

TO: Neighborhood Tree Team members and Portland tree advocates
FROM: Bruce Nelson, Cully Tree Team 30 December 2021
RE: Portland Urban Forestry Commission Meeting December 16, 2021:
Summary and Comments

NOTE: This document is not an official document of the Urban Forestry Commission. I am a private citizen who is a volunteer member of the Urban Forestry Commission. I write this document as a private citizen.

Conflict of Interest Policy –

“Members of City advisory bodies are public officials, based on State law ORS 244.020(15), and as such are required to disclose conflicts of interest. Under the Oregon Revised Statute 244.020(3), an appointee has a conflict of interest when participating in an official action which could or would result in a financial benefit or avoidance of detriment to the public official, a relative of the public official, or a business with which either is associated.”

These meetings usually occur on a monthly basis, on the third Thursday of the month. Official minutes of the meetings are available at the website for the Urban Forestry Commission (UFC), once they are approved by the Commissioners (usually 1-3 months after the meeting). You can see and listen to a You-tube recording of the meetings for 2021. Go to the link at the UFC website <https://www.portland.gov/trees/ufc> or at You Tube: <https://www.youtube.com/playlist?list=PL1ToXf0RSV44U3FpC0nwIUqtFOMFulxMY>

The decisions made at these meetings may affect volunteer tree advocacy and may influence Urban Forestry division processes and actions. I am sending you timely commentary on these monthly meetings. If you do not wish to receive this, let me know.

Italicized text indicates my own point of view and/or items not necessarily expressed during the meeting. **Red bold text is used for my required statement that this is not an official or adopted statement from the Urban Forestry Commission, as well as the Conflict of Interest policy for the City of Portland. Bold black text is used for subject headings, lead presenters for a specific agenda item and occasionally either to identify who is saying what or for emphasis.**

The monthly Urban Forestry Commission (UFC) meeting was held Thursday, December 16, 2021, 9:30 a.m. – 11:25 a.m. as a Zoom meeting, due to COVID-19 demands.

UFC Commissioners Present - Vivek Shandas (chair), Anjeanette Brown, Gregg Everhart, Adrienne Feldstein, Barbara Hollenbeck, Bruce Nelson, Daniel Newberry, Damon Schrosk, Megan Van de Mark.

UFC Commissioners Absent - Lorena Nascimento, Leah Plack

Urban Forestry (UF) Staff Present – Jenn Cairo (City Forester, Portland Parks and Recreation, Urban Forestry division) ; Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division); Casey Jogerst (Permitting and Regulations Manager, Portland Parks and Recreation, Urban Forestry division); Rick Faber (Permitting and Regulation Coordinator, Portland Parks and Recreation, Urban Forestry Division); Julie Fukuda (Tree Technician Supervisor, Portland Parks and Recreation, Urban Forestry Division)

City Attorney's Office - Senior Deputy City Attorney Rob Yamachika, (Portland Office of the City Attorney.)

Public Testimony - No public testimony was made.

Minutes Review - The October 21, 2021 and November 18, 2021 minutes were reviewed and approved with minor edits.

UFC Planning for 2021 – Vivek Shandas (UFC Chair)

Vivek initiated this discussion as a time for the UFC to consider the major areas it hopes to address in 2022. In the past, multi-hour sessions have been spent discussing upcoming priorities. This was not done in 2021. UFC members are aware of the unmet priorities from past meetings. Perhaps it is not necessary to identify even more. Big questions that come to mind are how do we fulfill our responsibilities as UFC Commissioners? How do we advocate for our urban forest? What specific persons (elected or appointed) or government offices should we direct our limited UFC energies to bring about policies important to UFC? Vivek put together a simplified online survey that will allow UFC Commissioners to weigh in on priorities. (www.menti.com)

City Forester's Report - Jenn Cairo (City Forester, Portland Parks and Recreation, Urban Forestry division)

1. High winds last weekend created significant tree damage near public streets and on public properties. UF staff, especially Brian Watkins and many others, played critical roles in dealing with these emergencies, clearing woody debris from hazardous situations.
2. Portland Bureau of Transportation (PBOT) personnel working on the Pedestrian Design Guide (PDG) are considering the responses received from the public on the draft document. UF staff will continue to work closely to further develop this document. *The current plan is to release the final document sometime after February 1, 2022. Michelle Marx, the lead person at PBOT on this project, is on leave until 1 February 2022. In her absence, contact should be made with Gina Gestaldi, City Planner, PBOT. In response to a UFC letter sent in late November to PBOT personnel and PBOT Director Jordan, UFC was informed that PBOT believed the Pedestrian Design Guide draft showed valuable new opportunities for trees, that a minimum of 6' wide sidewalks is non-negotiable, and a widening of the planting strip minimum to 5' was not possible. These responses all indicate to UFC that the current draft of the Pedestrian Design guide is an inadequate document for addressing climate change challenges and needed increases in healthy tree canopy within Portland, especially in current low-canopy areas.*
3. UF staff is taking the list of Title 11 minor amendments to different City bureaus, to see if any modifications are necessary to allow for smooth operations between the different affected bureaus. This effort shows a desire on the part of UF to collaborate with other City bureaus. The goal is to bring the proposed Title 11 changes to City Council sometime in the spring of 2022.
4. Streets 2035 work on the part of UF staff is currently focusing on trying to come to a better resolution in the differences between Portland Water Bureau's mandate that trees be no closer than 10' from 24"-diameter water conveyance pipes on improved streets and UF's standard that public trees be no closer than 5' from these 24"-diameter water mains on improved streets.
5. With further implementation of the passed Parks levy from November 2020, UF continues to expand staff. Three Botanic Specialist positions will be closing soon--they focus on planting, stewardship, and outreach, respectively. Several Tree Technician positions will also be closing for application soon.

6. Brian shared an update on Residential Infill Project 2 (RIP2). UF has expressed concern about whether the dividing of R7 and R10 residential lots will create lots less than 5,000 square feet, which are exempt from Title 11 tree preservation standards. The Bureau of Planning and Sustainability (?) is proposing that these R7 and R10 sites be treated as a whole, rather than as the smaller subdivided lots. Relative to trees, this means that tree preservation standards for an R10 or R7 lot that ends up having higher density housing will still need to follow the tree preservation standard for an R7 lot. *No comment was made as to whether or not this will still be in compliance with the state laws that mandate allowing this greater density of housing.*

In response to the City Forester's Report, UFC member Barbara Hollenbeck asked about the pool of applicants for the upcoming UFC positions. Brian responded that there are 16 applicants for the upcoming vacancies at UFC. Outreach efforts by Urban Forestry are continuing to get more applicants. The closing date to receive applications is December 19, 2021. After then, if it is decided there is a sufficient applicant pool, no more applicants will be sought. *(There are three UFC Commissioners with terms officially ending February 28, 2022: Gregg Everhart, Barbara Hollenbeck, and Damon Schrosk. The first term of service for Anjeanette Brown, Lorena Nascimento, and Megan Van de Mark end at the same time. For the latter three, if they wish to serve another four-year term and the City Forester and PP&R Director wish for them to continue, their names can be brought to City Council for reappointment to a second four-year term. There has only been discussion of the need to fill the positions of three term-limited outgoing UFC members--Gregg Everhart, Barbara Hollenbeck, and Damon Schrosk.*

Urban Forestry Pilot Program for Fee Waiver in Non-development

Situations: Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division); Rick Faber (Permitting and Regulation Coordinator, Portland Parks and Recreation, Urban Forestry Division); Julie Fukuda (Tree Technician Supervisor, Portland Parks and Recreation, Urban Forestry Division) ; Casey Jogerst (Permitting and Regulations Manager, Portland Parks and Recreation, Urban Forestry division.)

UF staff has been working on developing a fee waiver pilot project for eligible residents in non-development situations. There was interest in developing some sort of fee waiver program as part of the initial Title 11 discussions. Staff have

been working hard to develop a pilot project that will allow UF to determine how it might apply fee waivers and to whom. The goals are:

- a) to develop regulations that are consistent and allow for equitable access, which will improve regulatory efficiency and effectiveness;
- b) to reduce financial barriers to compliance for low-income residents.

The challenges are how to apply and enforce the policy.

The pilot project began about two years ago with a slow roll-out. At this point, UF wants to end the pilot project in summer of 2022 (?) and then do a thorough analysis, including how many people used it, how much revenue was lost, how much staff time was used in implementing and enforcing the program, and whether the program accomplished its goals.

Some of the guidelines include:

- a) Need for low-income resident to apply for fee-waiver for non-development tree-related fees;
- b) UF fee-waiver program only applies to non-development situations;
- c) Waiver recipients must currently be receiving Tier 1 (60% of median family income for Portland) Discounts for the Sewer, Stormwater, and Water Bill Discount Program, which is administered by the Portland Water Bureau.

Other details of the fee waiver program were spelled out that address different non-development fees administered by Urban Forestry, including enforcement fee maximum by property type and lien reduction criteria.

Comments and questions followed from UFC Commissioners. Some commissioners welcomed the information and the opportunity to respond to it. I said I thought it was a waste of limited UFC meeting time to hear the information, even though I think it's great that UF has this pilot project and is exploring means to reduce fees for lower income property owners.

Fiscal Year 2023 Budget Development Update Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division)

It should be noted that FY 2023 means July 1, 2022 – June 30, 2023. Sometimes you may see this written as FY22/23. Current UF operations are approved as part of the budget approved in spring 2021, with revisions approved in fall 2021. This represents Fiscal Year 2022.

Brian shared information on the upcoming changes in the UF budget, mostly as a result of additional funds available through the passage of the Parks Levy in November 2020. Many of the budget changes were decided on as part of the Fall Budget Monitoring Process that occurred in October 2021. There are four areas within UF: City Forester, Operations, Permitting and Regulation, and Science/Outreach/Planting. All four areas will be seeing increases in staff, thanks to the levy and support from PP&R and City Council. The expected increases are:

1. City Forester adds an additional policy person to go with the existing two people;
2. Operations adds 15 positions, primarily for ongoing tree maintenance in parks, to the existing 18 positions;
3. Permitting and Regulation adds 8 positions to the existing 19 positions;
4. Science/Outreach and Planting adds 6 positions to the existing 8 positions.

The Permitting and Regulation budget will increase by \$1 million in FY 2023, the Operations budget by \$3 million in FY2023. In FY 2023 there will be a significant increase in equipment expenses related to Operations (vehicles and equipment for additional pruning crews).

Of the increase in dollars to UF for 2023, 38 percent is for park tree maintenance, 21 percent for tree planting (primarily in parks and some as part of a street tree planting pilot project in outer east Portland), 14 percent for Science/Outreach and Planting, 24 percent for Permitting and Regulation, and 3 percent for policy.

January through June 2022 will see extensive staff time used in onboarding new hires and purchasing necessary supplies for new hires.

Increasing amounts of funds from the Tree Planting and Preservation Fund are expected to be used for tree planting. The amount projected to be used in FY 2023 is in excess of \$1 million.

Before June 20, 2022, UF expects to hire 23 new staff, to purchase a number of vehicles (including electric), to set up eight electric vehicle charging stations, and to accomplish extensive workspace planning to accommodate staff increases. By July 1, 2022, UF will plant or contract to plant 3,200 trees.

Brian reminded UFC that the Urban Forestry Annual Report shows a breakdown of what was planted and what was removed, at least by permits. *The last report available online is dated March 2021. It addresses activities of Urban Forestry between July 1, 2019 and June 30, 2020. During that time period the report lists*

7,266 permitted tree plantings and 5,250 permitted tree removals. No information is available on how many of these plantings and removals actually occurred beyond the permitting stage, nor is there any data relevant to the dbh total of trees removed or planted.

UFC members had a number of questions and comments regarding this fiscal update: Adrienne wondered if there were different means available to Urban Forestry to measure tree canopy. Jenn said there are and UF will report back to UFC when information is available. Daniel shared that the rapid growth in Portland brings serious challenges for the urban forest. Gregg is very excited about the increase in staff for code compliance (*Permitting and Regulation*). She hopes this will allow for code compliance checks on Heritage trees. Megan wanted current information on the Tree Planting and Preservation Fund. Brian shared that less revenue has been added to this fund due to the reduction in development activities during Covid-19. Megan added that she would like to see more support for community organizations involved in planning and maintaining public trees. Brian said this is also a direction Portland Parks and Recreation is supportive of. Bruce encouraged using funds from the Tree Planting and Preservation Fund for street tree planting done by community groups and that more active community engagement be part of street tree planting and care.

Vivek wondered about the costs for having UF plant a tree compared to having a community organization plant a tree. Jenn responded that UF expenses for planting and maintaining a tree are comparable to that found in other cities. She does not know what the costs are for a community group to do comparable work. UF spends about \$335 per tree planted but this does not include some additional overhead costs. Brian confirmed that no detailed comparative cost analysis has been done.

Next Urban Forestry Commission Meeting: The next Urban Forestry Commission meeting will be 9:30 a.m. – 11:30 a.m., Thursday January 20, 2022, as a Zoom meeting. Check the link below prior to the meeting for the agenda, meeting materials, and how you can gain access to this Zoom meeting, <https://www.portland.gov/trees/ufc/events/2021/6/17/urban-forestry-commission-meeting>

Appeals Board Hearing: 15719 NE Fargo Ct

The property owner had requested the removal of three *Cedrus deodara* on this residential property. UF staff examined the trees, deeming them to be in good health, showing no signs of decay, and not located within 10' of any building. No criteria were met that would justify tree removal. The trees are all in excess of 30" dbh and over 40' tall. The owner has lost other trees on his property, has had to deal with broken tree branches, and has seen tops of trees break and fall on neighbors' houses. He is afraid of the "snap, crackle and pop" sounds from the trees during ice and wind storms. The neighborhood was developed in 1978-1979 so it is likely the trees were put in as part of that development. The owner stated he has spent \$10,000 on pruning, cabling, and fallen tree removal.

There has been no soil disturbance in the proximity of the trees in the recent past.

The Appeals Board unanimously upheld the decision of the City Forester not to allow removal of these trees.

The main question that arose in my mind as a result of this hearing was whether this particular tree selection was appropriate for the location. This area is very near the western end of the Columbia Gorge and can see east winds channeling through the Gorge at certain times of the year and is also an area subject to damage from winter ice storms. I do not believe that this tree species has particularly strong wood. But none of these considerations are addressed in the Tree Code. In this case, I believe the property owner was quite sincere in his expressed fear that the trees threatened the safety of his neighbors.