

TO: Neighborhood Tree Team members and Portland tree advocates
FROM: Bruce Nelson, Cully Tree Team 3 April 2023
RE: Portland Urban Forestry Commission Emergency Meeting March 21, 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 21, March 2023, 2:00 pm – 3:30 pm. It was held as a joint Zoom and in-person meeting at the Portland Building, 1120 SW 5th Avenue, Room 216.

UFC Members Present Adrienne Feldstein- co-chair & meeting facilitator (Zoom), Roberta Jortner co-chair, Casey Clapp, J.R. Lilly (Zoom), Justin Misner (Zoom), Bruce Nelson, Leah Plack (Zoom), Melinda McMillan (Zoom), and Megan Van de Mark (Zoom)

UFC Commissioners Absent Derily Bechthold (Zoom), Ivory Iheanacho (Zoom)

PP&R UF Staff Present Jenn Cairo, City Forester (PP&R UF); Brian Landoe, Analyst III, (PP&R UF); Nik Desai Botanic Specialist II (PP&R UF)

Other City Staff None

Guests: Victoria Burton, Ashton Burton *and others whose names I did not adequately hear or record*

The Emergency meeting of UFC was held Tuesday, March 21, 2023 from 2 – 3:30 .pm. Each UFC member was allowed time to share their concerns, questions, and perspectives on this matter. There were limited contributions by UF staff or the applicants, in order to allow all UFC members adequate time.

After all UFC members had the opportunity to talk, a motion was made to recommend to the Portland City Council that it remove the Heritage Tree designation for this tree (delisting). The vote on the motion was 5 in favor and 4 opposed. The 5 members supportive of the motion were J.R. Lilly, Justin Misner, Leah Plack, Melinda McMillan, and Megan Van de Mark. The four UFC members opposed to the motion were Adrienne Feldstein, Roberta Jortner, Casey Clapp, and Bruce Nelson. Six votes in the affirmative are needed for UFC to recommend delisting a Heritage Tree. It is possible another vote may occur at a future meeting, to get the six votes necessary to recommend to City Council to delist the tree.

The property owners expressed with very direct language their displeasure with this meeting's outcome.

Reasons given by UFC members **in favor of** supporting the recommendation to City Council to delist the Heritage Tree included:

1. Historical policies have hurt African-American residents in Portland.
2. The Heritage Tree program requires that the property owner of a Heritage Tree assume sole economic responsibility for maintaining a healthy and safe tree. This unfair burden may be too expensive for some.
3. The City did not adequately ensure that this prospective property purchaser was aware of the presence of this Heritage Tree on the property prior to the purchase of the property.
4. Extensive community support was presented to recommend delisting the tree to the Portland City Council.
5. At a time when Portland Parks and Recreation is working hard to address diversity, equity, and inclusion in its hiring and programs, this effort needs to extend to the Heritage Tree program.

Reasons given by UFC members **opposed to** supporting the recommendation to City Council to delist included:

1. It is Buyer Beware when purchasing property.
2. City code language in place in 2001 clearly stated that Heritage Tree status and its responsibilities transfer with the sale of any property containing a Heritage Tree on the private property.
3. On what grounds can the delisting be made and how will this affect all the other Heritage Trees on private property?
4. There is no record of any elm leaf beetle issues prior to this year, and no treatment of the tree of known solutions has occurred.
5. There has been no community notification via property or tree posting to allow people living in the area to weigh in on the tree

I expect this matter will be brought up again in some manner to UFC or perhaps directly to City Council. The Heritage Tree Program certainly needs to address issues brought up in this situation. These include code change, and additional financial and labor support for the Heritage Tree Program from UF. This should include some means to assist in the maintenance of Heritage Trees on private property under prescribed circumstances.

The language in Title 11 is broad, perhaps intentionally, in the way it addresses what the criteria are to be used for delisting a Heritage Tree. It does state the process to be used. That is being followed. There are no adopted bylaws for the Heritage Tree Committee. UF staff does not have specific language in the Tree Code that states what exactly is to be examined when inspecting a Heritage Tree to see if a recommendation to delist and perhaps remove is warranted. I believe that UF inspector Mr. Jesse Nellis followed the same procedure that he would use for

any tree with the “dead, dying or dangerous” guidelines. For UFC members, there is nothing in the tree code nor the UFC bylaws that explains exactly what criteria are to be used when deciding on whether or not to recommend delisting a Heritage Tree. I assume that UFC members did not all use the same criteria to reach their decision.

Another challenging aspect concerned the future use of this property. It wasn't clear if the intention was to retain the small single family residence and rent it or if the goal was to develop the property for some larger purpose. I believe a timely systemic insecticide at the base of the tree will greatly reduce the elm leaf beetle problem. However, that may not be the owner's key problem with the tree. But if the beetles really are what is stopping use of the property, that can effectively be dealt with.

This is a massive tree in a low-canopy neighborhood. If this tree were removed, quite a few trees would need to be planted in the neighborhood to allow for the same level of community benefits. I suggest that it would be cheaper for UF to use tree fund dollars to support the Burtons' expenses on the property and preserve the Heritage Tree than to have to plant enough trees in the neighborhood to replace the benefits derived from this removed tree. Lovers of large trees in Portland could be mobilized to help pay for needed work on this tree, including potential structural issues caused by the tree. I certainly accept that it does seem inherently unfair to force the economic costs of maintaining a Heritage Tree on property owners, regardless of their ability to pay. The benefit to the community at large from these Heritage trees is consequential.

Hopefully a resolution for this matter can be found that satisfies all parties.