

---

**URBAN FORESTRY COMMISSION**  
Meeting Minutes  
June 16, 2016  
City Hall, Lovejoy Room

---

**Commission Members present:** Chair Mark Bello, Vice Chair Barbara Hollenbeck, Secretary Catherine Mushel, Meryl Redisch, Damon Schrosk, Vivek Shandas, Gregg Everhart, Brian French

**Commission Members absent:** David Diaz, Ex-Officio Lola Gailey

**City Staff present:** City Forester Jenn Cairo, Acting City Attorney Tony Garcia, Urban Forestry Permitting Supervisor Casey Jogerst, Botanic Specialist Jeff Ramsey, Botanic Specialist Nik Desai, AmeriCorps Members Patrick Key and Matthew Downs, Interim UFC Clerk Natasha Lipai

**Guests present:** Amy Chomowicz and Jennifer Karps, Bureau of Environmental Services (BES); Morgan Tracy, Bureau of Planning and Sustainability, Scott Fogarty and Jesse Batty, Friends of Trees; Joe Petrina, Petrina Construction; Doug Klotz, UFC Policy Committee member; unknown Parks staff person; George Marshall, Hayhurst neighborhood resident

---

**Call to Order and Public Comments: UFC Chair Mark Bello**

Mark called the meeting to order at 8 AM and gave an overview of today's agenda. Meryl commented that the UFC should reference the work plan from the retreat in crafting future agendas. Two members of the public made comments.

Doug Klotz, Policy Committee member

Urban Forestry (UF) should take a more aggressive stance on ensuring that more trees get planted in future Portland Bureau of Transportation (PBOT) projects. He asked why grey infrastructure takes precedence over green infrastructure in City development. He then asked if future grey infrastructure can be planned around green infrastructure. The City should not be too lax with exemptions for tree planting.

Damon responded that Central City Plan 2030 addresses these concerns. Jenn added that PBOT should also hear these comments, since this is an ongoing conversation between the bureaus.

Joe Petrina, Petrina Construction

I'm a private contractor and I want to talk about tree protection. Developers are required to protect a portion of trees at the construction site. The RPZ fencing required to be installed by developers is an expensive burden to property owners, particularly when trees are on the other

side of the lot, far from construction. Additionally, it is not easy for small-scale contractors to transport the fencing in their vehicles. Orange protection fencing is inexpensive and easier for contractors to transport. On a similar note, trees that are far from the site of construction on a lot should not require protection fencing if the contractors will not even access that portion of the property. I am not against protecting trees, but I would like the commission to look at this because the cyclone fencing is a burden to homeowners. In response, Jenn noted the orange protection fencing has been moved during construction, necessitating the heavier RPZ fencing.

Mr. Petrina suggested more time should be allowed for public comments; the Commission Chair concurred.

### **Forestry Report – City Forester Jenn Cairo**

#### **Staffing update**

Four seasonal maintenance workers were hired for new tree establishment, three of whom are returning staff. Urban Forestry establishes trees for the first three years after being planted. Shawndaleigh Baxter is a new establisher that served with the Youth Conservation Crew (YCC) program, a Parks program for teenagers to explore their interest in natural resource work. The YCC focuses on hiring youth from underserved communities. Additionally, two new Tree Inspectors have been hired. Daniel Gleason will be a permanent inspector and Andrew Gallahan will be a temporary inspector for one year. Despite this development, UF continues to be understaffed, especially with Tree Inspectors.

#### **Title 11 Amendments:**

UF has been working for months to get a proper amendment project underway. Jenn thanked the commission for their hard work on this. BPS has agreed to open RICAP 8, an annual process to change technical, less policy-driven parts of the code. One of the items to be addressed in RICAP is to define a development zone so that trees on a property that will not be impacted by development will not need the protection fencing. Commissioner Fritz has heard the commission's concerns. Jenn reminded everyone that BDS has to be on-board.

#### **Dutch Elm Disease:**

Dutch elm disease season is early this year, due to a hot spring. Jenn reminded everyone that an elm pruning moratorium is in effect until October 15<sup>th</sup>. There's some discussion about whether the moratorium will be extended. This will be discussed more during the elm report in fall.

#### **Oregon Community Trees Conference:**

UF was pleased to see some commissioners at the conference and other bureau partners, such as BDS and BPS staff. UF offered free attendance to UFC Commissioners, as well as bureau partners whose work relates to trees and UF's work, and who otherwise would not likely have attended.

#### **Budget:**

Meryl asked if there are any budget updates. Jenn explained that there does not appear to have been any proposed changes since the release of the budget. The Natural Areas maintenance cut is still on the table. Any tree stock that is part of developed parks is paid for by the Tree Planting and Preservation Fund.

Catherine asked if information regarding the RICAP process could be shared with the commission. Jenn said that Mark will cover later. Jenn also said that there are no updates related to the temporary stop-gap amendments.

### **Chair Report – UFC Chair Mark Bello**

Mark met with Commissioner Fritz the day before the June meeting and discussed Title 11, appeals, communications, and diversity.

Mark recommended that the UFC become familiar with the Comp Plan policy, which is now more supportive of the urban forest than before. However, there was little focus on the urban forest in the final adoption process. The UFC will need to promote Comp Plan policies that promote our efforts. He also recommended talking to the Bureau of Development Services and Commissioner Saltzman about being involved in and supporting Title 11 amendments. Title 11 RICAP is the priority, for now. Planning will have a much more formal citizen involvement component.

#### **Appeals:**

Fritz is interested in the Appeals Board treating all appellants the same and following the code. Barbara added clarification that only the Appeals Board may refer programmatic permits to the entire commission.

#### **Communications:**

Since the UFC is only required to have 10 formal meetings, commissioners should consider having a formal meeting in outer NE or SE Portland so that accessibility to the meetings and outreach can be improved.

#### **Diversity:**

There is a long chain of involvement with Portland State University (PSU). The UFC is encouraged to involve the university more thoroughly by having a PSU student join the commission.

Though Title 11 is the one proactive item for right now, the commission seems to have reached a “lull” in workload, at this time. Meryl requested that the UFC Work Plan be forwarded. Catherine later forwarded it to the commission.

Catherine asked how the Education & Outreach Committee can help improve involvement with outer NE and SE Portland. Mark answered that he is seeking regular meetings with Pooja Bhatt to be more organized. Meryl commented that as former chair, she was also able to meet with Parks Director Mike Abbate, and encouraged Mark to do the same. Additionally, he wants to see where Commissioner Fritz would like to go with the Comprehensive Plan before starting work on an outreach strategy for Portland’s outer east neighborhoods.

Brian announced that there is a Heritage Tree tour coming up on June 23<sup>rd</sup>.

Mark ended his chair report with a reminder that the commission should feel free to bring forward any suggestions for improving communications, as well as the monthly agenda.

### **May Minutes Approval**

Natasha proposed adding a placeholder on page 5 to indicate when the non-public Legal Holds presentation took place. Barbara motioned to approve the minutes, including Natasha's changes. Catherine seconded the motion and Gregg abstained since she was not here. The rest of the commission unanimously approved the motion.

### **Appeals Process Review**

Barbara opened by reminding the commission that though the UFC is advisory to the City Forester and staff, the Appeals Board is not advisory. Jenn takes the commission's advice into strong consideration.

The City's Role—City Forester Jenn Cairo:

A permittee or other party, such as a neighbor, may go through the appeal process. Appeals often, though not exclusively, come from tree removal permit decisions.

The Tree Inspector will deny a removal request if the tree or trees do not meet code criteria for approving a removal. The inspector notifies the applicant in-writing about their permit decision. The letter sent includes code citations and advises the applicant of their right to appeal within 14 days of the permit decision. They also advise the permittee on the criteria for having the permit decision overturned at an appeal, which is to show where the City Forester erred in using the code to come to their permit decision. This is to avoid any ambiguity about how an appeal decision is made. If the appellant demonstrates that the City Forester was negligent in upholding the Tree code in coming to a permit decision, then the appeal should be granted. About six permit decisions end up being appealed, per year.

When an appeal is submitted, the Tree Inspector seeks a second opinion from a different Tree Inspector that is not involved in the case. If the second inspector disagrees with the first inspector's decision, then the permit decision is reversed and appeal is granted. Casey, the Permitting Supervisor, may also inspect the tree. If she does not agree with the first inspector's decision, then the decision is reversed and the appeal is granted. Larry, the UF Operations Supervisor, may also do his own assessment. If Larry disagrees with permit decision, then discussion with Casey ensues and they will come to a decision. Jenn occasionally will also look at trees. All UF supervisors are Tree Risk Assessment Qualified. If everyone agrees with initial inspector's decision, then the appeal goes forward.

The UFC's Role—Appeals Board Chair Barbara Hollenbeck:

The appeals packet is assembled by the Tree Inspector and the UFC administrative staff person, then supplied to the Appeals Board via email from the UFC admin. Besides the original permit request, denial letter citing applicable code, and appeal request, the packet includes photos, the replanting plan, site maps, and can include an arborist report, neighborhood testimonials, and neighborhood association comments, among other documentation to support the appeal.

Appeals Board members then may individually visit the site to look at the tree. Board members are prohibited from discussing the case with the appellant, with each other, and with anyone before the appeal hearing, but may ask questions of the property owner. Board members with a conflict of interest must recuse themselves from the hearing and from voting. At the hearing, the Tree Inspector presents the City's case, specifically citing criteria from the tree code that brought them to their permit decision. The appellant must address how the City Forester erred in applying the standards and review factors to come to a permit decision. The appellant is able to ask questions of the Tree Inspector. There may be a period for public comment during the hearing.

The board deliberates and may ask questions of the City Forester or their designee, the Tree Inspector, the City Attorney, and the appellant. The board can agree with City Forester, with the appellant, or can remand the appeal decision back to the City Forester. The Appeals Board is an error-correcting body. It will support the City Forester's decision, unless there is evidence that the permit decision is arbitrary or capricious. Appeals cost \$100 to the appellant.

An Appeals Board member makes a motion to affirm, reverse, or remand decision. The board then votes. If the appeal is denied, the appellant is then informed that they have no further review within the City. They may consult a private attorney if they still wish to pursue this. The UFC admin notes the appeal decision. The board chair writes up a decision record document and signs it, then sends it to UFC admin.

#### Discussion:

Meryl suggested that noting the impact that a tree's removal could have on wildlife, or including a similar statement about environmental impact, on the permit decision letter, might be helpful for permittees to understand the permit decision. Jenn clarified that each item cited in a permit decision letter has a Title 11 citation. If a tree benefit is not included in the template letter, it is because there's no citation from the tree code. If City Council said to go ahead and add an amendment defining wildlife habitat benefits as a review factor to the tree code, then this could be added to the letter. Title 11 gives UF its authority. Mark recommended that Meryl's suggestion be discussed further in future Policy Committee meetings.

Gregg asked for clarification about the civil penalty of \$1000 per violation, per day, if the applicant does not comply with the permit denial. Mark recommended discussing this later, for the sake of time.

#### **Residential Infill Project – Project Manager Morgan Tracy, Bureau of Planning and Sustainability**

Mark thanked Morgan Tracy for his time in presenting to the commission. Morgan is a Land Use Planner and the current Project Manager for the Residential Infill Project (RIP). He was also involved with the drafting of Title 11.

The RIP has been active for the past nine months, jointly led by BPS and a 26-member stakeholder and advisory committee composed of one third neighborhood representatives, one third building and real estate professionals, and one third stakeholders focused on equity, anti-displacement, and historic preservation. The project is in its public comment phase, and is still in the concept level. One open house has already occurred, and five more will be hosted in the

future. After reviewing comments, revised recommendations will be taken back to City Council and it is the bureau's hope that a resolution will be adopted by around December. No code changes related to this have occurred.

#### Project Goals:

Single-dwelling areas are the focus of the project, which makes up 45 percent of Portland's land area. The first concern is infill, as this brings exciting, yet drastic, changes to neighborhoods.

The second concern is the rising cost of housing. In response to community concerns, Mayor Hales has asked BPS to adapt zoning rules to meet the needs of current and future communities. Changing the zoning code is not the only way to address affordable housing issues.

The third concern is the current lack of housing choice. There are two predominant types: single-family detached housing, of which there is currently 56 percent; and large multi-family housing, of which there is currently 39 percent. There is a "missing middle" of housing types.

Morgan thanked the commission for their work protecting the city's canopy. The population is expected to increase to a little over four million by 2035. The average age of Portland's population is getting older. Smaller and more affordable units are needed to accommodate this growth. The community also wants healthier and safer neighborhoods. The goal, by 2035, is to have 80 percent of Portlanders living in "Complete Communities"—communities where people of all ages and abilities have safe and convenient access to places that they need to access daily.

The fourth issue will be to balance multiple, competing objectives. The Comprehensive Plan was adopted yesterday by City Council. Two goals that came up were affordable housing and design around city-nature context. BDS believes that the draft proposal strikes a good balance between these goals.

The project has three topic areas: Scale of houses, increase housing types available, and historic/narrow lots. While housing size should be limited, the size of the house should also connect more to the size of the lot that it sits on. Size refers to floor plan, not footprint, but excludes non-habitable spaces such as attics, porches, basements, and 800 sq ft of ADUs.

Mark requested that Morgan cover more canopy-specific topics connected to this project. Morgan explained that the trend is moving toward increasing house size, which could affect yard size, depending on how many floors. The larger the yard size, the more room there is for trees. Secondly, increasing the front yard setback is encouraged, which would increase room for planting trees. With regards to opportunities for trees on historically-narrow lots; the RIP proposal calls for discouraging, though not prohibiting, driveways or front-loading garages on these lots, which, again, could provide more room for trees.

#### Closing comments:

There are two months left for the bureau to receive public feedback. There is an online questionnaire at: [www.residentialinfill.participate.online](http://www.residentialinfill.participate.online). The "What We've Heard" report will come out in the fall. Catherine and Mark commented that trees do not have a presence on the

outreach materials that are being shared with the public. Morgan responded that the bureau would take that concern into consideration after public input period is complete.

Damon recommended increasing front yard setback to encourage planting large-statured trees. Morgan said that BPS has not had a conversation with PBOT about this. Meryl added that the UFC has not had this conversation with PBOT, either, in the context of this project. Mark and Meryl invited Morgan to the next Policy Committee meeting.

#### **\*UFC in Parks Projects – City Forester Jenn Cairo**

Joe Poracsky was interested in having a committee of UFC that would advise on trees in park properties, including new parks and existing parks receiving renovations. There is an opportunity for UFC to have systematic role on public advisory committees advising on parks development. Jenn asked of the commission: Does the UFC want to be involved, and if so, how does the UFC want to be involved?

There's a lot of focus on underserved areas of town and improving park access. There are 36 active projects, three of them being new parks, and 33 of them being renovations. We have bureau support now to routinely and systematically include tree values in park planning goals and park design processes. The idea is to have trees always at the table, whereas this has not always been the case. To date, there has not been an opportunity or effort to have a "representative" of trees sitting at the table as part of the park planning process. New park designs and renovations have sometimes moved forward without UF input, and this is also being remedied.

Increasing canopy and emphasizing large trees are stated as goals in the Urban Forest Management Plan. Early fall, there will be trainings for parks planners and parks construction staff on what the Urban Forest Management Plan is, what the goals are, and its importance, as well as UF's mission and similarity to the Parks Bureau's mission. There are 40 neighborhood tree teams and many neighborhood tree stewards. There may be a way to notify our volunteer base about new park projects occurring in their neighborhoods.

UF staff have a regulatory responsibility, which can be quite different from an atmosphere of tree advocacy. UF is working on having some of the staff represented on technical advisory committees for these parks plans, which would allow staff to work beyond a regulatory scope.

Parks properties are one of the best places to increase canopy and receive greater protection than trees on private property. Some options for UFC involvement are either to create a Parks committee within UFC, and those commissioners could serve on the public advisory committee, which will meet about six times over the next year working with others who will be advocating for dog off-leash areas, basketball courts, and other park features. Another option is to have a commissioner assigned as a forestry advocate for various neighborhoods or quadrants of town. You also may choose not to be involved. Jenn encouraged other ideas to be brought forward.

Meryl followed-up by explaining that projects are brought to the Parks Board with requests for anyone on the board to participate in the public advisory committee. Meetings have typically been in the evening. Communications between the project staff and the board are well-done. She

read aloud an example of correspondence with Couch Park advisory board where she advocates for large tree planting. Meryl is a liaison to the Parks Board. She asked how advisory committee comments are prioritized in the parks planning process. Jenn said that requests with high input or neighborhood priorities and needs likely play into how committee input is prioritized. Damon asked about the methods by which comments are received by park project staff; Jenn said that she could not speak to this.

Mark shared concerns about UFC vacancies and requested more information before a decision is made. He also asked if the commission could test run a park.

Vivek added that there has been past tension between the community and the development of parks, with a common sentiment of, “Trees are great, just keep them in the parks.” A forestry representative on the advisory committee should think more about the respective needs of each community, in the context of the neighborhood’s existing canopy issues and other issues, as opposed to one-way communication. Jenn stressed the importance of improving the geographic distribution of canopy throughout the city.

Gregg said that this might be substantial enough to have a new committee. There are former commissioners and interested parties that could help form this committee.

Jenn said that she would send a parks project list to the UFC and the UFC can delay action. There is no timeline. Damon asked if any of these projects are high-priority for the commission’s input, as well as who would lead in the triage of making that determination. Jenn answered that this remains a question—whether the commission or UF staff should make that determination. Jenn also clarified that UF staff are involved in parks projects, but on a regulatory basis.

### **ROW Planting Space responses and continued discussion – City Forester Jenn Cairo**

Many questions came up after this topic was discussed at the May meeting. Jenn could not discuss every question in detail, but provided highlights in today’s presentation.

An updated version of the planting standards was provided to the commission. The change is that UF added the total estimated annual cost, per year, of sidewalk repairs due to tree root damage in strips less than three feet wide. This is estimated to be \$300,000 by PBOT and does not include expenses incurred by PBOT or UF in processing, permitting, or inspections. These costs can be avoided by not planting in spaces less than 3 feet wide. An additional update to the document is that the number of trees that BES planted in fiscal year 2014-2015 in spaces less than 3 feet wide is disclosed, which is 124. This is out of thousands, in total. UF also found that 14 large form trees would be needed to replace canopy of the 124 planted trees that would no longer have been permitted under these standards. This is in response to Vivek’s question from May.

Other City Foresters have stated that Portland’s UF department would be remiss in its duties if planting was permitted in spaces less than three feet wide. Jenn indicated the letters from the Vancouver and Corvallis City Foresters. Dr. Julien Dunster, the keynote speaker of the recent Oregon Community Trees conference, spoke on the needs of quality planting as opposed to just quantity of plantings. Jenn encouraged commissioners to do their own research on other city’s planting standards and also encouraged any follow-up questions.

The handout going over the BES programmatic permit issues was shared with the Parks Director, Commissioner Fritz, and others. It shows that a resolution was reached for a majority of these issues. Though significant concessions have been made to BES that compromised UF staff workload, BES did not accept some of the terms, among them the new planting space standards. After initially sharing their draft programmatic permit with BES in November of 2015, BES has had a year to adjust to standards and their old blanket permit was even extended. Despite the science and well-established arboricultural practices that support this minimum planting strip size, it is UF's opinion that BES has not demonstrated an effort to adjust their program to work toward improving tree health and survivability by working within the planting standards.

Other programmatic permits cost the applicant \$5,500, based on staff time costs. As of March 2016, 320 UF staff hours, which totals \$31,900, have been devoted to working on a resolution for BES's issues with their permit. These numbers have been shared, in part, as a follow-up to David Diaz's email sharing concerns about the process. UF takes this planting program seriously. The BES tree planting program permit was issued on June 1<sup>st</sup> of this year and is in effect until May 31<sup>st</sup>, 2018.

UF took the commissioners' comments seriously, and Jenn thanked the commission for their input and valuable work. Since receiving the comments in May, the language of the permit was changed. The permit now includes language encouraging, as a solution to the new planting site size restriction, creating sufficient space for planting or looking for suitable sites nearby. This language is found in Section 3.8 C a, at the bottom of page four, of the permit. Jenn also referred the commission to Section 1.6.

Jenn thanked PBOT for working collaboratively to increase planting space. Jenn then stressed that the choice here is not between a small tree and no tree; rather, the choice is between improving right-of-way space, where possible, and planting nearby, to ensure the tree's health for its entire lifespan. UF gives these options routinely for removal permits where there is no adequate space to plant a replacement tree.

Equity is a central aspect of BES's blanket permit and now its programmatic permit, at UF's insistence. In BES's annual report for fiscal year 14-15, however, they suggested that these equity goals be dropped. UF is committed to equity. Planting trees in low-income and low-canopy neighborhoods is the best way to undo the environmental injustice that is seen by existing canopy distribution. These neighborhoods will never have trees like Eastmoreland if adequate space is not created for future tree plantings. By planting trees in suitable planting spaces to better ensure their lifelong survival, the burden to adjacent property owners is reduced. This policy was developed after extensive research and consideration. It reflects the best science and UF management practices. Commissioners were asked if they had questions.

Barbara expressed appreciation for the future-oriented language of the permit, as opposed to what is easy to do right now.

Damon asked if there is a difference in the cost of repaired sidewalks from large trees in large strips. He also asked about the distribution of sidewalk damage by small trees in small strips

versus red maples, ash, cherry, and sweetgum in large strips. Jenn responded that UF can look into both questions, but may only come up with an estimate.

Meryl commented that this item is a great example of the UFC's role as an advisory board, and thanked Jenn for taking their comments into consideration.

Vivek asked if there is a mechanism for property owners to apply for assistance, financial or otherwise, in establishing newly-planted trees. Jenn replied that there is the Community Tree Care Program, which is a partnership between BES, Friends of Trees, and the Parks Bureau. Friends of Trees runs tree stewardship events, UF provides the training and permitting, and BES provides the funding. This program focuses on low-canopy and low-income neighborhoods. UF also runs its own pruning and tree care workshops. All of these events are free to the adjacent property owner and they may opt-out of participation.

Business adjourned at 10:25 AM.

**Appeal: 4235 SW Pendleton St**

Appeals Board present: Appeals Board Chair Barbara Hollenbeck, Mark Bello, Damon Schrosk, and Brian French

Staff present: Tree Inspector Frank Krawczyk, City Attorney Tony Garcia, City Forester Jenn Cairo, and Interim UFC Admin Natasha Lipai

Guests present: Appellant George Marshall, neighbor to property owner of trees' location

Barbara called the appeal hearing to order at 10:37 AM. Barbara opened the hearing with a business item unrelated to the day's hearing. She asked the board to retroactively vote on a motion that the entire commission voted on at the May meeting. With Tony's approval, Barbara made the following motion: The Urban Forestry Commission finds good cause that timelines can make it burdensome to hear appeals within 45 days and therefore grants Urban Forestry the authority to extend appeals to the next regular Urban Forestry Commission meeting after 45 days has passed. Mark seconded the motion. The board unanimously voted to approve the motion. Tony added clarification that this motion was supposed to be made by the Appeals Board first, and then the entire commission, which is why this is a retroactive vote.

Barbara thanked the appellant and inspector for their time and effort toward the appeal being heard today. She explained that the Appeals Board is composed of four UFC members with a variety of experience in urban forestry issues. The board is an error-correcting body which overturns the City Forester's decision when it is not supported by substantial evidence, or is arbitrary or capricious. She reminded everyone of the appeal hearing process.

When she asked if any members of the board made a site visit, Damon said that he did. No one else made a site visit.

Inspector Frank Krawczyk gave a PowerPoint presentation on three trees that were denied for a removal permit. A total of four trees were listed in the initial removal application, being three Douglas firs and one Oregon maple. All four were initially denied, but upon further inspection, one of the Douglas firs was approved for removal due to being within 10 feet of a building.

Addressing the applicant's primary concern about safety, Frank found that the three trees were healthy and not considered dead, dying, or dangerous, as well as not within 10 feet of a building or attached structure. The other applicable standards and review factors for denying the removal permit are as follows: Objectives for use of the property can be met by practical alternatives; the species are appropriate for the location; the trees' growth habit has not developed in a manner that would prevent continued healthy growth or is not negatively impacting other trees; and removal will significantly affect neighborhood character.

Frank then showed photographs of the trees. Despite claims that the trees had been topped, he found no evidence to support this in his inspections. The one Douglas fir with the "whispy" top was permitted for removal due to being within 10 feet from a building.

George Marshall, a neighbor of the trees' property and the appellant, followed with his presentation. He expressed concerns that the 70-foot tall trees would fall onto his house, which is only 20 feet from the trees. A few years ago, he had a tree removed near these trees with the center of the trunk rotted out. He shared a photo of that stump with the rotten core. He said that the outside of the removed tree appeared completely normal, just like these trees that have been denied. George is concerned about the strong winds in the area that can cause the trees to bend severely and shed large limbs.

George also expressed disappointment that, when contacted by other Urban Forestry staff, the main concern was addressing property owner liability and not empathy about the possibility of one of these trees failing and causing injury after being denied a removal permit. He closed his presentation with a request to reconsider the permit decision and allow their removal.

Barbara opened up the floor for comments. When she asked Frank how many certified arborists had inspected these trees, he answered three, being himself, Charlie Carroll, and Casey Jogerst. Barbara then asked George what Mountain View's findings were about the condition of these trees. They found no reason for concern about the trees' health. Mountain View is a private tree care company. Barbara then asked Frank if he missed that the permitted tree was within 10 feet of the building upon the first inspection; he answered that he did not miss it, but that he considered all trees to be under one Type B removal permit request, which is why they were all initially denied. Jenn added that the decision to issue a Type A permit to the Douglas fir within 10 feet of the building was made in deference to the applicant, upon the initial denial.

Mark asked when the photo of the stump with decay was submitted. Frank said that it was submitted with the original removal application, so he had the information about the previous removal from the beginning.

Brian asked the appellant if any tools were used to find decay inside the trees. The appellant said no. Barbara added that the City's recommendation is to deny the removal unless evidence is brought forward, so using tools to find this would be an option for the applicant or appellant.

Damon summarized his findings from the site visit by saying that there was slight swelling of the trunk, which is a possible, minor indication of internal decay on the permitted tree. He did not see this on the denied trees.

Mark asked about what happens if the department receives additional evidence after the appeal. Casey explained that Urban Forestry inspectors do encourage appellants to bring forward evidence to show that the tree will fail, if an appeal has been submitted.

Barbara closed the comment period and asked if there was a motion.

Damon made a motion to deny the appeal and uphold the City Forester's decision. Brian seconded the motion. The board voted unanimously to deny the appeal and uphold the City Forester's decision.

The appeal was denied. Barbara thanked the appellant for coming in and informed George that he has the option to consult a private attorney if he wants to pursue the matter further, but that there is no further review within the City.

Appeal Hearing adjourned at 11:03 AM.