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**URBAN FORESTRY COMMISSION**  
Meeting Minutes  
May 21, 2015  
Lovejoy Room, City Hall

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- Commission Members present:** Mark Bello, Kris Day, Gregg Everhart, Ex officious Lola Gailey, Secretary Catherine Mushel, Chair Meryl Redisch, Damon Schrosk, and Vivek Shandas
- Commission Members absent:** David Diaz, Brian French, Barbara Hollenbeck, and Ricardo Moreno
- City Staff present:** Portland Parks & Recreation (PP&R) director Mike Abbaté, Chief Deputy City Attorney Harry Auerbach, City Forester Jenn Cairo, City Nature Manager Deborah Lev, Tree Inspector Luke Miller, Elizabeth Specht, Danielle Voisin, recorder Madison Weakley
- Guests present:** Jennifer Karps, Bureau of Environmental Services (BES); Mieke Keenan, Bureau of Development Services (BDS); and Mike Hayakawa, BDS; Roberta Jortner, Bureau of Planning and Sustainability (BPS); Amy Chomowicz, BES; Patti Howard, Senior Policy Analyst for Commissioner Fritz; Doug Klotz, Christina Terry.
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**Call to Order and Public Comments:** Chair Meryl Redisch called the May 2015 Urban Forestry Commission (UFC) meeting to order at 8:00 am.

Christina Terry was recognized to express concern for the protection of the Oregon White Oak, Heritage tree #259, at 3969 N Overlook Terrace. The tree sits on an empty lot that has been put up for sale. The land had been appraised for \$864,000 dollars. The neighbors have raised \$429,000 to buy the land with hopes to turn it into an oak nature spot. The land owner has listed the property for \$2,000,000. Given the value of the developable land, the neighbors fear that the monetary fee will not be enough to protect the tree from unlawful removal or irreversible damage. Christina encouraged UFC members to go to the neighborhoods website, [www.overlookbluff.org](http://www.overlookbluff.org), for more information about their efforts to save the 200 year old tree from being destroyed by developers.

Chair Meryl Redisch said she would distribute an email to the Commissioners with more information and asks that City Forester Jenn Cairo follow up and work with the group to protect #259.

Doug Klotz was recognized to express concerns for the trees along Oregon Department of Transportation's (ODOT) Safety Project along Powell Blvd between Columbia and 34<sup>th</sup>. Jenn stated that Urban Forestry is aware of the project. City regulations do not apply to a state entity. Urban Forestry has not yet heard what the mitigation plan is for the project.

**Review of April UFC minutes:**

Chair Meryl Redisch requested a short review of the final April draft minutes. No edits were suggested. Kris Day moved to accept the minutes. Gregg Everhart seconded the motion. The motion and the April minutes were approved unanimously.

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

Jenn reported that the long time clerk serving the Urban Forestry Commission, Anne Kroma has taken a new role with the parks bond project. Kelly Griffin from the Urban Forestry office will be assuming Anne's duties. Madison will be clerking the meeting while the transition is occurring. An email will be sent out with Kelly's information. Commissioners should begin sending their agenda requests and presentation materials to Kelly.

The Mayor's proposed budget has been published. The two permanent staff that had been requested by Urban Forestry were not included. There is still potential for the third Tree Tech and the Education and Outreach supervisor to be added to the budget or to get funded through a different means.

The Botanical Specialist/Education and Outreach position is posted and will be closing soon. Commissioners David Diaz and Catherine Mushel have volunteered to sit on the interview panel. The Arborist 1 vacancy has been posted. The two Arborist 4 positions will be posted soon. Jenn will send an email to the Commissioners when the positions are posted and asked them to share with any capable acquaintances.

Urban Forestry staff has been reviewing the data from the Urban Forestry Reports and would like to know what kind of information the UFC would find useful. Jenn asked that the Commissioners spend some time to consider what they would like to get from the Urban Forestry Report.

Catherine deferred her comments on communication line pruning until New Business at the end of the meeting. Meryl asked Kris how Friends of Trees (FOT) track tree plantings and loses. Kris responded that FOT conducted a survey of trees last year. 20% of the surveyed trees were replacement trees of recent removals.

**The UFC Chair Report – Meryl Redisch**

Chair Meryl Redisch reported on the effort made to get greater funding from the Mayor's Budget for Urban Forestry. Despite Meryl and three others' testimonies in support of the permanent positions, the council voted against their efforts.

PP&R director Mike Abbaté spoke on the matter stating that Commissioner Fritz pulled the requests for funding of the positions. She stated that she will fund the positions through the Parks Tree Fund and will reapply for budget allocation for the positions next year. Jenn clarified that the money will not be pulled from the fund to plant trees, but from a separate pool of money, the Urban Forestry Trust Fund.

Catherine Mushel brought up concerns about the budget testimony system. Mike Abbaté recommended people write their concerns to the Director of the City Budget Office and cc the Mayor's office. The Director also commended Tree Inspector Myles Black's dedication to Urban Forestry. Myles sat through 3 public hearings until his number was pulled to urge Council to provide more resources to Urban Forestry.

Meryl provided an update on the Paradox Walnut tree at 5024 SE Mill. It was close to being dedicated as a heritage tree last summer. Meryl has been in touch with the developer who has given verbal confirmation that they will be signing the papers consenting to have the tree added to the Heritage list. Meryl will invite the UFC to the small celebration planned for June 9<sup>th</sup>. The goal has been to hold on sending this year's heritage tree list for City Council approval until this Paradox Walnut could be added to the list.

Meryl thanked Commissioner Gregg Everhart for volunteering to serve as the liaison to the Ladd's Addition Project.

Meryl summarized the efforts of the Heritage Tree Committee which met last week to delist Heritage Tree #161, the big leaf linden at 1722 NW 32<sup>nd</sup> Ave. Due to significant decay, the tree is a good candidate for delisting. Commissioner Damon Schrosk asked who had asked for the delisting. UF staff, the Heritage Tree Committee, and the property owner have all asked to have the tree delisted. Kris Day made a motion to delist Heritage Tree #161. Damon Schrosk seconded the motion. Mark Bello abstained from voting. The motion passed with seven yeay votes.

### **Welcome new Commissioners Damon Schrosk and Vivek Shandas – Chair Meryl Redisch**

Meryl introduced two new Commissioners to the UFC: Damon Schrosk, and Vivek Shandas. Vivek will be serving 4 years on the UFC. Damon will be serving 2 years, completing the term of his predecessor. Vivek has been a faculty member at Portland State University in the Urban Studies and Planning departments for 10 years. He teaches courses in mapping and environmental planning. Damon has a degree in ecology and owns Treecology Tree Care. He has been a certified arborist for 15 years.

### **Urban Forestry and Equity Panel Introduction – Chair Meryl Redisch**

Verde, BDS, FOT, and PP&R will collaborate and share how they are looking at the urban forest. They describe how each are addressing equity and the distribution of natural resources. Meryl is expecting Commissioner Fritz and PP&R Director Mike Abbaté to attend.

### **Tree Code Oversight Advisory Committee update – Kris Day**

Kris updated the Commission on the most recent meeting of the TCOAC. Jenn Cairo presented the changes brought on by the Interim Administrative Rule. Each committee member was asked to provide feedback to the presenters on what issues are most concerning to their stakeholders.

The committee received an interim rule adoption timeline which consist of a 180 day open comment period. Kris encouraged UFC members to submit individual comments on their own and through the UFC. Kris brought up issues with the fact that the UFC was not considered a stakeholder in the implementation timeline of the interim rule.

Jenn suggested the discussion on the Interim rule be tabled until her presentation later in the meeting.

### **Neighborhood Tree Teams in FT 14-15 – AmeriCorps members Danielle Voisin and Elizabeth Specht**

Presenters Elizabeth Specht and Danielle Voisin introduced their positions with the City as a partnership with the Confluence Environment Center's AmeriCorps program. Their efforts have focused on recruiting new tree teams in neighborhoods without an inventory and keeping established tree teams active once the inventorying work is completed. To keep teams engaged, Urban Forestry hosts a tree summit once all of the data is compiled each fall. Tree teams are asked to make a team plan detailing how they are going to use the data and move forward. The AmeriCorps members provide resources to the teams to make the events a success. Teams have planned pruning workshops, tree walks, Title 11 information sessions, and neighborhood clean ups.

Kris Day asked how Urban Forestry is going to accomplish the ambitious goal inventory of 21 neighborhoods. Jenn stated that UF has hired temporary staff to increase neighborhood engagement and to gather inventory data.

Jenn mentioned how the program benefits the City identify their assets while also furthering Urban Forestry's goal of voluntary compliance. She excitedly announced that Urban Forestry will receive 2 more AmeriCorps members this fall from the Confluence program.

<BREAK>

Chair Meryl Redisch brought the meeting back to order and presented Anne Kroma with a gift of thanks for her years of service to the Commission. The Commission wishes the best for Anne on her next endeavors.

### **Discussion of Temporary Administrative Rule on Tree Mitigation – City Forester Jenn Cairo**

Jenn began her presentation by explaining the authority behind an interim rule. Interim rules create consistency and transparency of Bureaus' work. The Parks Bureau can create administrative rules to affect Urban Forestry as can the City Forester. This system is modeled on the BDS system that has been in place for a long time.

The goals of Title 11 were to create a fair and simple permit system, improve efficiency, to define a relationship between development and non-development situations, and to limit permitting costs. The interim rule's goals were to make Title 11 reasonable, to establish a connection between regulations applying to non-development and development situations, and balance city-wide goals.

Title 11 is prescriptive in development situations. It leaves room for the City Forester's discretion in Capital Improvement Projects and non-development situations. The Admin Rule defines the City Forester's discretion.

The code defines when a removal application can be denied in non-development. Mitigation of type A permits is detailed in Title 11. The code establishes a maximum and minimum mitigation for type B permits. In cases of tree removal in development, a \$1,200 cap of tree replacement was established. The Admin Rule attempts to remove the disparity by capping the fee at \$1,200 in non-development residential situations to match the cap in development.

Title 11 applied density standards in development situations. The Admin Rule allows the City Forester to apply density standards in non-development as well. The forester can waive replanting if the density standards on a non-development property is met by remaining trees.

Public improvements on public property are exempt from replanting dead, dying, dangerous, nuisance, or trees under the set size threshold via Title 11. The code also requires Bureaus to consult with Urban Forestry early in their planning process. The Admin Rule establishes a maximum replanting standard of 2 new trees for every 1 removed. The bureau conducting the development can decide to replant or pay the fee-in-lieu for each replacement tree.

The Interim Rule is in its 120 day test period. The public comment period ends August 12<sup>th</sup>. The public hearing process begins on August 26<sup>th</sup>. Public hearings must be requested by the public. The public notice will include any updates and edits made by the Commissioner. Urban Forestry Commissioners can send their comments to Mike and Mieke, who will create a log of comments to send to the Commissioner's office.

City Attorney Harry Auerbach clarified that the Admin Rule cannot change the actual Code. Kris Day and Mark Bello argued that the \$1,200 cap on non-development trees is a de facto change to the City Forester's discretionary powers that were written into the code. Chair Meryl Redisch suggested sending that comment to Mieke and Mike. Meryl voiced concerns of the limited protection of trees that are already established in the ground. She doesn't consider mitigation to be protection. She states that this is especially prudent now that there is an undervalued \$1,200 cap on our large trees.

Mark Bello asked why the administrative review process doesn't include the Urban Forestry Commission. Patti Howard from Commissioner Fritz's office offered an answer. The Title 11 implementation process was underfunded last year and staff had to prioritize the implementation process. Had there been funding, UFC would have been included. Harry

suggests that UFC ask for a public hearing to ensure a discussion with staff and City Council about the interim rule.

Meryl asked how the UFC would like to proceed in taking a position on the interim policy. She suggested asking the policy committee to make opinions and bring them to the UFC in July. Catherine would like the policy committee to hold a meeting for the UFC to discuss the interim rule specifically.

Kris and Mark stated their willingness to organize an informational meeting for the UFC. Kris will send out a doodle poll to find a time to meet. Jenn is willing to provide staff time and resources.

### **Urban Forestry Development Review Fees FY15-16 – Jenn Cairo**

Jenn reported that all Bureaus are evaluating their fees and services in hopes of reaching cost recovery. Urban Forestry will be proposing to establish new land use review fees at the upcoming City Council meeting. If accepted the fees will become part of the cycle to review costs each year.

### **New Business**

Catherine Mushel brought new business to the UFC from Eastmoreland Neighborhood Association. They propose that Urban Forestry stop issuing blanket permits to communication companies. She notes that line clearing techniques routinely don't comply with arboricultural standards; specifically removing scaffolding branches of large and young trees alike, and in some cases topping young trees with central leaders. The neighborhood understands that this pruning is not done for the safety of high voltage line workers, as is the pruning mandated by the Federal Government and regulated by the State to clear high voltage distribution lines. The neighborhood has concluded that permitted pruning goes against the expectations set by the City's Approved Street Tree Planting Lists. If a large growing tree is permitted to be planted, property owners expect it will not be pruned and will be permitted to mature with an intact crown 10 feet below the high voltage lines. Communication line pruning occurs around the 16 foot height of the lines and violates every expectation. Neighbors feel that thus violating expectations that this city itself has set up results in a loss of kinship with such trees, an important factor in the property owner's own voluntary care of the trees and compliance with codes. Catherine offered to write a letter for UFC and asks that it be put on the agenda of an upcoming meeting.

Jenn provided clarification that CenturyLink, a recent culprit of code violations, has a blanket permit and has been willing to work with Urban Forestry staff to get back into code compliance. She mentioned there may be redress for people's whose trees have been damaged. She asked that the UFC members take the opportunity at hand to review programmatic permits that are beginning to be issued. She mentioned the best way to make the changes to communication companies permits is to make changes before permits are issued. Comments and suggestions can be sent to Danielle for individual permits.

Meryl said she would email the proposed Century Link permit details to get Commissioner's comments. She asked Catherine to email the Eastmoreland letter to the Commissioners.

Moving forward, Meryl stated that she would send around programmatic permit applications which outline what applicants want to be permitted to do. Commissioners can advise staff on specific activity they think the company or organization should not be permitted to do.

Chair Meryl Redisch adjourned the business meeting at 11:09 am.