CITY OF PORTLAND

URBAN FORESTRY COMMISSION



Charlie Hales, Mayor
 Mike Abbaté, Director

URBAN FORESTRY COMMISSION

Meeting Minutes May 16, 2013 Lovejoy Room, City Hall

Commission Members present: Kris Day, Igor Lacan, Michael McCloskey,

Ricardo Moreno, Secretary Catherine Mushel, Stephen Peacock, Joe Poracsky, Chair Meryl

Redisch, and Dianna Shervey

City Staff present: Lola Gailey and Elizabeth Mahon, Portland Bureau of

Transportation (PBOT); City Attorney Harry Auerbach; Ronda Fast, Bureau of Environmental Services (BES); City Forester Jenn Cairo, Sandra Burtzos, Luke Miller, Frank Krawczyk, Lou Phemister, Myles Black, Dave Kahler, Autumn Montegna and Anne Kroma, Parks & Recreation

Guests present: James Adams, Army Corps of Engineer (USACE);

Bryan Burch; Ruth Williams of Davey Research

Call to Order and Public Comments: Chair Meryl Redisch called the May 2013 Urban Forestry Commission (UFC) meeting to order at 7:32 am.

The Chair recognized Bryan Burch, Neighborhood Tree Steward (NTS) and Education & Outreach Committee member. After acknowledging the tremendous success of Arbor Month, Bryan asked if consideration had ever been given to whether the Urban Forestry work unit belongs in the Parks Bureau (PP&R) or if it should be under BES or another bureau that is responsible for planting and caring for trees. He felt that perhaps another entity that deals with services could push canopy goals. He also brought up the idea of Forest Park (a large park that has issues such as single track bike trails) being cared for by a bureau whose primary concern is the environment.

Chair Meryl Redisch pointed out that there have been program shifts in this budget cycle. Although BES has steady revenue sources and Parks is almost fully funded from the General Fund, there may still be other funding details that could compromise programs. Harry Auerbach commented that rate payments may also be specified for certain uses. Jenn Cairo pointed out that reassigning tree responsibility has been studied and researched previously.

Joe Poracsky passed around handouts from a conference in Seattle about view clearing.

Chair Meryl Redisch announced a change to the agenda, resulting in the Children's Museum presentation being delayed to another meeting.

Review and approval of April UFC Minutes

There were a few minor changes requested to the draft minutes. Igor Lacan moved to accept the minutes as edited. Joe Poracsky seconded the motion and it was unanimously approved.

The Urban Forestry Report - City Forester Jenn Cairo

Jenn Cairo reported that the Mayor's budget is scheduled to be released in June. The Directors of BES and the Parks bureau have been meeting to decide how pass through money and contracted work could best be handled.

There has been discussion of the Friends of Trees (FOT) contract moving from BES to Parks, if it lost none of the program benefits. This has given Jenn and Scott Fogarty, Executive Director of FOT, a chance to look at the big picture in regards to this program.

Harry Auerbach pointed out no matter what bureau the contract or UF workgroup is housed, every bureau deals with trees and inter-bureau communication continues to be vital.

Jenn Cairo announced the open recruitment for UF Permitting Supervisor has been extended. This position will also take on some duties like supervising the SPOCs (Single Point of Contact), allowing UF Operations Supervisor Larry Maginnis to focus on emergencies and overseeing the arborists. This also creates a separate permitting section and allows better budgeting. This dedicates money to Education & Outreach and another section, possibly called Forest Management, to do street tree inventories and manage seasonal employees.

Jenn continued by stating that since Title 11 implementation funding will not be in any bureau's budget, there will be further delay. There is no allocated money in the Mayor's budget either, but BDS has determined that they will be able to cover half the position that Mieke Keenan has been in, and she has agreed to the continuation. Online permitting work continues and there is a new focus on enforcement. Training is also being set up for BDS staff, developers, and permit runners to cover what is needed on a permit application under the still current 20.40 and 20.42 Codes.

City Council is expected to decide on May 22nd to delay implementation of Title 11 from July 1, 2013 to January 1, 2015. The process for attending and/or commenting on City Council items was discussed and UFC members were encouraged to get involved. The Policy Committee, under Igor's leadership, will look at how the delay may affect the Tree Code.

Chair Meryl Redisch reminded everyone that urban trees are infrastructure and their benefits impact other bureaus besides Parks.

Committee and Partnership Reports

Heritage Tree Committee – Michael McCloskey

Michael reported that eight nominations will be considered on the next field trip, with a recommendation to the full UFC expected in July.

Nominations and Recruitment Committee - Joe Poracsky

Joe Poracsky reported on continued work on a PowerPoint presentation to be used for recruitment. Kris Day, Ricardo Moreno, and Catherine Mushel will also work on this committee.

Policy Committee - Igor Lacan

Igor Lacan submitted comments as a Policy Committee document regarding the Comprehensive Plan Update. UFC Chair Meryl Redisch expressed her thanks to Igor for the work. The next steps will be to read the revised draft when issued and continue to submit comments when given the opportunity.

Education & Outreach Committee - Catherine Mushel

Education & Outreach (E&O) Committee was incredibly busy executing the plans for the Arbor month events. Catherine Mushel continued:

- The committee is focusing on communication to the public and with other bureaus.
- She noted that although BES staff attended some Arbor Month lunch events, it was a missed opportunity to specifically invite BDS, BPS and PBOT staff.
- Posters were mailed to other bureaus but there was no follow up to solidify the connection to Parks and the Urban Forestry Commission.

During the April UFC meeting, the full commission voted to recognize Autumn Montegna and Bryan Burch for all their work to make Arbor Month such a success. They were presented with plaques of appreciation.

UFC Chair Meryl Redisch recognized E&O Chair Catherine Mushel with a photo book, thanking her for her leadership and work on Arbor Month.

Tabor to the River Stormwater Project: Division Street - Elizabeth Mahon

Elizabeth Mahon from PBOT and Tree Inspector Luke Miller gave an update on this project and provided large maps showing the work on both SE Division and the side streets.

This project involved paving, sewer work, ADA compliant curbs, marked crosswalks, bike boxes, signals, public art and the installation of 69 stormwater facilities. The work included 200 hours of clearance pruning, 46 street tree removals, and planting 149 new street trees.

The existing trees to be replaced included two main types:

- Are primarily 15 to 40 year old columnar cultivars
- Many have vehicle scarring on all major attachments and most are not in good shape

The design goals included:

- Unifying the transportation corridor
- Using large trees as gateways from commercial to residential areas
- Increasing biodiversity in the urban canopy
- Easy tree choices for adjacent property owners (starting from approved street tree lists for streets and swales, then to a manageable list, and then a sheet with 4 choices)
- Plans to use volunteers (perhaps FOT organized) for young tree structural pruning
- Pull-in bus zones every other block with the trees limbed up, resulting in better flow for both vehicles and pedestrians
- High drainage BES amended soil mix
- Root barriers installed per PBOT/Water Bureau policies

Additional details:

- The large caliper replacement trees (bigleaf maple and Oregon white oak) were procured in advance and inspected at the nursery before being accepted.
- Ladd's Addition will use Rocky Mountain Glow or bigleaf maple and Accolade elms.
- Trees will be planted during the spring and fall of 2014.
- Elizabeth will forward her PowerPoint presentation and be invited back for updates.

Announcement:

Chair Meryl Redisch announced that Igor Lacan has accepted a position that requires him to move to California. Igor expressed his appreciation for all that he's learned while serving on the UFC. Details will be provided for a social opportunity to say goodbye.

Westmoreland Park Army Corps Project - Sandra Burtzos, James Adams, Ronda Fast and Dave Kahler

Sandra Burtzos, the PP&R Capital Project Manager working on this project, introduced James Adams of the US Army Corps of Engineers, Ronda Fast of BES, and Tree Inspector Dave Kahler. She explained that there are two projects, separate, but linked: the restoration project and the Nature Play area project. The 2004 Master Plan adopted by City Council for this well-used regional park includes restoring the stream corridor by removing the duck pond and creating a wetland in its place, as well as reorienting ball fields and other park amenities to help the park function better recreationally, as well as environmentally. The much loved casting pond will not be reduced in size and the bocce courts remain. These two projects, partially implement the larger Master Plan.

Ronda Fast, BES Environmental Program Coordinator, explained that Crystal Springs Creek is a very unique urban stream that is spring fed with relatively consistent year-round flows. It presented an ideal situation for endangered juvenile salmon and trout recovery, since 80% of it is under public ownership and there are no impediments to the ocean. BES has started replacing the nine culverts that impede fish passage for juvenile salmon and trout. To date, five of the nine culverts on Crystal Springs Creek have been removed or replaced. They did

a lot of education and outreach to explain to the public that the heat and erosion from the duck pond, in addition to the overpopulation of ducks and geese due to the shallow water, is an unhealthy situation. In 2011, together with Audubon and USDA- Wildlife Services, 30 domestic ducks were relocated to farms and homes in the area.

James Adams explained that the Corps of Engineers had been given the authority to assist local entities in this ecosystem project. The project, with 65% of the funding coming from USACE, started in 2011. Stream bank restoration resulted in a new pocket park at SE 21st and Umatilla. James reported that the duck pond had high levels of fecal matter, in addition to temperature issues.

Ronda reported that the Sellwood Neighborhood is very engaged and mostly happy with the project. Those who will miss the duck pond will see a much healthier park overall.

Joe Poracsky asked if trees on stream banks and over-water canopy will be used to cool the creek. He was assured that is the intent and there will be close monitoring of the creek's water temperature.

Sandra explained the associated project is the children's play area, which suffered frequently during the well-known seasonal flooding (largely due to persistently high ground water). Construction on the play area project will begin this fall and will remove five trees and install a Nature Play project that reuses many large logs that have been removed from parks.

Dave Kahler and Ronda Fast spoke about the 14 tree removals planned for this project. A lot of them are ornamental and non-native, but would have been retained if grading or pathway ADA compliance work didn't require their removal. Planting will include a total of 389 trees and nearly 15,000 shrubs. The previous duck pond area will be restored as a wetland. There will be view corridors established through the stream bank and wetland plantings to increase the sense of public safety and visibility.

Catherine Mushel asked about the adjacent Union Pacific Railroad tracks. Recent reports on trains show that they may triple air pollution in an area and she asked if planting native evergreens had been considered here for respiratory health mitigation. Ronda said this riparian area will have mostly deciduous trees, plus 30 Western Red Cedars, but of course the existing sequoias and other evergreen trees will remain.

Chair Meryl Redisch asked about budget and how the trees in this project were chosen. A recent lawsuit raises the visibility of air quality issues and increases interest in conifer trees. Those kinds of trees often are more expensive, but cost wasn't the determining factor here.

The casting pond, included in the 2004 Master Plan to be reduced in size by about a quarter to a third, was subsequently designated as a historical feature, and therefore will remain as is. The landmark status casting pond is used for casting practice and by Rose Festival for milk carton races. Parks retains a water right to pump water from the creek to the casting pond to irrigate the park. Unused irrigation water goes into the sewer and not back into the creek.

Construction will begin June 10th, with the majority of the grading complete by the end of summer, followed by construction of the boardwalk, paths, lighting and other improvements. Tree planting will begin in the fall, including 16 new trees in the Nature Play area. Construction will be complete in December 2013.

Catherine Mushel reported salmon restoration near Reed College shows success with both winter Steelhead and a river otter spotted last year.

OPB will feature Crystal Springs on an upcoming show.

Jenn Cairo confirmed that the Urban Forest Management Plan does recommend the use of evergreens where ever possible. She gave the New Seasons on Williams as an example of a project that has planted evergreen oaks.

Old / New Business:

Kris Day asked for time on an upcoming agenda to prioritize the list of projects identified at the retreat and see how they fit under the recently discussed committee structure. There was a request that Jenn Cairo's retreat summary document be resent to the UFC members.

Chair Meryl Redisch pointed out that with Igor's departure the issue of membership is even more relevant. The UFC leadership succession plan calls for the Vice chair to succeed as Chair but that should be reviewed. Meryl will be holding a meeting with those interested in working on UFC recruitment and officer duties.

Jenn Cairo mentioned the need for standardization of the Annual Report. It, with the staff portion, is a Council requirement for the UFC and was given high priority at the retreat. Michael McCloskey suggested that someone go through the past year's approved minutes and determine if the tasks that were documented were completed.

There was a reminder that an email discussion among UFC members could fall under the requirements of a public meeting, if the subject and any decisions have not already been covered at a public meeting. Harry Auerbach further clarified that any time a quorum of members communicate, deliberate, or make decisions; it must be done in public.

Joe Poracsky agreed to the suggestion of using the approved minutes of each monthly public meeting to identify Annual Report items and track them. That summary could be prepared and used by the UFC Secretary each December to draft the Urban Forestry Commission's half of the Annual Report. Presenting the report at a regular meeting for approval by a quorum of the UFC would satisfy requirements.

The business meeting adjourned at 10:22 am.

Appeals Committee session for 20.42 Appeal at 607 SE 17th Avenue

UFC Appeals Committee Chair Stephen Peacock called the session to order at 10:30 am with members Dianna Shervey and Michael McCloskey in attendance. Also present was Tree Inspector Myles Black, City Attorney Harry Auerbach, City Forester Jenn Cairo and Parks admin staff Anne Kroma. Property owner Kevin Nealey was represented by Gary Shepherd.

Myles Black presented photos showing the 3 Deodar cedars requested on the removal permit application. The Appeals Committee had copies of the permit application, the Appeal Summary, the letters sent to Midtown Properties LLC/Gary Shepherd and to the neighborhood association/coalition. Myles explained that removal of a Norway maple had also been requested, but that did not need a permit. The magnolia is not being removed.

Myles summarized the trees as requiring maintenance, but none meeting the criteria of dead, diseased or dying. Tree 1 is close to the foundation but shows no damage. It appears to have been topped but the attachments look good. Tree 2 has had no past failures. Myles climbed into Tree 3 to verify that past pruning was ok.

City Forester Jenn Cairo provided a copy of a letter to the appellant by a neighbor in support of retaining the trees. Jenn reported that both the Urban Forestry Supervisor and an additional inspector checked the trees and agreed they did not meet code standards for removal.

City Attorney Harry Auerbach reviewed the specifics of 20.42 appeals and defined the terms in current code. Myles stated that he saw no evidence of damage from roots and felt that removal would significantly affect the character of the neighborhood.

Gary Shepherd is representing the property owner and stated the removal request has been modified to the 2 trees closest to the foundation. His opinion is that any tree within 10 feet of a structure constitutes a danger in causing foreseeable damage to the foundation of the structure. He provided some color photos that showed interior damage and exterior foundation damage exposed after the inspections by Urban Forestry staff. He didn't provide photos prior to the appeal date, assuming that Title 11 requirements are now in effect and making this an obvious reason for removal. He felt that root pruning was just a slow death and that the removal should be granted.

Michael McCloskey asserted that the foundation damage shown in the new photos had not been heretofore provided to the inspector and Appeals Committee members. They needed the necessary time to make an addition site visit to see the new issue presented in photos at the appeal.

Dianna Shervey moved to continue the appeal at the next UFC meeting to allow viewing of the now uncovered foundation damage. Michael McCloskey seconded the motion. Without objection, it was so ordered by the Appeals Chair. The appellant agreed to the continuation and will consider additional excavation by Tree 2 and the retaining wall.

Appeals Committee session for 20.40 Appeal for 221 NW 2nd Avenue

UFC Appeals Committee Chair Stephen Peacock called the Appeal Committee back on the record at 11:00 for the appeal regarding 6 sweetgum trees and 1 red maple on the frontages of NW 2nd Avenue and NW Everett Street. The original permit application requested 8 trees. The inspector agreed that removal of 1 semi-mature sweet gum on Everett was warranted and suggested pruning for retention of the rest.

Tree Inspector Lou Phemister explained that although in small tree wells, the street trees are vigorous and with proper pruning to limb them up to code, they could develop adequate upper crowns. The trees in question are 3 mature and 3 semi-mature sweet gums with good structure. They have not had significant limb drop, but need pruning to prevent future problems. There is some occluded bark, but they are in generally fair to good condition.

City Forester Jenn Cairo spoke about the River District Planting Standards which had been mentioned in relation to any replacement trees that would be planted if removal was allowed. Red maples were specifically called out, but about 40% of the neighborhood canopy is already maple so it was agreed Princeton Sentry Ginkgo would be the replacement species. Both BDS and PBOT have asked for permanent exceptions to encourage biodiversity. Jenn reported that there will be a memo attached to development plans requiring trees of certain forms or types that compliment approved planting schemes, rather than specific species.

Property owner David Hooff provided information about the maintenance issues involved since acquiring the property six years ago. He reported sidewalk repair three years ago and expressed concern that there is new damage. The designation as a major transportation corridor and the desire to match the magnolias and ginkgos planted by the neighboring Chinese Garden led to the request to replace the sweet gums with ginkgos.

Certified Arborist Rob Crouch showed photos of the trees and current sidewalk damage. He pointed out lifting, cracking and the small size of the tree wells. There is a bus stop where the seed pods are a hazard. There are concerns about limb breakage. The trees are not dead, diseased, or dying yet, but do pose hazards.

Inspector Lou Phemister suggested reduction pruning and believed that would be sufficient for general safety.

Michael McCloskey moved to deny the appeal and Dianna Shervey seconded the motion. The appeal was denied.

The UFC Appeals Committee adjourned at 11:45 am.