
URBAN FORESTRY COMMISSION
Meeting Minutes
July 16, 2015
Lovejoy Room, City Hall

Commission Members present: Mark Bello, David Diaz, Gregg Everhart, Vice Chair
Barbara Hollenbeck, Catherine Mushel, and Damon Schrock

Commission Members absent: Kris Day, Brian French, Ex Officio Lola Gailey,
Ricardo Moreno, Chair Meryl Redisch, and Vivek Shandas

City Staff present: Chief Deputy City Attorney Harry Auerbach, City
Forester Jenn Cairo, Deputy City Attorney Tony Garcia, Urban Forestry Permit Supervisor Casey
Jogerst, Tree Inspector Frank Krawczyk, City Nature
Manager Deborah Lev, Jeff Ramsey, and Madison Weakley

Guests present: Emily Percival, Bureau of Environmental Services
(BES); Mieke Keenan, Bureau of Development
Services (BDS); and Mike Hayakawa, BDS; Jim
Labbe, Audubon Society of Portland

Call to Order and Public Comments: Vice Chair Barbara Hollenbeck called the July 2015
Urban Forestry Commission (UFC) meeting to order at 8:00 am.

Vice Chair Hollenbeck reviewed the sign-in sheet and noted that no one signed up to give
public comments. She asked if anyone in the audience wanted to give a public comment: with
no one asking for time to speak, the public comment period ended

Review of June UFC minutes

Vice Chair Barbara Hollenbeck asked UFC to review the June draft minutes, asking if any
Commissioner wished to recommend an edit. With no edits to the minutes David Diaz moved
to accept the minutes. Catherine Mushel seconded the motion. The motion and the June
minutes were approved unanimously.

The Urban Forestry Report - City Forester Jenn Cairo

Jenn informed the Commission that Mayor Charlie Hales has reassigned Bureau Development Services responsibility to Commissioner Dan Saltzman. Jenn reminded the UFC that BDS impacts Urban Forestry through private development and environmental zone regulations. Commissioner Saltzman has held BDS responsibilities before and was involved in the creation of Title 11. Bureau of Development Services and Urban Forestry will provide a presentation on Title 11 implementation at a City Council meeting in February 2016.

With the Title 11 implementation project the city hired Mike Hayakawa out of retirement. He has expressed a willingness to stay involved in the project through the end of the calendar year. Mieke Keenan, whose contract was due to end in August, will stay on to complete four tasks. She will lead the Interim Admin Rule process, work with the RICAP 7 code amendment process, prepare the Title 11 report that will be given to City Council, and will continue to act as the primary resource for staff questions on Title 11.

It has become apparent that Urban Forestry needs to have a staff member assigned to work between Bureaus on the Title 11 project with Mike and Mieke who are BDS staff. Danielle Bohannon, who is a Botanic Specialist 1, will be temporarily filling the role through December.

Interviews for the Arborist 1 positions will begin next week. The position will probably begin mid-August. Staff are in the early stages of the hiring process for the tenth Tree Inspector and the two Arborist IV positions. It will be a couple months before people will actually fill the positions. The third Tree Tech should be in place in two to three months. The Education and Outreach supervisor position is still getting classified with no time line yet on when the position will be filled.

The Ladd's Addition historic guidelines update has been delayed due to staffing constraints. The project is now projected to begin in the RICAP 8 that is scheduled in July, 2016. Current Ladd's Addition planting cases will be handled on a case by case basis in an attempt to maintain the historic character of the tree canopy. The hope is that the Historic Guideline Update will create a good process for tree plantings rather than requiring a conversation for each permit. Jenn clarified that nuisance species trees are not permitted to be planted anywhere in Portland.

Mark asked which trees had the closest form and appearance to the Norway Maples that line the streets in Ladd's Addition. Jenn responded with lindens and many cultivars of maples that are not on the nuisance list. She added that the elm monoculture on many streets will be a challenge to maintain with other species because Elms are so unique.

An application has been submitted asking Urban Forestry to designate an arboretum in the Concordia Neighborhood. Jenn added that the application was drafted and submitted by recent Urban Forestry temporary staffer Jim Gersbach.

Urban Forestry has formalized its role in the Capital Improvement Project (CIP) process. Over the past 6 months Casey Jogerst and Mieke Keenan have built a process that collects the information Urban Forestry needs early in the planning process to be helpful in making

large design decisions. There is now an application form and websites with all the forms and useful information. Mieke and Casey provided trainings to BDS, PWB, BES, PBOT, and PP&R to ensure consistency and compliance with the Title 11 specifications. Damon Schrock asked if the process will be extended into private development. Jenn doesn't believe it is a current goal but mentioned that private development already triggers plan examinations within Bureau of Development Services. Barbara thinks that the UFC would benefit from receiving the CIP presentation. David suggested adding the CIP training to the retreat schedule or orientation. Catherine supported the idea of receiving the CIP presentation and added that if UFC is going to weigh in on policy Commissioners need to be informed about how the details within Title 11 apply to permit processes.

Jenn introduced Damon to give details for the 2015 PDX Tree Hug. The event is held at the Hoyt Arboretum on Saturday, 7/18 12pm-3pm. There will be bucket truck rides, a rock wall, food carts, tree climbing, and two bands.

Tree Mitigation Interim Admin. Rule: Data – Jeff Ramsey

Jeff introduced his presentation as an extension of the presentation last month. It examines the Interim Admin. Rule (IAR) using the data available. Jeff emphasized that little time has elapsed since Title 11 and the IAR were implemented.

Before examining the non-development data Jeff reviewed how the IAR affects Title 11 implementation. The IAR only enforces mitigation standards on B permits that can require up to inch-for-inch mitigation. This is some B permits, but not all.

Jeff's third slide showed that only 2% of the permits thus far distributed have been B permits. Of the 31 B permits issued 27 are or would have been affected by the IAR.

According to Jeff, the fourth slide shows that the IAR did not change the way Tree Inspectors were issuing permits. This was to be expected since the IAR did not affect the issuance standards. Damon Schrock asked about the April, May, June increase in B permit issuance. Jeff responded that the increase align with the seasonal trends experienced every late spring.

Slides 5 through 8 showed the relationship between Pre-IAR and Post-IAR required mitigation per inch removed. Without the IAR the City Forester had the discretion to reduce mitigation requirements. On average, tree mitigation prior to the IAR required .16 inches replacement per inch removed. The IAR standards have thus far required on average 0.06 inches replacement per inch removed.

With 0.16 inches replaced per inch lost, 2.4 trees were planted for each tree removed. Under the IAR 0.8 trees were planted for each tree removed. Had the standards prior to the IAR been kept, 48 more trees would have been planted thus far.

Slides 9 and 10 show the canopy coverage that has been lost and replaced under Title 11 mitigation and IAR mitigation. Under Title 11 mitigation large canopy trees were replaced

one for one. Under the IAR replacement the large canopy replacement with a large canopy tree fell below 0.5. Mieke added that Title 11 doesn't require large canopy replacement for large canopy tree loss. The decision to require that was allowed by City Forester discretion of Title 11. David Diaz commented that under the IAR large canopy trees were being allowed to be replaced by small canopy species and noted the scary trajectory that the data shows. David asked what the realistic survival rate is for replacement trees. Jenn responded that it is hard to monitor private property planting.

Mieke Keenan asked if any of the 27 permits making up this data included payments of fee in lieu. Jeff responded that only one applicant chose to do a payment of a fee in lieu.

Prior to the IAR, there was a net gain in canopy coverage through mitigation planting. After the IAR was implemented canopy recovery became a net loss. This change is caused by the absence of size consideration in the IAR and the weaker replacement standard. Fewer trees are being planted, and the ones planted are smaller species than what was lost.

Slides 11-14 review the changes to mitigation policy made by the IAR. Urban Forestry only monitors tree planting and removals in Capital Improvement Projects (CIP). All other development in the city is processed through the Bureau of Development Services. Because CIPs span many months there isn't any data available. Slide 14 instead shows the mitigation that would have been required prior to Title 11 implementation, under Title 11 mitigation, and then the required mitigation that would be required under the IAR. The mitigation requirements went from up to inch for inch mitigation to up to two replacement trees per tree lost.

Jenn completed the presentation by saying that staff was asked to provide data on the interim rule. It is up to the Commissioners to determine what the data means.

Tree Mitigation Interim Admin. Rule – Vice Chair Barbara Hollenbeck

Barbara introduced the topic as being the opportunity for the Commissioners to iron out some of the details for the hearing on the IAR scheduled on August 4th in the 1900 building. Commissioners are asked to arrive at 5:30. The goal is to collect public testimonies and options to send to City Council. The Policy Committee will have two weeks after the Hearing to draft a letter based on the hearing that will get sent to Council.

Jenn will send a message inviting the City Commissioners to attend. Mark will let Jenn know who else the UFC wants to have invitations sent to.

Jenn will provide an overview of the admin rule at the hearing. It will be the same one that Mieke created and that Jenn provided the UFC two months ago.

Mark asked whether the Commission wanted to use the data that Jeff presented early in the meeting. He worries that providing the data will appear like UFC is trying to lead and influence the testimonies. Barbara thinks having data is a good idea. Jenn said that if UFC decides staff can present the data objectively. Mark said he'd like to keep the data simple. He

thinks the CIP chart and colored graphs should be presented. Mark suggested leaving the data question up to Meryl.

Jenn offered to ask Mike and/or Mieke to attend the meeting to provide answers to any complex code or IAR questions.

Mieke will review Kris's table and Mark's chart that lay out the effects of IAR on Title 11. She will also create a simple and comprehensive chart that delineates the meaning of the IAR. She will have the documents ready for the Policy Committee to review on Monday, July 20th. Barbara added that she thinks it is more important for the public what the effect of the IAR is, rather than what it says.

Catherine asked how the conversation is going to be framed. She recommended using the goals listed in the Urban Forestry Management Plan (UFMP) as the framework. Jenn warned that the IAR was not written to accomplish the UFMP goals. Title 11 goals had some crossover with UFMP goals, the IAR has less.

Damon suggested the UFC compare the goals of Title 11 and the effects of the IAR.

Jim Labbe asked how to get the testimonies made at the hearing put into the public record for the Admin review. Mieke said that the record from the hearing would get absorbed into the admin review comments.

Vice Chair Barbara Hollenbeck adjourned the business meeting at 10:02 am.

Appeal at 3526 SW Alice St.

Appeals Board in attendance: Chair Barbara Hollenbeck, Mark Bello, and Damon Schrock.

Staff: Tree Inspectors Frank Krawczyk, Dylan Saito, and Joel Smith; Deputy City Attorneys Tony Garcia and Harry Auerbach; City Forester Jenn Cairo; Permitting Supervisor Casey Jogerst; and Hearings Clerk Madison Weakley.

Chair Barbara Hollenbeck introduced the Board and disclosed that two of the three committee members visited the site. It was determined that there were no conflicts of interest. The Appeals Board, under Title 11, is an error-correcting body and will affirm, reverse, or remand the appeal.

Inspector Frank Krawczyk gave a PowerPoint presentation on the private property 28" DBH Black Walnut for this denied removal permit. Frank stated the tree was not dead, dying, or dangerous, a nuisance, or within 10 ft. of a building. The tree DBH over 20" and requires a B permit. The tree was the appropriate species for its back corner location and wasn't impacting any of the trees around it.

The application included a removal request of a cherry tree. Frank deemed that tree a hazard and permitted its removal.

Owner and appellant John Cassady acknowledged that his appeal is not based on an error made by the Tree Inspector. His core issue is based on the discretionary use of the term “appropriate” when defining the tree’s species for the location. He wants to plant a native tree in its place to fulfill his goal of creating a native habitat in his backyard. He believes his objective cannot be accomplished with the presence of the large non-native black walnut. Furthermore, the shade tolerant native species he could plant in the black walnut understory are poisoned by the black walnut’s toxins.

Mr. Cassady asked why the City’s objective to keep a non-native species is more important than his goal. He stated his willingness to plant a large species to replace the walnut. He would also be willing to provide an annual photo process to assure the city that the tree gets established or put a conservation easement onto his property.

Barbara Hollenbeck stated that the tree meets Title 11 standards and that it is Urban Forestry’s job to legally enforce Title 11. She understands that the walnut is not the tree that Mr. Cassady would have chosen, but stated it is the tree that is mature and established there. She believes the City enforced Title 11 correctly.

Damon followed stating that he believes the City’s reason for denial enforced Title 11 requirements. He added that Mr. Cassady could try planting native grasses around the tree which are immune to the walnut’s toxicity.

Mark asked Mr. Cassady if he thought the City erred in their assessment of appropriate species for location. Mr. Cassady confirmed that that was his belief given his objective to plant a native habitat. Mark asked Frank to define appropriate location. Frank said it usually meant there are no conflicts with infrastructure or that the site isn’t overstocked. Mark stated that given the code, he believes the City did not err.

Mr. Cassady stated that appropriateness is not spelled out in the code. Barbara responded saying that Urban Forests are not native landscapes per se. That when trees are examined it is solely based on species and location. Tony clarified that the interpretation of the code is given to the City Forester who is given the power to set clear standards of appropriateness, which currently are species and location with consideration to infrastructure.

Barbara Hollenbeck moved to deny the appeal, affirming the City Forester’s decision to deny the tree removal. Damon Schrock seconded it and the motion was approved 3-0.

Tony Garcia informed the appellant that there is no further appeal within the City, but a lawyer could advise him if he wished to pursue a civil action. The decision does not prejudice a future removal permit application.

The Board adjourned at 10:54