

**CITY OF CORVALLIS  
MINUTES OF THE CIVIC BEAUTIFICATION AND URBAN FORESTRY  
COMMISSION  
MAY 13, 2010**

Attendance

Helen Ellis, Chair  
Bill Johnson  
Ross Parkerson  
Mike Riddle  
Kent Daniels  
Joel Hirsch, Council Liaison  
Angelica Rehkugler, Vice Chair

Staff

Karen Emery, Director  
Jacqueline Rochefort, Park Planner  
Becky Merja, Urban Forester  
Mark Lindgren, Recorder

Visitors

Mayor Charlie Tomlinson  
Stewart Wershow

Absent/Excused

David Sandrock  
Larry Passmore  
Joe Majeski, OSU Liaison

**SUMMARY OF DISCUSSION**

Agenda Item	Information Only	Held for Further Review	Recommendations
II. Review of Minutes	X		
III. Visitors' Propositions	X		
IV. Staff Reports	X		
V. Tree Removal			Motion passed 5-1 to deny the appeal to remove the trees, supporting the Urban Forester's decision to not allow removal of the trees.
VI. CBUF Sunset Appeal	X		
VII. City Council/OSU Liaison Reports	X		
VIII. Committee Reports	X		
IX. Adjournment	X		The next CBUF meeting will be at 8 a.m. June 10, 2010, at the Parks and Rec Conference Room.

**CONTENT OF DISCUSSION**

- I. CALL TO ORDER:** Chair Helen Ellis called the meeting to order at 8:00 a.m.
- II. REVIEW OF MINUTES.** After discussion, the March meeting minutes stood approved as read. Mr. Parkerson moved and Ms. Rehkugler seconded to approve the April 8, 2010 minutes as presented; motion passed. Kent Daniels distributed materials regarding an Irish "Tidy Town" contest.

- III. VISITORS' PROPOSITIONS.** Mayor Tomlinson highlighted that May was Volunteer Month; he distributed tokens for the Saturday Farmers Market to members in recognition for their work and the quality in which they represent the community. He praised the way the commission had branded and projected itself, and how Liaison Hirsch advocated for the commission to the Council. He said he hoped the Tree City USA Awards to Corvallis continued so Councilors can continue to get hats. Angelica Rehkugler distributed a magazine on landscape design from her Paris trip.
- IV. STAFF REPORTS.** Director Emery related that Barbara Weber had resigned due to being over-extended; she sought suggestions for suitable candidates to fill the vacant at-large position. Emery added that, per the Mayor, Vicki Wills may serve on a subcommittee but not as a commissioner, since her partner currently serves as Council Liaison to the commission.

The Budget Commission held a public hearing meeting Tuesday night regarding proposed reductions; many advocates for Parks and Recreations programs attended, as well as staff of Cornerstone (a landscaping contract is important to their budget). Another Budget Commission meeting will be held tonight to deliberate; the budget will then be sent on to the City Council for adoption. The department will work on long-term strategies for generating revenue for enhanced stabilization.

Emery related that advocates for the department spoke well, not just from pure personal interest. Key points included that Parks and Recreation facilities and programs were not just an amenity, parks increased property values and programs instill healthy habits for a lifetime for kids; the mayor of Philomath stated that Parks and Recreation is an economic engine. Emery noted that the department brings a number of tournaments into the community; she related that the Corvallis Tourism calculation estimated that Osborn Aquatic Center alone generated \$1.5 million a year in hotel and restaurant visits. She related that there was testimony that some people chose to live in Corvallis based on the quality of life. Planner Jackie Rochefort added that the statements of support were very broad and diverse. Emery added the Art Center Director asked supporters to raise their hands; about 70% of the audience did so.

Forester Merja said that CBUF booths at the Earth Faire and the Farmers Market went well. During the Spring Garden Festival, Pat Breen's tree walk was attended by about 50 people and lasted over three hours. Rehkugler stated the Earth Faire was the best booth ever; it was kid-friendly, had an interactive display and had handouts to promote the upcoming tree walk; she advocated doing other such promotions for future events. Parkerson praised the booth location near a kids' booth. Rochefort noted that the Madison Avenue Task Force (MATF) had included the tree walk in its flier; Parkerson added that G-T publicity also helped.

Emery said the Youth Volunteer Corps was included in the supplemental budget reduction list. Daniels asked how many hours the AmeriCorps volunteer worked; Emery related that there is currently one full position (she said she would get back to him on the definition of "full").

Merja highlighted Public Works Director Steve Rogers' presentation on the Green Street Rain Garden pilot project to deal with storm water on Beca Street; Public Works is moving forward to plan for that work. Rochefort clarified that the plan was still in the outreach phase and has not been finalized. Maintenance for the project is a important element of the project, so public participation is critical. Merja said that members are getting Bicycle and Pedestrian Advisory Commission (BPAC) minutes; BPAC is developing a plan for public process for establishing Bike Boulevards; she suggested keeping an eye on that.

Riddle said it was important for Public Works to have a specialist and funding available to properly maintain Green Street projects during their early years. Merja stated that Public Works would take care of

their maintenance during the projects' early years. Rochefort emphasized that Public Works wouldn't simply walk away from them, but does want neighborhood participation. She said that Portland has a well-established and researched "skinny street" program; however, since there are challenges associated with the concept, starting with a wide street like Beca makes it an easier place for a pilot project. Merja noted that parts of Beca either have no street trees, old declining cherries, or relatively young trees.

Rochefort said the City's sustainability group has funds available; she is considering applying some of these funds to support a WaterWise pesticide-free garden demonstration program in front of Osborn Aquatic Center, on a slope just outside the front door. Existing trees would remain.

Ellis said the Riverside demonstration project was gorgeous; she highlighted outreach materials for the project and praised Sandrock's work on it. She suggested putting together an ID sheet for the plants used there. Rochefort replied that that would be easy; the MATF is heading a weeding party there this weekend. Riddle suggested the G-T to do an article on it. Daniels highlighted the presence of invasive Scotch Broom by the confluence of Mary's River and Willamette River. Daniels highlighted a Soils and Water Conservation Program "Weed Watchers Program" to get people to report invasive plants. Hirsch highlighted Pampas Grass infestation problems in California; Riddle replied that few designers plant it in this area.

- V. **TREE REMOVAL.** Forester Merja stated that she'd reviewed a request from Lori Chaplin for a tree removal permit for three Sweetgums at 1250 NW Garfield; she related she denied the request, as the trees had good structure, do not appear to be doing any damage currently, and appear to be healthy and vigorous; there were no negatives to justify removing them. Director Emery outlined the quasi-judicial process involved in the appeal.

Rehkugler said the photos showed cracks in the sidewalk and the driveway; she asked whether the cracks were related to the trees. Merja replied that based on her observations on concrete installations over the years, her sense was that the tree didn't appear to be impacting the driveway.

Riddle related he visited the driveway, which was probably built round the nineteen sixties. He said the cracks were similar to his own driveway of similar age and construction and the cracks didn't appear to be related to the trees; the cracks were probably simply age-related. He noted that it was not clear whether a tree was pushing a single sidewalk panel up or whether a number of panels had subsided over time. He agreed that the trees were healthy younger Sweetgums. He suggested that if the commission agreed to remove the trees, that it look at a process in which the community could recoup the value of canopy replacement and the good that the canopy does to the community. The commission is constantly being requested to remove Sweetgums and their removal doesn't seem to bring a fair return to the community.

Stewart Wershow said the request was to remove three Sweetgum trees on 13<sup>th</sup> Street; the reason cited in the denial of the request was that they were denied because they are healthy. He countered that Chapter 2.9 states that the goal is to have a healthy, sustainable forest to contribute to the community's economic and environmental well being. He said that his position was that the Chaplin's proposal contributes to sustainability. He stated that his experience in his neighborhood, which has many Sweetgums, is that the trees push up sidewalks.

Wershow stated that under 2.19.070, one of the criterion regarding whether or not to approve something is to consider the species and growth habit of the tree species in question; he contended the growth habits of Sweetgums will, in the long run, would damage the infrastructure and ultimately be required to be removed. He related that under 2.19.150, Nuisance, anything growing in a park strip that

endangers the street, sewer, or sidewalk is hereby declared to be a public nuisance. He related that the Chaplins were seeking to replace nuisance trees this fall with trees that are not. They are seeking to make their yard more sustainable.

Rehkugler asked about the size of Sweetgums at maturity; Merja replied that Sweetgums grow to about 70'; the tree species that the Chaplins propose to plant (*Pyrus calleryana*, ornamental flowering pear) has the potential to get 45-50' in height at maturity. Hirsch asked how fast the pear grew; Merja replied that it is a moderately growing tree. Rehkugler asked about the pattern of tree species on the street; Parkerson replied that the trees there were diverse.

Riddle asked whether the city had identified the sidewalk as a hazard in need of repair or replacement; Wershow replied that that had not occurred yet (he said the City does not do that this time of year). Riddle asked whether the Chaplins intended to repair the sidewalk regardless of which tree was there; Wershow replied that he did not know; he said the sidewalk was already bowing. Parkerson disputed that there was any problem with it, saying that during his site visit the sidewalk had appeared to be perfectly level and was in good shape.

Riddle said that if there is approval given to remove and replace the Sweetgums, whether the Chaplins intended to replace it; Wershow replied he didn't know but his understanding was that they were planning to have the protruding part of the sidewalk ground.

Hirsch asked whether the Chaplins were flexible on the species of replacement tree; Wershow replied they had picked the species from a list; their goal was to avoid sidewalk damage.

Rocheffort asked whether an arborist had come in to look at the site; Merja replied they'd asked an arborist to arrange for a removal permit. She added the Chaplins live on a corner lot; the Sweetgums are on 13<sup>th</sup> Street; there are also three Burr Oaks on the Garfield Street side that are doing more damage to sidewalks than the Sweetgums on 13<sup>th</sup> Street. Therefore, if the commission makes a case for removal of trees based on the potential for creating damage, that opens a new legal door. Wershow related that Mr. Chaplin had stated an arborist had found that the burr oaks were causing no damage. Riddle added the Chaplins' neighbors to the south had a oak of 32" caliper within 10' of the driveway that may be causing impact, but that tree's impact was not being considered.

In discussion, Parkerson stated he was hesitant to remove a healthy, mature tree doing well for the community. He said it did not appear that the tree roots were impacting the sidewalk; minor unhappiness regarding their growth was not sufficient reason to remove them and precedent was important.

Riddle said three different statutes were being cited to support the appeal. Regarding the potential Nuisance ordinance, he related that Merja's initial denial of the removal permit noted you can't guarantee that the proposed replacement Calleryana pears wouldn't also cause problems down the road as well during their life span, though perhaps not as quickly or badly. Any tree in the public right of way has potential to damage something. He said the trees do not appear to be causing damage to the driveway. He said there seemed to be a little panel lifting but the sidewalk seems repairable.

Daniels added that the park strip there was wide; the trees on Garfield really stand out for being large and have even more potential for doing damage at some point. He said he didn't agree with removing large canopied, healthy trees even when they are doing damage. He said it appeared that the sidewalk panels could be repaired by grinding, which was much less expensive than installing new panels. He stated the trees did not appear to be causing driveway damage.

Bill Johnson stated that he would like to see the Sweetgums removed due to their growth habit and danger that their seed pods pose to walkers. He noted that if this was new construction, they would not be allowed, since they are over a water line. Merja agreed there must be a 10' separation from water and sewer lines, etc, in new construction; Rochefort added that those would probably be placed in the street in new construction. Johnson said he is not a fan of sweetgums; he has been forced to lift his pavers twice due to root lifting; also, he must repeatedly clean up the seedpods in winter.

Rehkugler said she was concerned with setting precedent in removing trees that were causing problems; she suggested creating materials (including online) that show what degree of sidewalk damage is considered dangerous. She said any damage to these sidewalk panels seems to be mild.

Riddle stated that there are a number of trees planted long ago in inadequate spaces; today, they would not be allowed to be planted under those conditions. While they are problematic, you could find inappropriate trees on any street in Corvallis. He added that we don't know for certain whether the Chaplins intend to repair or replace the sidewalk whether the trees were removed or not. He suggested having City staff assess the sidewalk and flag it for repair if that is what is needed.

Parkerson stated that healthy trees provide a sense of place and a certain environment in the neighborhood and on the street; removal could prompt others to also seek removal, too. Removal would be a very destructive methodology.

Rehkugler related the owners have lived there for four years and the trees were there when they moved in; she suggested that if it was a serious issue, they should have checked into it at the time they were considering purchasing the property. Hirsch asked if there was a tree that could grow faster to replace the canopy that wouldn't damage the sidewalk; Merja replied that there is no perfect tree, some are just better than others. Sweetgums are not on the planting list. Some are in Historic Neighborhoods and removal requires Historic Resources Commission process; one issue is having some people going through different layers of process. Merja said you can't make up for the lost canopy, but maybe the City could assess them for the lost value and have that go into a fund.

Riddle noted you can buy an eight-inch caliper tree; it would take five years to re-establish that tree with great care. A 6-inch caliper tree would cost \$4,000 to \$5,000; however, most people would not consider that reasonable, in terms of cost and the amount of care to try to get the tree to survive. Merja noted there was a formula used to value trees based on how long it takes them to contribute to the canopy and be practically replaced. Johnson said that if you allow these to be removed, then 12<sup>th</sup> Street will become a disaster area. Ellis said both Sweetgums and Calleryana pears make a real mess, in her experience.

Parkerson moved to deny the appeal to remove the trees, supporting the Urban Forester's decision to not allow removal of the trees; Rehkugler seconded; motion passed 5-1, with Johnson opposing. Rehkugler suggested including the commission's reasoning in the notification to the Chaplins.

Wershow noted that he would like to know in the staff report why it was denied in terms of the relevant ordinances, so the Chaplins can more effectively appeal to the City Council. He added that he would like to know why the ordinances that he cited did not apply. He said the ordinance does state the City Manager will establish a copy of the Standards for Removal of trees; the Chaplins would like a copy. Chair Ellis noted that Council Liaison Hirsch did not vote; the position is non-voting. Daniels said it would be appropriate for staff to write up a decision supporting what the commission decided. Merja concurred that this is protocol.

**VI. CBUF SUNSET REVIEW.** Director Emery stated that by ordinance, boards and commission customarily undergo a sunset review every four years. She highlighted four questions regarding the sunset review in the staff report.

Ellis suggested adding CBUF's partnerships with Madison Avenue Task Force and the Corvallis Garden Club (such as with the Liberty Square project); local businesses such as David Sandrock's; and non-profits, such as the Flower Basket Program. Riddle suggested adding the Public Works Department (he cited the joint work on the Trees to Sidewalk Program). Rehkugler suggested adding the Bicycle and Pedestrian Advisory Commission. Daniels suggested listing CBUF's partnerships with at least four neighborhood groups, including JANA, South Central, Avery-Helms, and College Hill; as well as the DCA.

Riddle suggested adding, providing information for City staff and the Council as an accomplishment under Education. Liaison Hirsch highlighted CBUF's booths. Daniels suggested the mayor establish an award for hardest-working commission.

Emery suggested that under Goals, including all of CBUF's Goals and Objectives. Riddle said the commission had a lot of work to do and wouldn't be going away soon. Emery said her presentation to the Council would be in June.

Regarding shared responsibilities with other boards and commissions, Emery included BPAC, PNARB, and the HRC. Daniels noted that there could be interactions with the Downtown Commission in the future, but it was still very new and CBUF was still in the process of developing a relationship.

Daniels noted CBUF worked with other departments (notably Planning, Development and Public Works); Emery replied that that wasn't part of the sunset criteria. Riddle said that that could be added to the charge of the commission (under Question #4).

Director Emery highlighted the commission's current Primary Charges, A through E. Ellis noted that it was important for CBUF to get timely notice on proposed projects in order to respond. Riddle said that charter language could include that CBUF needs to be informed and its input considered on projects related to trees and landscapes; Emery said that includes improved communication. Riddle suggested making a case to a new mayor and council that CBUF could be of service with proper notice. Emery said she could do an orientation presentation to the new council. The Council will have an opportunity to review the commission's activities through the sunset review. Emery added the Council Liaison makes monthly updates to the Council on CBUF activities. Riddle said all CBUF's Liaisons have done a great job for CBUF.

Emery said monthly liaison updates, yearly Arbor Month, and sunset review every four years are all opportunities to update the Council. There will be a new mayor and some new Councilors in January. Ellis said no vote was required on the sunset review.

Emery related the Sunset Review would be held by the Human Services Committee on Tuesday, June 8, noon, at the Madison Avenue Meeting Room.

**VII. BOARD MEMBER AND CITY COUNCIL/OSU LIAISON REPORTS.** Hirsch highlighted the Public Arts Selection Committee (PASC) meeting today; with an economic allocations meeting at 4:30 p.m. and a Budget Commission meeting this evening.

Kent Daniels said he would probably submit another Neighborhood Empowerment grant request (the money may go away this year) as well as another Concrete to Trees grant. He asked if members could nominate outside their wards and asked about nominating criteria for businesses.

Rehkugler highlighted the April 22 front-page G-T article citing CBUF and Helen Ellis. Daniels highlighted the vote on Sustainability Fees, saying he was concerned that Urban Forestry had been left out of the package by the Human Services Committee; he said that CBUF had simply proposed to delay the whole package. Hirsch related that the chair for that meeting had stated not to fund it; there were no advocates for Urban Forestry present at the meeting. He stated that he had voted to fund all the initiatives, but was outvoted. Emery related Councilor Brauner's vote was based on his understanding of the Commission's stance of "Not at this time" on funding for the package; Daniels replied the commission's position was to delay the whole package, not just Urban Forestry, so that was a faulty interpretation of its stance. Liaison Hirsch noted he should have clarified CBUF's position.

Rehkugler noted there had been confusion about the package of different fees. Emery said the issue would be on the May 17 Council agenda, so there was an opportunity to make a clarification. Liaison Hirsch said he intended to try to resurrect the Urban Forestry fee. Daniels said the commission was being punished for being fiscally responsible. Rehkugler said there should have been a CBUF representative present at the meeting to clarify its position.

Ellis said that it was presented to the commission as a full package; Merja said the commission was asked to prioritize it. Emery said that Councilors chose to look at the items individually. She stated that if the commission wished, it could recommend that the Chair attend that May 17 meeting to explain the commission's position. Riddle moved to extend the meeting to 10:15 a.m, Parkerson seconded; motion passed.

Ellis said she would attend the meeting if she was free; if not, Rehkugler would. Riddle added that it was presented as a package, and that prioritizing was presented as just a fall back. Rehkugler added that prioritizing didn't reflect CBUF's expertise. Emery said she was hearing the commission's intent was that it didn't favor the five sustainability initiative fees as a package at this time, but with three of the five pieces going forward, it would like the Urban Forestry sustainability initiative fee to be included with them to go forward, as the funding is critical to implementing the five-year portion of the UF plan. Liaison Hirsch suggested CBUF draft a letter to the Councilors and noted it was possible that the entire package may fail.

Ellis expressed concern about CBUF and its work getting a black eye if the package was referred to voters. Johnson said that his sense was that there was a feeling by the commission that it was not prudent to raise taxes when everything else was being cut; if it went to a referendum it would be defeated. Riddle said that CBUF should go to the May 17 meeting and say that it was presented to CBUF as a package, and that CBUF still doesn't think it is prudent to go forward at this time, but it still supports its program to be reconsidered at another time.

Daniels said his rationale on CBUF's stance had to do with the proposed \$2.4 million in budget cuts; a better alternative would have been a library or Parks and Recreation fee to offset some of the cuts. He stated he was concerned that the Council could approve some of the fees but drop others. Riddle added that the commission decided that given the economic turmoil, it wasn't the right time to put it forward. Director Emery said that if that was the sense of the commission, then it didn't need to go to the May 17 meeting; several commissioners concurred. Council Liaison Hirsch said he intended to convey that CBUF considered the initiative as a package; however, if the Council is going to put the fees forward

individually, it should include the Urban Forestry portion. Riddle suggested CBUF members attend the May 17, without speaking.

**VIII. COMMITTEE REPORTS.** Rehkugler asked members which wards they would like to be assigned to for CBUF Beautification Award nominations; members should then contact the Councilor for that ward, giving them an opportunity to be included. Nominations are due June 3, before the next meeting. Members should contact the nominee, along with the Councilor. Rochefort highlighted the citizen nominations process.

Liaison Hirsch related that a winner last year retained their award sign; Rochefort said CBUF needed to retrieve all signs. Parkerson agreed that it was important for the signs to appear all at once around town. Rehkugler said she thought that different people should receive awards; members will have lists of previous recipients available for the last few years.

Rehkugler highlighted nomination awards forms, criteria forms, and photo release forms. There are nine wards, with a maximum of four awards for each; Riddle suggested only having two. Parkerson accepted doing nominations for Ward 5; Hirsch Ward 6; Riddle Ward 7; Passmore and Ellis Ward 1; Rehkugler Wards 3, 8 and 9; and Sandrock Ward 4.

Merja said that if someone is nominated, a recipient automatically gets an award. Rochefort advocated getting filled out photo releases from nominees now.

Ellis noted that election of officers would be held at the July meeting.

**IX. ADJOURNMENT:** The meeting adjourned at 10:23 A.M.