



AMANDA FRITZ, COMMISSIONER

MIKE ABBATÉ, DIRECTOR

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**URBAN FORESTRY COMMISSION**

Meeting Minutes

October 20, 2016

City Hall, Lovejoy Room

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| <b>Commission Members present:</b> | Chair Mark Bello, Secretary Catherine Mushel, Meryl Redisch, Damon Schrosk, Vivek Shandas, Gregg Everhart, Vice-Chair Barbara Hollenbeck  |
| <b>Absent:</b>                     | Brian French  |
| <b>City Staff present:</b>         | City Forester Jenn Cairo, City Attorney Tony Garcia, Outreach and Science Supervisor Angie DiSalvo, Assistant Program Specialist Brian Landoe, Permitting Supervisor Casey Jogerst, Tree Inspector Jesse Nellis |
| <b>Guests present:</b>             | Jennifer Karpis, BES; Katie Dunham (PPR); Barry Manning, BPS; Bruce Nelson; Scott Altenhoff; Cynthia Bidnick; Thomas Coleman; and other members of the public   |

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

Mark called the meeting to order at 8:03 AM. One member of the public provided public comment.

*Scott Altenhoff, City Forest with City of Eugene.*

Mr. Altenhoff is taking a graduate course at Oregon State in Urban Forestry Policy, Planning, and Management, a requirement of which is to attend tree board meeting, evaluate it and report back to the class.

In response to various questions, Mr. Altenhoff stated that the City of Eugene has a tree code, although it is due for revision. The city does not have a tree board, and he is interested in cultivating one. A previous tree commission was formed to develop the 1992 forest management plan, but it was dissolved once the plan was finalized. A nonprofit, the Eugene Tree Foundation, does exist, and has merged with Friends of Trees.

Jenn mentioned that Mr. Altenhoff presented at the Oregon Community Trees conference in June on Eugene's tree maintenance program and their successful effort to retain older trees.

**New Business: UFC Chair Mark Bello**

*RICAP 8 Hearing*

Mark led a discussion to finalize a date for UFC's RICAP 8 Public Hearing. It was decided that the hearing would be held on December 7<sup>th</sup> from 5pm to 7pm.

Tony noted that discussion on RICAP should not be taking place over email.

### *Street Tree Inventory Summit*

Make discussed the Street Tree Inventory Summit which is November 5<sup>th</sup>, 8:30 to 3:30. The afternoon session is largely for the tree teams, so the morning is the critical time. UFC is planning on having a table. Jenn recommended inviting all of the Commissioners as well. Mark would like people to arrive 30 minutes early to setup the table.

Barbara noted that in public meetings it's helpful to have a way to bring it home. Asked Vivek if there is a way to use tree canopy analysis to help people see the local impact of trees. Jenn noted that we have the entire city mapped through the inventory project. Jenn is also working with staff to develop strong talking points for the UFC to use at events like this.

Catherine said she has done this in a neighborhood setting and it's a revelation for people to learn about the trees in their yard. We need to make it fun for people.

Mark is going to talk with Nik tomorrow on logistics and will send an email out in advance of the Summit. Could be as simple as having a table with a few Commissioners and information.

### *Upcoming Events*

Meryl made the UFC aware of two other events. A Tree Advocacy Workshop will be held Friday, November 4<sup>th</sup> at Tabor Space, 5411 SE Belmont. Scott Fogarty (Friends of Trees), Vivek Shandas, Jenn Cairo, and others will share tools for proactive efforts to preserve healthy trees, expand the urban canopy, and other topics.

Next Thursday, October 27<sup>th</sup>, in the Jade District. City Council will be leading and presenting with U of O graduate students a design array for reimagining the Jade District. Meryl will send information on both events to Brian Landoe for distribution.

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

Jenn reminded the Commission that Tree Inspectors are responsible for tree emergencies, so in storms permitting does slow down while the Inspectors respond. Over the weekend, Urban Forestry responded to 80 emergencies, resulting in more than 180 hours of staff time. No injuries occurred and response went well. Crews will be finishing clean-up for at least another week.

The 2016 Neighborhood Tree Steward has begun. Thanks to Damon, Brian, and Mark who are serving as instructors. Thirty-four people have signed up, representing a wide range of Portland neighborhoods. Jenn also added that Khanh Pham of APANO will be presenting as part of the program to discuss engagement in the Jade District.

The next local tree care provider workshop will be held on November 16<sup>th</sup>, which provides professional training for arborists to explain permit requirements and UF expectations. Any provider that participates is added to UF website listing certified arborists who have completed the training.

Tomorrow, Friday, interviews for the final two candidates for the UFC vacancies will be held. Gregg, Mark, Jenn, Pooja, and Brian are participating.

Jenn provided a follow up on the public comment at the September UFC meeting from Mr. Lowe-Charde. The site was inspected by a Tree Inspector after a permit was issued by BDS and found that 1.25" caliper trees were planted, rather than the required 2.5". The developer asked for an exception to the size requirement. The Tree Inspector and supervisor informed the developer that there is no warrant for an exception, and recommended contacting nurseries for correct caliper. The developer noted that Friends of

Trees advised them they were allowed to plant smaller caliper trees. Supervisor will contact Friends of Trees to discuss why the process was not followed correctly. The developer did replant appropriate sized trees. Jenn added that correct caliper and species is vital to the long term health of the urban forest.

### **Urban Forestry FY 17-18 Budget: City Forester Jenn Cairo**

Jenn began the discussion about timeline. The budget advisory committee, which is part of the Parks Board, starts in the fall. The dates are not set, but usually three to four meetings are held. This is a key component in the Parks bureau creating their budget in the winter, which is then submitted to city budget office, and then in the spring the city budget office makes recommendations.

The public process points are today's discussion, the budget advisory committee meetings, and then the citywide public hearings held in the spring.

Jenn asked the UFC to express their priorities and where they would like to see funds added if available.

The Urban Forestry budget is \$4 million, out of a Parks budget of \$175 million. She noted that the BES tree planting program budget is \$2 million. General fund makes up most of UF budget, with permit fees being the primary revenue stream. Also supported by interagency fees wherein other bureaus hire UF for work.

Catherine asked if trust funds are part of the budget. Jenn clarified they are not because those funds are available ongoing—annual budget must be spent within the fiscal year or are forfeited.

Jenn stated said that the approach to budget reduction, whether to “thin the soup” or cut entire programs, is decided by the Director. Last year, and likely this year, the philosophy is to put forward whole programs for cuts. Last year, Urban Forestry put forward the Dutch Elm Disease program. It is very difficult to thin programs. Safety, for instance, cannot be thinned and is always a first priority for UF.

Jenn opened up the discussion on priorities for funding, and new funding.

Meryl said it would be helpful to see a breakout under each topic headings of what each item costs. Jenn provided budgets for each area: Permitting - \$1,581,551; Operations - \$1,914,960; City Forester - \$214,625; Science & Outreach - \$328,680.

Damon said that parks staff training could perhaps be moved out of the UF budget. He believes this should be funded by Parks, rather than having UF pay for this. This is a service to other parks staff and should be paid for by those departments. Damon said there should be coordination between BES and Parks in regards to tree planting. Damon also asked Jennifer Karps how BES planting is funding – partially by rates, partially by general fund.

Jenn said there is coordination between UF and BES on the BES tree planting program. This takes the form of the programmatic permit issued by UF and under which BES tree planting occurs. It is important for tree planting to be run by one unit, as is the best practice, which is why BES needs to have close collaboration with UF. Jennifer stated that the budget for BES tree planting is \$1.6 million—Jenn added she was given the figure \$2 million from the Parks Finance Manager, which was pulled out of SAP.

Jenn solicited feedback on how UF administers programmatic permits. As per the Urban Forest Management Plan, UF looks to plant trees that will give us best value over the long-term.

Gregg asked where UF feels they are underfunded. She said she would like to see a more robust establishment program to review park trees and provide structural pruning in the first few years. She would also like to see support for any neighborhood tree team that wants to provide pruning. The city is doing a lot of planting, but needs to provide follow up on structural pruning, watering, and other establishment care. She would also like to increase the heritage tree program to better represent the whole city.

Jenn said funding for pro-active maintenance is very important. The city currently spends more on planting than taking care of current trees. Urban Forestry is concerned about pro-active park tree maintenance to identify hazard trees and address.

Catherine asked if there are System Development Charges available for tree planting. Jenn responded that she would find more information on how they are used and will respond to the Commissioners. But in general, SDCs should be used for developing new park resources, primarily property. If trees are part of that new park project, then SDCs can be used for that. Catherine asked how we can lean on development to incorporate trees in their designs.

Catherine added that an evaluation of the DED program should be added to the list and should happen soon. Jenn clarified that this falls under DED Management, though the evaluation has not taken place.

Catherine also said under communication with professionals, we are not doing enough of this with builders, architects, etc, and this needs to be funded. Lastly, we need to hire a marketing firm to conduct audience research and develop branding/messaging out of that. It is not currently a line item.

Jenn said a training program for architects would not be that expensive and Jenn will consider this.

Meryl asked about workforce development under Administration. Is there synergy with other bureaus or NGOs in order to get this moving?

Lastly, Mark believes we need to have an equity line item and a branding/talking-points line item.

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

Mark asked if UFC should plan the workshop retreat in January/February, or wait for new commissioners to get up to speed and hold a workshop later in the year.

Barbara asked if we have a good idea of when the new commissioners will join the UFC. Mark stated that the uncertainty lies with whether the mayor's office is prepared to go forward with nominations before the end of the year. Meryl said she is willing to meet with the mayor's office to work on completing nominations by the end of December.

It was agreed that the UFC retreat/workshop should take place before new commissioners come on board so that a work plan is in place. Most felt that February would be the ideal month.

Lastly, Mark wants to develop a 2-page document on the importance of the Urban Forest. We need to have a change in the culture of the City of Portland with regard to development. Posed the question of how do we get large form trees to be perceived positively, rather than a burden to homeowners?

Damon agrees, and believes we need professional help on this. He referenced Catherine's idea earlier on this topic. Friends of Trees has done this successfully in the past. Jenn agreed with the marketing need and will be looking into it. Angie has been discussing this with the Parks marketing department.

## **September Minutes Approval**

Gregg recommended a change on page two to clarify that Heritage Tree nominations are due no later than May 1. Catherine requested to change “transeaporation” to “transpiration” on page four.

Catherine made motion to accept the minutes as amended by Catherine, seconded by Barbara. Minutes are approved.

## **Heritage Tree Additions and Removals: Commissioner Gregg Everhart**

### *Heritage Tree Delisting*

Gregg provided presentation on Heritage tree removals. Per code, Heritage Trees can only be removed if they are dangerous. Gregg presented a presentation for delisting of the following trees: #183, #144, and #127.

### *Heritage Tree Removal & Delisting*

Gregg proceeded to present the commission with Heritage Tree #69, which is up for removal and delisting. This street tree has had multiple failures of large branches and has a high risk of failure. Gregg opened the floor for public comments.

Public Comment: Cynthia Bidnick, a resident of Laurelhurst, commented that her neighborhood is losing a lot of trees. She asked the UFC to let the tree stay a little longer. It’s magnificent and the tree is special to her and the neighborhood.

Frank Krawczyk, Tree Inspector, said there is decay in the lower trunk and in the stems. Thinning at the top is further evidence of decline. The tree could fail at multiple points.

Mark asked if a heritage tree is removed, is the stump ground to allow for a tree to be replanted? Gregg said the stump would be ground, and the homeowner would be responsible for replanting. Urban Forestry will cover the cost of removal. Tree replacement would be \$25 to \$75 dollars.

Mark noted the tree is not infected, and asked if the wood can be reused. Jenn said, per code, the wood is a city asset, so it will be repurposed for natural play areas, woody debris, etc. If not, it is turned into wood chips. Big wood that cannot be used is put out to public auction.

Damon asked if it would be appropriate to have a mill involved for use. Jenn said if we had a use for it, this is possible.

Barbara noted that the tree is clearly in decline. She believes the UFC should exercise appropriate management and remove the tree. Damon made motion to delist the tree, Barbara seconded it. The vote to delist the tree is unanimous.

### *Proposed Heritage Tree Additions*

Gregg presented the following proposed Heritage Tree additions:

- Bald Cypress at 4600 SW Maplewood
- Lacebark Pine at 3600 SW Maplewood

- Northern Red Oak at 6824 SE 34<sup>th</sup> Ave.
- Camperdown Elm at 4233 SE 67<sup>th</sup> Ave.
- Ponderosa Pine at 6804 N Campbell
- Two European Hornbeams at NE 39<sup>th</sup> and NE Holman

Meryl asked why we don't have more HT nominations. Gregg said the seven is about a quarter of the trees nominated. Frank and Greg review, look at condition of the tree, if the site is big enough, etc. Sometimes the owners won't sign off on them. We do need more nominations.

Vivek asked how we can make delisting a celebration of a tree's life. How do we make this into a press release to announce both UF actively removing dangerous trees, and also adding new ones for preservation? This could be an ideal time while trees look amazing with fall color to highlight them.

Meryl asked if Mark Ross in Parks marketing could be involved. Jenn said we could certainly work with him. Vivek said he would be happy to frame the narrative. Gregg could speak to the details of the tree and let Mark develop from there.

Jenn said in the past when this goes to Council a full presentation is delivered. Could this media push be tied with any events (Heritage Tree walks for example). Mark noted that Commissioner Saltzman has asked for UFC to be more aggressive with regards to Heritage Trees.

Meryl asked if anyone on Heritage Tree committee is from East Portland, or a community of color. Gregg said there is diversity of age, but not necessarily geographic or ethnic diversity. There is an opening for another member to be added.

Motion to forward the Heritage Tree delisting and additions made by Meryl, seconded by Barbara. Unanimous vote to move forward to Council.

### **Policy Committee Update: Commissioner Meryl's Policy Committee Update**

At the last Policy Committee meeting, the committee developed comments on RICAP 8 and submitted them to BPS.

The committee developed a list of plans and projects the City of Portland is undertaking, including Mixed Use Zone project and changes to Title 11. Committee agreed to continue to be involved in these projects, submit comments, and insist on a response from BPS.

The committee also discussed what their advocacy role should be to advance their planting and preservation agenda. Should the focus be on street trees, or the great number of park and private trees? Should an overhaul of Title 11 be in the next budget? The committee needs to finish that discussion and they are interested in the full commission's thoughts on what the top priorities should be.

Committee believes they should use the completed street tree inventory project as an outreach tool. Need to capitalize on this accomplishment and use it to inform next steps. UFC should present the inventory to City Council and work behind the scenes with elected officials.

Meryl discussed using Vivek's data to inform outreach efforts. Catherine commented that we need to determine who the audience is for this effort. Mark noted this is part of a larger conversation and should be placed on the agenda for a future meeting.

**Comp Plan Implementation/Mixed Use Zones: Barry Manning, BPS**

Barry is the project manager for the Mixed Use Zone project and delivered a presentation on the status of this effort. The project supports commercial and housing growth in Comprehensive Plan centers and corridors. It addresses building scale, transition to residential areas, requires retail areas, etc.

Meryl asked about an MOU between BPS and PBOT which highlights coordination and opportunities for more communication. She believes Urban Forestry should be incorporated into that approach. UFC is looking for more opportunities to promote larger trees in Transportation corridors.

Mark noted in the 10' setback slide that the trees are not large form. The City needs to work with architects to incorporate large form trees in plans and appreciate the value of these trees. Need to have conversation with planning and transportation to point out these deficiencies. This diagram represents the wrong kind of thinking about trees.

Meryl, going back to the MOU, said there are opportunists to bring trees into these conversations.

Barry noted that as staff he does not have the ability to insert UF into the MO; this should be addressed with appropriate Commissioners. Council deliberation process has started, and Commissioners could propose amendments.

Mark said that the main issue for UFC in relation to Mixed Use project is lack of room for large trees in ROW.

Barry said code is with City Council and time for staff proposals has passed. UFC should meet with Commissioner Fritz if we would like to propose amendments. A decision is expected before January, and an amendments package is expected in early/mid 2017.

Business adjourned at 10:20 AM.

**Appeal: 3605 SE Taylor St.**

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

Staff present: Jenn Cairo, Casey Jogerst, Jesse Nellis.

Appellant: Thomas Coleman

Chair Barbara opened the hearing with a brief reminder of the role of the Appeals Board (AB), being that the Board gives deference to the City Forester's permit decision unless the decision is not supported by substantial evidence, is arbitrary and capricious, or is an abuse of the City Forester's discretion. If outcome is not satisfactory to the appellant, they can work with an attorney.

No one announced ex-parte contact or a conflict of interest. Barbara had visited the site.

Tree Inspector Nellis gave an overview of the permit decision under appeal to not allow removal of two black walnut trees on private property. The trees are healthy, not within 10' of structure, and are not a nuisance species. The trees are also visible from the street and are significant for the neighborhood.

Jenn clarified that when whole tree failure is not a concern, any limb failure can be mitigated through pruning.

Appellant Mr. Coleman said he has lived at the property since 1981. Only in the last 12 years has branch failure begun to occur. He is concerned about branches falling and hurting people below. It is difficult to timely prune this tree because how unpredictable the failures can be. Mr. Coleman said he assumes the city is sharing the risk by denying the removal permit, and also assumes that the city inspectors are aware of the high winds that we face, as well as the risk of earthquake hazard. Mr. Coleman believes his tree is overly mature at 70+ years old and is not convinced that the tree is safe

Barbara stated that, as volunteers, the Board cannot assess whether the city assumes risk. Trees will drop branches from time to time, and that comes with having trees. She commended him for having a certified arborist to assess the tree and prune. Barbara also noted that five certified arborists from the city have determined the tree is currently safe. Also, regarding soil liquefaction, house is in a moderate risk zone. Based on the house location, soil liquefaction from earthquakes is not a risk. Barbara opened up for questions from the Appeals Board.

Damon said this tree is not out of the realm of healthy black walnut trees. They do gain extra weight in the fall with nuts, and pruning is appropriate. Smaller branches will occasionally fall off due to that weight, and it is impossible to predict. A good arborist can get a good idea of which of the larger branches is at risk of failing. Damon did not agree with the pruning work that has been done, and was concerned it transferred the weight to the end of the branches and limbs. That type of pruning does lead to smaller branch breaking. Aside from this, he agrees with the city's assessment of the tree.

Mark asked if the appellant felt that the City Forester's decision was arbitrary or capricious. Mr. Coleman said yes, because the appeal itself is limited to whether the decision was arbitrary or capricious. Mr. Coleman believes that if the homeowner, after thirty years, decides the tree has to go, it is arbitrary to deny it.

Mark said the City Forester has been consistent in its approach, and has exercised its judgment appropriately. In this particular situation, she believes the City decision is supported by substantial evidence.

Barbara said one issue that would lead Board to reverse city decision is if decision was not supported by substantial evidence. She does not believe that the city's decision was not supported by evidence.

Mark made a motion to deny the appeal, Damon seconded the motion, and the Board unanimously voted to deny the appeal.

Appeal hearing adjourned at 10:45 AM.