
URBAN FORESTRY COMMISSION
Meeting Minutes
October 16, 2014
Lovejoy Room, City Hall

Commission Members present: Mark Bello, Bryan Burch, Kris Day, David Diaz, Secretary Catherine Mushel, and Chair Meryl Redisch

Commission Members absent: Brian French, Ex-officio Lola Gailey, Barbara Hollenbeck, Ricardo Moreno, Stephen Peacock, and Joe Poracsky

City Staff present: Chief Deputy City Attorney Harry Auerbach and Deputy Attorney Tony Garcia; City Nature Manager Deborah Lev, City Forester Jenn Cairo, Urban Forestry Permit Supervisor Casey Jogerst, Danielle Voisin, Elizabeth Specht, Elm Monitor Emily Wilson, Tree Inspector Luke Miller and recorder Anne Kroma, Parks & Recreation (PP&R)

Guests present: Roberta Jortner, Bureau of Planning and Sustainability (BPS); Mieke Keenan and Lauren Wirtis, Bureau of Development Services (BDS), Jennifer Karps, Bureau of Environmental Services (BES); and Michael Hayes.

Call to Order and Public Comments: Chair Meryl Redisch called the October 2014 Urban Forestry Commission (UFC) meeting to order at 8:04 am. There were no public comments and review of the pending minutes was delayed until later, when a quorum was expected.

The Urban Forestry Report - City Forester Jenn Cairo

City Forester Jenn Cairo introduced AmeriCorps members Danielle Voisin and Elizabeth Specht, who will be working for Parks Urban Forestry for the next eleven months. They will be working on the Neighborhood Tree Plans, which are based on a neighborhood's completed Street Tree Inventory. Volunteer involvement is crucial to the entire inventory process and neighborhood knowledge and dedication can make a huge difference. One citizen took the time and effort to identify every invasive *Ailanthus altissima*, commonly known as Tree of Heaven, in their neighborhood.

City Forester Jenn Cairo invited the commission and audience to attend the Street Tree Summit on November 8th at Mount Scott Community Center. The neighborhoods that have completed inventories this summer will be making their Tree Plans, but there will also be enough general tree information to interest anyone. Jenn expressed thanks to Angie DiSalvo for her work and the guidance of temporary staff (hired due to vacancies) to continue to inventory Portland's street trees. The goal is to have all the inventories done in two years.

Jenn thanked Bryan Burch for representing the commission at a volunteer thank you event.

Jenn Cairo reported that she and UFC Chair Meryl Redisch will be attending the Climate Change and Urban Forestry regional workshop. Jennifer Karps will be presenting at the symposium at the University of Washington's Botanic Gardens at the end of the month.

Tree Code updates:

- Fee schedule (covered in depth later in the meeting) will go before Council in November.
- Recruitments for two Tree Techs and three Tree Inspectors are progressing.
- Danielle Bohannon is lead on the website update, continuing to make changes as needed.
- Lauren Wirtis, working as a Community Services Aid II for BDS, was introduced.
- Others on the Title 11 process team are Angie DiSalvo, Jim Gersbach, Mike Hayakawa
- Thanks expressed to Bryan Burch for his review and comments on the website.
- The Mitigation Policy (something long needed) is moving along in the draft process.

Harry Auerbach introduced Tony Garcia, the City Attorney who works with BDS. Tony is being cross-trained to back up Harry and assure his future retirement has a smoother road.

The UFC Chair Report – Meryl Redisch

Chair Meryl Redisch thanked everyone for their participation at the September retreat. She encouraged anyone to add anything they felt was missing from her notes.

Meryl reported on attending Parks Board meetings as an ex-officio member and hearing a progress report on Beech Park and Gateway Park and Plaza. The Parks Board has a Master Planning Committee and Meryl has asked that someone from the UFC be included on it.

Meryl continued by stating that the new Parks Tree Committee, to start in December and be chaired by Joe Poracsky, will be working to integrate trees early into all park designs. Let Meryl know if you would like to avail yourself of the opportunity to serve on any committee.

Meryl reported that she, Catherine Mushel, and Bryan Burch met with Commissioner Fritz about using an oversight committee to follow up on how the new tree code is implemented. Kris Day and Mark Bello will serve on this oversight committee with outreach to the community for more members.

It was explained that Bureau Directors meet regularly and a sub-group made up of BDS, BES, Water, Planning, Transportation, and Parks have expressed concerns about how to educate the public about the new tree code. Commissioner Fritz's office is hiring consultants

to do outreach to infrequent users who will only need to know about the new code in a general way. ‘Call before you cut’ is the new message to them, with just one phone number for people to call to find out if they need a permit to cut a tree.

Elizabeth Kennedy-Wong will be leading the training for Urban Forestry Commissioners on Tuesday, October 22nd.

Mark Bello was recognized to ask about outreach to counter the negative perception of tree regulations expressed in some recent newspaper stories. Mark Ross, Parks & Recreation’s media person, works with Urban Forestry staff on tree related news stories. A story about sidewalk damage would have the media contacting Portland Bureau of Transportation (PBOT) for comment, even if the damage was caused by tree roots.

Secretary Catherine Mushel was recognized to ask if there was a way to track complaints by the type of issue involved. City Forester Jenn Cairo tracks the nature of the complaints that she responds to, both direct from the public and routed through the Commissioner’s office. All calls coming into the main UF number (503-823-4489) are logged and could be used to research statistics, but are not currently analyzed for that data.

Chair Meryl Redisch reminded the room that the Parks Replacement Bond measure is on the upcoming November ballot. City Attorney Harry Auerbach cautioned the commission about expectations, since one is not generally able to use bond measure money for trees. A Local Option Operating Levy (LOOL), somewhat like a LID (Local Improvement District), could be used for the planting and maintenance of trees.

Meryl expressed her thanks to UFC Committee Chairs for their work on the annual report and reminded them of the change in committee reporting at commission meetings. Next month’s in-depth committee reports will begin with Heritage Trees and the Policy Committee. The Policy Committee met with Roberta Jortner about the Comprehensive Plan and the committee will submit a letter and testify at Council on November 4th. The commission will receive the final draft before it is sent for inclusion in the public record.

Elm Monitor’s Report – Emily Wilson

Emily Wilson began her presentation on the Urban Forestry Elm Report with an observation about how much the relationship that we have with large mature trees can fix a sense of place for so many people. Portland is lucky to have as many majestic elms as we do in the downtown Park Blocks and throughout the City, and a lot of care and energy goes into monitoring and protecting these iconic trees.

Emily gave background information about DED (Dutch elm disease) and its first appearance in Portland in Overlook Park in 1976. The disease is caused by fungus carried by beetles and kills the tree by invading the vascular system and drying it out. The resulting brown leaves on branches is called flagging, and lab testing of a collected specimen can confirm whether or not it is due to this pathogen.

The City removes right of way trees testing positive to discourage infection through root systems. The process includes notification so that neighbors understand the essential need to remove a beloved tree. Ladd's Addition Neighborhood has formed a non-profit group, Save Our Elms, to raise money to pay for inoculations and replacing lost trees with hybrid species.

Emily reported that there were 35 removals last year, compared with 37 the previous year and an annual average of 39. One lot in Sunnyside had eight small infected trees removed. Of the seven removed in Eastmoreland, only one was over 50" dbh, but six were in pairs of trees, showing possible root transmission. In other cases canopy samples did not show visual streaking but the tree continued to decline, leading to the suspicion that the fungus was present in the roots but had not traveled up into the canopy.

There was one removal in the South Park Blocks, in the same area as previous cases. Southwest Portland lost eight elms, with six in Downtown. A total of 1120 elms have been removed due to the disease, since the fungus first appeared in Portland.

This year saw the mapping of the 636 elms on Parks property, adding to street tree inventory data. Future work will include determining the locations of elms on private property.

Questions from the commission included:

- The turnaround time for removal? 4 weeks from test to removal

- The rotation cycle for applying fungicide? 3 years

- Does the inoculation weaken the tree? More damage happens from squirrels

- What is the annual cost to Urban Forestry for elm work? \$250 – 300K for removals

- Kris Day asked whether the fungicide negatively impacts soil born mycorrhizal fungi.

Secretary Catherine Mushel asked whether condition data is being gathered, to see if proactive pruning with monitoring can be a tool for this issue. City Forester Jenn Cairo explained that we are still transitioning to modern data methods, such as using mobile phones with information formats that will be able to speak to one another.

Elm Monitor Emily Wilson stated that our most susceptible elms are older, mature trees since many younger and smaller elms are hybrids. Volunteer elms may or may not be cultivars. American elms continued to be planted in Portland as late as the 1980s. Early hybrid efforts, such as the Homestead elm, had issues with temperature extremes and were not as visually pleasing as the iconic vase shaped trees.

David Diaz expressed his hope that DED could offer an opportunity for the City to complete a vulnerability assessment that could serve as a template for evaluating the vulnerability of other tree species to pests and pathogens, or climate change. The Elm Monitor's Report includes data that could be reformatted for a vulnerability assessment that identifies the exposure, sensitivity, and adaptive capacity of Portland's elms and those working to protect them. City Forester Jenn Cairo invited everyone to a workshop on Asian long-horned beetle, a recently arrived invasive species. An outbreak here has the potential to decimate the maple population, one of our most numerous street tree species.

New Tree Code Fees – Mieke Keenan and Jenn Cairo

City Planner II Mieke Keenan joined City Forester Jenn Cairo in a presentation about the proposed fee schedule for tree inspections and permits. The Urban Forestry Commission was provided with two handouts effective January 1, 2015 – one of the Original proposed fee schedule and a Modified proposed fee schedule.

The Bureau of Development Services (BDS) will collect tree permit fees through their permit system and transfer that money to Parks Urban Forestry. 75% of the tree permit fees collected will go into general funds and 25% into the Tree Planting and Preservation Fund (TPPF). Tree permit fees have historically not been high enough for true cost recovery.

With tree permits in development situations it can be fairly easy to calculate staff time and arrive at a figure for cost recovery. Non-development tree permits also consider the larger effects on the public. There has been no charge for street tree planting and pruning permits and that will remain so to encourage planting and maintenance. Requiring a permit fee for large private trees is hoped to make people think before considering them for removal.

There are some new fees under Title 11 and those will go into effect on July 1, 2015. Most regulatory bureaus bring fee schedules before City Council for transparency and stakeholder buy-in. It is expected that on November 19th Council will approve the Modified fee schedule.

DRAC (Development Review Advisory Committee), a 17 member citizen panel, has seen the proposed fee schedules and given feedback on them. They suggested that the Tree Removal Application fee is too low, at \$25. They also felt that the \$1200 preservation in lieu of fee was too high. DRAC is charged with construction permit fees and will have less input on tree permit fee schedules.

Commissioner Amanda Fritz has also been following this work and influenced some changes. She asked that the price of a programmatic permit (for public entities like utilities, drainage districts and other city agencies) be increased from \$2,000 to \$4846.82 to reflect the real cost of staff time involved.

Holiday lighting placed on street trees has not specifically required a permit, but has been expected to be temporary. The Original proposed schedule assessed a \$50 Ornamental Lighting Application fee with the possibility of additional fees. The Modified proposed schedule increases the fee to \$264 for an Attaching Permanent Objects Application. People would still be expected to take down and restring the lighting once a year to allow for tree growth.

City Forester Jenn Cairo explained that Urban Forestry is the only regulatory group in Parks & Recreation. With the majority of its money coming from the general fund, the bureau is more interested in incentivizing full use of the permit system than in cost recovery. Mieke Keenan added that there was a desire to strike a balance and gain compliance. BPS (Bureau of Planning and Sustainability) has determined the true cost at \$100 for tree removal permits.

Jenn Cairo asked for feedback and advice on these proposed fees.

Bryan Burch was recognized to state that he felt charging a token fee (\$5) for a street tree planting or pruning permit would lead to more opportunity for tree education. Charging a token fee would also help indicate to landowners that maintenance of street trees abutting their property is their responsibility, and that there are costs involved with caring for a street tree. In regulatory situations education and outreach is often subverted to enforcement. He thought that more, if not full, cost recovery should be considered.

Kris Day favored increasing fees in non-development and enforcing penalties for work without permit. She feels street tree planting should continue to be encouraged since they are increasing a city asset. Friends of Trees has added thousands of trees to Portland's canopy under BES programmatic permits.

Mark Bello explained that BDS or the Cable Office permit fees can often result in sticker shock. He did think there should be a distinction between commercial and residential (or non-profits) in fee costs. Corporate behavior will likely not be influenced by the cost of a tree permit.

Mieke Keenan responded by pointing out that there are those differences in tree permits associated with development. They were looking for equity in private and commercial work.

Chair Meryl Redisch added that there are small businesses as well as large corporations, so a one size fits all method is not likely to work well. Small businesses are an area that could support more trees. She also wondered how often the fee schedule would be revised.

Mieke explained that that there is an annual amendment in the budget process to consider fee updates. Casey Jogerst expressed the desire that the fee schedule start out as good as possible so that it won't have to be completely changed in six months. Jenn Cairo said the next step would be revisions to the fee schedule based on comments and then taking it to City Council.

Catherine Mushel contrasted the difference between arboriculture and plumbing, citing the crucial need for education more than just relaying the rules. She also reminded the commission that neighborhood groups have received programmatic permits in the past, though generally Neighborhood Tree Teams now work with an inspector. She feels that there needs to be enough data gathered and money spent on ensuring compliance.

Roberta Jortner stated that programmatic permits are meant for public agencies or utilities and have graduated fees based on the value of the project. Monitoring could be done to see if this type of permit could be applicable to other groups. Mitigation has a two to one ratio but there is not full cost recovery in other areas. The main goal is to foster compliance.

David Diaz noted that the commentary section covering in lieu fees for tree preservation in development situations mentions cost recovery for the City to re-plant two trees for each tree removed as well as offsetting the loss of the established tree and the time lag for new trees to

provide benefits. The loss of ecosystem service benefits and the associated public costs, which can be calculated for at least storm water and carbon storage benefits may also be factored in to the in lieu fee. The replacement cost of a mature tree is not just the cost of planting a new one but the loss of storm water management and other benefits that the large tree provided.

Bryan Burch advocated for high fees and a 'tree court' system where the fee could be reduced or waived with education. The point is to incentivize becoming educated because, as in the case of educating drivers, educated tree owners are of greater benefit to society than are punished tree owners. Some members expressed concern that people would be expected to 'rat out' their neighbors for tree violations. Enforcement processes currently rely on people reporting on what is happening in their neighborhoods. Others saw education as the way to encourage voluntary compliance at the individual level and have it spread throughout a neighborhood. There will be lots of written information at the Development Services Center in the 1900 Building where people will be getting their tree permits.

Jennifer Karpis was recognized to add that the majority of street trees planted by Friends of Trees are under the Bureau of Environmental Services programmatic permit. The City does charge city bureaus for permits.

City Attorney Tony Garcia offered the suggestion of another type of permit with more equity in how it deals with violations. Home alarm permits have fines for false alarms. If you attend a class on the subject, a voucher is given that covers the first \$50 fine.

Kris Day seconded the opinion that the fees must be high enough to be a deterrent. She felt that \$1200 in lieu of mitigation is a drop in the bucket for some contractors and developers. If it were \$100 an inch, a mature tree at 50 inches would have a removal permit cost of \$5000.

Jenn Cairo noted that the new \$97 inspection fees set to take effect in July 1, 2015 are priced at the cost of the inspector's time for the site visit. These are the lowest in the BDS system, but hardship waivers will still be considered for low income. A correction notice will be issued for a violation and then a re-inspection fee will be assessed to confirm that the violation has been addressed. We will be counting on neighborhood associations and individuals to help with education and enforcement.

Catherine Mushel was recognized to note that although it has been said that the New Tree Code received full funding, that is not exactly true and Council should hear about the gaps.

City Forester Jenn Cairo thanked the commission for their candid comments. The next step will be staff working with the Commissioner's office on the fee schedule and continuing toward a January 2nd implementation.

Review of August UFC Minutes: Chair Meryl Redisch reminded the Commission that the hard copy they were reviewing included corrections submitted before the September Retreat. Mark Bello moved to approve the minutes as corrected, Bryan Burch seconded the motion, and it was approved unanimously.

Chair Meryl Redisch adjourned the meeting at 10:25 am.