

Grey-to-Green Treebate Program
Administrative Rule
September 30, 2009

1 Introduction

The City of Portland manages stormwater runoff as a valuable resource to replenish groundwater supplies that feed cool, clean water to rivers and streams. Portland's average annual 37 inches of rain creates about 20 billion gallons of stormwater runoff per year. Portland's approach is to manage stormwater where rain falls with facilities that work like natural systems.

In November 2007, the Bureau of Environmental Services launched the Grey-to-Green program to substantially increase public and private efforts to manage stormwater runoff and improve the health of local watersheds. The program included targeted investments in green streets, ecoroofs, street and yard trees, revegetation activities and the control of invasive plants, land acquisition, and culvert replacement.

The Treebate Program provides a financial incentive to Portland residents to plant yard trees. The program complements a companion initiative, in partnership with Friends of Trees, to increase the planting of street trees. During the first five years of both programs, the City intends to plant more the 80,000 trees. The benefits of such investments include reduced stormwater runoff, increased evapotranspiration and groundwater recharge, increased filtering of air pollutants, the sequestering of carbon to reduce green house gases, and the stabilizing of soils to reduce erosion.

2 Program Goals

The Treebate Program will supplement other Bureau yard tree initiatives to plant 33,000 trees on eligible property in the City of Portland by June 30, 2013.

3 Guiding Principles

The Treebate Program shall adhere to the following guiding principles:

- a Access.** Provide equal access to the Treebate Program to all eligible Portland households.
- b Economy.** Employ the most economical and efficient means to market the Treebate Program, provide technical assistance and program information, and process incentives.
- c Effectiveness.** Enact polices and business practices that ensure the successful siting, planting and maintenance of yard trees.
- d Civic Engagement.** Use the Treebate Program to increase public understanding, involvement, and networking to advance stormwater management and watershed enhancement goals.
- e Fiduciary Responsibility.** Enact accounting and financial management practices to ensure the most efficient and effective use of City resources to advance the goals of the Treebate Program.

4 Eligibility

The Treebate is available to Portland residents based on the following eligibility criteria:

- a Property.** Trees must be planted on private property, and in locations outside of public rights-of-way. The private property must be located within the City of Portland, and used as residence. Eligible property may have up to four dwelling units per lot. Mixed-use developments do not qualify for Treebates. The City will rely on definitions set forth in Title 33 of the City Code when making determinations of eligible property.
- b Applicant.** The applicant must be the City utility ratepayer for the property that is the subject of the Treebate application. The applicant need not be a City resident to be eligible for the program.
- c Trees.** For purposes of this program, trees are defined as woody plants that have many secondary branches supported clear of the ground on a single main stem or trunk with clear apical dominance [Huxley, A., ed. (1992). *New RHS Dictionary of Gardening*. Macmillan ISBN 0-333-47494-5]. This definition does not include woody plants such as shrubs, arborescent shrubs, or plants used to create hedges or other thick, closely-planted buffers or borders on private property.
 - i Ineligible Trees.** Ineligible trees include street trees, trees planted within a public right-of-way, trees that have been provided and/or planted through programs administered by the Friends of Trees or other City subsidized programs, trees planted to satisfy a condition of development, trees planted to mitigate or replace the loss of existing trees, and the following trees on the City of Portland's Nuisance Plant List:
 - Norway maple (*Acer platanoides*)
 - tree of heaven (*Ailanthus altissima*)
 - white poplar (*Populus alba*)
 - cutleaf birch (*Betula pendula laciniata*)
 - English holly (*Ilex aquifolium*)
 - sweet cherry (*Prunus avium* - except cultivars and varieties)
 - English laurel (*Prunus laurocerasus*)
 - Black locust (*Robinia pseudoacacia* - except cultivars and varieties)
 - European mountain ash (*Sorbus aucupari* - except cultivars and varieties)
 - Siberian elm (*Ulmus pumila*)
 - golden chain tree (*Laburnum watereri*)
 - princess tree (*Paulownia tomentosa*)
 - ii Eligible Native Trees.** The following list of native trees are eligible for a Treebate equal to 50% of the cost of the tree to a maximum of \$50 per tree:
 - bigleaf maple (*Acer macrophyllum*)
 - grand fir (*Abies grandis*)
 - red alder (*Alnus rubra*)
 - Pacific madrone (*Arbutus menziesii*)
 - Pacific dogwood (*Cornus nuttallii*)
 - Oregon crabapple (*Malus fusca*)
 - ponderosa pine (*Pinus ponderosa*)
 - bitter cherry (*Prunus emarginata*)
 - Douglas-fir (*Pseudotsuga menziesii*)
 - Oregon white oak (*Quercus garryana*)

6 Treebate Award

The City shall award treebates based on available resources and funding authority. The City may defer the awarding of a treebate until the start of a new fiscal year or accounting period in the event that a valid application is received after available resources have been exhausted. The City shall not adjust the value of the treebate or increase the treebate award by adding accrued interest for the period of the delay.

7 Method of Payment.

The City shall provide the Treebate in the form of a credit or adjustment to the City utility account of the subject property described in the Treebate application. The credit shall be applied to the stormwater management user service charges portion of the utility bill. For administrative convenience and efficiency, the City may accumulate accepted Treebate applications and process them in weekly or monthly batches. The City shall not issue Treebates payments by cash or warrant.

8 Site Visits for Tree Verification Audits.

For the purpose of administering the Treebate Program, City staff may, upon production of proper identification and with consent from the property owner or occupant who submitted the application, enter upon the land or premises of eligible property. The purpose of such entry is to determine the eligibility of trees that are the subject of a Treebate application, to determine if the applicant has provided sufficient water and care as required by the Treebate Program, and to provide technical assistance regarding the proper siting, planting and care of yard trees. Failure to provide access to the property shall be a violation of the requirements of the Treebate Program. City staff shall prepare a report of findings of every site visit and provide, upon request, a written copy to the applicant within 30 days of the site visit. The City shall retain a copy of such report.

9 Remedies

The City shall administer the Treebate Program in a manner that ensures the efficient and effective use of public resources to advance the goals of the program. To this end the City may exercise the following remedies.

- a False Filings.** In the event that an applicant files false information to receive a Treebate or files a duplicate application for a Treebate, the City shall recover any Treebates that have been awarded to the applicant for any property, plus accrued interest at a simple annual rate of 10%, and any penalty for false filing authorized by state law. The City shall provide a hearing to consider testimony from the applicant before making a final determination in such matters.
- b Failure to Comply with Application Requirements.** The City is authorized to recoup a Treebate award, plus accrued simple interest at a rate of 10% per annum, if the City determines that the applicant has failed to comply with program requirements. The City shall provide a hearing to consider testimony from the applicant before making a final determination in such matters.
- c Collections.** The City is authorized to employ any legal means to recoup Treebates, accrued interest, civil penalties, collection costs and related overhead that are imposed

- cascara buckthorn (*Rhamnus purshiana*)
- western redcedar (*Thuja plicata*)
- western hemlock (*Tsuga heterophylla*)

iii All Other Eligible Trees. Trees that are not otherwise identified as ineligible or eligible and native, are eligible for a Treebate equal to 50% of the cost of the tree to a maximum of \$40 per tree.

iv Size. An eligible tree must have a trunk that is one inch diameter or larger measured 2 to 6 inches above the soil line. Deciduous (broadleaf) trees must be at least six feet tall and coniferous (needle) trees must be at least four feet tall at time of purchase. Height is measured from the soil line to the highest-most point of the canopy.

d Date of Planting. Eligible trees must be purchased and planted during a period that begins on September 1 and ends the following April 30.

5 Application Requirements.

A complete Treebate application shall consist of the following information:

- a Application Form.** The applicant shall complete and sign an application form provided by the City. The City may accept a legible electronic copy or facsimile of a completed and signed application form in lieu of an original document. The application form shall list program requirements and document the applicant's agreement to comply with those requirements.
- b Limit on the Number of Trees.** The City shall limit the number of trees eligible for Treebates on any single property or in any single application to 10 trees. The City may grant exceptions to this limit if program resources are available, the program has attracted a broad distribution of participating properties, the eligible trees are appropriately spaced to ensure their individual viability, and the eligible trees advance City goals for stormwater management and watershed health.
- c Proof of Purchase or Receipt.** The applicant shall provide proof of the purchase or receipt in a form that clearly and legibly documents the date of the purchase, the type of each tree, the final sale price for each tree, the name and address of the seller. The City may accept a legible electronic copy or facsimile in lieu of the original proof of purchase or receipt.
- d Tree Care Pledge.** The applicant shall agree to provide adequate water and care during a two-year period following the planting of each tree.
- e Tree Verification Audit.** The applicant shall authorize City staff to enter the subject property to verify the planting and care of trees that qualified for the Treebate Program.
- f Public Database Records.** The applicant shall authorize the City to include the subject property in GIS and other public database systems.
- g Proof of Authority.** If the applicant is a tenant of the subject property, the Treebate application must include written consent for the planting of trees on the subject property, signed by the property owner. The written consent must identify the subject property, describe the location of planted trees, and contain a statement that the property owner authorizes the planting of trees as described in the application.

on an applicant as a result of a hearing to determine remedies for false filings or failures to comply with program requirements.

- d Disqualification.** The City may permanently disqualify an applicant or a property from participation in the Treebate Program as a remedy for a violation of the program requirements or administrative rules.

10 Termination of Program. The City shall terminate the Treebate Program on June 30, 2013, unless otherwise continued by Council by adoption of a general ordinance. The program shall cease accepting Treebate applications and terminate the program at any time prior to June 30, 2013 as a result of any of the following actions:

- a** Council adopts an ordinance terminating the program in advance of June 30, 2013.
- b** The City achieves the goals of the program in advance of the planned termination date.
- c** The City exhausts any appropriations or credit authority provided by Council.

Treebate Program Ordinance**EXHIBIT B****EXHIBIT A Sewer and Drainage Rates and Charges**

Effective July 1, 2009

A. Sanitary Sewer System User Service Charges and Discounts

(authorized by City Code Sections 17.36.010 and 17.36.040; formerly specified in Title 17, Figure 3)

1. Residential Users
 - a. Sanitary Sewer Services \$6.50 per 100 cubic feet of water consumption
 - b. Low Income Discount \$23.69 per month for eligible ratepayers only
2. Non-Residential, Commercial, Industrial and Institutional Users
 - a. Special Meter Charge \$22.95 per special meter per bill
 - b. Sanitary Sewer Services \$6.633 per 100 cubic feet of water consumption
 - c. Clean Water Discharges \$0.726 per 100 cubic feet of discharged clean water to a storm sewer other than a combined sewer.
 - d. Publicly-Owned Drinking Fountain \$3.284 per 100 cubic feet of discharged water
3. Industrial Extra-Strength Discharger
 - a. Biochemical Oxygen Demand \$0.527 per pound (allowable concentration – 300 mg/liter)
 - b. Suspended Solids \$0.639 per pound (allowable concentration – 350 mg/liter)
 - c. Extra Strength Resample \$232.00 per composite sample

B. Drainage/Stormwater Management User Service Charges and Discounts

(authorized by City Code Section 17.36.010; formerly specified in Title 17, Figure 3)

1. Residential Users
 - a. Single Family and Duplexes \$19.80 per user account per month
 - b. 3-Plex and 4-Plex Residences \$8.25 per dwelling unit per month
 - c. Developments of 5 or more units \$8.25 per 1000 square feet of impervious area per month
2. Non-Residential Users \$8.86 per 1000 square feet of impervious area per month
3. Discounts

Clean River Rewards – user fee discounts of as much as 35% of the monthly stormwater management charge for private on-site facilities that manage stormwater runoff.

Treebates – one-time user fee discount for the planting of qualifying yard trees equal to 50% of the purchase price of each yard tree up to \$50 for eligible native trees, and \$40 for all other eligible trees.

C. Willamette River/Portland Harbor Superfund Charges

(authorized by City Code Section 17.36.010; formerly specified in Title 17, Figure 3)

1. Sanitary Volume Component \$0.11 per 100 cubic feet of water consumption
2. Impervious Area Component \$.39 per 1000 square feet of impervious area per month

Note: These rates apply to all users, residential and non-residential. The impervious area component is calculated for the following classes of residential user based on the following class-average values of impervious area:

Single Family and Duplex Residences	2,400 square feet of impervious area per parcel
3-Plex and 4-Plex Residences	1,000 square feet of impervious area per unit

D. Sewage System Development Charges

(authorized by City Code Sections 17.32.015, 17.36.020 and 17.36.025; formerly specified in Title 17, Figure 5)

1. Sanitary System			
a. Development Charge	\$3,835.00	per equivalent dwelling unit	
b. Line Charge	\$1.112	per square foot within the zone of benefit	
c. Branch Charge	\$3,669.00	per branch used	
d. Wyes and Tees	\$230.00	per wye or tee used	
2. Stormwater Management System			
a. Single Family or Duplex Residence	\$690.00	per parcel	
b. 3-Plex Residential Development	\$799.00	per parcel	
c. 4-Plex Residential Development	\$1108.00	per parcel	
d. All Other Developments			
i. Impervious Area Component	\$145.00	per 1000 square feet of impervious area	
ii. Frontage Component	\$4.50	per linear foot of frontage	
iii. Trip Generation Component	\$2.36	per daily vehicle trip	

E. Building Plan Review Fees based on Type of Review

(authorized by City Code Section 17.36.065; formerly specified in Title 17, Figure 8)

	Unit Fee	Minimum*
1. One or two family residential structures or each dwelling unit of a row house development.	\$136	\$136
a. Revisions/Recheck Fees for Residential Permits	\$68	
2. Structures auxiliary to or interior modifications of one or two family residential dwelling units submitted on a separate application	\$68	\$68
3. Tenant improvements in and additions to commercial buildings	\$136	\$136
4. Commercial Buildings (other than those listed in 1, 2, and 3 above)	\$273	\$273
a. Revisions/Recheck Fees for Commercial Permits	\$136	
5. Private stormwater facilities for development that does not include structures (such as private streets and parking lots)		
a. For impervious areas up to 5,000 square feet	\$136	\$136
b. For impervious areas over 5,000 square feet	\$273	\$273
c. Hourly rate for complex plan review by agreement with applicant	\$61	
6. Additional Charge for plans reviewed by the Bureau of Environmental Services		
a. Partial Review Fee (less than 30 minutes)	\$31	
b. Standard Review Fee (greater than 30 minutes but less than 1.5 hours)	\$92	
c. Complex Review Fee (greater than 1.5 hours; recheck fees do not apply, and total time is tracked and assessed per permit)	\$63 per hour	
d. Recheck Fee (incomplete corrections/revisions were made and an additional check sheet is generated)	\$22 per check sheet	
7. Fee for Major Projects Group (assigned by Bureau of Development Services)	\$20,500	

F. Land Use Review Fees

(authorized by City Code Section 17.36.065; formerly specified in Title 17, Figure 8)

1. Adjustment Fee		
a. Residential-Fences/Decks/Eaves	Type II	N/A
b. Residential-Lots w/existing single dwelling	Type II	\$89
c. All other residential adjustments	Type II	\$89
d. Non-residential or Mixed Use	Type II	\$133

2. Central City Parking Review	Type III	N/A
3. Comprehensive Plan Map Amendment	Type III	\$667
4. Conditional Use		
a. Type I	Type I	\$89
b. Minor	Type II	\$110
c. Minor-Radio frequency	Type II	N/A
d. Major-New	Type III	\$356
e. Major-existing	Type III	\$178
f. Major-radio frequency	Type III	N/A
5. Design Review		
a. Major	Type III	\$667
b. Minor A	Type I/II	\$356
c. Minor B	Type I/II	\$178
d. Minor C	Type I/II	\$89
e. Modifications		N/A
6. Environmental Review (EN)		
a. Resource Enhancement/Property Line Adjustment	Type I	\$50
b. Residential Use (only)	Type II	\$534
c. Non-residential or Mixed Use	Type II	\$667
7. Environmental Review - Protection Zone	Type III	\$667
8. Environmental Violation Review		
a. Type II required	Type II	\$356
b. Columbia South Shore Plan District (CSSPD)	Type II	\$356
c. CSSPD, undividable lot w/exist. Single dwelling	Type II	\$356
d. Type III required	Type III	\$356
e. Undividable lot w/exist. Single dwelling	Type III	\$356
9. Final Plat		
a. Type I Land Division (LD) (no new street)	Type I	\$110
b. Type I/IIx Land Division (new street)	Type I	\$267
c. Type IIx Land Division (no new street)	Type I	\$133
d. Type III Land Division	Type I	\$534
10. Greenway		
a. Residential Use (only)	Type II	\$356
b. Non-residential or Mixed Use	Type II	\$534
11. Historic Landmark Designation	Type III	N/A
12. Historic Landmark Demo	Type IV	N/A
13. Impact Mitigation Plan – All Types	Types II/III	\$890
14. Land Division Review		
a. Type I	Type I	\$222
b. Type IIx	Type IIx	\$534
c. Type III	Type III	\$1,557
d. Land Division Subdivision w/Environmental Review	Type III	\$2,225
e. Land Division Subdivision w/Environmental Review	Type III	\$534

15. Land Division Amendment	Types I/II/III	\$110
16. Lot Consolidation	Type I	\$133
17. Master Plan		
a. Minor amendment	Type II	\$267
b. New/Major amendment	Type III	\$890
18. Non-Conforming Situation	Type II	\$89
19. Non-Conforming Status	Type II	N/A
20. Parking Review--Marquam Hill	Types I/III	N/A
21. Planned Development Review	Types IIx/III	\$1,112
22. Planned Development Amendment	Types IIx/III	\$178
23. Pre-Application Conference – All Types	N/A	\$534
24. Statwide Planning Goal	Type III	N/A
25. Tree Preservation Violation Review	Type III	N/A
26. Tree Review	Types I/II	N/A
27. Zoning Map Amendment	Type III	\$563
28. Other Unassigned Reviews		
a. Type I	Type I	\$66
b. Type II	Type II	\$133
c. Type III	Type III	\$222
29. Early Assistance		\$50
30. Lot Segregation (confirmation)		\$89
31. Property Line Adjustment (PLA)		\$89
32. Lot Segregation w/PLA		\$133

G. Industrial Waste Discharge – Annual Permit Fees

(authorized by City Code Sections 17.34.150 and 17.36.065; formerly specified in Title 17, Figure 8)

1. Annual Fee based on Point Range
 - a. > 125 \$8,385
 - b. 75-124 \$4,359
 - c. 50-74 \$3,019
 - d. 25-49 \$2,024
 - e. 1-24 \$1,060
 - f. Categorical Non-Discharger \$0
2. Service Fee per Occurrence \$52
 This fee is applied to such discharges not otherwise addressed in an industrial wastewater discharge permit, in addition to other applicable charges.

H. Septage Discharge Permit Fees

(authorized by City Code Section 17.35.070)

1. Qualified Septage Haulers Annual Permit Fee	\$134.00
2. Discharge Rates per gallon of discharge	\$0.136
3. Treatment Plant After-Hours Fee	\$39.00

I. Street Use Permit Fees

(authorized by City Code Section 17.24.020; formerly specified in Title 17, Figure 2, Items 18 and 22)

	Unit Fee	Minimum*
1. Sewer Connection Fees Connections to existing laterals or extensions of laterals from sewer mains to property lines; sewer or lateral extensions more than 100 feet in length are deemed a public improvement under permit.	\$156	\$156
2. Sewer Tap Fees (Title 17, Figure 2, Item 22)		
a. Mainline Sewer and Manhole Tap (rate per tap, all materials provided by the contractor)	\$288	\$288
b. Wye and Tee, and Standard Manhole (rate per installation, all materials provided by the contractor)	\$562	\$562
c. City Inspection of Insert-A-Tee installed by Permittee	\$78	\$78

* Minimum permit fee

J. Hourly Labor Rates for Engineering and Superintendence Services for Public Sewer Improvements

(authorized by City Code Section 17.32.150; formerly specified in Title 17, Figure 14)

The Bureau of Environmental Services shall apply the following hourly rates to calculate the labor costs associated with engineering and superintendence services provided for public sewer improvement projects. Labor costs shall be the product of actual recorded hours of service times the appropriate hourly rate set forth in Figure 14. The Bureau shall adopt administrative rules setting forth the criteria for applying standard and overtime labor rates.

	Standard Rate	Overtime Rate
1. Engineering Services Division Services		
a. Development Engineering	\$86	\$99
b. Construction Services	\$65	\$78
c. Inspection Services	\$75	\$85
d. Other (All Engineers)	\$97	\$113

The Bureau shall calculate all other costs of engineering and superintendence services based on administrative rules adopted by the Director.