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**URBAN FORESTRY COMMISSION**

Meeting Minutes

April 16, 2015

Lovejoy Room, City Hall

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- Commission Members present:** Kris Day, David Diaz, Gregg Everhart, Brian French, Ex officio Lola Gailey, Barbara Hollenbeck, Ricardo Moreno, and Chair Meryl Redisch
- Commission Members absent:** Mark Bello and Secretary Catherine Mushel
- City Staff present:** Deputy City Attorney Harry Auerbach, City Forester Jenn Cairo, Angie DiSalvo, Jeff Ramsey, and Anne Kroma
- Guests present:** Mary Vogel; Patti Howard, Senior Policy Analyst for Commissioner Fritz; Jennifer Karps, Bureau of Environmental Services (BES); Morgan Tracy, Bureau of Planning and Sustainability (BPS), Ruth Williams, Davey Research
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**Call to Order and Public Comments:** Chair Meryl Redisch called the March 2015 Urban Forestry Commission (UFC) meeting to order at 8:05 am.

Mary Vogel, a downtown resident and member of the Westside Portland Tree Guild, was recognized to address the Urban Forestry Commission on the idea of honoring Gretchen Kafoury with memorial street trees. Mary is working with the Kafoury family and has found a fiscal sponsor, Urban Greenspaces Institute. She is asking for the support of the UFC after finding out how difficult it can be to plant trees in a dense urban setting. The project aims to plant trees on SW 12<sup>th</sup> and Columbia Street starting at the residential building named for the long-time political leader, Gretchen Kafoury Commons. More information about this endeavor may be found at <http://plangreen.net/blog/>

Jennifer Karps, was recognized to convey word of a prestigious new honor, the Maynard Dawson Award. The Oregon Heritage Tree Program will bestow this award to individuals and groups who champion large trees with the same drive and commitment that Maynard, the Tree Man, Dawson did in his life. Brian French is active in the Oregon Champion Tree Registry, Ascending the Giants, and now chairing our own Heritage Tree Committee. He so richly deserves to be the first to receive this significant annual award.

**Review of March UFC minutes:**

Chair Meryl Redisch requested a quick review of the March 19, 2015 minutes and thanked Gregg Everhart for providing emailed corrections in advance. Barbara Hollenbeck moved to approve the minutes with the requested changes. Brian French seconded the motion and the March UFC minutes were approved unanimously.

**The UFC Chair Report – Meryl Redisch**

Chair Meryl Redisch expressed her thanks to everyone for their participation in the Arbor Day celebration at the PSU Farmers Market. It turned out to be a joyful and happy event. Meryl noted that UFC Secretary and Education & Outreach Committee Chair Catherine Mushel could not attend this morning's meeting, but deserved heartfelt thanks for the hard work that resulted in another successful Arbor event. The Bill Naito Award nomination stories were very inspirational.

Meryl Redisch reported that she spoke to Stephen Peacock at the Arbor Day celebration and urged him to be here at this morning's meeting to hear the appreciation expressed for his many years of service. Stephen has completed his final term on the commission, and had agreed to continue until a new member was installed. Stephen provided some of the required representation of arboricultural expertise, as well as serving as Appeals Board Chair.

Meryl also informed the UFC of the decision by Joe Poracsky to step down from the Urban Forestry Commission. Since retiring as a geography professor at Portland State University, family obligations have necessitated frequent cross-country travel. Joe has reluctantly decided not to serve out his full term and did not want a fuss made about leaving. Meryl reminded everyone of Joe's many years of service, including time as commission chair.

The Chair reported there were UFC interviews scheduled in the afternoon for these two vacancies. Meryl, Ricardo Moreno, Jenn Cairo and Patti Howard will be on the interview panel. Meryl will email any results, if a decision is made before the next meeting.

Barbara Hollenbeck was recognized to thank Jenn Cairo, Catherine Mushel, and Christina Cone for persevering through the long process to obtain business cards and hanging name tags. Both items will be very helpful.

David Diaz was recognized to ask what methods are being used to reach the diversity goals that the City aspires to for the commission. Chair Meryl Redisch responded that it really comes down to encouraging qualified diverse candidates to apply, through the personal or professional relationship that you have with them. She continued with the statement that a slideshow at a neighborhood meeting only goes so far, and it probably will take personal reassurance to persuade someone to volunteer to serve. City Forester Jenn Cairo clarified that even with standardized terms, we have a continuous rolling recruitment process. UFC commissioners should promote the commission to any good candidate at any time. Brian French asked that diversity in professional background also be considered. City Attorney Harry Auerbach quoted the commission composition required under Title 11.

Chair Meryl Redisch continued her report: she met with Parks Director Mike Abbate regarding the upcoming budget and the requested new staff positions. Secretary Catherine Mushel is drafting a letter expressing support for hiring the additional Urban Forestry staff.

Meryl also meets regularly with the Mayor's office and at the most recent meeting explained the importance of hiring these positions. In order to deliver good customer service under Title 11, the third Tree Tech position (originally requested) should also be filled.

Meryl Redisch referred to the letter the UFC sent to Commissioner Fritz regarding the mitigation fee schedule. When meeting with the Commissioner, Meryl expressed that changing the original fee schedule felt like it undermined the stakeholder process and the public's trust in that process. Copies of the Administrative Rule and Commissioner Fritz's memorandum regarding it are included in the commissioner's meeting packets. Title 11 is very new and the current fee cap is not set in perpetuity.

Meryl also expressed concern over the mitigation rates under development and for capital improvement projects. The 1:1 mitigation ratio could result in canopy loss when mature trees are removed and replaced by ornamental saplings. It is understandable that the code is broadly written with administrative rules to deal with the details, but Urban Forestry and Parks were not involved in this part of the decision process. There will be a public hearing in 180 days (September) which will allow the commission and the public to express their views. The Tree Code Oversight Advisory Committee will also be looking at the issue and collecting examples of incongruities in canopy protection under the new tree code.

City Attorney Harry Auerbach was recognized to instruct the UFC that the City Forester has the authority under Title 11 to write administrative rules. Her superiors instructed her to issue the one now being discussed, received in an email by the UFC the previous evening. He explained that there is nothing in the code about the process, just the person who does it. However, he continued, any dissatisfied person can appeal the rule to City Council. Council could, if they wanted, repeal the rule and adopt a policy requiring more mitigation.

Chair Meryl Redisch expressed disappointment that after all the work of drafting a strong mitigation policy and rallying people to show up at hearings and support it, we are in the position of asking them to come out again to show support. City Forester Jenn Cairo proposed to go into the matter in more detail at the May UFC meeting.

Patti Howard, Senior Policy Analyst for Commissioner Amanda Fritz, was recognized to say she and Mike Abbaté would be willing come to a UFC meeting to discuss this subject. They would provide a broad overview of the mitigation policy with technical staff invited to be on hand to answer specific detailed questions.

The Chair called on Barbara Hollenbeck to provide her thoughts. Barbara felt that with the code being less than six months old, there aren't enough statistics to show the need for or effects of a large policy change. The new code process included a lot of public input over a very long process.

New UFC member Gregg Everhart was recognized to ask that staff be directed to study neighborhood reports and permit issuance data to find out how the policy is working. Her gut reaction is that the mitigation price is too low and believes the statistics will bear that out.

Kris Day, member of both Policy and Tree Code Oversight Advisory committees, asked whether this is fixing a problem of perception, more than an actual problem. It is ultimately the City Forester, working with homeowners on a case by case basis, who is responsible for

the best mitigation decision. Kris feels that it is the mitigation cap on development situations that is too low. Chair Meryl Redisch relayed that both the Policy and Oversight committees are committed to working on these subjects and determining any needed changes. Patti Howard and Mike Abbaté will plan to attend the May UFC meeting to discuss this matter.

### **The Urban Forestry Report - City Forester Jenn Cairo**

Jenn Cairo gave an abbreviated report, with the meeting running slightly behind schedule. She urged everyone to read through this month's Urban Forestry Report for the data she usually shares.

Jenn did encourage anyone with an interest to attend the next Tree Code Oversight Advisory Committee meeting. The meetings are held on the second Monday of the month at the 1900 Building and are public meetings. Anne Kroma will send a calendar invitation.

On a warm and fuzzy note, City Forester Jenn Cairo reported that Portland State University is currently offering a class on Portland's Heritage Trees by history professor Catherine McNeur. Students will work, both individually and collaboratively, to bring the history of the City's trees to a broader audience.

### **Ladd's Addition Historic District Guidelines Update Process – Morgan Tracy**

Senior City Planner Morgan Tracy explained that RICAP (Regulatory Improvement Code Amendment Package) is a bundle of miscellaneous code items. There is one package per year and they deal with code technical fixes, consistency issues, and clarifications of the code. They may also deal with minor policy issues and can be organized by topic or geographic location. This process is ongoing each year. Due to the wide variety of issues and topics, there is no standing stakeholder committee and outreach is generally targeted to neighborhood associations and district coalitions.

Morgan Tracy continued by commenting that RICAP 7 (this year's bundle) includes Ladd's Addition and the policy issue of the tree code prohibiting the planting of street trees that are on the nuisance tree list. The approved street planting plans for Ladd's Addition require specific species on certain streets to preserve the historic aesthetics. Morgan offered his opinion that the historic designation for Ladd's has more to do with the orientation of the streets, the streetscapes themselves, and central circles and diamond shaped parks, than the architecture of the homes specifically.

The Ladd's District Guidelines contain a map, footnotes, and rules about street trees within the Ladd's neighborhood that are now prohibited. The initial proposal was to remove the specific list of tree species from the guidelines, and refer to a separate tree list that could be updated more readily when circumstances warranted. However, the revised tree list is not complete yet and the UFC's input will be requested. In addition, the RICAP staff felt that a procedure should be developed to determine how changes to the tree list would occur in the future to balance the interests of Urban Forestry and the particular importance of street trees in the Ladd's district. Because the RICAP team ran out of time this year, BPS staff recommends that nothing be done at this time on the Ladd's Addition street tree issue. Staff is informing the UFC, the Historic Landmarks Commission, and neighborhood associations of the delay on this item. They will publish the recommendations for the other 46 items of

RICAP 7 and take the resulting amendments to Council. The Ladd's Addition street tree list will become a rider to RICAP 8, next year's portion of the ongoing code improvement work.

Morgan requested a volunteer from the Urban Forestry Commission: someone willing to work with him on the Ladd's Addition effort, which would include attending a couple of meetings. At about this time next year, Morgan will return to present an update on the work.

Jenn Cairo mentioned being glad this process is getting done. The planting guidelines have been static while the understanding of tree ecology has changed considerably. The new guidelines will call for trees that retain the desired goals of planting certain species. The list will be able to be updated every few years. Ladd's Addition (and the entire city) will benefit from the long term sustainability that species diversity brings.

The City Forester warned that the Asian long horn beetle is a broad killer, but maples are a favorite target. When this beetle arrives in Portland, an area with planted in a monoculture could be devastated all at once. Diversity of species can be obtained while still enjoying the sight of classic tree lined streets.

Brian French asked who was doing the species selection and Jenn explained that staff recommendations and information from other jurisdictions have been used, but not outside consultants. Input will be accepted from all interested parties and Urban Forestry staff is defining the process for creating and updating all tree lists.

David Diaz asked about the policy regarding street tree removals. Morgan Tracy answered that previously the Ladd's Addition Historic Guidelines only allowed for removal of trees in imminent danger and required notification of the Historic Landmarks Committee. Now the neighborhood association will be sent an email as an informal notice of removals. Jenn Cairo stated that removals cannot be replaced by trees on the nuisance list and until a new tree list has been adopted, trees will be decided by staff on a case by case basis.

Morgan summarized that RICAP 7 (this year's recommendations for changes to code) is 350 pages and is going to be heard by the Planning and Sustainability Commission on April 28<sup>th</sup>. In addition, the proposed workplan for RICAP 8 will be heard on the same day. The workplan is selected from items entered into the Regulatory Improvement Request (RIR) Database. The RIR allows people to suggest issues and problems online. Staff ranks them by severity, frequency, and stakeholder interest. Technical corrections are automatically entered into the workplan. Items include gaps in the code, errors and definitions. The proposed workplan for RICAP 8 includes several technical fix requests for Title 11, but is not delving into policy changes for the new tree code. Findings from the Tree Oversight Advisory Committee will be included in a separate project. Following the adoption of the RICAP 8 workplan, staff will begin to evaluate and analyze the issues in more detail and develop initial amendments for a public report due out in December 2015.

### **Heritage Tree update**

Brian French, Committee Chair, gave a brief update. David Diaz reported on an Atlas cedar nominated by Linda Robinson. It may be preserved, but may also be an impediment to a low income housing project. Brian reported that two designated trees were recently lost to storm damage, a madrone and a red maple that will need to be delisted. Barbara Hollenbeck moved to recommend removing designation from them. Kris Day seconded the motion; it passed 6-0.

### **Potential Tree Canopy – Jeff Ramsey**

City Forester Jenn Cairo introduced a Botanic Specialist I working at Delta Park, Jeff Ramsey. Jeff is in a masters program at Portland State University and working on projects dealing with the potential for tree canopy, tree planting strategy and monitoring of Title 11.

Jeff has become the numbers guy at Urban Forestry and his objective observations are critical to understanding the implications of tree policy. Jeff is using street tree inventory data and looking at something not studied here before – canopy potential. This work is modeled after programs used by the USFS and other cities. Technology has previously provided information on canopy and canopy growth. This will allow us to be strategic about all areas of canopy potential, not just as seen from the ground.

Portland's canopy goal is 33% by 2030 and is stated in the Urban Forestry Management Plan, the Urban Forestry Action Plan, the Climate Action Plan, and the Portland Plan. None of those plans tell us how to get there. Parks has done a good job monitoring its trees and the canopy numbers are used as a good data set by researchers all over the country. And Portland's canopy, unlike most cities, is increasing.

Jeff continued by explaining that canopy potential included sidewalks, parking lots and impervious surfaces. Total potential canopy (tallied existing tree spaces added to the new identified planting opportunities) would be 68.3%. Planting less than 10% of that potential would get us to our canopy goal.

Jeff reported that 83% of potential canopy is located on the east side of Portland, a part of town with less tree canopy than New York or LA. The issue of equity and canopy on the east side has often been discussed. With almost a third of development exempt from tree preservation, more building may not give us the canopy we want. The current goal may be too low, since it could be met by planting in areas already with high canopy. The goals were set based on other cities, and were not Portland specific. Even with higher canopy goals, disparities could remain without equity being considered. Industrially zoned land for potential canopy is often along rivers where wildlife will benefit.

Barbara Hollenbeck was recognized to mention the study that overlaid census income information and tree canopy. The financial status of the neighborhood was more of an indicator than race in how many trees there were. David Diaz suggested prioritizing outreach to areas with exempted development. City Attorney Harry Auerbach agreed that the City may find the 33% canopy goal by 2030 to be too low, but reminded everyone that we impose a financial obligation on citizens with street trees. New York and other jurisdictions pay to maintain their street trees.

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

### **Appeal at 3123 NE 49<sup>th</sup> Ave**

Appeals Board in attendance: Chair Barbara Hollenbeck, Kris Day and Brian French  
Staff: Tree Inspector Jim Field, City Attorney Harry Auerbach, City Forester Jenn Cairo and Hearings Clerk Anne Kroma.

Chair Barbara Hollenbeck introduced the Board and disclosed that all three committee members did visit 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 Jim Fields gave a PowerPoint presentation on the two giant sequoias for this denied removal permit. Records show a root inspection in 2013 with one 2 inch root removed at that time. There have been no issues from that sidewalk repair. The south tree has a dominate attachment with a good union. The driveway was repaired in the past and currently shows some cracks.

Jim continued by stating that giant sequoias do not have large aggressive roots so the driveway cracks may not be from the tree. The foundation damage noted on the permit is not likely from the trees 25 to 30 feet away. Sewer work was done by the previous owner with limited records. The most recent sidewalk repair was by the current owner.

Owner and appellant Orly Halpern was given the floor and believes both trees were topped sometime long ago. He researched and purchased some insulated boards intended to slow the growth of roots in lifting the sidewalk. The contractor removed the boards (which allow the roots to compress them) and poured the concrete as usual. There has been some limb failure but only small branches. A neighbor reported seeing some large limbs drop in the past.

Brian French described giant sequoia roots as similar to red cedars, a compact matted root structure with flare at the surface. Harry Auerbach asked about the life expectancy of these trees. It is believed that these are 60 to 65 years old and could live several hundred years. Brian stated there was some included bark but with a strong union and no current active failure. Any defect could be mitigated by cabling. Jim Field recommended continuing routine maintenance and some crown thinning.

Barbara Hollenbeck noted that most of the houses in the area appear to be roughly the same age and many are requiring sewer work on the old pipes. Tree roots then grow towards the leaking water. Permits for sidewalk repairs can help determine frequency.

The trees are large trees with a strong presence in the neighborhood. Pruning was suggested to address the double leader. Inspector Jim Field suggested a soft core curb (asphalt and not concrete) for the work being done by BPOT.

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

Harry Auerbach 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