

Exhibit A

**SECOND AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT TO TRANSFER
LAND USE PLANNING RESPONSIBILITIES**

BETWEEN

CITY OF PORTLAND AND MULTNOMAH COUNTY

WHEREAS:

- A. The City of Portland (the "City") and Multnomah County (the "County") entered into an Intergovernmental Agreement (the "Agreement") to transfer land use planning responsibilities effective January 4, 2002 (Ordinance no. 176115);
- B. The Agreement transfers responsibilities for implementing and administering comprehensive plan and zoning regulations from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;
- C. The first amendment to this IGA was adopted per Ordinance 179313 to include the Pleasant Valley Plan District study area, effective June 13, 2005; and
- D. The City and County agree that it is appropriate and consistent with the intent of this IGA to reference tree-related regulations, along with other listed regulations such as stormwater review and erosion control, in sections describing the development regulations to be administered under this IGA.

NOW, THEREFORE, THE CITY AND COUNTY DO MUTUALLY AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

- I. At Section I.D. "INTENT OF AGREEMENT" the existing provision is deleted and the following is substituted:
 - D. All actions specified by this Agreement shall be taken to assure that the County's comprehensive plan, zoning ordinances, regulations for land divisions, signs, erosion control and stormwater disposal, grading, and floodplain review, and trees remain consistent with the City's. The County has adopted the City comprehensive plan, zoning ordinance and other regulations as the County's for comprehensive plan, zoning ordinance, and regulations for land divisions, signs, erosion control and stormwater disposal, grading, and floodplain review, and requirements for trees in development situations. The City intends to administer the same codes and regulations for County properties in the Affected Area as it does for ~~City~~ City properties in the City.

II. At Section III. B. COUNTY RESPONSIBILITIES; Subsection 3. b. and 3.e. of, “Amendments to City and County Regulations” are amended as follows:

1. At Subsection 3.b, the existing first sentence of the Subsection is deleted and the following is substituted: b The County will ensure that the County Planning Commission and the County Board of Commissioners are notified of all proposed comprehensive plan map or text amendments or development-related amendments to the City’s Code, including amendments to the zoning code or maps, and regulations for land divisions, signs, erosion control, floodplain review, grading, ~~and stormwater disposal~~, and tree preservation, planting and protection.

2. At Subsection 3.e, the existing provision is deleted and the following is substituted:
 - e. In the event the County Board of Commissioners chooses not to adopt amendments to the comprehensive plan, zoning code or maps, and regulations for land divisions, signs, erosion control, floodplain review, grading, ~~and stormwater disposal~~, trees, or other development-related titles of the City Code as adopted by City Council, the City may terminate this Agreement as provided in Section V.B. In this event, the County will resume responsibility for planning and zoning administration within the Affected Area.

III. At Section III.C. CITY RESPONSIBILITIES, Subsection 2, “Land Use Reviews and Services”; the existing Subsections 2.a., 2.h., and 2.j. are deleted and the following provisions are substituted;

2. Land Use Reviews and Services
 - a. Perform land use, zoning and planning services (pre-application conferences, information, case review, building permit review, long range planning) for the Affected Area using the City’s comprehensive plan, zoning, land division, sign, erosion control, floodplain, grading, stormwater disposal, tree preservation and planting, and other applicable City regulations as adopted by the County.
 - h. Enforce land use regulations, code violations and permit violations and perform code enforcement services, including inspections, under City codes adopted by the County for land use and related activities, including zoning, conditions of approval, signs, erosion control, stormwater disposal, floodplain and grading review, and tree-related requirements.

- j. Review building and development permits for compliance with City zoning, sign, erosion control, floodplain review, grading, ~~and stormwater disposal~~, and tree-related regulations and other applicable requirements adopted by the County.

IV. Section V., TERMS OF AGREEMENT AND TERMINATION, Subsection B TERMINATION BY THE CITY, the existing provision is deleted and the following is substituted:

B. Termination by the City

This agreement may be terminated by the City if the County fails to adopt changes to the city's comprehensive plan, comprehensive plan maps, zoning maps, applicable community plans, Titles, 10, 11, 32, 33, and 34, or regulations for stormwater disposal, floodplain review or grading in a timely manner as provided in Section III.B.3.

V. The remainder of the Agreement as amended to date is unchanged and continues in full force and effect.

VI. This amendment is effective after signature by both the City and the County, and upon the effective date of Title 11, Trees, whichever occurs later.

MULTNOMAH COUNTY

CITY OF PORTLAND

By: _____
Jeff Cogan, Chair

By: _____
Sam Adams, Mayor

Date: _____

Date: _____

REVIEWED:

Henry H. Lazenby Jr.
County Attorney

APPROVED AS TO FORM
Approved as to form ^{KSB}
Linda Meng
CITY ATTORNEY

Linda Meng
City Attorney

EXHIBIT B

City of Portland, Oregon

**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

City Council will be asked to accept the Recommended Draft Report to City Council, and adopt 3 ordinances.

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:

- TO BE ADOPTED THROUGH SEPARATE 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.
- SUBJECT OF THIS 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.
- 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.
- TO BE ADOPTED THROUGH SEPARATE 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.

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 proposed code improvements and to customer service program improvements and projects are shown in the attached 3 tables. Costs (staffing, equipment, materials and services) and recommended funding sources are shown for:

- a. FY 2011-2012 – Funding for tree permit tracking system upgrades, “ramp up” for new code, and community tree manual; phase 1 Title 33 amendments – Source: one-time general fund
- b. FY 2012-13 – Funding to implement Title 11, phase 2 Title 33 amendments, vehicle 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, Urban Forest fund
- c. FY 2013-14 – Funding for ongoing program activities (code administration and enforcement) – ongoing general fund, development and land use review fees

The cost to implement the proposed code improvements in the Multnomah County urbanizing pockets is relatively minimal and will be covered through development fees.

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? Future positions that will be needed to implement the code improvements are addressed in separate ordinances. This ordinance does not in itself create any future positions.

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)

Citywide Tree Policy Review and Regulatory Improvement Budget Proposal

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

ORDINANCE No.

Amend the Intergovernmental Agreement with Multnomah County to transfer land use planning responsibilities to address the administration of tree-regulations that require a development permit (Ordinance; amend Contract No. 51712)

related

The City of Portland Ordains:

Section 1. The Council finds:

1. The City of Portland (the "City") and Multnomah County (the "County") entered into an Intergovernmental Agreement (the "Agreement") to transfer land use planning responsibilities effective January 4, 2002 (Ordinance no. 176115).
2. The Agreement transfers responsibilities for implementing and administering comprehensive plan and zoning regulations from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary.
3. The first amendment to this Agreement was adopted per Ordinance 179313 to include the Pleasant Valley Plan District study area, effective June 13, 2005.
4. The City and County agree that it is appropriate and consistent with the intent of this Agreement to reference tree-related regulations, along with other listed regulations such as stormwater review and erosion control, in sections describing the development regulations to be administered under this Agreement.
5. The cost of applying the new Title 11 tree provisions in the areas affected by this Agreement represent a minimal incremental increase in the costs of administering these regulations in the city and the development regulations in these areas. The costs will, after initial start up, be covered through development fees as discussed in Exhibit B, Financial Impact Statement.

NOW, THEREFORE, the Council directs:

- a. Amend the Intergovernmental Agreement to Transfer Land Use Planning Responsibilities between the City of Portland and Multnomah County as shown in a form substantially in accordance with the agreement attached as Exhibit A.

Passed by the Council:

LaVonne Griffin-Valade
Auditor of the City of Portland
By

Mayor Sam Adams
Prepared by: Roberta Jortner
Date Prepared: Jan. 19, 2011

Deputy

-130-240-311

See Substitute

Ord. No. 184523

Agenda No.
ORDINANCE NO.
Title

Amend the Intergovernmental Agreement with Multnomah County to transfer land use planning responsibilities to address the administration of tree-regulations that require a development permit (Ordinance introduced by Mayor Adams; amend Contract No. 51712) *related*

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED <u>JAN 28 2011</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>[Signature]</i> Prepared by: Roberta Jortner Date Prepared: Jan. 19, 2011	ACTION TAKEN: FEB 02 2011 CONTINUED TO MAR 09 2011 2PM TIME CERTAIN MAR 09 2011 CONTINUED TO APR 06 2011 10:45 AM TIME CERTAIN
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date Feb. 2, 2011	
City Attorney Approval <i>[Signature]</i>	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> <i>2063</i> Start time: 6:00 pm Total amount of time needed: 2 hours This is 2 of 3 Ordinances at this time certain.
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Fish	2. Fish	
3. Saltzman	3. Saltzman	
4. Leonard	4. Leonard	
Adams	Adams	