

TO: Neighborhood Tree Team members and tree advocates
FROM: Bruce Nelson, Cully Tree Team November 26, 2020
RE: Portland Urban Forestry Commission Meeting November 19, 2020:
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.

These meetings 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). <https://www.portlandoregon.gov/parks/60405>

The decisions made at these meetings often affect the volunteer tree advocacy and professional tree work done in Portland. 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 and occasionally to identify who is saying what.

The monthly Urban Forestry Commission (UFC) meeting was held Thursday, November 19, 2020, 9:30 am – 11:15 a.m., as a Zoom meeting due to COVID-19 demands.

UFC Commissioners Present - Daniel Newberry (designated meeting facilitator), Anjeanette Brown, Gregg Everhart, Barbara Hollenbeck, Bruce Nelson, Damon Schrosk, Megan Van de Mark

UFC Commissioners Absent - Lorena Nascimento, Vivek Shandas

Urban Forestry (UF) Staff Present - Jenn Cairo (City Forester, Portland Parks & Recreation, Urban Forestry division) Jenn.Cairo@portlandoregon.gov ; Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division) brian.landoe@portlandoregon.gov

Deputy City Attorney- Tony Garcia (tony.garcia@portlandoregon.gov ?)

Other City Staff - none

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.”

9:30 am **Public Comment** No public testimony was presented.

9:35 am **Minutes Review** **Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division)**

The minutes of the September 17, 2020 and October 15, 2020 meetings were reviewed and accepted with minor changes.

9:40 am **City Forester Report** **Jenn Cairo (City Forester, Portland Parks and Recreation, Urban Forestry division)**

1. The Portland Parks and Recreation (PP&R) levy on the November ballot passed. This is considered an important step in addressing the financial challenges facing PP&R. The funds from the levy will not begin to enter the coffers of the City until fall 2021. PP&R will decide exactly how the funds will be allocated, using the levy measure text for direction. At a future UFC meeting either Jenn Cairo or Adena Long (PP&R Director) will present information regarding use of levy funds for Urban Forestry (UF) work. Jenn is anticipating a 50% increase in the UF budget ultimately. *No specific numbers were used as to what the 50% is from. It could be general budget dollars increase around 50%. It could be total UF budget dollars from all sources increase by 50%.*

The City of Portland approved budget for 2020-2021, available online, lists \$541,518 for UF Science and Outreach, \$2,844,046 for Tree Regulation, and \$8,930,103 for Tree Maintenance. The total for those three items is \$12,315,667.

<https://www.portlandoregon.gov/cbo/article/764229>

My ball park figure would be that Urban Forestry hopes to see an increase in dollars available to it through the passage of the levy of something between \$3,000,000 and \$6,000,000 annually, starting in the fiscal year beginning July 1, 2021. I have not heard any specific number from anyone in UF.

2. It is not known whether the Mayor or a City Commissioner will assume oversight responsibility for Portland Parks and Recreation. Currently City Commissioner Amanda Fritz has that responsibility. Her term ends December 31, 2020. The Mayor has assigned Commissioner Hardesty to the Bureau of Planning and Sustainability (BPS) and Commissioner Ryan to the Bureau of Development Services (BDS). It is assumed that both of these assignments will continue.
3. The December meeting of UFC will not occur this year. Normally that is a breakfast get-together with selected UF staff followed by a shortened business meeting. Chair Vivek Shandas and City Forester Jenn Cairo decided that it would be best to not hold this meeting due to COVID-19 concerns and staffing reductions. UFC has already met the minimum required annual meeting times of 10 per year.
4. Jenn shared that there was a very nice article in the magazine City Trees, published by the Society of Municipal Arborists. The article highlights Portland's Urban Forestry Division as one of the few municipalities to have accreditation from the Society of Municipal Arborists. The article is entitled "Laurels for Portland, Oregon: City Earns SMA Accreditation." Jenn will send a link to all UFC Commissioners. *There is more information available in the November 2020 Tree Bark. If you are not already receiving an electronic copy of this, sign up at the following link:* <https://www.portlandoregon.gov/parks/article/557126>
5. Jenn reported her follow-up to public testimony at the October UFC meeting, during which a member of the public expressed concern about his development project at 65th and SE Foster (old Phoenix Pharmacy). Jenn spent time after the October UFC meeting explaining to the citizen the processes Urban Forestry uses and clarifying a misunderstanding regarding what trees could be planted.

6. Information that is in UF's Tree Bark will typically not be repeated as part of the City Forester's Report. If there are specific items that Commissioners would like to hear about, please send those requests to Jenn.
7. Jenn reported that there is nothing new to report on the PP&R/Bureau of Environmental Services Tree Planting Stakeholders.

Gregg wondered if, with required staff furloughs in place, there is still staff time available to work on Heritage Tree questions and search. Jenn recommended directly contacting Gina Dake, the staff liaison for the Heritage Tree program, for clarification as to her availability. However, much of Gina's time has had to be reallocated for work on transferring UF information from the old city website to the new one, which is taking most of her time and energy.

Daniel wondered if there was any update on the search for new UFC Commissioners. *The Commission currently has 9 members. Two members have left since March and have yet to be replaced.* Brian Landoe shared that there are more than 10 applications for the UFC vacancies. Brian, Vivek and Jenn are in the process of reviewing them to reduce the pool to those that will be interviewed. The timeline is challenging, as technically the City Commissioner overseeing PP&R is involved in this process. This late in Amanda Fritz's term, it seems inappropriate to have her make recommendations to the Mayor for him to bring to City Council. Most likely there will not be any new UFC Commissioners until after the Mayor has assigned oversight of PP&R to another City Commissioner or to himself.

The two new UFC Commissioners, once appointed, will serve full 4-year terms, regardless of when they begin. Brian shared that this is the customary procedure now. Daniel noted, however, that he came in to fill a previous Commissioner's term. He wondered if he is allowed to be on UFC for up to 8 years or if it is just for the full 4 years of his second term and the 2 years of the term he finished for a previous Commissioner. Brian said he would talk with Deputy City Attorney Tony Garcia and get back to Daniel.

10:00 am Title 11 Amendment Update Brian Landoe (Analyst 1, PP&R, UF division)

On November 12, 2020 the Portland City Council approved tree code amendments brought to it by the BDS with assistance from UF. The amendments approved are:
1) remove exemptions to tree preservation and tree planting requirement specified

in Title 11, Tree Code for properties zoned Central Commercial (CX), Central Employment (EX), General Industrial 1 (IG1) and Heavy Industrial (IH) when City-owned or -managed; 2) require preservation of trees 20” or larger diameter at breast height (dbh) when development occurs on private property or pay a fee in-lieu-of preservation based on the diameter of the tree. Any funds collected from in-lieu-of preservation development activities go into the Tree Planting and Preservation Fund of Urban Forestry. These particular amendments came about through work originally brought to the City Council in December 2019.

A great deal of work by UF staff (Brian Landoe and Nik Desai), Portland Water Bureau, Bureau of Environmental Services; and Todd Lofgren from PP&R facilitated removal of the exemption from tree preservation and tree planting requirements for City-owned or -managed IH zoned land. A decisive factor was the decision that City-owned or -managed land is not subject to the land use guidelines, including Goal #9 Economic Opportunities Analysis, so the removal of this 157 acres from the Heavy Industrial land total within Portland would not be subject to legal challenge. It also was viewed as a way for the City of Portland to show leadership by example as it navigates the climate crisis.

City Council also approved the request by BDS and UF to bring to City Council no later than March 31, 2021 a proposal for processes to be used, work to be done, resources needed and costs to review and modify the existing Tree Code that take into account changes that have occurred since the original adoption (2011) and implementation (2015) of Title 11, Tree Code.

10:15 am UFC Bylaws Review Brian Landoe (Analyst 1, PP&R, UF)

Brian led this discussion, which continued the first reading of the proposed bylaws that were brought to UFC in April 2020. Most of the discussion centered around 2 areas: 1) how decisions are made by committees and sub-committees within the UFC, and 2) how decisions are made and implemented about composition of members on committees and sub-committees of UFC.

The proposed bylaws specify that only UFC Commissioners can vote on committee and sub-committee decisions. Jenn pointed out that currently there are no procedures spelled out for membership of either the Policy Committee or the Heritage Tree Committee. *The proposed Bylaws use the word sub-committees even though this word is not commonly used at UFC for either the Policy Committee or the Heritage Tree Committee.* There is no specified recruitment procedure spelled

out nor does there seem to be representation on these committees from a wide array of different communities within Portland that are affected by decisions that may begin within these committees. Tony Garcia shared that the committees are often the gatekeepers for types of decisions later made by UFC. Additionally, members of the committees have not always received training from City staff on topics of critical concern regarding City personnel.

Gregg expressed concerns relative to the Heritage Tree Committee. She did not like the idea of allowing only UFC members who are on the Heritage Tree Committee to vote on trees to recommend to UFC. She viewed it as very important that the various experts on the Heritage Tree Committee be allowed to vote. Additionally, she shared that Gina Dake, working with the Heritage Tree Committee, had done a lot of outreach to diversity the composition of the Heritage Tree Committee. The results led to greater geographic diversity only *but did not lead to greater economic, ethnic, racial, age, or gender-identified diversity*.

There was general agreement within UFC that aside from the above specific issues, the text of the proposed bylaws seems acceptable. No vote was taken.

10:50 am Title 21 Portland Water Bureau Amendment Update Bruce Nelson (UFC Commissioner)

Bruce reviewed recent activities pertaining to the Portland Water Bureau's proposed amendments to Title 21 that affect street trees.

1. On October 15, 2020 this item was discussed at the UFC meeting.
2. On October 27, 2020 a Portland City Council work session heard testimony of the draft amendments and discussed at length the proposal for required separate water meters for new developments with 10 or fewer units (commercial or residential or mixed).
3. On November 19 Commissioner Amanda Fritz withdrew the requirement from the amendments and made it optional. In the language City Commissioner Fritz suggested bringing to the City Council on December 2, 2020, there is no language addressing UFC's previously stated concern about the loss of space for trees in the right-of-way due to required water meter placement within that right-of-way space.

Bruce presented a draft letter for UFC to discuss and send to Commissioner Fritz and the Portland Water Bureau to request modifications of the amendments to address UFC's street tree concern. UFC Commissioners supported this effort and voted to have the Policy Committee review the letter at their meeting Monday, November 23, make any minor changes necessary, and then have Vivek Shandas send the letter to Commissioner Fritz and the Portland Water Bureau, hopefully on Tuesday, November 24, 2020.

Next Urban Forestry Commission Meeting: There will be no December meeting. The next Urban Forestry Commission meeting will be 9:30 a.m. – noon, Thursday, January 21, as a Zoom meeting. Check the link below in early January for the meeting agenda, meeting materials, how you can gain access to this Zoom meeting, <https://www.portlandoregon.gov/parks/60405>