

SUBSTITUTE

ORDINANCE No. 184523

Amend the Intergovernmental Agreement with Multnomah County to transfer land use planning responsibilities to address the administration of tree-related regulations that require a development permit (Ordinance; amend Contract No. 51712)

The City of Portland Ordains:

Section 1. The Council finds:

General findings

1. The City of Portland (the "City") and Multnomah County (the "County") entered into an Intergovernmental Agreement (the "Agreement") to transfer land use planning responsibilities effective January 4, 2002 (Ordinance no. 176115).
2. The Agreement transfers responsibilities for implementing and administering comprehensive plan and zoning regulations from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary.
3. The first amendment to this IGA was adopted per Ordinance 179313 to include the Pleasant Valley Plan District study area, effective June 13, 2005.
4. The City and County agree that it is appropriate and consistent with the intent of this IGA to reference tree-related regulations, along with other listed regulations such as stormwater review and erosion control, in sections describing the development regulations to be administered under this IGA.
5. The cost of applying the Title 11 tree in the areas affected by this IGA represent a minimal incremental increase in the costs of administering these regulations in the city and the development regulations in these areas. The costs will, after initial start up, be covered through development fees as discussed in Exhibit B, Financial Impact Statement (substitutes for corresponding exhibit in Recommended Draft to City Council, December 2010).

NOW, THEREFORE, the Council directs:

1. Amend the Intergovernmental Agreement to Transfer Land Use Planning Responsibilities between the City of Portland and Multnomah County as shown in Exhibit A.

Passed by the Council: APR 13 2011

Commissioner Mayor Sam Adams
Prepared by: Roberta Jortner
Date Prepared: March 31, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Exhibit A
(unchanged from Recommended Draft to City Council, December 2010)

SECOND AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT TO TRANSFER
LAND USE PLANNING RESPONSIBILITIES

BETWEEN

CITY OF PORTLAND AND MULTNOMAH COUNTY

WHEREAS:

- A. The City of Portland (the "City") and Multnomah County (the "County") entered into an Intergovernmental Agreement (the "Agreement") to transfer land use planning responsibilities effective January 4, 2002 (Ordinance no. 176115);
- B. The Agreement transfers responsibilities for implementing and administering comprehensive plan and zoning regulations from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;
- C. The first amendment to this IGA was adopted per Ordinance 179313 to include the Pleasant Valley Plan District study area, effective June 13, 2005; and
- D. The City and County agree that it is appropriate and consistent with the intent of this IGA to reference tree-related regulations, along with other listed regulations such as stormwater review and erosion control, in sections describing the development regulations to be administered under this IGA.

NOW, THEREFORE, THE CITY AND COUNTY DO MUTUALLY AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

- I. At Section I.D. "INTENT OF AGREEMENT" the existing provision is deleted and the following is substituted:
 - D. All actions specified by this Agreement shall be taken to assure that the County's comprehensive plan, zoning ordinances, regulations for land divisions, signs, erosion control and stormwater disposal, grading, and floodplain review, and trees remain consistent with the City's. The County has adopted the City comprehensive plan, zoning ordinance and other regulations as the County's for comprehensive plan, zoning ordinance, and regulations for land divisions, signs, erosion control and stormwater disposal, grading, and floodplain review, and requirements for trees in development situations. The City intends to administer the same codes and regulations for County properties in the Affected Area as it does for ~~City~~ properties in the City.

- j. Review building and development permits for compliance with City zoning, sign, erosion control, floodplain review, grading, ~~and stormwater disposal, and tree-related~~ regulations and other applicable requirements adopted by the County.

IV. Section V., TERMS OF AGREEMENT AND TERMINATION, Subsection B TERMINATION BY THE CITY, the existing provision is deleted and the following is substituted:

B. Termination by the City

This agreement may be terminated by the City if the County fails to adopt changes to the city's comprehensive plan, comprehensive plan maps, zoning maps, applicable community plans, Titles, 10, 11, 32, 33, and 34, or regulations for stormwater disposal, floodplain review or grading in a timely manner as provided in Section III.B.3.

V. The remainder of the Agreement as amended to date is unchanged and continues in full force and effect.

VI. This amendment is effective after signature by both the City and the County, and upon the effective date of Title 11, Trees, whichever occurs later.

MULTNOMAH COUNTY

CITY OF PORTLAND

By: _____
Jeff Cogan, Chair

By: _____
Sam Adams, Mayor

Date: _____

Date: _____

REVIEWED:

Approved as to form

Henry H. Lazenby Jr.
County Attorney

Linda Meng
City Attorney

EXHIBIT B

184523

City of Portland, Oregon

FINANCIAL IMPACT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Roberta Jortner		2. Telephone No. 503.823.7855	3. Bureau/Office/Dept. Planning & Sustainability
4a. To be filed (date)	4b. Calendar (Check One) Regular Consent 4/5ths X <input type="checkbox"/> <input type="checkbox"/>		5. Date Submitted to FPD Budget Analyst:

1) Legislation Title: Citywide Tree Policy Review and Regulatory Improvement Project

Amend and consolidate existing tree regulations into new Code Title 11, Trees, adopt companion amendments in other Titles, and direct the establishment of customer service improvements and implementation funding (Ordinance; add Code Title 11 and amend related Titles)

2) Purpose of the Proposed Legislation: Create clear, consistent, cohesive regulatory framework to address trees in Portland and to protect and enhance the urban forest by:

- SUBJECT OF THIS ORDINANCE:** Updating City regulations relating to the Urban Forestry Program and trees in development and non-development situations, and consolidating these regulations into a new City code title – Title 11, Trees. Title 11 contains provisions to authorize the City’s Urban Forestry Commission and Urban Forestry Program, standardizes the City’s tree permit system and enforcement procedures, establishes new tree preservation and tree density standards that apply through development permits, and establishes technical specifications and definitions. Title 11 clarifies that trees on the City’s Nuisance Plants List may not be planted on City property or rights of way.
- TO BE ADOPTED THROUGH SEPARATE ORDINANCE:** Amendments are proposed to the existing Intergovernmental Agreement to Transfer Land Use Planning Responsibilities between the City of Portland and Multnomah County, to address the administration of tree-regulations that apply in situations requiring a development permit.
- TO BE ADOPTED THROUGH SEPARATE ORDINANCE:** Updating City land use regulations in Title 33 to improve tree preservation and tree planting in land divisions and other specified land use reviews; to encourage tree preservation through new flexible development standards, and improving consistency of tree regulations in specified overlay zones and plan districts. Amendments to the Ladd’s Addition Conservation District Guidelines are proposed to clarify that the prohibition on planting nuisance species trees applies and that the street plan guidelines will inform the selection of species to replace nuisance species street trees in the future.
- SUBJECT OF THIS ORDINANCE:** Taking actions to improve customer service and access to tree-related information including upgrading the City’s tree permit tracking system and establishing a single point of contact to assist the public, a 24-hour tree hotline pilot project, and a community tree manual.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source. While intended to improve program efficiency and cost-effectiveness, this legislation does not, in itself generate or reduce current or future revenues for the City. Portions of the program are envisioned to be funded by increases in tree permit, development and land use fees, however changes to fee schedules would be done through separate legislation

Staffing Requirements:

5) 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.)* - None.

6) Will positions be created or eliminated in future years as a result of this legislation? - Positions proposed to be created in future years, and budget proposal, are shown in Attachments 1 and 2 (see explanation in 4) above.

Complete the following section if you are accepting and appropriating a grant via ordinance. This section should only be completed if you are adjusting total appropriations, which currently only applies to grant ordinances.

7) Change in Appropriations *(If the accompanying ordinance amends the budget, please reflect the dollar amount to be appropriated by this legislation. If the appropriation includes an interagency agreement with another bureau, please include the partner bureau budget adjustments in the table as well. Include the appropriate cost elements that are to be loaded by the Grants Office and/or Financial Planning. Use additional space if needed.)*

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

APPROPRIATION UNIT HEAD (Typed name and signature)

Red = cut Green = reduction Blue = shift/increase (from 12/2010 Recommended Draft)

FY 2011 - 2012 [Defer/absorb Tree Manual, shift TRACS funding to Tree Fund]

Program Start Up	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Program Organization and Start-up										
PPR Functions	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
BDS Functions	BDS	Planner II	0.50	\$47,000		\$47,000				
TRACS upgrade - Tree permits										
PTE	Parks	Contract		\$32,000		\$9,000			\$23,000	
Tree Manual										
Project manager	Parks	Botanic Spec II	0.50	\$48,000		\$48,000				
"Code Made Easy" Content	BDS	Planner II	0.50	\$47,000		\$47,000				
"Watershed Services" Content	BES	Program Specials	0.50	\$0						
PTE, M&S	Parks	Contract		\$40,000		\$40,000				
TOTAL			1.00	\$127,000		\$104,000			\$23,000	
12/2010 Draft Budget			2.50	\$262,000	\$0	\$262,000	\$0	\$0	\$0	\$0

FY 2012 - 2013 [costs scaled to reflect January 1, 2013 staff hire date, permits for SFR lots <10,000s.f. and SPoC deferred to July 1, 2013]

Year 1 of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II (Jan.)	0.25	\$0						
Arborist Consultation	Parks	Tree Insp. (Feb)	0.05	\$4,250			\$4,250			
Building Permits										
Plan Review	BDS	Planner II (Jan.)	0.50	\$47,500		\$47,500				
Building Permit Inspection	BDS	Tree Insp (Jan.)	0.50	\$42,500		\$42,500			\$85,000	
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE S	Survey/CADD(Feb)	0.13	\$23,400				\$23,400		
CIP/PW Review/Inspection	Parks	Tree Insp. (Feb)	0.08	\$6,800				\$6,800		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	4.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for BDS Insp.)										
				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	4.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT (Feb.)		\$4,000		\$4,000				\$4,000
TOTAL			1.50	\$158,450	\$0	\$120,000	\$4,250	\$30,200	\$0	\$4,000
12/2010 Draft Budget			5.50	\$558,000	\$176,000	\$165,000	\$17,000	\$115,000	\$85,000	\$0

FY 2013 - 2014 and future [Homeowner Permit and SPoC are implemented, 24-Hour Pilot extended for full year]

On-going of Full Program	Use of Funds			Total	Source of Funds					
	Bureau	Use	FTE		GF - OG	GF 1-time	Fees	CIP	Tree Fund	BES Rates
Land Use Reviews										
Application Review	BDS	Planner II	0.50	\$47,000			\$47,000			
Arborist Consultation	Parks	Tree Inspector	0.20	\$17,000			\$17,000			
Building Permits										
Plan Review	BDS	Planner II	1.00	\$95,000			\$95,000			
Building Permit Inspection	BDS	Tree Inspector	1.00	\$85,000			\$85,000			
Capital and Public Works Projects										
CIP/PW Plan Preparation	Water, BOT, BE S	Survey/CADD	0.50	\$90,000				\$90,000		
CIP/PW Review/Inspection	Parks	Tree Inspector	0.30	\$25,500				\$25,500		
Tree Permit Program										
Tree Permit Inspector	Parks	Tree Inspector	1.00	\$85,000	\$85,000					
Vehicles and Equipment (1 vehicle for UF Insp.)										
				\$30,000		\$30,000				
Single Point of Contact/Permit Assistance										
Delta Park Location	Parks	Botanic Spec I	1.00	\$91,000	\$91,000					
24 hour Hotline (pilot)										
Spill Response Line	BES	Existing Staff OT		\$10,000						\$10,000
TOTAL			5.50	\$575,500	\$176,000	\$30,000	\$244,000	\$115,500	\$0	\$10,000
12/2010 Draft Budget			5.50	\$535,000	\$176,000	\$0	\$244,000	\$115,000	\$0	\$0