Exhibit A
Treebate Program
ENB – 4.23

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ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers

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1. Applicability

Any city sewer or stormwater utility ratepayer who plants a tree on their private residential property meeting the eligibility criteria of Section 5 may apply for a Treebate from the Bureau of Environmental Services (BES).

2. Purpose

The Treebate Program provides a financial incentive to Portland residents to plant yard trees. The Treebate Program will supplement other Bureau tree initiatives to help plant

trees on eligible properties in the City of Portland by June 30, 2018. The benefits of such investments include reduced stormwater runoff, increased evapotranspiration and groundwater recharge, increased filtering of air pollutants, the sequestering of carbon to reduce green house gases, and the stabilizing of soils to reduce erosion.

The Treebate Program adheres to the following guiding principles:

A. Access. Provide equal access to the Treebate Program to all eligible Portland households.

B. Economy. Employ the most economical and efficient means to market the Treebate Program, provide technical assistance and program information, and process incentives.

C. Effectiveness. Enact polices and business practices that ensure the successful siting, planting, and maintenance of yard trees.

D. Civic Engagement. Use the Treebate Program to increase public understanding, involvement, and networking to advance stormwater management and watershed enhancement goals.

E. Fiduciary Responsibility. Enact accounting and financial management practices to ensure the most efficient and effective use of City resources to advance the goals of the Treebate Program.

3. Definitions

These rules use terms described in the PCC Chapter 17.36. plus the following:

A. "Trees" are defined as woody plants that have many secondary branches supported clear of the ground on a single main stem or trunk with clear apical dominance [Huxley, A., ed. (1992). *New RHS Dictionary of Gardening*. Macmillan ISBN 0-333-47494-5]. Trees do not include woody plants such as shrubs, arborescent shrubs, specimens bred or pruned to maintain an artificially reduced canopy such as topiary, espaliered or pollarded specimens, small weeping varieties, or plants used to create hedges or other thick, closely-planted buffers or borders on private property.

4. Regulatory Authority

City Council previously authorized the Portland Treebate Program on November 4, 2009 with the adoption of Ordinance No. 183307.

5. Program Eligibility

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

A. Property. Trees must be planted on private property, and in locations outside of public rights-of-way. The private property must be located within the City of Portland and used as a residence. Eligible property may have up to four dwelling units per lot. Mixed-use developments do not qualify for Treebates. BES will rely on definitions set forth in Title 33 of the City Code when making determinations of eligible property.

B. Applicant. The applicant must be the City sewer or stormwater utility ratepayer for the property that is the subject of the Treebate application. The applicant need not be a City resident to be eligible for the program; however, the credit applies to the utility account for the property where the tree is planted.

C. Trees.

1. **Eligible Trees.** Eligibility for Treebate credit is based on tree size at time of planting. Eligible trees meet all of the following:
   - **a.** *Size.* An eligible tree must have a trunk that is one inch diameter or larger measured 6 inches above the soil surface at time of planting.
   - **b.** *Height*. Broadleaf trees must be at least six feet tall and Needle-leaf trees must be at least four feet tall at time of purchase. Height is measured from the soil line to the highest-most point of the canopy.
   - **c.** *Spacing***.** An eligible tree must be spaced at a distance from other trees and infrastructure to allow the tree the opportunity to reach its mature size.
   - **d.** *Date of Planting***.** Eligible trees must be purchased, planted and an application submitted to Treebate staff during a period that begins on September 1 and ends the following April 30.
2. **Ineligible Trees.** Ineligible trees include any of the following:
   - **a.** Street trees;
   - **b.** Trees planted within a public right-of-way;
   - **c.** Trees that have been provided and/or planted through programs administered by Friends of Trees or other City subsidized programs;
   - **d.** Trees planted to satisfy a condition of development;
   - **e.** Trees planted to mitigate or replace the loss of existing trees;
   - **f.** Trees planted on non-single family residential properties;
   - **g.** Trees that do not grow to at least 15 feet tall at maturity; and
   - **h.** The following trees on the City of Portland's Nuisance Plants List:
     - **i.** Norway maple (*Acer platanoides*)
     - **ii**. tree of heaven (*Ailanthus altissima*)
     - **iii**. white poplar (*Populus alba*)
     - **iv.** cutleaf birch (*Betula pendula*)
     - **v.** English holly (*Ilex aquifolium*)
     - **vi**. sweet cherry (*Prunus avium*)
     - **vii.** English laurel (*Prunus laurocerasus*)
     - **viii.** black locust (*Robinia pseudoacacia*)
     - **ix**. European mountain ash (*Sorbus aucuparia*)
     - **x**. Siberian elm (*Ulmus pumila*)
     - **xi.** golden chain tree (*Laburnum watereri*)
     - **xii**. princess tree *(Paulownia tomentosa)*
     - **xiii.** English hawthorn (*Crataegus monogyna*)

6. Application Requirements

A complete Treebate application must consist of the following information:

A. Application Form. The applicant must complete and sign an application form provided by BES. BES may accept a legible electronic copy or facsimile of a

B. Limit on the Number of Trees. BES will limit the number of trees eligible for Treebates on any single property or in any single application to 10 trees for the duration of the program. BES may grant exceptions to this limit if:

1. Program resources are available;
2. The program has attracted a broad distribution of participating properties;
3. The eligible trees are appropriately spaced to ensure their individual viability; and
4. The eligible trees advance City goals for stormwater management and watershed health.

To earn an exception, the applicant may be required to submit a planting plan that includes new and existing tree species and spacing between trees and infrastructure.

C. Proof of Purchase or Receipt. The applicant must provide proof of the purchase or receipt that documents the date of the purchase, the type of each tree, the final sale price for each tree, and the name and address of the seller. BES may accept a legible electronic copy or facsimile in lieu of the original proof of purchase or receipt.

D. Tree Care Pledge. The applicant must agree to provide adequate water and care during a two-year period following the planting of each tree.

E. Tree Verification Audit. The applicant must authorize BES staff to enter the subject property to verify the planting and care of trees that qualified for the Treebate Program.

F. Public Database Records. The applicant must authorize the City to include the subject property in GIS and other public database systems.

G. Proof of Authority. If the applicant is a tenant of the subject property, the Treebate application must include written consent for the planting of trees on the subject property, signed by the property owner. The written consent must identify the subject property, describe the location of planted trees, and contain a statement that the property owner authorizes the planting of trees as described in the application.

7. Treebate Awards

BES will award Treebates based on available resources and funding authority. BES may delay the awarding of a Treebate until the start of a new fiscal year or accounting period in the event that a valid application is received after available resources have been exhausted. BES may also delay the awarding of a Treebate if technical updates and/or issues interrupt the regular processing schedule. BES will not adjust the value of the Treebate or increase the Treebate award by adding accrued interest for the period of the delay.

A. Awards Based on Mature Tree Size per table below. BES staff will make the final determination of mature tree size for the purposes of calculating the appropriate Treebate credit.

1. Small-canopy trees are eligible for a Treebate equal to 50% of the cost of the tree to a maximum of $15,

2. Medium-canopy trees are eligible for a Treebate equal to 50% of the cost of the tree to a maximum of $25,
3. Large-canopy trees are eligible for a Treebate equal to 50% of the cost of the tree to a maximum of $50.

Mature Size	Minimum Mature Height	Mature Height x Width
Large	**50 feet**	**≥ 2,500 ft^2**
Medium	**30 feet**	**> 1,000 ft^2, <2,500 ft^2**
Small	**15 feet**	**≤ 1,000 ft^2**

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

8. Inspections and Enforcement

A. Site Visits for Tree Verification Audits. For the purpose of administering the Treebate Program, BES staff may enter upon the land or premises of an eligible property granted Treebate credit. BES staff will produce proper identification and gain consent from the property owner or occupant who submitted the application. The purpose of such entry is:

1. To determine the eligibility of trees which are the subject of a Treebate application;
2. To determine if the applicant has provided sufficient water and care as required by the Treebate Program, and
3. To provide technical assistance regarding the proper siting, planting and care of yard trees.

Failure to provide access to the property will be a violation of the requirements of the Treebate Program. BES staff will prepare a report of findings of every site visit and provide, upon request, a written copy to the applicant within 30 days of the site visit. BES will retain a copy of such report.

B. Enforcement. BES may exercise the following remedies.

1. **False Filings.** In the event that an applicant files false information to receive a Treebate or files a duplicate application for a Treebate, BES will recover via credit reversal on the applicant's utility bill any Treebates that have been awarded to the applicant for any property.
2. **Failure to Comply with Application Requirements.** The City is authorized to recoup a Treebate award, plus interest, if BES determines that the applicant has failed to comply with program requirements. BES will provide an administrative hearing to consider testimony from the applicant before making a final determination in such matters.

3. **Collections.** BES is authorized to employ any legal means to recoup Treebates, accrued interest, civil penalties, collection costs and related overhead that are imposed on an applicant as a result of a hearing to determine remedies for false filings or failures to comply with program requirements.
4. **Disqualification.** BES may permanently disqualify an applicant or a property from participation in the Treebate Program as a remedy for a violation of the program requirements or administrative rules.

9. Program Termination

The City will terminate the Treebate Program on June 30, 2018, unless otherwise continued by Council by adoption of a general ordinance. The program will cease accepting Treebate applications and terminate the program at any time prior to June 30, 2018, as a result of any of the following actions:

A. Council adopts an ordinance terminating the program in advance of June 30, 2018.

B. The City achieves the goals of the program in advance of the planned termination date.

C. The City exhausts any appropriations or credit authority provided by Council.

APPENDIX A – Background Information

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

In July 2008, the Bureau of Environmental Services launched the Grey to Green Initiative, a comprehensive effort to restore and protect the health of Portland watersheds through investments in green infrastructure. Trees are an essential component of the Bureau's goals to manage stormwater more effectively. Trees deliver significant and cost-effective stormwater management benefits by intercepting stormwater where it falls. The Treebate Program provides a small financial incentive to encourage property owners to plant trees in their residential yards. The incentive program remains a valuable tool in ongoing efforts to increase and diversify urban tree canopy and manage more stormwater on site.