

TO: Neighborhood Tree Team members and Portland tree advocates
FROM: Bruce Nelson, Cully Tree Team 5 March 2024
RE: Portland Urban Forestry Commission Meeting February 15, 2024:
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 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

You Tube site for this particular meeting
<https://www.youtube.com/watch?v=OYeMXrm0PJA&list=PL1ToXf0RSV44U3FpC0nwIUqtFOMFuIxMY&index=1>

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 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 Thursday, February 15, 2024, 9:30 a.m. - 11:30 a.m. as a zoom meeting only, due to water issues in the Portland Municipal Services Building (Portland Building).

UFC Members Present Adrienne Feldstein, co-chair; Roberta Jortner, co-chair; Derily Bechthold, Casey Clapp, Ivory Iheanacho, Melinda McMillan, Justin Misner, Bruce Nelson, Leah Plack, and Megan Van de Mark *It is very hard to see the presence of some UFC members on the zoom screen. I didn't know that UFC member Bechthold was at the meeting until hearing her voice very late in the meeting.*

UFC Commissioners Absent J.R. Lilly

PP&R UF Staff Present Angie DiSalvo, Acting City Forester (PP&R UF); Brian Landoe, Analyst III (PP&R UF); Casey Jogerst, Permitting and Regulations Manager (PP&R UF)

Other City Staff Tim Collier, Community Relations Manager (PP&R); Laura Lehman, Senior Environmental Planner (PP&R); Adena Long, Director (PP&R); Chenoa Philabaum, Community Partnerships Division Manager (Bureau of Environmental Services); Terri Theisen, Permit Improvement Strategy Manager, Bureau of Development Services (BDS); David Krueger, Transportation Development Services Manager, Portland Bureau of Transportation (PBOT); David Kuhnhauser, Interim Director (BDS)

9:30 a.m. Public Comments Niana Bray, board member of the Eastmoreland Neighborhood Association, requested information about street tree maintenance. She would it to be funded citywide through City operations. She does not believe it is a good idea to be solely reliant on Portland Clean Energy Benefits Funds to accomplish this long awaited and much needed change in practices in Portland. UFC member Van de Mark thanked Ms. Bray for her testimony. UFC has long advocated for City takeover of street tree maintenance. We continue to work to find a sustainable funding source for this change. UFC member Jortner requested that UFC get Ms. Bray's testimony in writing (task for Brian Landoe) so it can be entered into the record. (It was not recorded electronically, as that particular button had not yet been pushed.)

9:40 a.m. UFC Meeting Minutes Review and Approval Brian Landoe, Analyst III (PP&R UF)

Minutes from the 1.18.24 UFC meeting were reviewed. UFC member Nelson requested that the minutes include information about where the UF Tree Summit was being held on March 2. He assumed City Forester Cairo included that information in her Forester's report. That comment was noted and the minutes were then approved.

9:45 a.m. City Forester's Report Brian Landoe, Analyst III (PP&R UF)

Brian Landoe presented the City Forester's report. City Forester Cairo is out on personal leave, so Angie DiSalvo is serving as Acting City Forester.

The storm event in January (ice accumulation on branches, wet ground from heavy rainfall, strong east winds in specific locations) caused a high level of trauma for some Portland residents. This trauma, from branch or tree failures, was sometimes passed on to Urban Forestry staff through angry conversations from residents directed at UF staff. The large number of tree emergencies (triple the normal number for this time of year, at a little under 1,000 calls) and the urgency of action on the part of UF staff, along with angry calls, made for a very difficult work environment. Healing will take time and expressions of appreciation are helpful.

One of the actions taken by UF in response to this storm event is the waiving of fees for tree removal/replanting permits between mid- January and early March.

<https://www.portland.gov/trees/treepermits/news/2024/1/24/update-fee-waiver-deadline-extended-retroactive-permitting-storm>

UF has implemented an expedited process for obtaining these permits. Refunds are being given to individuals who paid for removal/replant permits in mid-January and early February. To date this has amounted to around \$10,000. Additional staff are working to expedite the permit process at both the Portland Municipal Service Building (1120 SW 4th Avenue) and at the Portland Development Services Center at 1900 SW 4th Avenue. Additionally, for some street trees that failed and that UF already has pertinent information about, there is no need for the adjacent property owner to apply for the removal/replant permit (to date, 36 instances of this).

On February 10, 2024, PP&R UF partnered with the Oregon Commission on Asian and Pacific Island Affairs for the Lunar New Year festivities that included tree planting at Gates Park (136th and SE Holgate).

<https://www.portland.gov/trees/get-involved/events/2024/2/10/lunar-new-year-tree-planting-gates-park>

On February 29, 2024, the second meeting of the Technical Advisory Committee for the Urban Forest Management Plan Update will be held. To date, over 80 city staff have been consulted for their feedback/suggestions. The second meeting of the Community Advisory Committee will occur in March and will focus on the process it will be using. The expectation is that in April and June there will be considerable time spent at UFC meetings on the Urban Forest Management Plan update.

The PP&R UF Tree Summit will be held Saturday March 2 at Rigler Elementary School. Ed Washington, long-time Portland civic leader and past member of the Portland Urban Forestry Commission, will give the keynote presentation. PP&R UF staff will report recent survey data gathered on street trees in Portland. The event is from 9 a.m. to 1 p.m. and will include the option of tree walks in the Rigler School Arboretum in the early afternoon. *Registration is no longer open as all 125 spots have been filled.*

<https://www.portland.gov/trees/get-involved/events/2024/3/2/tree-summit-2024-0>

PP&R UF is participating in the Job Care Fair at John Luby Park (128th and NE Brazee Street) on Saturday March 9, 2024, from 10 a.m. to 1 p.m. Following tree planting in the park, PP&R UF staff and other City bureau staff will be available to talk about job opportunities with the City.

<https://www.portland.gov/trees/get-involved/events/2024/3/9/tree-planting-and-career-fair-john-luby-park>

On March 23rd PP&R UF will participate in Day of Service Participation at Lents Park (92nd and SE Holgate). Trees will be planted from 10 a.m. to 1 p.m.

Originally this event was scheduled for January to honor Dr. Martin Luther King, Jr. The storm delayed this event.

<https://www.portland.gov/trees/get-involved/events/2024/3/23/tree-planting-lents-park>

Laura Lehman, Senior Parks Planner (PP&R), shared that the development of the Natural Resources Delivery Service area as spelled out in a City Council decision is continuing. The various bureaus involved in this are continuing to meet and to discuss how this will occur. PP&R is hoping that UFC can participate in this process. There will be a series of meetings held through April, including a planning meeting, a workshop, and possibly one other meeting. J.R. Lilly has volunteered

to be part of this on behalf of the UFC. *Although the specifics on this are still being worked out, it is possible that this could mean that all Bureau of Environmental Services natural resources programs would transfer over to Portland Parks and Recreation. It is not clear what the distinction will be between “natural resources” and “environmental mitigation/clean-up responsibilities.” Is solid waste a natural resource? Is environmental clean-up of the Willamette River a natural resource concern? Is water a natural resource? I did a quick check to see if I could find a definition of “natural resources” and did not find anything in the Comprehensive Plan, nor in the definitions in Title 8 Health and Sanitation, Title 11 Trees, Title 19 Harbors, Title 20 Parks, nor Title 21. Portland City Council resolution 37635, which was passed in November 2023, states:*

BE IT FURTHER RESOLVED, add Citywide Operational Natural Area and Tree Management to the service area with Parks & Recreation and the Portland Children’s Levy. As part of the FY 2024-25 Budget, all City bureaus should align natural area and tree management positions, funding, and services to an “Operational Natural Area and Tree Management Unit” with Parks & Recreation, not including the Bull Run Watershed management; and

City Council member Dan Ryan called this service area VIBRANT COMMUNITIES, which included Portland Parks and Recreation, The Children’s Levy, City Arts Program, and Citywide Operational Natural Areas and Tree Maintenance.

<https://www.portland.gov/cbo/2024-2025-budget/documents/fy-2024-25-vibrant-communities-requested-budget/download>

10:05 a.m. Title 33 Land Division Revisions Project Morgan Tracy, Senior Planner, Bureau of Planning and Sustainability (BPS)

The Portland City Council, in response to a recent state mandate, is requiring the Portland Bureau of Planning and Sustainability to review Title 33 to see what changes might help facilitate the addition of more sites for housing within Portland and help to speed up the permitting process for this.

Both housing developers and city staff have identified current Portland land division processes as cumbersome. A simpler, rapid process is needed. 78% of the land divisions requested in Portland involve 2-3 lots adjacent to one another. Housing developers making land division requests involving new housing construction must now meet **both DISCRETIONARY CRITERIA and STANDARDS** [*emphasis mine*] as they pertain to trees on the properties. The review and revisions of the land division process is being managed by Morgan Tracy. See

<https://www.portland.gov/bps/planning/land-division-code-update/about>

Manager Tracy stated the hopes for the proposed revisions: to unlock more potential for housing in single family residential zones, and to develop new STANDARDS that can be used **instead** of the DISCRETIONARY CRITERIA in order to expedite processing time.

Toward this end, City staff chose to allow those requesting land divisions to choose to follow **either** a set of DISCRETIONARY CRITERIA, which allow flexibility for all parties but judgement calls by City permitting staff, **or** clear and OBJECTIVE STANDARDS.

The released 2.20.24 draft of the Land Division project changes are in a 282-page document. Public testimony can be made March 26th at the Planning Commission meeting. <https://efiles.portlandoregon.gov/record/16624322>

Land divisions, in this presentation, refer to situations in which a developer or individual owns a piece of property that is currently zoned for a single-family residence (*I think this would be R-2.5, R-5, R-10 or R-20 zones*). With Portland's adoption of Residential Infill Projects 1 & 2 as well as the recent middle housing land division provisions, more tools are now available for housing developers.

I had difficulty comprehending the presentation, mostly because of my unfamiliarity with the material. I spent time after the meeting reviewing the draft document released February 20, focusing on the content easily identified as dealing with trees. Under the existing system, a request for a land division requires a great deal of effort on the part of the developer as they try to provide adequate information addressing the DISCRETIONARY CRITERIA that must be met (pertaining to trees), while also meeting the OBJECTIVE STANDARD. It is a lot of work on the part of the City and the developer. Using the DISCRETIONARY CRITERIA is most subject to judgment on the part of City staff. It does allow more flexibility than the OBJECTIVE STANDARD but that flexibility costs more time and therefore more money for both the City and the developer.

*This draft dealing with land divisions marks a major change relative to trees and land divisions. It says the developer **SHALL EITHER** follow an OBJECTIVE STANDARD **OR** the DISCRETIONARY CRITERIA, but no longer needs to do both. The Tree Preservation Standards (33.630.100) are revised to have 5 different options:*

Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site;

Option 2: Preserve at least 75% of the trees that are 20 or more inches in diameter and at least 35 percent of the total tree diameter on the site;

Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 40% of the total tree diameter on the site;

Option 4: Where all trees are less than 20 inches in diameter, preserve at least 45% of the total tree diameter on the site; or

Option 5: If one or more tree groves are located on the site, preserve all of the grove trees located on the site and at least 20% of the total tree diameter or canopy area on the site.

The Tree Preservation Approval Criteria (earlier I called this “discretionary criteria”) in 33.630.200 draft must all be addressed if one chooses this route rather than the objective standards route (33.630.200). Some of the direct text from the draft code follows:

- A. Tree preservation is maximized to the extent practicable while allowing for reasonable development of the site, considering the following:*
 - 1. The specific development proposal;*
 - 2. The uses and intensity of development expected in the zone and the area in which the site is located;*
 - 3. Requirements to provide services to the site under Chapters 33.651 through 33.654, including street connectivity and street plan requirements. Options to limit impacts on trees while meeting these service requirements must be evaluated;*
 - 4. Requirements to protect resources in Environmental, Pleasant Valley Natural Resources, or Greenway Natural, Water Quality, and River Environmental overlay zones. Protection of environmental resources and retention of benefits from trees should be maximized for the site as a whole; and*
 - 5. Other site constraints that may conflict with tree preservation, such as small or oddly shaped sites or trees located in existing utility easements.*

Other portions of this part of the draft code change the preferences for what categories of trees are most desired for preservation, including larger trees, groves of trees, and/or non-nuisance trees that in all cases are healthy trees. Mitigation requirements are listed if the applicant chooses to follow the Tree Preservation Criteria but can't follow all of them. This still includes the option of “...payment into the City's Tree Planting and Preservation Fund...”

On page 125 of the draft, which is 33.630.100 B Heritage Trees, proposes a language change that deletes that Heritage Tree “...removal has been approved by the Urban Forestry Commission” and inserts that “... removal has been approved by Portland Parks and Recreation.” I am not sure why the change in the text here is appropriate. In the current Tree Code Title 11:20.060 F it states that the consent of the Urban Forestry Commission is necessary to remove a Heritage Tree except in an emergency situation where the City Forester can approve a Heritage Tree removal (11.200.060I). This may have been an oversight that will be corrected before the draft is brought to City Council.

UFC member McMillan wondered if the proposed changes in land division practices will affect the recent changes in the middle housing land divisions code. Manager Tracy replied that there is no change in those.

UFC member Van de Mark wondered:

--What is the goal of this project? Manager Tracy said to make space for more housing and more diversity of housing options.

--Who is this being streamlined for? Manager Tracy said this is in response to action from the state government.

--Is this going to provide more affordable housing? Manager Tracy says these changes do not address any specific type of housing.

--How will these changes provide space for trees? Manager Tracy says that is a very good question. Manager Tracy stated that making land divisions less cumbersome is only one part of the solution to providing more housing.

UFC member Clapp believes that developers prefer to get rid of trees so that it is easier to build on the land. How will this change that situation? Manager Tracy has marching orders from the City Council to streamline the process. It is not clear how the adoption of standards for tree preservation will affect ultimate tree retention.

UFC co-chair Jortner considers the current land division language as one of the strongest tree preservation measures the City has in any code language. She will need to see the exact language in proposed Code 33 to adequately evaluate how these changes may affect trees.

UFC co-chair Feldstein does not see that these amendments address the need for more affordable housing. It seems more likely with more divisions there will be less space for trees and that these land divisions likely will occur in areas that

already have low canopy.

UFC member Van de Mark wants more housing in a quality environment for those who are in desperate need. These are not at odds. Manager Tracy agreed and thought it was not accurate to pit housing against trees but rather to work for both of them. He encouraged UFC members to bring testimony to the Planning Commission meeting on March 26, 2024, from 5 – 7 p.m.

UFC member Van de Mark wondered if this is something the UFC policy subcommittee could take up. *The next scheduled UFC meeting is Thursday March 21, 2024, and the next scheduled UFC policy subcommittee meeting is Monday, March 25. It is a quick turn-around to have a statement from UFC to the Planning Commission on March 26. It is possible but is dependent on a discussion and decision at the March 21, 2024 UFC meeting.*

10:40 a.m. Single Permitting Authority Update Terri Theisen, Permit Improvement Strategy Manager, Bureau of Development Services (BDS); David Krueger, Transportation Development Services Manager, Portland Bureau of Transportation (PBOT); David Kuhnhauser, Interim Director, BDS

The Portland City Council adopted resolution 37628 on August 20, 2023, which requires all bureaus playing a role in new development permits to expedite the process. Furthermore, all of this effort will fall under the Single Permitting Authority. Staff from 8 different bureaus have been quickly working on meeting the City Council mandate.

<https://www.portland.gov/council/documents/resolution/adopted/37628>

Information on the Single Permitting Authority (SPA) is available at <https://www.portland.gov/permitimprovement/documents/single-permitting-authority-drac-slide-deck-01-18-2024/download>

All bureaus working together on this endeavor have agreed to guiding principles. The City Council resolution that was introduced by City Commissioner Rubio and built on earlier efforts of City Commissioners Ryan and Gonzalez called for a July 1, 2024, implementation date. Manager Krueger stressed the importance to both the bureaus and customers of improving the coordination involved in the permitting process.

UFC member Clapp hoped that there would be more opportunities arising where tree needs are prioritized. From his perspective, tree needs have been the last

consideration. Manager Krueger responded that he expects there will be more occasions where tree needs are better addressed and sometimes prioritized over other competing uses in the right-of-way space.

The three presenters were upbeat about the potential for quicker permitting through SPA, where front-line staff from the different bureaus can be working directly with one another.

11:10 a.m. Policy Committee Statement on Portland Clean Energy Benefits Fund (PCEF) Proposals for Use of Funds Roberta Jortner, UFC co-chair and co-chair of UFC's policy subcommittee

UFC member Jortner presented the letter she had written, with feedback from policy committee participants, on a recommendation to City Council to adopt certain PCEF proposals.

In December, City Commissioner Rubio announced that collection of taxes for PCEF was generating much more revenue than originally projected. Because of this, she has been working on how to put this money to use in the ways laid out in the voter-passed PCEF measure. Some of these spending proposals include matters touching on natural resources, including trees. In Ms. Jortner's draft letter she recommended that City Council approve spending for tree protection and care through PP&R UF (\$100 million); arborist trainee program through PP&R UF (\$840,000); replacement of gas-powered blowers with battery-powered blowers through PP&R (\$1.6 million); private property trees through Bureau of Environmental Services (BES) (\$7 million); watershed and natural systems restoration and biological sciences through BES (\$17.5 million); and stormwater management, blue/green infrastructure & revegetation through BES (\$53 million).

Jortner reminded UFC members that the Urban Forest Management plan defines the urban forest as including the ecosystem in which it is a part. With that in mind, it seemed appropriate for UFC to address more than just trees.

Chenoa Philabaum, Community Partnerships Team Manager (BES), was present at the meeting to address questions about the BES programs that were being supported in the draft letter. She stressed that all of these are existing programs, but some have been identified as programs that could be terminated due to budget shortfalls within BES.

PP&R Director Long wondered if the letter would be stronger if specific bureaus

were not named, as there are discussions underway about the consolidation of all tree programs under PP&R UF. After some discussion, it was agreed that the draft letter would add wording clarifying that the letter addresses information available at the time of the writing of the letter. UFC approved the letter with this change.

11:25 a.m. UFC members to serve on behalf of UFC on the Equity Tree Canopy Workgroup Brian Landoe, Analyst III (PP&R UF)

UFC members Casey Clapp and Justin Misner expressed their willingness to serve in the Equity Tree Canopy Workgroup. This group is formed by PP&R. The function of it is to assist PP&R in following PCEF guidelines in using \$40 million over the next 5 years to assist PP&R UF's efforts in delivering canopy to needed areas in Portland.

<https://www.portland.gov/bps/cleanenergy/tree-canopy-workgroup/equitable-tree-canopy-workgroup>

Misner commented that he believes UFC has spent very little time on equity.

Next Urban Forestry Commission Meeting

The next UFC meeting will be 9:30 a.m. – 11:30 a.m., March 21, 2024. It is possible this will be a hybrid meeting, with both in-person (Portland Municipal Services Building, second floor meeting room) and zoom for attendance and participation. Check the link below prior to the meeting for the agenda, meeting materials, and how you can gain Zoom access to this meeting.

<https://www.portland.gov/trees/ufc/ufc>