

TO: Neighborhood Tree Team members and Portland tree advocates
FROM: Bruce Nelson, Cully Tree Team 2 November 2022
RE: Portland Urban Forestry Commission Meeting October 20, 2022:
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 You-tube recordings of the meetings. Go to the link at the UFC website

<https://www.portland.gov/trees/ufc> or to the You Tube site

<https://www.youtube.com/playlist?list=PL1ToXf0RSV44U3FpC0nwIUqtFOmFulxMY>

The decisions made at these meetings may affect volunteer tree advocacy and influence Portland Parks and Recreation Urban Forestry (PP&R UF) processes and actions. If you do not wish to receive this commentary on monthly meetings, 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, October 20, 2022, 9:30 a.m. – 11:35 a.m. It was held as a Zoom meeting due to COVID-19 demands.

UFC Members Present - Vivek Shandas (chair), Adrienne Feldstein, Ivory Iheanacho, Bruce Nelson, Daniel Newberry, Leah Plack, Melinda McMillan, Megan Van de Mark

UFC Commissioners Absent - Anjeanette Brown, Roberta Jortner, 1 vacancy

PP&R UF Staff Present - Jenn Cairo, City Forester; Brian Landoe, Analyst 1; Ashley Reese, Administrative Assistant

City Attorney's Office - No one present

Other City Staff - Sarah Huggins, Sustainable Future Program Manager (PP&R); Todd Lofgren, Deputy Director (PP&R)

Other presenters - None

9:32 a.m. Public Testimony

David Judkins, current volunteer member of the UFC Policy Committee as well as a volunteer with various UF activities over the past few years, testified that he thinks Portland street trees should be under the care of Urban Forestry. The cost, currently borne by adjacent property owners, is too much for many of them. There are many street trees that are unsafe because they are not receiving timely maintenance. There are also many sites where street trees do not even get planted because people are concerned about both the cost to maintain them and their safety hazards. David finds that now when he walks around using sidewalks, he has to be especially mindful of sidewalk lifting or cracks that can be a tripping hazard. He proposed that UFC form a short-term task force to figure out the logistics for how to get Portland government to take over street tree responsibility.

Jenn shared that the PP&R Sustainable Future program is exploring the City taking over street tree maintenance. *I assume that Jenn is referring to street tree planting, pruning, removing, and replanting as needed. It is likely she is not including sidewalk repair from tree roots but I am not sure on that.*

Megan appreciated David's request asking UFC to form a task force on Street Tree Maintenance take-over by the City. There may be some Portland Clean Energy

Fund dollars that could assist in this. Certainly the Sustainable Future program of PP&R is looking at the costs for PP&R to take on street tree maintenance.

Felice Kelly of 350 PDX wants to see growth in the city's tree canopy. UF's 2018 report *Growing a more equitable urban canopy: Portland's citywide tree planting strategy* calls for an expansion in tree planting and tree maintenance.

<https://www.portland.gov/sites/default/files/2020-09/tree-planting-strategy-12.18.pdf>

Jenn replied that annually UF updates its progress in tree planting. The 2021 report is available at

<https://storymaps.arcgis.com/stories/730a73bf7cc9463d80a1956a5b2239bd>

Nora Leyman considers herself a person who cares deeply about trees in Portland. She would like to see an expansive, thriving urban forest. She does have some concerns about the trees that are currently on approved list for street trees. She is not sure they are well adapted to the climate challenges that confront us. She wondered how the current approved street tree list is changed. In particular, many dogwoods, crabapples, and katsura trees seem to be struggling, yet are on this list. She also wondered if there is adequate enforcement of the tree planting requirements.

In my experience katsura trees do not seem to thrive under our summer drought conditions. We do have some wonderful specimens in town but it seems like young katsuras often show drought stress quite rapidly. For the crabapples (Malus spp.) and dogwoods (Cornus nuttallii Pacific dogwood and Cornus florida eastern flowering dogwood) the prolonged wet spring and cooler temperatures contributed greatly to foliar and floral fungal disease spread on these trees. The combination of prolonged wet spring weather and temperatures under 65 degrees F often leads to loss of earlier formed leaves, blackening or browning of those same leaves and blossoms, and an overall unhealthy appearance. This can weaken the tree but is unlikely to kill the tree unless it was already in a very weak state in spring 2022.

Jenn recommended that Nora contact (503) 823-TREE for questions pertaining to the street tree list and how it is changed. More capacity in enforcement of planting regulations is on the way, thanks to passage of the Parks levy in November 2020 and the funds coming to Urban Forestry from the levy.

Vivek thanked those who testified. He reminded all Zoom viewers of UFC meetings that any thoughts or ideas they wish to convey to UFC should be sent to Brian Landoe at Urban Forestry and he will forward them on to UFC members.

9:38 a.m. - Minutes review and approval

Minutes from the August 18, 2022 and September 15, 2022 meetings were reviewed and accepted as amended.

9:40 a.m. – City Forester’s Report, Jenn Cairo (City Forester, PP&R UF)

1. UF is preparing for the winter weather season, when storms can damage street trees and trees on other public properties. UF has an agreement with PBOT to respond rapidly to tree damage in the right-of-way space that is dangerous as a result of storm damage (*wind, ice, snow, rain*) and tree damage on public property that leads to significant hazards.
2. The tree planting season is beginning. Around 2,000 free yard trees have been given away or will be within the next month. UF plans to contract out the planting of around 1,500 trees in targeted, low-canopy neighborhoods as part of the Free Street Tree Program (*In its early days it was called the Opt-Out Program but that name was found to be somewhat confusing to the public and perhaps did not convey a positive image.*)
3. October 29, 2022 will be the UF Arbor Day Celebration at Glenwood Park in the Lents neighborhood. The Bill Naito Tree Volunteer awards will be made, some park trees will be planted, and tree information will be available. The event is from 10 a.m. to 1 p.m. More information is available at the following link: <https://www.portland.gov/trees/get-involved/events/2022/10/29/portland-arbor-day-2022>
4. The technical and minor amendments to Title 11 were passed by City Council. Thank you to staff, UFC members, and members of the public who all contributed to this effort. Special thanks to Brian Landoe and Nick Desai, both of PP&R UF, who spearheaded these efforts. This was the first phase. The second phase, led by Belinda Judelman, is underway now. It involves reviewing and proposing amendments to the 2004 Urban Forest Management Plan. The third phase will be developing more substantive amendments to Title 11 that reflect the newly developing Urban Forest Management Plan. This third phase has not begun yet. *Nor has a PP&R UF lead been assigned to this work, to the best of my knowledge.*
5. City Council had a first hearing on proposed amendments to the Portland Clean Energy Fund (PCEF) code (in Title 7). A second hearing will be held next week. These amendments could make more money available for tree

maintenance. Vivek Shandas testified on behalf of UFC, which expressed general support for the amendment while also stressing the importance of staying true to the spirit of the original, approved PCEF initiative. *Where the text of the approved amendments is located online is unknown to me.*

I testified at the first reading on behalf of Trees for Life Oregon. There were about 20 people who testified at this City Council meeting on Wednesday October 19th. The second reading of the amendments at a City Council hearing occurred on Wednesday morning October 26th. The amendments were adopted.

Although the amendments are brief, the ramifications are large. This effort is led by City Commissioner Carmen Rubio. She and her staff have met with many important groups that pushed to get PCEF implemented. The expected modifications refine the original measure. What changes likely to come from the approved amendments are:

- a) Significant sum of money to be spent on street tree maintenance (planting, pruning, perhaps removal);*
- b) Development of a 5-year Climate Investment Program that will serve as the guide for what sorts of programs will be funded;*
- c) Investments in transportation decarbonization efforts;*
- d) Large investments in energy-efficient affordable housing;*
- e) Continued support of projects led by community organizations;*
- f) Expansion of tree-planting contractors to include commercial enterprises, educational institutions, and government entities;*
- g) Continued support for dollars to serve the underserved and for work to be done in large part by the same underserved community.*

There is still much to be worked out on the specifics. The following links may be helpful.

<https://www.portland.gov/bps/cleanenergy/faq-proposed-changes-pcef-structure>

<https://www.opb.org/article/2022/10/15/portland-clean-energy-program-is-up-for-an-overhaul/>

6. There is nothing to report on the Streets 2035 Project. *I reviewed my comments and summary of all of the UFC meetings in 2022 and 2021. Information pertaining to actions of Streets 2035 occurred in:*
 - *February 2021 when we had a presentation on Streets 2035*

- *December 2021, when, in the context of Streets 2035, there was a brief comment about the challenges around how far trees need to be from water pipes*
- *February 2022, the same item was raised in the context of Streets 2035.*

I conclude that Streets 2035 appears to be something like a mediation board where bureaus may come together to try to resolve conflicts. To date, it is not clear what has been accomplished. For more information, see <https://www.portland.gov/transportation/development/streets-2035>

7. Jenn participated in a 3-day gathering in Boulder, Colorado, that focused on equity-centered Urban Forestry. Daniel Newberry also attended. There were representatives from several other cities including Philadelphia, Cleveland, and Boulder. Participants represented major national nonprofit tree organizations and foundations as well as researchers involved in tree work. There was intensive discussion on how to leverage new federal funds that specifically target urban canopy. It is anticipated that \$1.5 billion federal dollars will be forthcoming via the U.S. Forest Service.

Daniel shared that he specifically talked with staff from other cities to find out how they funded their street tree maintenance programs.

Conversation about the importance of design to improve the urban forest was abundant.

8. Interviews are underway to find new nominees for UFC. Vivek and Roberta are involved in these interviews on behalf of UFC. Vivek said there is a very strong field of candidates and more than ever before, likely reflecting more interest in our urban tree canopy. *UFC will have at least four openings by the end of February 2023.*
9. The December UFC meeting is expected to include a presentation by Bureau of Planning and Sustainability (BPS) on the recently adopted Climate Action Work Plan. Vivek hopes BPS will address the role that trees play in this plan from the perspective of BPS. *UFC expressed concerns about the plan prior to its adoption such as lack of metrics, lack of staff in targeted areas, separation of tree-related activities from green infrastructure, and no apparent funding source for some activities listed. It is possible these will be addressed by BPS staff.*

10:05 a.m. Sustainable Future Program Update Sarah Huggins (Sustainable Future Program Manager, PP&R); Todd Lofgren (Deputy Director, PP&R)

Today's presentation provides an update to the information Sarah presented at the September 2022 UFC meeting.

Sarah would like any input UFC Commissioners have on the PP&R funding options presented and any other ideas pertaining to how to cover the financial needs of PP&R.

PP&R has gone to Oregon state officials to see if state law can be changed to allow for the Portland City Council to be the governing body if a Portland Parks Special District is formed to generate funds. This issue interests other municipalities.

On October 26, PP&R will make its first annual report on the use of Parks levy funds. *That report was accepted by the City Council after it was presented. The executive summary is here:*

https://www.portland.gov/sites/default/files/2022/2021-22-parks-levy-annual-report-executive-summary-spreadv2_0.pdf

The full report is here:

<https://www.portland.gov/sites/default/files/2022/2021-22-parks-levy-annual-report-spread-sm.pdf>

PP&R's budget currently is around \$235 million. About one-third of this money comes from the recently passed levy and the rest comes from general budget dollars and fees.

One goal that PP&R has is to annually budget roughly 3% of the total value of PP&R capital assets for capital improvements. *This has rarely been done in the past, hence the huge backlog on PP&R maintenance needs on capital assets (well over \$500 million and climbing).*

PP&R has four funding categories it needs to meet:

- a. Operations – Day-to-day programs and staff to deliver programs and services;
- b. Capital Maintenance – routine maintenance on facilities and other capital assets;

- c. Capital Growth -- Expansion, (typically opening up new parks using System Development fees);
- d. New Services (including street tree maintenance).

The real problem arrives for PP&R when the levy expires June 30, 2026. The chart below lists the potential shortcomings in funds available. The projected deficit is \$146 million. That is the kind of money that the Sustainable Future program hopes to generate from new funding sources.

FY 2026-2027

| | Outcomes over 15 years | Year 5 funding available | Year 5 funding needed |
|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--------------------------|-----------------------|
|  Operating | Achieve performance targets Increase program affordability | \$116 M | \$55 M |
|  Capital Maintenance | Industry best practice | \$5 M | \$66 M |
|  Capital Growth | Additional investment adds more capacity | \$36 M | \$4 M |
|  Street Tree Maintenance | Add street tree maintenance | \$0 M | \$21 M |
| | | | \$146 M total |

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PORTLANDPARKS.ORG | Commissioner Carmen Rubio | Director Adena Long

There is a great deal of interest at PP&R in setting up some sort of pilot project for street tree maintenance. Where will this money come from?

The current thinking of the Sustainable Future Program is that the best possible funding sources for PP&R projected shortfalls in 2026 include:

1. General Obligation Bonds for Capital Growth and major maintenance needs, an assessment of \$0.60-\$ 0.80 per \$1000 of Assessed Property Value, raised

roughly \$55 million annually, needs to be approved by voters, no compression, time limited so not long-term solution, maximum timeframe is five years but can be renewed;

2. Local Option Levy - a temporary, time-limited source of revenue, similar to existing five-year Parks Levy passed in November 2020;
3. Special District – potentially permanent solution but currently illegal under existing state laws, would cause compression of current funds like Library Fund, similar to what Seattle did to help fund its Parks district;
4. Income tax, some precedent for this, duration is permanent, no compression, similar to Arts Tax;
5. Prepared Food/Beverage Tax - no compression, done in some areas but not likely here, Oregon does not allow taxing beer or wine;
6. Sweetened Beverage (Soda) Tax - some cities do this, maybe \$19 million annually, done by Philadelphia and San Francisco, revenue not stable as tends to discourage drinking of these beverages;
7. Amusement tax - on various sources of entertainment including sports, digital, something like a 9% amusement tax, no compression, could generate something like \$46 million annually

If we need \$146 million annually starting in 2026, and of that amount \$55 million is for additional operating expenses, \$66 million for capital maintenance, \$4 million for capital growth, and \$21 million for street tree maintenance, then the above ideas would need to be used in combination.

Amusement tax: \$46 million can be used in any category

Sweetened Beverage Tax: \$19 million can be used in any category

Income Tax: Unknown amount

Special District (once legal by state law): Unknown amount

The amusement tax and Sweetened Beverage tax generate \$65 million annually. That still leaves a shortfall of \$81 million. No information was presented about tax rates for a Special District or tax rate on income. It is also worth noting that Systems Development fees can be used for building new parks but can't be used for staffing them or maintaining them. Yet, it should be noted that from PP&R projections in 2026 there will be more funds generated from these Systems Development fees than can be put into building parks.

Questions and Comments to Sarah and Todd from UFC members

Adrienne supports using permanent funding sources, not temporary ones.

Daniel sees no easy solutions. He believes we also need to look at the potential for reducing costs. But it really seems problematic that for so long money has not been adequately allocated for maintenance. It seems unrealistic to keep building new parks when we do not have money to maintain them sufficiently.

Todd agreed that it is essential for PP&R to do a better job at allocating money for operations and maintenance.

Sarah said that discussions on this matter will be occurring in City Council soon and again further in the future.

Adrienne wondered if it was likely that PP&R would phase in some of the potential different new revenue streams; Sarah thought that is likely. This will not be easy and will take a lot of political will.

Todd is hopeful that something will be on the November 2023 ballot. That decision will need to be made before July 1, 2023.

10:55 a.m. UFC Priorities Work Session discussion Vivek Shandas (Chair, UFC)

Vivek facilitated this discussion as a follow-up to the summer meeting where UFC discussed what its priorities should be moving forward. The list developed at that meeting, in no particular order, was:

Increase UFC's engagement with the community;
Identify high-priority changes to Title 11; advocate for that substantive project to begin as soon as possible;
Participate in updating the Urban Forest Management Plan;
Advocate for city maintenance of street trees;
Review and update the structure of UFC

Other items mentioned but not prioritized included:

- a) assessing how effective UFC is in influencing other bureaus plans and policies,
- b) determining how to be proactive in bureau policy matters,
- c) developing a process for proactive involvement in policy,
- d) creating more conversations with City bureaus/advisory groups,
- e) reserving agenda time at UFC meetings for actions and plans rather than just mostly reacting to ongoing work, and
- f) deciding how best to have plans/policies come to UFC in order to allow more time for review and discussion.

Vivek believes that UFC has been active on a number of bureau policies -- weighing in at public hearings, in City Council meetings, at UFC meetings, and with small group meetings with City Commissioner staff.

UF staff is discussing how it hopes to see UFC involved in the Urban Forest Management Plan update.

Vivek suggested we focus our discussion here on increasing UFC's engagement with the community as well as the review and update of the UFC structure.

On community engagement, UFC members stated:

Adrienne - We want input from community members. Maybe we form a sub-committee to look into this.

Melinda - It would be helpful if there was more involvement with landscape architects, especially around street trees issues. Is there a way to more actively involve the professional community?

Megan - UFC needs to keep our equity lens on. A serious challenge is how much capacity we have as a volunteer commission. It is important that we do not commit to things we do not have the time to do. We want to be effective in whatever we do!

Leah - Relationship building is really important for UFC. This can be a real challenge with so many potential barriers. We can at least keep folks updated on what is happening.

Vivek - Maybe it would help to state what UFC is currently doing.

Daniel - If we decide to do something new as a group, we need more capacity than we currently have. It takes a long time to build relationships.

Ivory - Sometimes problematic issues arise with electronic communication.

Vivek - Maybe it would help if UFC knew what sort of public outreach UF staff are currently doing.

Jenn reminded UFC members that it is a UF goal to have a diverse UFC. UF is currently expending a lot of energy to use its existing networks to get diverse candidates for UFC.

Ivory agreed that we need to be careful in how we invest our limited

time as UFC members. We need to leverage our existing networks, maybe use social media.

Vivek – We have a great applicant pool for the current and future UFC openings UFC positions. It seems like a very articulate group.

Daniel stated that people commonly feel lost their first year on UFC. With both Daniel and Vivek terming off at the end of February, much institutional memory will be going. Daniel wondered if he and/or Vivek could meet with newly appointed members to help orient them.

Vivek really likes the co-chair model for UFC.

Brian thought it would be necessary to check with the City attorney's office to see if this would be allowed.

Megan would like to see some discussion on the length of meetings.

Adrienne thought that an ad-hoc committee could discuss this.

Next Urban Forestry Commission Meeting: 9:30 a.m. – 11:30 a.m., November 17, 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>