
URBAN FORESTRY COMMISSION

Meeting Minutes
February 18, 2016
City Hall, Lovejoy Room

Commission Members present: Chair Meryl Redisch, Vice Chair Barbara Hollenbeck, Secretary Catherine Mushel, Damon Schrosk, Kris Day, Vivek Shandas, David Diaz, Mark Bello, and Gregg Everhart

Commission Members absent: Brian French

City Staff present: City Forester Jenn Cairo, Acting City Attorney Tony Garcia, City Attorney Harry Auerbach, Elizabeth Specht, Shannan Stoll, and Natasha Lipai

Guests present: Jennifer Karps and Amy Chomowicz, Bureau of Environmental Services (BES); Marc Czornij, Matthew Downs, and Patrick Key, AmeriCorps members.

Call to Order and Public Comments:

Chair Meryl Redisch called the meeting to order at 9:17 AM and asked for public comments; no public comments were made.

Review of January UFC minutes

No revisions at this meeting, as Natasha already amended the minutes per Catherine and Barbara's feedback. M. Redisch motioned to accept the minutes; D. Schrosk and B. Hollenbeck seconded the motion; unanimous approval.

Forestry Report: Jenn Cairo

Stop-Gap Amendment Proposals:

The proposed stop-gap amendments to address large trees in development will go to council on March 3rd at 2 PM. There will be an opportunity to provide testimony at this City Council meeting, and written testimony may also be submitted. Expect more information to come via email.

Commissioners Fritz and Saltzman submitted their own set of recommended stop-gap amendments after reviewing existing proposed amendment packages from the Bureau of Development Services (BDS), Urban Forestry (UF), Oversight Advisory Committee

(OAC), Development Review Advisory Committee (DRAC), and the Urban Forestry Commission (UFC).

FY 16-17 Budget:

Budget review is still in the process for fiscal year 2016-17. City-elected officials will take both verbal and written public comment. The public hearing for this budget will be at the beginning of April. The Dutch elm disease (DED) program is still a proposed cut package and would have a major impact on city canopy, as well as on UF staffing capabilities. The other cut package put forth by Parks staff is a 68,000 dollar cut in budgeting toward natural area maintenance and would also have a major impact on city canopy.

Staff Updates:

Shannan Stoll will take some of Jeff Ramsey's duties while he is on family leave. The interviews for the Outreach and Science Supervisor position will be on Friday. To fill two tree inspector positions, Urban Forestry is still evaluating candidates. The vacant Arborist IV position is expected to be posted by the end of February. Finally, the Assistant Program Specialist position will be posted at the end of March.

March UFC Agenda:

The March UFC meeting agenda is full. UFC will be hearing a presentation from BES staff on the update of the Portland Plant List. Part of this presentation will be to clarify the UFC's role in the update of the plant list. Gregg Everhart was credited for extending the public comment period for the list's update. She mentioned that she had concerns about the potentially non-scientific methods used by planners to add trees to the list.

The Oregon Department of Agriculture will also come to give a presentation about proposed treatment for the Asian Gypsy Moth (AGM), especially in Forest Park.

And finally, Arbor Day will be discussed. C. Mushel reminded the UFC that Naito Award nominees need to be submitted soon.

The plant list and AGM presentations are informational in nature, but the UFC is encouraged to provide input during the public hearing window for the AGM treatment.

Chair Report: Meryl Redisch

Mayoral Candidate Questions:

M. Redisch reminded UFC to submit questions for the Parks Board in preparation for the March 3rd meeting. If no other questions are submitted to M. Redisch by the middle of next week, then she will prepare some questions and submit them to the Parks Board. Thanked B. Hollenbeck for submitting a question. The meeting will be from 8 to 10 in the morning in the same room.

Couch Park Renovations:

M. Redisch, on behalf of the NW Couch Park Advisory Committee, announced that plans have been finalized for renovating Couch Park to improve accessibility to the playground and to build a plaza. The plans include the preservation of a horse-chestnut, per

community input and unanimous agreement by the committee. As for other trees, it has been decided that two cherry trees are going to be preserved, while two other cherry trees are going to be removed and replaced with one large-form tree. Two American elm trees are also going to be removed due to Dutch elm disease concerns. UF was involved in this decision.

Parks Board Follow-up on Budget and Stop-Gap Proposals:

M. Redisch asked the Parks Board to write a letter to the Mayor to ask that the Elm Program and the Natural Areas Maintenance Program be included in list of programs not to cut.

The Parks Board also requested viewing all other stop-gap proposals and wants to know if there has been any pushback from developers about the proposals. The Commissioners recommended keeping the proposals simple, especially regarding the threshold diameter and the public notice period. Any component of the amendments that the Parks Board cannot live with will not be included.

UFC Officer Elections:

The elections are coming up, and there are two officers whose terms are up. C. Mushel's term as the Secretary is up, and M. Redisch's term as the Chair is up. B. Hollenbeck's term as Vice Chair is not up yet. M. Redisch asked for volunteers to appoint a three-person election committee. M. Redisch, C. Mushel, and D. Schrosk volunteered to serve on the Election Committee. M. Redisch noted that serving on the committee does not preclude someone from nominating themselves for these elections.

Letter to City Commissioners and Mayor:

M. Redisch clarified that the letter drafted by M. Bello and D. Diaz earlier this week was meant to be a follow-up letter to the UFC proposed amendment package letter submitted to City Council earlier on. This follow-up letter simply states that the UFC supports, with modifications, main aspects of Commissioners Fritz and Saltzman's proposed amendment package.

M. Redisch made a motion to accept the letter.
Motion not approved.

C. Mushel, D. Diaz, and M. Bello recommended making changes to the letter. As soon as edits are finalized, the letter will be sent to the Mayor, City Commissioners, and City Council. T. Garcia reminded everyone to please not vote through email.

Citywide Tree Project Title 11 Implementation Report, J. Cairo

Overview:

This is a report on the year-long implementation of Title 11. Though the code is a major part of this report, other aspects of implementation are also examined. This report has been heard by the PSC. It will be presented to City Council on March 30th.

In your packet, you will find the full report with data on customer service numbers, trees impacted, and an outreach log. There is also a summary of this data. And finally, you will also find a recommendations report from the Title 11 (T11) OAC.

Today's report focuses on the positive outcomes and the challenges of implementation, based on initial goals. Staffing coordination and program development saw mostly positive changes, especially the establishment of Tree Techs, who are dedicated to being a single point-of-contact. In addition, Tree Inspectors, dedicated primarily to development-related projects, are also stationed at the 1900 Building.

UF also experienced significant program development: Standardized CIP processes, renewal of agency programmatic permits, online self-issue street tree pruning permits, and standardizing of development processes. The latter was an opportunity that presented itself in light of all of the other program development. Additionally, there were several training sessions coordinated for City staff.

There were many informational sessions held for the public, sometimes tailored to specific audiences such as neighborhood associations, local tree care providers, and developers. We hired a contractor, Anne Presentin via EnviroIssues, specializing in public outreach. She created an outreach plan that included the new website, the new hotline for tree inquiries with the phone tree, and the "Call before you cut" magnets. We threaded all of the goals of Title 11 into our outreach materials.

The OAC was created to spend a year closely monitoring the implementation of Title 11. Though the OAC concluded in their report that implementation was successful, the canopy outcomes that were intended are not being met and, thus, they are recommending code amendments. Some OAC members that represented the development community left the committee eight months in.

The interim administrative rule was created in order to define City Forester discretion. The UFC was very involved in providing feedback throughout the process of implementing the interim rule. Additionally, there has been significant public concern about the lack of protections for large trees in development situations. City Council will make a decision about implementing stop-gap amendments addressing large tree protections on March 3rd of this year.

And finally, RICAP 8, which stands for Regulatory Improvement of the Code Amendment Project, is underway by the Bureau of Planning and Sustainability (BPS). RICAP 8 is an effort to make clarifying updates to city code and will be heard by City Council in June of this year.

UF invested a lot of effort into monitoring and evaluation over the first year to analyze the data and determine whether T11 goals were being met. The monitoring methods used were designed prior to implementation and embedded into our permit tracking database, TRACS. BDS has also done its own tracking. The analyses that have been done include customer service impact and effectiveness of outreach.

Implementation Data:

T11 applies to a relatively low number of development permits—only 15.7 percent. The impact of the code is more significant with residential permit subtypes, compared with the code applying to only 3.9 percent of commercial permits.

M. Bello asked a question to clarify what types of development permits were included in the study. Shannan Stoll will follow-up with him individually.

One fifth of sites under development that are T11-exempt received the exemption due to the lot size being less than 5,000 square feet, while one third of commercial sites that are T11-exempt received the exemption due to zoning.

The rate of planting and preservation for new single family residential (SFR) construction is similar under T11 to the year prior under 20.40, the old tree code. In both years, close to 85 percent of applicants chose to plant, while around 20 percent of applicants chose to preserve existing trees.

In private property development situations, payment in-lieu of preservation was the highest in residential demolition permits, with 86 permits, or 43 percent of applicants paying a fee in-lieu of preservation. Eighteen percent of new SFR construction paid the fee in-lieu of preservation, while two percent of new SFR construction paid the fee in-lieu of planting. In these replacement plantings, only 13 percent of the trees planted were large canopy varieties, while 87 percent were small or medium canopy varieties. Sixty percent of inventoried trees were preserved where tree preservation was required. The average size of trees preserved and removed was 17 inches in diameter at breast height (DBH).

Non-Development:

The City experienced a 34 percent increase in tree permit applications and a 26 percent increase in the number of public inquiries. Permit applications for private tree removal quadrupled from 2014 to 2015. Ninety five percent of removal permits issued were considered Type A, or non-discretionary. Type A removal permits apply to trees that are dead, dying, or dangerous, or located within 10 feet of a building.

The data tells us that large canopy and evergreen trees are often replaced with smaller deciduous species. There was a net loss of 1,051 large canopy trees, with a net loss of 748 evergreen species. Meanwhile, there was a net gain of 556 small canopy trees. This is important because the Urban Forest Management Plan calls for planting more large canopy and evergreen trees, which bring exponentially greater services. Almost 4,000 trees were permitted for planting in 2015, 52 percent of which were small canopy and 94 percent were deciduous.

What is unknown from this data is how many opportunities there are for new plantings. Given our permit standards that are in place, we are assuming that small canopy trees are going into small planting strips, while larger canopy trees are going into large planting strips. Parks pursued 699 code compliance cases, and 22 resulted in actual

violations. For the first six months, we were soft on enforcement for the sake of educating the public.

Customer service was a big area of improvement. Tree Techs met the 2 day response time 99 percent of the time. Tree Inspectors met initial inspection time goals for 60 percent of permits. The latter has to do with recent staff retirements and increased permit application volume.

The customer service survey focused on non-development tree permit customers. Sixty percent of those surveyed rated our customer service good or outstanding, while 23 percent of them rated the service poor or needing improvement. Most of those surveyed said that their experience improved from pre-T11 experience.

The data indicates that there are major challenges affecting overall tree canopy. First, it indicates that trees being planted will not fully replace the tree canopy being removed, which has long-term implications. Secondly, the tree preservation standards that are in place do not incentivize the preservation of high-quality trees, which is why stop-gap amendments are being proposed, for example. Limited planting space in public rights-of-way restricts long-term tree health and canopy growth. Adequate data to assess long-term trends in the urban forest are not currently available.

Challenges with implementation include relying upon applicants to provide accurate tree plans for most development permits, since staff do not always check for accuracy in the field; relying upon building inspectors to confirm tree-related information; compliance is complaint-driven; the possible unintended incentives to remove trees during demolition; and UF staff workloads result in response rates that are below acceptable levels, in some cases.

Next Steps:

BPS will lead code amendment effort. UF and BDS have a running list of code items that need to be addressed and amended. Some highlights from this list are: Tree preservation standards, payment in-lieu, and exemptions; incentives for tree preservation and flexible development options; discouraging unnecessary tree removal, such as from minor ground-disturbance and demolitions; create incentives for planting large canopy and evergreen trees; and assess the impacts of the recently-filed interim administrative rule. UF will also review the 300 dollar per inch fee in-lieu of planting and preservation, since recent estimates place it at 600 dollars per inch.

In the spring, UF will begin systematic compliance checks for removal permits, rather than only becoming aware from incoming complaints.

Resource Needs:

BDS received one permanent Associate Planner position for Title 11 implementation, with no additional funding requested. UF received 2 Tree Technicians and 2.5 Tree Inspectors for implementation. Because the need was evident, we hired a third Tree Tech and additional policy staff. UF is in the recruitment process for an Outreach and Science Supervisor, and will continue to pursue hiring more Tree Inspectors to improve customer response rates. Recognition was given to the staff who led the monitoring

effort for implementation, including Danielle Bohannon, Mike Hayakawa, Mieke Keenan, Jeff Ramsey, Shannan Stoll, and Stephanie Beckman.

Implementation Report Discussion

D. Schrosk explained that in his experience as a contractor, though it comes up on an infrequent basis, property owners have commented that UF is relaxed about the requirement to replant for tree removals because of the lack of follow-up. In other words, the public is aware of our lack of enforcement of the replanting requirement. B. Hollenbeck shared similar concerns about the fact that follow-up on code-compliance is complaint-driven and reactive. J. Cairo explained that UF is aware of this issue and that Angie DiSalvo will be the lead on establishing a compliance checking program.

B. Hollenbeck recommended that the Resource Needs slide be edited for clarity and to better define “needs.” She also recommended that it include a note about the public being aware of currently weak compliance check capabilities to better justify plans for compliance checking program. C. Mushel reiterated concerns for public buy-in on compliance.

V. Shandas asked whether the current trends in the data are indicative of long-term trends and whether it shows what is going to happen in the next couple of years. He also asked whether the equity of canopy distribution throughout the city can be addressed in the review of T11. J. Cairo said that Urban Forestry is working on finding the tools and staff capacity to look into stronger data analysis, and the latter is a question that BPS is going to explore. J. Cairo also said that certain permitting data is mapped.

M. Bello asked if these reports should include a highlight of the Street Tree Inventory and all of the ways that it will help shape policy. J. Cairo said that today’s report only focuses on implementation, and the inventory is more for long-term management instead of the Citywide Tree Project specifically. But, there will be future discussions on how the inventory and the tree code will connect.

H. Auerbach commented on the importance of educating the public about why it is in their best interests to live with trees.

J. Cairo said to email her for code outreach and implementation report questions and copy N. Lipai.

Meeting adjourned at 10:25 AM.