

# URBAN FORESTRY COMMISSION



PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland



• Nick Fish, Commissioner • Mike Abbaté, Director

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## URBAN FORESTRY COMMISSION

Meeting Minutes

May 19, 2012

Lovejoy Room, City Hall

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- Commission Members present:** Brian Krieg, Michael McCloskey, Secretary Catherine Mushel, Stephen Peacock, Chair Joe Poracsky, Dick Pugh, Meryl Redisch, Dianna Shervey, and John Warner.
- City Staff present:** City Attorney Harry Auerbach; Title 11 Coordinator Mieke Keenan; Roberta Jortner, Morgan Tracey, Bureau of Planning & Sustainability (BPS); City Forester Jenn Cairo, Deborah Lev, Angie DiSalvo, Autumn Montegna and Anne Kroma, Parks & Recreation (PP&R).
- Commission Members absent:** Ricardo Moreno
- Guests present:** Scott Fogarty and Kris Day, Friends of Trees; Michael Ahr, West Multnomah County Soil & Water Conservation District; Ruth Williams, Davey Resource Group; Bryan Burch, Neighborhood Tree Steward (NTS).
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**Call to Order and Public Comment:** Chair Joe Poracsky called the meeting to order at 7:37 a.m. reading a statement regarding the purpose of this volunteer board. There was no public comment offered.

**Review and approval of Minutes:** Chair Joe Poracsky requested review and approval of the April 2012 UFC minutes with one deletion. Meryl Reddisch moved to accept the minutes as written and deleting the last bullet point on the Arbor Day list of activities. Dick Pugh seconded the motion; it was approved unanimously.

### Urban Forestry Report – Jenn Cairo

Deborah Lev welcomed Jenn Cairo, new City Forester, to her first Urban Forestry Commission meeting. Rather than point out highlights of the monthly report, Jenn encouraged the UFC to attend the last public budget meeting scheduled for 6:30 to 8:30 that

evening at David Douglas High School. It was confirmed that the just released Mayor's budget is substantially different from the Parks budget recommendation submitted by Mike Abbaté and Commissioner Nick Fish. It was explained that the Mayor made cuts intended to keep front line workers intact and that may impact management structure, such as cutting one of three managers in the Urban Forestry department. Deborah Lev provided information about the process for testifying at the meeting and stated that City Council, acting as the BAC (Budget Advisory Committee), should be in attendance. There were questions about the number of workers under different UF managers, reclassifications (like high climbers to arborists), and how the final City Nature org chart might look.

## **Committee and Partnership Reports**

### **Appeals Committee – John Warner**

John reported the Committee will meet with staff to go over final drafts of documents and the process checklist for the appeal process.

### **Heritage Tree Committee – Michael McCloskey**

Michael reported a field tour is scheduled for May 24 to look at examples of candidates for de-classification. The next field tour for checking on new nominations will be in June with nominations presented at the July UFC meeting.

### **Education & Outreach Committee – Meryl Redisch**

Meryl reported on the letter provided in the packets requesting the support of the UFC for moving the Arbor Week celebration to later in the month of April. Due to weather and timing, it was felt that holding the main event on a Saturday and partnering with the farmers market could bring a lot more people to experience awarding the Naito award and receiving a Tree City award. There were questions about if a Saturday kickoff would be difficult for staffing. It would be done to minimize effects on staff and reach a larger audience. Bucket truck rides are popular and would like to be included. Neighborhood Tree Steward Bryan Burch was recognized by the Chair and spoke for making the event for more than just ourselves and tying the public in via earth day and Saturday market and farmers market. The Commission approved of moving the event starting in 2013.

### **Nominations Committee – Dianna Shervey**

Dianna Shervey reminded the Commission of the vacancy in the position of Vice Chair. Michael McCloskey moved to nominate Meryl Redisch for the office of Urban Forestry Commission Vice Chair. There was discussion regarding the two year length of term. The intent of the Commission to have the Vice Chair be designated (with approval) for a Chairman vacancy was restated. Dick Pugh seconded the motion and it was approved unanimously. Dianna reported qualified applications are trickling in and the Committee is expected to meet soon with Jenn Cairo and Deb Lev regarding the Commission vacancy.

### **Tree Amendment Update – Mieke Keenan**

Chair Joe Poracsky ascertained that no public had, as yet, signed up to make public comments regarding the Title 11 Amendments. Mieke Keenan returned before the UFC with Roberta Jortner and Tracy Morgan to continue the housekeeping amendments discussion.

Mieke provided an updated document and presented a PowerPoint presentation. She reported that current activities included:

- Exploring funding strategies (in current proposed budget and long range)
- Extending the Title 11 Coordinator position by 1 year (funded by Parks & BDS)
- Programming the TRACS update to issue Type A & B tree permits (July pilot)
- Launch Tree Website (living tree manual not through Portland Online site)
- Provide tree related information, as well as volunteer opportunities, online
- Working with Council on proposed Title 11 implementation delay until 7/13

There was some explanation for reviewing the tables for Amendments 2 and 4 in the presented material. Discussion included the unintended consequences resulting in Amendments 1, 3 and 7. Amendment 5 related to the tables referring to frontage and the site or abutting ROW property. Amendment 6 corrects reference and typographical errors.

Although there is as much outreach and request for public feedback, Morgan Tracy expressed concern that confusion could lead to mistaken code violations. His suggestion included tracking trees inadvertently cut by confused public or partners. Enforcement should protect vulnerable trees, but it may take a lot more additional narrative to ensure accessible code language for the public. Brochures written for the public will contain much easier to understand tables than the current internal ones provided for the UFC discussion and decision on a recommendation.

John Warner pointed out the confusion over this year's leaf pick-up maps provided to the public. The adjacent homeowner's responsibility to the ROW is not clear for leaves or street trees. Enforcement will always need to rely on education to gain voluntary compliance.

Mieke pointed out that Title 33 (land use) definitions were used and that there has been continued stakeholder and inter-bureau meetings. There are approximately 400 people on their project mailing list. Comments have generally been supportive.

A discussion begun by Catherine Mushel pointed out that requiring street trees be planted by the homeowner but owned by the City is a kind of an under the table tax. Morgan agreed that there may be ownership confusion, especially related to ROW, but the City does have the right to tell owners how to manage and maintain the street trees.

Scott Fogarty confirmed that the message about street trees and responsibility can be confusing. FOT tries to convey it in a positive, proactive way that is 'right tree in the right place' strategy. It may be a matter of semantics: ownership vs. responsible party for asset. There does need to be as much education at the beginning of the planting permit process as possible to teach stewardship.

Other UFC comments included:

- the term 'Type A' has connotations not related to a planting permit
- definition of abutment doesn't include corner lots
- there appears to be a double standard

*Suggestions:*

*Include E&O Committee or the full UFC in development of definitions and use in brochures. Have UFC review code language (even technical changes) with appropriate notice. Track permit issues to consider changes at next code change opportunity.*

After a short break, the UF Commission returned on the record at 9:20. The following citizens signed up to comment and were recognized by the Chair:

- Ruth Williams of Davey Resource Group spoke as a consulting arborist requesting clarity in the code and education for the public. She mentioned the difficulty of implementing rules and confusion over determining regulated or nuisance trees.
- Michael Hays felt that the minimum size of limb that requires a pruning permit should be the size of a thumb, and not required for pencil thin limbs.
- Kris Day was recognized and reminded that one point of the permit is to generate respect for the code. That's easier if it's understandable and not unreasonable, since people will not call for a permit to prune suckers or pencil thin limbs.

Roberta Jortner reminded that current code requires a permit for any pruning of a street tree. The concern is about inappropriate pruning. If a person agrees to the terms online, then enforcement can be used if a tree is 'butchered' in pruning. The intent is to allow people to cut suckers and be required to replant street trees.

\*Because the entire focus of the May Meeting conversation about the code was on technical changes, Michael McCloskey saw that Roberta was implying that changing the requirement for a pruning permit to include branches down to ¼" instead of 3" was a technical change to the code. He objected to the implication that the change was merely technical, insisting the change was substantive because the UFC itself had debated the merits of various pruning minimums as a substantive question and the difference between 1/4" and 3" is substantial, and because the public at the meeting underway was identifying the ¼" minimum as an issue of substance that could make this code provision and perhaps the code itself seem frivolous. Moreover, because of public testimony there and earlier that the ¼" pruning standard was unreasonable and overly restrictive, Michael considered offering an amendment to this provision, but finally deferred to Meryl's motion of conditional approval of the package of so-called technical amendments, with the added condition that staff be directed to refine or modify the language on this controversial point.

After a discussion regarding unintended consequences and the definition of substantial changes, Meryl wished to go on the record with strong concerns that allowing removal of up to 4 trees per year totaling less than or equal to 76 caliper inches per year could harm the overall canopy.

John Warner was concerned about oversight of blanket permits and how detailed they would be at submission. Morgan summarized the heart of the matter as two different situations: the development of new property or the ongoing management of built inventory. The City Forester will continue to be the final say on appropriate mitigation. It was pointed out that a footnote reads that the inspector can grant a permit, not that they are required to grant the permit, and there is a documented admin process to follow.

There was general agreement on

- concerns about confusing code language
- stewardship of living things can be as much art as science
- there need to be incentives to encourage property owners to value their street trees
- jurisdiction may still be difficult to determine (BDS or Parks, PBOT or BES)
- self-issued permits could cut down on some admin time but increase with monitoring
- discussion of changing code will continue

Roberta Jortner felt that City Council had paid tribute to the work of the UFC and PC by including one-time funding for Title 11 implementation coordination that had not been in original budget. She believed that communication from the two commissions made an impact.

Mieke will consider ways to make changes by refining language in Exhibit A and by defining and showing frontage in the diagrams.

Meryl Redisch moved that the Urban Forestry Commission recommend adoption of Exhibit A with direction to staff to continue to refine language regarding pruning permit requirements and the possibility of including the change in these amendments. The Urban Forestry Commission requests staff monitoring of private tree removals (< 3" or totaling 76" per year per property) and clarification of the Right of Way definition including abutting property.

The motion passed unanimously.

The meeting adjourned at 10:20 am.

\* This paragraph was submitted by Catherine Mushel as a summary to be included in the revised minutes in order to more accurately reflect comments made by Michael McCloskey.