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191329

Emergency Ordinance

*Amend fee schedule for tree permits

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. Portland Parks & Recreation (PP&R) promotes safety, livability, economic vitality, and environmental quality through management of the city's urban forest including efficient and collaborative application of tree regulations.
2. In January 2015, the city's new tree code, Title 11 Trees, was implemented. Title 11 is intended to streamline and consolidate tree regulations, improve tree retention and protection especially during site development, and provide for better enforcement of the city's tree regulations. Better customer service in tree permitting is also an expectation for implementation of Title 11.
3. PP&R is largely a general fund bureau, however it practices cost recovery for some services, and collects certain fees under a fee schedule for certain tree permits. These fees are used by PP&R to fund tree inspections, plan review, permit issuance, land use review, code enforcement, customer assistance and other tree-regulation-related functions.
4. PP&R charges fees to partially compensate for the costs of the services provided. PP&R does not charge fees for some services, for example tree planting permits, in order to encourage these activities and reduce potential barriers to voluntary compliance with regulatory requirements.
5. Other infrastructure and regulatory bureaus, such as Bureau of Environmental Services, Portland Water Bureau, Portland Bureau of Transportation, and Bureau of Development Services, charge fees for their services in comparable processes.

Introduced by

[Commissioner Dan Ryan](#)

Bureau

[Parks & Recreation](#)

Contact

Brian Landoe

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Requested Agenda Type

Four Fifths

Date and Time Information

Requested Council Date

June 14, 2023

Time Requested

10 minutes

Portland Policy Document


6. PP&R has been proactive in informing and seeking input from customers regarding the need and rationale for the proposed fee changes. The bureau has published information about the proposed changes on its website and has met with relevant stakeholder groups including the Urban Forestry Commission and Development Review Advisory Committee.
7. PP&R is proposing to increase certain tree permit fees to recover more of the costs of delivering those services.

NOW, THEREFORE, the Council directs:

- A. The Tree Fee Schedule is amended as shown in Exhibit A.
- B. This ordinance is binding City policy.

Section 2. The Council declares that an emergency exists to ensure new rate schedule is in effect at the beginning of the fiscal year; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a-fy-24-fee-schedule-v2.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/exhibit-a-fy-24-fee-schedule-v2.pdf) 155.53 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council
June 14, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This ordinance allows Portland Parks & Recreation (PPR) Urban Forestry (UF) to update the tree permit fee schedule for FY 23-24. It increases certain tree permit fees in order to recover costs for the services provided and maintain level of service to permit customers.

As with other agencies' permit fees, UF tree permit revenues support the delivery of regulatory services. UF's General Fund budget also supports these services. Certain permit types, such as street tree planting, are free of charge to encourage and inform activities that promote the City's tree infrastructure. Others, like tree removal permits in non-development situations, are kept below actual cost to reduce barriers to compliance. Fees

for other regulatory scenarios, such as development and programmatic permits, are on a full cost-recovery model.

Financial and Budgetary Impacts

This ordinance increases development permit and inspection fees by 5% to keep pace with annual cost increases. This increase is in-line with the PP&R hourly rate increase for Tree Inspection services. The Development Violation Review fee is increased by more than 5% to bring that fee's cost recovery in line with other fees assessed in development situations.

No increases are proposed for non-development permits, such as the tree removal application.

The proposed fee schedule includes one new fee title Code Hearing Filing Penalty. This fee mirrors a similar fee assessed by the Bureau of Development Services. It is intended to partially recoup City costs when unresolved violations proceed to the Code Hearings Officer.

Revenue projections resulting from this proposed fee increase are built into PP&R FY24 requested budget.

Cost recovery. Staff tracked the average amount of time it takes to conduct directly-related permit processes. In the case of UF, this means (a) depending on the situation, visiting the site to assess the tree and ensure that the tree information provided by the applicant is correct; (b) evaluating application information and determining which regulation(s) apply; and (c) creating documentation and providing a written response to the applicant. As with other agencies, fees must also cover the time it takes to attend development permit reviews, meetings and public hearings. In short, the amount of time it takes to provide the service was multiplied by the costs of labor, together with overhead, in order to determine full cost recovery. Therefore, the fees vary according to the permit type as well as the size and complexity of the permit process.

PP&R is planning to update its cost-recovery policies and models in the near future. The fees charged for PP&R Urban Forestry permits will be included in this work. It is anticipated that future development fee increases will be necessary to ensure full cost recovery.

Impact. 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' regulatory 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 stakeholder groups helped to determine the amount of fees, and processes

for which fees would be charged. The fee increases were presented at the following public forums.

- Urban Forestry Commission – April 20, 2023
- Development Review Advisory Committee, April 20, 2023

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.

100% Renewable Goal

N/A

Budget Office Financial Impact Analysis

This Title 11 fee schedule update will generate a projected \$180,000 more annually for the Parks Bureau's Urban Forestry division. This represents a 5% increase and is designed to absorb the 5% COLA increase for individuals in the division.

Agenda Items

502-1 Four-Fifths Agenda in [June 14, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/6/14) (<https://www.portland.gov/council/agenda/2023/6/14>)

Passed As Amended

Motion to add an emergency clause to ensure new rate schedule is in effect at the beginning of the fiscal year: Moved by Mapps and seconded by Ryan. (Y-5)

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea