review body must find that the modification will result in the application proposal better meeting the ~~requirements~~ criteria of Subsection 33.630.100~~200~~.C100, and will, on balance, be consistent with the purpose of the regulation being modified.

B. Minimum density.

2.b. The review body will approve the reduction in minimum density if the following are met:

- (1) The reduction in minimum density will result in the proposal better meeting the criteria of Section 33.630.200.C; and

33.630.700 ~~600~~ Recording Tree Preservation Plans and Related Conditions

33.630.600 ~~800~~ 700 Relationship To Other Tree Regulations

33.730.060 Application Requirements

D.1.d(2) Required information for land divisions

Surveyed information: [3rd bullet]

- All trees completely or partially on the site that are at least 6 or more inches in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed. ~~Trees on a Land Division sites that propose where the proposal is to preserve tree canopy under use Option 5 or 6 of the Tree Preservation Standard in 33.630.200.B.1-e or f 100.A.5 100.A.5 or 6 Option 5, the trees do not have to be surveyed.~~