City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Appendix C: Title 29 Property Maintenance Regulations

Section 29.20.010 G. Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.

Section 29.20.010 G, H, I, and J will be relabeled H, I, J, and K.

Section 29.10.020 V. Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Section 29.10.020 V – YYY will be relabeled W - ZZZ.

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Appendix D: Administrative Rules

Nuisance Plants Required Removal Program

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These rules are presented in a Commentary and Regulations alternative page format. The intent is to provide informational items on the Explanatory Information page and limit the Regulatory Text page to the legal requirements of the program. Unlike City Code documents, this entire package is adopted as administrative rule. Therefore, regardless of the placement of information in this document, it is legally binding.

Explanatory Information

Applicability

All of the plants on the City's Nuisance Plants List are considered invasive plants. However, some species are more aggressive than others. Several species are just beginning to emerge here and could be prevented if detected early. To help set management priorities, the City is assigning specific priority ranks to the plants on the Nuisance Plants List.

Rank "A" plants on the Nuisance Plants List are designated as such for their ability to spread rapidly and to cause public safety and environmental hazards. Rank "A" plants are specifically targeted for removal because they currently have limited distribution in natural areas and eradication will prevent the spread of these plants. Rank "B" plants are more abundant and widely spread than "A" plants; however, their distribution is currently limited to specific habitats or patches. Common nuisance plants, such as Himalayan blackberry and English ivy, are so abundant and widely distributed they would take a considerable amount of time and money to eradicate; therefore, they are rank "C" plants.

The City has identified a subset of the rank "A" plants on the Nuisance Plants List as plants that are such a concern that they must be eradicated if they are found on a property. In accordance with these administrative rules, property owners, whether private or public, whose property is found to contain plants with rank "A" on the Nuisance Plants List, Required Eradication List, shall receive notice to work with City staff to eradicate such plants from their property. It is possible that multiple eradication efforts may be needed for some plant species.

Rather than immediately involve citizens in an abatement process, the City will direct staff to provide resources and education to property owners to remove the plants. Bureau of Environmental Services (BES) staff will provide the resources and education to property owners. BES is responsible for implementing or ensuring implementation of these administrative rules except where the responsibilities of the Bureau of Development Services (BDS) are identified. Should funding become unavailable for either bureau, then implementation may become limited. An intergovernmental agreement provides funding details related to these administrative rules.

The City will only proceed with abatement on rank "A" species on the City's Nuisance Plants List, Required Eradication List, if the plants are also on the Oregon Department of Agriculture noxious weed list. See the City of Portland Nuisance Plants List, Required Eradication List in Appendix D for the plants with required eradication and, if necessary, abatement. These administrative rules apply to a property within the City of Portland and to a property within the unincorporated areas of Multnomah County that are designated by the intergovernmental agreement between the City of Portland and Multnomah County called the "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County" which provides details related to funding and other responsibilities.

Explanatory Information

Purpose

Invasive plants are the second largest threat to native biodiversity, behind habitat loss, and they are one of the primary factors that lead to a species listing under the Endangered Species Act (City of Portland Invasive Plants Strategy Report 2008). Invasive plants degrade water quality, reduce biodiversity, impair habitat, decrease tree populations and growth rates, increase the likelihood and spread of fire, decrease the ability of stormwater infiltration and increase soil erosion. Removing invasive species and planting native vegetation is critical for improvement and maintenance of watershed health. Fish, wildlife, and the citizens of Portland benefit from the management of invasive species.

Invasive plant management is a long-standing city-wide effort. In 1991, the City of Portland passed the ordinance to establish the *Portland Plant List.* The *Portland Plant List* included a list of native plants for the Portland metropolitan area. In recognition of the threat of invasive plants, the *Portland Plant List* also included a list of nuisance plants and a list of prohibited plants (invasive plants).

The City's bureaus have programs that conduct invasive plant removal. For example, sections such as the BES Watershed Revegetation, the BES Early Detection and Rapid Response, and the Bureau of Parks & Recreation Protect the Best program conduct invasive plant removal. In addition, the Bureau of Development Services implements the Portland Zoning Code; the Zoning Code contains requirements that prohibit the installation of invasive plants. The Invasive Plant Management Strategy, published in November 2008, further emphasizes the management of invasive plants as a city-wide priority.

The Invasive Plant Management Strategy outlines five management goals for the City:

1. Policy and Code Changes
2. Education and Outreach
3. Coordination
4. Assessment (inventory and control priorities)
5. Invasive Plant Control and Site Restoration.

The Invasive Plant Policy Review and Regulatory Improvement Project focuses on the first management goal: the policy and code changes. Assigning ranks to the plants on the Nuisance Plants List, and establishing provisions in the City codes that require removal of invasive plants and prohibit the planting of invasive plants, will improve early detection and rapid removal of invasive plants.

The priority ranks added to the City's Nuisance Plants List follow a framework similar to that used by the State of Oregon for ranking noxious weeds. The Oregon Department of Agriculture uses "A", "B", and "T" ranks to indicate the distribution and control priority for noxious weeds in Oregon. Under Oregon law, counties can set up weed control districts to manage high priority weed species. Two-thirds of Oregon counties have weed control districts and correspondingly, have noxious weed boards and noxious weed laws. Multnomah, Washington, and Clackamas Counties do not have weed control districts.

Explanatory Information

Cities are allowed to establish noxious weed boards as a special weed control district; however, no cities in Oregon have done so because it is a challenging endeavor. State law requires signatures from over half of the landowners within a district to establish a special weed control district. Noxious weed management laws in Oregon were created primarily for weed management in rural areas and will need to be revised to adequately manage invasive species in more urban settings.

These administrative rules are not related to a weed control district as defined by Oregon law. The administrative rules articulate a City process related to control and management of a specific set of invasive plants; those plants are listed on the Nuisance Plants List, Required Eradication List.

Controlling small populations of invasive plants before they become widespread is the most cost effective way to fight invasive species. The U.S. Congress Office of Technology Assessment reports that a dollar spent on early invasive species actions prevents $17 spent in future control efforts (U.S. Congress, Office of Technology Assessment, 1993, Harmful Non-Indigenous Species in the United States, OTA-F-565 Washington DC).

Regulatory Text

I. Applicability

Property owners, whether private or public, with invasive plants listed as rank "A" on the City of Portland's Nuisance Plants List, Required Eradication List are required to contact BES and arrange for immediate removal of those rank "A" listed species. Eradication efforts can be made by the property owner, City staff or private contractors.

II. Purpose

These administrative rules are one component of the City's Invasive Plant Management Strategy that was adopted in November 2008. There are five invasive plant control priorities described in this Strategy that are used to direct the City's invasive plant management efforts. There is limited funding for tackling this large problem.

These provisions establish procedures, roles, and responsibilities for notification and assistance to property owners in eradicating specific invasive plants as authorized in Title 29. These provisions also establish an abatement process if property owners are unwilling to eradicate rank "A" species identified on the Nuisance Plants List, Required Eradication List.

A. *Protection of the highest quality habitat.* By requiring removal of rank "A" plants on the Nuisance Plants List, Required Eradication List from public and private property, the City hopes to prevent invasive plants from escaping landscaped areas and encroaching upon public and private natural areas.

B. *Early Detection and Rapid Response.* These administrative rules are founded predominantly on this principle; by regulating rank "A" species on the Nuisance Plants List, Required Eradication List, the City can eradicate these plants before they expand to become abundant and widely distributed. The proliferation of the plants makes eradication difficult, and requires an extensive amount of time and money.

C. *Landowner participation and available funds.* The BES Early Detection and Rapid Response team relies on public assistance to help identify rank "A" species, so that the limited City funds can be directed to controlling these plants. The current City program offers to remove rank "A" plants for property owners, based on available funding. Educational information will be provided to the property owners.

D. *Wildfire Risk Reduction.* Many of these invasive plants can create dense understories or kill off native plants, including trees, so that there is the potential for enhanced fire risk. Some plants contain oils or physical structures that are highly flammable.

E. *Protecting Existing Green Infrastructure.* With the City's increased use of vegetated facilities, tree planting, and riparian land acquisition, ensuring that invasive plants stay out of these systems is a priority. With limited City maintenance funds, invasive species must be managed on public and private land to protect our investment in public properties. This benefits all citizens.

F. This program will help the City meet the following objectives:

- Protection and recovery of biological communities including fish listed under protections under the Endangered Species Act,

Regulatory Text

- Expanded and enhanced habitat (aquatic and terrestrial), protect existing sensitive habitats,
- Protection of water quality,
- Protection of public health and safety,
- Greater use of natural processes for managing stormwater – trees in particular,
- Cost savings, and
- Community livability.

Explanatory Information

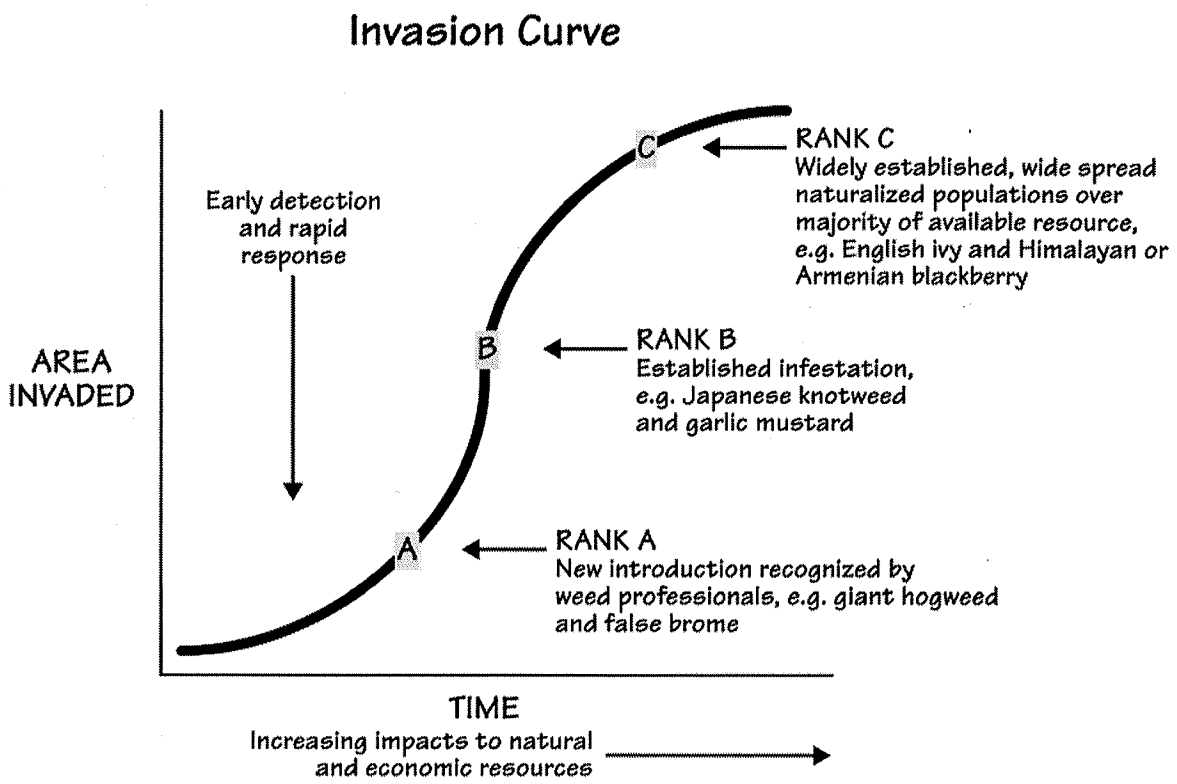
Definitions

The invasive definition is based upon a definition from the Oregon Department of Agriculture, and has been modified by City staff.

The definitions of rank are established to help prioritize which species are most important to detect and eradicate. Definitions are based upon those used by the Oregon Department of Agriculture and by the 4-County Cooperative Weed Management Area (CWMA), with modifications by City staff. The Invasion Curve below provides examples of plants for ranks "A-C".

The Portland metropolitan region, defined here as Clark, Multnomah, Washington, and Clackamas Counties, is used as the unit of evaluation for monitoring invasive presence, coordination, and educational activities. These four adjacent counties are a gateway for invasive species entrance to and exit from more urban habitats to recreation destinations and agricultural lands. In addition, the Port of Portland is a potential pathway for introduction of potentially invasive species from throughout the world.

Removal of the plants is a key action. What constitutes removal of nuisance plants? Different methods of removal will be used; it may take several years of removal actions to completely eradicate the plant. Definitions of nuisance plant removal and of eradication are included below.



Regulatory Text

III. Definitions

Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

Invasive. Species that spread at such a rate that they cause harm to human health, the environment and/or the economy. In natural areas, invasive plants are those species that left unchecked could displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species

Nuisance Plants List. A portion of the City's *Portland Plant List* that identities undesirable species of plants that are often referred to as invasive species. These species may not be planted within the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. These species may not be planted within City-required landscaped and mitigation areas. The Nuisance Plants List identifies the common name and botanical name for each species. The Required Eradication List is part of the Nuisance Plants List.

Plant Priority Ranks. Portland specific priority rankings of plants for removal and monitoring efforts. These ranks are assigned to plants on the Nuisance Plants List:

A – These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few known sites. They spread rapidly and are difficult to control once they become widespread.

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than "A" ranked plants; however the distribution is still limited to patches or specific habitats. These plants can spread rapidly and are difficult to control once they become widespread.

C – These species known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout natural areas and they are difficult control once they become widespread. These plants are considered ubiquitous.

D –These species are known to be less aggressive than "A", "B", and "C" ranked species. These species are known to occur in the region. These plants persist with native species and therefore have less impact on the system than the "A", "B", and "C" species.

W – Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Regulatory Text

Region. The region includes the four counties, and the associated cities, of Multnomah, Clackamas, Washington counties in Oregon, and Clark County in Washington. These entities are part of the 4-County Cooperative Weed Management Area (CWMA).

Nuisance Plant Removal. Removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are listed on the Nuisance Plants List.

Explanatory Information

Regulatory Authority

City Code Title 29, Property Maintenance Regulations, has been revised, with changes adopted concurrent with these rules, to grant the City authority to require the removal of the rank "A" species on the Nuisance Plants List, Required Eradication List from any property within the City. This code section was chosen with present and future needs in mind. Title 29 has existing language about weeds and the general upkeep of a property.

Washington's state law is stricter than Oregon law because it stipulates that landowners are required to control for certain species on their property (RCA 17.10.140 Owner's Duty to Control Spread of Noxious Weeds). In addition, cities are automatically included as part of a weed control district when a county in Washington establishes a weed control district. Ideally, a statewide Oregon law that mirrors Washington's law would provide the structure needed to effectively manage invasive species on private land.

The City participates in the 4-County (Clackamas, Clark, Multnomah, and Washington) Cooperative Weed Management Area (CWMA). This is a collaborative weed management group that facilitates partnerships among public and private entities involved in invasive plant management. The CWMA exists to share information, inventory and assess invasive plants, conduct outreach to raise awareness, and sponsor effective and innovative invasive plant removal and restoration projects. City participation in this group has helped foster partnered invasive plant management and outreach projects. Regular meetings help the group formulate consistent invasive plant management priorities throughout the region.

Requirements

City staff is available to assist property owners with identification and eradication of rank "A" plants on the Nuisance Plants List, Required Eradication List. Property owners or tenants may self-identify plants or may receive notice from City staff who have identified rank "A" species. City staff may identify these plants during a land use review site visit, or a permit inspection. Citizens may also report sightings of invasive plants. Land use reviews and permits will be able to continue in their respective processes while the invasive plants are eradicated. Materials have been developed to aid in identification of the plants.

Because of the similarity of rank "A" species with some other more desirable plant species, property owners or tenants are encouraged to contact the City to arrange for a site visit by City staff to formally identify plant species. City site visits shall generally be by appointment during standard working hours. Owners are encouraged to be onsite during the visit to discuss eradication options. If the identification of a rank "A" species on the Nuisance Plants List, Required Eradication List has been made by a reliable source, and entry permission is granted without a separate site visit, City staff may eradicate at the time of the site visit.

Removal of some of the rank "A" plants on the Nuisance Plants List, Required Eradication List can be a difficult, multi-phase process that may require a variety of techniques, including routine mechanical, manual, and chemical application, to fully eradicate the

Explanatory Information

species. City staff responsible for eradication efforts shall follow the Portland Parks & Recreation Integrated Pest Management and BES Revegetation program protocols for plant removal. If chemical application is necessary, BES may hire a contractor or route the chemical application request to one of the following partners: the local Soil and Water Conservation District (SWCD)(East or West Multnomah), Clean Water Services (for sites within the Tualatin River watershed), Johnson Creek Watershed Council, Tryon Creek Watershed Council, and/or Columbia Slough Watershed Council. In addition, if BES has insufficient funding to pay for eradication efforts, both physical and chemical, a referral might be made to one of those partners to see if they can secure funding for eradication.

Due to limitations in Oregon Pesticide Licensing laws (ORS 634), the City cannot use chemical treatment on private property. The City has to hire a contractor or use other means of eradication.

Monitoring shall continue for up to five years to assure full plant eradication. Continued monitoring and maintenance will be part of the agreement between the BES staff and the property owner who is receiving the assistance. Reported sightings of plants, site visits, removal treatment and other site related information shall be retained in City records, most likely in a database, to assist with the City's invasive species management strategy.

Following removal of the rank "A" species on the Nuisance Plants List, Required Eradication List the site should be re-vegetated with non-invasive plants to reduce the likelihood of future re-colonization of invasive species. Some of the areas, such as those within the Environmental Overlay Zone, must be re-vegetated with native plants. See the Zoning Code for information about areas that require the installation of native plants.

Regulatory Text

IV. Regulatory Authority

A. *Noxious weed law.* Both Oregon and Washington have state noxious weed laws that establish a ranked classification system to identify plants with management priorities. The City of Portland has adopted a priority rank system and related code provisions.

B. *City Code Title 29.* This portion of City Code requires the removal of rank "A" species of plants on the Nuisance Plants List, Required Eradication List found on any property. These are listed in Appendix D, City of Portland Nuisance Plants List, Required Eradication List. Specific requirements are described below in the "Requirements" section. There are also specific regulations in City's Zoning Code in the following chapters: Landscaping and Screening, Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. These provisions prohibit the planting of species on the Nuisance Plants List. In addition, the *Erosion Control Manual* and the *Stormwater Management Manual* include provisions that limit the use of species on the Nuisance Plants List.

V. Requirements

A. *General Requirements.* These rules and City Code Title 29 require that any property identified as having a rank "A" species on the Nuisance Plants List, Required Eradication List must remove these plants within the time period on the initial notice. Any property owner identifying these species on their own must notify the City so the site can be added to the monitoring database.

B. *Notice.* Property owners shall be notified of their duty to comply with these regulations as spelled out in Section VII of these rules and with notices similar to the one shown in Appendix B. Compliance dates shall be provided within the notices.

C. *City Assistance.* The City shall provide a number of actions to assist property owners in permanently eradicating rank "A" species, as identified on the Nuisance Plants List, Required Eradication List from their sites:

1. Plant Identification. The City has developed a number of educational materials to assist owners in identifying rank "A" species. Materials are available at the Development Services Center (1900 SW 4th Avenue, Portland, OR 97201), on the BDS website at www.portlandonline.com/bds/index.cfm?c=34154 and on the BES website at http://www.portlandonline.com/bes/index.cfm?c=45696. City staff is available to provide onsite verification of the presence of rank "A" species. An appointment will be set up for a site visit.

2. Plant Removal. Property owners shall be given the option of removing rank "A" species as identified on the Nuisance Plants List, Required Eradication List on their own, or requesting City staff remove the plants. Property owners will need to make an appointment to have City staff assist them. City assistance will be provided on a first come first served basis and continue as long as the annual budget allows.

Regulatory Text

3. Monitoring / Maintenance. Many of the rank "A" species on the Nuisance Plants List, Required Eradication List are difficult to remove. The plants need continued monitoring and multiple removal efforts to fully eradicate them from a site. Once a site is identified as having rank "A" plants, City staff will add the site to a tracking database. Monitoring shall continue for up to five years to assure full plant eradication. Continued monitoring and maintenance will be part of the agreement between BES and the property owner who is receiving the assistance.

   a. Long Term Maintenance Plan. The City will work with the property owner to develop a long term strategy to keep invasive plants from re-establishing on the property. This long term plan may include re-vegetation of the newly cleared area to provide competition with new invasive seedlings.

D. *Entry Permission Form.* The City will require a signed permission form (Appendix C) to enter onto private property.

Explanatory Information

BES Response Strategy

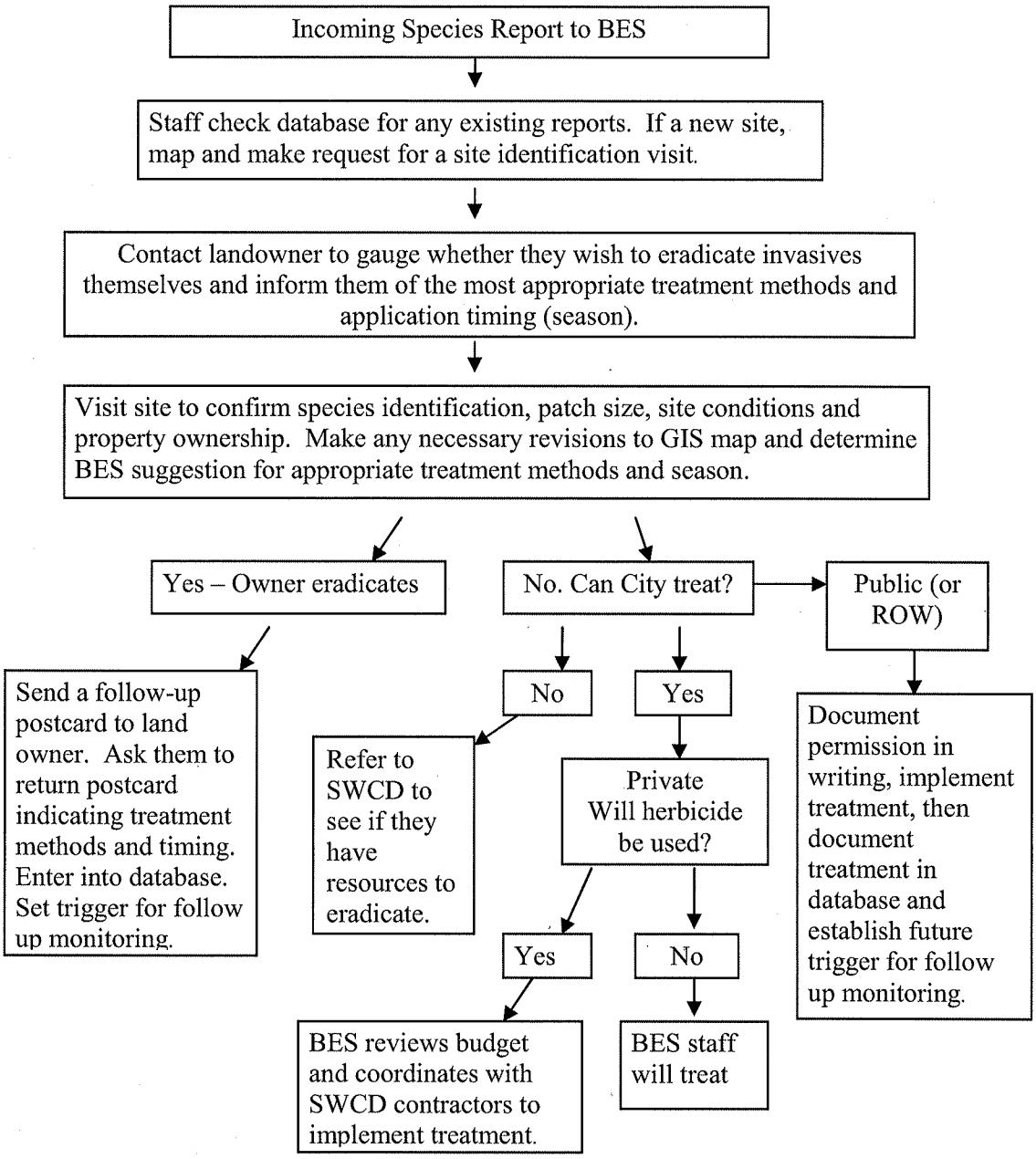
Figure 1 identifies the decision-making steps BES staff will undertake to establish an eradication plan for a property reported to have rank "A" species on the Nuisance Plants List, Required Eradication List.

Regulatory Text

VI. BES Response Strategy

BES shall respond to notifications about or sightings of rank "A" species as laid out in Figure 1 below.

FIGURE 1 – BES Response Flow Chart



Explanatory Information

Public Notices

The City has developed a variety of program materials to assist property owners in self-identifying rank "A" species on the Nuisance Plants List, Required Eradication List and to provide guidance on alternative plants such as native plants and non-native, non-invasive plants. Additional materials will be developed. A sample of the existing materials includes the following:

Garden Smart Oregon

This document is about home gardening and offers both native and non-native, non-invasive plant alternatives to invasive plants.

Plant Profiles on the City's web page

These website-based PDFs provide specific descriptions of: butterfly bush, clematis, English ivy, fennel, garlic mustard, Japanese knotweed, parrot feather, American pokeweed, purple loosestrife, tree of heaven and yellow flag iris. These fact sheets include a species description, as well as information on history, spread, control, and alternative plant species.

State of Oregon Department of Agriculture Online Plant Guides and Hotline

When the state receives a notice on its website of a potential invasive and noxious weed plant species of concern, they will forward that notice to BES staff. This website also contains a variety of educational materials on invasive plant identification and eradication methods. Call 1-866-INVADER to report suspected invasive plant locations. Reports to the 1-800-INVADER and the web site (Oregon invasives hotline) are routed back to BES staff at phone #503-823-2989. The most efficient way to report an invasive plant is to contact BES directly.

Reported Sighting Notice

In most cases, BES staff shall verify all reported sightings of rank "A" species on the Nuisance Plants List, Required Eradication List with a site visit to the property to confirm presence of rank "A"species. Only when the sighting is made by qualified City staff, a member of the 4-County Cooperative Weed Management Area, or other qualified person (e.g. SWCD staff, master gardener) will a confirmation site visit be deemed unnecessary. A site visit shall be made as an appointment with the property owner or tenant who responds to this notice. A sample notice is found in Appendix B.

Regulatory Text

VII. Public Notices

A. *Educational Materials.* The City, the 4-County Cooperative Weed Management Area (CWMA) and the State of Oregon provide a variety of materials to assist property owners in invasive species plant identification. These materials include:

1. Garden Smart Oregon. It includes descriptions, photos, and native and non-native, non-invasive plant alternatives for invasive plant species. http://www.portlandonline.com/bes/index.cfm?c=47570

2. BES Plant Profile and Eradication Support Materials.
   a. Profiles for more common rank "A", "B" and "C" species in Portland. http://www.portlandonline.com/bes/index.cfm?c=45749
   b. Other education materials in development.

3. Oregon Department of Agriculture, Plant Division, Noxious Weed Control. General guidance information on identifying invasive plant species of concern: http://www.oregon.gov/ODA/PLANT/WEEDS/index.shtml

B. *Notification Hotlines.*

1. BES hotline. Property owners may contact BES staff at phone #503-823-2989.

2. Oregon Online Hotline. The State of Oregon maintains a phone number at 1-800-INVADER, and an online reporting system for invasive species. This reporting form can be found at: http://oregoninvasiveshotline.org/.

C. *Reported Sighting Notice.* When a rank "A" species on the Nuisance Plants List, Required Eradication List has been reported to be present on a property within the City of Portland and the area designated by the "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County," BES staff shall issue written notice to the property owner and offer an onsite visit with the property owner to confirm the presence of the suspect species. The property owner can delegate the site visit attendance to a property tenant if they so desire. See Appendix B for the Reported Sighting Notice form. See Appendix D for the City of Portland's Nuisance Plants List, Required Eradication List.

D. *Compliance Notice.* This notice shall identify which rank "A" plants are present on the property, note that these plants constitute a public nuisance, and identify the required actions and timelines for eradication efforts to be made on the property. The elements within this notice are negotiated between BES staff and the property owner, usually at the time of the Reported Sighting Notice visit. This notice also includes the means for the owner to appeal the City determination of nuisance or compliance requirements.

E. *Escalating Enforcement Notices.* If there is continued non-compliance with City requirements to eradicate rank "A" species on the Nuisance Plants List, Required

Regulatory Text

Eradication List, the property owner shall receive a variety of enforcement notices as described in Section VIII.

Explanatory Information

TABLE 1: PUBLIC NOTICE SUMMARY

Type of Commun-ication	Purpose	Bureau	Timeframe	Owner Response Due
Reported Sighting Notice	• Informs property owner of a report of a rank "A" plant* sighting on their property. • Requests a time be set for BES staff inspection to confirm presence of rank "A" plants*. • Offers to meet owner onsite at time of inspection.	BES	Sent within 14 days from when BES receives the reported sighting.	Within 30 days of the date of the Reported Sighting Notice.
Compliance Notice	• Conveys City determination that rank "A" plants* constitute a nuisance. • Sets compliance timeline. • Sets required actions to be taken to remediate the nuisance. • Provides information to appeal City determination or compliance requirements.	BES	Sent within 5 working days of site inspection.	As per notice – generally 30 days.
Enforcement Notice	• Sent if City determines eradication efforts required in Compliance Notice have yet to be made for rank "A" plants*. See City of Portland Nuisance Plants List, Required Eradication List. • Informs of days remaining before conformance deadline (30).	BDS (Upon referral from BES)	Sent within 45 days of initial Compliance Notice.	30 days

*Rank "A" plants on the Nuisance Plants List, Required Eradication List.

Explanatory Information

Enforcement

The City's Nuisance Plants Required Removal Program is designed to work with and support property owners in their efforts to remove invasive species. With the technical support and financial support elements, it is hoped that the majority of properties that are required to comply with these rules will comply without escalating enforcement. Due to the need for timely eradication efforts, the City must have an enforcement program established to take actions on property of the property owner is unable or refuses to do so.

Because of their ample experience with code compliance issues on private property, the Bureau of Development Services Neighborhood Inspections Section will be the lead team on resolving continuing compliance issues related to requirements of these rules and City Code Title 29. The enforcement elements described in these rules are modeled after the existing enforcement program in Title 29. These elements shall commence once BES staff have made the referral to BDS staff for non-compliant sites. BES will continue to provide assistance as needed during enforcement and abatement procedures.

Nuisance abatement and/ or penalties may be established. Penalties are an undesirable, but potentially effective, tool toward gaining compliance. The amount of the monthly enforcement fee shall be charged according to the Property Maintenance Regulations Fee Schedule as approved by the City Council. If all violations are not corrected within three months from the date of the initial compliance period, subsequent enforcement fees shall be twice the amount stated in the Property Maintenance Regulations Fee Schedule as approved by the City Council. Nuisances are abated as described in Chapter 29.20.

City Code grants the City regulatory authority to use a warrant to enter property to abate nuisances. It is the owner's obligation to notify tenants on the property. The City and affected property owners shall abide by the Code provisions in Section 29.60.060.

- The City and property owner may negotiate a schedule and group of site actions to gain compliance. The discussion may involve staff from BES and BDS.
- It shall be unlawful for any person to attempt to obstruct, impede, or interfere with any officer, employee, contractor, agent, or authorized representative of the City whenever such officer, employee, contractor, agent, or authorized representative of the City is engaged in the work of nuisance abatement.
- Neither the City nor any of its officers, employees, contractors, agents, or authorized representatives shall be liable for any damage to or loss of the real property of any improvements, emblements, or personal property due to the enforcement against violations of these rules.

If a site requires abatement, BDS staff shall take the lead for obtaining the warrant to the property, while BES will take the lead for acquiring staff or contractors to complete the eradication work. An overhead charge of 40 percent, a recording fee and contractor costs, and charges from the auditor, shall be imposed on top of the labor and materials costs for the abatement activities on site for each violation.

VIII. Enforcement

The City's escalating enforcement process includes a variety of activities based on the authorities granted in Title 29 of the City Code. Failure to meet the eradication requirements of these administrative rules and Title 29 of City Code shall be considered a violation of those regulations. The City may use any or all of the following enforcement tools to gain compliance:

A. *Notice of Violation.* If the property owner fails to respond to the Reported Sighting Notice, a Compliance Notice will be sent. If the property owner fails to take the actions within the mandated timelines on the BES Compliance Notice, and BES refers the situation to BDS, then BDS staff shall submit a formal Enforcement Notice. The Enforcement Notice shall set out the property owner's failure to comply and describe the escalating enforcement steps to achieving onsite abatement. It shall specify a timeline for response to accomplish onsite eradication efforts.

B. Penalties. The City reserves the right to initiate penalties against any property owner failing to comply with required eradication efforts or negotiating in bad faith with City staff. Penalties shall include monthly enforcement fees imposed by BDS staff to cover costs of processing enforcement cases.

C. Abatement. The City has authority, in Chapter 29.60, to enter onto property and abate or otherwise remove the rank "A" plant on the Nuisance Plants List, Required Eradiation List, which is a nuisance condition on a property. City staff will meet with the property owner and discuss specific site, financial, scheduling or general capacity to comply, and any other issues relevant to the site. The City is authorized to recover all costs associated with abating the nuisance on a property. These costs shall be billed to the property owner within 30 days from completion of the abatement. Failure to pay for those costs within the specified time frame may result in a lien on the property in accordance with the provisions of Chapter 29.70.

D. *Fees*. The BDS Property Maintenance Regulations Fee Schedule is available online at http://www.portlandonline.com/bds/index.cfm?c=41869.

Explanatory Information

Appeals

Because rank "A" plants on the Nuisance Plants List, Required Eradication List are considered a public health and safety nuisance, the requirement to eradicate these species is ***not*** appealable. Other aspects of the enforcement process (described in Section VIII Enforcement) may be appealed. The City's Invasive Plant Coordinator and/ or other relevant staff shall participate in the appeal process as needed.

Evidence. Property owners are encouraged to submit photos, maps, drawings or other materials that document the issues raised in the appeal. Property owners shall specify whether they desire to present the appeal by phone, in person, by email, or other written form. While there is no page limit to an appeal submittal, appellants are encouraged to make submittals as concise and relevant as possible. After receipt of the appeal, the City shall commence internal review of the issues raised and prepare a final determination on the topic. Appeals will be reviewed and heard as needed.

Property Owner Appeals. The property owner is given opportunity to negotiate alternative schedule and specific compliance actions required to eradicate rank "A" species on the Nuisance Plants List, Required Eradication List. A property owner may only appeal the notices identified in the "Right to Appeal" section of these administrative rules.

Regulatory Text

IX. Appeals

A. *Right to Appeal.* Property owners are given the right to appeal City compliance determinations to the City Code Hearings Officer. Property owners may ***only*** appeal the following City determinations:
   1. BES Compliance Notice. See "VII. Public Outreach or Notices."
   2. That eradication has been completed. The property owner must provide proof from a licensed qualified professional that the plants have been completely eradicated from the property. The requirement to remove rank "A" species on the Nuisance Plants List, Required Eradication List is ***not*** appealable.

   A fee is charged for an appeal. An appeal is submitted as a written request to the BDS staff contact in the Final Determination Notice; the appeal is to the Hearings Officer as provided for in Chapter 22.10 of the City Code.

B. *Appeal Submittal.* Appeals shall be submitted to the BDS staff contact in the Neighborhood Inspections Section and must include the following items:
   1. The name and contact information of the property or business owner filing the appeal and date of appeal submittal; and
   2. The address of the property that is the subject of the appeal; and
   3. The specific issue that is being appealed; and
   4. Substantive documentation to support an error by BES in determining site compliance with these regulations.

C. *Appeals Evaluation and Final City Determination.* The City shall rely on the best professional judgment of its trained staff to evaluate compliance with eradication requirements. The City shall send a written Notice of Final Determination to all applicable parties after the decision is made. The notice shall provide a detailed description of the final determination and information about the process for filing an appeal to be heard by the City Code Hearing Officer.

D. *Actions with the City Code Hearings Officer.* Information about the proper procedure to work with BDS to file an appeal with the Code Hearings Officer shall be sent with the City's Notice of Final Determination to the property owner. If a request for hearing is received by BDS, staff will forward a request to the Code Hearings Officer within 15 days of the date of when the request is received to BDS. The Code Hearings Officer shall schedule and hold a hearing pursuant on the City's application which will include the Final Determination previously sent to the property owner.

   Review of the final order of a Code Hearings Officer by any aggrieved party, including the City of Portland, shall be by writ of review to the Circuit Court of Multnomah County, Oregon, as provided in ORS 34.010-34.100.

APPENDICIES

APPENDIX A – Authorizing Ordinance

Proposed text to be added to Title 29 and amendments to existing text:

29.20.010 G. Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.

29.20.010 G, H., I, and J will be relabeled H, I, J, and K.

29.10.020 V. Eradication. Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

29.10.020 V. – YYY will be relabeled W-ZZZ.

APPENDICIES

APPENDIX B – Reported Sighting Notice Form

ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers

REPORTING INVASIVE PLANT SIGHTING NOTICE

The City of Portland (the City) has received a report about a possible rank "A" plant on the Nuisance Plants List, Required Eradication List that may be on your property. The report states that ___(common plant name)_____ was seen on _____(portion of property)_____ part of your property. BES staff requests an appointment with you to meet onsite and confirm if ____ (species) _____ is indeed present on your property and discuss the potential methods of eradication. This letter is sent to you on _____ (date).

Title 29 of City Code requires that property owners immediately remove any rank "A" species found on their property. See the rank "A" species as designated on the Nuisance Plants List at _____web site_____. Rank "A" species are invasive plants that are particularly troublesome due to their rapid ability to spread, and in some cases, their public safety concerns. The responsibility to eradicate invasive plants rests not only on the private landowner, but also on the local, state, and federal government. Some invasive plants can be controlled by timely pulling or cutting them, while others require herbicide treatment for one or more seasons. Early intervention can prevent the need for more costly and environmentally damaging control efforts in the future.

The City offers technical and financial assistance programs to help property owners remove rank "A" species. In some cases, City or contract staff may be able to remove species on your property. Prompt eradication is legally required, and is more cost effective.

Please contact me at 503-823-XXXX or by e-mail at XXX@bes.ci.portland.or.us to schedule a time to meet with you on your property. If you would prefer to have City staff verify the presence of the invasive plant species without your presence, we can arrange to make a site visit with proper entry permission from the property owner.

Thank you for your attention,

Name
Title

APPENDICIES

APPENDIX C – Eradication Entry Permission Form

ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers

PERMIT OF ENTRY FOR INVASIVE PLANT CONTROL

The City of Portland (the City) has launched a program to educate landowners about the potential impacts of invasive plants and to implement control efforts. We have enclosed some information about the invasive plants that may be on your property. Please see the Nuisance Plants List for the full list of City-designated invasive plants.

The responsibility to eradicate invasive plants rests not only on the private landowner, but also on the local, state, and federal government. Some invasive plants can be controlled by timely pulling or cutting them, while others require herbicide treatment for one or more seasons. In many cases, early intervention can prevent the need for more costly and environmentally damaging control efforts in the future.

Prior to working on your property, the City must secure your permission to enter. If you agree to allow the City and its contractors to enter upon your property to control invasive plants, please fill in the blanks below with your name, street address, county, signature and today's date.

_____, (Owner) of the real property located at _____ in _____ County, does hereby grant a permit of entry to the City, its employees, agents, contractors and employees and subcontractors of its independent contractors, performing work on the above-described property to treat invasive plants. This permit shall be effective for five years from the date the Owner signs the Permit of Entry. The City is granted this permit of entry without prejudice to any property rights of the Owner.

_____
Signature of Property Owner

_____
Date

Please return to:
City of Portland, BES
Attn: Mitch Bixby
1120 SW 5th Avenue Room 1000
Portland, OR 97204

For questions about invasive plant control within the City of Portland, please contact Mitch Bixby at phone #503-823-2989.

APPENDICIES

APPENDIX D – City of Portland Nuisance Plants List, Required Eradication List

City of Portland Nuisance Plants List, Plants with Required Removal 1/12/2010

Scientific Name	Common Name	Current PPL Designation[1]	Proposed Rank[2]	ODA Rank
A Ranked Plants				
Acroptilon repens	Russian knapweed	Nuis	A	B
Brachypodium sylvaticum	False brome	Nuis	A	B and T
Carduus pycnocephalus and Carduus tenuiflorus	Italian thistle or slender flowered thistle	Nuis	A	B
Cortaderia jubata	Jubata grass	**Add**	A	B
Echium plantagineum	Paterson's curse	**Add**	A	A
Heracleum mantegazzianum	Giant hogweed	Nuis	A	A
Hieracium aurantiacum	Orange hawkweed	Nuis	A	A
Hieracium pratense (H. cespitosum)	Meadow hawkweed (formerly listed as Yellow hawkweed)	Nuis	A	A
Impatiens glandulifera	Policemen's helmet	Nuis	A	B
Onopordum acanthium	Scotch thistle	Nuis	A	B
Phragmites australis (introduced var. only)	Common reed	Nuis	A	A
Pueraria lobata	Kudzu	Nuis	A	A
Silybum marianum	Blessed milk thistle	Nuis	A	B
Tamarix ramosissima	Salt cedar	**Add**	A	B and T
Ulex europaeus	Gorse	Nuis	A	B

[1] **Nuis/Pro/Add** = Nuisance/Prohibited/Add = Nuisance and Prohibited are existing plants in the Portland Plant List. Add means this plant would be added to the PPL. This column will be deleted in the final version of the administrative rules.

Ranks = Proposed City of Portland ranks are identified. If the plant is not on the Oregon Department of Agriculture (ODA) noxious weed list then the "ODA Rank" column will be blank. If the plant is on the ODA noxious weed list, the ODA rank is identified. The "Proposed Rank" column will become "Rank" in the final version of the administrative rules.

[2] **City ranks (classifications) are defined as follows.**

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

APPENDICIES

Appendix D – City of Portland Nuisance Plants List, Required Eradication List

B – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Note: Resources for documentation/determination of level of invasiveness – 4 County CWMA list, Emerald Chapter NPSO list, TNC Global Compendium of Weeds, NatureServe Invasiveness ranking, noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. City of Portland staff discussion, with input from Metro, provided much of the information. City of Portland staff also had many conversations with the Oregon Department of Agriculture, Noxious Weed Control Program.

APPENDICIES

APPENDIX F – City of Portland Nuisance Abatement Flow Chart

Title 29 Nuisance Abatement Flow Chart

- Upon referral to the Bureau of Development Services (BDS) by citizen report or from City staff.

Complaint – BDS receives a complaint or referral regarding a particular property. Sometimes inspectors self initiate.

↓

Inspection & Posting – Within a week after the complaint is received, an inspector visits the property. If any nuisance violations are found, the inspector posts a nuisance notice on the property in a conspicuous place. The notice lists the problems found by the inspector, that need to be addressed.

↓

Notice to Remove Nuisance – A day or two after the property is posted, a Notice to Remove Nuisance is mailed to the property owner (and occupant if the property is not owner-occupied). The notice lists the problems and gives the property owner 15 days to get them corrected.

↓

Re-check – After 15 days, the inspector checks the property to see if the problems have been corrected. If the problems remain, the inspector takes photographs at this time and issues a Notice of Work Order.

↓

Notice of Work Order - This notice is mailed to the property owner (and occupant if necessary) within a few days of the re-check. This notice states that because the problems have not been corrected, a work order inspection will be performed in a week. A work order fee will be assessed and the work order process will continue.

↓

Final Inspection - All properties are inspected one last time by the Code Specialist prior to issuance of a work order. Usually this check occurs a week after the Notice of Work Order is mailed.

↓

Final Notice – Final notice mailed stating that the property is still in non-compliance, that enforcement will continue with the work order abatement process and that a work order inspection fee of $300 has been incurred to the property owner.

See next page.

Flow chart 8/20/09 by Tricia Sears

APPENDICIES

APPENDIX F – City of Portland Nuisance Abatement Flow Chart

Title 29 Nuisance Abatement Flow Chart

Continued from previous page.

Search Warrant – If a property is occupied or vacant, a search warrant will be written, signed by a judge, and served by the Code Specialist at the time of abatement. Warrants are not usually necessary on public property or on vacant lots unless there is a "no trespass" sign visible and/or a locked gate and fence.

↓

Work Order Issued – A work order is issued to a City contractor.

↓

Work Done – The required work is done by the contractor under the supervision of the Code Specialist.

↓

Return of Search Warrant – Written and returned to the court listing the items removed and abated, and their estimated quantities.

↓

Work Order Returned - The contractor returns all photographs and paperwork to BDS within 10 working days from the date the work order was issued.

↓

Post Work Inspection – The Code Specialist inspects the properties to ensure the work was done properly and completely by the contractor, if needed.

↓

Payment & Billing – After inspecting, the Code Specialist Inspector computes and authorizes payment to the contractor. A Notice of Charges is mailed to the property owner. The property owner is billed for the nuisance abatement and the work order inspection fee, a civil penalty, an overhead charge of 40%, and a recording fee. A lien is placed on the property if the bill is not paid within 15 days of the Notice of Charges. Note that the Auditor adds on 10% to the bill if the lien is assessed.

Note – The City can grant extensions of time up to two weeks at any time throughout the process until a search warrant is received or a work order is issued, if progress is being made, or a request is made pursuant to ADA.

Flow chart 8/20/09 by Tricia Sears

183534

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy Review and Regulatory Improvement Project

Appendix E: Financial Impact Statement For Council Action Items

City of Portland, Oregon

FINANCIAL IMPACT STATEMENT
For Council Action Items

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

1. Name of Initiator	2. Telephone No.	3. Bureau/Office/Dept
Tricia R. Sears	503-823-1174	Bureau of Planning and Sustainability

4a. To be filed (date)	4b. Calendar (Check One) Regular ☐ Consent ☐ 4/5ths ☐	5. Date Submitted to FPD Budget Analyst:

1) Legislation Title:
Invasive Plant Policy Review and Regulatory Improvement Project. Proposed legislative changes include updating the *Portland Plant List* and re-establishing the *Portland Plant List* (*PPL*) as an administrative rule, amending the Portland Zoning Code (Title 33), and amending the Property Maintenance Regulations (Title 29).

2) Purpose of the Proposed Legislation:
The purpose of the legislation is to enhance City efforts to control invasive plants and to help implement the Invasive Species Management Strategy (adopted by Resolution No. 36726 on August 26, 2009).

- **Updating the *Portland Plant List***

Updates to the *Portland Plant List* include consolidating the Nuisance Plant List and the Prohibited Plant List into a single Nuisance Plants list, adding (43) and removing (23) plant species from the Nuisance Plants List, assigning priority ranks to each species on the Nuisance Plants List, providing additional context, guidance and information regarding invasive plants; and establishing definitions. These changes are intended to update and improve the usefulness of the *Portland Plant List* and assist the City, community organizations, and citizens in prioritizing invasive plant management approaches.

Re-establishing the *Portland Plant List* (*PPL*) as an administrative rule will set up the *PPL* in a similar fashion as other technical manuals such as the *Stormwater Management Manual* and the *Erosion Control Manual*. These documents provide technical information that should be updated promptly as more current information becomes available. The intent is to ensure that the *PPL* can be updated more quickly as an administrative rule review process is a more nimble process than a legislative process.

- **Amending Title 33 Portland Zoning Code**

Proposed amendments to the Zoning Code will clarify existing provisions related to removal of plants identified on the Nuisance Plants List in conjunction with landscaping and mitigation that is required by the City with proposed

development projects. In addition, the proposed amendments would require nuisance plant removal and replanting to compensate for disturbance in the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone.

- **Amending Title 29 Property Maintenance Regulations and Creation of Associated Administrative Rules**

Proposed amendments to Title 29 Property Maintenance Regulations will require eradication of 15 species identified as the Required Eradication List (a subset of the Nuisance Plants List) when they are discovered and reported to the City. The purpose of the regulation is to prevent new invasive plants from becoming widespread, and to bolster the efforts of the Bureau of Environmental Services (BES) Early Detection and Rapid Response (EDRR) program by providing a "regulatory backstop." If eradication of the plant(s) cannot be achieved through voluntary means, then the Bureau of Development Services (BDS) would initiate an abatement process.

The plant species required to be eradicated pursuant to this regulation will be specified by administrative rule. The administrative rules also describe the implementation steps and responsibilities for BES and BDS. Agreements between BES and BDS will be made in regards to reimbursement for abatement services.

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.

This project will not generate or reduce current or future revenue coming to the City.

4) 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 years) (If the action is related to a grant or contract please include the local contribution or match required)*

- **Updating the *Portland Plant List***

The update to the *PPL* involves negligible cost to the City. Tasks include: reformatting the *PPL* and updating the City's web page using existing staff, printing the revised *PPL* document and producing CDs. Future updates to the *PPL* will be less costly in terms of staff time, public notices, and document production since the *PPL* will be updated as an administrative rule instead of through a legislative process.

- **Amending Title 33 Portland Zoning Code**

Zoning Code clarifications are not expected to significantly increase the time or costs associated with existing landscape and mitigation inspections, because the number of such inspections will not be affected by this project. Existing inspections are required to complete Environmental Reviews and Environmental Plan Checks. Any plant inspections necessary to ensure compliance with the new standard, which requires removal of nuisance species and subsequent re-planting, will occur simultaneously with existing landscape and mitigation inspections.

The duration of inspections required for Environmental Review is not expected to increase because the mitigation and re-planting areas will usually cover the same area. The duration of such inspections required for Environmental Plan Checks would increase by a small amount, perhaps 0.5 to 1.0 hour per plan check. At this rate, assuming, conservatively, that 25 Environmental Plan Checks are submitted per year, the cost would increase by approximately $327 to $655 per year. This cost is based on the range of pay scales proposed for a landscape and mitigation inspector position that is currently included in the BES 5-year Grey-to-Green workplan. See the description below.

If the landscape and mitigation inspector position is not funded, then potentially some of the proposed Zoning Code amendments, in particular, the new development standard proposed for the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone, should be delayed until the capacity for inspections is established.

Staff training and coordination time, preparation of educational materials for staff and the public, and updates to internal procedures are tasks to be carried out by existing staff.

- **Amending Title 29 Property Maintenance Regulations and Creation of Associated Administrative Rules**

Proposed amendments to Title 29 are expected to generate minor cost increases to BES. When plants on the Required Eradication List are discovered and reported, the BES EDRR program will assist property owners to ensure the plants are eradicated through voluntary means. It is anticipated that abatement services will be required rarely since the subject plants are not widespread, and staff expects voluntary approaches to be generally effective in achieving eradication. This is consistent with the experience of jurisdictions such as King County, WA, and Clark County, WA, in implementing similar programs. Abatement cases have been rare in these two jurisdictions. Based on their experiences, only one, or at most two abatement cases are expected per year in Portland. If abatement services are required to enforce Title 29, the Bureau of Development Services will use its existing provisions. An agreement between BES and BDS will be established so that costs related to abatement services are covered by BES. BDS has identified a cost of approximately $1600 per abatement case.

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.)*

No positions are proposed to be created, eliminated or re-classified in the current year as a result of this legislation.

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

While the legislation does not create or eliminate a position, the Bureau of Environmental Services Grey to Green five-year proposed budget has included funding for 1 FTE in the Bureau of Planning and Sustainability (BPS) for FY 2008-2009 and FY 2009-2010 to develop this code and policy package. Starting in FY 2010-2011, the BES Grey to Green five-year proposed budget includes a 0.6 FTE for a staff person to perform tasks related to invasive species management. This position will provide a trained staff person dedicated to landscape and mitigation inspections. Currently, landscape and mitigation inspections are carried out by building inspectors who typically lack plant identification skills and experience in interpreting landscape plans. This 0.6 FTE position will inspect mitigation sites to ensure compliance with permit requirements to improve program effectiveness and to ensure compliance with the relevant existing and proposed provisions of Titles 29 and 33.

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 Center Code column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

This project does not amend the budget.

APPROPRIATION UNIT HEAD (Typed name and signature)

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Appendix F

INTERGOVERNMENTAL AGREEMENT TO PROVIDE FOR THE COORDINATED REGULATION AND MANAGEMENT OF INVASIVE PLANTS

BETWEEN

CITY OF PORTLAND AND MULTNOMAH COUNTY

This is an Intergovernmental Agreement to provide for the coordinated regulation and management of invasive plants (Agreement) between MULTNOMAH COUNTY (County), a home rule county and a political subdivision of the State of Oregon, and the CITY OF PORTLAND (City), a home rule city and political subdivision of the State of Oregon.

RECITALS:

A. The City and County are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190.

B. The State of Oregon (State), City and County have long recognized invasive plants as a problem. The proliferation of invasive plants can have environmental and economic impacts, including reducing tree health and longevity, creating fuel sources for wildfires, and outcompeting and displacing native plants that provide food and cover for native wildlife. Certain invasive plants are identified as noxious weeds by the State of Oregon. There are regulations related to noxious weeds; not every invasive plant is designated as a noxious weed.

C. The State Department of Agriculture has established priority ranks for noxious weeds, as has the 4-County Cooperative Weed Management Area for Multnomah, Washington, Clackamas, and Clark Counties under authority granted by state law.

D. Multnomah County has adopted and uses nuisance abatement procedures to regulate nuisance plants, such as tansy ragwort and scotch broom. The County has also adopted zoning regulations that prohibit the planting of specific nuisance plants in certain zones, such as

the Significant Environmental Concern zone. The County identifies certain invasive plants as nuisance plants and has regulations specific to these nuisance plants.

E. In 1991, the City published the *Portland Plant List*, which contains three lists: a Native Plants List, a Nuisance Plant List and a Prohibited Plant List. Plants on the Nuisance Plant List and the Prohibited Plant List are not allowed to be planted in the City's Environmental Overlay Zones, Greenway Overlay Zones, and Pleasant Valley Natural Resources Overlay Zones. In addition, plants on the Prohibited Plant List and the Nuisance Plant List are not allowed to be planted in required landscaping anywhere within the City. The terms nuisance and prohibited are specific to the City of Portland; the terms refer to certain invasive plants that are regulated by the City of Portland.

F. In 2005, the City adopted the *Portland Watershed Management Plan* (PWMP) to provide a comprehensive approach to restoring watershed health and identified the detrimental impacts of invasive plants. The City also adopted Resolution No. 36360 in 2005, which required the City to develop a work plan and goals to reduce invasive plants and to support invasive plant management efforts within City bureaus.

G. In response to Resolution No. 36360, the City's Bureau of Environmental Services led a multi-bureau effort that culminated in publication in November, 2008 of the Invasive Plant Management Strategy (Strategy). Among the actions the Strategy calls for is the incorporation of new invasive plant regulations into existing City Codes.

H. In August, 2009, the City adopted Resolution No. 36726, which adopted the Strategy to guide work within all City bureaus related to invasive plants from the present to 2020. To implement the Strategy, the City's Bureau of Planning and Sustainability (BPS) led an evaluation of City policies and rules relating to invasive plants entitled the *Invasive Plant Policy and Regulatory Improvement Project (Invasive Plant Project)* and developed recommendations for code updates and improvements. The final report for the *Invasive Plant Project* recommends, among other things, updating the *Portland Plant List* to include priority ranks and guidance regarding invasive plants, and to amend City Code Titles 33 (Planning and Zoning) and 29 (Property Maintenance Regulations) to improve invasive plant control and require removal of plants on the Nuisance Plant List in certain areas throughout the City. As part of the *Invasive Plant Project*, the Nuisance Plant List and the Prohibited Plant List were consolidated and renamed the Nuisance Plants List. The City of Portland uses the term nuisance plants to refer to invasive plants that are regulated by the City.

I. The City and County previously entered into an intergovernmental agreement that transferred responsibilities from the County to the City for implementing and administering comprehensive plan and zoning regulations, including Title 33 of the City Code, for all property within the County that is also within the City's Urban Services Boundary. These areas are often referred to as the "urban pockets." See the "Intergovernmental Agreement to Transfer Land Use Planning Responsibilities Between City of Portland and Multnomah County," with the effective date in January, 2002. The amendments to Title 33 recommended by the *Invasive Plant Project* will be governed by the terms of that intergovernmental agreement, which is currently effective.

J. The City and County desire to enter into a separate intergovernmental agreement to make Chapters 29.10 through 29.30 of the City Code, including the amendments to Title 29 recommended by the *Invasive Plant Project*, applicable within the urban pockets. These amendments require eradication of certain plants – those plants on the Nuisance Plants List, Required Eradication List - if they are found on a property. For purposes of this Agreement, the plants regulated by Chapters 29.10 through 29.30 of the City Code are referred to as "nuisance plants." Uniform application of Chapters 29.10-29.30 of the City Code within the City and the urban pockets, also known as the Affected Area described below, will result in a more coordinated and effective approach to the removal and eradication of nuisance plants.

NOW, THEREFORE, THE CITY AND COUNTY MUTUALLY AGREE AS FOLLOWS:

I. INTENT OF AGREEMENT

A. This Agreement provides for the coordinated regulation and management of nuisance plants by the City and County in the area specified in paragraph I.B below. Specifically, this Agreement provides for the County's adoption of Chapters 29.10 through 29.30 of the City Code and the transfer of responsibilities for implementing these chapters 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;

B. The area that is subject to this Agreement is defined as depicted in Exhibit 1, attached to this Agreement (the Affected Area). The Affected Area, in general, includes all of the properties within unincorporated Multnomah County that are also within Portland's Urban Services Boundary, with two exceptions. The first, West Hayden Island (map attached as Exhibit 2), is already covered by an intergovernmental agreement and will retain County zoning. It is not subject to this Agreement. The second, a site known as Fred's Marina (attached as Exhibit 3), will remain under County land use jurisdiction and is not subject to this Agreement for all matters related to the settlement agreement entered into on February 6, 2001 in the United States District Court, and confirmed in writing on February 27, 2001.

C. All costs to implement and enforce city Code Chapters 29.10 - 29.30 within the Affected Area pursuant to this Agreement shall be the responsibility of the City.

D. All actions specified by this Agreement shall be taken to assure that the County's regulation of nuisance plants remains consistent with the City's. The County has adopted Chapters 29.10 – 29.30 of the City Code as the County's for the Affected Area and intends to adopt future amendments to these chapters. The City intends to administer these chapters for

County properties in the Affected Area in the same manner as it does for City properties within the City's boundaries.

E. If any property in the Affected Area annexes to the City or is removed from the City's Urban Services Boundary, it will no longer be subject to this Agreement.

II. DELEGATION OF AUTHORITY

The County agrees to adopt Chapters 29.10 - 29.30 of the City Code for the county Affected Area and to delegate to the City any and all authority that it possesses and that is needed by the City to carry out the regulation and enforcement of City Code Chapters 29.10 – 29.30 for the Affected Area. The effective date and terms of the delegation of authority are as provided for in this Agreement. Among the actions that the County authorizes the City to take in the Affected Area are those enumerated in Section II.C below, which are hereby incorporated into this Delegation of Authority by reference. This delegation of authority should be construed broadly.

A. Fees and Costs

The parties intend that all costs and expenses incurred by City in performing tasks described in Section II.C of this Agreement shall be paid or reimbursed by the City. For purposes of this Agreement, "costs and expenses incurred by the City" include without limitation employee salaries, fringe benefits and City overhead attributed to such employees, expenses incurred for publication and mailing related to implementation, enforcement and nuisance abatement, provided such costs, expenses and fees are attributed to enforcement and/or nuisance abatement actions the City processes under this Agreement.

B. COUNTY RESPONSIBILITIES

The County agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Responsibilities

a. The County will adopt City regulations for the Affected Area.

b. The County will review and propose for adoption by the County Board of Commissioners any necessary amendments to Chapters 15.225 through 15.236 of the County Code to ensure continued implementation and enforcement of these code provisions is coordinated with implementation and enforcement of Chapters 29.10 – 29.30 of the City Code in the Affected Area.

The County will notify the City of the proposed amendments at least 45 days before the County Board is scheduled to consider and adopt them and will give the City an opportunity to comment on the proposed amendments before adoption.

c. The County, with assistance from the City, will provide appropriate training to County Vector Control staff and County Counsel to ensure County staff understands the provisions of Chapters 29.10 – 29.30 of the City Code, informs citizens in the Affected Area about the substance and applicability of these City Code chapters, and is prepared to answer questions and refer complaints from the public about nuisance plants in the Affected Area to appropriate City staff. This provision in no way conveys a responsibility of implementing Chapter 29.10 - 29.30 provisions to Multnomah County staff.

2. Amendments to City and County Regulations

a. The County will ensure that any City Council adopted amendments to Chapters 29.10 – 29.30 of the City Code will be considered by the County Board of Commissioners at the earliest possible meeting. The County Board of Commissioners will enact all amendments to Chapters 29.10 – 29.30 so that they take effect on the same date specified by the City's enacting ordinance, except as provided in b. below.

b. In the event the City Council adopts amendments to Chapters 29.10 – 29.30 by emergency ordinance to be effective immediately, the County Board of Commissioners will consider the amendments at their next regularly scheduled meeting. The County Board of Commissioners will also consider adoption of the amendments as an emergency ordinance with an immediate effective date. Any and all immediately effective amendments adopted by the City Council by emergency ordinance will not apply to properties within the Affected Areas until the County Board of Commissioners adopts the same immediately effective amendments by emergency ordinance.

c. In the event the County Board of Commissioners chooses not to adopt amendments to Chapters 29.10 – 29.30 of the City Code as adopted by the City Council, the City may terminate this Agreement as provided in Section IV.

C. CITY RESPONSIBILITIES

The City is authorized by the County and agrees to perform the following activities in the Affected Area as part of this Agreement:

1. General Responsibilities

   a. The City will assist in training County Vector Control staff about the substantive requirements of City Code Chapters 29.10-29.30, respond to questions about and complaints under these City Code chapters, and provide enforcement of Chapters 29.10 – 29.30 in the Affected Areas.

   b. The City will adopt administrative rules that implement City Code Chapters 29.10 – 29.30 for use within the City and the Affected Area.

2. Enforcement and Nuisance Abatement

   a. The City will enforce the provisions of City Code Chapters 29.10 – 29.30 within the Affected Area using the nuisance abatement procedures specified in those code chapters and in the administrative rules described in paragraph II.C.1.b above.

3. Amendments to City and County Regulations

   a. The City will provide appropriate opportunity for residents and property owners in the Affected Area to provide input to any legislative public process that may result in changes to Chapters 29.10 – 29.30 of the City Code adopted by the County. It is to be understood that the public process for the Affected Area is one and the same as the process held in the City.

   b. The City will include County decision-making bodies in any legislative public process that may result in changes to Chapters 29.10 – 29.30. County decision-makers and staff will be encouraged to participate in the City's public process.

   c. After the City Council has taken final action on any ordinance amending Chapters 29.10 – 29.30, the City will forward the ordinance to the County Board of Commissioners for adoption.

III. OPERATING PROCEDURES AND RELATIONSHIPS

A. Dispute Resolution

In the case of a dispute under this Agreement, the County through its Director of Vector Control, Director of Land Use Planning and County Counsel and the City through its Director of the Bureau of Environmental Services, Director of the Bureau of Development Services and City Attorney shall attempt to resolve the dispute informally. If the dispute cannot be resolved through this process, the parties shall submit their dispute to intergovernmental

arbitration pursuant to ORS 190.710 through 190.800. Each of the parties shall bear its own expense of attorney fees and arbitration.

B. Amendment

This Agreement may be amended by mutual written agreement of the parties. An amendment will be valid only when reduced to writing, approved as required and signed.

IV. TERM OF AGREEMENT AND TERMINATION

A. General Term

This Agreement shall be effective on July 1, 2010 and shall remain in effect until terminated by mutual written agreement of both parties, or as determined by dispute resolution.

B. Termination by City

This Agreement may be terminated by the City if the County fails to adopt Chapters 29.10 – 29.30 or amendments to these chapters adopted by the City Council in a timely manner as provided in Section II.B above. The City shall notify the County in writing 90 days before such termination.

C. Non-appropriation

In the event of non-appropriation of funds or staff resources by the City or County, either party may terminate or reduce the scope of services to be provided and contract funding accordingly, but such party must provide notification of termination or reduction in scope of services to the other party as soon as practicable.

V. INDEMNIFICATION

A. General Provisions

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from acts of County, its officers, employees and agents in the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this Agreement.

VI. INSURANCE

County and City shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

VII. ADHERENCE TO LAW

Each party shall comply with all federal, state and local laws and ordinances applicable to this Agreement.

VIII. NONDISCRIMINATION

Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local nondiscrimination ordinances.

IX. ACCESS TO RECORDS

Each party shall have access to the books, documents and other records of the other that are related to this Agreement for the purposes of examination, copying and audit, unless otherwise limited by law.

X. PROPERTY OF COUNTY

In the event of termination of this Agreement, all files and documents of any kind related to the scope of work set forth in this Agreement shall be transferred back to the County. The County shall only pay the actual costs of the transfer.

XI. CONTRACT ADMINISTRATION

The County designates _____, to represent the County in all matters pertaining to the administration of this Agreement.
The City designates _____, to represent the City in all matters pertaining to the administration of this Agreement.

XII. ENTIRETY OF AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless made in writing and signed by both parties.

XIII. SEVERABILITY

The County and City agree that if any terms or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision to be held invalid.

MULTNOMAH COUNTY

By:_____
Ted Wheeler, Chair

Date:_____

CITY OF PORTLAND

By:_____
Sam Adams, Mayor

Date:_____

By:_____
LaVonne Griffin-Valade
Auditor

Date:_____

REVIEWED:

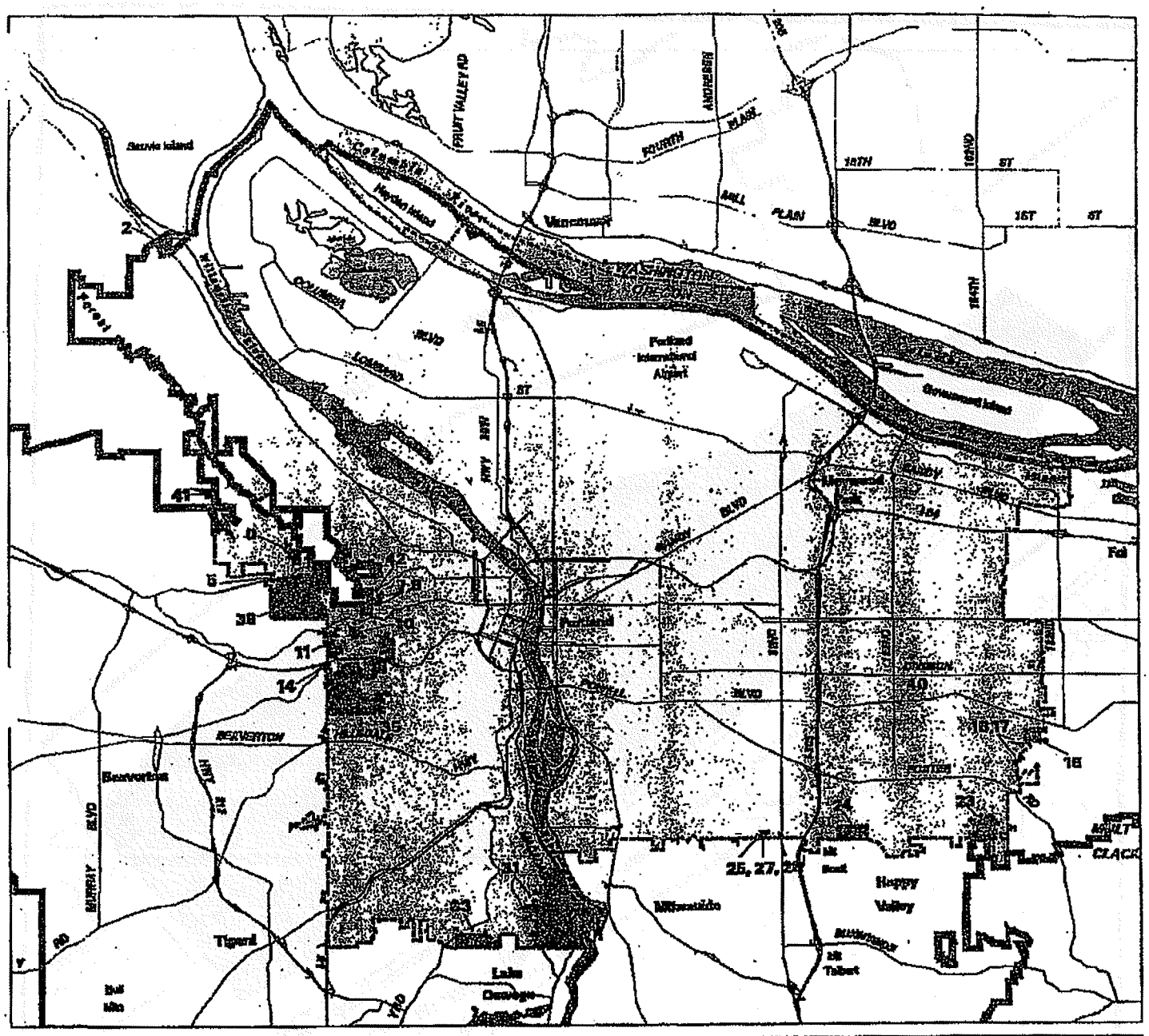
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By:_____
Sandra Duffy, Assistant County Attorney

APPROVED AS TO FORM

_____
City Attorney

183534



Multnomah County Compliance Project
UIA's (Unincorporated Areas)

N

Scale

0' 6500' 13000' 19500'

LEGEND

- Unincorporated Study Areas
- City of Portland (Incorporated)
- Urban Services Boundary
- Urban Growth Boundary

City of Portland
Bureau of Planning
Geographic
Information System
May 25, 2001

INFORMATION SOURCES:

Roads: Originally produced by Oregon Dept. of Revenue. Modified and updated by Multnomah County Assessment & Taxation and Portland Bureau of Transportation. Updated through March 2001. Accuracy: +/- 1 foot.

Urban Growth Boundary
Source: Digitized by Metro, updated by Washington County DLUT & Metro (Nov. 23, 1998). Registered to tenlot base. Updated by Metro (Aug. 2000).

All data compiled from source materials at different scales. For more detail, please refer to the source materials or City of Portland, Bureau of Planning.

The information on the map was derived from digital databases on the City of Portland, Bureau of Planning GIS. Care was taken in the creation of this map but it is provided "as is". The City of Portland cannot accept any responsibility for error, omissions, or positional accuracy and therefore, there can be no warranties which accompany this product. However, notification of any errors will be appreciated.

Exhibit 1

183534

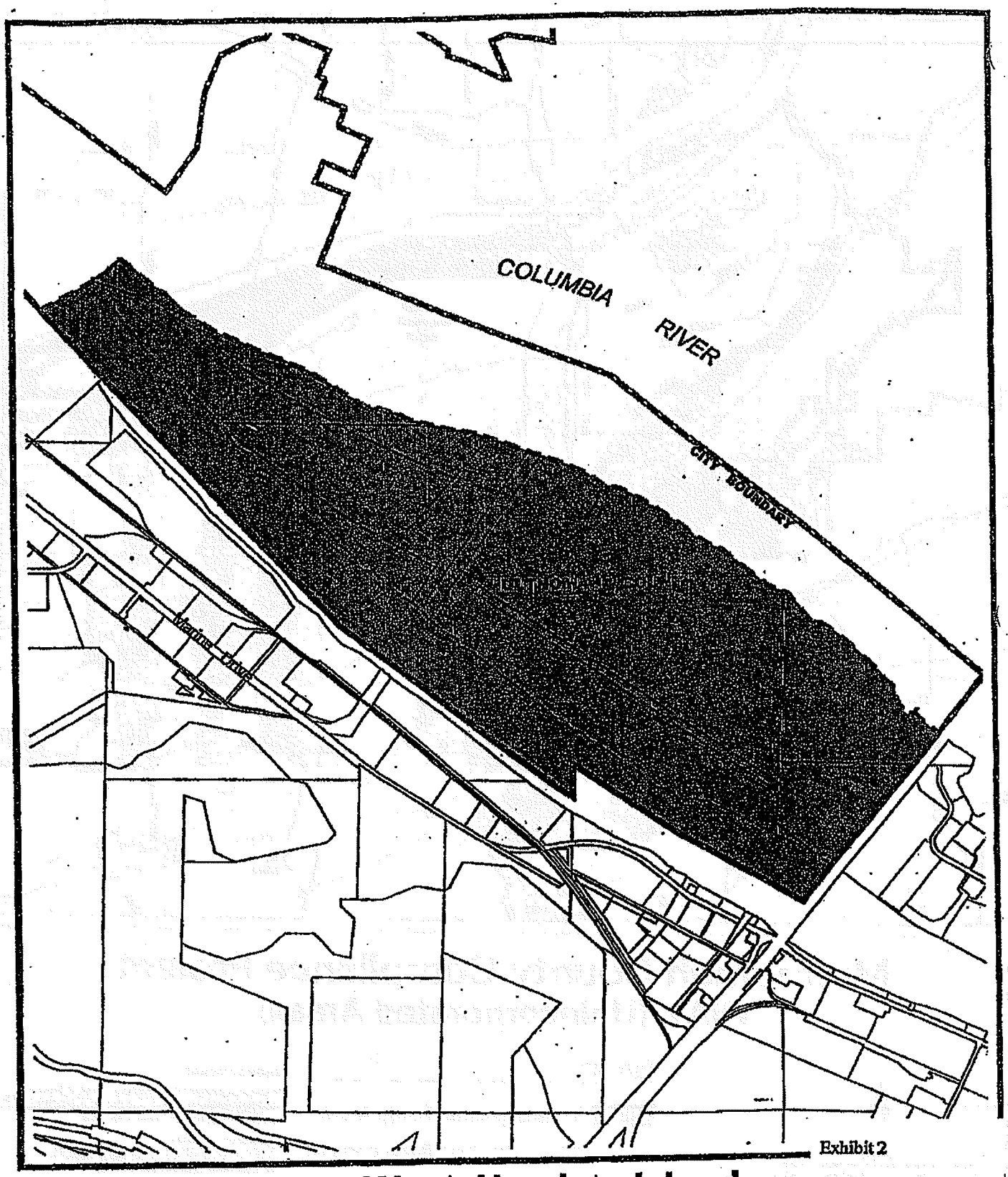


Exhibit 2

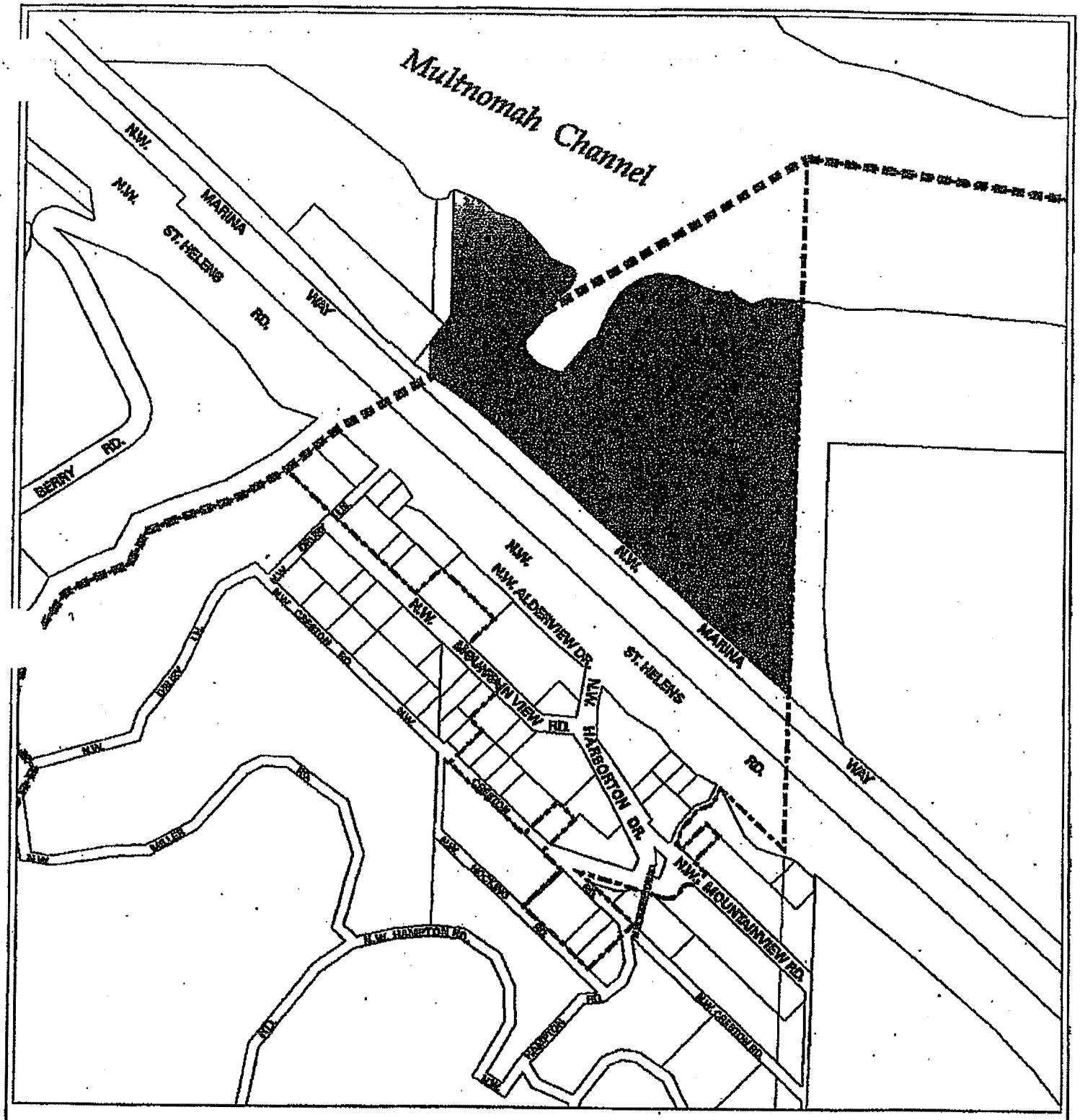
West Hayden Island

City of Portland
Nov. 19, 2001

Site Location
Urban Services Boundary
City Boundary

N
1 inch = 2000 feet

183534



"Fred's Marina" Site

Exhibit 3

City of Portland
Bureau of Planning
Geographic
Information System
November 19, 2001

Site Location
State-id - 2N1W34 200

Urban Services Boundary

City Boundary

N

Scale
0' 175' 350' 525'

City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director

Invasive Plant Policy and Regulatory Improvement Project

Appendix G:
Letters of Support from the Planning Commission Hearing on November 10, 2009 and the *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009

183534

Department of Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
PH. (503) 988-3043 Fax (503) 988-3389
www.co.multnomah.or.us/landuse

November 3rd, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

Multnomah County is writing in support of the City of Portland's Invasive Plant Policy and Regulatory Improvement Project. As a neighboring jurisdiction and planning partner, we see many parallels between the goals of this project and county policies and regulations crafted to help control the spread of invasive plants.

We understand the Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are pleased to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Multnomah County fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Adam Barber, CPESC
Multnomah County Senior Planner
503-988-3043 x 22599
adam.t.barber@co.multnomah.or.us

Oregon
Theodore R. Kulongoski, Governor

Department of Agriculture
635 Capitol Street NE
Salem, OR 97301-2532

November 9, 2009

Planning Commission
1900 SW Fourth Ave., Suite 7100
Portland OR 97201

RE: Invasive Plant Policy Comments

ODA fully supports and commends the City of Portland for their proactive approach to the management and control of invasive plants as outlined within the Invasive Plant Policy. As the changes in this policy are implemented they will provide the foundation for setting of priorities for effective management and control of invasive plants within the City of Portland jurisdictional boundaries and overall protection of resources.

Some specific comments regarding the City of Portland Invasive Plant Policy are as follows:

Page 2, Introduction, fourth paragraph: references "OAR 603" this is a broad section and thus the reference should read: "OAR 603-052-1200".

Page 24, State of Oregon Section second paragraph. We can provide you with some clarification between the ORS and OAR's before the policy goes to final print.

Thank you for the opportunity to provide comments on the City of Portland Invasive Plant Policy. We look forward to working together on invasive plant and noxious weed issues in the future.

If you have any questions or need further assistance, please contact me.

Sincerely,

Tim Butler, Manager
ODA Noxious Weed Control Program
503 986-4625
tbutler@oda.state.or.us

183534

The Nature Conservancy
SAVING THE LAST GREAT PLACES ON EARTH

The Nature Conservancy in Oregon
821 SE 14th Avenue
Portland, OR 97214-2537

tel 503 802-8100
fax 503 802-8199
nature.org/oregon

November 10, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. The Nature Conservancy's mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. Next to direct habitat conversion and destruction, invasive species pose the greatest threat to biodiversity in Oregon and across the United States. Addressing this threat requires the sustained effort of our county and city governments. Portland's Invasive Plant Management Strategy provides the direction needed to address this threat and the Invasive Plant Policy Review and regulatory Improvement Project is critical to help put this Strategy into action.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. Establishing the Portland Plant List as an Administrative Rule will facilitate the maintenance of this list so that it accurately reflects the current distribution and threat posed by invasives. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land. The Conservancy is especially heartened to see that the Invasive Plant Policy and regulatory Improvement Project emphasizes this early detection and rapid response to invasive plants that are not yet beyond control. We believe that this is the most effective and cost effective strategy for dealing with invasives.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. The Nature Conservancy in Oregon fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Steven C. Buttrick, PhD.
Director of Conservation Science and Planning
The Nature Conservancy in Oregon

183534

Sears, Tricia (PLN)

From: Taya Cummins [tcummins@swca.com]
Sent: Thursday, November 05, 2009 12:00 PM
To: Sears, Tricia (PLN)
Subject: Invasive Plant Policy notes

Tricia-

Thank you for presenting information on the Policy to the public last week. I have reviewed the DRAFT and commend BES on doing a very nice job. Of course, this has been a long time coming and is a necessary tool for the City. I have provided a few comments on the document. Please feel free to contact me should you have specific questions.

Section 1D: The definition of REMOVAL does not account for spraying. There are some species that, even if a segment of root remains, can regenerate after being 'removed' and therefore control is most effective when sprayed.

2B: Development Standards (pg. 11): Why only consider the 'permanent disturbance area' when calculating % of area which removal of invasives is required? It seems that even temporary disturbance areas could potentially contribute to future establishment of invasive plants. Consider revising to include temporary disturbance areas (laydown areas, temporary work areas, etc.).

2B: Development Standards (pg. 11): Consider allowing bare-root stock as well. Properly maintained bare-root plants establish nicely.

Other Recommendations (pg. 14): Provide homeowners with a list of contractors that have been approved by BES for removal and revegetation. This will insure the homeowner that their investment in this process will satisfactorily meet City requirements.

2C (pg. 15): "Removal of both rank "A" and rank "B" plants *is* the focus of the BES Early Detection and Rapid Response (EDRR) team. However, at this time, the proposal is that the eradication requirement focuses only on certain rank "A" plants to help manage the work load, funding, and education concerns... " *Comment:* Why not adhere the need to control both here? There may be NEW populations of "B" plants or the combination of "A" and "B" plants at a site, so why not use strong verbiage here to account for the removal of plants as recommended by the BES EDRR?

G. Monitoring and Reporting (Appendix A, pg. 7): Will this be done by BES/BDS staff? OR Recommend a list of City-approved consultants that can assist with this process.

Revised Portland Plant List (Appendix B): Overall, the "A, B, C" ranked species lists are limited but well organized. I have noticed a few other species ("W" and not on the list at all) that are invasive, having the potential to displace native species, at mitigation sites within the City of Portland. Specific species include: pin oak (*Quercus palustris*) which is planted widely in landscaping and creeping Jenny (*Lysimachia nummularia*) which is highly invasive in areas inundated with water throughout a portion of the growing season (swales along Columbia slough).

Thank you,

Taya Katherine Cummins, M.S.
Botanist
SWCA Environmental Consultants
434 NW 6th Avenue, Suite 304
Portland, OR 97209

Cell: 503.307.5642
Office: 503.224.0333
Fax: 503.224.1851

183534

November 10, 2009

The East Multnomah Soil and Water Conservation District has reviewed and generally supports the Invasive Plant Policy Review and Regulatory Improvement Project. The District thanks the Planning Commission for the opportunity to submit these preliminary comments. The District will continue to review the recommended improvements and may submit more detailed comments in the future.

The updates and clarifications included in this document will help the City of Portland manage existing, and prevent the establishment of new invasive plants. The addition of a ranking system to the Nuisance Plants List creates a prioritization that is crucial to controlling invasive plants. Preventing the introduction of new invasive weeds will save the City money in the long run. Reauthorizing the Portland Plant List as an administrative rule will allow the addition of new weed threats to the Nuisance Plant List as identified. This policy will also make it easier to remove invasive trees.

While we understand that the rank of a plant on the Nuisance Plant list is in part determined by its current distribution, we would like to see more priority given to the control of invasive vines like ivy (*Hedera* sp.) and *Clematis vitalba* (old man's beard), given the negative impact these vines have on trees. We encourage the City to prioritize control of these vines on their own properties, private properties, and properties owned by other government entities.

Our organization is mentioned as one of the partners in local weed control efforts, and we look forward to continuing that partnership. Soil and Water Conservation Districts are also mentioned as one of the partners that BES may refer property owners to if chemical application is necessary, or if the City has insufficient funding to pay for eradication. We are open to further conversations about the role of East Multnomah SWCD, given our policies and priorities. It is our current policy not to provide financial assistance to property owners who are under an enforcement action. In addition, we are non-regulatory and cannot help the City enforce this new policy. We do provide assistance with weed control to property owners in our priority areas, and are committed to preventing the invasion of weeds on the Multnomah County area Early Detection Rapid Response list. We look forward to identifying ways that we can work with the City of Portland on future weed control efforts.

Sincerely,

Julie DiLeone

Julie DiLeone
Conservation Technical Assistance Coordinator

5211 NORTH WILLIAMS AVENUE, PORTLAND, OR 97217
T: 503-222-7645 | HTTP://WWW.EMSWCD.ORG

188534

October 31, 2009
13900 NW Old Germantown Rd.
Portland, Oregon 97231

RECEIVED
PLANNING BUREAU

2009 NOV -4 A 10:09

City of Portland
Bureau of Planning & Sustainability
1900 SW Fourth Ave., Suite 7100
Portland, OR 97201-5380

We are residents on the west-facing slope of the Tualatin Mountains, near Forest Park. For the 25 years that we've lived on this six acres, we have battled Scotch Broom, Canada and Bull Thistle, Himalayan Blackberry (Rubus discolor), and other invasive, non-native plants. Although the R. discolor is our worst pest, new (to us) invasive plants, like Herb Robert, continue to filter in. In just the last three years, we've started to find, and remove, Ivy (Hedera species) seedlings in the vegetable garden and scattered in the woods.

We applaud the city's Proposed Draft on invasive plants. The ranking of plants into A, B, C, D, and Watch species is in line with current research, and aids in defining useful policy. We are also glad to see a list of plants to be removed from the Portland Plant list (Appendix B, p. 29). These plants, among them native species like Horsetails, do not pose the threat of the A-D plants, which should be the focus of city efforts.

We also applaud efforts to eradicate A list plants on page 31, Appendix B. However, we hope that two invasives which most threaten the health of native trees, in particular Forest Park and other natural areas, would be high priorities. Ivy (Hedera species) and Clematis vitalba blanket the ground and climb trees throughout Portland. Forest Park Conservancy has proposed greatly increasing Ivy control efforts, which we think is necessary to protect existing trees and for replacement tree seeding. This was a "shovel ready" program that should have been funded from Federal Stimulus monies! Ivy used as groundcovers along roads and freeways should be removed, and replaced with tough, low-growing natives like Snowberry. Ivy not only fruits when it climbs trees, but also will make fruiting mounds in otherwise flat plantings. We'd especially like to see Ivy and Clematis cut from trees and poles along major arterials like Burnside, St. Helens Road, and Sunset Highway from the Sylvan crest to the tunnel. Ivy and Clematis removal should be a routine part of street repair and improvement.

Thank you.

Judith and Jim Emerson

Judith Emerson Jim E

CITY OF GRESHAM

Department of Environmental Services
1333 N.W. Eastman Parkway
Gresham, OR 97030-3813
(503) 618-2525
TTY (Hearing/Speech Impaired) - (503) 661-3942
FAX (503) 661-5927
www.ci.gresham.or.us

183534

November 10, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. The City of Gresham is undertaking similar initiatives in regards to control of invasive species, due to the significant negative impacts that aggressive nuisance species can have on our urban canopy, biodiversity, and recreational resources. We are seeing a significant economic impact in our efforts to safeguard our stream banks, right-of-ways, and water quality from the impacts of invasive plants and animals. Similar to the goals of Portland's Invasive Plant Policy and Regulatory Improvement Project, Gresham has introduced nuisance code that requires property owners to remove designated nuisance weeds from their properties. We are also updating our Nuisance and Prohibited Species lists to be consistent with the City of Portland's lists. As adjacent partners in the fight against the spread of invasives, we are greatly appreciative of Portland's initiatives on this front.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. The City of Gresham's Watershed Division fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Steve Fancher
Watershed Division Manager
City of Gresham

183534

WEST MULTNOMAH

SOIL & WATER CONSERVATION DISTRICT

November 9, 2009

Planning Commission
1900 SW Fourth Avenue, Suite 7100,
Portland, OR 97201

Re: Support for the Invasive Plant Policy Review and Regulatory Improvement Project

Dear City Commissioners,

I am writing on behalf of the West Multnomah Soil and Water Conservation District in support of the Invasive Plant Policy Review and Regulatory Improvement Project.

The West Multnomah Soil and Water Conservation District (WMSWCD)'s mission is *to conserve and protect soil and water resources for people, wildlife and the environment.* A key component of our district's work is protecting our natural resources through effective invasive species management. The WMSWCD and the City of Portland currently partner on many invasive plant initiatives.

Here are our comments on the project:

- The project components -- upgrading the Portland Plant List, evaluating opportunities to improve invasive plant control by updating City Codes and rules, coordinating with the Portland Plan and researching the feasibility of establishing a local noxious weed law -- will all be crucial to effective invasive weed control.
- The Portland Plant List is in dire need of updating. Some very damaging invasives are missing.
- The WMSWCD is hopeful that the required removal of invasive trees in selected sensitive areas is approved.
- The proposed improvement and review of city codes and possible implementation of a noxious week law will greatly assist with the most difficult part of invasive plant management – coordinating with private landowners to treat their weeds.
- The WMSWCD is eager to partner further with the City on invasive plant projects and is fully supportive of revised and new provisions enhancing the existing EDRR program efforts.
- Furthermore, we encourage the City of Portland to dive even further into this effort by following leaders such as the City of Chicago, which regulates the sale of invasive species within their City.

We applaud your efforts to address these issues and look forward to future work together on this important environmental issue.

Sincerely,

Jane Hartline

Digitally signed by Jane Hartline
DN: cn=Jane Hartline, c=US, o=Oregon Zoo, ou=Marketing Manger
Date: 2009.11.09 12:43:36 -08'00'

Jane Hartline
WMSWCD Board of Directors

2701 NW VAUGHN STREET, SUITE 450 ♦ PORTLAND, OR 97210
P: 503.238.4775 ♦ F: 503.326.3942
WWW.WMSWCD.ORG

Three Rivers
LAND CONSERVANCY

183534

October 27, 2009

Received 11/9/09

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission,

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. Three Rivers Land Conservancy works to conserve and restore private lands in the lower Willamette, Tualatin and Clackamas River watersheds. We often partner with City of Portland agencies on coordinated removal of invasive species.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Three Rivers Land Conservancy fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Laura O'Leary
Stewardship Director
Three Rivers Land Conservancy

Office • 1675 South Shore Boulevard • Lake Oswego, Oregon 97034
Correspondence • PO Box 1116 • Lake Oswego, Oregon 97035
Tel: (503) 699-9825 • Fax: (503) 699-9827 • info@trlc.org • www.trlc.org

November 10, 2009
Portland Planning Commission

Invasive Plant Policy Review and Regulatory Improvement Project

Bonny McKnight
Coodinator; Citywide Land Use Group

I had expected to be able to testify at today's meeting but find I cannot. Here are some of the points I think are important to consider:

- This proposal has had insufficient public review.

- Changes to Title 33, the zoning code, have not been provided for comments to the Neighborhood Association Land Use Review committee system. It is important that Title 33 Code changes be communicated to Neighborhood Associations prior to adoption and that opportunity will inform the Planning Commission.

- All tree related code should be included in the Tree Policy work and new Chapter 11 – (Trees) - development that is nearing completion, rather than be modifications and/or changes to other titles. The original Council charge for the Tree Policy work was to clarify tree rules and focus the requirements of 7 titles into a single code where regulations and their impacts could be easily understood and evaluated.

- Using a single "Plant List" approach to cover both invasive plants and trees is misleading. The intent of the code dealing with invasive plants is to remove them without exception. Tree removal should require replacement with an accepted species the requirement. A single list makes the difference in handling requirements less clear. It makes more sense to have a "Plant List" and a "Tree List", which clearly demonstrates that the requirements about removal are different.

- All trees should be considered as part of watershed and if that is done, all tree removal should require planting of a replacement tree of the correct species. The language is unclear whether or not that is always the case.

- Changes to the Portland Plant List should remain legislative rather than change to administrative. Public review and comments are essential to inform decisions about items on the list but also to educate and explain why changes are being made.

These comments come from a cursory review of this 128 page document. More complete review and comments need time. Please extend the timeline on this document and refer it to the Neighborhood Associations for evaluation. Please extend the comment period to the end of January, 2010. That will make allowances for the holiday season and reductions in Neighborhood Association meeting opportunities during that time.

Thank you.

183534

Inspiring people to love & protect nature since 1902

November 9, 2009

Re: Invasive Plant Policy and Regulatory Improvement Project

Portland Planning Commission
1900 SW 4th Ave
Portland, OR 97201-5380

Portland Planning Commission,

The Audubon Society of Portland fully supports the Invasive Plant Policy Review and Regulatory Improvement Project. It is well understood that invasive plant species threaten the health of our natural areas and the wildlife that depend on them. These code and policy changes are important for making progress on the spread and introduction of invasive plants in Portland.

The proposed policy review and project compliments our current work in our own wildlife Sanctuary and our ongoing invasive species education program for private property owners. Audubon Society of Portland manages 165 acres of forested wildlife sanctuary. Our goal is to remove major invasive species from the sanctuary and prevent the establishment of new infestations of invasive plant species. We are also working with small lot private property owners to remove invasive species from their yards through our Backyard Habitat Certification Program.

The Invasive Plant Policy Review and Regulatory Improvement Project will provide additional resources to us through the updating of the Portland Plant List. The Portland Plant List is an excellent resource and the proposed updates, including the addition of rankings that describe the current distribution and level of invasiveness, will increases its usability and value as a resource.

We support the Invasive Plant Policy Review and Regulatory Improvement Project and believe these code and policy changes are valuable improvements to Invasive Plant Species management within the City of Portland. We would like to encourage the Commission to partner with agencies and organizations throughout the region to develop a strategic long term plan to stop the spread of invasives. We are happy to be a partner on this project, and we will continue to educate, remove and monitor invasive plants in our region.

Sincerely,

Karen Munday
Urban Wildlife Specialist

Ariana Longanecker
Urban Conservation

Tryon Creek Watershed Council
c/o Friends of Tryon Creek SP
11321 SW Terwilliger Blvd.
Portland, OR 97219
Phone: 503-636-4398 x109
Email:tcwc@tryonfriends.org

November 10, 2009

City of Portland
Planning Commission
1900 SW 4th Avenue
Portland, OR 97201

Re: Invasive Plant policy Review and Regulatory Improvement Project

Commission Members:

As stewards and advocates of watershed health and restoration, the Tryon Creek Watershed Council (TCWC) spends significant time and resources on projects designed to eradicate the introduction of invasive plants and prevent the introduction of such species. Invasive plants are an ongoing threat to Portland's and Multnomah County's watersheds, and represent a problem that deserves increased attention by local government.

TCWC therefore strongly supports the proposed actions and code changes resulting from the Portland Bureau of Planning and Sustainability's Invasive Plant policy Review and Regulatory Improvement Project. We encourage the Planning Commission to approve the proposed changes to the City's efforts to prevent and combat invasive plants, and look forward to continuing to work with the City to address this serious problem.

Sincerely,

/S/ Daniel J Rohlf
Vice Chair, Tryon Creek Watershed Council

183534

Sears, Tricia (PLN)

From: Caroline [caro4321@earthlink.net]
Sent: Sunday, November 08, 2009 7:59 PM
To: Sears, Tricia (PLN)
Subject: comment on invasive policy

from: Caroline Skinner
2420 NW Quimby St #14
Portland, OR 97210
503-248-9719
caro4321@earthlink.net

Greetings,

I would like to send in a general letter of support for the city's new invasive plant management policy. I do a lot of volunteer ivy removal work and know how bad it is. Ivy strangles trees, and is ruining much of Forest Park's habitat. I used to be friends with Sandy Diedrich, who kicked off the entire "No Ivy League" concept through her wonderful program through Portland Parks Dept. She employed local, low-income youth with summer jobs doing ivy removal at the park, and brought in countless local groups to volunteer their time for ivy removal. Sadly, for all the work that has already been done, there is still a huge problem with ivy climbing trees, killing them and choking out virtually all other types of plant life. Sandy Diedrich is no longer with us, but her work continues in many ways, starting with the acknowledgment that English ivy is a big problem that must be dealt with.

I appreciate an Integrated Pest Management (IPM) approach. The IPM approaches de-emphasizes use of pesticides or herbicides. It does not outlaw or forbid them, but reserves them for minimal use, in only the most-needed applications. I am very concerned about harmful effects of pesticides and herbicides on the people who apply them, people who contact them in any way, and on the environment itself. So bad as the invasion of non-native species is, we need to not over react by over-relying on herbicides to address the ongoing problem.

I believe education of the public and property owners is essential.
Ideally, I'd like to see it become illegal to have mature ivy on private property. Home owners and land owners could either take out the mature ivy themselves, or have an avenue such as Sandy's program, or the one at Three Rivers Conservancy, to get help with ivy removal if needed. With all the hard work that's been done, and is being done to remove invasive ivy from Forest Park and in other areas, it's disheartening to see ivy patches in private yards, or climbing up buildings, that have become mature, bloomed and made seeds. Birds eat the seeds and then broadcast them in places that can be hard to reach.
We need to break the cycle of ivy overgrowth starting with stopping ivy from reaching its reproductive stage. I hope this becomes a priority in the final version of the new plan.
Thank you so much for addressing this important issue.

Caroline Skinner / NW Portland

Received 11/18/09 to BPS

600 NE Grand Ave.
Portland, OR 97232-2736
www.oregonmetro.gov

183534

Metro | *People places. Open spaces.*

November 9, 2009

Portland Planning Commission
1900 SW 4th Avenue
Portland, OR 97201-5380

Dear Planning Commission:

I am writing in support of the City of Portland Invasive Plant Policy and Regulatory Improvement Project. Invasive species are recognized as a major threat to ecosystems worldwide, but urban areas are particularly vulnerable due to high levels of habitat disturbance and the many routes through which such species can be introduced. As a regional planning agency that owns more than 8,000 acres of natural areas, Metro supports the City's efforts to directly address invasive species through policy and action.

The Invasive Plant Policy and Regulatory Improvement Project will update the Portland Plant List to add rankings that describe the current distribution and level of invasiveness for each species. This will help establish land management priorities and direct outreach and education efforts. The proposed changes to the City's Title 33 will clarify invasive plant removal requirements associated with development in environmentally sensitive areas. The proposed changes to Title 29 will require property owners to remove invasive species that are currently limited in distribution. This will improve the effectiveness of invasive plant management on adjacent public land.

We are happy to see the City of Portland implement these code and policy changes. These actions are an important step in carrying out the Portland Watershed Management Plan and the Invasive Plant Management Strategy. Metro fully supports these changes and is pleased to be a partner in regional invasive plant management.

Sincerely,

Jonathan Soll
Manager, Science and Stewardship
Metro

JS/lah

Appendix H

List of Stakeholder Involvement Actions for the Invasive Plant Policy Review and Regulatory Improvement Project

1/12/2010 Please note this does not include every single conversation by phone and email. Nor does it include every meeting.

Discussion Dates	Notes	Office	Name	Position
9/30/2008	Meeting to discus BOP workplan & timelines for components in MOU.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
10/9/2008	JG met with Chris Scarzello and Tricia joined the meeting on history of PPL.	BOP and BES	Tricia Sears, Chris Scarzello, Jennifer Goodridge	
10/7/2008	General CWMA meeting. I attended with JG. Introduced myself and the work I'm doing.	CWMA	4-County Cooperative Weed Mngt Area	Nate Woodard, contact
10/13/2008	Went through list of plants (.xls), discussed ranks of those plants, definitions of ranks.	CWMA Technical Working Group	subgroup of CWMA	
10/14/2008	JG cancelled check in mtg because she felt we were up to speed on things.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
10/15/2008	Conference call with Tim Butler and Janet Fults at ODA, Jennifer Goodridge, BES, Mitch Bixby, BES, and John Reed, PP&R, Tricia Sears, BOP	Oregon Dept of Agriculture	Tim Butler	Manager, ODA Noxious Weed Control Program
10/28/2008	JG, Tricia, and Roberta met for check in mtg. Discussed preparation for 10/29 mtg. Noted that my article for Local Focus magazine had been submitted.	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
10/29/2008	Internal stakeholder mtg to vet PPL definitions of ranks (A, B, C, D).	City staff from BES, PP&R BOP, and Metro	see list of people	
Nov-08	Article written by Tricia published in the League of Oregon Cities magazine, Local Focus.	BPS, BES	Tricia Sears	
11/12/2008	Check in meeting. Discussed documentation of work done. Tricia will create additional documents	BOP and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	

	to help show work that has been done. Discussed			
	my contacting nonprofits, my research on noxious			
	weed law, our codes and policies etc.			
11/21/2008	Deadline for internal stakeholders to give	City staff from BES, PP&R	same people as 10/29/08	
	comment on definitions of ranks, changing ranks	BOP, and Metro		
	of existing plants on PPL, adding plants to PPL			
12/2 to 12/4/08	Oregon Interagency Noxious Weed Symposium	Agency and community	City staff, state, non-prof	
		organizations		
12/9/2008	Internal stakeholder mtg to discuss comments	City staff from BES, PP&R	same people as 10/29/08	
	on definitions of ranks, changing ranks on	BOP, and Metro		
	existing plants on PPL, adding plants to PPL			
12/9/2008	CWMA general meeting.	CWMA	same as 10/7/08	
12/10/2008	Check in meeting. Discuss latest info, go over	BOP and BES	Tricia Sears, Roberta	
	"check in packet" items.		Jortner, Jennifer Goodridge	
12/11/2008	Contacting ODA to discuss meeting with them in	ODA	Tim Butler	
	person to go over the City's invasive plant project			
	prior to us putting it out for public comment.			
12//11/08	Contacting TNC to discuss their research on	The Nature Conservancy	Mike Dennis	Local Governm. Relations
	weed boards.			
1/5/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
1/7/2009	Meeting with ODA in Salem	BOP, BES, ODA	Tricia Sears, Jennifer	
			Goodridge, Tim Butler,	
			Shannon Brubaker	
1/8/2009	Policy and Codes Invasive Plant Issue Paper	BOP, BES, BDS, BOM,	Tricia Sears, many others	
	kickoff meeting	POEM, Water Bureau		
1/8/2009	Meeting with Oregon Association of Nurseries	BOP, BES, OAN	Tricia Sears, Jennifer	
	in Wilsonville		Goodridge, Elizabeth	
			Peters, John Aguirre, Jeff	

			Stone, Michael MaMahan	
1/13/2009	Invasive Species Day in Salem	BOP and BES	Tricia Sears, Jennifer	
			Goodridge, Mitch Bixby	
			Steve Lower	
1/20/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
1/26/2009	Meeting with Oregon Association of Nurseries,	BOP, BES, OAN	Tricia Sears, Jennifer G,	
	the Natural Resources Committee in Wilsonville		Michael MaMahan	
1/27/2009	Internal stakeholder meeting #2 re: Policy and	BOP, BES, BDS, BOM,	Tricia Sears, many others	
	Code Invasive Plant Issue Paper	POEM, Water Bureau		
		Fire Bureau		
1/27/2009	PPL vetting meeting to discuss plants & ranks	BOP, BES, PP&R	Tricia Sears, Mitch Bixby	
			Toby Query, Mark Wilson	
			John Reed, Jennifer G	
1/27/2009	Met with Clark County Weed Department	BOP and Clark Co	Tricia Sears, Phil Burgess	
	in Brush Prairie, WA		Glenn Lesback, Ron H,	
2/3/2009	CWMA general meeting.	CWMA	same as 10/7/08	
2/3/2009	Check in meeting.	BOP and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
2/10/2009	Phone conversation with Craig Edminister		Tricia (rec'd by Angie Kimpo)	
	Pacific Northwest Natives cell 503-580-6455			
2/11/2009	Airport landscaping standards	BOP	Jay Sugnet, Mindy Brooks	
			Tricia Sears, Morgan Tracy	
			Chris Scarzello	
2/12/2009	Meeting to discuss erosion control plants and	BOP, BES, BDS	Tricia Sears, Jennifer G,	
	invasive plants. Changes to the Erosion Control		Dawn Hottenroth, Toby	
	Manual. Etc.		Query, Tom Carter, Russ	
			Tilander, Jeremy Person	
			Denis O'Brien	

2/12/2009	Internal stakeholder meeting #3 re: Policy and Code Invasive Plant Issue Paper	BOP, BES, BDS, BOM, POEM, Water Bureau	Tricia Sears, many others	
2/24/2009	Meeting w/PP&R staff re: Clean Water Services	BOP and PP&R	Tricia Sears, Roberta Jortner, Kendra Peterson Morgan, Astrid Dragoy	
2/24/2009	Wildfire vegetation at urban interface	BPS, BDS, PP&R, Audubon Society of Pdx consultant	Tricia Sears, Roberta Jortner, Chris Scarzello Mark Wilson, Kim Parsons Kathy Harnden, Dean Apostle, Bob Sallinger	
2/27/2009	Leveraging development and non-development codes, nexus and proportionality, etc	BPS	Tricia Sears, Roberta Jortner, Eric Engstrom Shannon Buono, Jessica Richman	
3/2/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
3/19/2009	Meet with City Attorney to discuss authorizing code for invasive plant project.	City Attorney, BPS, BDS	Kathryn Beaumont, Tricia Sears, Roberta Jortner, Ed Marihart, Ross Caron	
3/25/2009	Internal stakeholder meeting #4 re: Policy and Code Invasive Plant Issue Paper	BPS, BES, BDS, BOM, POEM, Water Bureau Fire Bureau	Tricia Sears, many others	
3/25/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
3/25/2009	Check in with Jen about PPL ranks/plants to add and to subtract from list.	BPS and BES	Tricia Sears, Jennifer G	
4/3/2009	Meet to discuss noxious weed law and legislative proposals.	BPS and BES	Tricia Sears, Jennifer G Roberta Jortner, Bob Clay Kim Cox, Dan Vizzini	

			Mike Rosen/Paul Ketcham	
4/3/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon	
			Buono, Phil Nameny	
4/6/2009	Check in to discuss prep for 4/9/and 4/10 mtgs.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
4/8/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon	
			Buono, Phil Nameny	
4/9/2009	Meeting to discuss authorizing code for	BPS, BES, BDS	Tricia Sears, Roberta	
	invasive plant project.		Jortner, Jennifer G, Eric	
			Engstrom, Ross Caron	
			Ed Marihart, Paul Ketcham	
			Dawn Hottenroth	
4/10/2009	Update on invasive plant project at the NRT mtg.	BPS, BES, Parks&Rec	Tricia Sears, Roberta	
			Jortner, Jennifer G etc	
4/14/2009	Conference call with ODA.	BPS and ODA	Tricia Sears, Tim Butler,	
			Shannon Brubaker,	
			Tom Forney	
4/15/2009	Phone conversation with Multnomah County RE:	BPS & Mult Co Land Use	Tricia Sears, Derrick	
	County weed control district, Derrick is Principal Planner		Tokos	
4/16/2009	Join City-wide tree project discussion meeting.	BPS	Tricia Sears, Roberta	
	Two key questions from Tricia to group.		Jortner, Chris Scarzello	
			Morgan Tracy, Chris	
			Hagerman	
4/17/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge	
4/21/2009	PPL vetting meeting. Try to finalize list.	BPS, BES, PP&R, Water	Tricia Sears, Jennifer	
		BDS	Goodridge, John Reed	
			Mark Wilson, Mitch Bixby	
			Toby Query, Angie Kimpo	
			Emily Roth, Kim Parsons	

4/24/2009	Meet to discuss draft Zoning Code language.	BPS	Tricia Sears, Shannon	
			Buono, Phil Nameny	
4/28/2009	Meet with Clean Water Services.	BPS, BES, PP&R, CWS	Tricia Sears, Roberta	
			Jortner, Jennifer G,	
			Dawn Hottenroth, Astrid	
			Dragoy, Kendra Morgan-	
			Peterson, Damon Reishe	
4/30/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer G	
5/7/2009	City of Portland Invasive Plant Policy and Regu-	BPS	Tricia Sears	
	latory Improvement Project -sent out email			
	to project database.			
5/8/2009	Conversation about UF Recommended Street	BPS and UF	Tricia Sears, Kathleen	
	Tree List/Nuisance and Prohibited Plants List		Murrin	
5/19/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer G	
5/20/2009	Invasive Plant Project public meeting/presenta.	BPS, BES, BDS, etc	Tricia Sears, Roberta	
			Jortner, Jennifer G,	
			Mike Hayakawa, Ed	
			Marihart, Kathy Harnden	
5/19/2009	Email to project database to remind people	BPS	Tricia Sears	
	about the public meetings on 5/20 and 5/21.			
5/21/2009	Invasive Plant Project public meeting with staff	BPS, BES, BDS, etc	Tricia Sears, Roberta	
	presentation.		Jortner, Jennifer G,	
			Mike Hayakawa, Ed	
			Marihart, Kathy Harnden	
5/22/2009	Email to people who attended the Removing	BPS	Tricia Sears	
	Invasive Species, Restoring Healthy Natural			
	Areas Summit on 11/18/08.			

5/27/2009	Email to project database alerting people to project info available on the webpage.	BPS	Tricia Sears	
6/2/2009	CWMA meeting	CWMA	see previous	
6/4/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer G	
6/5/2009	Discuss invasive plants, including trees.	BPS and BDS	Tricia Sears, Marisol Caron, Kim Freeman	
6/11/2009	Meeting with Multnomah County to discuss project - Zoning Code and other City Titles.	BPS, Multnomah County	Tricia Sears, Roberta Jortner, Adam Barber, Chris Wirth	
6/17/2009	Discuss Connecting Green and CWMA potential collaborations.	Metro, CWMA, BES, BPS	Jennifer Goodridge, Tricia Sears, Lori Hennings, Nate Woodard	
6/18/2009	Invasive tree meeting	BPS, BES, BDS, Parks & Recreation, Water Bureau	Tricia Sears, Roberta Jortner, Dave McAllister, Sandra Wood, Kim Tallant, Michelle Seward, Angie Kimpo, Kathleen Murrin, Jennifer Karps, Kris Day, Emily Roth	
6/22/2009	Discuss proposed Zoning Code text.	BPS	Tricia Sears, Shannon Buono, Phil Nameny	
6/29/2009	BES BPS check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer Goodridge	
7/15/2009	Authorizing Code meeting.	BPS, BES, BDS	Tricia Sears, Roberta Jortner, Eric Engstrom, Jennifer Goodridge, Dawn Hottenroth, Ross Caron, Ed Marihart, Paul Ketcham	

7/16/2009	CWMA presentation (including City of Portland	CWMA, Connecting	Jennifer Goodridge	
	info about the Invasive Plant Project) to the	Green Alliance	Tricia Sears	
	Connecting Green Alliance.			
7/28/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta	
			Jortner, Jennifer G	
7/29/2009	Authorizing Code meeting.	BPS, BES, BDS	Tricia Sears, Roberta	
			Jortner, Eric Engstrom,	
			Jennifer Goodridge, Dawn	
			Hottenroth, Ross Caron,	
			Ed Marihart, Paul Ketcham	
7/30/2009	Discuss project and proposed Zoning Code	BPS and BDS	Tricia Sears, Kim Tallant	
	changes with the EN GW team at BDS.		and other BDS staff	
Aug-09	Article written by Tricia on invasive species	BDS and BPS	Tricia Sears	
	published in the Bureau of DevelopmentServices			
	"Checksheet" newsletter.			
8/3/2009	Fiscal Impact/Work Load meeting.	BPS, BES, BDS	Tricia Sears, Roberta	
			Jortner, Jennifer Goodridge,	
			Kim Tallant, Douglas Hardy,	
			Michelle Seward, Mike	
			Hayakawa, Russ Tilander	
8/4/2009	CWMA general meeting.	CWMA	same as 10/7/08	
8/4/2009	Authorizing Code meeting	BPS, BES, BDS	Tricia Sears, Roberta	
			Jortner, Eric Engstrom,	
			Jennifer Goodridge, Dawn	
			Hottenroth, Ross Caron,	
			Ed Marihart, Paul Ketcham	
8/18/2009	Discuss comments on the Portland Plant List	BPS and BES	Tricia Sears, Jennifer	
	from internal and external stakeholders.		Goodridge	
8/27/2009	Discuss project and proposed Zoning Code	BPS and BDS	Tricia Sears, Kim Tallant	
	changes with the EN GW team at BDS.		and other BDS staff	

8/27/2009	Check in meeting.	BPS and BES	Tricia Sears, Roberta Jortner, Jennifer G	
9/19/2009	Build it Green Tour. Handouts about the project available at the Info Fair part of the tour.	BPS	Tricia Sears	
9/24/2009	Joan Hamilton emailed the Department of Land Conservation & Development (DLCD) the required notice and draft report to Planning Commission (both written by Tricia)	BPS and DLCD	Tricia Sears, Joan Hamilton	
9/25/2009	Confirmation of info received by Joan Hamilton from DLCD.	BPS and DLCD	Joan Hamilton	
9/26/2009	Invasives resolution at City Council. Resolution No. 36726 passed with 4-0 vote.	BES and BPS.	Jennifer Goodridge, Paul Ketcham, Tricia Sears	
10/6/2009	CWMA general meeting.	CWMA	same as 10/7/08	
10/8/2009	Public notice for the Planning Commission mailed to project and legislative databases.	BPS	Tricia Sears, Chris Dornan	
10/9/2009	Proposed Draft Report and Recommendations to Planning Commission available to public.	BPS	Tricia Sears	
10/15/2009	Discuss project and proposed Zoning Code changes with the EN GW team at BDS.	BPS and BDS	Tricia Sears, Kim Tallant and other BDS staff	
101/5/09	Kathy Harden from BDS joins BPS and the Invasive Plant Project.	BDS, BPS	Kathy Harnden	
10/19/2009	Meet with Multnomah County Commissioners and their staff. Commissioner Deborah Kafoury.	BES, Multnomah County	Jennifer Goodridge Adam Barber, Karen Schilling	
10/20/2009	Meet with Multnomah County Commissioners and their staff. Commissioner Diane McKeel.	BES, BPS, Multnomah County	Jennifer Goodridge Tricia Sears, Kathy Harnden Adam Barber, Karen Schilling	

10/20/2009	Presentation to the West Multnomah Soil & Water Conservation District Board of Directors	WMSWCD, BPS	Tricia Sears	
10/21/2009	Meet with Multnomah County Commissioners and their staff. Commissioners Jeff Cogen and Judy Shiprack.	BPS, Multnomah County	Tricia Sears, Adam Barber, Karen Schilling	
10/21/2009	SW Hills Residential League meeting. Roberta presents info about the Citywide Tree Project and the Invasive Plant Project.	BPS	Roberta Jortner	
10/22/2009	Invasive Trees meeting.	BPS, BES, BDS	Tricia Sears, Jennifer Goodridge, Kaitlin Lovell, Dave Kiewer, Kristin Day, Jennifer Karps, Kim Tallant, Emily Roth, Mark Wilson, Angie Kimpo, Rob Crouch, Kathleen Murrin, Dawn Hottenroth, Mike Rosen, Nancy Hendriksen, Maggie Skendarian, Daniela Cargill	
10/26/2009	.5 FTE position meeting	BDS, BES, BPS	Tricia Sears, Roberta Jortner, Kathy Harnden, Jennifer Goodridge, Kim Tallant, Michelle Seward, Douglas Hardy	
10/28/2009	BES BPS check in meeting	BES and BPS	Tricia Sears, Roberta Jortner, Kathy Harnden Paul Ketcham	
10/28/2009	Email to project database to remind people of the open house on Oct. 29 from 3 - 7 pm.			
10/29/2009	Project open house from 3 - 7 pm with staff presentation.	BPS, BES, citizens	Tricia Sears, Jennifer Goodridge	
11/2/2009	Presentation to the East Multnomah Soil &	EMSWCD, BPS	Tricia Sears	

	Water Conservation District Board of Directors			
11/9/2009	Tryon Creek Watershed Council. Roberta	BPS	Roberta Jortner	
	presents info about the Citywide Tree Project			
	and the Invasive Plant Project.			
11/10/2009	Planning Commission hearing at 12:30 pm.	BPS, BES	Tricia Sears, Jennifer	
	PC unanimously approved the project.		Goodridge, Roberta Jortner	
			Paul Ketcham, Kathy	
			Harnden	
11/13/2009	Jennifer Goodridge leaves BES and her position	BES	Jennifer Goodridge	
	as the City's Invasive Species Coordinator.			
11/18/2009	Email to project database to update people		Tricia Sears	
	on the project - Planning Commission approved			
	the project on 11/10/09.			
11/13/2009	Email to project legislative database to update		Tricia Sears	
	people on the project - Planning Commission			
	approved the project on 11/10/09.			
11/17/2009	Award presented to the Bureau of Environmental	BES, BPS, WMSWCD	Tricia Sears, Mitch Bixby,	
	Services (including BPS work on the Invasive		Paul Ketcham, Mary	
	Plant Project) as Government Cooperator of		Bushman, Jen Seamans	
	the Year; awarded by West Multnomah Soil			
	& Water Conservation District.			
11/23/2009	Discuss invasive plants code	Water Bureau & BPS	Tricia Sears, Angie Kimpo,	
			Tom Carter	
11/24/2010	Met with Bonny McKnight, Chair of the Citywide	BPS and citizen	Tricia Sears, Roberta	
	Land Use Group.		Jortner, Morgan Tracy	
Dec-09	Article about the project published in The South-	citizen	citizen	
	west Portland Post. Written by Lee Perlman.			
12/7/2009	BPS and BES check in meeting.	BPS and BES	Tricia Sears, Kathy Harnden	
			Roberta Jortner, Paul	
			Ketcham	

12/9/2009	BES Watershed Division meeting. Tricia's presentation about the Invasive Plant Project.	BES, BPS	Tricia Sears, Paul Ketcham	
12/9/2009	East Portland Neighborhood Association. Roberta presents info about the Citywide Tree Project and the Invasive Plant Project.	BPS	Roberta Jortner	
12/10/2009	Discuss Title 29 administrative rules.	BPS, BES, BDS	Tricia Sears, Ed Marihart, Dawn Hottenroth, Mitch Bixby	
12/17/2009	.5 FTE position meeting.	BPS, BES, BDS	Tricia Sears, Kathy Harnden Roberta Jortner, Paul Ketcham, Mitch Bixby Ross Caron, Rebecca Esau	
12/23/2009	BES BPS check in meeting.	BPS and BES	Tricia Sears, Kathy Harnden Roberta Jortner, Paul Ketcham	
1/4/2010	Email to the project database and the district coalitions to update people on the project. Alert them that the City Council hearing is 2/3/10 at 9:30 am and that the City Council report will be available on 1/15/10.	BPS	Tricia Sears	
1/5/2010	Invasive tree meeting.	BPS, BES, BDS, Parks & Recreationn, Water Bureau	Tricia Sears, Kathy Harnden Morgan Tracy, Roberta Jortner, Stephanie Beckman Angie Kimpo, Kathleen Murrin, Dave Kliewer, Dawn Hottenroth, Kim Tallant	
1/7/2010	Citywide Land Use Committee special meeting with Mayor Sam Adams. Invasive Plant Project mentioned by Bonny McKnight.	BPS, citizens	Eric Engstrom	
1/8/2010	Public notice for City Council hearing mailed to the project and the legislative databases.	BPS	Tricia Sears, Chris Dornan	

1/12/2010	Special meeting to confirm project support.	BPS, BES, BDS	Tricia Sears, Roberta Jortner, Kathy Harnden Paul Ketcham, Ross Caron, Rebecca Esau	
1/15/2010	Planning Commission Recommended Report to City Council available to the public.	BPS	Tricia Sears	
1/25/2010	Commissioner Assistant's meeting.	BPS, Commission Asst.	Tricia Sears, Roberta Jortner	
1/25/2010	Citywide Land Use Committee meeting. Discuss Invasive Plant Project.	BPS and BES, citizens	Roberta Jortner, Tricia Sears, Paul Ketcham	
2/2/2010	Tricia's presentation at the CWMA "Pull Together" Conference.	BPS, CWMA	Tricia Sears	
2/3/2010	City Council hearing at 9:30 am.	BPS and BES	Tricia Sears, Roberta Jortner, Paul Ketcham, Mitch Bixby, Kathy Harnden	