

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Mieke Keenan		2. Telephone No. 503-823-5779	3. Bureau/Office/Dept. Development Services
4a. To be filed (hearing date): November 19, 2014, 10:15 TC	4b. Calendar (Check One) Regular Consent 4/5ths <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO Budget Analyst: November 12, 2014
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

Create a fee schedule for tree review, tree inspections, tree permits, and tree related enforcement (Ordinance)

2) Purpose of the Proposed Legislation:

This Ordinance will allow Portland Parks & Recreation Urban Forestry to charge and collect fees required for implementing a new Title 11, Trees. Title 11, Trees (Ord. No. 184522) was adopted by the City Council on April 13, 2011 and will go into effect on January 1, 2015. The Tree Code replaces the two existing tree ordinances Tree Cutting (No 170775), and Street Tree and Other Public Tree Regulations (No 159490). Existing fees charged under these ordinances are included with the new Title 11, Trees fee schedule.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- City-wide/Regional Northeast Northwest North
 Central Northeast Southeast Southwest East
 Central City

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

It is not anticipated that this legislation will generate new or reduce existing revenue. Portland Parks & Recreation is supported primarily by the general fund and collects revenue through tree mitigation fees. Under this legislation, Urban Forestry will maintain current fees and continue to collect similar mitigation fees under a new Title 11, Trees. Other fees such as the Programmatic Permit Application Fee will cover the cost of implementing this permit type.

5) 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 year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)*

This legislation will generate no costs in addition to the original legislation.

6) Staffing Requirements:

- **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.)*
- **Will positions be created or eliminated in future years as a result of this legislation?**

This legislation will generate no new staffing requirements that weren't already contemplated and approved in the original legislation.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

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

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

This ordinance will create a fee schedule that is available to the community for the new Title 11, Trees. Since the fees associated with Title 11 are similar to what Urban Forestry charges today there should be minimal impact to the larger community.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

On September 18, 2014, Portland Parks & Recreation Urban Forestry and the Program Coordinator for Tree Code implementation reviewed the proposed fee schedule with the Development Review Advisory Committee.

On October 16, 2014, Portland Parks & Recreation Urban Forestry and the Program Coordinator for Tree Code implementation reviewed the proposed fee schedule with the Urban Forestry Commission.

c) How did public involvement shape the outcome of this Council item?

Input from various members of the two stakeholder groups offered suggestions on different approaches to fee schedule development. These approaches will be evaluated as part of the monitoring and oversight period of implementation and considered during development of subsequent fee schedules.

d) Who designed and implemented the public involvement related to this Council item?

Staff from Portland Parks & Recreation and the Program Coordinator for tree code implementation.

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Mieke Keenan, Program Coordinator
503-823-5779
Mieke.keenan@portlandoregon.gov

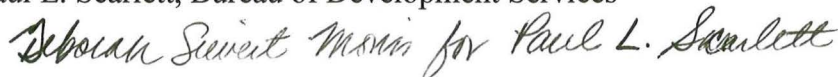
10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

The bureaus of Development Services and Parks & Recreation are conducting public outreach in anticipation of implementing updated codes adopted in 2011 through the Citywide Tree Policy and Regulatory Improvement Project. No public involvement is anticipated or necessary for this Council item specifically.

Mike Abbaté, Portland Parks & Recreation



Paul L. Scarlett, Bureau of Development Services



APPROPRIATION UNIT HEAD (Typed name and signature)



City of Portland, Oregon
Bureau of Development Services
Office of the Director

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
 Paul L. Scarlett, Director
 Phone: (503) 823-7308
 Fax: (503) 823-7250
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

November 19, 2014

To: Mayor Charlie Hales
 Commissioner Nick Fish
 Commissioner Amanda Fritz
 Commissioner Steve Novick
 Commissioner Dan Saltzman

From: Mike Abbate, Director, Bureau of Parks & Recreation *MA*
 Paul L. Scarlett, Director, Bureau of Development Services *PLS*

Re: Parks & Recreation Urban Forestry Title 11, Trees Fee Schedule & Housekeeping Code Amendments

Portland Parks & Recreation Urban Forestry has prepared an ordinance proposing fees under the new Title 11, Trees, and a second conforming amendment ordinance that updates certain Titles to be consistent with Title 11. As to the second, conforming amendment ordinance, there are no substantive or procedural changes proposed rather, they are housekeeping changes that are necessary to establish conformance between Title 11 and Title 17 of City Code. Both ordinances are scheduled to be heard by City Council on Wednesday, November 19, 2014 at 10:15, Time Certain.

Background

On April 11, 2011, the City Council adopted a new Title 11, Trees, as part of the Citywide Tree Policy and Regulatory Improvement Project (Citywide Tree Project). Title 11 creates new permit review categories for trees in both development and non-development situations. The proposed fee ordinance will allow Urban Forestry to collect permit fees for the non-development section of Title 11 and to collect tree mitigation fees for development permits. The Bureau of Development Services (BDS) will evaluate any necessary permit fee increases associated with the development section of the Tree Code. Any development related fee proposals will be included with the BDS fee schedules as part of their regular process.

Urban Forestry collects fees to partially support tree inspections, development plan review for street tree requirements, customer assistance, and other functions. Most bureau programs receive General Fund support while a few programs are self-supporting. The proposed fee ordinance does not propose a significant shift to this funding structure. Title 11 implementation requires the addition of some new fees to account for/address new permit and mitigation requirements for street and private trees. The majority of the proposed fee schedule however, contains existing application review fees.

Urban Forestry maintains a strong commitment to provide excellent care and oversight of Portland's Urban Canopy. This commitment coupled with the improved regulatory framework of the Citywide Tree Project under Title 11 will help ensure the preservation and continued expansion of Portland's green infrastructure. The proposed fee schedule will help achieve the Citywide Tree Project's goal of providing transparency. Currently some existing fees are billed

through the Bureau of Development Services and the Portland Bureau of Transportation. Putting all of the tree review fees into one schedule allows an open review process for new and future fee increases. The fee schedule will be available on the Parks website as well as the new tree website upon adoption.

Fee Schedule Overview

Urban Forestry is not proposing any fee increases to existing fees. The proposed fee schedule captures existing Urban Forestry fees, three new Title 11 fees described below, and enforcement fees and penalties described in Title 11.

1. **Existing Fees:** These fees apply to development projects, tree removal applications, and tree mitigation. No increase in fees is proposed to existing fees. The only change is a reduction in the tree removal fee from \$35 to \$25 to incentivize applications for removal to occur.
2. **New Fees:** There are three new fees that will take effect on January 1, 2015.
 - a. **Tree Preservation Fee.** This fee may be paid in lieu of complying with tree preservation requirements.
 - b. **Planting Fee.** This fee may be paid in lieu of meeting tree planting requirements.
 - c. **Programmatic Permit Fee.** Utilities and public agencies that have on-going needs for tree maintenance, pruning, and removal may apply for a Programmatic Permit. This permit replaces the need to apply for a permit for each individual tree-related action.

Certain fees such as inspection fees for the regulation of City and private property trees (shown with asterisk on the fee schedule) will not go into effect until July 1, 2015, because Council has provided funding to cover these costs so that staff may work with and educate applicants during the first six months of the program.

3. **Enforcement** fees as prescribed in Title 11 (11.70): These fees implement Chapter 11.70. Staff will emphasize education rather than enforcement during the first phase of implementation. Urban Forestry will continue to issue fines and penalties consistent with their existing policies. The proposed enforcement fees will enable Urban Forestry to penalize egregious Title 11 code infractions.

Public Involvement.

Since Tree Code adoption in 2011, the Bureau of Development Services and the Portland Parks & Recreation Urban Forestry program have been actively engaged in public outreach. A new Tree website was launched on October 31, 2014 which can be viewed at www.portlandonline.com/trees. Training on the new tree code regulations is well underway and will continue throughout the first phase of implementation. The fee schedule will be available on the new tree website.

The proposed fees have been reviewed by the Development Review Advisory Committee (DRAC) in the Bureau of Development Services, and by the Urban Forestry Commission in Portland Parks & Recreation. The Tree Code Community Oversight Committee will review fees over the first six months of implementation, and amendments may be proposed as part of the 2015-16 City Budget process or by ordinance later in 2015.