

TO: Neighborhood Tree Team members and tree advocates
FROM: Bruce Nelson, Cully Tree Team 12.22.19
RE: Portland Urban Forestry Commission Meeting 12.19.19:
Summary and Comments

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 December 19, 2019 in the Lovejoy Room in City Hall, 10:55 am – noon.

Urban Forestry Commissioners Present - Daniel Newberry (acting chair), Anjeanette Brown, Gregg Everhart, Barbara Hollenbeck, Lorena Nascimento, Bruce Nelson, Damon Schrosk , Megan Van De Mark

Urban Forestry Commissioners Absent - Brian French, Vivek Shandas (Chair), Thuy Tu

Urban Forestry Staff Present - Jenn Cairo (City of Portland Forester), Brian Landoe (Budget and Programs Analyst),

Deputy City Attorney- Tony Garcia

Visitor Presenters for Meeting – None

Public Comments

None were made.

Minutes Review and Approval: Minutes from the September 19, 2019 and November 21, 2019 were amended and approved as amended. October 2019 minutes were reviewed, amended and approved at the November UFC meeting.

2018 Calendar Year Annual Report for UFC **Brian Landoe**

Commissioners were asked for feedback on the draft 2018 UFC Annual Report prepared by Brian Landoe. Normally this report would have been completed in early 2019 and then reviewed and approved. That did not happen so other arrangements were necessary. Brian followed the format used for the Annual Parks Report which strives to be easily understandable, and only 2 pages long.

Some discussion and comments on the draft 2018 UFC Annual Report followed: the proposed draft was quite different in layout and content and presented very little information that wasn't already in the 2017 report. Commissioners voted 6 to 2 to accept the report, with minor revisions that Brian would make. Bruce agreed to solicit information from UFC Commissioners to include in the 2019 Annual Report and report progress on this at the next UFC meeting.

Fiscal Year 2021 (July 1, 2020 – June 30, 2021) Budget Priorities for Urban Forestry **Brian Landoe**

Brian reminded the Commissioners of the sources of funding for : ~50% comes from General Budget dollars, ~15% from interagency transfer fees (PBOT, Water Bureau, BES), ~22% from development fees and the remainder from two different funds that support Urban Forestry work (Urban Forestry Fund and Tree Planting and Preservation Fund) . In FY 2020 Urban Forestry has 44 permanent positions within 3 different sectors:

1. Permitting,
2. Operations
3. Education and outreach

The budget priorities for FY 2021 are to 1) address the inadequate number of supervisory staff within Operations, 2) address staffing resources required for Title 11 Tree Code implementation, and 3) address Title 11 policy changes that are needed along with the need for updating the Forest Management Plan. Jenn will come back to UFC with more specifics on this in the upcoming months.

Comments and questions from Commissioners included:

- a) Do what is viable. Yes, more staffing is needed for Title 11. There is a need for better communication to the public.
- b) There should be something in the 2019 UFC Annual Report that talks about future opportunities that UFC would like to address.
- c) There needs to be an updated Forest Management Plan. Make it a priority.
- d) More context is necessary for why specific budget decisions are made.
- e) It is hard for UFC commissioners to give advice if it is unclear where UFC wants to head. Is there a multi-year plan?
- f) Social marketing about urban forestry is essential and not done currently.
- g) We need a list of what UFC needs are clearly not being currently funded.

City Forester Report Jenn Cairo

1. The City Council Work Session on November 26th focused on hearing from Portland Parks and Recreation (PP&R) personnel about Sustainable Futures for funding of PP&R. The message from the Mayor, coming towards the end of this session was to “Go big, go bold.” Parks will explore in more depth funding options that could be implemented in the future (3 – 5 years out) that would provide additional budget dollars for PP&R to help it address needs that are currently unmet by general budget dollars. None of the Commissioners present at the session nor the Mayor accepted the status quo situation pertaining to funding of PP&R. The status quo will lead to a steady closing of facilities and continued backlog on maintenance of assets.
2. Portland Bureau of Transportation’s (PBOT) Streets 2035 Technical Advisory Group is moving along. To date they have met several times. Jenn is part of this group, representing Urban Forestry. At this point the work group is working to clarify the priorities for use in the right-of-way space. Jenn is confident that trees are showing up in these discussions as an important component. This is at least a 3-year planning project that is led by Matt Berkow at PBOT. The hope is that he will be making a progress report to the Urban Forestry Commission within the next few months.

<https://www.portlandoregon.gov/transportation/79886>

Urban Forestry Policy Committee Daniel Newberry

On December 12, 2019 the City Council approved an extension of the sunset date to December 2021 for the current mitigation fee for tree removal in lieu of preservation for trees 36” or larger dbh in development situations. The Mayor said he would bring a resolution to Council on January 8th, 2020 at 3:45 pm that will:

- 1) call for the Bureau of Development Services (BDS) to begin preliminary work exploring the feasibility of removing the current exemption from tree removal fees for certain zones and setting a time frame for that,
- 2) ask for BDS to do research on the feasibility of reducing the threshold dbh tree size from 36” to 20” for which the higher mitigation fees for removal in lieu of preservation will be assessed.

Comments received by BDS on the Mayor’s resolution must be received no later than 5 pm December 27th and will be forwarded to the Mayor’s office. UFC voted to delegate UFC Policy Committee members Daniel Newberry and Bruce Nelson to submit to the City Commissioners and the Mayor UFC’s position on the Mayor’s draft resolution through repeating earlier decisions made after discussions at UFC Policy Committee meeting and UFC meetings and in previously written statements by Chair Vivek Shandas to the City Council and BDS.

There was confusion as to whether or not public testimony would be accepted at the December 12th City Council meeting on the large tree proposal before City Council. Prior to the meeting information available online did not indicate that there would be public testimony. Those who arrived prior to the agenda item also saw no sign-up sheet. Yet some people did testify but it really isn't clear to me how they found a sheet to sign up on. All of those testifying supported extending the sunset date, as proposed. I suspect that a decision had been made prior to the meeting to only vote on extending the sunset date. Two other recommendations brought forth by either the Planning and Sustainability Commission or the Urban Forestry Commission were viewed as having inadequate staff time to review and inadequate public notification. At the meeting I had difficulty following the resolution that the Mayor proposed to bring to the January 8, 2020 meeting. A staff member of the Mayor present at the Council meeting had copies and willingly handed them to citizens who requested them. The Mayor's resolution is available at: <https://www.portlandoregon.gov/bds/article/749166>

In the Mayor's resolution there are specific timelines listed –

- a. prior to July 8, 2020 BDS shall return to Council with the first **proposal** addressing the exemptions from regulations for certain zones;*
- b. prior to December 31, 2022 BDS shall return to Council with the second **proposal** addressing the regulations for tree preservation adopted by Ordinance 187675 including evaluating reduction of critical tree size threshold from 36" to 20" and the application of those regulations to city and street trees.*

There are several different issues involved in this resolution:

- 1. There is concern from the City Attorney's Office that inadequate processes have been used in bringing to Council the recommendations*
 - a. to remove the exemption from regulations of certain zones (Planning and Sustainability Commission's recommendation that was supported by the Urban Forestry Commission) and*
 - b. to lower the threshold dbh from 36" to 20" where the higher mitigation fee for removal in lieu of preservation (Urban Forestry Commission) is mandated.*

City Council wants to pass measures that will stand up to court challenges.

- 2. What does the word **PROPOSAL** mean in the resolution? Is that the date by which BDS begins work on gathering data pertinent to the amendments sought by the Planning and Sustainability Commission and the Urban Forestry Commission? Or does this mean that BDS will have completed gathering data pertinent to the specific amendments it will ask City Council to consider? Could this proposal include a request for 2 years or longer to*

*study, followed by a series of public hearings? Or does the Mayor's resolution mean that BDS **completes** all the stakeholder engagement, analysis and notification of additional recommendations by no later than July 8, 2020 for the zone amendment and December 31, 2022 for the dbh amendment? Potentially this could drag on for years between **proposals** and **completions**.*

- 3. Another issue addressed is making trees on city-owned property (parks, street trees, property where City buildings are located) subject to Title 11 tree code specifications for development sites. Currently they are exempted.*
- 4. Certainly funding for these reviews by BDS and Urban Forestry is essential. If no money is allocated these reviews will not happen. It is great that the Mayor's resolution calls for Urban Forestry and BDS to present budgets to Council for their review (likely in April or May 2020). This is yet another potential point to stop or slow down this effort as Portland Parks and Recreation is not in a good financial situation at all.*

The timeframe seems extremely long for the 36" down to 20" provision, which affects many mature trees in this size range (20" to less than 36" dbh). Both preserving these trees and using funds generated through higher mitigation fees in lieu of preservation will help Urban Forestry's efforts to enhance vital tree canopy.

My hope is that greater clarity will be presented in whatever resolution the Mayor presents at Council January 8, 2020. Shorter timeframes than are currently listed in the Mayor's draft resolution could help more trees in the shorter term.

Next Urban Forestry Commission Meeting

The next Urban Forestry Commission meeting will be Thursday, January 16: 9:30 – 12 noon in the Lovejoy Room at City Hall.

The agenda is unavailable at this time. Check the link below in January for meeting agenda and materials: <https://www.portlandoregon.gov/parks/80167>