



# April 1, 2025 Finance Committee Agenda

**City Hall, Council Chambers, 2nd Floor – 1221 SW Fourth Avenue, Portland, OR 97204**

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**Tuesday, April 1, 2025 12:00 pm**

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**Session Status:** Adjourned

**Committee in Attendance:**

Council President Elana Pirtle-Guiney, Vice Chair

Councilor Steve Novick

Councilor Mitch Green

Councilor Candace Avalos

Councilor Eric Zimmerman, Chair

Councilor Zimmerman presided.

Officers in attendance: Keelan McClymont, Council Clerk

Committee adjourned at 3:28 p.m.

## Regular Agenda

1

[\\*Adopt the FY 2024-25 Technical Adjustment Ordinance and make other budget-related changes](#) (Emergency Ordinance)

**Ordinance number:** 192047

**Document number:** 2025-120

**Introduced by:** Mayor Keith Wilson

**City department:** City Budget Office

**Time requested:** 1 hour

**Council action:** Referred to City Council

Motion to move the Emergency Ordinance to Adopt the FY 2024-25 Technical Adjustment and make other budget-related changes to be sent to the full Council with the recommendation that it be passed: Moved by Pirtle-Guiney and seconded by Novick. (Aye (5): Pirtle-Guiney, Novick, Green, Avalos, Zimmerman)

2

[Urban Forestry operations, enforcement, compliance, fees and fines](#) (Presentation)

**Document number:** 2025-121

**Introduced by:** Councilor Eric Zimmerman

**Time requested:** 40 minutes

**Council action:** Placed on File

3

[Public comment on Urban Forestry operations, enforcement and compliance, fees and fines](#) (Public Hearing)

**Document number:** 2025-122

**Introduced by:** Councilor Eric Zimmerman

**Time requested:** 30 minutes

**Council action:** Placed on File

4

[Amend fee schedule for tree permits \(amend PRK 2.03\)](#) (Ordinance)

**Document number:** 2025-123

**Introduced by:** Mayor Keith Wilson

**City department:** Parks & Recreation

**Time requested:** 15 minutes

**Council action:** Referred to City Council as amended

Motion to amend Exhibit A to strike the following Enforcement fees: Violation Review, Administrative Review, and under Non-Development: the Administrative Review and Appeal Application fee: Moved by Zimmerman and seconded by Pirtle-Guiney. (Aye (5): Pirtle-Guiney, Novick, Green, Avalos, Zimmerman)

Motion to adopt the fee schedule as amended: Moved by Novick and seconded by Green. (Aye (5): Pirtle-Guiney, Novick, Green, Avalos, Zimmerman)

The Ordinance, amended for schedule of tree permits, moves to the full Council with the recommendation that it be passed.

Portland City Council, Finance Committee

April 1, 2025 - 12:00 p.m.

Speaker List

Name	Title	Document Number
Eric Zimmerman	Councilor, Committee Chair	
Keelan McClymont	Council Clerk	
Elana Pirtle-Guiney	Council President, Vice Committee Chair	
Steve Novick	Councilor	
Mitch Green	Councilor	
Candace Avalos	Councilor	
Christopher Herr	Council Policy Analyst	
Ruth Levine	City Budget Office Director	2025-120
Anthony Locke	Financial Analyst, City Budget Office	2025-120
Sonia Schmanski	Vibrant Communities DCA	2025-121
Adena Long	PP&R Director	2025-121
Casey Jogerst	Urban Forestry Permitting & Regulations Manager	2025-121
Rick Faber	Compliance Supervisor	2025-121
Jenn Cairo	City Forester	2025-121, 2025-
Don Porth	(Testimony)	2025-122
Yashar Vasef	(Testimony)	2025-122
Jeramy Peters	(Testimony)	2025-122
Micah Meskel	(Testimony)	2025-122
Bruce Nelson	(Testimony)	2025-122
Christopher Browne	(Testimony)	2025-122
Sarah Cline	(Testimony)	2025-122
Nico Neerman-Cline	(Testimony)	2025-122
Ginger Edwards	(Testimony)	2025-122
Geoffrey Donovan	(Testimony)	2025-122
Vivek Shandas	(Testimony)	2025-122
Michael Smitasin	(Testimony)	2025-122
Kelly Gomes	(Testimony)	2025-122
Brenna Bell	(Testimony)	2025-122
Keren Eichen	(Testimony)	2025-122
Zo Gonzales	(Testimony)	2025-122
Brian Landoe	Urban Forestry Strategy & Planning Manager	2025-123

## **Portland City Council Committee Meeting Closed Caption File**

**April 1, 2025 – 12:00 p.m.**

This file was produced through the closed captioning process for the televised city Council broadcast and should not be considered a verbatim transcript. The official vote counts, motions, and names of speakers are included in the official minutes.

**Speaker:** All right. Good afternoon. I want to call the meeting of the finance committee to order. It's April 1st. It's 1201 Keelan. Can you please call the roll?

**Speaker:** Yes. Pirtle-guiney.

**Speaker:** Oh, wait.

**Speaker:** It's April 1st. We're starting with district two. I just noticed that here.

**Speaker:** Novick here.

**Speaker:** Green.

**Speaker:** Present. Avalos.

**Speaker:** Present.

**Speaker:** Zimmermann.

**Speaker:** Present. All right. The meeting is in order. Christopher, can you please read the statement of conduct?

**Speaker:** Welcome to the meeting of the finance committee to testify before this committee in person or virtually. You must sign up in advance in the committee agenda at [ca.gov council agenda slash finance committee](https://ca.gov/council/agenda/slash/finance-committee) or by calling 311.

Information on engaging with the committee can be found at this link. Registration for virtual testimony closes one hour prior to the meeting. In person. Testifiers must sign up before the agenda item is heard. For today's meeting, individuals may testify for two minutes. Your microphone will be muted when your time is over. The

chair preserves order. Disruptive conduct such as shouting, refusing to conclude your testimony when your time is up or interrupting others testimony or committee deliberations will not be allowed. If you cause a disruption, a warning will be given. Further disruption will result in ejection from the meeting. Anyone who fails to leave once ejected is subject to arrest for trespass. Additionally, the committee may take a short recess and reconvene virtually. Your testimony should address the matter being considered. When testifying, state your name for the record. If you are a lobbyist, identify the organization you represent. Virtual testifier should unmute themselves when the clerk calls your name. Thank you.

**Speaker:** Thanks. A reminder, colleagues, for today's meeting. You know, last week, on March 24th, we heard about the technical technical adjustment ordinance, and that was presented to us today. We will consider that ordinance. We'll hear a presentation on the urban forestry operations enforcement compliance fees and fines. We're gonna take some public comment, public testimony on that. And then we'll also be hearing the fee schedule as it relates to the urban forestry program. I want to take this opportunity to just say, this is the first of many fee schedules that we're going to hear in this committee. And in order to open up some time in future meetings, and given the topic of the day, I've invited the this schedule to be presented today, you'll hear this similarly with our other departments and bureaus. And this is part of adopting our budget is sending us fee schedule to our overall council. So with that clerk, can you read item one?

**Speaker:** Please adopt the fy 20 2425 technical adjustment ordinance and make other budget related changes.

**Speaker:** Great. As we mentioned last meeting, we got the presentation from the finance team. This will what i'll be asking for is support for us to adopt the technical adjustments and send to the full council as part of an emergency package, so that it

can be used in the preparation for the upcoming. Excuse me, to close out the current fiscal year so that we can then be in preparation for the upcoming budget. Are there any are there any public testimony clerk on this item?

**Speaker:** No one signed up.

**Speaker:** Okay. Are there any discussion from councilors before we take up the technical adjustment?

**Speaker:** Chair, if I may, please. So I have some questions about some of the exhibits. Is this a space to ask those questions, or are we going to get a briefing from the mayor. Like how does this work?

**Speaker:** Yep, I think we can we can definitely do that. I see staff in the room who can come up and discuss details as they pertain. So I'd just give the floor to you, councilor.

**Speaker:** All right.

**Speaker:** As you're setting up there, I have on my screen exhibit two. Two a that which describes the general fund changes. And I think my, my primary question and this could just be my, my understanding from last week is murky. But last week I was under the impression that we were going to release the \$3.5 million of policy set aside from the Portland police budget back into contingency to be rolled over next year. But it looks like in here, and I could be misreading this, that we would actually be they would draw that down for expenditure. Can you elaborate on that?

**Speaker:** Yeah, sure. For the record, ruth levine, budget director. Sorry, the I think you just had the understanding flipped. So apologies if our presentation was was not clear, but it's the intention is to draw down the contingency to put into the police bureau's budget for this current fiscal year through this action. So there was a policy set aside line that had been put into contingency during the fall bump, with the last council that has \$3.5 million of it in it as of today. The action that is included

in this ordinance would draw down that line and put it into the police bureau's budget so that they can spend it in the current fiscal year.

**Speaker:** Okay, thanks for clarifying. So in the fall bump, wasn't it \$7 million or maybe just was always it was always \$3.5 million and it was just held there. If they may or may not need it. And now now the tao says we're going to make it available for them to spend it. That's right. Okay. That's my question on that. And then I just have, I don't know, maybe broader questions about well, I guess I'll just ask this. All of the different funds. Do I think a pretty decent job at laying out how those are, how those accounts are, are constructed, but with each having sort of a contingency balance? What was what's like the total balance? What's the total sum of all those contingency funds for all those different fund balances? Or is that too much to ask right now?

**Speaker:** Yeah, I don't have total contingency in each fund. Keep in mind that there are separate. So you'd have to mean that many of them are restricted funds. So those the contingency and those restricted funds is still restricted to that fund.

**Speaker:** I guess my sort of more philosophical question is, is it normal to see that level of contingency for each? So for some of them I see it like like contingencies, like 50% of the total, the total fund. And so like the scale question I think is yeah, is what I'd like to get my hands around.

**Speaker:** Sure. It's a good question. They, they really vary fund to fund. So in theory. So remember contingency is not something you can no. Nobody can spend out of contingency. It has to get moved from contingency into a budget. And so each fund really has different reasons for the level of contingency and different ways in which they use it. In the general fund last meeting, I kind of walked through the different buckets of general fund contingency, which are sort of separately allocated. Each of those has a commitment item or a gl account that corresponds to

it. In other funds. They're used differently. So like there's a big move in the water fund contingency. Those have more to do with, you know, they have large construction projects over multiple years. They don't know when exactly an expense is going to hit or exactly how large it's going to be until it comes closer. And so they use contingency to kind of manage some of that essentially. But and then in other funds. Like it acts a little bit more as a reserve. Not every fund has a formal reserve. Right. So it can act as a reserve in some funds. So it really varies fund to fund. But happy to explain more. Yeah.

**Speaker:** But those are those are restricted.

**Speaker:** The general fund contingency is essentially not it is general fund. And so it's not restricted. It's budgeted in those buckets per council decision. Council can change that decision in the other funds like the water fund contingency is water funding and it cannot be used for anything that's not does not relate to water.

**Speaker:** That's helpful. And then I guess my last question is on let's see page. Gosh, two of the pdf for exhibit. Yeah. Exhibit two a there's a roll up of the updated general fund contingency balances. So if I'm reading this right, the spring bump or I should say the tao would have a total of \$36 million round up to \$37 million in projected contingency fund balance by the fiscal year end. Is that right?

**Speaker:** That's that's correct. For the record, my.

**Speaker:** Name is anthony. I'm the supplemental budget coordinator. And so one reason why that number is going up in policy reserves is because, as we talked about last week, there were there are two categories of money that were moving from the current year to the following fiscal year, which is general fund returns and general fund carryovers. And so at a technical level, we'd appropriate those resources in the current year budget, and then we temporarily add them to contingency. And then those contingency amounts will be used to pay for. Different



items in the 2526 budget. So that's why even though there's a 3.5 million draw on policy set aside, you'll see that number go up. Because we moved the total revenue general fund revenue from returns and from general fund carryover to that policy, set aside as a placeholder for when we make actions in the mayor's proposed.

**Speaker:** Thank you. And so would it be inappropriate to say, okay, I see \$37 million here here forecasted for balance of the fiscal year. We should expect that to roll over as starting fund balance for the next, because some of it is already counted towards expenditures in that next fiscal year.

**Speaker:** So I think barring any, you know, anything that happens for the rest of the fiscal year. And keep in mind we typically do an over expenditure ordinance at the very end of the fiscal year to do interfund loans and the like, but barring any other sort of need for resources in the current fiscal year, we expect much of that to sort of count towards the 2526 budget. Now, we don't sort of pre count every dollar, as it were, because we need to be able to have them available in the current fiscal year between may and June. But much of but but I would generally expect that that will show up as beginning fund balance in 2526. It's just a question of how much do we count ahead of time, and how much do we recognize in the fall after the year has formally closed?

**Speaker:** Okay, I think that clarifies my questions and I'm done asking questions for now. Thank you.

**Speaker:** Yeah. Any other any other discussion or questions.

**Speaker:** For the staff? I would certainly entertain a motion if it exists.

**Speaker:** Chair I would move that. We what are we saying for this move the ordinance to amend the fees. No, that's.

**Speaker:** The wrong ordinance you're putting in front of me, sir. Let's try that again.

**Speaker:** I would move the emergency ordinance to adopt the fiscal year 20 2425 technical adjustment and make other budget related changes to be sent to the full council with the recommendation that it be passed.

**Speaker:** Second, thank you, counselor pirtle-guiney moves and counselor novick seconds. With that Keelan, can you call the roll.

**Speaker:** Pirtle-guiney i.

**Speaker:** Novick I green?

**Speaker:** I just want to say on the record that I still don't fully understand the accounting and all all this and I don't I don't think that's not meant as a dig to staff. It's just that i, I will, you know, I intend to support this because we need to do this to make our broader budget process to move forward. But I'm I'm looking forward to, you know, getting a little more time and clarity with this and future processes. So I vote i.

**Speaker:** Amylose.

**Speaker:** I share councilor green's sentiments. I think that in the future, I would like to see how we can be more involved in these decisions before they come to us. This feels a little too rubber stamp for me, and I get that. It's just the situation and it's nothing against you all or the process that we, you know, just inherited at this moment. But definitely want to talk about how this looks in the future. But with that, i'll vote. Aye.

**Speaker:** Zimmerman, thanks.

**Speaker:** I appreciate those comments, particularly, you know, councilor green, I think as we move forward and we create, if you will, this this future budget system, I think that your insight on that is going to be helpful for us and how we how we manage it. So I appreciate that I vote i.

**Speaker:** On the item is referred to full council with five yes votes.

**Speaker:** Great. So this will i'll just note that this is going to go to council on April 2nd tomorrow. Is that are you tracking that? No.

**Speaker:** I.

**Speaker:** Believe this is coming with the rest of.

**Speaker:** The fees. Once we move the on the weight technical adjustment, not the fees.

**Speaker:** We'll get a.

**Speaker:** Clarification on that.

**Speaker:** But because this is moving as as emergency, I just wanted to make a note to the colleagues. We took the time to hear it. Last meeting. Have a have a reading of it this time noting that that would. Require us to bring it into emergency at full council. And that was a decision so that we could hear it last week and have this time with it. And I appreciate your support on that. Okay. Keelan, can you read item number two, please?

**Speaker:** Urban forestry operations enforcement compliance fees and fines.

**Speaker:** Great. I think we have some speakers that are going to make their way up to the dais. Colleagues, I asked this presentation be brought together by the urban forestry team and the parks bureau to give us a sense of how enforcement, how operations and how the fees and fines have been decided, calculated and used in our community. The connection, I think, is important is that, you know, these fees are used as a as a means of a program, right? Sometimes they generate revenue, sometimes they they spur action or deter action. And I wanted that to be able to come to us as we take on a look for how fees and fines go, I'm going to look to the staff. I'm not sure who's kicking us off. It looks like dca is. So please.

**Speaker:** Okay. Good afternoon. Thank you for having us. I'm sonya szymanski, I'm your dca for the vibrant communities service area, which includes Portland parks

and recreation, which includes the urban forestry division, the city. You're going to get a lot of content from these folks and effectively none from me. So I'm just going to do a tiny bit of editorial framing to say that the city is in its 10th year of life with the tree code, and that we've learned a lot in that decade. Just in my one year, which is my anniversary, is today. So it is one year I've seen people be deeply dissatisfied about this code from every conceivable direction, which is not a comment on the code, but just about the complexity and the challenge of regulatory work in a public body and acknowledgment of how challenging this system is for everybody in 2025. Now you have several opportunities to provide direction to this work. You will first approve a budget. You will then consider appointments to the urban forestry commission. You will hear the updated urban forest plan, and then you'll begin a very significant conversation with community about changes to title 11, the tree code. This ten year check in is the time to review, revisit, and reset the course for the next ten years. And together, these decision points are a chance to make sure to your satisfaction that the city's philosophy, goals, rules, and culture around this work are aligned with community expectations and your expectations. I hope. I anticipate that today is about exchange of information, insight and perspective, and I look forward to listening and learning mostly and leaving with a deeper perspective to help support the work ahead. I think next it's director long.

**Speaker:** Yes. Thank you. Good afternoon councilors. For the record, my name is Adina Long. I'm the director of Portland parks and recreation. We really appreciate the invitation to attend today's meeting and share more information on title 11, the city's tree code and the urban forestry program. Urban forestry is a division of Portland parks and recreation, and is tasked with ensuring the preservation, health, growth and equitable distribution of Portland's tree canopy. Urban forestry

arborists proactively care for, maintain and plant trees in our city parks. They respond to tree emergencies 24 over seven 365, in dangerous storm conditions, and serve as the city's arborists by providing tree services to other city bureaus. The program's science outreach and planting program conducts analysis to understand the health and distribution of our urban forest, and provides education to the community. This program has planted more than 3500 trees each year, and are ahead of schedule to reach 10,000 trees annually in the next few years, thanks to funding from the Portland clean energy fund, urban forestry develops the Portland urban forest plan, which is out for comment. Now. Following 18 months of community conversations, engagement and analysis, and they collaborate with other bureaus to develop innovative urban design solutions, such as the trees in the curb zone pilot project. Today, we'll be sharing information on the permitting and regulation program, which helps preserve and grow the urban forest by implementing the regulatory program designed by title 11. Specifically, we'll be focusing on the code compliance and enforcement aspects of this program. Considerable, considerable effort was put into creating title 11 because Portlanders have repeatedly told us trees are an indispensable community asset rather than a nice to have. Urban trees are essential to the health and economic well-being of people, the natural environment and climate response and resilience. Portland's tree canopy is one of the city's defining characteristics and a key driver of our identity and appeal. Ask someone why they moved to or visited Portland and trees, and the natural beauty will be one of the first things that you'll hear in this way. Portland's urban forest is an important driver of Portland's desirability as a place to move to live, invest and visit major north American cities like los angeles, new york and toronto have invested millions of dollars into their urban forests. Not because they are just an attractive amenity, but because of the significant economic returns

on those investments. Portland's trees also promote public health and well-being. The cooling provided by urban forests increases community resilience to worsening heat waves. Access to trees also improves mental health strengths. Immune systems, reduces crime, and improves student academic performance, among many other benefits. Preserving this driver of Portland's economic and public health is a key goal of the city's tree code. Portland's urban forest delivers enormous value to the city, according to the us forest service's urban forest inventory and analysis program, which utilizes a model developed by the epa to calculate the economic, environmental and public health benefits of urban trees. The value of Portland's urban forest is \$9.2 billion. Without this critical community resource, Portlanders would experience poorer air quality, significantly higher stormwater management rates on their monthly bills, higher cooling costs in the summer, and overall reduced health. In recognition of the benefits that trees provide to our cities, to our city, Portlanders mobilized to preserve and expand this vital resource. Title 11 was the result of the citywide tree project that was a multiyear, multi-year project which included detailed analysis, extensive stakeholder engagement, public meetings and hearings, and collaboration. The project was in response to concern about the loss of large trees being removed and associated loss in community benefits and services. It also aimed to consolidate tree requirements, which at the time were spread across multiple codes and were at times contradictory and also very difficult to access through title 11. The citywide tree project consolidated these requirements into a single city code, title 11, and established improved customer service through 823 tree. Over nearly four years, the citywide tree project engaged in extensive community and stakeholder engagement, and its final report submitted to City Council. It highlighted several key takeaways from that work. These include support for treating trees as green

infrastructure, improving tree preservation, concern about the ongoing and future loss of high value trees, and a desire for the tree permit system to be simple and easy to use for property owners. Now i'll turn it over to casey joggers to discuss the code compliance program specifically, and we have about nine more slides to share, but i'll be happy to answer any questions.

**Speaker:** Good afternoon councilors I'm casey jogerst. I am the manager of the permitting and regulation program within urban forestry. Like many cities, Portland has rules to prevent the damage or the removal of its public infrastructure. Those can include bioswales, which manage the stormwater, our sidewalks, which ensure that we can travel safely on our streets, and trees that provide shade, improve our air quality, and create a sense of place. In this way, trees receive the same protections as other city assets and infrastructure. Title 11 code compliance framework was primarily modeled at the property after the property maintenance regulations in title 29, and it sets the expectation that the primary focus is to seek corrective action and restoration, rather than to be punitive. To this end, urban forestry code compliance program is designed to be corrective and to bring property owners back into compliance, while also ensuring that violating the code is not less costly than complying with it. Promoting public safety is a primary goal of code compliance, and that can include requiring property owners to remove dangerous trees on their property. Many of the complaints that urban forestry receives are for hazardous tree conditions that need attention. In these situations, urban forestry does often require the responsible property owner to remove trees in this way. Requirements to remove hazardous trees are no different than requirements to maintain safe and healthy conditions of private property or adjacent public infrastructure, such as sidewalks. It's my understanding that this committee had requested information on the overall process, and of the roles of

the city officials in code enforcement. Before I get into that, though, I first want to note that the code compliance program is complaint driven. Nearly every case that we receive is a result of a Portlander contacting urban forestry out of a tree, concern in their community, and nearly every day, urban forestry receives emails and phone calls from community members asking for greater protections for trees. The role of the code compliance program is to review cases against the requirements that were established by City Council through title 11. To do this, the urban forestry staff perform on site inspections to determine if there was a violation of title 11. About half of the complaints that urban forestry receives after the site inspections are unfounded. The case gets closed and no action is taken. Those who do receive a notice of violation are provided. The option and information. How to submit for an administrative review. Once that review is received, the case is reviewed by several staff and includes a really deep dive into the case details by urban forestry leadership. Urban forestry really does spend a significant amount of time on these reviews. In order to thoroughly consider the situation, the case details, and that we are faithfully and properly ensuring that title 11 is being applied the way in which it was intended and adopted by City Council following the administrative review, further appeal can be made to the code hearings officer, and this follows the same process as many other appeals throughout the city, such as in property maintenance situations. So provided here on the slide is an overview of the title 11 requirements that property owners will typically interact with, and it's an attempt to convey the general title 11 requirements and how typical code compliance cases are resolved. Before we kind of dive into the chart, though, please keep in mind that every case has unique characteristics, and it can be really challenging to convey that through a presentation like this. We are talking about trees. Trees are living organisms and



they do require unique responses to unique situations. There really are no two trees that are exactly alike. So going back to the chart here for trees on private property, title 11 regulates the removal of trees 12in in d.b.h and larger d.b.h is a tree measurement term that means diameter at breast height and the pruning of private trees, as well as planting of trees on private property is not regulated. All street trees, because they're considered public infrastructure, are regulated, and that's for removal, for pruning, as well as for planting. In the majority of situations where tree work has occurred without a required permit, urban forestry will require that property owners follow the process that they should have from the start. This is consistent with the intent and the approach to be corrective rather than punitive. So, for example, if a tree is removed without a permit, but it would have been approved under title 11, the property owner is required to complete an application with a standard fee and to replant the tree. Additional fees in this type of situation wouldn't be applied if the tree would not have been approved under title 11, then there is an additional one time \$350 violation review fee, and again, that's to ensure that it is not less costly to violate the code than to comply with it. There's additional measures that may be required at times to replace the healthy tree canopy, benefits that are lost, as well as to prevent development loopholes. And in those situations, title 11 provides for the application of enforcement fees and civil penalties to bring some more serious situations to resolution, and these types of fees are standard across various city programs and city codes. And i'll give you some more information on those in a few slides. So Portland's tree code is consistent with how other cities regulate their trees. As you can see in this slide, nearly every peer city provides protections for trees on private and public property. They require permits for pruning or removing street trees, as those are public infrastructure, and they require the trees to be maintained in safe conditions, as

well as employee fines and penalties as a deterrent. A review of these different city's policies would reveal that Portland's tree code is not one of the most restrictive in the country, but is rather typical. The one distinctive thing about Portland's tree code is that it regulates fewer private property trees by having that higher size threshold for when regulations apply, and you can see that in the second column on the chart where Portland is regulating at 12 inch d.b.h and the others are lower. So title 11 authorizes the application of fees to support the program, to ensure its compliance, to ensure compliance with the tree codes requirements, and to provide for mitigation and restoration of lost community benefits when trees are removed, damage or they're not replanted. Per the code fee amounts are approved by City Council. They must be approved by City Council, and historically, urban forestry has submitted updated title 11 fee schedules to the City Council for consideration and adoption. In coordination with other bureaus. We will be briefing you on the fiscal year 26 proposed fee schedule later on. In today's agenda, all fees that the urban forestry program uses are included on the council approved fee schedule. Urban forestry does not set any fee amounts through administrative process.

**Speaker:** Can you clarify what that last statement meant? You don't set any fees through administrative process, correct?

**Speaker:** It was a question that was asked to us. I can't recall who specifically asked it, but I think the point was any fees that are applied by urban forestry are and can be found on the fee schedule. So going back to those compliance fees as requested, presented in the slide are the types of fees that can be assessed in code compliance situations. As is common for city regulatory codes, title 11 provides for different types and levels of enforcement fees. In order to be responsive to the specifics of the case. Again, as mentioned previously, if a tree is removed without a

permit and would have been approved through title 11, the property owner is required to complete a violation application with a standard fee and replant the tree. This is part of that effort to be corrective rather than punitive. So this violation review fee here is only assessed when a tree would not have been approved for removal. And a recent urban forestry data assessment resulted in this penalty being applied in approximately 7% of compliance cases. So the enforcement penalty is a monthly. It's a monthly fee. That's a common tool. Again, that's used across the various code compliance programs throughout the city. And they encourage property owners to resolve and correct unresolved confirmed violations. So essentially, it's the city's action to a non-responsive property owner that has received a notice of violation and has not contacted us, or is working towards any sort of corrective action on their part. Urban forestry typically does work with property owners for many months to plant the required tree before the fee is assessed. It's not. It's not where we start. And again, a recent assessment resulted in this being applied in approximately 11% or so of compliance cases. And then additionally, I want to mention that urban forestry has a waiver program that, when applied, allows the accumulated fees to be reduced up to 75% or fully once the required tree planting is completed. So civil penalty. This is a fee that was carried over from the former tree code, and is set by city code. It's rarely used and it's almost never applied to individual property owners. It's typically reserved for egregious situations and most commonly used for contractors because they're not affiliated and attached to the trees location. And so we estimate that this fee is probably used in less than 1% or so of compliance cases. And then last we have the restoration fees. And those are only applied to city street and heritage trees. And this is when there's a public loss that cannot be recovered by replanting or replacement tree. Maybe it was a significant and large tree. And so one

replacement tree isn't going to equate to that. And we also estimate that this is probably used in about less than 1% of compliance cases. So in the next few slides, rick faber, the urban forestry code compliance supervisor, is going to share data on a review of active code compliance cases in district four, as requested by councilor zimmerman.

**Speaker:** So before we do that, I want to give councilor novick. If you'd like to answer, ask your question now. You're welcome to.

**Speaker:** Yes. I was just wanted to ask on the civil penalty per day per tree. What days are we talking about? When did the days start and when do they end?

**Speaker:** So this is why it's not used very often at all. And typically we just apply it as a \$1,000 to contractors because they don't have sort of a property affiliation to the tree planting. But maybe they were the applicant who or they were the responsible party who illegally removed a tree. So I can only think in the 11 years I've been here that there was maybe one time that we attempted to apply the per day per tree, because that is pretty complex code language.

**Speaker:** Okay, and maybe this is just academic curiosity, but hardly ever happens. But I just want to know what when does the day start and when do they end? Do they end when a new tree of the same size is grown 100 years later or no?

**Speaker:** So in that case, I would say it's when the violation is confirmed and then we would issue a notice. And up until that is resolved. Does that does that answer it?

**Speaker:** What would resolve me like if somebody if somebody illegally removed a tree, then when would resolution take place.

**Speaker:** So we would send them a notice of violation that would indicate the actions that they would need to take, such as apply for a removal application and

replant your tree. And once that's been completed, would be where that sort of time frame would stop.

**Speaker:** Okay. Thank you.

**Speaker:** And before you get started, I just to address that comment quickly, colleagues, you're going to see district four out here. That wasn't a request of mine to be in this presentation, but it was a request of mine for what are all the open cases that exist in district four. And so the staff has chosen to include it for their own presentation purposes. It was not directed by me, but pulling of the information and learning that they didn't have a running list in any of our districts was was where this information came from. Go ahead please.

**Speaker:** Thank you. My name is rick faber. I directly supervise the team that responds to and investigates complaints received from the public. As you just mentioned, at your request, we reviewed all the active cases in district four. This review found 109 cases in district four where corrections were required and not yet complete. It can take a long time to resolve some situations. In fact, many cases are typically given six months to a year to meet planting requirements. So this data includes cases which originated more than a year ago. On the left side, were comparing code compliance cases. As casey mentioned, urban forestry seeks to be as lenient as possible in these situations and only assess fees when necessary. You'll see that in 66 of the 109 cases we reviewed, or about 61%, no fee was assessed. These are often cases where dangerous tree conditions were found and the city required the tree to be removed. In 30% of cases, only the standard \$100 tree removal permit fee was required. These are typically cases where a tree was removed without a permit, but the tree would have been permitted for removal if an application had been submitted. The goal is simply to get the activity permitted and have replacement trees planted using the appropriate process. So in 91% of

code compliance cases reviewed, either no fee was assessed or only a standard tree removal application fee was required in 7% or eight total cases. Urban forestry assessed the \$350 violation review fee. Again, this is used when there is evidence a standard permit may not have been approved. In only two cases that I reviewed were additional enforcement measures applied. This is reserved for the most extreme cases where healthy functioning trees were removed. On the right side, we have some data for administrative reviews. As mentioned earlier, title 11 also allows for those issued a notice to request an administrative review and appeal to the code hearings office. You'll see a breakdown for five years of formal appeal. Reviews. Urban forestry refunds the review fee if the determination is reversed or there is any error on the part of the city staff, could be as simple as a misquote or a typo. Of the 39 appeals received by urban forestry over the last five years, 74% had their fee refunded in 62% of these cases. Urban forestry reversed the determination, typically because new information was provided by the property owner. Again, in these situations, the review fee is refunded. Only one case in the last five years was appealed to the code hearings officer, where urban forestry determination was upheld.

**Speaker:** I'm going to hold you there councilor. I may have missed you earlier. If you wanted to ask a question, please go ahead.

**Speaker:** Thank you. Chair. You did not miss me, I a question just emerged ex nihilo into my mind. So I will ask it so of the. Thank you for laying this out of the 109 total active cases, were all those complaint driven?

**Speaker:** Yes.

**Speaker:** Okay. So a neighbor was like, I think that they did it wrong. And then they submitted a complaint. Yes. Okay. That's helpful.

**Speaker:** I will restate there might be a few small cases where something came to the city attention, but it's all we're not out there looking for things. It is complaint driven okay.

**Speaker:** And so I'm just trying to work through the process. So you got 109 total active cases that originated because someone filed a complaint. And then, you know, 60% of that, you found that there's no fee required. But but there's also a number of those folks who are like, I'm going to appeal this. And I can see here that it says so currently that's a \$200 fee to appeal, but it looks like you're going to propose that that's a \$100 fee to appeal going forward.

**Speaker:** Is that is correct?

**Speaker:** Okay. Yeah. I just feel like I'm just trying to put the human experience in this. And like if you've already you've been brought to this point because your neighbor raised maybe a legitimate grievance and then you go to appeal it. \$200 feels pretty rough. So I'm glad that that's going to go down to 100. I mean, where I'm going with this and you mentioned it earlier, is you don't want the fee structure to be so onerous that there's a strong incentive to avoid regulation. We want people to participate and be all in on title 11. I support title 11, so I appreciate this slide of information. And you know, it is my process. Did I did I map that out?

**Speaker:** Yes. That all sounded accurate okay. Thank you.

**Speaker:** I just add though I and I may have misheard you. You said the 66 cases, the 61%. There would be no fees required if unfounded and so they wouldn't have to appeal. Okay.

**Speaker:** Councilor. Novick.

**Speaker:** Yeah.

**Speaker:** I'm just on the statistics on appeals where 62% of the time an appeal decision is altered, and the one hand that's a sign that it's an effective appeal

process. That additional decision isn't just rubber stamped. On the other hand, when a majority of the time the decision is altered, that might suggest that there's something wrong with the original decision making process. And I was just wondering if you take such a high level of successful appeals as a reason to think about what's going on with the initial decision making level?

**Speaker:** I appreciate that the I commented that most of the time it's because new information was provided. And so imagine a tree inspector gets a call saying a tree has been removed without a permit. They go out there and they see, sure enough, there's a stump on the ground. There's no permit in the record and we issue a notice. Property owner comes back and says, no, no, no, that tree was dead. Look, it was it was completely dead. Here's some pictures of it as we were removing it. That might alter what the final determination was. As more information comes to light.

**Speaker:** But wouldn't your original inspector be able to also look at the tree and see that it's dead?

**Speaker:** Not if it's gone. If it's. Oh that's right. Yeah, yeah.

**Speaker:** So we're.

**Speaker:** We're operating with as much information as we have. And we're always open to receive more information. And we gladly will alter our determinations when we.

**Speaker:** Okay, i'll change my ridiculous question. Couldn't the original inspector ask a question, or are they only empowered to go and, like, look from outside?

**Speaker:** We do the best we can. We can't enter properties. We are making all of our determinations from the sidewalk. We certainly do try to reach out when possible, but when we don't receive additional information before issuing the notice, we have to operate with the information we have available.



**Speaker:** Deer inspectors, like you can observe, can only observe from outside the property line. Can you make phone calls?

**Speaker:** We don't often have phone numbers. All we're given is a this tree on this property at this location, and we have to work with the information we have. Oftentimes the only contact information we have is the mailing address.

**Speaker:** And I'll add this is Jen Kiro city forester. Oftentimes our tree inspectors will knock on the door to see if the residents are at home so they can interact with them. But of course, they're coming at various times of the day and they have several locations they're going to go to each day. And often folks aren't at home. It's during the work week for a lot of people.

**Speaker:** Couldn't you leave a note?

**Speaker:** We do.

**Speaker:** Okay, so normally that you're getting new information that the person did not provide to the inspector who left the original note correct?

**Speaker:** And recall, this is 39 cases over the past five years.

**Speaker:** Yeah, I realize it's a small sample size. I understand, thank you.

**Speaker:** Of course.

**Speaker:** Councilor Pirtle-Guiney.

**Speaker:** Two things. The first is you said that most of the time when something comes to you, it's because there's been a complaint filed and it seems like there's a lot of fights between neighbors over trees in Portland. But you said that occasionally it comes to you in some other way.

**Speaker:** Right. I just I wanted to make sure I wasn't wasn't making a false statement because there's always the possibility of, say, a tree emergency. A tree falls down in the middle of the night, we get a call, we go out there to respond. And while out there, the arborist notices a tree that's in decline. They can't address it.

Now, it's not an active emergency, but there might be a concern there. So we'll go in and investigate it. It's part of our professional duty to ensure that we're not leaving dangerous conditions out there unaddressed. So there is a very small case that doesn't come directly from a neighbor calling us, but it is rare.

**Speaker:** And I would just add that in terms of the permitting and regulation staff, there is no proactive searching for violations. So, you know, it is either coming to us through the public, which is the most common, or as Rick mentioned, you know, somebody sees something that you cannot walk away from because it could potentially be an emergency and a public safety hazard.

**Speaker:** I also wanted to ask about the 62% of appeals where the decision was altered. And I understand my colleague sees that as perhaps we shouldn't have issued the. The violation to begin with. But I actually want to go upstream one point from there, which is if 62% of the time when somebody took out a tree without a permit, it's a tree that they should have taken out. Do we have an education issue? If we're hearing from a whole lot of people who are very frustrated with this program. But we also know that people are taking out trees when they are supposed to. Do people not understand that they need a permit for that? And what is happening to make sure that folks do understand what the goals of the program are? When property owners or renters need to interact with the program, we can't really talk about fees in the future of a program if Portlanders don't know what the requirements are.

**Speaker:** Thank you for that question, councilor Pirtle-Guiney. Since implementation of the code began in 2015, there have been specialized efforts to publicize the city's code requirements around trees. For example, in the first two years, 2015 and 2016, there was the call before you cut campaign that was initiated by then commissioner in charge of parks councilor, sorry, commissioner Fritz. And

since then we have developed pretty robust, always improving web pages. We have a community program stewardship program that also communicates through programs like decoding the tree code. We have a newsletter that goes out a couple times a month to thousands of subscribers. And we also, most importantly, have a customer service center. The single point of contact for trees in the city. 82 three tree. Anyone can call any time with any tree question. They're highly trained and skilled customer service folks. They also do hot handoffs. We call them if it's actually a call for another bureau like bureau of transportation. So there are a ready source of information. They respond within two business days. All of that said, oh, I should also add our tree inspectors, also a key part of their role as experts in implementing the city's codes, but also as expert arborists and tree care providers, is to connect with those property owners and try to give that information to them about what's going on with their tree and what kind of tree regulations come into play where they can get more information. It's also in our written documentation that goes out with every violation process that we have. And now we'll get to we have heard and know that there are a lot of room for improvement in terms of educating the public around the benefits of trees, that there are regulations in Portland. What kinds of services and support are available to them? And so thanks to Portland clean energy funds, we are beginning to build an education program, small but hopefully powerful, that will work really closely with our existing customer service center to get more information out what that will consist of. We haven't gotten there yet. We're still looking for the position to start it.

**Speaker:** I hope when that goes into place that it's reaching Portlanders beyond just the people who have actively signed up for your list and to receive parks communication, that you're actually reaching people across the city who might

need to understand what what their responsibilities are. As property owners in the city.

**Speaker:** I value that comment highly. We feel the same, and that's why we've done what we can as folks who are not experts in community education. And that's why having this new capacity, which will have professional expertise involved, we hope will cover that ground thoroughly.

**Speaker:** And just as a point of reference, I'm a fan of the work 311 has done to get the word out. I think there's a lot to learn from that, and I'm hoping that this work is learning from that work as it's built out.

**Speaker:** And indeed we are. We work very closely with 311, and they are another resource. They know how to route folks to 823 tree. We work hand in glove with them. They also are our emergency services dispatcher during working days.

**Speaker:** I think we have a couple more slides. Yes, we can keep going.

**Speaker:** I'm going to try to bring this one home. Yeah, I'd like to share the information on urban forestry waiver guidelines, established in administrative rule prq 2.06 urban forestry drafted and implemented a waiver program to reduce financial burden wherever possible. This program was piloted in 2020 and went into effect in 2023. Since 2020, urban forestry has waived \$580,000 in fees and penalties. Prk 2.06 provides waivers in a few ways. Application fee waivers for standard permit applications, which are based on income thresholds that are in alignment with the Portland water bureau's low income rate reduction program. We also provide enforcement waivers, which are based on the same income thresholds. These will allow for reductions to planting requirements, restoration fees, and enforcement penalties. It also provides lean reductions, which are typically based on specifics of the case and not income thresholds. They were modeled off of a Portland permitting and development property compliance lean

reductions. This allows for reductions to monthly enforcement fees that are placed on a property, and help ensure that delays in compliance do not escalate drastically out of alignment with the underlying violation and required corrections. To reiterate a key point, the financial waivers use the same income threshold as the Portland water bureau fee reduction program. For example, if you are receiving discounts on your water bill, you will qualify for urban forestry waivers. I'm passing it off to jen cairo, city forester.

**Speaker:** On this final slide, we'd like to take this opportunity to highlight several initiatives we're working on. First, we understand that letters from the city, which detail violations of city codes and list potential repercussions, can be intimidating. There are certain legal and city risk requirements which necessitate some of this language, but nonetheless, they can still land with severity that's not intended. The language also could discourage people from interacting with city staff, which can prevent them from taking advantage of the support we offer to help resolve situations and the significant fee waivers that they might be eligible for reductions. We're reviewing these communications with professional support and are eager to hear any recommendations City Council may have on that. Second, the fee schedule that would be submitted to City Council for fiscal year 2026, that will be later today, removes or reduces many permit fees, including making our standard tree removal application free. This is intended to reduce barriers to obtaining city assistance and proper tree care. This is a step urban forestry has long wanted to take, and we're grateful that the Portland clean energy fund is providing that funding. Also, the vast majority of funding from pcf to urban forestry is aimed at reducing the financial burden currently placed on property owners to maintain trees either along the street or in their property. Thanks to pcf investments, urban forestry is building the first ever in Portland street tree maintenance program,

which would care for more than 240,000 street trees in the city. A large percentage of the concerns urban forestry receives are about the city's long standing policy, which places the responsibility for maintaining street trees on the adjacent property owner. We agree this is a burden and are excited that pcf and City Council have approved funding, which will result in a healthier and more equitably distributed street tree system. Further, we are also building a program to provide financial support to low income property owners to help maintain trees on their private property. This is also a common concern we hear from property owners at our single point of contact, and also through the Portland urban forest plan update that we're working on now, that the sense that tree maintenance costs can be prohibitive. And lastly, for the past 18 months, urban forestry has undertaken that major initiative to develop the new Portland urban forest plan, which I just mentioned. Once adopted, this plan will set new vision goals, canopy targets, and implementation strategies for the incredible resource that is our urban forest. The plan was developed through extensive public engagement. It included more than 30 community events and meetings, focus groups with priority communities to open houses, a community advisory committee, collaboration with partner city bureaus and regional governments, as well as state representatives. The plan is open for public comment until April mid-April, and is expected to be submitted to City Council later this summer. Following that plan's adoption as dca schimanski mentioned earlier, we plan to begin a project to amend title 11 to be responsive to the community guidance we've received while developing that plan with City Council. That concludes our presentation, and of course, we're happy to answer any questions. And I apologize for my voice. I'm struggling with allergies today.

**Speaker:** Related to trees. Okay. I'm curious. You mentioned, you know, sometimes the decision or kind of maintaining trees can can be difficult, that you

have some experts in the department who can assess. One of the alarming things that kind of brought me to be concerned was when we hear when we hear stories after winter storm, and we had that incident where a family applied for a permit to take down a tree that they thought was a problem, were denied a permit. Liable. When a tree comes down that is on private property or along the street, but adjacent to a private property, if it comes down and causes problems, i'll put it that way.

**Speaker:** I don't know. I was going to say it might be a better question for legal, whom we often have to consult with as well. You know, the Portland city code identifies the adjacent property owner as the responsible entity for their trees. But I think when you're talking about storms and such, it can be a little bit different. People can file with insurance and that can be considered sort of act of god. But honestly, I think legal would probably be the best to respond to that.

**Speaker:** Yeah, I think I mean, my assessment would be and I think most of us work under the impression that what's on our property, our insurance, is supposed to cover that as it comes up. But we're held to a standard that is at your standard when we come to you. And I'm trying to understand how that fits together, because I think I find the urban forestry program a gem of Portland. But I find that those types of stories can be damning to a program's reputation. And so I'm trying to square that. And to hear in January that you were unaware of such a situation. We knew it had been reported widely. I'm just trying to understand, because what we've done today is talk a lot about the unemotional aspect of this code, but it certainly feels like this has been applied or is being applied in a way that is leaving some bad taste. And I'm trying to understand from a philosophy standpoint, how we're approaching the public when we talk to them like we're the expert, we're evaluating this tree. We think you're wrong. How we're working with folks to

navigate those situations, which happen on many properties, I'm sure, every every month.

**Speaker:** I would say one, you're correct. It is really emotional and we're really conscientious of that and careful of that. And direction to staff is to really start with conversation. You know, not everybody is a tree expert or understands the science behind it. And there is a lot of emotional tie to those trees. And so it it does start with a conversation and education as much as possible. We've been fortunate enough to expand our staff of tree inspectors in the last few years, and that's really helped with our ability to spend time with people, which was definitely not the case early on with the beginning of the tree code. And, you know, that may stem from some of this. As you as you mentioned, in terms of education and advertisement. But I will say that there are situations that there's going to be disagreement. However, we really try to handle them carefully and have conversations and they will move completely up the ladder in terms of, you know, it'll go to a tree inspector, to a supervisor, to a manager. Oftentimes, we will suggest that they reach out to a private tree care company. Private tree care companies will often provide bids free of cost to sort of, for lack of better words, truth. Our assessment because we are not guided by a financial gain in terms of what we're saying or what we're trying to convey to the property owner, it's always a work in progress and we can always do better, but we do really try to talk to property owners. But as I'm sure you've all experienced, there are times where they're just going to be dissatisfied and unhappy with the situation that's at hand.

**Speaker:** And one last question before I go to my colleagues, just where I put my own hand up, what is the purpose of a permit after the fact? I don't understand that. And it seems like a reason to get some money.

**Speaker:** So go ahead.



**Speaker:** So the rationale behind a permit after the fact is to ensure replacement more than anything else. So one of the primary goals of title 11 is to ensure that we're not losing tree canopy. And from a management perspective, you can't manage what you don't know. So if you don't know that trees are falling down or being removed, you can't manage them. So it allows us to be able to have our pulse on what's coming out of the forest, as well as ensure that it's being replaced.

**Speaker:** I'll add it also provides the legal documentation we need to track for implementation of the code.

**Speaker:** Okay. Thank you, councilor green.

**Speaker:** And if I may, councilor zimmerman, about your your reference to the earlier council session, I was caught off guard by that question. I hadn't expected that I'd be called up, which I'm not making excuses for, but we were familiar with that case. It was the way the question was phrased and knowing that there's a tort claim involved there, and I was unsure how to respond to those questions. With legal proceedings in hand, there were almost 800 emergency calls we responded to in a few days during that storm. We certainly did notice that one. You're welcome.

**Speaker:** Thank you. Chair. So as I understand it, in the proposed new fee schedule, which I know we're going to talk about as a separate agenda item, the idea is to do away with the application fee. Is that right for tree removal. So then going forward, if there is a after the fact permit required that would also not have a fee. Okay. So then then the piece really is about guiding and informing the homeowner on the best way to ensure the health of our urban forest. Is that is that fair to characterize that way?

**Speaker:** Yes, I'd say so, yes.

**Speaker:** That's accurate.

**Speaker:** I think that's a welcome intervention. And I think that I don't want to speak for my colleague, but I think that gets a little bit towards limiting the pain, because, you know, when a tree does fall on your house in an ice storm and then you have to pay a fee to deal with that, it's just there's no worse way to experience government, I think. And I'm really like, I'm really invested in our urban forest. And so I'm thankful to hear that. I want to talk a little bit or I want to ask some get get a little better understanding. So, jen, I know that over the last couple of years, your team has invested more in community engagement. I think probably in response to some, you know, missteps or, you know, friction points in the past. That, to me seems like a positive development. So what are these are these community engagement folks really working on just the new refreshed plan? Or are they sort of like sort of a standing element of, of the program as a whole to get to the sort of proactive ambassadorship of, of urban forestry? Does my question make sense?

**Speaker:** It does. Thank you, thank you. They are a standing feature, though small, of our program. They're called our community stewardship group. And there are five folks in that team, and they focus on helping people understand trees and care for them appropriately, literally steward their their their own forest. It is the people of Portland's forest. Those programs range from volunteer tree planting events to tree identification walks. We have a celebratory event later this month with communities of color and black folks doing walks in certain neighborhoods. Those sorts of programs also youth conservation crew, tree crew, which is paid employment for high school aged students during the summer in the hopes that maybe they would want to become arborists someday. And also the neighborhood tree stewards program that's been running close to 25 years, I think, as well as the ycc crew, that is a series of courses that are taught often by others, not from urban forestry. Other tree folks also includes tree code information that we offer in the

fall for anyone who wants to join it, and they can apply that knowledge in their community and create neighborhood tree teams, which there are many of in the city. So it's really focused on helping people understand the value of trees and, and the code and do that work for the trees in their neighborhood.

**Speaker:** That's helpful. And I just just want to add my voice to say, I think that's a great place to make investments in this. I, I get the broader intent of the fee structure. It's about it's a pigouvian tax mechanism. It's designed to provide a price signal to get people to change their behavior more so than maybe collect revenue. Although I might be wrong later when we talk about this, but that can be a painful way to experience government. And so this is a more joyous way, I think, to bring kids along, bring families along. I would encourage us to kind of align that with our community centers, activation places like, you know, sellwood community house, that might be a good partner and things like that. So thank you. Yep.

**Speaker:** Councilor novick.

**Speaker:** First of all, I just want to note what a delight it is to serve with councilor green because my four previous years in the council, I don't think anybody ever used the word pigouvian in any council meeting. So folks, I wanted to bring up one of the stories and the release in recent willamette week article, the talking tree, which is presented as a horror story. And I thought it might be useful to give you an opportunity to give your perspective on it. The complainant isn't named in the article, but based on the circumstances, I figure it was pretty easy for you to figure out who it was. The. Darn, what the heck. Somehow it just disappeared. The article I pulled up, it was about a it said a 62 year old vietnamese rose city salon owner who overtrimmed three trees and then got notices from the city, and you needed a translator. And eventually, as of this day, supposedly she owes something like \$5,524 in fines. And she lives in, you know, and she's been living in fear of the tree

code. And that seems like a pretty large, fine and perhaps intuitively seems at odds with the idea that effort is made to, you know, work with people and not have severe fines. So I just wanted to give you an opportunity to comment on that.

**Speaker:** Yeah, I can talk at length about that one, so i'll try to keep it succinct. This particular property had three street trees. They were over pruned to the point of removal. So the notice that was issued to the property owner was to complete the removal and replant the street trees so that we can get healthy, functional street trees. We issued the notice the first time the time frame elapsed. We considered that perhaps there was a language barrier, so we reissued the notice with the translation services that are found on every notice, front and center, right on the door, so that they would see that when they first saw it. In response to that, we received the required application with \$100 application fee, and we were able to issue a correction permit that the correction permit gave six months to complete the job, finished removing the trees and replant new ones. Six months had passed and no corrections were made. This was after about an entire year since our first hearing about the situation and responding. So that's when we began applying the monthly enforcement penalties. And those function as a late fee, essentially. So they will apply every month until the corrections are made. As noted earlier, with the prk 2.06, the financial waivers and the lane reductions, those are the primary fee that do get waived or reduced. Since these were only three trees that needed to be planted, it's automatically going to be given a 75% reduction based on the clear standard of prk 2.06. Given this, everything that's come to light and that there we're hearing more about why there's been a delay with the language barriers likely going to get a full reduction of that fee. But at the same time, we are currently missing out on three years of canopy growth. And so the financial those fees act as

a pressure to get the, the job done, to get the trees planted and to begin replacing the canopy that was originally lost.

**Speaker:** What would the cost of actually replacing those trees be, do you think?

**Speaker:** So I'm going to give a very rough ballpark. I don't want you quoting any tree care companies against me, please, but probably around 3 to \$4000 at the highest.

**Speaker:** Okay, I'm just wondering if one mechanism might be for you to replace trees at some point, notify the owner that you're going to replace trees yourself, and then charge them for that amount, as opposed to.

**Speaker:** Burying the.

**Speaker:** Let me tell you about the journey I've been on to create that program. So about the same time I started the, the, the process of creating the waiver application or not the waiver administrative rule. I was trying to get a program just like that off the ground, but unfortunately, due to some typos in city code, we had to get those amended first. So a few years back, you might recall there was a title 11 amendment project that did a whole bunch of little things here and there. One of the things was, is it made it possible for us to do that work? So this past planting season, I've been able to pilot exactly that with the eight oldest cases that we had receiving these revolving liens. I just went back and found the eight oldest ones, and we initially started with a final notice. We're going to come out here and do the work. Four of those cases resolved on their own. Once they realized that we were actually going to go out there and get those trees planted, the remaining four cases were contracted out by the city and have had those trees planted. And so we're in those final stages of the pilot now. I look forward to having a complete write up of this first year of the pilot program. By the end of the fiscal year. That particular

property that we've been discussing looks it was under the cutoff for being part of this pilot, but it will be part of the next season if it's not resolved before then.

**Speaker:** Thank you. Vice chair.

**Speaker:** So we're hearing a lot about pilot programs and changes in fee structures and new approaches, which is fantastic. And I should start by saying I really appreciate the work of our urban forestry department. I think it's really important that we continue to grow our tree canopy. That's something we've been struggling with. I think that much of the work you do is critical to maintaining sustainability within our city. But I'm also hearing a lot about a program today with scary notices and an approach that is not public service oriented, and fees that are later reduced, but that freak people out in the meantime. And that's not the face that I want for the city of Portland. So I know that you're bringing a report to us, probably to a different committee, but a report to council in the coming months. And I'm wondering what we can do to help give you the direction and guidance that you need to ensure that what comes out of that report and what comes out of any other changes that urban forestry makes. Put us in a tack where urban forestry can be a more public service oriented department within the bureau, and the work that you all do can be something that Portland celebrates, as opposed to something that is scary to Portlanders.

**Speaker:** I have some initial thoughts and I'm going to guess others will add to those soon. Well, actually, now you can do this. The Portland urban forest plan that was mentioned earlier, the draft of that after 18 months of work with lots of community, is out for review and comment and feedback. And then later this summer it'll be coming back to council. So that is an area you might look at for input. And we would be happy to brief committee or council members on that at any time. Also, you heard earlier in response to councilor greene's question about

community stewardship program, that is a newer program that has grown recently thanks to levy funding. We hope that that will continue, given the budget reductions that are in front of us all in the city, but that will help contribute to that. And also mentioned was the public education program that will be starting to, which will be a real opportunity, I think, to work on those things as well. Other folks want to add anything.

**Speaker:** I just want to add we mentioned that there is a consideration right now for the city to take over street tree maintenance, and i, I truly believe that that's going to be one of the solutions to the concerns and the negativity around what we do. I've worked for other cities across the country that have that type of arrangement, and it is a little bit more of what you described, and they're happy to see us. And there is more of a this educational component to it. But currently, the way that our code is written and the way that we're organized, we have these different roles with each other, and it's sort of innately negative to a certain degree. You know, it is permitting and regulation and that that is loaded in and of itself. So i, I just want to bring that here and ask for your support in terms of continuing to move that forward, because I really and truly believe that that is the solution, to continue to move things in the right direction.

**Speaker:** And I thought of another one, if I may add, we are really excited at the fee schedule proposal that we're able to bring. It is a real barrier to folks getting good tree care and working, wanting to work with the city when we have to put a price tag on our services, and that in this new proposed fee schedule will be gone in a lot of cases, which presents a whole new avenue for us to be the helpful government and not the onerous unemotional government. So your support with that might also be an avenue to help with that goal.

**Speaker:** Thank you, and I'm looking forward to getting to that part of the agenda and hearing a little bit more about what exactly is changing on that page.

**Speaker:** Councilor green.

**Speaker:** Thank you. Chair. I just I'm glad to hear you mentioned the move toward the city taking taking on the obligation for street street maintenance. I it's my view that if we're to think about trees as infrastructure, which I think is correct, the city should be taking on its obligation for city infrastructure, not not adjacent property owners. I apply that lens to system development charges as well, which are beyond the scope of this. Maybe not everyone agrees with me on that piece, but that's my position. So there you have it. Thanks.

**Speaker:** All right, councilor green announcing big proposals here. Philosophies. Early in the presentation, you talked a little bit about the commission. I think it's called the urban forestry commission. Can you please what is the role of that commission? And how does the urban forestry division work with the commission? What's that relationship like? And responsibility?

**Speaker:** Yes, the urban forestry.

**Speaker:** Can I ask a favor? Yes. It's very hard to hear you guys. Can you lean in a little more, maybe adjust the mics. Thank you.

**Speaker:** Move your mic up.

**Speaker:** Okay.

**Speaker:** There you go. Thanks for letting me know. Is that better? Excellent. The urban forestry commission is created by city code as a volunteer resident advisory body to the city on policies related to trees, primarily. And these are called out in title 11, the responsibilities of the urban forestry commission include advising on budget. So any budget actions that may affect tree policies and policies themselves. For example, that Portland urban forest plan update, which you've heard a lot



about today, that is something the forestry commission has been very involved with and is cited in title 11 as a responsibility of that group. The ufc also recommends heritage tree listings and listings. Heritage trees are the best of the trees in Portland. They are designated heritage trees by City Council. There are only about 350 of those in the city, so they have a role in that. The commission is also an approval body for amendments to title 11, the tree code. And as I mentioned, the urban forest plan. There is also a subgroup of the urban forestry commission, the appeals board, that reviews and decides appeals of tree permit decisions in non-development situations. And again, these are volunteers doing that hard work. We are always very appreciative of their time and efforts. The commission does not have a role in private property development permits or city property development permits, or in code compliance situations. Those are instead appealable to the city hearings officer. So there's two parallel tracks. If there's not agreement with the city's determination, the city, forester's determination.

**Speaker:** Thank you.

**Speaker:** You're welcome.

**Speaker:** You talked a little bit about the code and compliance. How many tree code compliance, if that's the right term, how many employees are in that body of work within urban forestry?

**Speaker:** I haven't done a recent count, but I think it's around 30 on my staff.

**Speaker:** So that's all of permitting and regulation, right?

**Speaker:** That's oh, so if we're going specific with code compliance then that would.

**Speaker:** Be so my team specifically currently has two tree inspectors. We're looking to hire a third and a vacant senior tree inspector position that we're looking to fill. I also have and those are the folks that are directly responding to complaints

from the public looking at potentially dangerous trees, reviewing violations. I have another aspect of my program that's verifying tree planting requirements of non-development permits. Those are called code specialists. I have three of them and they're out there a much lighter touch, making sure that trees have been planted, helping people identify why trees have been planted, and see if they can help find ways to get the trees in the ground. I also have a code specialist three who helps lead the code specialist team, and they're also one that have been primarily running the pilot program. My team is also working on bringing on a coordinator to help run the private tree care assistance program that we were talking about earlier. So that's a.

**Speaker:** Nine plus the supervisor.

**Speaker:** So in the in the 20 2425 budget, it looks like there are just over 25 fte in the in the tree enforcement. So I'm trying to understand what are the other employees within that body doing. I think maybe that's what you were getting toward.

**Speaker:** Thank you. It is. Yes. So I am responsible for four teams and those are one is rics, which is the code enforcement team. I also have the non-development team. And so they're the ones that are going out and inspecting locations for property owners who want to remove their trees, prune their trees, plant trees. They also handle what's called programmatic permits for large agencies. And then I have responsible for the single point of contact. So the tree hotline staff, where all of our inquiries come into. And that's primarily because they are taking everything in and they're actually creating the cases for all the staff who are going out and inspecting. So they do a much larger, larger spectrum than when you typically think of for a customer service type center. They also have certain types of permits that they can issue over the counter. And then I'm responsible for what's called our

major maintenance and capital program, which is essentially capital projects. So the application of the tree code throughout all of the bureaus, because everybody typically has trees on their property. And so those are that's what's making up that around 25 to 30 staff.

**Speaker:** Okay. So some of the some of the inspection enforcement are actually people that are working with our own properties to make sure that we are keeping the city's asset canopy in compliance. Is that an accurate statement?

**Speaker:** Yes. Again, it's complaint driven. However, in our capital projects program, if there is a violation, then they do coordinate with Rick's team here to sort of work through that. So yes, we do hold ourselves accountable to the same measures that we hold the public accountable to for hire.

**Speaker:** I just lost a train of thought. So apologies for one second. The why is it that title 11 has its own set of code compliance officers in in comparison to other parts of the city's code? We've got a code compliance section within bds and other areas. Where did that determination come from in the beginning phases of this program?

**Speaker:** History?

**Speaker:** Yeah, this is comparable to what the other infrastructure bureaus have. They each have bureau of transportation, what is now one water. But water bureau and bureau of environmental services have folks whose job it is to work on compliance and enforcement. So we developed the same, not because they have those, but because that function is, in a sense, an essential part of regulation and implementing regulations and why it's in a different team internally looking at how we were organized and the skill set that our folks had, it was clear to us that it needed to be a focused area. It had to really. Rick and his team had to develop for the first time, a compliance program for tree regulations in the city. And those

other groups were already more than fully occupied with their responsibilities and their also responsibilities that while they involve some of the same skills, they are different parts of the city's code. And being expert in the code is very important for permitting and regulation. Staff. And Casey probably has in addition to.

**Speaker:** I really want to add to that because I was here when the code got implemented. So I've been here for the full ten years of the spectrum of it thus far. And we I think I had six tree inspectors when we started the tree code. So they were doing everything, and it was extremely challenging to what has been mentioned today where they were seen as the can I help educate you and talk to you about your tree? But now I'm also the person coming to provide enforcement, and that was a really difficult sort of spectrum of responsibilities for a tree inspectors to have. And so we really wanted to kind of move towards this, like your friendly neighborhood tree inspector, and not somebody that you don't want to see driving down your street. And so when we had the opportunity, we started to split those responsibilities so that we could hopefully have that more positive community relationship with people when we're coming to just take a look at their trees that they applied to do something with versus coming out because there was a complaint about something.

**Speaker:** I also have something to tack on talking about the friendly neighborhood tree inspector prior to urban forestry tree inspectors being the primary respondent to calls about dangerous trees on people's neighboring properties that would fall onto pad for proper title 29 property compliance. And the process there would be that the complainant would have to then hire a third party arborist to determine the tree is dangerous. That would then be submitted, and then the city would act upon it by having that knowledge base in house, we're able to provide good customer service to folks that are concerned about the safety of the trees around

their property, and by cutting out the middleman, essentially, and provide that service directly. And i'll close it out, I promise. But I'm reminded that the code compliance program has only been in existence for about two years, and prior to that, it was very catch as catch. Can we literally would tell folks who called to report a suspected violation that we would do our best to get out to it, but we had to prioritize responding to applications. The parks levy is what made it possible for us to build rick's team.

**Speaker:** Sorry. When I started, I had a backlog of or my team had a backlog of about 600 cases that we had to deprioritize to respond to dangerous conditions or paid applications.

**Speaker:** Great.

**Speaker:** Thank you. When I asked for the open cases in district four, you know, it was made known to me that maybe that isn't something that the software. I think it has a fun name that you all use doesn't pull that. I will say that that felt a little alarming to know that that had never been pulled, insofar as understanding human nature of calling the enforcement guy about the neighbor you don't like, and knowing who that gets used against. Given that we've never pulled that kind of data to know how many cases in each district, how many cases by demographics, do you have any concerns that? This program is or can be used against members of our community in a way that is harder for them to navigate their way out of that bag than it might be for somebody who has my number or any of the numbers up here. I'm really getting at kind of a how do we equally do this across the districts and not be the henchman for neighborhood disputes?

**Speaker:** Absolutely. I yeah, I have a lot to say around that. I do want to clarify that, you know, we've just recently moved into this new government organization. And so we regularly pull data and I have a weekly report, and our tree inspectors are

assigned by zones throughout the city. And so for as long as I've been here, we have been monitoring what's happening in different geographic regions within the city. Just we have not adapted yet completely to the different districts that you have. I'll add to that too, that we are sort of under the management of the permitting tool that p and d uses, and so we don't have the ability to make changes to it ourselves. And that's there's a long running list of things that we would like to see changed. And I hope that putting districts within that database will be a priority. And maybe you all can help with that, because I think the entire city needs to have databases that are able to pull data by districts. But to speak to what you were saying, yes, that's a concern of mine too, and has always been. And the single point of contact, which is also under my purview, they take in all of those complaints and they log all of it. And we actually when I first came here, you could report anonymously or you could not report anonymously. And we changed that so that, you know, you didn't have to fear necessarily that your neighbor, you know, was going to find out that it was you. But in that our single point of contact sort of managed what's happening and where is it happening. So over the years, there have been times where we've actually reached out to people who've contacted us because we could figure out that they were sort of walking up and down blocks, and we did not pursue those violations in that sort of case. We actually sent out a mailer just notifying people there is this tree code. Here's some proper maintenance as it relates to your trees. Please contact us. You know, can we come to a neighborhood association meeting and provide some more education around it? So we do do our best to sort of monitor that. And I really appreciate the single point of contacts ability to, you know, put all that data into the different programs that we have in order to sort of raise the red flag and say, hey, casey, I think, you know, we've got a situation here where that may be happening, especially if it's repetitive. So our database works

based on address. And so we can easily see when we go to create a case. Is this been something that we've looked at already. And is it just continuing to come in. And it's been unfounded. And again, that's where we would proactively reach out to the caller or whomever has contacted us. If we have their information. We don't always have their information. But I think that again, that that will be improved as we move into hopefully the city taking over street tree maintenance as well as the private tree care program that Rick is in the process of, of getting up and running so that it isn't about calling each other, that it's more about calling the city and saying, hey, I know you have this program, and I think that my neighbor has a tree that needs some assistance, and that would give us the opportunity to reach out to them rather than the sort of push away.

**Speaker:** Thank you. I want councilor Novick asked. And I just I will flag a pretty big concern about some of the stats that were shared on how many fees we give back after, or how many times a determination was changed. I know that you are noting that that isn't concerning for you, but it is concerning for me, especially when there is a fee attached to appeal. If I get a parking ticket outside this building right now, it doesn't cost me money to dispute that. The government has a different take on what occurred, but in the tree code it does. And I find that given that 74%, there was a change to that. And then another large percentage, there were different findings. I guess I want to also note that I have some similar concerns. This program started in 2015, and I remember actually talking to the commissioner in charge at the time about some concerns, but this has been really helpful to kind of hear how it's grown, how it's used. But from your own report, I have that in every category commercial, industrial, open space and residential that our canopy has gone down since 2015. And I guess I don't understand that. Given as robust as this program seems to have grown over the years, and I noted earlier, I'm a fan of urban forestry.

I'm a fan of pkf putting money toward things to get more trees in the ground and increasing the canopy. But I'm not understanding how enforcement is complementing that. And given everything that it does, how the heck did we go down over the ten years of existence of this program, and was this experiment worth it?

**Speaker:** I'll start. Thank you for the question, councilor zimmerman. Most cities in the united states, and perhaps further, are experiencing canopy decline. Are experiencing canopy decline. This is likely due to a combination of actions. Climate does have an effect on nature, and we are seeing that we are also making adaptations and changes to try to fill that gap and respond quickly and effectively. We also know that there are a lot of people who need places to live, and we need to do that in the city too, so that can play a role as well. And we know that is attention will always have to navigate. We need both. And it comes down to the details of site design and things like that that will help us navigate that. I will say those two things and then see if my peers have anything else.

**Speaker:** Sure, I will add that what we've seen over the years is that our large, mature trees are being removed, and when you replace a large, mature tree with a small tree, it doesn't have the same canopy. So you're looking at a different percentage of canopy. And being the manager of permitting and regulation. Most commonly what we're seeing is people putting back in ornamental type trees. So we're not getting like for like when we're getting replacement as well. And so over time you're going to see a canopy decline as a result of that.

**Speaker:** And then i'll chime in as well. During a lot of that time period, there was a lot of development in Portland. And while the tree code does do a lot, it is very permissive during development to allow large, healthy trees to be removed. Certain costs for sure, but they can be removed and there are many exemptions as well.



And then also from the code compliance. What I've been seeing recently is that, you know, part of my team is going out there and verifying replanting requirements are being met and where they are not being met. And we are getting more trees planted than we would have if we weren't here. Even with the permit and the permit requirements, the trees don't always get replanted the way that it was originally intended, and my team is helping get those trees in the ground. So and that's with the permit process. Without a permit process, there'd be even less trees to begin with.

**Speaker:** And maybe a final comment, contrary to what recent media might have said, most trees by a vast majority in Portland are not regulated.

**Speaker:** And to that, you're referring to the tree in my backyard is not regulated in how I trim it. Is that. That's correct.

**Speaker:** That's correct. Nor is it regulated in your backyard. How or what you plant, or if you plant a tree other than if it is required from some other regulatory provision. What I was referencing, however, is that trees that are less than 12in diameter at breast height, which most of our forest is less than 12in diameter at breast height. Most of our forest by almost two thirds is on private property. Those are not regulated in any circumstance. It's only the larger trees that, as Casey mentioned, when we see them come out like, doesn't usually go back in according to our data, which are pretty thorough.

**Speaker:** And colleagues, we have a few more minutes. So I am looking I don't see any other. So that's why I continue to ask questions. But if you've got one, please pop up. I'm looking for your advice in terms of what code change policy perspective does your organization need so that we can defeat the idea that trees win when there's a public safety over people conversation? Because, as I mentioned earlier, my motivation here is to protect the growth without the reputation having us have

to walk away from something. So what do you need so that we can overcome some of these reputational issues, where trees don't get to win over people or public safety? Because you said public safety is key.

**Speaker:** Yeah. Thank you, councilor zimmerman. This is a really good question. I'll be happy to answer. Safety is our number one and top priority every day. And everything we do, we do operate the city's 24 over seven tree emergency response system. That's a notable part of that. And as may have been mentioned earlier, I think it was frequently, not infrequently, a few hundred times a year. We have to require removals of trees that are dangerous rather than the code being a place for improvement, which may be the case. I actually haven't thought about that part yet because we have that project coming. We think that public education is a really big part of this, and sharing that trees are inherently low risk, that large trees got large by surviving all kinds of weather for a long time, and most importantly, that caring for trees and being kind of on top of when there are issues so that hazards can get addressed right away before they become awful outcomes that none of us want to see. We think that street tree maintenance program, the private property tree maintenance program, removing the fees for permit applications will really help in that regard. It becomes more of a public service offering rather than a conflict area. And in regards to code, I don't have an opinion about code changes because right now we're working on the Portland urban forest plan, as you've heard a bit about today. And the intention of that is to really collect the community of Portland's vision and goals for what they want their tree infrastructure to be going forward. And then the step after that, intentionally planned, is to use that document to help update the city's code to do code amendments. And that project is scheduled to begin early next calendar year. And of course, you all are integral to that.

**Speaker:** May we keep thinking about that question and come back to you. I appreciate it very much.

**Speaker:** Thank you. My last question, I think that we had mentioned or I've heard through the grapevine, there are some things that have moved that used to be in your wheelhouse to paddy. Given that did did did any staff move over from your team to paddy in that, in that i'll call it a realignment or, or how are we rightsizing that?

**Speaker:** Yes, I can take the first. So yes, that was my once upon a time fifth team that I oversaw. And that was the private property development team for forestry. And so I moved over. There was a supervisor, three tree inspectors and a senior tree inspector. It's my understanding that the senior tree inspector position hasn't been filled. I don't know the details around that. And I helped hire a new supervisor because there's not two of me. And so I stayed with Portland parks and recreation, urban forestry, because the majority of my programs were going to be retained there. And then I facilitated the recruitment process for the new supervisor and still work really closely with him in terms of ensuring that he and his staff are trained and doing, you know, the job as well as can be. So, yeah, the staff was sent over there with them.

**Speaker:** Thanks. Councilor novick.

**Speaker:** Councilor zimmerman I just want to let you know that I have thought of a proposal to address the situation where a property owner thinks that a tree is dangerous and might make it easier in some circumstances to remove it. The team here is concerned about my proposal and thinks about resulting in a massacre. And my response is, well, but you don't have evidence of such tree massacres before the tree code was adopted. So I just want to let you know that we're going back and forth about that. You might expect to hear more on that topic at some point.

**Speaker:** Thanks, councilor. I'm given one final look to my colleagues if there are any other comments or questions before we close this item, and we will move to the next item, which is public hearing. Okay.

**Speaker:** My only comment because I didn't say much is I learned a lot. So thank you so much. I didn't know how controversial this was until this came up, so I appreciate all your hard work. Thank you.

**Speaker:** Thank you, thanks, councilor.

**Speaker:** I hope my one encouragement for the team as you move into budget season. I think organizational charts that will help understand some of the differences between the different functions within urban forestry would be welcomed. I think that your two areas of work seem to. They are commingled in a lot of ways. In the descriptions a tree inspector versus a code compliance. Those might be helpful as we go forward to better understand how this is meeting the public.

**Speaker:** Yeah. Agreed. Thank you. Okay. Thank you. Cully. I think.

**Speaker:** We're ready for item number three if we have public testimony signed up.

**Speaker:** Yes. Public comment on urban forestry operations, enforcement and compliance fees and fines. We have 24 people signed up.

**Speaker:** Okay. I think that we should call three at a time and rock and roll.

**Speaker:** All right. Thank you. First up we have don porth, joshua bozarth and jeremy peters.

**Speaker:** Thank you for coming today. Go ahead and take your seats and just know the mics require you to lean in a little bit. You can begin.

**Speaker:** My name is don porth and I'm here today representing the 77 Portland firefighters have given their lives in service to the citizens of Portland, as well as the

working and retired firefighters of Portland. I'm leading a project to restore the 97 year old david campbell memorial and build the Portland firefighter memorial plaza. When we entered the early application process with the city, urban forestry was consulted regarding our application. We had requested removal of two of the three existing trees on the site. Urban forestry approved the removal of one and we had to leave the other. The one is a lavelle hawthorne. It's problematic to keep for a couple of reasons. First is its proximity to the development project. But really most relevant is it's a full blown nuisance and it requires excessive maintenance. As part of our development of the site, we have a plan to provide maintenance and proper care. This is something that really hasn't happened over time. We've been successful for the most part, but the lavelle hawthorne tree has provided a challenge that's simply unreasonable. For about two months out of the year, it deposits berries on the ground below it. When they fall on the ground below the tree, they smother the grass and create an ankle deep mush that's nasty to walk on or be near. When it falls on the concrete, it stains and covers it, and when it falls in the street, it fills the gutters and hinders the catch basins. This last fall, I personally spent six hours on three different occasions, plus much more shoveling the mush from the street to ensure the gutters were clean. I put it in two large piles, then asked pbot to pick up the debris. They said they could not. They didn't have the resources. Our plan for future maintenance. Our plan for future maintenance involves working volunteerism by working and retired firefighters and members of the community. However, burden, like the fallout from this tree, creates an unreasonable expectation of volunteers. Rather than press the city for resources that aren't available, we've asked for the tree to be removed. We're not anti tree. Our plan is to clear, to be clear that we're asking to remove two of the three existing trees and replace those two with three more. We've tried to discuss this

with urban forestry, but the answer is it's a preferred tree. And I don't know what that means because it's not preferred by us. And I can't find a definition entitled 11.

**Speaker:** Thank you.

**Speaker:** Don.

**Speaker:** I'm not sure who was next. Go ahead.

**Speaker:** Good afternoon. My name is.

**Speaker:** Yashar wassef. I use he him pronouns and I'm the executive director at friends of trees. We are in our 36th year of planting trees with community members to address gaps in our urban canopy, and celebrating our millionth tree this month. At friends of trees, we work to understand and address barriers that prevent communities from receiving and maintaining trees. Responsiveness to community is a core value we uphold. I'm here today to emphasize the importance of Portland's tree code that is so vital to the delivery of our mission. While we know the code is not perfect and have heard negative feedback from some community members, any changes to title 11 should happen within the scheduled overhaul later this year through urban forestry, suddenly removing tree protections that took years to develop leaves many voices out as well. We encourage an approach for the revisiting of the tree code, akin to the urban forest plan process that is guided by city experts and informed by public engagement. I want to share wholeheartedly that the urban forestry staff I engage day to day value, community feedback and responsiveness. Pending City Council approval this summer, urban forestry would receive pci funding to reduce permit and application fees. We resoundingly support this initiative based on feedback we received from community members. Additionally, the pcef equitable tree canopy program is a historic investment that is centering community needs and helping the city's planting and maintenance efforts evolve. Unplanned changes to the tree code

could hinder this at a time when we are experiencing canopy loss, leading to harmful public health consequences. Researcher jeffrey donovan found that the previous friends of trees planting program in Portland saved approximately 15 lives per year, plus an association between our plantings and lower rates of premature births. Shade equity is also critical. Health issue with over 70 tragic heat dome related deaths in our county, many overlaying to low canopy neighborhoods to ensure a healthier, more equitable future. I believe we can have a tree code that protects our urban forests while being mindful of community concerns and experiences. Both are important. Thank you.

**Speaker:** Thank you.

**Speaker:** Go ahead. Hello.

**Speaker:** I'm jeremy peters. About 18 months ago, I received a notice for pbob for a sidewalk repair. The sidewalk in question is on the far side of a public right of way, well beyond my property line, and is not directly accessible from my property. The sidewalk was damaged from the roots of a city tree within the public right of way, as the city, as the tree is a city tree on city property, I'm unable to legally maintain it without permits, and the sidewalk and right of way are uninsurable, as they do not own them. Due to the cost of repair and tree removal. I reached out to the city ombudsman for help. After an eight month investigation, the ombudsman's office concluded that pbob and urban forestry were responsible for the repairs and tree removal. The ombudsman's office cited previous City Council's explicit rejection of a proposal in 2017 that would have made homeowners responsible for the maintenance, maintenance of trees and public right of ways. The inconsistent nature of how urban forestry is handled. Tree removals. In the past. They also informed me that I was not even legally responsible in the first place, based on their lawyers assessment, the ombudsman report was presented to pbob and urban

forestry, both who refused to take responsibility. When the ombudsman's conclusion was rejected, I reached out to pbot supervisors to discuss the issue. During that conversation, I was told that pbot and urban forestry are aware that city code is confusing and not specific, and that pbot and urban forestry do not want to set a precedent of being responsible for the work in these situations, even though they understand that the homeowners at times are not legally responsible. At the encouragement of the city's ombudsman, I retained a lawyer, and on their advice, I have paid to have the sidewalk repaired and the tree removed. I've sent a request for reimbursement to pbot, and they've acknowledged they've gotten it, but have not not they're not going to settle that. Which means, unfortunately, I plan on taking pbot to small claims court. I present my story here today as an example for the City Council. I don't expect you to take action on my part, but I do hope that you see the importance of improving the clarity of city code and statute regarding public property maintenance, as current homeowners are left with an unreasonable amount of liability and forced to make repairs they are not legally responsible for, and homeowners only real recourse. The ombudsman is being unilaterally ignored.

**Speaker:** Thank you for your testimony.

**Speaker:** Next up we have micah mezcail, christopher brown, and bruce nelson.

**Speaker:** You can begin when you're ready.

**Speaker:** Okay. City Councilors. Thank you. My name is micah mescal and I'm with the bird alliance of Oregon urban conservation director. And yeah, as you've heard, there are many Portlanders who have been frustrated with navigating title 11 especially or with some constrained by its rigidity or especially in weather, extreme weather conditions. And those experiences are real, and we should collectively find ways to alleviate the problems that led to those situations. The



proposed adjustment fee schedule, I think, helps begin this, and I'm going to talk about a couple other processes that are underway that I think alleviate those. I'm also going to touch on sort of the pre title 11 situation, which I think my organization, which serves on the front line of many conservation urban conservation issues within the Portland metro area over the last 30 years has been sort of at the epicenter of and we were often inundated with calls of healthy trees being removed from concerned community members. Whether that was clear cuts of properties, pre-development application as a loophole to avoid paying for or retaining trees, or the removal of healthy street trees with no enforcement. And we used this data, which we collected over many years, to help build the political pressure to start the title 11 process. And we had two staff who spent three years alongside other community members and developers to create a balanced approach, which ended in title 11. And I think one great note to councilor zimmermann's point is that it is balanced and it does not ultimately protect trees from being removed. And what we've seen is folks have been more often would remove trees and pay the mitigation fee. And I think that is something to reconsider as we look into title 11 amendments. But just to touch on a couple of the other great, I think, steps forward that urban forestry is taking around the shift of street tree maintenance to the city of Portland. It's going to remove a huge barrier for tree planting and really alleviate the financial burden, especially on communities that have been disinvested in.

**Speaker:** Which ask you to wrap it up. You can definitely submit those suggestions, and I know we'll have more conversations, but thank you for showing up.

**Speaker:** Thanks. Sir. Hi, my.

**Speaker:** Name is bruce nelson. I've been a member of the urban forestry commission for six years. I'm testifying today on behalf of trees for life Oregon. It's

been very frustrating for me trying to figure out on the basis of what was online, exactly what you were expecting in this meeting. So pardon me if I speak off the cuff. Safety. When you think about safety, is that about the quality of the air you breathe? Those are trees. When you think about safety, do you think about getting healthy at a hospital? If there are trees outside your window, that's safety. So when you have folks talk about safety, you need to think about all the safety factors that trees bring to us. It's not just the horrible event that happens when it crashes on your car or your house. It is safety that is occurring every day of the life of people for years and years and years. Second of all seven generations. Sometimes people think about what's going to happen with my actions. Seven generations later. I am sure if you take an individual house in Portland and look at seven generations of people that live there, eventually there will be somebody there who does not like trees and wants them gone. And all those people that come after them no longer can enjoy that tree. So be very careful about letting the homeowner decide what tree they should remove, even if it is on their private property. Lastly, our urban forest is certainly something that all people have the right to enjoy, regardless of their income and where they live. Urban forestry, with assistance from Portland clean energy fund, is making great strides in trying to correct the errors of the past. So I appreciate the service you're giving to the city and will continue to give to the city. These are difficult issues. Trees are certainly an important part for the future, and it's trees that are alive today, not the ones we plant today. Thank you.

**Speaker:** Call the next three, please.

**Speaker:** We actually have Chris Brown online. Thanks.

**Speaker:** Let me unmute. Hello? Can you hear me?

**Speaker:** We can hear you.

**Speaker:** Okay, good. Thank thank you for letting me have my say. I am a homeowner, and i. I don't think that you should fear the homeowners. I've lived in Portland, in the cully neighborhood for the last 50 years, and I have over an acre of land I planted. Probably more than 40 trees or so when this new program started 5 or 6 years ago, I cut down everything that I had planted that was less than 12in tall, 12in in diameter. I probably cut down more than 30 trees, all in, because if they get to 12in, then I lose not only the property around that tree, I lose control of the whole tree. This is on my on my own private land. I, I have 2 or 3 really large trees.

**Speaker:** Oh, there we go.

**Speaker:** Hello. 2 or 3 really large trees that the city won't let me cut down. I've asked them and they won't let me cut down. They're really close to my house. The park budget at the beginning of this program grew by \$100 million a year for three years. If I'm not, if I'm not wrong, and I know this program is not responsible for all that, but I'm sure that trimming this down, this program down would help the city budget. I have way more to say, but I'm I think this is a really.

**Speaker:** Thank you, mr. Brown. We appreciate you testifying today.

**Speaker:** You bet.

**Speaker:** Next up we have sarah klein online, nico nierman klein and ginger edwards.

**Speaker:** Sarah klein, you can go.

**Speaker:** Hi.

**Speaker:** I'm actually sarah klein. Nico nierman klein is my child, and he's online.

**Speaker:** Here you go. Right here.

**Speaker:** Okay. Thank you very much. Perhaps nico could follow me if he wants to. Hi. We are residents in district two, and we became part of this. Really? By coincidence, we. Last week, there's been a house not occupied behind us for a

number of years. And there's two large, seemingly healthy trees that have just been a really important part of our home and the neighborhood. It's the irreplaceable, mature urban canopy, and they're on private property. So obviously whoever owns the house, we aren't sure who does because they're not present, has the right to remove them. But when we checked with the city, they didn't have a permit, so we just had to spend the last ten days watching them come down, even though we did file a complaint with urban forestry, they don't have the staff to do a site visit. These were big trees. I'm not an expert. It was a conifer and a walnut, but they were several hundred feet tall. And it was it was sad, and I honestly probably would have just gotten on with my day. But my ten year old became very involved and wanted to understand why this was happening and why we couldn't do anything. I'm short of direct action, which my partner and I decided against, so and we were just notified this was happening. We haven't been following the news. We are not active in this realm, and it just seemed like a really great chance to share our story. So that's all from me and thank you for the opportunity.

**Speaker:** Okay, I'm going. To unmute council chambers please.

**Speaker:** There's two comments.

**Speaker:** And I'm going to give nico an opportunity. If they want to say anything or if you want to prompt them go ahead.

**Speaker:** Yeah. Nico and liana, you're up if you want to and it's okay to say no thanks.

**Speaker:** Raise hand feature when she's done.

**Speaker:** Oh, we can hear you, liana.

**Speaker:** Well, I won't even know when it's my turn.

**Speaker:** It's your turn. Honey, are.

**Speaker:** Keelan. Yeah.

**Speaker:** Opensignal. Can you unmute? Council chamber.

**Speaker:** Thank you for the patience.

**Speaker:** Oh.

**Speaker:** There we go. Okay. Nico, can you hear us?

**Speaker:** Yeah. Can you hear me?

**Speaker:** We can hear you. Go ahead. Nico, you have two minutes.

**Speaker:** Similar. Basically the same thing as my mom. I agree, I love those trees. The important part of my life. They've been there my whole life. And me and the Portland. Well, us and the Portland playhouse and all of the neighbors just lost a huge amount of shade and, well, I mean, and they had no permit. No, no. Sorry. And. I love those trees. They've been here my whole life. And when cutting them down, they also broke a branch off one of our trees, a quince tree. The only good thing about it was I got logs from it, but I still. I would prefer a tree than logs. And i. I just don't think it's right. I think there should be stricter law laws and bigger fees for breaking the law with like cutting down trees, in my opinion. And I would just like to say, I think you guys should have bigger penalties and just have it harder to get a permit. And that's really all I have to say.

**Speaker:** Nico, thank you for calling in. We really appreciate it. And to everybody, thank you for your patience. I will always give some room to a youngster who wants to call in. I was one of those as well. So thank you nico, if you if you will please.

**Speaker:** Hello, my.

**Speaker:** Name is ginger edwards and I live in the arbor lodge neighborhood, and I'm here today representing our local tree team, which includes arbor lodge, piedmont overlook, and the saint john's neighborhoods in north Portland. For the past seven years, we have given away fruit trees and native trees and shrubs to build community. However, one thing we have found is that lower income property

owners are hesitant to accept a free tree out of concern for the maintenance cost, and if the tree dies, the cost of removing it. So we thank urban forestry for their plans to consider fees. Consider removing fees. To remove trees and that are dead, diseased and dying. And we applaud their plan to pay for maintenance of street trees. We continue to be concerned, however, with the cost of removing a dead tree. We believe that there are income eligible people who could qualify for any program that the city might have to remove that tree without having a lien against their home, which is frightening to them. So we hope that the city will consider that, as my t shirt says, I believe or we believe that trees are infrastructure, and like any other infrastructure in the city, transportation, sewers, water, trees need a code to work and to live by. Safe roads and clean water and trees are supported by a healthy environment which we love to live in. Trees give us shade to fight climate change. They help us have clean water, they clean our air. And more than these obvious benefits, they help us as humans with both our physical and mental health. Where there are trees, crime is down, heart attacks are fewer, and the birth rates of babies are up, giving them a better start in life. Beyond that, trees give us reasons to smile as they blossom, as they leaf out and as they show us a nest of birds so we can hear birdsong and much more. We need a tree code to keep and plan for trees in our city. Thank you.

**Speaker:** Thank you.

**Speaker:** Next up we have susan. True, vivek shandas, and jeffrey donovan.

**Speaker:** Okay, good.

**Speaker:** Jeffrey, if you're here, you can be first.

**Speaker:** I should say I just found out there's a two minute limit. I carefully did three minutes. Can I have the three.

**Speaker:** Make make your best effort. We've got a lot of people to get through, so please.

**Speaker:** Go to two minutes and 46 seconds.

**Speaker:** We'll see where it goes. Okay.

**Speaker:** I don't want to know now because I don't want to get cut off.

**Speaker:** I'm going to cut you off at two minutes and 15 seconds.

**Speaker:** 15.

**Speaker:** Yes.

**Speaker:** Please tell me when I can stop.

**Speaker:** You can begin when you're ready.

**Speaker:** My name is doctor jeffrey donovan. I'm a research scientist with the usda forest service, though I'm here as a private citizen, and I'm here to talk about the extraordinary benefits that trees provide, and also for the necessity of some sort of collective action to maintain our urban canopy. Trees are one of the most important issues that you will deal with as members of the City Council. They're also unique in several important ways. First, they're self-financing. In 2010, I did a study in Portland showing that houses fronted by a street tree sold for more than equivalent homes without a tree, and anything that increases the sales price of homes also increases property tax revenues. Indeed, I found that for every dollar spent on tree planting and maintenance, the city receives \$3 back in additional property tax revenues. So, unlike other things that the city spends money on, trees finance themselves. But what benefits do they provide? A whole range of important ones. But I'm going to speak briefly about the most important one. Trees save lives. I don't mean this as some overwrought metaphor. I mean it quite literally. I've conducted numerous studies, several here in Portland, showing that exposure to trees can improve health outcomes from cradle to grave. For example, pregnant

women with more trees around their homes are less likely to have underweight or premature babies after a child is born. Women with more trees around their homes are less likely. You're less likely after you're born to develop asthma, adhd, or even childhood leukemia in adulthood. Exposure to trees is associated with a reduced risk of cardiovascular and lower respiratory disease, and these health benefits are achieved in an extraordinarily cost effective way. In a study I did here in Portland, I looked at the benefit cost ratio of tree planting for reduced human mortality. The benefit cost ratio was 1727 to 1. I challenge you to find a better investment than that, and I think that you should be treating trees in Portland as part of the city's essential public health infrastructure.

**Speaker:** Thank you very much for coming. If there's anything you weren't able to get to, if you submit to the clerk, we will get those.

**Speaker:** Vivek is online.

**Speaker:** Hello, council. Hello, council members. I hope you can hear me. My name is vivek shandas. I'm a resident of northeast Portland, a professor at Portland state university, and a former chair of the urban forestry commission. I want to just follow doctor donovan's remarks now by describing that I have a chance to work all around the country on trees and various ecosystem benefits, various benefits that humans derive from trees. And I will say that Portland's very lucky to have the existing tree canopy that it has, despite its marginal decline over the last ten years, the tree canopy has stayed remarkably robust thanks to the enormous efforts of the community. All the organizations that are engaged in this, as well as, of course, Portland parks and rec and urban forestry. Second, I want to just note that that income, whether it be in Portland or most any other city that we've studied, tracks really closely with the robustness of tree canopy. So when you're hearing the stories about trees coming down, these are in often in areas where there are



increase higher probability that there's an increase in coping capacity in those neighborhoods. The lower income neighborhoods tend to have fewer trees. And the people who live in those neighborhoods tend to suffer a lot more when it comes to air pollution that trees clean, as well as the heat waves that we've studied very closely. And so these benefits are, again, not quantified in any kind of fiscal way that we can directly point to and that you can put into your ledger.

Nevertheless, these trees are constantly, every day providing benefits to us. I want to just leave you with a simple experience that I had as chair of the urban forestry commission, that these existing programs in the city of Portland are nationally known. They are looked to the work we did on planting a more equitable urban forest is a document that has been referenced hundreds, if not thousands of times in places that I've been in conferences and in publications. It is at Portland, is at the center of a lot of the national conversation on tree health and tree maintenance. So whatever decisions you make about trees here in the council meeting, I encourage, I tell you that the rest of the country is watching. Thanks for your time. Really appreciate the opportunity.

**Speaker:** Thank you.

**Speaker:** One more time, Susan. True. Next up we have John Gerster, Carlene McCabe, and Michael Smithson. John Gerster. Carlene McCabe, Michael Smithson. Next up we have Merrill Reddish. Rick Till, and Kelly Gomez. Oh, I see we have some folks online. Let me get them unmuted.

**Speaker:** Quick question. Just a minute okay.

**Speaker:** Thank you Mayor. Go ahead.

**Speaker:** Yes. Please go ahead Michael. Thank you.

**Speaker:** Thank you. My name is Michael Smithson. I'm a resident of the Mount Tabor neighborhood. I'm not a lobbyist. These are just my personal opinion. I do

believe that urban forestry is doing important work, and I want to thank them for their effort with that presentation. However, when I talk to my neighbors, they are afraid to plant new trees because once they reach 12in in diameter, they won't ever be able to take them out, even if they threaten their homes and their families. And when I hear stories from the ice storm last year of people's homes being crushed by trees they tried to have removed, but either their permit was rejected or they couldn't even get an arborist to file one because the arborists were afraid of urban forestry. I think that's clearly the opposite of what Portland residents intended with the tree code. The way the code is written, specifically section 70 enforcement is overly punitive and complicated, and I believe it makes residents and arborists afraid to remove dangerous trees and disincentivizes them from planting new trees for fear that they will face up to \$1,000 per day in civil penalties and potentially even six months in jail, as defined by section 70, subsection 90 enforcement actions, paragraph c1. That is extreme, and I believe the tree code should be amended to replace penalizing residents with incentivizing tree planting and maintenance. Portland water bureau clean river rewards program is a great example of incentivizing residents to plant trees. I know that urban forestry is in the midst of updating the urban forest plan, but I'm proposing a more narrowly focused change to the enforcement sections of the tree code. Even that is likely to be significant work. So I've kickstarted this effort by creating a website tree, code.org, to which I posted an updated draft of the tree code. Well, there's certainly more work to do here. I believe we can make Portland's tree code a more positive program that's looked upon with pride by the city's residents, rather than something they fear, and which poses financial liability and risk to the city. Again, the website is tree code.org. Thank you.

**Speaker:** Next we have kelly gomez online.

**Speaker:** Hi. Thank you. Can you hear me? Okay.

**Speaker:** We can we can hear you.

**Speaker:** Yes.

**Speaker:** Thank you. I'm Kelly Gomez, RPS teacher and resident of Southeast Portland district one. And I'm going to talk very fast. My home borders the Wahoo Creek natural area, and I fully understand the necessity of the urban canopy. But today I present an irony that illustrates both the need for a consistent and easily navigable system for Portland residents, and the need for the city to maintain its natural areas and be accountable to residents before expanding the forestry plan. After the 2024 storm, several of our street trees showed signs of instability. I followed the Title 11 protocols. After eight emails, four phone calls, and many photos and emails exchanged to determine if these were street trees or private trees, a pointless task as we would be responsible. Regardless, I comply with the permitting process and paperwork, paid my \$225 in fees plus three grand to have the trees removed. My neighbor didn't follow the same protocol. My neighbor is the city of Portland. Trees from Wahoo Creek have fallen under our property three of the six years we've been here, once crushing a newly built fence, once destroying our roof, and most recently, 12. Yes, 12 trees fell onto and through our house to the tune of 135 grand in repairs and displacement from our home. At what point is the city accountable to the same systems and financial burden as a homeowner? Despite claims today, it isn't. At this time, in just this last incident, the city would have had to apply for retroactive tree permits and have paid for removal of the 12 trees and debris, and incur the expense to prove that the forest had enough trees to waive the replanting fee. That's over nine grand alone. They also have the needed to take six days to navigate the system, due to conflicting communication within and between bureaus. I have quotes, but in summary, we were directed this

way and that, told there wasn't enough staff, told they could help us remove it, told they couldn't help us remove it. And you know, the city might also have helped pay for their neighbor's 40 grand in uncovered expenses and maybe even lift a chainsaw. But the city did none of this. No worse way to experience government, says councilor green. So I ask, how is it possible that the city hold its residents accountable for tree code and public safety, but not itself? If the city cannot maintain its current green spaces, as well as help its human taxpaying residents navigate these situations, then a plan to expand the canopy without corrective action to address these concerns is negligent.

**Speaker:** Thank you. Kelly.

**Speaker:** Sorry. Next up we have. Brenna bell, followed by kelly and karen aiken.

**Speaker:** You're welcome.

**Speaker:** To start.

**Speaker:** Hi. My name is brenna bell, and I'm the forest climate manager for 350 pdx. And I also facilitate the Portland shade equity coalition, which is a local network of arborists, planters, neighborhood tree teams, and climate and livability advocates. When we launched the coalition, Portland had just had its deadliest event on record the 2021 heat dome. And in its aftermath, doctor vivekananda's and others highlighted how urban forests are critical pieces of infrastructure and public health as you keep hearing. But while urban trees provide this collective benefit, the maintenance burden falls on individuals, right? This is the problem. It's resulted in a deeply inequitable canopy. So our first campaign was to collectivize that burden by getting the city to take responsibility for main street, maintaining street trees, which is happening. And the next was to establish a fund to help income limited landowners pay for tree care, which is happening, but the public would not know this from reading sophie peel's willamette week article, which I

believe launched this. This meeting we're having today. Despite talking to many folks in the shade equity coalition, including myself, miss peel did not include any of the ways that the city is actively working to support landowners with tree care, and it appears that miss peel had an agenda for her article and only included sources that supported her agenda. And this is a failure of journalism. So I'm here asking you all not to have a similar failure of policy, focusing on past challenges with urban forestry in the tree code ignores the truly significant amount of work that is happening right now to address those challenges. So please, when you consider title 11, consider it in the context of all of these other things that are currently happening slowly. They're moving really slowly, but they are moving and we need to look to what's happening to correct before going off on some other tangent to fix problems that are already being fixed. And please just don't miss the forest for the trees.

**Speaker:** Kelly. And. Karen iken online.

**Speaker:** Karen, you can go ahead.

**Speaker:** I'm not.

**Speaker:** Hearing we can't hear you.

**Speaker:** Can you hear me now?

**Speaker:** Yes.

**Speaker:** Okay. Yeah, sorry about that. I'm karen aiken, I'm ad3 resident, but I'm here representing a commercial real estate company. We own several properties in the central city, and I just wanted to share two stories of my experience with urban forestry. One, we have a whole block property with many, many tree wells around it that borders a transit mall. One of those trees was hacked down by a person living on the street with a machete. We reported that tree to pdx reporter, and really, the quickest I've ever received communication back from any, any bureau at the city

was urban forestry, giving us a bill for replacing the tree along with a list of fines if we didn't replace the tree, of course we did. Commercial real estate. We love trees. We love trees around our property. It makes pictures better. It makes tenants happier. So of course, we planted the tree quickly and we pay handsomely for having that tree watered. But I thought that was interesting. And I know it's complaint driven, but it wasn't at all. Thanks for reporting message. It was just a now you need to replant it. So that was really discouraging. The other story I wanted to share is we have a very, very mature tree that is planted on the transit mall where the red bricks are. The red bricks are being lifted by the maturity of the tree and the depth of the roots. Pbot came out, cited us for having a trip hazard zero zero cooperation from urban forestry on what do we do here? Do you really want us to remove, you know, a healthy, beautiful tree that's providing shade for transit riders? I don't think so, but we couldn't get any response. Pbot suggested we shave the roots of the tree. I don't know what that does to tree health, but it just seemed like there's a problem here and there's no one providing solutions, just penalties. Thank you.

**Speaker:** Thank you karen.

**Speaker:** Next up we have mary helen kincaid, followed by zo Gonzalez. Mary helen zo is joining us online. Though. You're muted.

**Speaker:** Hello.

**Speaker:** Is it my turn or is somebody somebody next.

**Speaker:** Go ahead zo.

**Speaker:** Hello. Thank you for letting me join the meeting. Basically I got a letter in the mail from urban forestry and it was for basically excessively pruning the two trees in the front of my house that I've lived in for over 20 years. I live in district three and councilman novick district and basically the just to start with, I guess the

letter was like, it wasn't like a letter that you receive, and then you need to sign to know that you've received it. And something as big as this was just left in my mailbox, and it just doesn't seem like it should be a piece of mail that you signed for. If it's this, if it's this big. So not knowing the rules I've had, basically there's a there's a preschool, it's two houses down from my house and there's kids tripping over the sidewalk. There's a large branch that fell off of one of the two trees, damaging a car that was parked beneath it. The both trees had included bark or exclusive bark, which is a sign of weakness, which over time causes the trees to, to basically like fall down or fall apart. And so, not knowing the rules, I pruned the trees so that I wouldn't have any I mean any. We have a lot of people in the woodstock neighborhood walking on my sidewalk. They're tripping over the sidewalk because of the trees, buckling the sidewalk. And then if the branch is going to fall on a car and damage it, I don't want to risk anybody walking their dogs and getting getting damaged, getting, getting hurt from the tree. Anyway, the urban forestry is charging me \$13,725 for pruning the trees, and it just seems like an astronomical figure. And I actually emailed rick faber and asked if I could, like, do some sort of community service and plant 50 trees. I cannot afford \$14,000 for this mistake that I made. Thank you for your time.

**Speaker:** That completes testimony.

**Speaker:** Thank you, thank you. Clerk. With that and the conclusion of public testimony, I think we are ready. Unless any counselors have comments, I think we're ready to move to item four. I want to thank the public who showed up.

**Speaker:** Item four amend fee schedule for tree permits.

**Speaker:** Use the powerpoint. Yeah.

**Speaker:** All right.

**Speaker:** Good afternoon councilors I'm brian lando with urban forestry and I'm here to present the title 11 fee schedule for the upcoming fiscal year. I'm going to share a brief powerpoint here. So this next presentation concerns the fiscal year 2026 title 11 ordinance. This ordinance will update prk 2.03, which establishes the amounts for fees authorized under under title 11, and this presentation will cover all the fees included in the urban forestry program. And as previously stated, they're all adopted by council. And urban forestry doesn't have any administrative processes where we where we set fees, the title 11 fee schedule is organized into multiple sections based on the situations where the fee is applied. Each of these will be discussed in more detail in the subsequent slides. First, this fee schedule sets the fee in lieu of preservation and planting, and that has various applications across title 11. In private development, non development and in city capital capital improvement projects. The schedule also includes some fees that are applied when development is occurring on city owned or managed managed property. The non development section includes permits. A typical property owner is most likely to interact with, such as a standard tree removal permit, and then lastly, the fee schedule includes enforcement codes and compliance fees as well. As been discussed, there's some significant changes proposed to this upcoming fiscal year fee schedule. The first is that with the consolidation of private property development permitting into pad fees related to those reviews that were previously on the title, 11 fee schedule has been moved. Moved to pads. Second, fees for non development permits such as tree removal permit applications, pruning of street tree. The fees for those are eliminated or significantly reduced. And this is really in response to feedback that urban forestry has received for several years through community engagement work. It's also something the urban forestry commission has specifically been advocating for several several years. And then lastly, there is a



5% increase to the fee in lieu of preserve preservation and planting as well. So the fee in lieu and preservation planting, it's a really a central feature of the city's tree code. In title 11. It provides flexibility to applicants to pay a fee into the city's tree planting and preservation fund if certain tree requirements are not met. This tool provides flexibility to applicants to meeting the intent of title 11, which is to preserve and expand the urban forest even if they are not able to meet those specific objectives on site. So an example of this is most developments in the city are expected to plant a certain number of trees on site. If the project does not plant the required tree, they can instead pay a fee of \$712 per tree into the tree planting and preservation fund per title 11. That fee is expected to be equivalent to the cost to plant and establish a new tree. That current fee of \$450 per inch, which you can see in the graphic there that has not been updated since 2019. And so it's not currently in compliance with the intention of title 11. This 5% increase does move us a little bit a little bit closer though. And then lastly those fees go into the tree planting and preservation fund. And it's one of the primary funding sources for the city's tree tree planting program, which planted about 3500 trees last year.

**Speaker:** Can you just hold there? I want to make sure that I understand. So on this table that you're showing, both items are called planting and establishing fee in lieu. One of those is for 72 that you're proposing per. Diameter and the other is 712. So should I read this as it costs the city of Portland \$712 to plant one tree. Is that the best way to read this as normal dude?

**Speaker:** The. So the best way to read that that is the fee that's assessed. It costs urban forestry much more than that actually. So the fee has not kept up over the years with the actual cost. This is a fairly complicated table, but it's essentially the tree code refers to the fee in lieu. And then all these other fees underneath that are sort of calculations off of that. That title 11 also sets. So for the fee to plant one tree

on site, that's one and a half times that fee in lieu. So they're all sort of variations off of the fee in lieu. But it's all driven by that, by that, that that fee in lieu.

**Speaker:** So it costs urban forestry more than what we're charging.

**Speaker:** Yes.

**Speaker:** And what type when we do that type of planting, what type of tree are we planting in that that is alarming to hear how much it costs us to do business establishment.

**Speaker:** Yeah. So it's a pretty typical cost that that includes three years of establishing the tree. And so while most folks think of you plant a tree you visit one time, really you're visiting the site to ensure that we can plant the tree there. It's the proper distance from driveways and fire extinguishers and gas lines. But then our contractors return to that tree 60 times over the life of the tree to establish it over those three years. So we are watering it for three years so that the tree lives, so that that's where the planting is actually fairly inexpensive. It's the watering.

**Speaker:** Okay.

**Speaker:** That is helpful. And that means and that is happening on what type of situation? On a street tree in the backyard of a new development. Where does that happen?

**Speaker:** Yeah. So in urban forestry plants, the tree, if it's a street tree, we do establish it for three years. When we plant in parks we also establish it. We're responsible for those trees.

**Speaker:** It's your bureau.

**Speaker:** Exactly. Exactly. When it's a private property tree, we don't establish those. Right now. That's a different part of our program that's been explored as part of the pcf tree canopy. We're looking for opportunities to do that. There's

challenges, of course, with accessing property and things and things like that though.

**Speaker:** Okay. Councilor green.

**Speaker:** Thank you. Chair. So the fee in lieu from title 11 is it is it just cost recovery. Although you said that this doesn't quite recover the cost. But is it based upon cost recovery principles or is it or is it cost recovery plus a price signal to disincentivize behavior or incentivize behavior? Some combination of both. Can you speak to that.

**Speaker:** Yeah, it does depend on the context. So when it comes to a tree was supposed to be planted as a condition of a permit, like in a private property development situation, it is intended to be cost recovery as opposed to provide funding for the city to then plant the tree instead. The fee is also loses a fee in lieu of preserving a tree. So similar situation. There's a development. A tree is supposed to be preserved, but the applicant has the option to remove the tree. That's when the fee is really intended to capture the value to the community that was lost when the tree is moved. So we talk about trees having value in terms of cleaning air, capturing stormwater. There are calculations to arrive at what is the dollar value of that. And so this fee in lieu is supposed to provide a sort of clear and objective standard for arriving at that amount.

**Speaker:** Thank you.

**Speaker:** Moving on to the development section of the fee schedule. So the development fees in the title 11 schedule are specific to situations where development is occurring on city owned or or managed property. So while pnd is responsible for all private property development, there are some very narrow circumstances where urban forestry is still involved in that review. And that's if it's on city owned property, because city trees are involved. We typically see maybe 10

to 20 of these every year. So the volume is actually quite, quite low. These fees are increasing 5%. And they're to align with the amounts on the pad fee schedule. So we want to ensure we're charging private applicants and city applicants the same amount for the same for the same development process. On the non development side, we are proposing eliminating or significantly reducing all of the non development fees in the title 11 fee schedule. So this changes in response again to the feedback we've received from community engagement from the urban forestry commission in the course of conducting outreach to support the Portland urban forest plan. We've heard a lot about fees as well. So this is really an effort to be to be responsive to that. Fees can present a barrier to complying with title 11, and they can discourage proper tree care, such as removing hazardous trees. In eliminating these fees, parks is forgoing about \$400,000 in annual revenue. We are able to do this thanks to the Portland energy fund, which is providing funding through the strategic program. 34 in the pcef climate climate investment plan. And then you will note on the schedule, the only increase is to the programmatic permit that is increasing 10%. It's the first increase since 2018. This permit applies to public utilities and some city bureaus who perform a large volume of tree work. So this is pge pacific power. Instead of getting individual permits to prune street trees away from overhead wires, we give them a three, 4 or 5 year permit.

**Speaker:** Brian.

**Speaker:** With respect to you mentioned, by making this change and it's being made up by cep dollars that 400,000. What what is that paying for in the parks or in the urban forestry program. What does that revenue.

**Speaker:** Yeah, it's mostly mostly paying for staff time. So it's usually the staff time to conduct these reviews, issue the permits. Those are those kind of things.

**Speaker:** So the sf fund is now going to be used to keep the staff afloat. Instead of relying on fines against the public.

**Speaker:** Not fines. This isn't replacing fines or any kind of code enforcement part. It's really the standard application fee. So that that 100 \$100 application fee.

**Speaker:** Got it. Yeah.

**Speaker:** All right. So that will the pcf in the coming year. You're making a proposal and we'll probably see that in the budget. The pcf has granted you to keep those staff up by using them in what used to be collected in a fee schedule.

**Speaker:** Okay.

**Speaker:** Correct. I want to make sure I understand councilor pirtle-guiney.

**Speaker:** Just a couple of clarifying questions, but to start with that pcf allocation, how many years is that for, and are we going to see a budget hole in a year or two because of this change?

**Speaker:** Right. That that is a five year allocation. Our understanding is that pcf intends this to be ongoing, to be renewing every five years. But right now, the only decision to be made is that initial five years. Right.

**Speaker:** And with these changes, if you are an individual who is not developing your property or another property, you're not receiving a fine. You're just looking at what you're doing with trees. You're only going to have a charge if you either appeal. Something that has come to you from urban forestry, or if you apply for a waiver because you don't want to replant a tree, and otherwise you will have no costs. On the fee side, we'll talk about fine side in a minute, right?

**Speaker:** Correct.

**Speaker:** That folks who have had after the fact removal fees, for example, because of a weather incident or because of somebody chopping down a tree on

their property that was not them, will that happen again? Or is that removed with these fee removals.

**Speaker:** That's that's removed as well. Yes. Yeah. The requirement will still be there because again the intent is to replace the tree that was lost. And that's part of the process. But the fee would, would not not not be charged.

**Speaker:** Still submit the application, replace the tree. But there's not a fee with it okay. Thank you.

**Speaker:** Councilor green.

**Speaker:** Thank you chair. Just two questions here. So the programmatic permit application just to restate. So I got it right. This is the first time it's been raised since 2018. It's a 10% raise okay. Yeah it's pretty mild raise over that period of time I would say. That being said, my question related to it is do the utilities are they subject to the same level of intervention on the pruning? I mean, I think about the person who gave the testimony, they didn't really know the rules and that they were doing a good thing for their for their neighbor. When pg does their tree trimming work, how do they get any exemptions from that process? Do you.

**Speaker:** Want to answer that?

**Speaker:** Sure. As much.

**Speaker:** About that side.

**Speaker:** Utilities also have to comply with title 11. However, utilities also have state and federal regulations that they have to meet. So they perform a different type of arboriculture. Typically it's called utility arboriculture or utility tree care. And we navigate with that with them carefully.

**Speaker:** So there may be a case where they would prune a tree in a way that we would not allow someone who is not a utility to do, because there's a sort of state or federal level of, of law that overrides our code. Precisely, precisely.

**Speaker:** All right. And then thank you. And so my second question, and this is just a clarification. So I do see the bullet cip strategic plan number. So that's the climate investment plan that was passed by City Council last December. Right. That allocates pcef funds to bureaus, I think over \$300 million over five years. This is this is part of that decision package.

**Speaker:** It's part of that one. Correct? Yeah.

**Speaker:** Thank you. Sure.

**Speaker:** Councilor novick.

**Speaker:** This is more a comment than a question, but although I very much appreciate eliminating the removal application fee and the pruning application fee, it does strike me as odd that pcef is paying for it. I can understand pcef paying to plant new trees and under treed areas, but pcef helping to facilitate tree removal seems a little odd in the concept of climate goals, so I just wanted to put that out there.

**Speaker:** Thank you. I think we got a couple more slides.

**Speaker:** Just one. One more actually. Yeah. And then finally just moving to the code enforcement part of the fee schedule. Some minor changes being made here. The first one is to administrative review, which I think was discussed in the previous briefing. That's being reduced from \$200 to \$100. And then the other changes here are to restoration fees, which were also discussed. Those are also increasing by 5%, similar to some of the other fee in lieu fees that we discussed earlier. These are driven by that fee in lieu. So as the fee in lieu increases by 5%, the restoration fees increase as well. And then other than that, no other proposed changes to this part of the code. And that that concludes our presentation.

**Speaker:** Thank you. We appreciate it. It's been a long day. So thank you for sticking around. I'm looking to my colleagues, if there are any questions or comments before I entertain a motion on on this schedule.

**Speaker:** Just a crosswise sort of comment. In response to councilor novak's question. I think that's something we always need to grapple with, is like, what's the purpose of the pcf use? And does it does it advance our climate goals? I would just offer the way that I could justify that, although I'd be open to debate on this, is that if it's taking off a punitive layer that would otherwise. Take away support from our broader urban forestry program and cause people to engage in regulatory evasion, then one can make the argument that it supports people complying and participating and sort of reinforcing title 11. It's an indirect way to do it. I, I appreciate the spirit of your question. So that's kind of how I interpret that. I'd be curious to see other people's remarks on that.

**Speaker:** Councilor novick.

**Speaker:** Just looking at the restoration fees, I'm just curious. \$944 per inch for removed heritage tree. Do you have some examples of what that translates into? I'm sure it depends on what kind of tree is a heritage tree, but what have been some of like the higher restoration fees you've charged?

**Speaker:** Can you even speak to that?

**Speaker:** I don't know that I can answer that offhand, but it is the per inch. So you you know, if you're looking at a 20 inch tree, you can take that cost and, and multiply it by 20. We can get back in terms of examples, but I don't have one off the top of my head.

**Speaker:** But this is a ridiculous I should know this, but what's an example of a pretty darn big tree? How many inches is a pretty darn big tree? Although maybe not a giant tree.



**Speaker:** I mean, I think, you know, starting at 20in, which is kind of what our code does, what the title 11 sort of indicates as moving into a sort of large tree. Maybe in the future we'll bring some, you know, cookies to kind of demonstrate how large those are. But I would say, you know, 20 and upwards, you know, that tree has been around for quite a while and is relatively mature. And then it just kind of goes up from there.

**Speaker:** I'll ask, do you think 35 inch trees are common?

**Speaker:** Are they common?

**Speaker:** Yeah.

**Speaker:** I couldn't answer that off the cuff.

**Speaker:** Only only about 13% of Portland's trees reach that 20 inch size. That's why the code really, that's where the sort of higher requirements kick in. At the 36 inch threshold. We looked at this a few years ago, I want to say less than 3 or 4% of Portland's trees get to that size. So at 36in, that's an exceptionally large tree.

**Speaker:** Okay. Thank you.

**Speaker:** The I have a question. The comments about the utilities reminded me of a situation. I guess I'm wondering if we have incentivized folks to wait on the big orange truck to show up and trim along your wires instead of reaching out to urban forestry, because we notice a problem, maybe before the big orange truck. And I don't know that we can square that in this conversation, but but in that piece of discussion about how utilities trim along the street and they have responsibility. And a lot of neighborhoods, at least in district four, we see them on a very regular basis. I do worry that we have incentivized not speaking up when we see the need to trim, since we know at some point some utility guy will come along. I'm a little bit concerned about that when I kind of just think through this and how it hasn't. What hasn't come off the page in all of our items today is that it doesn't seem like people

feel real good. Contacting urban forestry for help through a situation. Some of them will be able to foot the bill, but ultimately, if you contact them, it it you're going to have something. And I and I and I find that as counter to incentivizing good behavior or good stewardship, but probably more of a comment than a question.

**Speaker:** If I could say something please.

**Speaker:** Yeah.

**Speaker:** I will say, and you know, I don't have the data with me necessarily, but just over the years that mostly what I hear is complaints coming from the public as it relates to the utility pruning. And then that causes us to go out and inspect it and take a look at are they complying with their permit? And they do have consequences just the same. And there are enforcement actions towards them. If they're not meeting what their permit states. And you know, what the state mandates that they're allowed to do. So I know that that isn't, you know, data driven necessarily, but that's been my experience, that it's most common that property owners don't want them coming through because they feel like they, for lack of better terms, hack away at their trees.

**Speaker:** And if I could add councilor zimmerman, we do know that having to pay for urban forestry to allow the adjacent property owner to maintain a tree that isn't theirs is certainly a disincentive of thinking positively of us and our program and the services we offer, as well as getting appropriate tree care. So I wouldn't be surprised if there are cases where folks are not tracking what their street tree is doing. They're paying attention to their roof or their furnace. And when the utility comes through, consider that okay.

**Speaker:** Thank you. I appreciate that. You know, I think in light of or in light of kind of just some of the comments that we've heard today and kind of where this going. The I want to note that you prepared this document with a 5% increase. And

in my experience in government, sometimes the 5% is directed from the executive. All bureaus, please prepare your fee schedule with a 5% increase for all bureaus. Please prepare your fee along the cola that we've adopted. What guidance did your bureau receive as you developed these fees? And it looks like you've put 5 or 5% across the board.

**Speaker:** Yeah. And that's that's exactly the case. We were mainly following the lead of pp. And since our development fees track very similarly to the type of work being done. So that was really what was driving driving the increases here.

**Speaker:** Okay. So that was developed at a staff level. It was not a from the mayor or the city administrator. Here's your guidance for what mark to hit. And that's okay.

**Speaker:** Yeah. That's I'm trying to recall if there was something but that that was largely the case. Yes, I believe that's right.

**Speaker:** You're just first in a group of many.

**Speaker:** Yeah, right.

**Speaker:** I will be asking this to all of them. So that's okay. One of the I think we got some great testimony in the previous items, but it is related to this item and it's a complicated issue, and it's an area where I think there are some great goals of urban forestry. But i, I remain in this fee schedule is directly related to some concerns. I have, even kind of watching the staff's reaction to a few comments that came in, and watching staff shake their head vigorously in the negative. Here's my concern is that when we have the power to enforce against a person in an area that we heard testimony for, a regular person resulted in \$13,000 in fines or fees, whatever the correct number is, I guess I am looking for a better understanding to come to the council overall for how we're going to engage with the community and conduct ourselves, because to watch staff sit in the audience here and vigorously

shake their heads, disagreeing with some testimony, even if that is the correct thing. I think it is getting to the spirit of maybe where we're missing the mark in terms of how we communicate with people everyday, people who don't have a clue about what a good tree is, a safe tree, heritage tree, a big tree, a small tree. And so I think there's some work. I think you've made some significant suggestions here that I hope colleagues will suggest or excuse me, support in terms of the route to improvement. But I'm going to offer two amendments to my colleagues, and I'm actually going to hand them out while I read, if you wouldn't mind, colleagues. Two amendments with to this document before we send it. Amendment number one in the enforcement section. I move to strike the fees for the following and set them to zero. The violation review, the administrative review, the development violation review, and the civil penalty. And the comment that I'm including is, as we move into the budget season, I plan to introduce a budget note more rounded out for a better for a different hearing, but for full review and accounting and analysis of this part of the program and how these fees have been used across the city in different districts to give us a sense of how this program is being implemented. And I think for the short term, this amendment can minimize the harm that this program may be currently inflicting on Portlanders with what feels like very little oversight, very little analysis, until we know a little bit more. So that's my amendment number one. And then I'm going to deliver. But i'll see if there's any support for both of these afterwards. Amendment number two I'm going to offer this up. But I am interested in conversation. I find I want to I move to strike all fees in the city owned and city managed section to zero. You noted that those were minimal in the number of uses, but I find them a strange kind of moving of money between funds internal to one organization, which is the city of Portland. And so i, I'm going to propose both

of those amendments. And I would look to my colleagues individually if there would be any seconds for either of those amendments.

**Speaker:** What is the impact of this? I, I just don't know how to respond to this because you're asking to strike a lot of dollars. That could be revenue. I don't know what the impact is. So it's hard for me to decide.

**Speaker:** So to go further in discussion, I think I do need a second, but I appreciate the question. I would love to respond to it.

**Speaker:** I would second amendment one.

**Speaker:** Thank you.

**Speaker:** In order to move us into discussion, though, I do have some concerns that I'll raise.

**Speaker:** Great. So was moved and seconded at this point. Colleagues, I would look and just speaking about amendment number one and that is in the enforcement section, I move to strike the fees of the following and set them to zero. The violation review, the administrative review, the development violation review and the civil penalty. Councilor novick you have your hand up.

**Speaker:** Yeah. Question. I don't know that there's a civil penalty fee. There's simply a civil penalty. Are you talking about eliminating the civil penalties entirely?

**Speaker:** I am, as they relate to the title 11 tree code. We heard today that they're almost never used and that they are part of a historical tree code. But in this document that's rounded out with enforcement at the bottom and the what I am retaining is the monthly penalty, which is \$250. But the other violation reviews, the administrative reviews, the things that we saw that looked like they're changed on a high rate of removing those. And I think civil penalty. Until we know more about this program and how it's being administered, I'd like to I think it's appropriate to take a

pause. And we can always re adopt that at a different date. Councilor pirtle-guiney, vice chair.

**Speaker:** A couple questions, but I want to start by asking our guests at the table what the impact of this would be to your budget. What type of budget hole are we creating if we pass this that we need to then either decide to fill or direct you to cut staff for?

**Speaker:** Yeah, I can speak to some of that. So some of these fees do go to the urban forestry budget. They sustain existing operations. Some of them go to funds established by title 11 that have specific uses that are outside of the actual general fund. So the impact will be a little bit different for each of those.

**Speaker:** Can you speak specifically to these four line items where each of them goes?

**Speaker:** Sure. Yeah. So the violation review fee and the administrative review, those two do go to the urban forestry program, to the annual budget. The violation review probably brings in around 12 to \$15,000 a year. It's not a fee that's assessed that frequently. And then administrative review a few thousand because again we don't see I think it was 66 or so over the life of title 11. So not the budget impact for those would not be terribly significant. I would note that on the administrative review side, those require a significant amount of staff time. And so while there is the cost recovery component of that, there is a, you know, a fee provides a little bit of friction so that not every violation is reviewed. And I do worry a little bit about the amount of staff time that could lead to if we just see a dramatic increase.

**Speaker:** And the development violation inspection and the civil penalty, what do those go to?

**Speaker:** The I'm sorry, the development violation inspection does go to the urban forestry budget. That one does as well. The civil penalty would go to the urban forestry. I'm sorry.

**Speaker:** Is the impact of that one on your budget?

**Speaker:** I would have to double check again. I don't think it would be from a budget standpoint that high. I think it does provide a disincentive when it's particularly in a development situation. A it could be that a tree that was supposed to be retained was removed. It also addresses hazardous tree situations. So a root is cut on a tree that is supposed to be retained. That can create a hazard for the property owner who buys that property. And then a few years later, that tree falls. So it does facilitate some of some of that that work as well. But I would say from a budget standpoint, not probably a few thousand dollars a year.

**Speaker:** And on the civil penalty.

**Speaker:** I again, that is so rare.

**Speaker:** The civil penalty isn't used very often, but it is specifically in code. So these other amounts are not. But this this one is listed in code. So that would be a code amendment.

**Speaker:** Councilor i, I may have a an amendment that I would want to make though this is an amendment, I guess we'd have to vote it down and propose something else. But I'm wondering if you can speak to why you highlighted these specific line items for us.

**Speaker:** Sure, colleagues, I'd like to answer that. And I'm noticing other hands up the reason that I'm highlighting these. And I think that your answer actually. Has made a case that for a budget as large as urban forestry, as large as parks, or as large as the city of Portland, which is \$8.4 billion, 12,000, 20,000 is such a small thing for us to overcome. And insofar as this fee that is being proposed at \$100 for

the administrative review, it was 200. It is 200. Today. We're proposing to become 200 because we allocated some piece of money to help defer that. But that money to an everyday Portlander, I think is impactful, and it's not impactful for the city of Portland in a meaningful way. And I am trying to on the side of the of the citizen, the resident, the property owner, the tenant who is, I think, generally trying to do the right thing. And it's a little scary to engage with this arm of our government right now. And I think that these will help reduce that. While we learn more about a better way to enforce this and be supportive to the educational and science aspect of urban forestry. So that's that's where my motivation is coming from. And I think it's an easily overcome a number. Councilor i'll just show my cards insane. I actually might add to what you've suggested, if I were to put something forward, the administrative review and the non development section two. I think that charging people for reviews is not in line with where it sounds like the program is trying to go. I'm not yet convinced that I could vote to support removing the development, inspection and civil penalty because of the. The nature of trying to incent certain behavior.

**Speaker:** I appreciate those comments. Can we go to councilor avalos?

**Speaker:** Yeah, I mean, I genuinely understand the intent and clearly, from what we've heard, the impact on the average Portlander financially and emotionally is a lot. And so I hear where the intent is. I'm just concerned because I thought that we were approving increases to meet the need, right? Increases to the fees to meet the need, and then by approving those, but then completely removing a few of them, that seems counterproductive. And without more information about the actual financial impact, I can't vote for this today. Thanks.

**Speaker:** Councilor green.



**Speaker:** Thank you chair. So I'm similar to where the vice chair is at in terms of that specific line item. I guess my question. Yeah, okay. My so I have I guess a process question. So how would you envision because there's you know, this would if we vote on this then we're voting it out of committee. It's not really a complete ordinance amendment really. Unless, you know, maybe you can speak to that. But then so maybe that's one question. Do you.

**Speaker:** Want.

**Speaker:** To let me speak to that quickly? So one of our one of our actions today is that I'll ask for adoption of this fee schedule, and I'll be doing that in upcoming meetings for our other bureaus as well. And the reason we do that is the adoption of the fee schedule is a council action, and all of those will come through finance and those fee schedules as are adopted, drive what we will be conducting for the larger budget process. And so each year we will adopt a fee schedule for the upcoming year. And so this is an ordinance as it's been. Presented. And my amendment is just simply to that, to those numbers of, as I've noted. Does that clarify.

**Speaker:** It does actually. So that's very helpful. So then my second question would be you've you've presented this as a sort of temporary like let's wait until we figure out more. What what does temporary mean. What is there. Is there a sunset on this. Is there a fuze?

**Speaker:** I'm not outlining a sunset, but it's a great question. So this brings to note one of the things that I think we'll see the council engage in as we move forward is something called a budget note. And that budget note is a way for us as councilors to signal and direct a line of work, usually in a research capacity or a fact finding capacity, to then bring us something that we can probably bring to, to resolution to bring to fruition about an area we're unsure of or an area of great focus that the

council has. And so I think we'll see several budget notes in the future. What I'm indicating today is i, I am not. I'm not committed that there will be no enforcement fees in the future. But I do think there's a lot to be learned about. How is enforcement completed in our community right now? I don't have a good feeling that we're meeting everybody's needs or expectations. And in that amount, and in that time, I would like to back us away from a fee based so that enforcement can still occur. But it is not tied to a fee or, excuse me, a fine based system until we have a better idea for how it's being applied. So if the I think we heard earlier that there is some draft work, there are some plans coming forward, I would just add that I hope that an enforcement chapter of that work is part of it, so that we can look to the bureau leadership for how is enforcement going to be conducted in Portland in the future, and then let's apply appropriate fine and fee schedule to it. I'm doing this out of the spirit of I want title 11 to live, but even the people who wrote it are now calling out that there are problems with it. And I think we're in this position where we have an opportunity to minimize harm to the city organization and stop any harm to individuals who may be going through a bad process.

**Speaker:** That's helpful. It's helpful to clarify. I don't think I've got any further questions. I don't know if I'm there yet, but maybe by the end of.

**Speaker:** I'm certainly open. If the civil penalty is a tough one for folks and I'm open to that, perhaps the development as well. But I think the ability to appeal to your government for free is important. And I think that should be preserved. I think. Councilmember, do you have another comment?

**Speaker:** Yes, please.

**Speaker:** I have a few, actually. One is I'm totally with you on the administrative review. I'm not sure I understand the distinction. What a violation review or development violation inspection is. So I'd like some information on that. But also

on the civil civil penalty. I would like to get rid of the idea that people get a letter saying you're you're subject to a penalty of \$1,000 per day for god knows how many days. I'm a little uncomfortable with eliminating the entire concept of a civil penalty in like cases of willful disregard of the law. And maybe I my instinct would be to have it be sort of like an add on to the restoration fee and an example of willful violations. You double the restoration fee or increase it by 50% or something as a penalty. So those are just my initial thoughts, and I love staff's response to them and helping me understand this.

**Speaker:** The distinction. Yeah.

**Speaker:** I just want to add that the restoration fee in the way in which you can double and such is also in code. So I think that that would also be related to amendment. And I just wanted to offer I absolutely hear you and like we said earlier, want to work on education and working with property owners and such. But going back to my earlier presentation, I just want to offer you to be very careful about making it less costly to violate the code than to apply and comply with it, because I think I wasn't here prior to title 11 for long. But my understanding is, you know, that is how it came about, and that is what brought us to have title 11. And so just being, you know, I would ask for the opportunity to really look at it a little bit more deeply before the decision is made so that we don't suddenly sort of swing from one direction to another too quickly. And i'll also offer that the piece of funding that's allowing for us to reduce fees is going to impact staffing workloads. I think pretty significantly, because people will submit their applications. That's the hope here. And so i, I am concerned that the level of staff that we have will not be adequate to manage the workload within an adequate time frame. And when I first came here, it took about 12 weeks to get a response to a permit application. We're currently at two, which is a relatively reasonable expectation, I think. And if we

eliminate fees all across the board, I don't believe that we have enough staff to manage turnaround time expectations, and we would need some support in terms of that, you know, so that people didn't think that we're taking too long because we just wouldn't have the people to necessarily meet that two week expectation.

**Speaker:** I okay, I need to follow up on the I mean, I agree with you. You don't want to make it cheaper for people to violate the law than to comply. And I'm wondering if we could adjust the civil penalty provisions in a way that addresses that concern, but also imposes limits. And I was I mean, so if going back to the previous discussion about what if the city just says if you don't do x, we'll do it ourselves, you'll pay for that. Can you envision a situation where there's a rule saying that you can do that, which apparently you're already doing, and then there's some add on to that cost as a civil penalty, but it's limited and it's not \$1,000 a day.

**Speaker:** I would have to think more about that. I don't think I can respond to it immediately, but I would have to process that and think about it to give you a good answer.

**Speaker:** Did you.

**Speaker:** Get the question or did the clarification about the violation?

**Speaker:** Yeah, actually I didn't. Yeah. I was forgetting about that violation. Review, admin review, development violation inspection.

**Speaker:** Yes. Sorry. So the violation review is when there's a confirmed violation that the tree would not have been approved for removal. So as I said earlier, if it would have been approved, then it's just your standard application fee, which currently is \$100. And then if you would not have been approved through, if you had gone and submitted an application, then that's when the \$350 violation review fee gets applied.

**Speaker:** So it's kind of a loser pays thing.

**Speaker:** Yeah. Again, it's a disincentive of like, you know, if it was a dead tree and we would have approved it anyhow. We're not going to we're not going to hit you up for anything more than what you should have done initially, is kind of the concept behind it, and you should not have done that. It was a perfectly healthy tree. And therefore, you know, there's a bit more of an application fee for that review.

**Speaker:** And development violation inspection.

**Speaker:** So that is really indicative of its name. There's a there's a, there's a violation that gets called in as it relates to development. And we go out to inspect to determine whether there is or is not a confirmed violation. If it's confirmed, then that that sort of act of us going out to the site to determine that is where that fee comes into place. It's not as frequent anymore. It is used more commonly in the private development. So p and d again, because we separated from them that this one on our fee schedule would be applied to capital projects, which is very rare that our own city is violating the code because we have our tree inspectors out there working with them pretty well.

**Speaker:** I'm curious if we could. Maybe this just wouldn't work, but could we instruct you that the amount of the civil penalty is. That the cost of compliance plus no more than 50% or something like that, and leave it up to you to figure out what that is.

**Speaker:** I think that is what it is right now. Like the code language is up to. So that is a maximum.

**Speaker:** But but the wait a minute, but what about the \$1,000 a day? Is that up to something or other?

**Speaker:** That's what I'm that's what I'm speaking of. So the civil penalty is up to \$1,000 per day per tree. That's the language that's written in the code.

**Speaker:** Right. But that's that seems like it could quite quickly grow beyond cost of compliance of anything.

**Speaker:** I'm not sure I fully understand that.

**Speaker:** Okay. I mean, the city I'm saying that. Okay. So are you saying that it's a code thing so we can't change it here anyway? I mean, what I'm wondering is if conceptually, if you wanted to move to a model where the civil penalty is limited to some fraction of the cost of compliance, could does that make sense? And how could we get there? And second, based on what you just said, I think that to me it seems obvious that a \$1,000 per day for an unlimited number of days is not tied to cost of compliance. The cost of.

**Speaker:** Yes, I do think we can, and I think that's the way that it is managed currently. Although, you know, there can be changes to that and we can look into it more, but we are looking at using the fee schedule in terms of like, what is the per inch cost of a tree when it gets removed to make determinations as to, you know, what is what is a restoration fee? If that gets applied again, you're speaking specifically about the civil penalty, which is very rarely applied. And I will say that I feel pretty confident in like 99% of the time. It's only when it's a violation of the tree code performed by a tree contractor, because we can't apply the same requirements to them in terms of like, go remove the rest of that tree and replant it because it's not their property. So that's typically the only time that we're using that civil penalty.

**Speaker:** Chair zimmerman, I just want to tell you, I mean, I'd be prepared to vote for something that addresses the administrative review fee. I totally agree with you on that. On civil penalty, it might take some work. I mean, I'd like to change that too. I'm just not sure we can do it today. So can we take that up as a separate item at another time?

**Speaker:** Yes, sir. So I I'm hearing folks, and since I have a second, I want to offer a friendly amendment to my own amendment, and i'll check with my second if it conforms. I mentioned civil penalty and I mentioned development violation inspection. Those are the last or excuse me, those those middle two. I'd be willing to pull those out of my amendment and add in the non-development the administrative review and appeal application, which is right now \$100. Period. So it retains the development violation. It retains the civil penalty, and i'll call it the worst case scenario, but it removes the admin review applicant appeal application in non development. The same thing in enforcement. And the violation review and enforcement. Is that okay. For my second.

**Speaker:** It is when the time is appropriate. I just want to make sure that we hear from staff about the fiscal impact of the non development addition. Since I had asked that about the other two.

**Speaker:** Great. Can we I know we said 12 to 12 to 15 or so for the first group. Can you talk about that new one in the non development the 100.

**Speaker:** Yeah cuz I'm pretty sure those are probably 6 to 12 a year as well. Again my concern would be more about just the staff time if we saw a really dramatic increase. But I wouldn't, it wouldn't be a significant budget impact to eliminate that.

**Speaker:** Thank you for math in public. It is always appreciated. Councilor I know you've got a comment. I wanted to respond. Also, you mentioned not knowing the fiscal impact. Is there more than the 6 to 12 or the 12 to 15 that would be helpful in this. And then also the floor is yours as well.

**Speaker:** What's the 6 to 12 thing? Was that so?

**Speaker:** He's told us just now twice that the impact of these changes for the first one in the non development would be about a 6 to \$12,000 change in what the revenue they generate from that fee and fine. And in the enforcement for that

same admin review about 12 to 15 you asked about financial impact or fiscal impact. I just wanted to share that and highlight it.

**Speaker:** Yeah.

**Speaker:** And I know you have your hand up for other questions.

**Speaker:** Yeah. I guess my question is like, so we're here to approve or, you know, this is before us because we need to approve the changes to the fee. And then this proposal, right, is to further change the changes. I guess I'm wondering, is there a specific urgency? Is this something we can do at a different time? It sounds like there's discussion. I mean, sure, I'm more comforted by the fact that it's 6 to 12,000, but I think in principle I'm uncomfortable with making this call right now because of, again, I thought the whole point of this was that we're struggling to meet the demand and that you're increasing these fees. I know this is only one of them, but I'm just trying to square that. And I'm curious, just the timing. Like, if we don't approve this right now, like these, let's say we approve this without your amendments, can we go back later and add these amendments? Or if we need time to figure out how these suss out, then we approve the amendments with the ordinance later. Like is there some time thing that I'm not aware of.

**Speaker:** So the timing constraint here is that as we as the finance committee, as we adopt and send the fee and fine schedules to the council, that as those are adopted, those are also how the budgets are developed in their release on may 7th. One of the things that I think is responsible for the council is if you have an idea of where you're going when it comes to a fee schedule, and you can make that change prior to the executive budget dropping, that is good because it allows that executive budget to be crafted with that in respect versus. And I've been a part of others where if you make that amendment to this fee schedule after may 7th, when we're in our in our budget sessions, that the back end staff is scurrying around to



now reallocate or make changes to how they developed a budget. In this case, these are fairly small numbers, right? 6 to 12, 12 to 15. These are fairly small impacts. There are other fees that we're going to discuss over the coming weeks that are much more significant in their impact on what they generate for that operating bureau. And so I'm going to encourage this committee to be the guiding light for the council. And if we've got changes that we think we may propose that we do that here, so that when the council sees it and adopts it, the staff and the mayor's executive budget is developed before before changes happen after the release of the executive budget. So that's the timing. Now to your other question. Could we of course revisit it? We can because like anything, it's an ordinance a councilor could bring back. Or the staff could ask us to take a look at a fee schedule at a different time. It's it would be I would call it less optimal and there wouldn't be a built in timeline into the into the yearly schedule for when we would do that. Because generally right now is when we do fees and fines. Now, you have mentioned a couple of times about we're adopting this so that we can get some revenue. And I want to just pause a little bit on that perspective is that is one of the perspectives. I think we'll see different perspectives with the different bureaus that come forward. But when it comes to development fees, there may be a philosophy out there when it comes to parking fees, there may be a philosophy out there or use fees for a pavilion in a park. I don't know that we can say that we're just going to automatically adopt things just because the city has to raise revenue, right? I certainly from my chair, i'll push back on that. I think some things need to be held frozen in this coming year. But that's so I don't I don't want the mindset that we have to adopt this in, in terms of raising revenue to the division alive as the motivation for today's action. I think I think that is one of the philosophies we're probably going to debate as a committee and as a council is what fees should and

shouldn't increase. Was 5% and appropriate natural growth or not. Those are natural questions. Before I move on to councilor green. Anything else? Councilor?

**Speaker:** Go ahead, councilor green. And i'll keep thinking.

**Speaker:** Councilor green.

**Speaker:** Thank you chair. So I look at the fee schedule. So as proposed some fees are increasing but some are being eliminated. So it's actually a statement of like we're trying an innovation here to change how the program is administered to be responsive, I think to some of the challenges that the community has raised and to the you know, if I understand your spirit chair, you're trying to bring forward something that restores some faith that City Council is going to work with our partners and say, you know, do we have an opportunity to devise the penalty side of this equation in a way that's brings people in to be partners in that and is effective? So if that's the spirit, I generally support that sort of thing. I think with the friendly amendment where we've struck out civil penalty and the development violation review, I'm much more comfortable supporting these top lines because there's like, you know, the fiscal impact is a rounding error. I think what I would say, though, is the budget note that we need to put in here, or really it's part of the budget setting process I'm going to be advocating, and I hope we all do, to make sure that there is no staff time impact, because I if this is going to work, you need you need people to sort of, you know, okay, I'm going along. I'm going alongside with this administrative review. I don't have to pay for it now, but am I going to be able to get heard? I don't want to wait 30 days, 90 days. So I do think that we need to be ready for to lower their revenue and take away a barrier. Because the gentleman issued a friction. I mean, that's a tool. I don't personally think it's the best tool, but we need to be ready to manage that, that load. I think we need to

bring them those resources to manage that load. So with that, I am prepared to support this amendment, as amended.

**Speaker:** I appreciate those comments, councilor. I'm doing a check councilor pirtle-guiney.

**Speaker:** Very quickly because I'm cognizant of how much we're over time. I am prepared to support this, but would just pose to staff that. If you do see a significant increase in volume of appeals after a change like this, please bring that back to us as information either to the finance committee or to climate resilience and land use committee, which councilor novick co-chairs. As soon as possible. Don't wait for the next fee structure. Don't wait for a budget adjustment. Please let us know as soon as you start to see those trends develop, so that we can catch that.

**Speaker:** Councilor avalos.

**Speaker:** So to clarify your friendly amendment, you said it was because this one says administrative review, but you said in your friendly amendment administrative review and appeal application, so are those two. They're both \$100. But are they different.

**Speaker:** So sorry.

**Speaker:** So the new one, the one you just cited is in that paper you're looking at is in the non development section. And it's the administrative review and appeal application, \$100 from that category. And then the administrative review that's in the enforcement category. There are two line items on this exhibit, but I'm including both.

**Speaker:** You're saying both.

**Speaker:** So your amendment to be clear is to strike the administrative review and appeal application of \$100 under non development and the administrative review of \$100 under enforcement. So \$200 total. That is the.

**Speaker:** And violation review under enforcement.

**Speaker:** And violation review.

**Speaker:** Yep.

**Speaker:** Okay so and then we're taking out development violation review and civil penalty.

**Speaker:** Correct. No change to that as it's written in the document. No change. Not from I pulled them from my amendment.

**Speaker:** You're right.

**Speaker:** And I'm sorry I'm still not understanding this. Our administrative review and administrative review, are they different? I don't think I understand.

**Speaker:** I think staff's best on.

**Speaker:** That one.

**Speaker:** Speak to that. So administrative review is the first process for somebody to notify us that they believe that we applied the code incorrectly. We issue a written determination to them and they can appeal that determination further in non development situations. That would go to the urban forestry commission, in compliance situations that would go to the code hearings.

**Speaker:** Officer I see, okay.

**Speaker:** And I would just note that the one in the non development and the one in the enforcement, they're essentially the same fee on the back end. So changing them in tandem would be the best way to go okay.

**Speaker:** Yeah I I'm obviously struggling with this because we're having all this discussion about process. And this feels very ironic given all those discussions because I don't feel prepared. I don't feel like I have information on the impact. I'm finding this out 20 minutes after the meeting is supposed to be over. So I'm frustrated by that because we continue to not have a clear way in which we are not

only in process, but also I think some of it is just friendly understanding. I would have preferred to see this ahead of 255 and be told that, you know, this has some kind of impact. Clearly it has an impact. I don't care that it's \$6,000, it's an impact and it's not, you know, so I'm frustrated about that. And I feel obviously I want to be responsive to what we heard in public testimony. So I don't know right now how I'm going to vote on this, but I think, you know, in concept, I support it in principle, I don't think.

**Speaker:** Thank you. Councilor. Any other comments around? Okay. So we have an amendment. We have a second discussion is complete. We have no clerk. But I'm going to call the roll. And Chris, if you or excuse me, if you could call the roll council operations, that would be helpful.

**Speaker:** Chris, if it's helpful, we are now starting with district two, then three, then four, then one, and then the chair. At this point in the calendar.

**Speaker:** Brilliant. Avalos.

**Speaker:** Starting with district two.

**Speaker:** Oh.

**Speaker:** Apologies, president pirtle-guiney i.

**Speaker:** The b can't.

**Speaker:** Oh sorry. Novick.

**Speaker:** I'm not totally. I would have felt a little better if this were just addressed to the administrative review. And I wholeheartedly agree with president pirtle-guiney request to staff. And i, i.

**Speaker:** Green.

**Speaker:** Avalos this is the amendment, correct?

**Speaker:** Yes, yes.

**Speaker:** I'm going to vote I on the amendment.

**Speaker:** Thank you. And I vote aye. Okay. Colleagues, the amendment passes. And so with that I will give another opportunity for any other comments or questions regarding the overall fee schedule. If there are none, I would entertain a motion. Councilor avalos, is that a fresh hand.

**Speaker:** Up okay.

**Speaker:** I move to adopt the fee schedule as amended.

**Speaker:** Council.

**Speaker:** What does that mean? Are we approving the whole fee schedule with.

**Speaker:** This, this.

**Speaker:** This document that we've been here about the title 11 fee schedule.

**Speaker:** So this.

**Speaker:** So when we amended it, we're amending the entire fee schedule. I thought we were amending your amendment. So I'm I'm stuck on that because so now we're saying we amended it so that the, this actual document that we have to approve now says what it says. So this zeros on those two points.

**Speaker:** The three points. Yes. That's correct councilor. So the new title 11 as amended has been moved by councilor novick is as presented by staff, except for these three lines under non-development administrative review and appeal application was 100. It now will read zero under enforcement violation. Review was 350. It will now read zero and admin review under enforcement was 100 and will read zero. And now councilor novick has moved for adoption of this fee schedule.

**Speaker:** Okay.

**Speaker:** And I'd be looking for a second second. Thank you. We have a motion and a second on the title. 11 fee, tree fee schedule. If we could have the clerk call the vote.

**Speaker:** Pirtle-guiney i.

**Speaker:** Novick i.

**Speaker:** Green. I avalos. I zimmerman i.

**Speaker:** Okay I appreciate everybody's time. The motion passes and I will just note that this item the ordinance and amended fee schedule for tree permits will move to the full council with the recommendation that it be passed and will be heard at the full council on April 16th. I'm looking around. I have no other comments from my colleagues, and our next meeting of the finance committee will be April 7th, a Monday. We'll be discussing future ordinances and fees and other bond rating or excuse me, ada bonds. Thank you for everybody's time.