

URBAN FORESTRY COMMISSION



PORTLAND PARKS & RECREATION

Healthy Parks, Healthy Portland



• Nick Fish, Commissioner • Mike Abbaté, Director

URBAN FORESTRY COMMISSION

Meeting Minutes

June 21, 2012

Lovejoy Room, City Hall

- Commission Members present:** Michael McCloskey, Ricardo Moreno, Secretary Catherine Mushel, Stephen Peacock, Chair Joe Poracsky, Dick Pugh, vice Chair Meryl Redisch, and John Warner.
- Commission Members absent:** Dianna Shervey and Brian Krieg.
- City Staff present:** City Attorney Harry Auerbach; Lola Gailey, Portland Office of Transportation (PBOT); Title 11 Coordinator Mieke Keenan, Bureau of Development Services (BDS); Jennifer Karps, Bureau of Environmental Services (BES); Morgan Tracey, Bureau of Planning & Sustainability (BPS); Interim City Nature Manager Deborah Lev, Angie DiSalvo, and Anne Kroma, Parks & Recreation (PP&R).
- Guests present:** Kris Day, Friends of Trees; Michael Hayes; Ruth Williams, Davey Research Group; Bryan Burch, Neighborhood Tree Steward (NTS).
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Call to Order and Public Comment: The Urban Forestry Commission (UFC) June meeting was convened by Professor Joseph Poracsky, Chair, reading a description of the commission itself. There were no public comments and we moved on to review the May Minutes.

1-1. May Minutes were approved with a condition.

Mike McCloskey moved the May minutes be approved with the stipulation that one substantive change be made to them and reviewed for approval at the July meeting. John Warner seconded the motion and the minutes were adopted with the stipulation. The procedure for making the change in advance of the July meeting was also agreed upon.

1-2. Discussion of a Disputed Point in the May Minutes

This discussion focused on three factors: Michael McCloskey's request that the May Minutes add the gist of the Commission's commentary about a change staff had made to the code; the Commission's discussion of how best to handle substantive changes to the minutes; the Commission's discussion of when, during code adoption and implementation, it would be best to insert a further change to the code.

1-2-1. Michael's addition to the May Minutes

*Michael requested that his clarification of the May Minutes be inserted after the following sentence on page 4: "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."

*Michael requested additional commentary in the minutes, saying that at the time Roberta made her comments, he had seen that they were made in the context of the Commission discussing technical changes only to the code. At the May UFC Meeting he had objected that staff should not have seen the change from 3" to 1/4" as a technical, but rather as a substantive change because the UFC itself had debated the merits of various pruning minimums as a substantive question, and the public at the May Meeting had also identified the 1/4" minimum as an issue of substance that could make this code provision and perhaps the code itself seem frivolous.

*Underlying Michael's request for additional commentary was his principle that staff should respect not only the process of gathering public commentary but also the public's conclusions, as well as the Commission's contributions to decisions.

1-2-2. Submitting Substantive Changes in Minutes in Writing to the Commission Secretary who then Forwards the Changes to the Commission

Regarding future minutes, Chair Poracsky suggested their review and adoption during meetings should take less than five minutes; The Commission, with the City Attorney's approval, agreed that when minutes are to be altered to capture the exact meaning intended by a commissioner, that the exact wording may be sent to the UFC secretary and then distributed prior to the next meeting, so that the whole commission can then read the altered text prior to the meeting. The aim is to allow commissioners to prepare for the meeting, so that they quickly review the substantive change during the meeting and adopt it into the appropriate minutes.

1-2-3. When and Why Code Amendments

Correcting the May Minutes evolved into a discussion of whether the change in the pruning threshold would be changed in the amendments themselves.

When

*Harry reminded everyone that the Council has adopted Title 11, but that it will not go into effect until July 1, 2013.

*Mieke answered John's query as to when the amendments being discussed would be considered by City Council: August 15, 2012 is the tentative date.

Why

Michael's point was to get the language and substance right so that both the public and the Commission are satisfied, not only with the minutes, but also with the code amendment. Because of public testimony there and earlier that the 1/4" pruning standard was unreasonable and overly restrictive, Michael considered offering an amendment to this provision.

*We considered changing the threshold 1/4" requirement for a pruning permit to 1/2." Jenn Cairo suggested that this change would not reflect any difference between major and minor pruning, a distinction that jurisdictions often refer to when considering permits. Harry suggested the main reason to go beyond the current code that simply requires a permit for pruning a street tree and name a threshold for requiring a permit as 1/4" is to be able to hold anyone who butchers a tree responsible. Jenn suggested UF can and will monitor public response to the 1/4" limit and that naming a limit educates the public regarding the fact that any pruning changes a tree and requires due diligence. John verified with Jenn that the Urban Forester can determine when a tree should be pruned or removed, suggesting the Forester's ultimate authority will determine whether pruning has been abusive, and thereby supporting the notion that simply requiring permits for pruning even without size thresholds is sufficient.

*In the interests of approving the minutes and moving forward, Joe sought to move the discussion of this part of the code amendments to new business, but commissioners resolved the issue before the Forester's Report. The tentative timeline of August 1 for when City Council may review and approve the amendments seemed a valid consideration. Also, Harry thought that Michael's concern that the amendments be dealt with up front now was not quite answered by Jenn Cairo's comment that UF will monitor public response and correct the code if need be at a later date.

1-2-4. Actions taken and future actions outlined as to Substance and to Timing

1-2-4-1. Meryl made a motion for 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.

1-2-4-2. The August 1 City Council Meeting is not the only meeting at which Title 11 Amendments may be raised. Mieke stated amendments may be put on the agenda when other concerns are the Council's main focus. This reassured Michael that if the condition that staff refine or modify the language on the size of the pruning threshold is not met, then that amendment may be objected to at a date later than August 1, 2012.

2. The Urban Forestry Report, Jenn Cairo, Urban Forester

2-1. On July 20, 2012 the City Council approved the Portland Parks & Recreation budget. Director Abbaté remains positive about the system, though budget cuts have been deep and the bureau is losing both valuable people and positions.

2-2. Jenn thanked UFC members who supported PP&R through the budget process by submitting written testimony and by speaking out at public hearings. She then singled out Rob Crouch, Urban Forestry Program Coordinator, whose position was cut and who will have vacated his office on July 1, for more than a decade of service. Particularly, Jenn pointed to his dedication through four consecutive years of budget cuts, and most recently, for generously helping Urban Forestry staff make the transition to having not only a new Director of Parks, but also a new City Forester, and a restructured and leaner Forestry Division.

2-3. As acting City Nature Manager, Deb Lev, worked with Director Abbaté to make the new structure in Parks reflect the Mayor's request to change the ratio of front-line employees to city managers, decreasing the number of managers relative to front-line employees. Parks will lose seven managers, including Mary, Rob, and Nancy, and two administrative and two planning positions. Four positions, as a later question from Meryl highlighted, will be eliminated as future positions of authority, in addition to the present elimination of employees in those positions from PP&R payroll.

2-4. Specific assignments include the following:

Deb Lev as Interim Director of City Nature.

Astrid Dragoy as Zone Manager overseeing natural areas, environmental education, stewardship programs, and integrated pest management.

Karl Dawson and Autumn Montegna, both education specialists with UF, will move out of the Lair Hill Facility to Delta Park.

Jennifer Cairo as Zone Manager overseeing Urban Forestry, Community Gardens, and Horticultural Services.

Larry Maginnis, Crew Supervisor, and Jennifer will be working as a team managing the inspection program with its considerable data because Rob Crouch's position as the Program Coordinator for UF has been eliminated. Angie DiSalvo will continue as a botanic specialist working on variety of data-heavy UF programs, including neighborhood inventories, the canopy report, and the Heritage Tree Program.

4. Upcoming Tour for the UFC

4-1. Who, Why, and Where: Jennifer updated the Commission on the planning she and Joe Poracsky have done putting together a field trip for the UFC. The tour will spotlight front-line employees, Urban Forestry Tree Inspectors. Joe suggested working on a tour highlighting what inspectors have to say about what is happening at specific sites.

4-2. When: Commissioners should pencil in an extended meeting in September 2012 for the tour, though Jenn will want to balance the tour planning with other concerns.

4-3. What: With inspectors highlighting the issues at sites, Jenn confirmed Catherine's impression that the tour will focus on how the Code is being implemented, and not range into questions such as how mature trees that are making a huge contribution to the canopy are and are not being maintained. This will be a tour of managing the trees on the ground rather than one highlighting policy puzzles.

Committee and Partnership Reports

Appeals Committee – John Warner

John reported the Committee met with Angie DiSalvo and Jenn Cairo to go over final drafts of documents and the process checklist for the appeal process. These documents are now in use and close to finalization.

Heritage Tree Committee – Michael McCloskey

Michael reported that on May 25, the committee looked at seven trees recommended for declassification as Heritage Trees. Committee members were divided in their opinions with staff opinions often in the middle. Two of the trees were vigorous and healthy; one was healthy but deformed by power line clearance pruning; one was old but healthy, one middle-aged and in poor condition, and two near death. They plan to discuss their findings further at the next indoor meeting (hopefully in July), as no decisions were made on the field day.

Education & Outreach Committee – Meryl Redisch

Meryl reported that the Arbor Week kickoff will be the Saturday before Earth Day, April 20, 2013 at the Park Blocks Farmers Market and that the committee will be exploring how to involve vendors and the public, while minimizing staff overtime. The committee will be reviewing processes and procedures at their next meeting, which will be July 11 because the first Wednesday of July is the 4th. E & O will be looking into having a presence at the ISA Conference in August 2012, perhaps partnering with FOT.

Nominations Committee – Dianna Shervey

The committee did not have any new nominees to submit to the Commission for approval. Joe requested a clarification of the nominations process for Commissioner Fish.

PBOT, Lola Gaily made no report during the meeting.

(After the meeting, Lola gave Catherine a map showing different roadway ownerships. This is the first step in a project to understand ownership, management, and funding of trees in the public rights-of-way).

BES, Jennifer Karps

*Data for the Final Planting Season will be available at the July UFC Meeting.

*10 Canvassers have been out since June 1: South Tabor, Foster Powell, Woodstock, Mt Scott-Arleta, St Johns. To date these passionate canvassers have signed up 300 customers with FOT.

*Actions for Watershed Health: Celebrating Portland's Progress for Healthy Rivers and Streams Since 2006," a brown bag presentation for the public was held on June 19. Slides focused on tree planting totals, outreach and education efforts, customer service, and code improvements resulting from the Citywide Tree Project. A film of the event should be available on the Office of Healthy Working Rivers web pages shortly. The aim is to recognize the value of trees in helping the city meet its federal, state, and local regulatory obligations to provide clean water and healthy watersheds.

*Keeping tabs on trees will support future funding.

*Rate payments are already paying for tree planting. Has there been a reaction, Catherine wondered?

*Catherine wondered about money being used solely for planting, but not for maintenance, which is not covered in capital improvements.

*Jen responded that BES is doing maintenance in its Gray to Green Program with 5 and 10 year structural pruning, as an example of their aspirational goals in that area.

*Meryl explained that Verde and FOT are both looking at the maintenance question.

*Jenn Cairo reminded everyone that the city does perform maintenance on its 1.2 million park trees, but not on its 250,000 street trees, which are maintained by property owners, in a management model that differs from that in other places.

*The Commission suggested no actions regarding maintenance of street trees: Jenn concluded that it is a topic for future discussion.

6. Urban Forestry Canopy Assessment, Angie DiSalvo, Botanic Specialist, UF

*Goal: to assess changes in the canopy in the four zoning classes over the city:

Residential

Industrial

Commercial

Open Space

*Ruth Williams of Davey Research helped develop protocols and future work standards. Compare years 2000, 2005, and 2010, resulting in two short and one long Period.

Use I-Tree App

Describe field Plot

Use Remotely sensed Data

Point interpretation

*Methods: Ruth looked at 14,000 photos; second researcher reread 10% of the photos

*Numbers are increasing overall from 27.3% coverage to 29.9%.

*3.3% increase in residential zone

*3.4% increase in commercial zone

*The limitations of the study were both pointed out by Angie and revealed in the questions:

*Condition and age not included in study

*Whether a tree is evergreen is not known from leaf-on photos, in answer to Dick Pugh's question; he followed up, saying a winter study could be done.

*Species, especially invasive species are not identified.

*BES removes invasives, especially Ailanthus

*Native trees: Portland State Park Blocks...native tree arboretum

*Joe Poracsky requested UF to look at the 20 leaning aspens outside of Cramer Hall

*Michael McCloskey suggested that a stem count might reveal quite different results from a crown count.

*What if the city meets its canopy goals? The UFC Policy Committee should be thinking about priorities.

Old / New Business:

Meryl reported on planning for an UFC Retreat in February of 2013

Topics included the following:

Title 11: How to monitor implementation
Park Blocks
Gaps in Data
UFC and Staff Cooperation

The meeting adjourned at 9:18 am.

APPEAL FOR 2174 W BURNSIDE ST

Committee attendance:

John Warner, Michael McCloskey, Stephen Peacock, and Joe Poracsky

The Chair, John Warner, called the Appeals Committee to order at 9:45.

An explanation of the appeal process and time limits was given. Inspector Frank Krawczyk explained that this appeal is result of a building permit (with construction valued at over \$25,000) triggering a street tree review and the requirement to plant street trees. He showed a PowerPoint presentation that included several photos of the commercial property and agreed that there is a very small sidewalk on Burnside with no room for street trees. Instead he has marked 2 possible locations for a street tree on SW King.

Kirsten Bailey, property manager, explained she was here on behalf of the property owner and explained that the project was an interior remodel and she was not informed of the requirement until well into the project. Due to historic status, the building has restrictions on outside changes and signage. She is concerned that the additional cost was not planned and budgeted for and will need to be recovered from tenants, but is currently not included in the rental price. She felt that running gas, water, and electric lines for a 2,000 sq ft restaurant space should not be the kind of project that requires street trees.

Frank explained that when the over the counter permit was issued, it was stamped as requiring a street tree review. The current tree well in the sidewalk is 4 x 6 (standard for the time of the installation) and Frank waived the requirement of planting 3 street trees on Burnside and is only requiring the 1 on SW King.

There was discussion of whether trees in large planters or raised containers could fulfill the requirement. John Warner explained how they had been removed from code at the time the transit mall was put it.

Kristen provided 4 copies of a letter from Judy Farinha, the owner of the new restaurant, explaining that she felt the street tree would hinder clear view of the signage. She states that if we feel strongly about it, she would be willing to donate a tree to be planted at a park or school.

The vote was 3 to 0 to deny the appeal and requiring the planting of 1 street tree.

The Appeals Committee respectfully requested that the tree not be a maple and asked the appellant to work with the inspector to determine a suitable species (for height and crown density) and location within the marked planting area.