

TO: Neighborhood Tree Team members and Portland tree advocates
FROM: Bruce Nelson, Cully Tree Team 27 February 2023
RE: Portland Urban Forestry Commission Meeting, February 16, 2023:
Summary and Comments

NOTE: This document is not an official document of the Urban Forestry Commission. I am a private citizen who is an unpaid 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 summary & 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, and occasionally either to identify who is saying what or for emphasis.

The monthly UFC meeting was held February 16, 2023, 9:30 – 11:35 a.m., in-person the Portland Building, 1120 SW 5th Avenue, Room 216, with the option to join online via Zoom. *I could hear people better using the recording of the meeting than what I was able to hear during the meeting in person.*

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

UFC Commissioners Absent - Anjeanette Brown, 1 vacancy

PP&R UF Staff Present – Jenn Cairo, City Forester (PP&R UF); Belinda Judelman, Policy Analyst (PP&R UF); Brian Landoe, Analyst III, (PP&R UF); Ashley Reese, Administrative Assistant (PP&R UF)

Other City Staff – Gena Gestaldi, Interim Pedestrian Coordinator, Portland Bureau of Transportation (PBOT)

9:30 a.m. Vivek reminded UFC members that this is the last meeting for Daniel Newberry and himself, as their terms are expiring. Vivek has served for 8 years and Daniel for 6 years. *It was an unwritten opinion of the City Attorney’s Office that since Daniel completed the second half of a term for previous UFC member, Mark Bello, Daniel would not be allowed to serve the full four-year term. In a later decision of either UF or the City Attorney’s Office or both, again with nothing in writing to date, the decision was made that all City Council-approved UFC members will be allowed to serve complete 4-year terms, regardless of whether they are replacing a UFC member who left after a 4-year term or one who left prior to the completion of a 4-year term. The downside of this change is that it may happen that many more members end up leaving UFC at the same time than when terms were carefully staggered.*

UFC loses two experienced members whose voices will be missed. At the March 2023 UFC meeting, four new individuals will attend their first meeting as members. It can take some time for new appointees to feel comfortable with UFC procedures and challenges. New members bring different life experiences and perspective, which can be a good thing. It is also true that the practice of using term limits for elected officials and volunteer advisory bodies tends to provide a stronger position of power for City staff. Initial appointments for UFC members will be four years going forward. If all members serving on UFC as of March 2023

complete their full terms, there would be no UFC term expirations until May 1, 2025.

9:34 Review of UFC Minutes from December 15, 2022, and January 19, 2023

Roberta suggested several edits, which were accepted. The minutes were then approved. The 19 January 2023 minutes were approved as submitted.

9:40 UFC Bylaws Update Proposal Brian Landoe, Analyst III, (PP&R UF)

At the June 6, 2022, non-decisionmaking meeting held for UFC members, there was discussion about the idea of having co-chairs lead UFC. The co-chairs would assume the responsibilities listed in the UFC bylaws. Having co-chairs is left to UFC discretion. Vivek thought it would greatly help for UFC operations. It's challenging to for one chair alone to conduct a time-limited meeting, be mindful of allowing UFC members to contribute, and keep track of the substantive points in discussions and presentations. A motion was made to adopt the co-chair model into the UFC bylaws. This motion was approved.

Title 11 (11.20.020) states "The Urban Forestry Commission will elect its own chair and adopt such rules of procedure as it deems necessary to the conduct of its duties." I did not see anything else in Title 11 pertinent to this item. In the bylaws for UFC, in Section VII it states "The presiding officers of the UFC may consist of positions in sequential presiding order:

- x Chairperson (Chair)*
- x Vice-chairperson (Vice-Chair)"*

9:50 City Forester's Report Jenn Cairo, City Forester (PP&R UF)

1. Some recent UF events:

- a) To celebrate February as Black History month, the UF stewardship team of Daniel Moya and Marissa Richerson helped bring together an event at the June Key Delta Community Center on 11 February 2023. Dave Hedberg presented information about a 1960s Portland Black community-led tree planting program in northeast Portland. Under BES contract Dave wrote the 2020 report "Environmental History of Albina Neighborhood Improvement Committee's Tree Program."

<https://static1.squarespace.com/static/5a403646f9a61e1bb326be98/t/5ef3867537c56873d6e43958/1593017982745/2020.01.3-OHC-Env.Hist.AlbinaTrees.pdf>

- b) Ongoing Diversity, Inclusion and Equity training is available for UFC members and PP&R staff. UFC members should contact Brian Landoe for further information.
- c) UF's Learning Landscapes (mostly tree planting at schools) is now in its 21st season. The current lead at UF for this program is Molly Wilson. March plantings are scheduled for Vernon and Woodlawn Schools.
<https://www.portland.gov/trees/get-involved/learning-landscapes>

2. Proactive park tree maintenance is one of the targeted areas of focus for funds coming to UF from the November 2020 Parks levy. Recently, as part of this program, 70 trees were pruned in North Park blocks (downtown), John Luby Park (NE 128th and NE Brazee), George Himes Park (6415 SW Terwilliger Boulevard), and *Glenwood Park?* (SE 87th and Claybourne). This program is still being developed and new staff are being hired to assist in the work.

3. An amendment to Title 11 that was passed in 2020 is scheduled to sunset on 31 December 2024. This amendment required that the mitigation fee in development situations for removing a tree 20” or larger in dbh be a specified dollar amount per diameter inch. Previously this only applied to trees 36” or larger dbh. The hope was that this would reduce the removal of trees that might one day become large trees. This amendment will not necessarily be made permanent unless there is an expressed interest in it. *For background, I looked at previous annual reports for the Urban Forestry Commission pertaining to this. Some of that text includes:*

“A February (2019) identified priority) for UFC was to make recommendations to City Council regarding the portion of Title 11 Tree Code scheduled to sunset on December 31, 2019. The portion specified the higher mitigation fee in-lieu-of -preservation for trees 36” or larger in development situations.” ... This matter was not resolved by City Council in 2019 due to the high level of public interest and the need for more time to work out an acceptable solution.” 2020 UFC Annual Report

“In response to ... work by ... UFC, Urban Forestry staff, staff of the Bureau of Development Services, and many mobilized citizens who testified, the Portland City Council approved amendments to the tree code, Title 11 in early 2020. These amendments 1) remove exemptions to tree preservation and tree planting requirements specified in Title 11 for properties zoned Central Commercial (CX), Central Employment (EX), General Industrial (IGI), and city-owned or city-managed properties zoned IH; and 2) require preservation of

trees 20” or larger ... (dbh) when development occurs on private property or pay a fee in-lieu-of-preservation based on the diameter of the tree.”

4. The Permitting Improvement Task Team (PITT), co-chaired by City Commissioners Dan Ryan and Mingus Mapps, is focusing on how to expedite the City permitting process for new development projects on private property for middle housing and multi-unit housing. “Middle housing” is housing of a size between single family homes and large multi-family buildings (more thoroughly defined in the link below).

https://www.portland.gov/sites/default/files/2019-07/code-dev_mid-housing_web.pdf

A survey has been sent to housing developers by Commissioner Rubio’s office asking for a prioritization of which features could best be not reviewed as part of the permitting process. The executive director of PITT is Kurt Krueger, a former manager at Portland Bureau of Transportation (PBOT). More information is available at

<https://www.portland.gov/permitimprovement/task-force#toc-members>

Urban Forestry does play a role in this. *It should be noted the limitations on where this does not apply. It does not apply to non-development situations of permitting that Urban Forestry works on. The current 10-week wait time between application for a street tree planting permit and when it might be issued is not a consideration of PITT. I have no current information as to whether the 10-week lag time has been the norm for years or is a recent development. PITT only focuses on development situations for middle housing and multi-unit housing as part of the City’s efforts to speed up the process for supplying more of this type of housing.*

5. The Portland Clean Energy Fund (PCEF) will soon release its draft document for the Portland Equitable Tree Canopy program (*released less than a week after the UFC meeting*)

<https://www.portland.gov/bps/cleanenergy/climate-investment/documents/equitable-tree-canopy-strategic-program-draft/download>

On behalf of UFC, Roberta Jortner observed a small PCEF roundtable discussion prior to the release of the draft document. PCEF is very focused on workforce development. It’s not clear if street tree maintenance is a priority.

Comments on the draft document will be accepted until March 2 and should be sent to: CleanEnergyFund@portlandoregon.gov

A listening session is scheduled to occur from 5 – 6 pm on Wednesday March 1st. Information about that is available at: <https://www.portland.gov/bps/cleanenergy/climate-investment/events/2023/3/1/rescheduled-pcef-climate-investment-plan-virtual>

The PCEF Equitable Tree Canopy Program represents the largest ever amount of public or private dollars invested annually in tree planting. This represents a tremendous opportunity for Portland’s urban forest in low-canopy areas while enabling workforce development in these same areas. It also could help build trust between community organizations and relevant Portland bureaus. These aspirations can only be attained with lots of hard work and honest discussions by many public and private entities.

6. PP&R UF has put in a request to the Oregon State Department of Forestry for Inflation Reduction Act (IRA) dollars for various PP&R UF projects, including a pilot 10-year street tree program that includes maintenance. The federal IRA funds go to the US Forest Service, which then allocates them to the different state departments of forestry, which decide how the money will be dispersed, using guidelines from the US Forest Service. *No more details of the PP&R UF proposal are available at this time.*
7. Jenn expressed a big thank you, on behalf of herself and many UF staff, to Daniel Newberry and Vivek Shandas for their dedicated years of service to UFC and trees in Portland.

UFC Member Questions and Comments

Daniel: Even though there is currently a City program to plant trees in the right-of-way space (the opt out program), residents have reservations about the cost and labor needs for upkeep of these trees. Code changes are need to address this challenge. Jenn responded that part of UF’s request for IRA funds addresses this. Daniel would like to see PCEF money used for street tree planting and maintenance.

10:10 Public Testimony

Victoria Burton owns the property at 4124 N Mississippi, which has Heritage Tree #26, an English elm (*Ulmus minor variety vulgaris*, that joined the Portland Heritage Tree in 1994. According to Portland maps the property was purchased by Victoria Burton in 2002.) This is a large front yard elm. The intention of the property owner is to be able to hand this property down to heirs in the future. Currently it is used as a rental income property. The tree is suffering from damage caused by the elm leaf beetle. The tree is alleged to be causing structural damage to the building. Numerous calls have been made to Urban Forestry, which have always led to a call back to her by very nice people, but a different person each time. She felt like she did not always get the same answer. The beetles are infesting the house. Cost estimates to treat the tree for control of the beetle range widely. Her costs are rising due to this tree. "I am bleeding and need help!" The chemicals that pest control operators plan to use are not on the approved list of insecticides for use on Portland trees (*list generated by PP&R as part of their IPM program*). Urban Forestry staff have confirmed the tree does not have Dutch elm disease. *It wasn't stated who determined the tree had elm leaf beetles. According to online resources, this beetle can be a nuisance as it may overwinter inside structures.* She has a tree inspection scheduled on February 17 by UF's Jesse Niles to look at the tree and gather information pertinent to her request to remove it. Jenn stated that Jesse will do his inspection and will also receive information from Jenn regarding the public testimony presented today. Brian reminded everyone that the process for delisting a Heritage Tree is for UFC to make a recommendation to City Council. The process to remove a Heritage Tree is to first hold a public hearing on the request for tree removal. After consideration of the public testimony, UFC has the authority to authorize the tree removal if at least 6 UFC members vote to remove it. Victoria Burton hopes this issue can be addressed at the March UFC meeting.

10:35 City Commissioner Dan Ryan Meeting with UFC

City Commissioner Dan Ryan, now overseeing PP&R, met with UFC to introduce himself and learn about UFC members. He requested that members introduce themselves and briefly explain what motivated them to serve on UFC. Vivek (member of the Geography Department at PSU) wanted to apply the research that he does. Leah stated that partially due to the research done by Vivek and his lab, she was inspired to serve on UFC. Daniel sees his time at UFC as a means to help shape policies that can prevent damage from being done.

He is especially concerned with climate and equity issues as they pertain to street tree issues. Roberta has many years of experience as an environmental planner, most of those with the City of Portland. She sees trees as critical infrastructure needing the same care and investment as other infrastructure. Megan is especially concerned about equitable street tree maintenance. Melinda, as a landscape architect, has a special interest in how the public can use public spaces and wants to address Portland's current inequity of tree canopy. Adrienne, as a physician, has a passion for promoting healthy behaviors. It is important to her to protect our existing tree assets through adequate maintenance. Ivory would like to contribute to her community's environmental stewardship. She especially wants to see workforce development. Bruce wishes to focus his time and energy addressing issues related to trees in Portland.

City Commissioner Dan Ryan shared that he grew up in North Portland. Trees have always been an important part of his life. He was involved with 4-H as a boy. When living in New York City he chose to live close to the trees at Morningside Park. He thanked the UFC members for their willingness to serve. He heard the message about trees as important infrastructure. However, he believes that most Portlanders do not see trees that way. Trees present challenges for many Portlanders that need to be heard. As an elected official he hears every day from residents about many different issues and concerns. It is important not to demonize fellow members of our city, especially those who may have divergent views from our own. As an elected official he hopes to bridge the gap between residents with different perspectives to help bring about acceptable resolution on issues. He wants us to make decisions today that will be viewed as sound decisions ten years from now. The staff members in his office who will serve PP&R are primarily Karen Guillen-Chapman and Kelly Micha.

11:00 Trees in the Curb Zone Pilot Project, Gena Gestaldi, Interim Pedestrian Coordinator, (PBOT);jj Belinda Judelman, Policy Analyst (PP&R UF)

Gena presented information on the pilot project being done by PBOT in cooperation with UF and other city entities. This project is funded from a \$500,000 Bureau of Environmental Services "0% for Green" grant and 10% match (\$50,000) from PP&R. The project is working to safely put trees in spaces on the street previously allocated for parking (referred to as "curb zone"). Ped PDX has policies that allow this sort of action and jPBOT's newly adopted Pedestrian Design Guide specifically addresses this option. PBOT developed criteria for locating an appropriate place for this pilot:

1. Needs to have existing on-street parking that is underutilized;

2. Needs to have either curb-tight sidewalks or very narrow furnishing zones (less than 3');
3. Needs to have underground utilities far enough away from where tree planting might be tried;
4. Can't restrict movement of emergency vehicles;
5. Can't be in a location that already is on the curb extension exemption list for some planned future development;
6. Satisfies UF requirements for planting in the right-of-way space (11.50.060).

Additionally PBOT looked at Portland Heat Island Maps, current traffic volume, and for areas of low canopy cover to determine potential street sites.

After all of this data was reviewed, the selected location is in the Brentwood-Darlington neighborhood on SE Duke Street from 72nd to 92nd Avenue. This location was also chosen because it ties in with a Portland Bureau of Planning and Sustainability project, Lower SE Rising Area Plan.

<https://www.portland.gov/bps/planning/lower-se-rising/about-lower-se-rising>

The project will use the north side of Duke Street, which has 44 potential tree planting sites. Neighbors on the south side of the street will be offered free yard trees. On Duke Street the water line is located on the south side of the street while the high voltage electricity line could be found on either side of the street, depending on where you are on Duke.

Other cities that were looked at which have some planting in the curb zone but not city-wide included Seattle; Oakland; Reno; Las Vegas; New York City; Frenchtown, New Jersey; and Wilsonville, Oregon. Two existing examples in Portland are 1) at 46th and SE Hawthorn and 2) on some streets around the perimeter of Directors Park.

This project does specify that trees planted in the curb zone will be the responsibility of the City to maintain in perpetuity (MOU to be used). Trees that are planted in the curb zone (parking area) on the north side of the street will either be a solitary tree at the site or multiple trees at the site (either 2 or 3 in a group planting). Brandon Namm is the UF staff member researching best trees for these chosen sites.

The hoped-for outcome is to develop a design standard for this type of work that can be applied to many different spaces within the Portland street system. Gena thought that the Neighborhood Greenways might be an excellent area to expand to

if the project gives good results. Belinda reminded UFC members that there are many constraints within the right-of-way space that prevent tree planting. The pilot project is designed to determine if there are realistic means to comply with those constraints and also get more healthy trees growing in public space.

The timeline on this pilot project is:

- | | | |
|---------------------------|---|----------------------------|
| a. January – August 2023 | Technical Design Refinement
Neighborhood Outreach | PBOT & UF
PBOT, UF, BES |
| b. August – November 2023 | Construction of Tree Wells
Continued Neighborhood Outreach | PBOT
PBOT, UF, BES |
| c. Nov 2023 – March 2024 | Tree Planting | PBOT, UF |
| d. March – July 2024 | Project Completion, Report
Write up | PBOT |

Further information and updates on this project can be found at:

<https://www.portland.gov/transportation/planning/trees-curb-zone>

The lead contact person for this at PBOT is Gena.Gastaldi@portlandoregon.gov

The lead contact person for Urban Forestry is

Belinda.judelman@portlandoregon.gov

Comments and Questions from UFC Members

Leah sees this pilot as an excellent example of bureaus working together to satisfy the needs of both. The result is an “and” project rather than a limiting “either/or” project and demonstrates a lot of cooperation. Daniel also appreciates the cooperation and hopes this is a decision allowed by the City Attorney. He is referring to the fact that these trees will be maintained by the City, not the property owner who has frontage nearest these trees. He hopes this can be applied to larger geographic areas in the future and acknowledges this will require code changes.

11:25 Selection of New UF Chair(s)

Both Roberta Jortner and Adrienne Feldstein have expressed an interest in chairing under the co-chair model. A motion was made and passed for them to serve as UFC co-chairs starting after the conclusion of this meeting. *Title 11 does not spell out the length of time that the chair serves, nor do the UFC bylaws*

Next Meeting: 9:30 a.m. – 11:30 a.m., March 16, 2023. It is not yet known if this will be in-person meeting, Zoom-only, or a combination. Check the link below prior to the meeting for the agenda, meeting materials, and how you can gain Zoom access. If the meeting is held in a physical location the public is welcome to attend in person.

<https://www.portland.gov/trees/ufc/events/2023/2/16/urban-forestry-commission-meeting>