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**URBAN FORESTRY COMMISSION**

Meeting Minutes

July 21, 2016

City Hall, Lovejoy Room

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

**Absent:** City Attorney Tony Garcia

**City Staff present:** City Forester Jenn Cairo, City Attorney Judy Prosper, Urban Forestry Permitting Supervisor Casey Jogerst, Tree Inspector Jesse Nellis, Botanic Specialist Jeff Ramsey, Botanic Specialist Nik Desai, AmeriCorps Members Patrick Key and Matthew Downs, Interim UFC Clerk Natasha Lipai

**Guests present:** Emily Roth, Portland Parks & Recreation; Amy Chomowicz, Bureau of Environmental Services (BES); Jeff Caudill and Sallie Edmunds, Bureau of Planning and Sustainability; Erica Timm, Friends of Trees; Nate Scott, Kate Freitag, Larry Krettler, and Shelli Romero, Oregon Department of Transportation

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

Mark called the meeting to order at 8:04 AM and gave an overview of today's agenda. No public comments were made.

**New Business: UFC Chair Mark Bello**

The commission is currently dealing with planning code issues, transportation issues, the BES permit, and other issues. Mark asked each commissioner to give input on areas of interest and items to focus on for future meetings.

Meryl said it was helpful to read the Urban Forest Management Plan (UFMP) to see where the department stands in its goals. She said we should focus on revising the management plan. Meryl also expressed concern about not having a full commission and was interested in when interviews can begin.

Gregg commented that she does not want the Parks projects item to get lost. She expressed concerns about losing Heritage Tree Committee members. She also wants to know how to deal with the \$1,000 penalty for Heritage Tree violations.

Damon agreed that UF should work on the Heritage Tree penalty issue. He also expressed interest in addressing tree preservation and the current Title 11 exemption for lots that are less than 5,000 square feet in area.

Brian also expressed concern about the existing Heritage Tree penalty. He also agreed that large tree preservation and the current Title 11 exemption for lots less than 5,000 square feet in area should be addressed.

Catherine said that she hopes the commission will address equity, as it relates to outreach and meeting our goals in underserved communities. She expressed hope that humanities-focused techniques would be embraced as much as scientific techniques, with regards to improving Urban Forestry's (UF) services. She agreed that forestry needs to be taken more seriously in land use planning, especially in the Residential Infill Project, and also agreed that current Title 11-exempt lots should be revisited. She later agreed that the UFC By-Laws need to be updated soon.

Barbara agreed that it is time for the UFMP and Urban Forestry Action Plan (UFAP) to be revised, and said it is important to come up with condensed, more accessible versions of each document. She also expressed concern about having one and possibly soon-to-be two vacant positions on the Appeals Board, and agreed that recruitment of new members needs to happen sooner rather than later. Lastly, the UFC By-Laws are due for updates.

Mark thanked the commissioners for their feedback. He introduced Judy Prosper as the Deputy City Attorney substituting for Tony Garcia while he is on vacation.

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

In response to the By-Laws comments, the City Attorney's office is working on By-Law templates. Reminded commissioners to please let her know if there are topics they want to hear about in the Forestry Report.

### **BES Programmatic Permit:**

There will be no BES appeal for their programmatic permit. Commissioners Fritz and Fish worked together to update the permit language. Major changes include no longer requiring monthly reports submitted to UF, a reduced the minimum caliper to one inch, and a minimum strip width to 2.5 feet. This issue is now considered resolved.

### **Urban Forestry Management Plan and Urban Forestry Action Plan:**

Both plans are guiding documents for UF, and if something is not defined by code, we use the UFMP or UFAP. There are 64 action items on the UFAP. An update of the UFMP is scheduled for Fiscal Year (FY) 17-18. There will be a robust stakeholder engagement component and the UFC will be involved.

### **Parks Projects and Trees**

At the last meeting, it was mentioned that there is an opportunity for the UFC to be involved in the Parks land planning process, as representatives for trees. There are ten Parks projects for FY 16-17 that staff believe to have a significant tree impact, such as planting or removal. She

recommended inviting a Parks planner to discuss or talk more about these projects later. There are about six public advisory group meetings per project, which last two hours each.

#### New UFC Members:

The Commissioner's office wants to see more diversity in the UFC applicant pool before proceeding with interviews. There needs to be a way to find more applicants to represent underrepresented communities. There are five active applicants. Jenn will speak with Art Hendricks about strategy.

#### Staffing Updates:

Rick Faber has been selected to be a limited-term Assistant Program Specialist to assist Casey Jogerst in permitting processes. He will also provide support for the IT Advancement Project (ITAP), code compliance, and will serve as a presence representing UF at inter-bureau meetings. An offer will be made soon for the permanent Assistant Program Specialist. Jenn thanked Mark for helping with interviews.

Additionally, we are recruiting for a limited-term ITAP Coordinator, funded by the Bureau of Development Services. This position will work on updating the permitting software used by inspectors.

The Botanic Specialist II recruitment has closed and applications are currently being reviewed.

There are two Arborist IV positions that should be posted by July 25<sup>th</sup>.

Lastly, please email your T-shirt size to Natasha.

Damon thanked UF for working with BES and addressing their concerns.

#### **Chair Report: UFC Chair Mark Bello**

The commission has a lot on its plate and seat vacancies make this more difficult. He agrees that all of the issues mentioned by commissioners earlier, such as updating the By-Laws, improving outreach strategy, and code amendments, are all very important. He and Jenn are currently working on a presentation intended to be more than an elevator speech to promote the UFC. The recruitment of new members is Mark's priority. He also restated the importance of holding meetings out in East Portland.

Meryl asked, since Pooja is new, if it would be helpful to emphasize to her how difficult it is to move forward on UFC projects without a full commission. She expressed concern about losing the interest of received applicants and is looking forward to any help received from Art. Gregg agreed that UF and the UFC need to move forward with recruitment. Damon suggested maybe filling one seat for now, while also working on diversity goals.

Jenn said that she will follow-up with Pooja and explained that it takes a lot of time and investment to build relationships with underserved communities.

Catherine explained that there is no strategic piece on outreach, as of yet. She recommended focusing on expanding geographic representation in recruitment, if other diversity goals cannot be reached.

David recommended input on the operations of the Nominating Committee and expressed interest in better utilizing modern technology to supplement the commission's public meetings and be more productive.

Mark recommended spending the first hour of the monthly UFC meetings clarifying and prioritizing goals. He also wants to clarify the UFC's role in code amendments and updating the UFMP. The commission needs to have a continued presence at Budget Advisory Committee meetings.

Damon mentioned that he has heard good things about Parks' outreach staff person Elizabeth Kennedy-Wong. Is it possible for UF to work with her? Jenn responded that she has reached out to Elizabeth; she is in high demand.

Catherine agreed with Barbara's earlier comment that the UFMP and UFAP should be more condensed for the public. Can UF consider assigning staff the task of coming up with condensed versions of these documents for both the UFC and the public? Jenn responded that she is discussing staffing needs with the Parks finance manager and explained the variety of tasks that Natasha is assigned to, while emphasizing that there is significant staff time devoted to UFC support.

Mark recommended having an organized task list for commissioners and staff. He expressed an interest in sitting-in with committee meetings to be more connected. He also restated his interest in connecting with Portland State University and recruiting a student member.

Mark said he is appalled at the recent cedar removal due to a lot split in the Multnomah neighborhood; wants to re-visit existing policies that allow for significant removals such as this.

### **Central City Plan 2035 Proposed Draft: Jeff Caudill and Sallie Edmunds, Bureau of Planning and Sustainability (BPS)**

Jeff thanked the commission for their time. This presentation focuses on the changes that have been made since the release of the Discussion Draft. He reminded the commission that the Central City includes the Lower Albina area, Lloyd District, Pearl District, Old Town/Chinatown, Downtown, Goose Hollow, the South Waterfront area, and the central east side.

#### **Central City Proposed Draft:**

Working collaboratively with Parks, BES, and PBOT, the bureau used GIS, among other tools, to project future canopy. The sites modeled include development areas, rights-of-way, riverbanks, and parks. There are achievable canopy targets for CC Districts, which are consistent with the Portland Plan.

The use of 2014 LiDAR imagery brought the biggest change between the Discussion Draft and Proposal Draft. Use of this newer imagery improves the accuracy of existing tree canopy estimates and actually increases canopy estimates by 155.5 acres, or 84.5 percent. Removing narrow planting strips from potential canopy estimates was another major change. Narrow planting strips are defined here as planting strips three feet or less in width, as well as any strip four feet or less in width that would require a concrete cutout, in accordance with UF's planting standards. As a result, potential planting spaces were reduced by 23 percent. Other updates include new building setback estimates and the incorporation of additional tree canopy from planting on buildings and in flexible streets. Additionally, the number of sites expected to use the Central City Master Plan was expanded because this is now optional for any site over 80,000 square feet.

In response to Mark asking about potential canopy in Lloyd District, Jeff explained that they may want to promote strengthening tree requirements in this neighborhood, and the Planning and Sustainability Commission should hear that.

Meryl asked if a number of trees could be quantified in the plan's canopy estimates. Jeff explained that that data is not available, since they only looked at canopy coverage as a percentage or in acreage. Planting strip sizes are considered in these estimates.

#### Scenic Resources and Trees:

The riverbank setback has increased from 25 to 50 feet, which means there will be more landscaping needs. The plan encourages mixing tree species. Trees will not be permitted to be planted in designated view corridors along the river; these view corridors make up about three percent of the riparian area. Though tree removal will be permitted within these view corridors, tree replacement will be required.

In upland area view corridors, the new plan draft proposes to update zoning codes to allow for tree removal within view corridors that overlap with environmental overlay zones. Tree replacement would be required, and this would not allow for the removal of all trees within a view corridor. There is an effort to strike a balance between the view and the importance of trees as a resource.

There are some view corridors that people want to see restored, based on some of the public comments received by BPS. But, the current plan does not propose fully restoring any of them, in an effort to preserve some of the existing tree canopy.

There will be hearings on the CCP on July 26<sup>th</sup> and August 9<sup>th</sup>. The UFC is invited to provide testimony at either of these hearings, but please not both. There will be work sessions on September 27<sup>th</sup>, November 11<sup>th</sup>, and November 22<sup>nd</sup>.

#### Closing:

Mark recommended himself or another commissioner meet with the CCP staff, or write a statement letter. Damon volunteered to meet with CCP staff. Judy clarified that different small groups of commissioners may meet with BPS, but there cannot be a quorum, or else it is considered a public meeting.

Jenn touched on Meryl's earlier question about quantifying potential trees to be planted and emphasized that the City should start to look at trees this way. Jenn proposed it be set by the need for tree services rather than by current available space. Portland's likely losing tree space. The City sets targets for other infrastructure based on needs, rather than on existing capacity, for example housing. Vivek wondered whether these future canopy projections were aspirational, since there are so many other factors that can contribute to the growth of canopy. He also expressed concern about the large form trees that continue to be removed under development, and how canopy goals can be balanced with housing pressures. Jeff responded that while his team continues to look at these factors, this would ultimately be more of a Title 11 issue. Catherine expressed concerns about inconsistency in the proposed soil volume plan and in counting trees; David gave closing comments on large trees planted in small spaces, especially how to recover that canopy, and Gregg recommended using the new LiDAR data to find potential new Heritage Trees, as well as using the Street Tree Inventory data to help advocate for more tree planting space on the ground.

### **David Diaz Farewell**

Mark thanked David for his service and bid him farewell, on behalf of the entire commission. David gave recognition to the UFC for good, passionate work, and explained that he would be tying up loose ends and continuing to do some work with the Azavea internship.

### **June Meeting Minutes**

Natasha mentioned that Morgan Tracy provided correct percentages of housing types and proposed corrections on page six. These corrected numbers were brought to her attention by Catherine via email. Barbara motioned to accept the minutes with the stated corrections, Gregg seconded the motion. The commission unanimously approved the motion to accept the minutes.

### **UFC Letter to BPS regarding Residential Infill Project**

This letter was drafted by Meryl and provided feedback to BPS regarding the Residential Infill Project. After the commission took a moment to read the letter, the following recommendations were made: Mark recommended dropping the word "bonus" when mentioning additional dwelling units because the definition of "bonus" is unclear, at this point; Damon recommended changing the minimum tree diameter (DBH) to 20 inches instead of 36 inches, in the letter's suggestion to require large tree preservation with adjustable setbacks; and David recommended that tree preservation should be advocated for in the proposed plans, as well as citing Title 11 in the 20 inch DBH threshold section. Mark made a motion to accept the letter with these proposed amendments; Catherine and Damon seconded the motion; the motion was unanimously approved. Meryl will add all corrections.

### **Heritage Tree Committee Report: Committee Chair Gregg Everhart**

Gregg expressed both concern and hope about losing a member of the committee, with David's departure, as well as with a pending UF staff point-of-contact change, with Angie's recent promotion. The committee's goal is to designate more Heritage Trees, especially in areas of Portland where there are not many Heritage Trees. She hopes the committee will work with Jackson and Vivek at Portland State University in using modern technology and data to find potential Heritage Trees and update existing Heritage Tree data. She also wants to explore how

to better work with Multnomah County to get Heritage Trees noted on property records. Although there is already a “Tree of Merit” status for specimens that do not quite qualify to be a Heritage Tree, the committee wants to eventually propose creating a new program for native trees so that all neighborhoods have at least one native tree. She reminded the commission that the process for adding Heritage Trees to a deed is time-consuming.

**AmeriCorps Final Report: AmeriCorps Members Matthew Downs and Patrick Key**

Botanic Specialist Nik Desai introduced AmeriCorps members Matthew Downs and Patrick Key. Matt and Patrick both volunteered on the Street Tree Inventory with UF before becoming AmeriCorps Tree Plan Coordinators. Nik invited the commission and all others present to a farewell picnic for Matt and Patrick happening July 28<sup>th</sup> at the UF headquarters in Delta Park. Both are completing their AmeriCorps term of service at the end of July and provided a final report on their service with UF and Confluence Environmental Center.

Matt and Patrick spent the majority of their 11-month service term directly working with UF, while about 20 percent of the time was spent in professional development activities with their AmeriCorps cohort of 20 members. Matt and Patrick both participated in the Neighborhood Tree Stewards program. Both coordinators started building relationships with volunteers that attended the Street Tree Inventory Summit in November, where their main role was to help existing Neighborhood Tree Teams come up with management plans to guide tree stewardship, specific to their neighborhood’s canopy needs, based on the tree inventory data. Additionally, both coordinators conducted outreach to neighborhoods that had not yet participated in the Street Tree Inventory. A total of 12 neighborhood groups submitted applications to participate in the Street Tree Inventory, thanks to their outreach.

Matt and Patrick coordinated volunteer events with 14 Neighborhood Tree Teams. The teams from St. John’s and Roseway neighborhoods were this year’s underdog tree teams, with well-attended events after being inactive or new to working with UF. The tree teams from Eastmoreland, Sunnyside, Woodstock, and Laurelhurst continued to be highly active, as in years past. David Hedberg was a great resource for tree history workshops and for making connections with community members. Matt and Patrick coordinated a total of 11 pruning workshops, which were set up to be a hands-on learning experience all the way throughout the work day with the help of volunteer Arborists. The coordinators gave special recognition to active volunteers such as Hakima, who is now a Youth Conservation Crew participant and continues to be active in volunteer activities. One of, if not the most well-attended work day was the King-Sabin pruning workday, with 50 participants!

Matt and Patrick coordinated a total of 22 Saturday events, engaged 269 participants, and a total of 1,096 hours were given by volunteers.

Part of their AmeriCorps service with Confluence was to work on a Change Agent Project (CAP). Matt and Patrick worked together to form a non-profit called Tree-of-Heaven Eradication Now, which is focused on the eradication of the highly-invasive tree species *Ailanthus altissima*, or tree-of-heaven. In addition to assisting residents with the removal of tree-of-heaven, they have installed weed wrenches in local tool libraries and created informational brochures. They intend to continue running the non-profit after the end of their service.

Business adjourned at 10:27 AM.

**Appeal: SE Powell Blvd between SE 20<sup>th</sup> and SE 34<sup>th</sup> Ave**

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

Staff present: Kelly Koetsier, Casey Jogerst, Jesse Nellis, City Forester Jenn Cairo, City

Attorney Judy Prosper, and Interim UFC Admin Natasha Lipai

Guests present: Nate Scott, Kate Freitag, Larry Krettler, and Shelli Romero, appellant party from Oregon Department of Transportation (ODOT)

Chair Barbara opened the hearing with a brief reminder of the role of the Appeals Board (AP), being that the board is expected to uphold the City Forester's permit decision unless the decision has been found to be capricious or in violation of Title 11.

No one announced a conflict of interest in this case or any ex-parte contact. All AB members visited the site under appeal, which is a stretch of SE Powell Boulevard right-of-way between SE 20<sup>th</sup> Avenue and SE 34<sup>th</sup> Avenue.

Tree Inspector Kelly Koetsier gave an overview of the permit decision under appeal. He, along with Tree Inspector Dylan Saito and Permitting Supervisor Casey Jogerst, agree with the decision to deny the removal of 11 linden trees along this stretch of Powell, out of 21 lindens and two maples requested for removal. All three UF staff persons are Certified Arborists and qualified Tree Risk Assessors.

Though 10 other lindens and two maples were approved for removal due to being dead, dying, or dangerous, the remaining 11 lindens were denied removal due to being considered in good condition at the time of inspection, being appropriate for their site, and not creating an unreasonable burden of maintenance for the adjacent property owner. Chapter 11.40.040 of Title 11 was cited in the denial letter. ODOT project staff appealed the decision because it is their opinion that UF failed to designate the remaining lindens as dangerous according to Title 11, as well as failed to comply with other State or Federal regulations. It is UF's opinion that the traffic situation is dangerous, not the trees. UF recommended alternative solutions, such as structural pruning, pedestrian beacons, restricting right turns, and adding closed crosswalks. UF was not aware of ADA accommodation as a major fixture of the ODOT project.

ODOT Project Manager Nate Scott also gave a presentation. It is ODOT's opinion that the placement of these trees reduces visibility and presents a safety issue in the moments before a collision; thus they should be considered dangerous as per Title 11 language defining a dangerous tree as presenting "a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning," and that is "likely to injure people or damage vehicles." The geometry of the roadway, in combination with the placement of these trees, prevents motorists and pedestrians from seeing each other in the moments before a collision can occur. The trees were chosen for removal through rigorous testing by transportation engineers.

It is ODOT's opinion that the tree code's definition of a dangerous tree should include trees that present a public hazard due to their placement, as on Powell Blvd, not necessarily be restricted

only to the tree's condition. Nate cited chapters 11.05, 11.10, and 11.40 of Title 11, which state that public safety is the deciding factor in disputes. Additionally, chapter 11.05 states that the City Forester must recognize the jurisdiction of other agencies in permit decisions.

Shelli Romero added that Powell Boulevard has the highest occurrence of pedestrian fatality and injury. She stated that there is documentation that these trees are a contributing factor in the high occurrence of traffic accidents.

Damon asked if there were discrepancies between the findings of ODOT and PBOT regarding the proposed removal of these trees. Shelli explained that ODOT worked with PBOT in the earlier stages of the project; PBOT initially provided review for seven trees that were proposed earlier on in the project. Jenn explained that in evaluating all 23 of the trees, PBOT agreed that six should come out, all of which were approved among the 12 permitted removals for this project. PBOT did not concur with any of the 11 denied trees proposed for removal.

Damon asked if there was any adequate rooting space for these trees. Kelly replied that there are very few emergency responses along Powell, and lindens are hardy for urban areas and make great street trees. The planters are small, but the trees denied had a strong canopy with minimal dieback. The trees approved for removal were in smaller wells with crowns that were not as healthy and contained structural defects. Everyone was reminded that the adjacent property owner is responsible for the maintenance of these trees.

Jenn added that if healthy trees come into conflict with sidewalk, UF works with PBOT to expand the unpaved space available for the tree, rather than default to removal. Shelli commented that the lack of maintenance on these lindens is an issue.

In regards to the differing findings between ODOT and PBOT, Larry Krettler commented that each agency uses different definitions and standards for determining safety, such as the visibility of a vehicle by a pedestrian. The project staff defer to ODOT's standards.

Brian asked what mitigation would be for the removal of these trees, and also commented that street trees have been found to slow traffic speeds. Shelli answered that mitigation would be two-for-one tree replacement, possibly in a variety of locations.

Mark asked if any of the denied trees present clearance issues and asked how many are near crosswalks. Kelly answered that while there were no clearance issues over the street, some did not have proper clearance over the sidewalk, such as tree number 2. One at SE 21<sup>st</sup> and one at SE 26<sup>th</sup> also present clearance issues. ODOT has received the recommendation to add rectangular wrapping pins at SE 24<sup>th</sup>, SE 31<sup>st</sup>, and SE 34<sup>th</sup>. However, Kate explained that this would not alleviate the need for removal because the trees line up with where the pins would need to be placed, which does not allow for visibility.

Barbara closed the discussion period and the board members deliberated among themselves. Damon expressed concerns that two different codes were used to identify dangers to the public. Barbara commented that the AB must work with Title 11; Damon agreed. Mark commented that

the reality of all factors is important in this case, including motorist speeds and the layout of the road.

Damon asked if factors in chapters 11.05 and 11.10 of Title 11 are part of decision-making in an appeal. Brian said that if these were applied to every street in Portland, there would be no street trees. Barbara said that the more restrictive code is the overriding code in disputes.

Jenn explained that if ODOT presents evidence of no alternative to tree removal, then the removal of these trees can be approved. UF looks to PBOT's expertise in traffic safety. PBOT staff agreed on the removal of six trees in this case, all of which were permitted for removal.

Shelli commented that ODOT has data to back-up that these trees are a contributing factor to traffic and pedestrian safety. She seemed doubtful that a PBOT engineer would approve, with confidence, the removal of the 11 remaining, denied trees.

In response to Damon, Jenn clarified that if ODOT wants to remove these trees under an ADA upgrade project, this would need to be requested through the development process. They did not go through the development process in this case, nor were the ADA upgrades established as a main fixture of their project. Because the ADA component was not known to UF prior to the appeal, it was not on the table as a factor in the AB making a decision.

Mark made a motion to deny the appeal; Barbara seconded the motion; the board unanimously voted to deny the appeal.

Appeal hearing adjourned at 11:25 AM.