

ORDINANCE No.

Amend fee schedule for tree permits (Ordinance)

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.
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. No new tree permit fees are proposed in the tree permit fee schedule, and certain permit fees remain unchanged.

NOW, THEREFORE, the Council directs:

- a. The Fee Schedule listed as Exhibit A to this ordinance shall be effective July 1, 2020.
- b. This ordinance is binding City policy.

Passed by the Council:
Mayor Ted Wheeler
Prepared by: Brian Landoe
Date Prepared: April 9, 2020

Mary Hull Caballero
Auditor of the City of Portland

~~386~~ 407
 Agenda No.
ORDINANCE NO.
 Title

Amend fee schedule for tree permits (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>5/12/20</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler	Digitally signed by Sonia Schmanski Date: 2020.05.11 13:45:23 -07'00'
Position 1/Utilities - Fritz	Mary Hull Caballero Auditor of the City of Portland
Position 2/Works - Vacant	Digitally signed by Keelan McClymont Date: 2020.05.12 12:10:38 -07'00'
Position 3/Affairs - Hardesty	By: <u>Keelan McClymont</u> Deputy
Position 4/Safety - Eudaly	ACTION TAKEN: May 20, 2020 Passed to Second Reading May 27, 2020 at 9:30 a.m.
BUREAU APPROVAL Bureau: Parks & Recreation Bureau Head: Adena Long	Digitally signed by Adena Long Date: 2020.05.11 12:20:33 -07'00'
Prepared by: Brian Landoe Date Prepared: 4/9/20	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	Digitally signed by Tony Garcia Date: 2020.05.01 11:16:13 -07'00'
Council Meeting Date 5/20/20	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>10</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Vacant	2. Vacant	
3. Hardesty	3. Hardesty	
4. Eudaly	4. Eudaly	
Wheeler	Wheeler	

City of Portland
Portland Parks & Recreation Urban Forestry
Title 11, Trees Fee Schedule
effective July 1, 2020

DEVELOPMENT

Commercial Remodel ≥ \$25,000 valuation	\$	516.00
Commercial Construction	\$	516.00
Commercial Demolition Review	\$	516.00
Residential Remodel ≥ \$25,000 valuation	\$	516.00
Residential Construction	\$	516.00
Residential Demolition Review	\$	516.00
Public Works	\$	918.00
Land Use Review	\$	344.00
Early Assistance Written Info	\$	344.00
Early Assistance Meeting & Written	\$	574.00
Pre-Application Conference	\$	574.00
Preservation Inspection	\$	287.00
Preservation Re-inspection	\$	287.00
Final Planting Inspection	\$	229.00
Root Inspection	\$	164.00
Preservation, Fee in Lieu (Private Trees)		
Trees ≥12 and <20 inches diameter	\$	1,800.00 per tree
Trees ≥20 and <36 inches diameter	\$	3,600.00 per tree
Trees ≥36 inches diameter	\$	450.00 per inch
Planting and Establishment, Fee in Lieu	\$	675.00 per tree
Planting and Establishment, Fee in Lieu	\$	450.00 per inch
Hourly Rate for Urban Forestry	\$	109.43

NON-DEVELOPMENT

Removal Application (1-3 trees)	\$	100.00
≥4 trees, Additional Fee	\$	25.00 per tree
Density Inspection	\$	100.00
Root Inspection	\$	164.00
Online Pruning Application		no charge
Pruning Application (Inspection Required)	\$	50.00
Planting Application		no charge
Chemical Treatment Application	\$	150.00
Appeal	\$	200.00
Attaching Permanent Objects Application	\$	300.00
Attaching Permanent Object Annual Inspection	\$	109.43 per hour
Attaching Permanent Objects Reissuance	\$	100.00
Ornamental Lighting Application (1-10 trees)	\$	35.00
11-50 trees, Additional Fee	\$	45.00
51-100 trees, Additional Fee	\$	75.00
101-200 trees, Additional Fee	\$	100.00
201-500 trees, Additional Fee	\$	175.00
>500 trees, Additional Fee	\$	250.00
Planting and Establishment, Fee in Lieu	\$	450.00 per inch
Hourly Rate for Urban Forestry	\$	109.43

PROGRAMMATIC PERMIT

Programmatic Permit Application	\$	6,500.00
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ENFORCEMENT

Violation Review	\$	350.00
Administrative Review	\$	200.00
Enforcement Penalty	\$	250.00
Violation Inspection	\$	274.00
Civil Penalty	\$	1,000.00 per tree/ per day
Restoration Fee		
Damaged	\$	225.00 per inch
Removed	\$	450.00 per inch
Damaged Heritage Tree	\$	450.00 per inch
Removed Heritage Tree	\$	900.00 per inch
Nuisance Abatement Charges		Cost to remove the nuisance
Nuisance Abatement Administrative Charge		40% of abatement cost (min. \$257)

City of Portland
Portland Parks & Recreation Urban Forestry
Title 11, Trees Fee Schedule
effective July 1, 2020

DEVELOPMENT

Commercial Remodel ≥ \$25,000 valuation	\$ 492.00	\$ 516.00	
Commercial Construction	\$ 492.00	\$ 516.00	
Commercial Demolition Review	\$ 492.00	\$ 516.00	
Residential Remodel ≥ \$25,000 valuation	\$ 400.00	\$ 516.00	
Residential Construction	\$ 492.00	\$ 516.00	
Residential Demolition Review	\$ 492.00	\$ 516.00	
Public Works	\$ 875.00	\$ 918.00	
Land Use Review	\$ 328.00	\$ 344.00	
Early Assistance Written Info	\$ 328.00	\$ 344.00	
Early Assistance Meeting & Written	\$ 547.00	\$ 574.00	
Pre-Application Conference	\$ 547.00	\$ 574.00	
Preservation Inspection	\$ 274.00	\$ 287.00	
Preservation Re-inspection	\$ 274.00	\$ 287.00	
Final Planting Inspection	\$ 218.00	\$ 229.00	
Root Inspection	\$ 164.00		
Preservation, Fee in Lieu (Private Trees)			
Trees ≥12 and <20 inches diameter	\$ 1,800.00		per tree
Trees ≥20 and <36 inches diameter	\$ 3,600.00		per tree
Trees ≥36 inches diameter	\$ 450.00		per inch
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Planting and Establishment, Fee in Lieu	\$ 450.00		per inch
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NON-DEVELOPMENT

Removal Application (1-3 trees)	\$ 100.00		
≥4 trees, Additional Fee	\$ 25.00		per tree
Density Inspection	\$ 100.00		
Root Inspection	\$ 164.00		
Online Pruning Application		no charge	
Pruning Application (Inspection Required)	\$ 50.00		
Planting Application		no charge	
Chemical Treatment Application	\$ 150.00		
Appeal	\$ 200.00		
Attaching Permanent Objects Application	\$ 300.00		
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11-50 trees, Additional Fee	\$ 45.00		
51-100 trees, Additional Fee	\$ 75.00		
101-200 trees, Additional Fee	\$ 100.00		
201-500 trees, Additional Fee	\$ 175.00		
>500 trees, Additional Fee	\$ 250.00		
Planting and Establishment, Fee in Lieu	\$ 450.00		per inch
Hourly Rate for Urban Forestry	\$ 109.43		

PROGRAMMATIC PERMIT

Programmatic Permit Application	\$ 6,500.00		
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ENFORCEMENT

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Administrative Review	\$ 200.00		
Enforcement Penalty	\$ 250.00		
Violation Inspection	\$ 274.00		
Civil Penalty	\$ 1,000.00		per tree/ per day
Restoration Fee			
Damaged	\$ 225.00		per inch
Removed	\$ 450.00		per inch
Damaged Heritage Tree	\$ 450.00		per inch
Removed Heritage Tree	\$ 900.00		per inch
Nuisance Abatement Charges		Cost to remove the nuisance	
Nuisance Abatement Administrative Charge		40% of abatement cost (min. \$257)	

IMPACT STATEMENT

Legislation title: Amend fee schedule for tree permits (Ordinance)

Contact name: Brian Landoe

Contact phone: 503.504.0836

Presenter name: Jenn Cairo

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 20-21. 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 most development permits and inspection fees by 5% to maintain full cost recovery. A more substantial increase is included to the Residential Remodel > \$25,000 valuation permit in order to bring this permit to full cost-recovery.

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

Revenue projections resulting from this proposed fee increase are based on pre-COVID-19 permit volume assumptions. At that time, we anticipated about \$200,000 in increased revenue resulting from the new fee schedule. This revenue is assumed in the FY 2020-21 budget request and is needed to cover significant expense increases resulting from higher office rent at the 1900 SW 4th Ave. building (+\$83,000/year), AMANDA 7 implementation (+\$35,000/year) and personnel costs.

Based on observed impacts of COVID-19 through April, PP&R currently projects FY 2020-21 permit revenue will be approximately \$650,000 less than projected in the submitted budget request. This estimate will be revised as more data is available and the pace of economic recovery becomes clearer.

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.

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 will be presented at the following public forums.

- Urban Forestry Commission – April 16, 2020
- Development Review Advisory Committee, April 16, 2020

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

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

Claudio Campuzano

4/30/2020