

TO: Neighborhood Tree Team members and Portland tree advocates
FROM: Bruce Nelson, Cully Tree Team 5 June 2022
RE: Portland Urban Forestry Commission Meeting May 19, 2022:
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.

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 sit <https://www.youtube.com/playlist?list=PL1ToXf0RSV44U3FpC0nwIUqtFOMFuIxMY>

The decisions made at these meetings may affect volunteer tree advocacy and may influence Urban Forestry division processes and actions. If you do not wish to receive this 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, lead presenters for a specific agenda item and occasionally either to identify who is saying what or for emphasis.**

The monthly Urban Forestry Commission (UFC) meeting was held Thursday, May 19, 2022, 9:30 a.m. – 11:35 a.m. It was held as a Zoom meeting, due to COVID-19 demands.

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

UFC Commissioners Absent - none

Urban Forestry (UF) Staff Present – Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division); Rick Faber (Permitting and Regulation Coordinator, Portland Parks and Recreation, Urban Forestry division); Nik Desai (Botanic Specialist II, Portland Parks and Recreation, Urban Forestry division); Ashley Reese (Administrative Specialist II, Portland Parks and Recreation, Urban Forestry division)

City Attorney’s Office – No one was present

Other City Staff - No one was present.

9:30 a.m. Public Testimony

Diane Meisenhelter, who volunteers with Extinction Rebellion and has close contact with the Portland chapter of the National Association for the Advancement of Colored People (which is very interested in tree canopy in Portland), presented testimony on Title 11 Code amendments. She lives in a neighborhood in northeast Portland where the furnishing zone is too narrow to allow for tree planting. She strongly urges Urban Forestry to more quickly update the Urban Forest Management Plan (UFMP). She does not believe it has clearly expressed tree preservation goals. She also believes that large trees need more protection on development sites. Neighbors should receive more notice when large trees are being proposed for removal as part of a development project. Even with the current climate crisis, abundant attacks on the city’s tree canopy continue. More action is needed on behalf of the urban canopy.

9:35 a.m. Minutes review and approval

Minutes from the February 17, 2022 meeting were reviewed. Commissioners strongly commended Ashley Reese for the detail provided in the minutes, especially the inclusion of the names of UFC members who made comments.

Minor edits were accepted and the minutes were approved. *Ashley's minutes are very detailed and include much of the discussion. Taking minutes while attending is an arduous task, especially then listening to the meeting tape for details. I encourage you to read Ashley's minutes once they are available to the public at the UFC website.*

9:40 a.m. – City Forester's Report, Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division);

Brian reported on behalf of Jenn Cairo, who was unable to attend the meeting due to illness.

1. Efforts are continuing to reduce the backlog in Permitting/Regulations. The late, wet snowfall and tree damage is primarily responsible for this backlog. Four new Urban Forestry staff have been added to help catch up.
2. The Pedestrian Design Guide has been accepted by PBOT staff and City Commissioner Joanne Hardesty, who oversees PBOT. It will take effect July 1, 2022. One change from the earlier draft was a stipulation of 6-foot-wide furnishing zones on local streets, unless it is not possible. Much work by Urban Forestry staff and public advocacy efforts all helped make this happen.
3. Jeff Ramsey will be leading the Street Tree Inventory project over the next few years.

<https://www.portland.gov/trees/get-involved/treeinventory#toc-2022-street-tree-inventory>

Six seasonal staff will assist in this endeavor. Specific neighborhood street trees will be surveyed on five different dates. PP&R's Youth Conservation Corps will help. *I believe some funding for this work will come from the Urban Forestry Fund, which, as of June 30, 202, contained over \$1 million.*

4. Recruitment continues for two more UFC Commissioners. The recruitment efforts will continue through August 1, 2022. Efforts at recruiting applicants from diverse communities are ongoing. Interested individuals should contact Brian Landoe. More specific information is available at <https://www.portland.gov/trees/ufc/join-ufc>
5. The Residential Infill Project (RIP) 2 update was reviewed at City Council. As a result of the public hearing held on it in April, a few late amendments were made. One of them, proposed by for-profit and non-profit housing entities, was offered by City Commissioner Rubio. It applies to all R-20 to R-2.5 zoned properties on maintained streets. It would allow the construction of up to six 2-story townhouse residences with front doors facing the street, if a) half of the housing units are affordable to a person making 60% of the area median family income (*family of two makes \$45,000*)

or less, family of four makes \$60,000 or less, family of six makes \$70,000 or less) or b) the units are priced at or below an affordability level established by Title 30. Each unit would be required to have at least 48 square feet of space in front for landscaping or a front porch or patio or other amenities.
<https://efiles.portlandoregon.gov/record/15085177>

The City Council approved RIP2 with the new amendments on June 1, 2022 and it will go into effect June 30, 2022. It is not completely clear what will be the ramifications for city canopy. Forty-eight square feet for frontage for a unit is not much space for a tree. It is likely these units will not have any vegetation that gets much taller than twenty feet or so, if they have vegetation at all. Street-tree presence will become even more important if there is insufficient space in the frontage of these street-facing housing units. It would be wonderful if the developer decides to reduce on-street parking and put in a bump-out to provide additional rooting space for a street tree. This is an option in the newly adopted Pedestrian Design Guide. It is also unclear as to how many affordable units will actually be built as part of this provision. Habitat for Humanity staff spoke on behalf of this specific amendment. It is seen as giving them more options in the types of projects they undertake.

As a follow-up to a request at a previous UFC meeting, Daniel asked that Brian provide a written document from the City Attorney's office about the decision on when a Urban Forestry Commissioner term ends in situations where that commissioner replaced another commissioner who did not complete a four-year term. This decision should be part of the written record for UFC, as it is not uncommon for UFC members to leave before term completion.

Public Hearing on the Proposed Title 11 Amendments Brian Landoe (Analyst 1, Portland Parks and Recreation, Urban Forestry division); Nik Desai (Botanic Specialist II, Portland Parks and Recreation, Urban Forestry division)

Nik and Brian are co-leading the project for Urban Forestry on the technical and minor amendments to Title 11 Phase 1, which is nearing completion. This includes writing, discussing, rewriting, and securing final City Council approval of these technical and minor amendments. City Council is expected to address the amendments this summer. *On the City website, where future agenda items are listed with a certain date and time, there is none listed for the Title 11 Amendments*

consideration. Brian did report that City Council has scheduled the review for July 25. He also noted that the minor amendments have been heard or will be heard by the Planning and Sustainability Commission (PSC), the Development Review Advisory Committee (DRAC), and city bureaus including Environmental Services (including the engineering group), Transportation, Water, Development Services, and Planning and Sustainability. Phase 2 will focus on updating the Urban Forest Management Plan and Phase 3 will look at more substantive changes to improve Title 11.

PUBLIC COMMENT

Catherine Mushel: Speaking on behalf of Trees for Life Oregon, the effort to provide these technical amendments is greatly appreciated. It is a challenging time for trees in Portland, with recent or pending decisions:

1. New Portland Water Bureau standards specify trees must be at least 10' from a 24-inch diameter or greater water main on an improved street and can get no larger than 12" DBH.
2. The Pedestrian Design Guide specifies 6-foot-wide furnishing zones along local streets. It also suggests but does not mandate means to have larger spaces for street trees. Only 4-foot-wide furnishing zones are required for many street types.
3. Residential Infill Oregon mandates and Portland-adopted amendments reduce available space for large-form trees on a wide array of property types.
4. The push by elected City Commissioners (led by Commissioner Ryan) to hasten the permitting process to allow more rapid construction will likely result in the loss of healthy trees.
5. Federal infrastructure money coming to Portland does little for trees.

We need more trees, yet all of the above reduce or take away trees. 82nd Avenue needs trees but trees do not appear in City documents about street improvements there. Trees for Life Oregon supports the technical amendments, as they will help in preserving trees, and encourages the UFC to support the amendments.

Chris Peskin: As a resident who lives near Forest Park and as a community member engaged in the fire-wise program with the Portland Fire and Rescue Bureau, he is very focused on defensible space. It is important to reduce friction between residents who live in identified high fire-hazard areas and e-zones. It is difficult for residents in these areas to navigate the various code provisions on what residents are allowed to do and what they need permits to do regarding vegetation management. Getting a permit from PP&R (*for pruning or removing a tree?*) is

prohibitively expensive and time-consuming. It is unfair that PP&R can have 200 feet of defensible space from its structures while individual private property owners are held to a 30-foot standard.

Public testimony concluded.

Bruce and Roberta thought that pruning trees on fire zone private properties does need to be addressed. Brian shared that Urban Forestry is trying to figure out exactly what it can do to address this issue.

Daniel was curious about the timeline for developing the more substantive changes to the tree code. *He did not get a direct answer.* Daniel also wondered about the procedure for considering new information before the date of an Urban Forestry appeal hearing if that information was not included in the submitted written appeal. Can the appeal date be set back in order to consider pertinent new information? Rick Faber of Urban Forestry responded that if the appellant has new evidence to be considered and brings it to UF prior to the date of the hearing, UF can delay the hearing.

Vivek wondered if these technical amendments will slow down or speed up the more substantive Urban Forest Management Plan update and the substantive Title 11 amendments process. Nik did not think passage of Phase 1 amendments would have any effect on the time needed or process for Phases 2 and 3. These will likely be happening concurrently.

Megan wondered about coordination between Title 11 substantive amendments and revision of the UFMP. Nik replied that this will depend on work force capacity. Urban Forestry does recognize the urgency of these endeavors. He believes there will be a dual track for these. *I think that means they will be worked on at the same time, but perhaps with different staff people.*

Bruce wondered if the UFMP is an administrative rule or if it has to be approved by City Council. Gregg Everhart, former UFC member who was attending the meeting, wrote in the chat that the UFMP did need City Council approval. UF's Rick Faber thought that the Urban Forest Management Plan is an administrative rule and therefore does not need City Council approval. *It would be good to verify which is true.*

Daniel proposed that the Policy Committee draft a letter in support of the Title 11 amendments, if so moved by UFC, which approved. The letter will then be sent to Vivek, who will send it to City Commissioners with UFC support.

Healthy Parks, Healthy Portland Update **Brian Landoe** Brian asked how UFC wishes to be involved in PP&R's Healthy Parks, Healthy Portland. He reviewed the project's progress to date. It was launched in 2020 and involves efforts within PP&R to foster continuous centering on underserved communities. It involves a listening/hearing process; developing a decision-support tool; a mission, vision, values, and racial equity statement; and actions and results. Anjeanette is involved in the working group of Healthy Parks, Healthy Portland. Gregg Everhart (former UFC member) has been involved with the mission/vision/values/racial equity statement group. A draft document from this working group will be circulating soon in PP&R circles.

Adrienne shared that she is on the PP&R Board and also a part of the actions/results group. Trees are finally beginning to appear in some of the discussion and presentations. She thinks it is important that tree advocates be involved in this group. Megan reminded UFC members that when Healthy Parks, Healthy Portland was originally presented to UFC, it had no mention of trees. Daniel shared some historical context: UFC has had an interest in UF taking over maintenance of street trees. Money was allocated to explore that question. That money was then rolled into the PP&R Sustainable Futures project. Now we have the Healthy Parks, Healthy Portland project. Brian stated that the Healthy Parks, Healthy Portland project is completely independent of the Sustainable Futures project.

Vivek wondered how Healthy Parks, Healthy Portland is addressing the reduction of space for private trees and the decline of private trees, especially in disinvested areas of the city. He also wondered how underserved communities can get involved in this Healthy Parks, Healthy Portland project. Adrienne thought it might be useful for UFC to present its tree concerns to the Parks Board. Bruce would like to hear what have been the experiences of Gregg and Anjeanette in working on this Healthy Parks, Healthy Portland project.

It does not appear that Brian got a direct answer to his question about how UFC wishes to be involved in the Healthy Parks, Healthy Portland Project. A number of members remain skeptical about the project's usefulness as it pertains to tree canopy. It is good that Anjeanette and Adrienne are involved in various aspects of this project and that former UFC member Gregg Everhart is too. It remains to be

seen if the project will be able to expand its thinking beyond recreation in developed parks and natural areas

UFC Upcoming Retreat Vivek Shandas (chair)

The UFC retreat is scheduled for Monday, June 6, at Leach Botanic Garden from 8:30 a.m. – 12:30 p.m. Breakfast and lunch will be served. The meeting will be facilitated by former UFC member Thuy Tu.

RIP2 Late Amendments Comments by UFC members

Roberta thought that amendment #4, recently added to RIP 2 on behalf of the affordable housing community, has not had sufficient review time to adequately explore its ramifications for tree canopy. Melinda agreed that the process seemed flawed.

The big area of concern about amendment 4 is on R-5 lots where it will become very hard to find sufficient space to plant a tree that can reach a size that will contribute significant environmental and human health benefits. Put more succinctly – residents get a front door facing the street but have to go elsewhere for tree benefits.

UFC members voted to have Brian draft and send a letter in support of the following points pertaining to these last-minute amendments:

1. Amendment # 4 is not required by state law;
2. More time is necessary to study the potential desirable and undesirable results, should this amendment be adopted.

City Council passed RIP2 with its amendments on June 1, 2022 and will go into effect June 30, 2022. It is unclear how it will affect tree canopy and how that will be tracked. It is also unknown to me how Portland bureaus will be evaluating RIP2's consequences on developing more affordable housing as well as more "middle housing."

Brian agreed that an upcoming UFC agenda item will be density and green gentrification.

Daniel shared that he had testified at the Portland Water Bureau public hearing on its proposed standard of no trees within 10' of 24" diameter or larger water main. He considered this measure as just one more provision being passed by a city bureau that leads to a reduction in space for street trees. How do we get the picture to City Council of the ramifications of all these policy adoptions by the different

bureaus? *The Water Bureau adopted the proposed standards, including the 10' standard; they went into effect June 1, 2022.*

Vivek shared that Heat Week is coming up. There will be a variety of activities around the city as the one-year anniversary of the heat dome approaches. Vivek is working with a number of community groups on this endeavor.

Next Urban Forestry Commission Meeting: The next Urban Forestry Commission meeting will be 9:30 a.m. – 11:30 a.m., June 16, 2022, as a Zoom meeting. Check the link below prior to the meeting for the agenda, meeting materials, and how you can gain access to this Zoom meeting,
<https://www.portland.gov/trees/ufc/events/2021/6/17/urban-forestry-commission-meeting>