

IMPACT STATEMENT

Legislation title: *Amend fee schedules for tree permits in development situations (Ordinance)

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Purpose of proposed legislation and background information:

This ordinance creates four new development review Urban Forestry fees in order to recover costs for services.

Parks Urban Forestry (UF) is updating the regulatory fee schedule for FY15-16. New fees are proposed for some land use reviews (LURs) and early assistance (EA), including pre-application conferences (Pre-Ap), with development applications. LUR fees are only being proposed for situations in which tree preservation or tree planting requirements are involved, including: comprehensive plan map amendment with zone map amendment, design review type III, environmental and greenway reviews, conditional use types II and III-new, land divisions, impact mitigation plans, master plans, planned development, tree preservation violation review, tree review and zoning map amendment. Fees are not proposed for other LURs including adjustment review; central city parking; conditional use type I, 2RF and 3RF; design review; historic resource review; historic landmark designation and demolition; and design advice request. Finally, no increases for existing fees are proposed.

Under Title 20, UF regulatory authority regarding private trees and in development situations was limited. Unlike the other regulatory bureaus, UF did not charge fees for the review of development projects and the impact to trees. Title 11, implemented on January 2, 2015, increases regulatory responsibilities for UF and recognizes the importance of integrating UF into the larger regulatory framework of development projects, especially in the early project phases. Under Title 11, UF is extensively involved in regulating private and city trees in both development and non-development situations. As a result, it is important for UF to be involved, along with other infrastructure bureaus, in the review of development proposals as early in the process as possible.

Early Assistance and Pre-apps are often the point at which regulatory agencies first see development proposals. Some, but not all, are further subject to LUR participation. Early review by UF allows staff to identify issues at the front end of the permitting process, thus avoiding potential regulatory conflicts. In addition, early review increases certainty for the applicant by decreasing the potential for unexpected tree mitigation.

Financial and budgetary impacts:

This ordinance will increase the fees paid by some Bureau of Development Services (BDS) development review customers.

New fees are being proposed to cover the cost of UF participation in land use reviews; no increases in existing fees are proposed. An analysis of cost of service based on actual experience for all UF development review fees is expected in 2016 and subsequent years.

Additional revenues of approximately \$50,000 annually is anticipated from the new fees which will cover the cost of providing service. There are no costs associated with these fee changes. This action will affect bureau revenues only.

As UF takes on new roles, it is necessary to establish reliable sources of revenue so that service can be provided consistently. The proposed fee schedule is based on the following:

Cost recovery. Staff developed estimates on the amount of time it takes to review a proposal. In the case of UF, this means (a) in some cases, visiting the site to ensure that the tree information provided by the applicant is correct; and (b) determining which regulation applies and providing a written response to the case planner. As with other agencies, fees must also cover the time it takes to attend EAs, pre-apps, meetings and public hearings. The amount of time it takes to provide the service was multiplied by the costs of labor, together with overhead, in order to establish what true full cost recovery would be. Therefore, the fees vary according to the review type as well as the size and complexity of the review.

Parks & Recreation
Urban Forestry Fee Schedule
Land Use Review Fee Justification
 4/30/15
 Average* time (hours) spent per case

| | Land Use Review | Early Assistance, Written Response ONLY | Early Assistance, Meeting and Written | Pre-application |
|------------------|-----------------|--|--|-----------------|
| Plan review | 0.5 | 0.5 | 0.5 | 0.75 |
| Site Inspection | 0.5 | 0.5 | 0.5 | 0.5 |
| Meetings | 0 | 0 | 1 | 1 |
| Writing comments | 0.5 | 0.5 | 0.5 | .75 |
| Total | 1.5 | 1.5 | 2.5 | 3 |

*some case require site inspection and some do not

Type of review. Another step was to consider the type of review. Fees are proposed only for the review processes that require UF involvement. The impact of the fee on the total application fee for the customer, and how the fee compares with the fees charged by other regulating bureaus was also considered. Other bureaus' fees vary widely, and the proposed UF fees are at the low end of that range.

Community impacts and community involvement:

PPR has been proactive in keeping customers and stakeholders informed and seeking their input regarding these proposed fee changes. Input from various stakeholder groups helped to determine the amount of fees, and processes for which fees would be charged. The bureau is publishing information about the proposed fee increases on its website, and has communicated or met with various customer and stakeholder groups, including:

- Development Review Advisory Committee
- Title 11 Oversight Advisory Committee
- Urban Forestry Commission

The City's Tree Project involved several years of public outreach to make sure that the benefits of Portland's urban canopy are available to all residents. The goals of Title 11 are to maintain the benefits of trees to the community including clean air and water, resiliency to climate change, and neighborhood livability while maintaining transparent and fair regulations and fees to all businesses and residents. The fees proposed are intended to meet the expectations and direction of Title 11 for earlier tree review in development projects, leading to more certainty for applicants.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
- NO: Skip this section

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