



Tree Project Oversight Advisory Committee

Meeting #4, **Draft** Meeting Summary

Monday, April 13, 2015

1900 Building, 1900 SW 4th Ave, Portland, OR 97201

Room 2500A

10:00 AM - 12:00 PM

MEMBERS PRESENT

Linda Bauer, Pleasant Valley Neighborhood Association

Phil Damiano, Design Review Advisory Committee

Jeff Fish, Fish Construction NW

Bob Kellett, SE Uplift

Arlene Kimura, Hazelwood Neighborhood Association (Co-chair)

Jim Labbe, Audubon Society of Portland

Nancy Seton, SW Hills Residential League

Susan Steward, Building Owners and Managers Association (Co-chair)

Helen Ying, Old Town China Town Neighborhood Association

MEMBERS ABSENT

Mark Bello, Urban Forestry Commission

Kris Day, Urban Forestry Commission

Justin Wood, Home Builder's Association

STAFF PRESENT

Jenn Cairo, City Forester

Mike Hayakawa, Tree Project Manager

Patti Howard, Policy Advisor to Commissioner Fritz

Mieke Keenan, Tree Project Program Coordinator

Anne Presentin, EnviroIssues Consultant

Nicole Pexton, BDS Management Assistant

OTHERS PRESENT

Mary McMurray, Humboldt Neighborhood Association

Eric Sorensen, Landscape contractor

BUSINESS

Welcome and Introductions

Arlene Kimura opened the meeting by thanking everyone for coming and having everyone introduce him/herself.

Approval of March Meeting Summary

ACTION: March Meeting Summary approved as drafted.

Public Comment Opportunity

Arlene Kimura acknowledged this opportunity for public comment. Two members of the public provided comment.

Eric Sorenson, SWNI Land Use Committee: Happy with some elements of the code and especially with Commissioner Fritz new interim rule. Many arborists and landscape architects may not know about the Tree Code, so there needs to be more ways of getting the word out to the community.

Question: Were there trainings for landscape architects and arborists?

Answer: Yes. There were two trainings and presentations at neighborhood meetings.

Eric said he would provide information about a landscape contractors professional organization for additional outreach.

Mary McMurray: There has been clear cutting of established trees in the Humboldt Neighborhood of North Portland. Often these trees are cut without any mitigation other than paying into the tree fund, which does not fund replanting of trees in the same neighborhood. (Written comment submitted.)

Committee discussion:

Jeff Fish: Not every tree can be preserved. It's a give and take. Most tree preservation rules applies to situation with a land division.

Jim Labbe: The updated tree code increased consideration of trees in the development review process. This situation may have come under the old land division rules. (Answer: yes) There are a lot of tree removals associated with single family residences. He said continued discussion are needed on whether individual homeowners are removing trees or developers.

Question: Where are trees being replaced?

Answer: Staff is currently working on a planting strategy.

ACTION:

- ***Provide elements of land division rules related to tree preservation and tree preservation rules that apply to lots that are not be divided; provide location in city rules/code.***
- ***Investigate where trees are being replaced and add this item to the tracking sheet.***
- ***Add Mary McMurray to mailing list for Forestry program updates.***

Definition of Success

Anne presented the updates to the draft Definition of Success document, based on discussion at the last meeting.

Question: Is there is an accompanying document detailing how the listed goals will be measured?

Answer: The committee will work to define the success of its own work moving forward, and success of the Tree Code will be measured using the monitoring plan. Mike will brief the OAC on the monitoring plan at the May OAC meeting.

ACTION:

- ***The Committee approved the revisions to the Definitions of Success document.***
- ***Brief the OAC on the monitoring plan at the May OAC meeting.***

Tree Code Implementation Outreach Plan

Using slides, Anne Pressentin presented outreach work done to date, as well as proposed outreach activities in the future.

Activities have included: Portland trees hotline/email, new website, trainings, news release, newsletter articles, letters to groups representing traditionally underrepresented communities, information tables at FixIt Fair and Arbor Day, creation of general fact sheet and magnet, development of fact sheets for use in permit center.

Question: How many calls are coming into the Tree Code Hotline on a daily basis, and are callers asked how they heard about the Tree Code?

Answer: There are about 60 calls a day, and there is no question about where callers heard about Tree Code. Mostly people call in to report tree emergencies, or their calls are forwarded to voice mailboxes for other services.

Question: Is it possible to put an insert about the Tree Code into monthly water bills?

Answer: Tree Project staff members are currently researching that. Another option is to feature the Tree Code more prominently in Curbsider. **Update: staff has contacted the Water Bureau and will be working with them on including inserts.**

Question: It is difficult to navigate the phone "tree" and figure out where to leave a general message. Is it possible to access an operator?

Answer: Staff members are estimating the resources necessary to get live answers to phone line questions. Currently, the Tree Techs answering phones have other responsibilities, but Urban Forestry was able to find the resources to fund a third person to answer calls. The current policy is to return all calls within 48 hours.

Question: How do we expand our target audience beyond people who already care about trees?

Answer: One method is to target the resources people would use when they are trying to manage a tree. For example, have Tree Code information available at the store where a homeowner would buy chainsaw oil before cutting down a tree.

Committee Comments: Arlene suggested looking into including information in community newspapers, which may be better source of information for seniors. There was another comment that Tree Code information could be included in releases that the Office of Neighborhood Involvement sends to neighborhood coalitions. Additional ideas included distribution of information via the libraries and community health system. Jim noted that there was no outreach before, and having a unified Tree Code and a place to call have helped. Targeting people who aren't ready to hear the information could be a waste of resources. Jim also suggested highlighting successes in outreach, for example the preservation of the Paradox Oak in SE Portland. He also said that tree code information should include that it was a citizen-initiated effort.

Staff filled out their Outreach preferences on half sheets, which were returned to Anne. **Update: the Committee's preferences were as follows:**

Most supported outreach tactics:

- Online videos targeted to homeowners, arborists and building industry
- Use City social media to get the word out
- Targeted community presentations
- Articles or "ads" in e-newsletters and printed newsletters or city publications
- Media relations to gain earned media

Supported tactics:

- Information tables at Parks events in summer.
- Narrated PowerPoint of training materials for posting online
- Mailed fact sheet to residences in environmental zones
- Community presentations to neighborhood associations
- Ongoing training sessions similar to those held in late 2014

No or very little support:

- Presentations and direct outreach to historically underrepresented groups
- Traveling information booth for fairs and festivals
- Poster
- Paid advertising
- Brochure, designed and printed to provide measuring tool and code/urban forest information

ACTION:

- **Review tree hotline process to determine if efficiencies can be made for callers. UPDATE: Hotline recording has been reviewed and recommendations forwarded to Urban Forestry.**

- ***Update outreach plan with information from committee. UPDATE: Final plan in development based on budget resources for implementation by PPR, Urban Forestry, BDS and consultants.***

Methods and Process to Address Tree Code Issues

Mike asked whether there were any questions about the memo and handouts he put together explaining the difference between a Code Guide, an Administrative Rule, and a Code Amendment. Arlene noted that people are confused about the terminology and don't know where to find information outside of the code or which path to take to fix Tree Code issues that come up. Mike noted that internal training is important, especially in Planning & Zoning and Urban Forestry.

Tree Code Implementation - Issue #5, Definition of "Building" and "Attached Structure"

Coordination with various bureaus is necessary before a proposed draft definition can be considered. Mike will come back with something for May's meeting for final approval.

There was discussion of the process for adding this item to the Regulatory Improvement Code Amendment Package (RICAP) 8, which will take a year. There will be no policy changes as part of RICAP 8, only technical amendments to Title 11.

Question: In the interim, how does the example of the shack placed next to a large tree get addressed?

Answer: An interim rule can be adopted.

Committee comments: Jeff Fish said an interim rule and outreach is needed. He also said outreach to arborists to find out if they have seen situations of a temporary building or shack placed next to trees to allow removal.

ACTION:

- ***Draft definition of building and attached structure (Issue #5) and circulate among City bureaus***
- ***Bring definition as draft interim rule for consideration at future meeting.***
- ***Provide list of tree code items included in RICAP 8***

Tree Code Implementation - Issue #7a, Tree Replacement Waiver Policy

Mike Hayakawa presented the criteria Urban Forestry has drafted to waive or reduce fees for tree replacement. Jenn Cairo noted that an updated version of this interim in house policy exists than the one sent out in the packet. The criteria are modeled after what the Water Bureau uses to waive fees. The process for obtaining the fee waiver form will also change, so customers can pick up the form in the Development Services Center instead of East Delta Park.

Question: Does the financial hardship apply only to individuals, not corporations? What about renters?

Answer: The waiver is intended for owner-occupied residential properties.

Question: Is there any reason not to tie fee waivers to new houses under development for low-income populations?

Answer: Fee waivers are targeted to non-development situations. Expanding waivers to development would require a code change.

Linda Bauer noted an inconsistency between documents regarding the \$1200 cap. One says owners and the other says residents.

ACTION:

- ***Committee recommended adoption of hardship waiver criteria, as updated. One member opposed.***

Tree Code Implementation – Issue #7b, Interim Rule on Replanting Requirements

Mike explained that the interim rule will go into effect April 20, 2015, but the City has 180 days to make the interim rule into a final administrative rule. Staff are planning to hold an open house on the rule in September, but Mike and Mieke will accept comments on the rule at any time. The plan is to incorporate Committee comments on the rule prior to sending out public notice for the open house. There is the opportunity for this administrative rule to be appealed to City Council.

Question: Why such a lag between the interim rule going into effect and the open house in September?

Answer: To give time for comments to come in. There will be information posted on BDS, Urban Forestry, and Parks websites in the meantime.

Question: Can the April 20th implementation date be rolled back to give the OAC time for input?

Answer: It was important for Commissioner Fritz to move forward immediately. It is possible to provide public notice earlier, but no changes can be made to the interim rule during the 180 day review period. Patti Howard said the Commissioner's office is interested in learning how implementation of the interim rule occurs on the ground. Committee members expressed disappointment that this rule is moving forward without OAC input. Members said this issue should be discussed at the beginning of the next meeting so comments can be collated.

ACTION:

- ***Discussion of the interim rule will occur at the beginning of the May OAC meeting.***

Draft Committee Work Plan and Schedule

The list handed out is not currently listed in priority order, so the Committee should give their recommendations on priority.

1st priority: Interim admin rule (addresses Issues 1 and 7b) and #5 (Building and attached structure definitions)

2nd priority: #6 (No opportunity for public appeal for removal of one healthy tree ≥ 20" DBH)

Last priority: #8 (Has customer service improved?)

- Need time for results to come in first

ACTION:

- ***Update work plan based on input at meeting, input from Kris Day and Jim Labbe, any requests from Commissioner's office and staff analysis.***

Miscellaneous Items

Arlene commented that East Portland does not have many street trees because of conflicts with public utilities. Jenn explained that there is a standard of planting street trees every 25 feet, but in some cases trees have to be move due to utilities or curb cuts. Infrastructure comes first, but the City Forester has discretion to plant trees in appropriate places. Other cities use alternative sidewalk methods to accommodate larger trees, such as root barriers, rubber sidewalks, or cutting sidewalks around trees.

Jim Labbe said City codes may overlap with tree code and may lead to tree protection issues. For example: utilities, parking requirements.

ACTION:

- ***Have PBOT at a future meeting to discuss sidewalks and street trees.***

ADJOURN: 12:00 PM

Next Meeting: Monday May 11, 2015 10:00 – 12:00 in room 2500B.