

TO: Neighborhood Tree Team members and Portland tree advocates
FROM: Bruce Nelson, Cully Tree Team April 23, 2021
RE: Portland Urban Forestry Commission Meeting April 15, 2021:
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 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).

<https://www.portland.gov/trees/urban-forestry-commission-0>

The decisions made at these meetings may affect volunteer tree advocacy and may influence Urban Forestry division processes and actions. 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, April 15, 2021, 9:30 am – 11:30 am, as a Zoom meeting due to COVID-19 demands.

UFC Commissioners Present - Vivek Shandas (chair), Anjeanette Brown, Gregg Everhart, Barbara Hollenbeck, Bruce Nelson, Daniel Newberry, Damon Schrosk, Megan Van de Mark

UFC Commissioners Absent - Lorena Nascimento

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 ; Rick Faber (Permitting and Regulation Program Coordinator, Portland Parks and Recreation, Urban Forestry division) Richard.faber@portlandoregon.gov

Deputy City Attorney- Tony Garcia (Portland Office of City Attorney)

Other City Staff - none I was aware of

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**

Jeff Cole, who lives in the Sunnyside neighborhood and has a Heritage Tree in his backyard, provided testimony on past successes in tree planting in the Sunnyside neighborhood and a suggestion for how to fund citywide street tree maintenance (planting, pruning, removal, and sidewalk repair from tree-related damage).

Jeff acknowledged that the Streets 2035 program has difficult challenges to work through, given the many demands on limited right-of-way (ROW) space in streets. In the Sunnyside neighborhood many ROW spaces are very narrow. In the past Jeff worked as a neighborhood coordinator for Friends of Trees. In some instances, changes in the width of sidewalks were made to create more space for trees. It seems very important to figure out how to get trees in these narrow spaces throughout the city. One way to work toward this would be to use a more holistic approach, in which Urban Forestry or some other city agency would take over all street tree activities. This could be funded through an annual tax on linear feet fronting the street. Jeff believes it is imperative that sidewalk repair is part of this street maintenance when sidewalks are damaged by street trees). He believes there are limits on the amount of work that can be realistically accomplished for street trees using volunteers only. *There are clearly limits under the current system as to the amount of care that street trees receive, with pruning of young trees being*

woefully deficient. There should be ROW tree targets for each neighborhood and minimum tree canopy standards for each block. Measurable goals that can be evaluated on a regular basis would allow a reasonable basis for determining if changes are needed.

UFC Commissioners thanked Jeff for his testimony. Gregg thanked Jeff for stating the importance of finding ways to get trees in narrow ROW areas and suggesting the use of a frontage tax as a means to pay for street maintenance. Jeff added that in Sunnyside the action in the narrow strips came about because of the involvement of BES to better address storm water management needs. Daniel shared that Washington, D.C. has a ROW assessment fee somewhat similar to what Jeff is proposing and it seems to work well there. Megan wondered if Jeff had any idea as to how much the tax would be. Jeff did not know. *One way to get at this figure might be to figure out what would be the annual costs for a city-run street tree maintenance program. Davey Tree Resource Group is in the process of completing a contract with Urban Forestry that should provide information on potential costs for different levels of city-managed street tree maintenance programs. Information from the Portland Bureau of Transportation regarding annual sidewalk repairs required from tree damage would be added in, since the Davey report excludes this information. Once the estimated annual total costs are known, the next step would be relating that amount to the appropriate level of a frontage assessment rate sufficient to pay for the services.*

Damon appreciated the creative approach suggested by Jeff. Certainly there is a need to have the City stress that trees are very important green infrastructure. Barbara thinks that costs for this program should also tie in with the City's commitment to address climate change.

9:40 a.m. New UFC Commissioners Appointed Vivek Shandas (UFC Chair)

City Commissioner Carmen Rubio presented to City Council two nominees on Wednesday April 14, 2021--Adrienne Feldstein and Leah Plack, for inclusion as UFC Commissioners. The Portland City Council approved both nominees. On behalf of UFC, Vivek welcomed both. Their terms begin at the May meeting. Adrienne introduced herself and was looking forward to working as a member of UFC. Leah was unable to make any introductory comments due to other demands on her time. *Thanks to these two new appointments, UFC will be at its maximum membership level for the first time since February 2020. For a variety of reasons,*

it took over a year to reach full membership. At least three current members of UFC (Gregg Everhart, Barbara Hollenbeck, and Damon Schrosk) will conclude their second UFC term on February 28, 2022. Three UFC Commissioners (Anjeanette Brown, Megan Van de Mark and Lorena Nascimento) will conclude their first term on February 28, 2022. Daniel Newberry and Vivek Shandas will conclude their second term on February 28, 2023. Under Title 11.20.020.B, UFC Commissioners may serve up to two consecutive four-year terms before leaving the UFC. After at least one year off of UFC, a former UFC member may request to serve another four-year term. Daniel wondered what his status was in terms of the length he will be allowed to serve as UFC Commissioner. (He completed the term of a previous UFC Commissioner and will have served one additional full term by February 28, 2023. Brian will talk to Tony Garcia to get the legal opinion on this question and let Daniel and the UFC know what the decision is.

Vivek shared that past UFC Commissioner Joe Porasky recently died. Joe chaired the UFC and served as a mentor to Vivek. Joe will be missed greatly. Vivek shared that arrangements are being worked on for honoring Joe's service to Portland. *(Joe served on UFC from at least 2010 – 2014. I do not have records yet for membership before that time.)*

9:50 a.m. Minutes Review Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division)

Minutes for the February 18, 2021 were reviewed, amended, and approved.

10:00 a.m. City Forester Report Jenn Cairo (City Forester, Portland Parks and Recreation, Urban Forestry division)

1. The new Tree Bark is out. Please read it for valuable information pertaining to Urban Forestry activities. Gina Dake and Claire Carney are responsible for the production and content of this publication.
2. If there are specific items that UFC Commissioners would like to have addressed in future City Forester reports, let Jenn know.
3. It looks like a very dry spring going into the summer months so far. The fire risk is unusually high for this time of year. There have already been two human-caused fires in Forest Park this year. The drought is adding significant stress to our urban trees.

4. Temporary Urban Forestry employees and contractors will soon begin summer watering of selected City-owned and managed trees.
5. Urban Forestry is working with a Portland Parks and Recreation Community information staff person to develop public information pieces to remind the public of the importance of watering vulnerable trees.
6. The Portland City Council will vote on May 19 to accept:
 - a) the recommended fee schedule for various Urban Forestry-related activities, and b) the annual Tree Fund Report, which summarizes use of the Tree Planting and Preservation Fund and the Urban Forestry Fund for fiscal year 19/20. The Tree Fund Report has been modified to take into account some of the suggestions of the UFC at the March meeting. One modification is to show the dollar amount in the Tree Planting and Preservation Fund that is set aside for future tree maintenance activities for new trees (primarily watering of young trees). This is roughly \$900,000 annually. UFC Commissioners requested an electronic copy of the revised Tree Fund Report.

On May 26, Portland City Council will receive a report on the proposed scope of work, including timeframe, for Urban Forestry on:

- a) Title 11 amendments,
- b) Review and revision of the Urban Forest Management Plan.

I do not know if public testimony is possible on these Portland City Council presentations.

Gregg wondered if Urban Forestry needed support at the City Council sessions regarding the May 26 items. Jenn didn't know but said it would be helpful.

7. Portland Parks and Recreation has developed a new equity lens presentation. It is likely there will be a regular UFC meeting for this presentation at some time in the future.
8. The Youth Conservation Corps (YCC) will double in size this year, due to the recent passage of the Parks levy. This PP&R program pays selected high school youth as summer interns. Recruitment occurs primarily through community BIPOC groups. The goal is to expose youth to work opportunities in natural resources.

9. Urban Forestry is ramping up for the influx of Parks levy funds. Job descriptions are being worked on for the positions that will be opening up. It is expected that there will be openings in most of the current job categories within Urban Forestry. *The Urban Forestry annual budget, once levy funds come in, will be increasing by perhaps 50% during the upcoming fiscal year and could remain at that raised level for the life of the five-year levy.*
10. There is no new development on the Street Tree Maintenance Project, nor the Streets 2035 Project.

Jenn responded that the Bureau of Environmental Services has made no new requests of a programmatic permit so their current permit will expire at the end of May 2021, in response to a question Daniel asked. *Nothing was stated regarding the effect this will have on the street tree planting and pruning activities that have been paid for in the past by the Bureau of Environmental Services under a programmatic permit issued to them by Urban Forestry.*

10:10 a.m. Urban Forestry Fee Schedule Review Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division)

Brian shared the proposed fee schedule for various Urban Forestry services to the public. It is the City's policy to have full cost recovery on many types of services delivered by City bureaus. For Urban Forestry, services on the development side (new construction over \$25,000) strive for full cost recovery while those on the non-development side do not attempt full recovery. For the 2021/2022 fiscal year, Urban Forestry is proposing a 5% increase for most development-side service fees.

Bruce had questions about the \$150 fee for chemical applications to street trees. He thought it was excessive and greatly raised the costs for some treatments. He questioned whether this was even an area that Urban Forestry should be involved with since professional applicators must be licensed by the state and pesticides must also be registered with the state. He also thought that the list of approved pesticides was too limited.

Jenn responded that the City Forester is responsible for managing trees in the City and this includes chemical treatments made on trees in the right-of-way. The list of pesticides is developed by the Parks and Recreation Integrated Pest Management coordinator. Rick Faber of Urban Forestry

added that he will be spending some time within the next year reviewing the pesticides approved for use as part of the PP&R IPM program.

Megan found that the \$100 fee for tree removal in non-development sites is hard for some individuals of limited financial means, sometimes resulting in an individual deciding not to remove a tree that needs to be removed. Jenn acknowledged that this issue does arise. Urban Forestry is looking for ways it can be better addressed. Brian added that there is a hardship case application that people can use if this situation arises for them.

Gregg agreed with Megan that the \$100 fee for tree removal is cost-prohibitive for some people and may result in dangerous trees remaining in the urban canopy. Additionally Gregg wondered how this tied in with replanting. Jenn reminded UFC that technically the permit for removal is actually a permit for removal and replanting.

Daniel noted that fees seem to keep going up with the justification being cost recovery. He hoped that reducing unnecessary costs is also being looked at by Urban Forestry. Jenn assured him that Urban Forestry has pared down its costs as much as can be done and operates at a very efficient level.

Barbara thought that certainly costs need to always be looked at. The concept of “user pays” is increasingly becoming the norm for many government services.

Brian thanked UFC Commissioners for the feedback.

10:30 am UFC Appeals Board Membership for the Future Barbara Hollenbeck (UFC Commissioner and Chair of the Appeals Board)

The Appeals Board is currently composed of four UFC Commissioners. Only UFC Commissioners can serve on the Board. The current members are Barbara Hollenbeck, Anjeanette Brown, Damon Schrosk, and Megan Van de Mark. Brian French was the fifth member until he resigned from UFC in September 2020. Both Barbara and Damon will need to leave the Board when their current UFC terms end in February 2022. There is a need for UFC Commissioners to step forward to serve on this Board now and in the future.

The Appeals Board was a committee under UFC until the implementation of Title 11 in 2015, when it became a Board. The Appeals Board operations are spelled out

in Title 11. Its rules of procedures have been reviewed by two attorneys. As an error-correcting body, it decides whether or not the City Forester applied the code correctly in cases brought by citizens.

Nearly all of the cases brought to the Appeals Board involve a request by a homeowner to remove a tree and the denial of that request by Urban Forestry.

Members of the Appeals Board need to be trained in the process to follow in hearing appeals. An understanding of Title 11 and its application to the specific situation at hand is imperative. No public testimony is allowed during the appeals hearing. Only the applicant and Urban Forestry staff may present information. Appeals Board members ask clarifying questions of UF staff and the applicant. Decisions made by the Board should be such that they could be defended in a court of law. In all cases, the decision made is based on the conditions at the time the inspection of the tree was made.

Bruce said he would be interested in joining the Appeals Board.

10:45 a.m. Heritage Tree Committee Needs Gregg Everhart (UFC Commissioner and Chair of Heritage Tree Committee)

Gregg added that the Heritage Tree Committee also needs to recruit additional members of the Urban Forestry Commission. *Title 11 makes no mention of the Heritage Tree Committee in Section 11.20.060 Heritage Trees. In the proposed bylaws for UFC there is also no mention of the Heritage Tree Committee. This is the largest committee under the Urban Forestry Commission and includes Urban Forestry staff, private arborists, PP&R staff, and community members.*

Damon and Gregg are the only UFC members on the Heritage Tree Committee. But she and Damon will end their second term as UFC Commissioners in February 2022. Even though they might both continue to serve on the committee, there should also be UFC representation. Jenn shared that for many years work related to Heritage trees fell completely on Urban Forestry staff.

10:50 UFC Bylaws Discussion Vivek Shandas (UFC Chair)

Since the Appeals Board case that was originally scheduled for later in the morning was not held, there was more time available to continue the Bylaws discussion that occurred over multiple UFC meetings. In previous discussions, the main area yet to be agreed upon revolved around the operations of UFC committees.

Barbara and Bruce both wanted the bylaws to not use the term “subcommittees.” There are no current “subcommittees” nor is there any mention of “subcommittees” in the previously adopted bylaws.

Barbara did think that it was crucial that each committee have descriptions of how individuals become members of a committee, how individuals are removed from a committee, and how decisions are made within the committee.

1. The Appeals Board has clearly written operating guidelines that address membership, how to conduct Appeals Board hearings, and how decisions are made.
2. The Policy Committee will work on developing written procedures to adhere to, including membership and voting procedures.
3. Gregg believed that the Heritage Tree Committee has operational guidelines. *It is not clear if those are in any location accessible to the public or if they have been approved by UFC.* Meeting notes are kept but have never been posted but this can be done if required. She is not comfortable with the draft bylaws that state only UFC members of a committee can vote on decisions. She wants all members of the Heritage Tree Committee to be able to vote, including Urban Forestry staff members who serve on the Committee. Jenn did not think it was appropriate for staff members to be involved in any decision-making votes on the Heritage Tree Committee.

Jenn stated that the composition of UFC committees reflects a need for diversity, inclusion, and equity plan. Vivek said that he shares Jenn’s concerns in this area.

Daniel believes there are limits to how much UFC members as volunteers can put into this process.

Megan thought that the recruitment process often narrows the field as to who gets to participate. What sort of recruitment can be done to better achieve representation on UFC and UFC committees (Policy, Heritage Tree)?

Jenn conveyed that Urban Forestry is happy to assist committees in recruiting. She needs for all committees to have written guidelines for operations, to take meeting minutes, and to make available to the public the minutes of their publicly announced and held meetings.

Barbara considers it important for committees to be clear as to exactly who is a voting member of a committee so no packing of committee occurs that may affect a decision.

Brian thinks committee bylaws are fine as long as they conform with:

a) public meeting requirements, b) relevant laws, c) Title 11, and d) UFC bylaws.

Jenn again repeated the importance to adhere to public meeting requirements (announcements, minutes kept, minutes posted).

UFC Commissioners were comfortable with the idea that all official committee members, as defined in committee bylaws, can vote on items within the committee.

Bruce wondered if it would be possible to have non-voting members of UFC who represent communities of Portland that are currently not heard from in UFC affairs, at least not on a regular basis. It is distressing that after nearly a year's search for candidates to apply for open UFC positions, there were no applicants from the Portland BIPOC community. Jenn shared that there are discussions underway within various City bureaus about how to address this citywide shortcoming. Daniel suggested that the working paradigm of "Come to us if you want input" that seems to be in place within City bureaus is not effective. Bureaus need to go to the BIPOC community and meet them in spaces and at times they are comfortable with. Vivek wondered if UFC needs to bring its meetings to the community. Megan wondered if we really do reach out to the community and allow time for their expression of questions, needs, hopes, concerns, ideas, and solutions. Brian wants to receive ideas that could form a future meeting agenda item

Next Urban Forestry Commission Meeting: 9:30 a.m. – noon, Thursday, May 20, as a Zoom meeting. Check the link below in early May for meeting agenda, materials, and how to access the Zoom meeting,

<https://www.portland.gov/trees/urban-forestry-commission-0>