

TO: Neighborhood Tree Team members and tree advocates  
FROM: Bruce Nelson, Cully Tree Team 10.24.19  
RE: Portland Urban Forestry Commission Meeting 10.17.19:  
Summary and Comments

I have been attending most of the Urban Forestry Commission meetings since July 2016. These two-hour meetings occur on a monthly basis, on the third Thursday of the month at City Hall, usually in the Lovejoy Room. Official minutes of the meetings are available at the website for the Urban Forestry Commission, once they are approved by the Commissioners (usually 1-3 months after the meeting). <https://www.portlandoregon.gov/parks/60405>

The decisions made at these meetings often affect the volunteer tree advocacy work we are doing. I will send 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.*

The monthly Urban Forestry Commission meeting was held October 17, 2019 in the Lovejoy Room in City Hall, 9:30 am – noon.

**Urban Forestry Commissioners Present** - Vivek Shandas (Chair), Anjeanette Brown, Gregg Everhart, Brian French, Barbara Hollenbeck, Lorena Nascimento, Bruce Nelson, Daniel Newberry, Damon Schrosk, Thuy Tu, Megan Van DeMark

**Urban Forestry Commissioners Absent** - none

**Urban Forestry Staff Present** - Jenn Cairo (City of Portland Forester), Brian Landoe (Budget and Programs Analyst), Clare Carney (Outreach and Stewardship Coordinator)

**Deputy City Attorney**- none present

**Visitor Presenters for Meeting** –Emily Sandy (Bureau of Development Services), Eli Spevak (Co-Chair of Planning and Sustainability Commission), Sarah Huggins (Parks System Development Charge Program Manager), Todd Lofgren (Deputy Director of Portland Parks and Recreation)

## **Briefing on Proposed Title 11 Amendment Regarding Mitigation Fees for Removal of Trees 36” or Larger That Were to Be Preserved**

Emily Sandy of the Bureau of Development Services reminded the Urban Forestry Commissioners of the matter at hand. Title 11 currently contains a portion that is scheduled to sunset out of Title 11 on December 31, 2019. That portion specifies the graduated mitigation fees to be paid to Urban Forestry when trees of different sizes are removed that have been identified as trees to be saved as part of a development project. This specifically applies to new development only.

The specifics of the amendment with a sunset date of December 31, 2019 are

- a) The fee in-lieu of preservation is changed to a graduated scale as follows:
  - i) 12”-20” = \$1800 (cost of two 2” trees);
  - ii) 20”-36” = \$3600 (cost of four 2” trees);
  - iii) 36” or larger = \$16,220 and up (‘inch-per-inch’ fee at \$450/inch)
- b) Applicants post notice on-site and send a notice to the neighborhood association and district coalition 45 days prior to development permit issuance for removal of trees 36” or larger;
- c) Certain affordable housing projects exempt from the fee in-lieu of preservation for removal of trees 36” or larger.

*(If this section is allowed to sunset out and not replaced in some way, it reverts to the original text in the Tree Code, Title 11, in which the mitigation fee in-lieu of preservation for removing trees in development situations would be a flat fee of \$1200 per tree, regardless of the size of the tree.*

Eli Spevak, co-Chair of the Planning and Sustainability Commission (PSC), shared with Urban Forestry Commissioners the results of the public hearing held September 24<sup>th</sup> from 5 pm – 8 pm by the Planning and Sustainability Commission on this section of Title 11 that is scheduled to sunset at the end of the calendar year. After about an hour of testimony and discussion among members of the Planning and Sustainability Commission, two specific decisions were made:

- 1) Recommend extending for two years the existing amendment to allow for analysis resulting from the amendment;
- 2) Remove the current exemption from these mitigation fees that applies to industrial and commercial zone properties for the same 2-year period.

*(The thinking was that many low canopy neighborhoods abut areas with extensive commercial and industrial zone properties. If this exemption to the mitigation fees continued it would only further the low canopy encountered by people in these low canopy neighborhoods. Additionally, it was believed there is sufficient property available for development such that it is not appropriate to continue to subsidize*

*these types of development by excluding them from the same mitigation in-lieu of preservation fees paid by others.)*

### **Public Testimony on Title 11 Amendment Pertaining to In-Lieu-of-Preservation Mitigation Fees**

Zan Zuckermann was testifying on behalf of the Youth Climate Action Group (members were in school so they were unable to testify). She expressed some concern as to why there is only a proposed 2-year extension rather than making the amendment permanent. She also thought it was important that the issue of equity is very important in looking at tree canopy, especially in the light of the climate challenges currently being faced and those ahead.

Micah Meskel testified on behalf of Portland Audubon Society. Micah urged support of the PSC position to extend the amendment and to remove the existing exclusion to in-lieu of preservation mitigation fees for commercial and industrial sites. He emphasized the importance about tree benefits that go to neighborhoods adjacent to the commercial and industrial zone areas. He also thought it would be appropriate to remove the exclusion from this amendment that currently is extended to any property less than 5000 square feet. He would prefer this be reduced to 3000 square feet but realizes that even just cutting it to 4000 square feet could save a lot of trees.

Meryl Redisch (former UFC Commissioner who was on UFC when this amendment was enacted) supported the PSC proposal. She would also like to see the lot size set at smaller, 3000 or 4000 square feet, for properties exempted from the proposed amendment.

Other testimony and UFC discussion noted the relatively lower mitigation fees for smaller trees that are part of this amendment. Currently for trees 12” – 20” the in-lieu-of mitigation fees are \$150 - \$90 per diameter inch, for trees 20” – 36” the in-lieu-of mitigation fees are \$180 - \$100 per diameter inch and for trees 36” or larger the in-lieu-of mitigation fees are \$450/per diameter inch. Since so few trees actually are genetically able to get to 36”, this graduated fee scale seems inadequate. It was suggested this should be reviewed in the future.

Megan Van de Mark wondered how the 5000 square feet size property came to be part of the amendment, as opposed to using a 3000 square feet threshold. One suggestion was that it had something to with other city goals. Eli Spevak thought

that there really wasn't good information available regarding the advantages and disadvantages of using 3000 square feet or 5000 square feet. Anjeanette Brown wondered why there was no information pertaining to the current amendment and its effects on issues of equity for low canopy neighborhoods, especially in east Portland. The response from Emily Sandy was there are not currently resources available for that information to be gained.

Brian French wondered what are the goals of the analysis that is expected to be done in the next two years if the amendment is extended another two years. Gregg Everhart thought it should go to 30" for the threshold where much higher per inch mitigation fees are implemented.

Damon Schrosk thought that there should not be a 2-year sunset on the amendment. It should just be made permanent. Megan Van de Mark wondered if we were indeed grounding our work with an equity lens.

Emily Sandy thought the exemption pertaining to industrial and commercial property tied in with the City's Comprehensive Plan.

Anjeanette Brown posed the question of whether there could be higher fees imposed in low income areas.

The Urban Forestry Commission voted 10 to 1 to support the proposals advocated by the Planning and Sustainability Commission to a) extend the existing amendment until December 31, 2021 and b) remove the current exemption to in-lieu-of mitigation fees for commercial and industrial lands. Lorena will draft a letter on behalf of UFC that states this support. Within this letter, Lorena will also include a statement about the UFC's support of extending the higher per-inch fees to trees 20" dbh or more, should the City declare a Climate Emergency.

### **Minutes Review**

Due to the shortage of time, no minutes were reviewed.

### **City Forester's Report**

Jenn Cairo reported that the annual budget planning for Urban Forestry is coming up. She is not expecting any required budget cuts. At a future meeting (possibly next month) preliminary budget information will be forthcoming and UFC input requested.

Later in the meeting Jenn stated that she will present the various options presented by Davey Resource Group as part of their contract with Portland Parks & Recreation (PP&R).

Jenn introduced Todd Lofgren and Sarah Huggins from PP&R to talk about the progress of the Alternatives Task Force that is currently exploring long term sustainable funding options for PP&R.

### **Portland Parks and Recreation Sustainable Future and Street Tree Maintenance**

Jenn Cairo and Brian Landoe have been working with Sarah to provide her information pertaining to urban trees. Sarah Huggins ((Parks System Development Charge Program Manager) gave an overview to UFC of the work to date by the Alternatives Funding Task Force, of which Vivek Shandas is a member. The goals of this group are to identify long term, sustainable funding necessary for PP&R to deliver the level of services required by its director and City Council.

The challenge faced by PP&R is that the capital maintenance fund is inadequate for the needs of the system, especially if an effort is made to address system inequities. Additionally, PP&R is aware that currently there an inequitable delivery of tree benefits to Portland citizens.

According to Urban Forestry data, city canopy growth has slowed to 2% per year, down from the 7% of the past. This presents challenges.

As part of this Task Force's work, a very important first step was to clearly state different service options. The way the Task Force has done this is to propose 3 different scenarios and look at the funding necessary for each scenario. Scenario 1 assumes the current level of funding from general fund dollars. This would result in a reduction of services over time as maintenance needs of the system continue to increase and certain costs increase. Scenario 2 requires more funding and allows for progress on PP&R maintenance needs and very small improvements in services offered. This would allow for more education outreach by Urban Forestry staff. Scenario 3 calls for a significant increase in services, including assumption of street tree maintenance by Urban Forestry. This scenario calls for the largest escalation in funding needs. This scenario would require double the existing PP&R budget.

Potential sources of funding that are being looked at include: special taxing districts, temporary tax, cell phone tax, increase in systems development fees, increase in short term rental fees, general budget dollars, levies, general obligation bonds, and a food/beverage tax. Within the USA, there is a wide range of funding means used by city parks bureaus. Todd stated that the general opinion is that it makes more sense to receive funding from a variety of sources, rather than being reliant upon just one. A very important factor is always local and state laws pertaining to funding. In Oregon, there are specific limitations on tax revenue generated from property taxes. Because of the passage of Measure 5 back in the 90s, you cannot implement some sort of property tax-based means without affecting the revenue going to other parties that currently have a stake in the revenues from property tax. The term for this is “compression.”

*(This is clearly a very difficult issue. It is unclear whether or not this Task Force will spend much time addressing the inequity in the urban canopy in Portland, which was a major driving force in setting up the predecessor of this Task Force. There were ideas of pilot projects targeting specific low canopy neighborhoods, of trying different things before jumping to a big solution. Many people worked many hours over several years to get the City Council to allocate the \$100,000 to address the issue of street tree maintenance of underserved neighborhoods as a potential means to address challenges in maintaining and improving the urban canopy. Over three years a variety of set-backs occurred including the expected facilitator for this task force leaving her employment with the City, an unanticipated short fall of funds within PP&R that led to putting off for one fiscal year the use of the funds allocated by City Council for this narrowly focused task force, the discovery by PP&R that it really did have a long term unsustainable budgeting situation that led to the elimination of the Urban Forestry driven task force and the formation of a task force for PP&R that focused on alternative funding for PP&R. It may all play out to the benefit of Urban Forestry. That is being optimistic. My suspicion is that work will continue to be essential to sound the alarm of the challenges facing trees in Portland and to come up with positive solutions. I also am not yet convinced that PP&R is the appropriate long term steward of our city trees.)*

### **Next Meeting -**

**The next scheduled Urban Forestry Commission meeting is Thursday November 21, 2019 from 9:00 am – noon at City Hall in the Lovejoy Room on the second floor. The meeting is open to the public. The agenda has not been decided on as of this writing.**