

TO: Neighborhood Tree Team members and tree advocates
FROM: Bruce Nelson, Cully Tree Team 6.30.20
RE: Portland Urban Forestry Commission Meeting 6.18.20:
Summary and Comments

NOTE: This document is not an official document of the Urban Forestry Commission. It is written by a private citizen who happens to be a member of the Urban Forestry Commission.

These two-hour 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, once they are approved by the Commissioners (usually 1-3 months after the meeting). <https://www.portlandoregon.gov/parks/60405>

The decisions made at these meetings often affect the volunteer tree advocacy work we are doing. I will send 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.

The monthly Urban Forestry Commission meeting was held Thursday, June 18, 2020, 9:30 am – 11:30 am, as an online Zoom meeting due to COVID 19 demands.

Urban Forestry Commissioners Present - Vivek Shandas (Chair), Gregg Everhart, Brian French, Barbara Hollenbeck, Lorena Nascimento, Bruce Nelson, Daniel Newberry, Damon Schrosk, Megan Van de Mark

Urban Forestry Commissioners Absent - Anjeanette Brown

Urban Forestry Staff Present - Jenn Cairo (City of Portland Forester), Brian Landoe (Budget and Programs Analyst)

Deputy City Attorney- Tony Garcia

Visitor Presenters – Mindy Brooks (Bureau of Planning and Sustainability)

Public Comments -- No comments were made at the start of the meeting.

Conflict of Interest Policy – Vivek reminded UFC Commissioners of the importance of reporting any possible conflicts of interest they may have prior to the discussion and decision making on a specific agenda item. Conflict of interest should be interpreted as meaning a potential monetary effect for the Commissioner or family of the Commissioner through a decision made by the UFC. When in doubt, it is prudent to declare a potential conflict of interest prior to the start of the discussion.

“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.”

(I am not sure of the source of the above information but it is placed on the agenda document that was posted at the Urban Forestry Commission website).

UFC Priorities Vivek Shandas - Chair

Vivek asked UFC Commissioners to review the writeup of UFC priorities generated at the May UFC meeting, written up by Vivek and sent to all UFC Commissioners earlier this month. Comments, corrections and clarifications go to Vivek.

City Forester Report Jenn Cairo – City Forester

Jenn gave brief updates on nine different items, after thanking the Commissioners for their time and efforts on behalf of the Urban Forestry Commission.

1. Jenn stated that Portland’s Urban Forestry division recognizes it has inadequately delivered services to Portland residents who are members of the black and indigenous communities. Past redlining policies of financial institutions following prescribed government policies have also contributed to hardships faced by these same communities. One result of these past practices is the lower tree canopy cover on the east side of Portland where many black and First People reside. Currently the east side canopy averages 20% and the west side of the Willamette River averages 53%. Urban Forestry is on a path to change this situation.

2. The Portland City Council recently recognized June tenth (19th) as an official holiday for city employees, in recognition of the day that slavery was abolished in all states of the United States of America.
3. There is still 1 vacant position on the Urban Forestry Commission. The date for applications has been extended to August. The desire is to get a “robust applicant pool” which could result in bringing new perspectives to UFC.
4. The Portland Bureau of Transportation Pedestrian Guide Update process continues (May 2020 UFC Meeting minutes).
5. Portland Parks and Recreation (PP&R) continues work with Bureau of Environmental Services (BES) on the City Tree Planting Improvement Project which was discussed at the April 2020 UFC meeting. The work now is developing the external stakeholder group for consultation. Vivek Shandas has agreed to chair this group. *No comments were made as to which individuals or groups would be represented nor when this group would be meeting. I expect it will meet several times during the summer.*
6. Work continues on the two proposed amendments to Title 11 Tree Code pertaining to a) mitigation in-lieu-of -preservation threshold tree size and b) removal of exemption from Title 11 for certain planning zone designations. At the August 20th regularly scheduled UFC meeting, there will be an update on this work. On August 25th at 5:30 pm there will be a joint public hearing of the Planning and Sustainability Commission (PSC) with the Urban Forestry Commission on the proposed amendments. This is a requirement for all proposed changes to Title 11. *(After the meeting, the August 25th date was changed to Tuesday September 8th at 1 pm).* On September 17, 2020 UFC will hear the proposed Title 11 amendments and deliberate upon them. In late October it is likely the amendments will be brought before City Council for discussion. *(I think all of these meetings are Zoom meetings until further notice).*
7. In July, it is likely that all city budgets, including that of Urban Forestry, will be updated. Currently the City has implemented a hiring freeze, furlough days, and certain other personnel measures to help reduce future expenses. It is expected that City revenues will fall, primarily due to COVID – 19.

8. On May 27, City Council approved the 2020-2021 Fee Schedule for Tree work, approved earlier by UFC. On June 17th, City Council approved the proposed listing of 13 new Heritage Trees and the delisting of 1 Heritage tree and accepted Urban Forestry's Tree Fund. *(The audio records of the June 17th City Council hearing were not available at the time of this writing so I cannot make any comments on the City Council discussion pertaining to the Heritage Trees or the Tree Funds).*

9. Numerous community members have expressed to Urban Forestry their concerns regarding the requirement to remove the giant sequoia located on the property line between 4058 and 4066 NE 12th Avenue. Since the Bureau of Development Services decided that the residence at 4058 NE 12th Avenue was unsafe to inhabit, based on the judgement by UF staff that the giant sequoia compromised the wall and foundation of that house, a decision was made that the tree must be removed. The residents at 4066 NE 12th requested an administrative appeal, as is allowed in Title 11. That was being done. *(The Administrative Appeal performed by Urban Forestry staff found that Urban Forestry staff had followed the requirements of Title 11 in their procedures regarding this tree. The Administrative Appeal upheld the demand that the tree be removed. The owners of 4066 NE 12th Avenue will likely appeal this decision to the Hearing Review Officer).*

Damon wondered how this is different from the situation that arose in the southeast Eastmoreland neighborhood regarding 3 giant sequoias. Jenn pointed out that at this northeast Portland location the property owner is not interested in selling the property, unlike the situation on SE Martins with the three sequoias. In the northeast location, a house had been deemed unsafe to inhabit due to the trunk growing into the north wall and foundation of the house. Damon wondered if there are any code changes that might be helpful in the future to prevent something like this from happening again. Jenn responded that Urban Forestry is reviewing its code to see what might be appropriate. The challenge right now is that under current code there is no way to force the property owner at 4058 NE 12th Avenue to change the north wall and foundation in a way that preserves the health and presence of the 9' diameter giant sequoia. *(As one of the larger trees in the low canopy Sabin neighborhood, it will take years to replace the loss of the canopy of this tree.*

Under Title 11, after removal of this tree the property owner will be required to plant a 1.5” caliper tree. This is a good example of where one property owner at one point in time really does influence what will live in the landscape tomorrow).

Vivek thought there are many trees within 10’ of structures. If these trees are so easily removed this will have serious canopy reduction consequences. Jenn replied that Urban Forestry is looking at this issue.

Portland Environmental Zones (E-zones) Correction Project Mindy Brooks, Planner, Bureau of Planning and Sustainability

(This agenda item was a late substitution for Angie DiSalvo’s presentation on Urban Forestry’s Tree Planting plan. No reason was given to UFC for the change in the agenda.)

Portland Code 33.430 deals with Environmental Zones. With the use of new technology the Bureau of Planning and Sustainability (BPS) is looking to upgrade the exact placement of the Environmental Zones within portions of Portland. These are referred to as E-zones and address rivers, streams and sloughs; wetlands; riparian areas; forests; steep slopes; and fish and wildlife habitat. The project takes information from the 2012 Natural Resource Inventory Update and the 2035 Comprehensive Plan updated through March 2020. The E-zone Correction Project hopes to:

1. Reduce the risk of flooding;
2. Protect at-risk species;
3. Reduce the risk of landslides;
4. Protect habitat for endangered species.

Other BES projects will address the Columbia Corridor and the Willamette River areas in Portland.

Environmental overlay zones are of 2 types. The Conservation (C) zone allows some new private development that is sensitive to the natural resources. The

Protection (P) zone prohibits most new private development but does allow new stormwater outfalls, levees, pump stations, public streets and similar infrastructure – with mitigation.

This Correction Project will bring into the E-zones a small amount of area that was not previously shown as containing streams or wetlands. Most of this change is occurring due to more accurate mapping of wetlands. All wetlands will be assigned as P zones. Bureau of Environmental Services personnel are doing this mapping of wetlands.

There are about 25,000 properties that will be affected by the anticipated corrections.

On June 30th, the Draft document of the Portland Environmental Overlay Zone Map Correction Project will be released to the public. During July 2020 there will be times set aside for virtual one-on-one Q & A sessions for members of the public. A briefing is scheduled for July 14th at the Planning and Sustainability Commission (PSC) followed by a public hearing at PSC on July 28. During the Fall 2020, PCS will make recommendations to City Council. It is expected that during Winter/Spring 2021 City Council will hold hearings and potentially make decisions regarding the proposals of the Environmental Overlay Zones Map Correction Project.

UFC Commissioners and one member of the public addressed Mindy with questions and comments. The comments of Mindy Brooks are in **bold**.

Daniel Newberry: For unincorporated areas of Multnomah County, Title 33 is relevant but Title 11 has no role, like in the Pleasant Valley area (includes Powell Butte and areas to the south) . How are trees dealt with in that area? **Pleasant Valley has a separate code that applies to development in these unincorporated areas that are in Multnomah County.**

Megan Van de Mark: What is the threshold for when you need to replace a tree you removed? **6”**. **There are a number of different standards for when you can remove trees in e-zones.**

Gregg Everhart: Does this address steep slopes? **33.430 does not explicitly address landscaping as this is addressed elsewhere in Title 33. E-zones do**

generally include steep slopes over 25% although there is some wiggle room here.

Bruce Nelson: It appears that the e-zones are primarily in higher income areas. It also appears that there are no streams that are recognized in north/northeast Portland. Does this mean that streams that have buried in pipes are no longer recognized? **Unfortunately that is correct.**

Brian French: Does this update connect streams to forests? **This is just one small part of a larger effort includes the 2012 Natural Resource Inventory Update and the 2035 Comprehensive Plan updated through March 2020.**

Damon Schrosk: Do you need a permit to remove any tree over 6” dbh in an e-zone? **Yes, that is correct. You need a permit to remove any non-nuisance tree, native or not, that is 6” or more dbh. The Planning and Sustainability Commission is the public advisory group that will make recommendations to City Council regarding this document.**

Lorena Nascimento: Has BPS thought about creating critical zone layers to address areas affected by urban heat islands, lack of canopy, heavy transit corridors, poverty zones close to industrial areas and racist land segregation (redlining and gentrification)? Vulnerable communities seem to be excluded from these planning activities. It would seem to be better to invest in prevention measures now then much more expensive reparation measures in the future. **Your comments are very welcome. It is true at this point we do not really address them in our e-zones.**

Megan Van de Mark: Would you repeat the dates on the comment period?

June 30 – Proposed Draft released for public review

July – Virtual one-on-one Q&A sessions for the public at varying times and dates

July 14 – PSC will be briefed on document

July 28 – PSC public hearing on document

Fall 2020 – PSC Recommendation to City Council

Winter/Spring 2021 – City Council Hearings and Decisions

Daniel Newberry: It seems appropriate for the UFC's Policy Committee to discuss this item and see if the Committee can bring back to the UFC comments and recommendations pertaining to this document.

Gregg Everhart: Please have all UFC Commissioners forward any specific comments on this document to Daniel Newberry for consideration as part of the Policy Committee discussion and decision making.

Vivek Shandas: How often do these corrections happen? **Every 10 years at best but commonly not that often!**

Public Testimony:

Ted Labbe: The presentation was very helpful. Is there any attention paid to mature Oregon white oaks? Are they considered part of the Natural Resources Inventory? **No they are not considered as part of the Natural Resources Inventory as it focuses primarily on streams and rivers.**

Mindy Brooks: In closing I want to remind that Phase 2 of this project is to look at what parts of Code (Title 33) might need to be changed to facilitate protection of these valuable natural resources. That phase has not yet begun.

Minutes Review Brian Landoe Urban Forestry Budget Analyst

The minutes of the April 16, 2020 UFC meeting were reviewed. As written, the minutes were not yet ready for approval. Barbara, Gregg and Megan expressed in different ways the hope that the minutes could better reflect comments and questions by community members who participated and UFC Commissioners. In particular, during the presentation by Adena Long (PP&R Director) and Dawn Uchiyama (Deputy Director of BES) dealing with City Tree Planting Programs of their respective bureaus, detailed comments from them were included in the minutes. However, only three short bullet points were listed for the comments and questions raised by community members and Urban Forestry Commissioners. As written, the minutes do not capture those comments and questions. Vivek wondered how those sentiments could be addressed, relative to the official minutes of the UFC. Brian Landoe endorsed the idea of the minutes also reflecting the tone

of a meeting. Lorena wondered if sometimes names of UFC Commissioners could be attached to comments or questions brought forth in the meeting. Brian responded that does take additional time to do. Jenn expressed concerns about adding additional items to Brian Landoe's workload, considering that currently all staff are being required to take furlough days. Barbara hoped that the minutes would reflect the Urban Forestry Commission, rather than merely reflecting City government views. Vivek hoped for more content and tone from UFC Commissioners and community members testifying in future UFC minutes. Brian Landoe was okay with that request. A revised set of April minutes will be reviewed in July.

UFC By-Laws Discussion Brian Landoe Urban Forestry Budget Analyst

At the April 16, 2020 UFC meeting about 15 minutes was spent on going over the proposed revised by-laws for UFC. That discussion was continued at this meeting. This by-law change was required by the Office of Community and Civic Life which saw the need for more synchronicity in the operations of all community advisory groups while also being sure that their operations were in compliance with state laws.

Since the April meeting, Brian had talked with Deputy Attorney Tony Garcia to get clarification on portions of the by-laws where there may be flexibility in how the by-laws are written.

One area of clarification is that anyone on a UFC sub-committee (in the proposed by-laws the term sub-committee replaces the term committee in the existing by-laws) can vote on matters before them if that item must latter be approved by UFC. For example, if the UFC Policy sub-committee writes a letter to send to the Mayor regarding e-zones that letter will either a) receive majority support of Urban Forestry Commissioners on that sub-committee and then be sent to the Mayor or b) receive majority support from all present members of that subcommittee before being sent to UFC for majority support from UFC Commissioners before being sent to the Mayor.

Responses to questions or comments from UFC Commissioners from identified staff members are shown in **bold**.

Barbara wanted clarification that the proposed by-laws do not change anything about the operation of the Appeals Board. **Tony Garcia (Deputy City Attorney) Yes, that is correct. It is still true that the Appeals Board can only decide on**

the basis of the information presented at the hearing, both orally and in writing.

Gregg wondered if the current procedures of the Heritage Tree Committee in selecting Heritage Trees are lawful. **Tony Garcia stressed the importance of having some sort of written documentation on the trees reviewed and approved/not approved by the Heritage Committee. It is ultimately the UFC that decides which trees to propose to City Council for listing. Therefore, within the operation of the Heritage Tree (Sub-committee) all members can vote on whether or not to propose listing a specific tree. Brian Landoe said the proposed by-laws do not specify a set means of decision making within each sub-committee. That is up to the sub-committee to determine.**

Jenn thought that the intent within the by-laws is to be transparent in exactly how the sub-committees work. Though not always stated, it is assumed that the goals of equity, diversity and inclusion are included.

Bruce wanted clarification on the section where UFC needs to get approval from the City Forester and the director of Portland Parks and Recreation before sending out a written letter. **Tony Garcia (Deputy City Attorney) replied that this specifically deals with communication to entities outside of City of Portland offices and personnel. Communication from UFC directed to a specific Portland City government offices does not have to be approved by the City Forester nor by the Director of Portland Parks and Recreation.**

Bruce wanted clarification as to what sorts of tree related activities are required to be reported in writing to the City Forester as part of the requirements regarding right-to-know laws. **Tony Garcia (Deputy City Attorney) responded that any activity that a UFC Commissioner undertakes in which they claim to be operating on behalf of UFC must be reported to the City Forester.**

Gregg asked exactly what the process is for reviewing and approving the by-law changes. Do you want written comments from UFC Commissioners to be sent to Brian? **Brian Landoe said a decision on the proposed by-laws will be made at a later meeting this summer.**

More UFC Commissioners had questions and comments but time was up . This discussion will continue during the summer.

Next Urban Forestry Commission Meeting

The next Urban Forestry Commission meeting will be Thursday, July 16,

9:30 – 12 noon, as a Zoom meeting. The agenda is unavailable at this time. Check the link below in July for meeting agenda and materials plus how you can gain access to this Zoom meeting and also make public testimony:

<https://www.portlandoregon.gov/parks/80167>