



URBAN FORESTRY COMMISSION

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URBAN FORESTRY COMMISSION

Meeting Minutes

June 19, 2014

Lovejoy Room, City Hall

Commission Members present: Mark Bello, Bryan Burch, Kris Day, Brian French, Barbara Hollenbeck, Ricardo Moreno, Secretary Catherine Mushel, Stephen Peacock, Joe Poracsky and Chair Meryl Redisch

Commission Members absent: David Diaz

City Staff present: City Attorney Harry Auerbach; Jennifer Karpis, Bureau of Environmental Services (BES); Director Mike Abbaté, City Forester Jenn Cairo, UF Permitting Supervisor Casey Jogerst, Tree Inspector Rick Faber, and recorder Anne Kroma, Parks & Recreation (PP&R)

Guests present: Gregg Everhart, Michael Hayes, Cynthia Louie

Call to Order and Public Comments: Chair Meryl Redisch called the June 2014 Urban Forestry Commission (UFC) meeting to order at 8:15 am. She recognized Michael Hayes to make a public comment. He stated that while Forest Park is large - our largest 'urban forest' is made up of the street trees within the city. Michael explained that Portland Bureau of Transportation (PBOT) looks at street tree removals based on transportation needs and regulations. PBOT's decisions on vacating streets and thereby allowing the public interest in the right-of-way to revert to the adjacent property has sometimes led directly to the loss of trees, as in an instance he cited in the Willamette Greenway Zone.

UFC Commissioner Mark Bello explained that rights-of way are created through a platting process regulated by state law that dedicates land fronting and sometimes between new lots as space given over for public use to allow access to vehicles, cars, utilities, etc. When these rights-of-way are no longer needed, the land is transferred back to the owners of the original larger acreage. PBOT is not responsible for what might happen to the trees during the transfer. The new code, Title 11, however, will regulate more private property trees than is the case today, whether they are growing on recently vacated right-of-way or long-standing private property.

City Attorney Harry Auerbach clarified that when the City acquires right-of-way use, it is in the form of a dedication or easement for transportation purposes. Those purposes include pedestrian, vehicle or utility conduit. Vacating street right-of-way eliminates the public's interest and returns ownership of the street area to private parties – most often, but not always, to the abutting property owners. The City may preserve existing rights over or under the conduit (for sewer, water, cable and other utilities) if they feel it could be needed in the future. It is unclear whether Council has the right to impose conditions related to tree preservation, and it may be unlikely that they would desire to do so. The greenway designation may also impact it. Many of the cases of vacated ROW in the past dealt with very steep sloping locations that would not likely be developed for structures.

Review of May UFC Minutes: UFC Chair Meryl Redisch requested a quick review of the May draft minutes with corrections by Catherine Mushel, Jenn Cairo and Bryan Burch. No additional changes were requested. Bryan Burch moved to approve the minutes as corrected, Barbara Hollenbeck seconded the motion and it was approved unanimously.

The Urban Forestry Report - City Forester Jenn Cairo

City Forester Jenn Cairo reported on the great joy felt by many as a draft budget, including funding for Title 11, was approved by Council. She reminded everyone that there is one more step in formal budget adoption, but that implementation would begin January 2, 2015. Jenn thanked Chair Meryl Redisch and all of the Urban Forestry Commission members that have spent so much time and energy supporting the passage of Title 11.

Title 11 replaces 20.40 and 20.42 and the Urban Forestry Division will hire two new tree inspectors and begin the hiring process for the subject matter experts that we have been referring to as 'Single Point of Contacts'. Mieke Keenan could be included on the August agenda, focusing on new tree code outreach. There will training (possibly more than one session) for Urban Forestry Commission members to feel comfortable working with the new code.

There was a question about how much the reduced budget request will impact plans for implementation. City Forester Jenn Cairo explained that the original funding request had been reduced in December and it was that new number that was in the approved draft budget. Historical permit data was used to make staff estimates and so while expected to be tight, further efficiencies will be encouraged to make it work. Thanks are owed to Meryl, the Policy Committee, and all the UFC members who showed up, spoke up and rallied Portland to support Title 11. UF will provide the Commission with a draft outreach plan, including a monitoring and evaluation process.

City Forester Jenn Cairo explained that the Japanese Garden project will be presented in July and that there is more time than originally thought before the work on site begins. It is an extensive project with the tree removals regulated under 20.40.

City Forester Jenn Cairo explained that Dave Hedberg, a new Parks intern, is a Portland State University environmental history student doing a project researching the history of Portland's Heritage Trees. The City and our Heritage Trees will benefit from his written report, which will be translated into other languages. Barbara Hollenbeck was recognized to add that her takeaway from the Oregon Community Trees conference was that people relate to stories.

Jenn also relayed the need for volunteers for street tree inventories. Just call Angie DiSalvo and she will be very eager to put you to work.

Parks Replacement Bond – Parks Director Mike Abbaté

Director Abbaté passed out copies of the Summer Free for All and he invited everyone to enjoy many of the wonderful free activities available this summer all over the City. His family has already filled the calendar with events. He pointed out how much support there is for this annual program – that for every \$1 spent by the City, there was an additional \$5 in private donations. The events come in all sizes – from a neighborhood committee putting on a movie to the Washington Park Summer concerts kicking off with a world renowned opera star in Angela Meade.

Mike Abbaté returned to the subject of a potential replacement bond on the November ballot. Our 150 year old parks system has received repeated investments every nine or ten years in the form of a bond or levy to purchase property. The last bond measure will expire next year and the plan is to use a replacement bond to do desperately needed maintenance. Pioneer Square is celebrating its 30th anniversary and the waterproof membrane lining the fountain is now ten years past its lifetime. Leaking water has started becoming a problem for the television station and the travel information office.

Director Abbaté continued by mentioning this work is sometimes referred to as deferred maintenance but some results from more than just regular wear and tear. Maple Trail in Forest Park is closed because of the bridges that are out. Springwater Trail also experienced closures with areas falling into Johnson Creek. 70% of the thousands of barriers to ADA compliance found in a recent City audit fall within the Parks Bureau.

This is a unique opportunity to expand the bond and generate \$55-68 million over twenty years. It will not cover the estimated \$365 million needed for all repairs and upgrades but will let Parks start working on some of the highest priorities. Polling shows 65% of people will support the measure if it doesn't raise taxes and the money is spent on the most critical needs. Nobody wants to close playgrounds and everybody agrees broken playground equipment needs replacing.

City Attorney Harry Auerbach was recognized to clarify a couple of points. First, that the proposed bond measure may be discussed by the UFC in this meeting and until the matter goes to Council to be referred to the voters. After that point, members may only speak regarding the matter as private citizens and not in connection to their work on the Urban Forestry Commission. Staff are under the same restrictions.

Harry Auerbach continued with his second point, that the work paid for with the bond that will expire next year was completed in 2001 and 2002. Bonds are issued to raise the money that is spent at the front end with repayment over the life of the bond, usually twenty years. He also explained that major maintenance funds are available to capitalized projects. Trees may be included in the development funding but until trees are considered capital assets, they will not benefit directly from a Parks bond measure. Barbara Hollenbeck reminded the group that trees removed during capital projects will have replacement trees and their care during establishment is included.

Mike Abbaté explained that SDC (System Development Charges) fees are used to plant trees in newly created parks. He continued by stating that tree protection will be considered in playground replacement and that providing shade is a reason for establishment and protection of mature trees.

Mike invited members and audience to attend any of the planned Town Halls, which will focus on identifying the most urgent needs among playgrounds, bridges and trails, pools, restrooms, Pioneer Courthouse Square and the ancient work buildings at Delta Park and Mt Tabor. This bond does not focus on green infrastructure. City Forester Jenn Cairo reminded the room that every CIP (Capital Improvement Project) requires tree review and permits as part of the process.

Mark Bello pointed out that plans with large asphalt areas can trigger a storm water review which might include planting trees to improve hydrology. Director Abbaté acknowledged that creating an accessible route to a bathroom might trigger that kind of review, but there would be very few instances of adding 500 square feet of new impervious area. He recognized Jenn Cairo's leadership in having Urban Forestry included earlier in development plans and the need for management plans to be developed for all new parks. There needs to be a much more collaborative process in place that results in real canopy, and not just planting lots of unsustainable trees. Planting the correct number of tiny trees called for on a planting plan does not always result in viable canopy. Architecture looks the best on the very first day and landscape looks the worst on that day.

Policy Chair Kris Day asked about long term bond strategy, feeling that the UFC will be 'stewards' for the process over the next few years. Director Abbaté stated that the bureau has been talking about new bonds for the past seven or eight years, but there were strong economic reasons to wait. Whatever the outcome this year, it will not restrict future efforts for other or additional bond measures.

Secretary Catherine Mushel asked how the subject of equity was addressed in this effort. Mike Abbaté pointed out that under the current tax system, next door neighbors can have widely differing tax bills. Parks believes that although most people are strapped for money, the economy is coming out of the recession and people see the benefits of parks and will support the bond. The money will be used on equipment and locations deemed the most urgently in need of repair.

The bureau does take a holistic approach believes new parks are the answer to underserved areas of town. New development in Portland triggers SDC fees to provide transportation, water, sewer and parks for that new development. Building permits (including associated SDC fees) are back up this year, and though they are often volatile, they have made new parks in previously underserved areas possible this year.

Director Mike Abbaté thanked the Urban Forestry Commission for the hard work they do in safeguarding and sustaining Portland's trees.

The UFC Chair Report – Meryl Redisch

After a break, UFC Chair Meryl Redisch reported on the Parks Board retreat held at Leach Botanical Garden. She felt the tour of six eastside parks, including Clatsop Butte, Parklane, and Gateway, was helpful. The group, including Commissioner Amanda Fritz, returned to the Botanical Garden to continue the meeting and they discussed the replacement bond measure. Meryl inquired whether a Parks Board member would like to become an ex-officio member of the UFC and there is potential interest.

Chair Meryl Redisch reported that Joe Poracsky has been appointed Committee Chair of the new Master Plan Committee and he will convene the committee soon. This committee will work on tree lists and tree protection with the aim of a coordinated and collaborative approach to maintaining and enhancing canopy on Parks property. Kris Day asked Joe to consider including existing parks that do not have master plans, such as Dawson Park.

Chair Meryl Redisch reminded the UFC to send comments on last month's Water Bureau presentation directly to Tom Carter. Meryl expressed her concern to him about work scheduled during the bird nesting season. She also hoped that as many of the big leaf maples are saved and those removed are replaced. Mark Bello pointed out that options were presented, some with substantial savings and asked where that money will be spent in the project. City Forester Jenn Cairo explained that the mitigation plan has not been developed yet. She encouraged any questions or comments to be sent directly to Tom Carter.

Retreat planning is continuing and Chair Meryl Redisch is working to find a location and facilitator. Please send any retreat topics to Anne by July 1st. Possible sites could be Leach Botanical Garden or a location in Wilsonville. Transportation will be worked out in advance, with carpooling arranged, if needed.

Committee Reports – Chair Meryl Redisch

Appeals Board: Committee Chair Stephen Peacock did not provide a report, but the Committee will convene after the regular business meeting to hear an appeal.

Education and Outreach Committee:

Committee Chair Catherine Mushel reported the committee is educating themselves and Jennifer Karps gave them a presentation on Equity. Using overlaying maps of people and trees it was determined that it is race and not class that determines prosperity and poverty in Portland and the areas that are deficient in canopy. Next year's theme for the Arbor celebration involves global tree traditions. Bryan Burch was recognized to point out that commonly used words can have unintended connections. The term "citizen" is used all the time but a better word would be "resident" because we want to spread the word about the value of trees and of people caring for trees to everyone who lives in Portland. .

Policy Committee:

Committee Chair Kris Day mentioned The Center for Diversity & the Environment, a local organization is working on inclusion in the environmental movement. Kris and Mark Bello attended City Council and spoke on behalf of the new Tree Code. Kris is also working on the Policy Committee's section of the by-laws.

Heritage Tree Committee:

Committee Chair Brian French reported that some of the nominated trees on the two recent tours were very small. Nomination response was very high after the TV and newspaper coverage of the Paradox walnut Heritage Tree process. The committee will come before the UFC with their recommended Heritage Tree nominations soon.

Nominations and Recruitment:

Committee Chair Joe Poracsky had nothing to report.

Old/New Business

Anne Kroma has been trying to update the website to have committee names agree with the committee names delineated in the bylaws.

UFC chair Meryl Redisch will be gone for the July meeting and Kris Day will chair.

The regular business meeting adjourned at 10:27 am.

20.40 APPEAL at 6910 SW 11th Drive

Appeals Committee Chair Stephen Peacock called the session to order at 10:43 am.

In attendance were City Forester Jenn Cairo, UF Permitting Supervisor Casey Jogerst, Tree Inspector Rick Faber, Appeals Board Committee Chair Stephen Peacock, committee members Bryan Burch and Barbara Hollenbeck, and recorder Anne Kroma. Appellant Ashley Yamashiro designated her neighbor and co-owner Cynthia Louie as her representative for the appeal. Ms. Louie was present, as well as UFC members Catherine Mushel and Joe Poracsky.

There were technical difficulties in using the bureau computer and projector. Tree Inspector Rick Faber was able to load the presentation on a different device and it was passed around to show photos of the tree in question. Rick Faber reported that a permit application was received to remove a birch in a 4.5 foot planting strip. The sidewalk shows some extremely minor lifting, but not necessarily from the tree. The tree was identified as a Jacquemontii birch with a 25-30 foot spread, an appropriate tree to the size of the planting strip.

Cindy Louie reported that she had been told the tree was a paper birch and was concerned about the eventual size of the tree when mature. The tree is on the property line between the two driveways. She is concerned about future problems the tree could cause.

Board member Bryan Burch inspected the tree, took photos, and saw no damage at the present time. Board member Barbara Hollenbeck reviewed photos of the location and could not tell if the sidewalk lifting was due to the tree roots or the drain pipe. Board Chair Stephen Peacock stated that he believed the backyard tree, likely a European birch rather than another Jacquemontii, will get larger without planting site restrictions.

Inspector Rick Faber reported the tree was well maintained and trimmed for street clearance. He gave Ms. Louie a copy of the recommended street tree list and explained that the size of the planting strip and whether there are overhead utilities determines appropriate replacement trees. Based on this, any replacement tree would be about the same size at maturity as the tree that is being requested for removal.

Chair Stephen Peacock related that this species is relatively short-lived and is under some attack in the area from the bronze birch borer. He stated that the tree is not dead, diseased or dying and the sidewalk lifting should be investigated to determine if the drain pipe is causing it.

Bryan Burch moved to deny the appeal and Barbara Hollenbeck seconded it. The vote was unanimous to uphold the inspector's decision and deny the appeal for the removal permit. The Appeals Board adjourned at 11:02 am