CITY OF PORTLAND



Urban Forestry Commission

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URBAN FORESTRY COMMISSION

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Meeting Minutes July 18, 2013 Lovejoy Room, City Hall

Commission Members present: Kris Day, Michael McCloskey, Ricardo Moreno,

Secretary Catherine Mushel, Stephen Peacock, Joe Poracsky, Chair Meryl Redisch, Dianna Shervey

City Staff present: City Attorney Harry Auerbach; Lola Gailey and Dan

Layden, Portland Bureau of Transportation; City Nature Manager Deborah Lev, City Forester Jenn Cairo, Tree Inspector Luke Miller, Elm Monitor Christina Schull, and Anne Kroma of Parks &

Recreation

Guests present: John Warner; Michael Hayes; Brighton West of

Friends of Trees

Call to Order and Public Comments: Chair Meryl Redisch called the July 2013 Urban Forestry Commission (UFC) meeting to order at 7:34 am.

During the Citizen Comment period, John Warner, former Urban Forestry Commissioner, asked what had happened with the Friends of Trees (FOT) contract funds in the FY 13-14 City budget. City Forester Jenn Cairo explained that BES had put some funds to administer G2G street tree planting, including the FOT portion, forward to the Mayor's office as a BES budget cut package for FY 13-14. Part of the cut was taken in the Mayor's proposed budget, reducing the total amount to about \$900,000 from over 1 million, and the Mayor's proposed budget also moved those funds and the City-FOT tree planting contract from BES to Parks Urban Forestry. The final Council-approved City budget changed this again, making the funding source general funds instead of BES rate payer fees, and putting the FOT contract back in BES for FY 13-14. We were told by the Mayor's office that this change back was to give BES and Parks time to smoothly transition the program to Parks over FY 13-14, rather than having to rapidly do so in summer 2013 with planting season fast approaching. BES said that due to the budget reduction being taken in the final Council-approved budget, they would have to cut staff, however found funds in the last few weeks of June within their allocation to keep Jennifer Karps position working with the FOT plantings and contract for FY 13-14. Jenn pointed out that this all dealt only with the FOT part of the BES planting program, and not the planting BES does with other contractors.

Review and approval of May and June UFC Minutes: Chair Meryl Redisch asked for review of and corrections to both the May and June draft minutes. There were minor changes requested. Catherine Mushel moved to accept the May and June UFC minutes, as revised. Joe Poracsky seconded the motion and it was approved unanimously.

The Urban Forestry Report - City Forester Jenn Cairo Jenn Cairo reported:

- The Inspector Tour scheduled for September needs to be rescheduled to October.
- There are some currently posted recruitments for positions that have been vacancies within the Urban Forestry workgroup Arborist I, II and an Arborist IV will be posted soon. The Permit Supervisor posting has closed, but there are some delays in getting it through the HR process. UF Commissioner Dianna Shervey will be involved in interviews for that position.
- UF Education and Outreach staff Autumn Montegna and Tree Inspector Charley Davis gave a presentation to the Northeast Coalition of Neighborhoods' Land Use Committee. UF has been actively offering to present to Neighborhood Associations on the City's UF and UF program, and the Coalition responded to Autumn's presentation offer and was specifically interested in the subject of protecting existing trees during development. Content included the role of the UFC and the need for new committee members and Commissioners. Autumn will coordinate with Joe Poracsky on his PowerPoint recruitment presentation to ensure that both presentations meet outreach needs.

Jenn continued with the Tree Code Update:

- Commissioners Fish and Saltzman have asked for a report in December on Tree Code Implementation, after the ordinance to delay it went to Council in May.
- Mieke Kennan's position will be half-time and she will remain through June 30, 2014.
- Jenn reported the permit volumes used to create the staffing estimates for implementation for the new code are being checked since they were run a few years ago, and there has been an up-turn in permit applications to BDS over the past year or so. The new code is so different from the old in some ways that we know we will have to monitor and adjust staffing going forward once the new code has been implemented; it is not possible to accurately estimate what will be needed based on what we have.
- BDS and Parks received a commitment from Bureau of Technology Services (BTS) to have TRACs updated for the new code by February 2014.

Michael McCloskey asked City Forester Jenn Cairo if Portland is trying to transition to some kind of rotational scheduled maintenance for street trees. He also wondered what arboriculture work is included in an emergency call out on a street tree.

• Jenn explained that the only focus for the UF staff on an emergency is to mitigate the unsafe situation. Routine maintenance of street trees is the adjacent property owners' responsibility as per City code, and UF is not funded to provide that service. Jenn explained that without dedicated and sustainable funding, the responsibility for street tree maintenance will need to remain with the adjacent homeowner. A 2009 report by City consultant Davey Resource Group concluded that an additional \$10.8 million

would be needed yearly if the City took over maintenance of Portland's street trees. Jenn noted that this price tag was only for the almost 300,000 street trees, and not the approx. 1.2 million park trees, which are also not funded for routine maintenance. She explained that some other cities do fund and perform routine city tree maintenance, such as Seattle.

- Meryl Redisch asked if it wasn't a bit of a disconnect when the City is spending so much money planting street trees, but doesn't have the money to maintain them.
- Harry Auerbach suggested the Policy Committee look at the Davey Report and the ways other jurisdictions maintain their street trees. Portland's method is pretty much the regional standard but not common all across the country.
- City Council will be hesitant to impose any kind of new fee or tax (like a street frontage assessment) to pay for tree maintenance. And funding, that would be in effect a form of property tax, is subject to compression. If the Policy Committee does come up with proposals, it was suggested that there be some consensus building before presenting it to City Council. The issue may not be familiar to all Council members.
- There was a suggestion about looking at a cooperative arrangement with local utilities already doing regular maintenance of street trees in the ROW. Generally, the utility does crown pruning for line clearance. Generally, UF does limbing up for their emergency work, but when called out would also do crown pruning if there looked to be an imminent failure. It was pointed out that utility ratepayer money is specifically allocated and there may not be a simple way to come up with any agreement.

Committee and Partnership Reports

Education & Outreach (E&O) Committee – Catherine Mushel

Committee Chair Catherine Mushel reported that the committee did not meet in July. Catherine did meet with Autumn, Karl Dawson, and Jenn Cairo to refine procedures for the next E & O Committee Chair. She is planning on reporting on that work and making a recommendation to the full UFC in November.

Nomination and Recruitment Committee

Joe Poracsky reported that while he is retired, he has kept his Portland State University email account and is currently receiving email there. He will schedule a meeting with Autumn about using ONI (Office of Neighborhood Involvement) for outreach on UFC membership recruitment. He will be on vacation much of August and the first week of September. He will start scheduling recruitment presentations when he returns. Kris, Catherine, Ricardo and Joe will meet soon about the recruitment PowerPoint presentation.

Heritage Tree Committee - Michael McCloskey

Chair Michael McCloskey reported the Committee had great attendance on a July 26th field tour. The Committee viewed seven of the eight nominated trees scheduled for site visits and will see the last one on the next field tour. The Heritage Tree Committee recommended three trees for designation and they will be presented to the UFC at the August meeting.

Policy Committee - Kris Day

Policy Committee Chair Kris Day reported that the Committee will meet soon.

Old/New Business

Joe Poracsky brought up the recent local news story of the massive bee die off involving an insecticide sprayed on flowering trees. Stephen Peacock stated the commercial landscape company ignored label directions against using on flowering trees and that there are better products for use against the aphids and their sticky secretions that were causing the complaints by car owners. Luke Miller described these lindens, plus birch and tulip trees, as 'aphid candy' and therefore not appropriate as parking lot trees.

Jenn Cairo reported that although the news story was on a large number of lindens, we do not have many of them throughout the City. Catherine Mushel explained that there are 257 lindens in Reed College Place and the bees and their beekeepers love them. She felt it was the wrong message to discourage planting any specific type of trees, just because they might attract unwelcome bugs. It always comes down to the right tree in the right place.

Jenn stated this is an inherent challenge in managing an **urban** forest. It is hard finding the balance between species diversity and a neighborhood's character, often heightened by monoculture planting. We need to encourage keeping the tree 'palette' as varied as possible.

Chair Meryl Redisch suggested that if the UFC sends a letter to the Xerces Society for Invertebrate Conservation in support of their work for pollinators, it should focus on the misapplication of the insecticide and the high value of both trees and bees.

Kris Day pointed out that there is a changing tide in landscape architectural education moving away from the aesthetics that value species uniformity in planting designs.

Stephen Peacock will draft a letter of support to the Xerces Society and route for editing.

UFC Meeting Schedule/ Location

This item is on the agenda because the City announced and made changes to the business hours for City Hall and the Portland Building. There will no longer be security available to give people building access before 8 am. The arrangements made for access to this morning's meeting were not successful because employee badges aren't programmed correctly yet.

There was some discussion of holding the UFC meeting in different quadrants of the city. This might give easier access to different communities but could be very hard to handle logistically. It was pointed out that a City Hall setting does remind the public that the work of this body is the City's work and that the UFC members serve by appointment of the Mayor.

There are conference rooms available early in the morning at different community centers. But they may not be served by mass transit, a serious consideration for a public meeting. Keeping the location consistent makes it clearer to appellants, presenters, and the public how to attend.

Chair Meryl Redisch called for a show of hands for approval to change the UFC meeting start time to 8:15 and extend the room reservation. There was agreement to make the change. There is interest in looking at other locations for one meeting each year and for an annual retreat.

Introduction of new Elm Monitor - Christina Schull

Christina Schull introduced herself and provided a handout for an Elm Workshop to be held the following week at Duniway Elementary School. She explained that the location was chosen partly to show people early evidence of Dutch Elm Disease (DED) in a nearby tree.

Christina stated that lab results just returned showed two positive tests - one tree in Ladd's Addition and one Heritage Tree on NW 21st and Irving. There was some discussion about the City Forester's authority to remove a Heritage Tree without notification to either the Heritage Tree Committee or the full UFC. City Forester Jenn Cairo provided the code information in 20.40.150 B defining removal of Heritage Trees that become hazardous and 20.40.090 regarding removal of diseased or infected trees. It was agreed to seek the City Attorney's opinion when dealing with the removal of a Heritage Tree with DED. It was noted that the Heritage Tree property owner needs clear notification regarding a removal since they have agreed to a legal designation and restrictions.

Christina assured the UFC that all property owners receive notification of the testing for possible infection, and if positive - then notification of removal or the requirement for removal. Urban Forestry does the work on an infected street tree and the owner must comply within two weeks for a tree is on private property. The DED database is updated.

Secretary Catherine Mushel asked if there was an agreement in place with Portland Public Schools for removal of DED positive trees on school grounds. She then explained how much fundraising must go into a neighborhood inoculation program: approximately twelve to fourteen thousand dollars for the inoculation treatment of about 80 trees. And that treatment is most effect on a three year rotation so the costs can be overwhelming. Neighborhoods and local organizations such as Save Our Elms are doing amazing work.

Sidewalk Improvement Projects and Existing Trees -Bureau of Transportation (PBOT) and PP&R Urban Forestry staff

Lola Gailey, Civil Design Section Manager for PBOT and an Ex-officio member of the Urban Forestry Commission, introduced Dan Layden, Capital Program Manager for Portland Bureau of Transportation. Luke Miller, the Tree Inspector working on transportation projects, was also introduced.

Dan Layden gave a PowerPoint presentation that included the following information:

• PBOT is responsible for Maintenance, Control and Public Improvements in the Right of Way (ROW)

- PBOT does 3 types of projects: Major Street Reconstruction, Existing Streets with Curb, and Streetscape projects.
- The design process includes: identifying the preliminary scope, identifying potential tree impacts, meeting with Urban Forestry to discuss options and assess the quality of the trees, and identifying solutions that can mitigate the impact on the existing trees while providing necessary transportation elements.
- Street project elements with little to no flexibility are such things as Travel Lanes, Bike Lanes, Curbs, ADA Curb Ramps, and Utilities. There is some flexibility in dealing with sidewalks, but they must still meet minimum standards.
- The majority of the projects are funded by grants or money from an LID (Local Improvement District) assessments on the property owners.
- PBOT is not required to plant street trees as part of their projects, but seeks to do so. PBOT projects planted 343 trees last year.

Chair Meryl Redisch asked about the mitigation process from Urban Forestry's standpoint. Luke Miller explained:

- Existing trees are looked at to determine if they are worth preserving
- In the past, PBOT projects have not involved many healthy and significant trees and so mitigation payments have not been applicable.
- Capital projects require tree-for-tree for healthy and stable trees, and inch for inch mitigation for healthy and stable trees that are especially large, native, or evergreen.
- This SE Holgate project has such tight curbs that it does not allow for replanting street trees to mitigate the trees needing to be removed

Dan Layden explained that if Title 11 had gone into effect as planned, then under it there would be no additional mitigation payment required, the requirement in the new code is tree-for-tree. City Forester Jenn Cairo reminded everyone that the reason Code relaxes the requirements in this situation was the offset that would happen by the additional private trees that would now be under regulation with Title 11. These trees are not currently protected. Dan Layden stated that the grant-funded budget for this project will mean that whatever tree mitigation money is paid to Parks is subtracted from another part of the project.

This is the first project that has triggered this discussion, but there will be some upcoming ones that may also begin before the delayed Tree Code implementation date. The Boones Ferry safety project will have a similar situation because there is no place to replant trees. PBOT is requesting some flexibility in these mitigation fees since they have been planning work under the requirements of the new Tree Code.

Dan Layden explained that in some circumstances PBOT must acquire the Right of Way to do the project. It feels like a double hit to pay for the value of a tree when acquiring it on property in the ROW and then to have to pay to mitigate that same tree when it is required to be removed for the transportation project.

Often trees in the ROW are not in good shape but PBOT tries to save as many as possible, especially mature ones. Usually the trees removed for PBOT projects are not significant or of high quality. This year is very unusual in that eight Douglas firs and western red cedars on this project will need removal. Dan estimated this is the second or third time significant trees need removal for a project in the twenty years he's been doing this job.

Jenn Cairo said that Parks and PBOT staff, including her and City engineer Steve Townsen, had met on site to look at the project area and involved trees because of PBOT's concern with having to pay mitigation for several trees. At the visit, they determined that all but two or three of the trees can probably be retained, and that PBOT will be looking at alternative sidewalk construction ideas to do so, and these include rubber pavers. Meryl asked how much mitigation would be now that only a couple trees must be removed – the estimate is \$30,000. Dan Layden said if PBOT has to pay it, they have to pay it and it won't kill them.

A question was asked about the structure of the mitigation fund. Jenn Cairo explained that the money in the mitigation trust fund is carried over from year to year and not subject to budget cycles. It currently has mitigation money remaining from the \$800K TriMet paid in for the Milwaukie Light Rail project and \$400K from Multnomah County for the Sellwood Bridge project. This is because the mitigation payment requirement applies to all entities equally, public and private. The amount of required mitigation was determined under the current rules of Chapter 20. This money is used for things like the Learning Landscapes, tree planting in parks, and street tree inventory.

There was some discussion about whether there is authorization in adjusting or waiving mitigation fees and if that sets a precedent for other projects that start before Title 11 is in effect. Those new code provisions for PBOT will be tree for tree instead of inch for inch.

Lola Gailey noted that under the new code PBOT is recognized as a non-developing property owner. City Forester Jenn Cairo reminded the room that even the Parks bureau pays mitigation money to the trust fund when they cannot replace per permit requirements.

Dan expressed frustration that PBOT has gone above and beyond and planted over 300 trees in previous projects but that doesn't count now. This project's limited budget means some other part of it will need to be cut to cover these unexpected mitigation fees.

Joe Poracsky wondered if the problem was being couched in the right way: mitigation vs. no mitigation. He expressed sympathy that as one of the largest tree planting bureaus, PBOT is looking for an exception and not a loophole. He asked how this project was exceptional from others where mitigation was required.

Dianna Shervey asked why there is an option to plant elsewhere for others and not for PBOT. Jenn Cairo said it is possible to replace the amount of inches being taken off rather than pay into the Trust, and that the replacements must be at a good location for

trees long-term and be regulated trees. Luke Miller pointed out that PBOT is already increasing their costs on this project by other preservation measures, such as using rubber pavers and additional engineering/design work to accommodate trees. Dan pointed out that the Division Street project is paving only, but PBOT is also spending money on trees that are not required. Jenn Cairo pointed out that PBOT would save money on the tree removal costs they previously had for the project, since they would likely be retaining many of the trees in question. Removals would run about \$5,000 per tree because they are so large and power lines are nearby.

Chair Meryl Redisch invited everyone back in August to continue the conversation.

Dan Layden expressed appreciation of the Commission's time and interest in this subject and is willing to come back and continue the discussion. Lola Gailey mentioned this will be an ongoing issue in upcoming projects and an immediate decision is not needed.

Kris Day acknowledged a new paradigm in urban planning that views trees as necessary city infrastructure, and felt that Portland is a leader in this kind of green infrastructure projects that take a holistic view.

City Forester Jenn Cairo complimented PBOT as a great partner in working with Parks and Recreation and as a bureau who has respect for the urban canopy.

The regular business meeting adjourned at 10:34 am.