

TO: Neighborhood Tree Team members and Portland tree advocates  
FROM: Bruce Nelson, Cully Tree Team 2 April 2023  
RE: Portland Urban Forestry Commission Meeting March 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 Urban Forestry Commission (UFC) meeting was held Thursday 16, March 2023, 9:30 a.m. – 11:35 a.m., as a joint Zoom and in-person meeting at the Portland Building, 1120 SW 5<sup>th</sup> Avenue, Room 216.

**UFC Members Present in Person or via Zoom:** Zoom: Adrienne Feldstein, co-chair; Derily Bechthold, Ivory Iheanacho, J.R. Lilly, Leah Plack, Melinda McMillan, and Megan Van de Mark. In person: Roberta Jortner, co-chair and meeting facilitator; Casey Clapp, Justin Misner, Bruce Nelson.

**UFC Commissioners Absent** None

**Portland Parks & Recreation Urban Forestry (PP&R UF) Staff Present**

Jenn Cairo, City Forester; Brian Landoe, Analyst III; Nik Desai, Botanic Specialist II; Ashley Reese, Administrative Assistant

**Other City Staff** Sarah Huggins, Sustainable Future Program Manager (PP&R)

**Guests:** Dominic Yoxtheimer (Bartlett Tree Experts), Victoria Burton, Ashton Burton *and others whose names I did not adequately hear or record* .

**9:35 Public Testimony**

Ms. Noelle Studer-Spevak welcomed the new members to UFC and shared that Families for Climate continues to work hard on climate-related issues in Portland. <https://www.familiesforclimate.org/>

Ms. Meryl Redisch, a former UFC chair and 8-year member, addressed the UFC about UF's request for new budget items for the 2023-2024 budget year. She does not feel there needs to be any defense of requested new items. For many years, UF has been unable to do specific tasks due to insufficient staff. Meryl is very excited that finally there is money available to fill some of those needed staff positions. City Forester Cairo has been in her position over 10 years now and understands the workings of the city budget, with its limitations and possibilities. Ms. Redisch encourages strong support of the City Forester in these budget requests.

**9:45 City Forester's Report** Jenn Cairo, City Forester

--City Forester Cairo introduced the newly appointed UFC members--Derily Bechthold, Casey Clapp, J.R. Lilly, and Justin Misner. Each introduced themselves:

*JR Lilly* – Dine (Navaho) Nation, volunteer member of nonprofit Board of Directors of Portland Parks Foundation, member of Native American Community Advisory Council, member of East Portland Parks Coalition, member of Portland Parks & Recreation Budget Advisory Board;

*Casey Clapp* – professional arborist, Board-certified Master Arborist [*highest level of arborist certification from International Society of Arboriculture*], podcaster creator and producer of “Completely Arbortrary,” former employee of Portland Urban Forestry;

*Justin Misner* – life-long North Portland resident, works in public accounting as an auditor, strong interest in listening to and acting on the wishes of the community, tree equity;

*Derily Bechthold* – attorney, past employment with Portland City Attorney’s Office, active in promoting diversity and inclusion within Oregon’s legal community.

The incumbent UFC members introduced themselves to the new members.

--UF New Budget Requests for 2023-2024:

City Forester Cairo shared that the budget request for trainee positions does not duplicate what any other entities are offering in the area. The training offered by Friends of Trees and what the Blueprint Foundation is exploring could both be considered pre-apprentice training programs. The academic programs offered by Clackamas Community College and Portland Community College are true academic programs that attendees need to pay to attend. Historically, there have been barriers that make these academic options difficult for the BIPOC community. City Forester Cairo believes that paid trainee positions with Urban Forestry can help open up the field to communities not well served by other training programs. *I think terminology clarification may be helpful. From the descriptive information shared with UFC members on this trainee program, training received will be by working and observing others. This can be quite valuable, depending on how much time is being provided to share the information that helps in understanding specific actions. No new budget dollars were requested for staff to provide training for these trainees.*

--City Forester Cairo encouraged UFC members to send to Brian, UFC co-chairs, and to her ideas for UFC meeting agendas. UFC members were reminded to refer to Title 11 for what sorts of matters UFC is encouraged to discuss.

--UF has a number of job openings. UFC members are encouraged to help get out the word on these positions – Youth Conservation Corps supervisor, Operations supervisor, Tree Inspectors, and seasonal workers for maintenance, street tree inventory, and more.

--There are important volunteer opportunities with the Portland Clean Energy Fund (PCEF) and with the PP&R Oversight Commission.

**9:55 Letters Approved by UFC** Roberta Jortner, UFC co-chair

Two different draft letters were brought to UFC for review and acceptance before sending them on to the relevant parties.

The first was a letter to the PP&R Director and to City Council stating UFC's support for UF's new budget item proposals:

- Code Compliance package for 6 FTE at \$749,374;
- Permitting and Regulation Service Continuity package for 1 FTE at \$123,000;
- Arborist Trainee Program for 3 FTE, at \$296,710; and
- Promote Equity in Permitting Services at \$8000.

That letter was approved by the vote of UFC.

The second letter thanks City Commissioner Ryan for his visit with UFC at its February meeting. This letter summarizes main points made at the meeting and UFC's hope to work with Commissioner Ryan to address the need for more public awareness of the importance of trees as part of the city's infrastructure. The letter was approved.

**10:00 Proposed Oregon House Bill 3515 that would allow cities with populations over 600,000 to form Park Districts** Sarah Huggins, Sustainable Future Program Manager (PP&R)

A priority action for the City of Portland at the 2023 Oregon legislature is to try to pass a bill that would allow Portland to form a parks district that could be governed by City Council. Currently this is illegal in Oregon. As part of the Sustainable Future work at PP&R, an important area of potential revenue for Parks was the formation of a parks district with the power to raise funds. This bill is the result of that effort. The bill only applies to cities with a population of 600,000 people or more, so effectively only to Portland. Ms. Huggins, in response to a question on this, stated that a state-wide lobbying group (*Special Districts Association of Oregon?*) has ongoing concerns about the creation of additional taxing districts, and is opposed to this measure, especially if it opens up this option for small communities. That is why the measure was written to only apply to cities with a population of 600,000 or more. *It is still opposed by the Special Districts Association of Oregon, I believe.*

In response to questions, Ms. Huggins stated that if this state bill passes, it would likely take several years for Portland to have something in place. Portland City

Council supports this bill. It was included in the state legislative agenda agreed upon by City Council prior to the start of the Oregon legislative session. UFC voted to endorse the passage of Oregon Legislature House Bill 3515. The statement supported, as written by the City of Portland/Government Relations was: “We know parks and recreation services are essential to the Portland community! We support House Bill 3515 to modify the Park and Recreation statute to allow for an additional city council governance option for cities with populations over 600,000 with the approval of the county in which the majority of the city lies if the district ballot measure includes a permanent rate for operating taxes.”

If this measure passes and Portland does set up a parks district with a funding mechanism, compression will be in place. It does not affect school taxes. *However, there could be a reduction in tax funds received by other entities like the Multnomah County Library and the Multnomah County Historical Society. The normal procedure to address this is to work with these other entities to come up with a way for all to benefit.*

**10:30 Heritage Tree # 26 Delisting Request** Nik Desai, Botanic Specialist II (PP&R UF)

A request has been made by the property owners of 4124 North Mississippi to have UFC recommend delisting the Heritage English elm on this property. Mr. Desai explained the process that is followed when considering a request to delist a Heritage tree. A UFC motion to **recommend** to City Council to remove the designation of a Heritage Tree requires support from at least 6 UFC members. Portland City Council is the only body that can remove the Heritage tree designation from a Portland Heritage tree. *The Portland City Council “may remove the designation of it [Portland Heritage Tree status] if it [Portland City Council] finds that the designation is no longer appropriate.”* 11.20.060 E

Mr. Jesse Nellis, Senior Tree Inspector with the non-development team at UF, shared his levels 1 and 2 risk analysis of the tree. He concluded that the tree’s health is good. It is not dead, dying, or dangerous. It is less than 10’ from the house, so if it were not a Heritage Tree it could be removed without any review if the owner so requested. He did not see evidence of foundation damage to the house. The tree has been visited roughly every two years. The previous property owner got the tree recognized as a Heritage Tree in 1994. *There does not appear to be any guiding language in the Tree Code, in the draft bylaws of the Heritage Tree Committee, or in the bylaws of UFC that specify exactly what a tree inspector should be looking at when a private property owner requests that a Heritage Tree*

*be delisted. Neither is there any language to guide UFC members when considering a private property owner's request to delist a Heritage Tree. Only the phrase "dead, dying, or dangerous" is provided, per 11.60.050 B 1. This particular portion of the code does not specify if it applies to Heritage Trees.*

Ms. Victoria Burton, one of the property owners, testified that the owners have submitted a request for UFC to recommend to City Council that it delist the tree. *The following is a paraphrasing of the owners' basis for the request:* The owners were not aware that the tree was a Heritage Tree when they purchased the property in 2001. Neither the deed nor the previous property owner informed the Burtons of this status. The tree roots are very close to the foundation and have already damaged outside concrete sidewalks within the yard, necessitating costly repair. The elm leaf beetle is infesting the house at such a level that the house has been uninhabitable since July 2022, depriving the owners of rental income. This has placed an economic hardship on the owners. A structural pest control company has treated the inside of the house since July 2022 in an effort to eliminate the elm leaf beetle adults inside the house. Those efforts have been unsuccessful. The advice of the structural pest control staff is to get rid of the tree. This tree is causing excessive economic hardship for its owners.

Supporters of the applicants supplied written and oral testimony.

--Dr. Steven Holt, Chair Oversight Committee for the North/Northeast Neighborhood Housing Strategies: he is concerned about undue hardship placed on the owners, about equity and integrity, and that the "historical" designation creates "economic harm, functional harm, and emotional harm."

--DeAngelo Moaning- NAACP/Portland Branch, 1<sup>st</sup> Vice President and Chair of Economic Development: Victoria and Alston Burton are long-time African-American community members and property owners; the tree's location poses significant risk to the building foundation; the beetle infestation in the house poses a threat to anyone inhabiting the house; the result is economic hardship for the Burtons; flaws prior to 2015 in the Heritage Tree program are now hurting the Burtons.

--Laura Jackson – RenovatePDX: tree is threat to structure, elm leaf beetles make house uninhabitable, unfair financial burden placed on Burtons, support and advocate for common sense policies that assist African-American property owners in maintaining their asset and retaining their equity-building intergenerational wealth; "...property owned by an African-American will unnecessarily be at risk of being lost due to the costs to mitigate the tree."

--Kimberly Moreland, Moreland Resource Consulting LLC.: significant public investments have been allocated to redevelop and restore 4124 N. Mississippi; tree

threatens house; beetles from tree have infested the house making it uninhabitable, which creates economic and environmental hardships for the Burtons; flawed Heritage tree policies; African Americans are a population group historically harmed by government regulations.

--Aurelio Reyes – geographically close neighbor to Burtons at 4120 N.

Mississippi: tree roots are throughout their yard and need to be cut constantly; tree branches overhang their house and touch the roof but they can't afford to have the tree pruned nor treat their own roof for moss.

--Randal Wyatt- Taking OwnershipPDX: the Burtons are long-time African-American community members and property owners; tree threatens structure; beetle infestation in building makes it uninhabitable; flawed Heritage Tree program did not previously inform potential and actual property purchasers of presence of Heritage Tree; repairs of sidewalks and steps on property from tree root damage are quite costly to property owners; loss of a property owned by an African American is unnecessarily at risk due to costs to mitigate the tree; risk was caused by the city's failure to notify the property owner of the Heritage Tree designation along with other forces of nature beyond the owner's control.

--Michael DeMarco – Genuity Economic Development: property should present numerous opportunities to contribute to the community while building family wealth; onsite Heritage Tree presents large impediment to owners' gainful use; elm leaf beetle invasion potentially very costly; lack of information on title about Heritage Tree on property at time of purchase; tree's large footprint greatly limits development options; commitment on part of City to assist property owners of color, particularly African Americans; need to work to allow Burtons continued fruitful use of their property.

--Bishop CT Wells – Senior Pastor of Emmanuel Church & Board Member of Coalition of African and African American Pastors: work for development of opportunities for our people; essential to build multigenerational economic health, wealth and prosperity; this Heritage tree has become economic detriment to the Burtons by making property of little value; "And it can't be that the interest of the Burtons be subservient to the interest of those whose only concern is a tree"; massive footprint of tree, sprawling root system, out of control growth and many adverse factors make it unmanageable and an extreme hazard to the economic viability of the property"; tree is dangerous due to its close proximity to many houses and other buildings; believes Burtons are the last of an ever-shrinking African-American presence with ownership on Mississippi.

Once Urban Forestry and the applicants and their supporters had all presented their testimony, time was running out. A motion was made and passed to schedule an emergency meeting as soon as possible to allow UFC members to discuss this

request for UFC to recommend to City Council that City Council remove the Heritage Tree status from this tree. Brian Landoe agreed to work on scheduling the emergency meeting.

**Next Urban Forestry Commission Meeting:** The next UFC meeting will be 9:30 a.m. – 11:30 a.m., April 20, 2023. It is likely that this will be an in-person meeting with Zoom attendance and participation. Check the link below for the agenda, meeting materials, and how you can gain Zoom access to this meeting. 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>