

City of Oregon City
Meeting Minutes
Natural Resources Committee
February 13, 2013 7:00 p.m.

1. Call to order Regular Meeting

Members Sha Spady, Jerry Herrmann, Chair Bryon Boyce, Bob Roth and Erik Carr were present. Pete Walter represented staff.

(This did not occur in recording, may have occurred before video started.)

2. Approval of Minutes

Did not occur yet in recording

3.Election of NRC officers

Pete Walter stated per bylaws the Committee has three officers. The election of NRC officers was tabled at the first meeting of the year. He said a Chair, Vice Chair and Secretary need to be elected. He explained the secretary duties in more detail. He explained that these meetings are recorded in video and audio.

Pete was asked by members to help with technical problems on their monitors. He left his area to address these problems. He returned to his area and microphone. There was crosstalk between several Committee members.

Bob Roth said to Pete that he believed that the Chair and Vice Chair positions had already been figured out and Pete continued talking about the Secretary position. He stated that the City could provide the NRC Secretary with a template to use to record meetings minutes as well as using the recordings as a reference.

Bryon Boyce asked if there is a time stamp on the recording. Pete stated there is work to be done through the computer to enable time stamps. Bryon responded that this would allow the Secretary to look things up that were said in the meeting. Pete stated time stamping for previous meetings still needs to happen.

Byron asked the Committee if there should be a discussion about the options of using recordings and time stamps and city provided templates for meetings. Sha Spady stated she thinks the Committee should have the template and the recordings. She said this would allow people to reference the tape when the template is time stamped. Bryon Boyce said he agrees.

Pete Walter said the City will make the template available to the Committee via email. Bryon asked if there was any more discussion on that item. He then said next item was election of officers. He then immediately corrected himself and stated the Committee's next item was trees.

Sha Spady asked if a nomination should occur and Pete Walter said someone needs to be nominated for Secretary. Byron asked the Committee if anyone wanted to run that position. Sha Spady asked if she

could nominate Richard Craven even though he is not in attendance. Pete said that he will help smooth the position of Secretary, if someone will take the responsibility. Sha asked Pete what the appropriate action is, if no one wants the position. Pete stated he would prefer not to postpone this nomination. He talked about the importance of the Secretary position to record discussion and motions and that the bylaws call for this position. Sha again asked Pete if she could nominate a member who is not present and give the individual the opportunity to decline at the next meeting. A Male member asked if the Committee could have just video and no secretary. Pete responded that the secretary could be an honorary position along with the use of video recordings. Jerry Herrmann said he will talk to Richard about the position.

Byron Boyce moved to nominate Richard Craven for secretary. Jerry Herrmann said he seconded the nomination as originally made by Sha Spady. Members voted: Sha Spady, aye. Jerry Herrmann, aye. Byron Boyce, aye. Bob Roth, aye. Votes are pending Richard Craven's acceptance.

3b. Bryon asked to move on to street tree list. Pete asked members to refer to the street tree staff report. He shared that the street tree list that the City currently has is reflective of the street tree list in the Portland Metro area. He stated the City has been relying on the Portland list, the City of Gresham list and arborist recommendations. He said the value of this list is that it helps weed out inappropriate trees for locations. These recommendations help avoid damage to trees and infrastructure. He stated that members have a draft update in their packets. He said the trees that are in the list are from previously stated entities and from Portland Green Streets list. He said that the recommendations from Green Streets lists are usually very large tree varieties. He explained that the list is organized by planning strip width and there is information about height and spread at maturity in the list. He stated the street tree selection needs to take into account if the trees are messy-- magnolia and tulip trees are examples.

At 13:50, there was an inaudible comment from Jerry Herrmann--Seemed to be a question posed to Pete Walter. Pete answered that the native plant list is a resource for this question. A landscape architect can help with private property.

Pete stated that Norway Maple varieties of trees should be avoided because they have seen sidewalk lifting in existing areas. He also said Big Leaf, Red and Silver Maple have shallow roots and should be avoided as well as toxic species. He tells the committee he welcomes their comments and they can email comments to him at any time.

Sha said she appreciated Erik's thoughts on the street trees. She asked Pete if there has to be a consensus to get a tree removed from the street trees list or if the City of Oregon City will alter the list with input. Pete answered that right now they are in draft mode and will run it by an independent arborist for a technical review, but Erik is an arborist also. After all input is given, the street tree list would go to the City Commission for adoption. He stated lists like this one should be in a specification manual. Sha said that the list should have 1st, 2nd and 3rd choices of trees for specific areas, such as sidewalks, to help people choose their trees. She stated she thinks this is a simple way to use the list. She also said the lists should have asterisks next to the tree names and list their possible planting problems. She provided the example of Big Leaf Maples, which would be appropriate in a backyard but not on the street.

Pete restated that this list is a street tree list and for street trees. Sha stated this was good to know and other non-street trees should not be on the list. Pete agreed.

Erik stated that Lake Oswego's street tree list also contains a prohibited or not encouraged list of trees which includes a brief summary of why these trees are not appropriate.

Sha stated that trees that cause sidewalk lift, are messy or poisonous should not be on the list. Pete agreed and said the list can be used by anyone and this would keep people from being led down the wrong path with tree choice.

Bob Roth asked Pete if Public Works plants these trees and if they keep track of their survival rate.

Pete answered that per code when a new subdivision goes in, part of their application includes a street tree planning list. He stated that street tree maintenance is the abutting property owner's responsibility.

Bob asked about who is responsible for middle of the street improvements and Pete answered that the City is, and selects species off a street tree list or as recommended by a landscape architect.

Byron said he had more comments about the list. He said the Black Locust on the list is an invasive species. He stated that the crabapple trees all have fruit and can be messy. He said Sugar Maple tends to be weak-wooded. He said Red Maple is a sturdier tree and it is not invasive. Pete replied the crabapple trees were adopted in from the City of Gresham street tree list and may not be appropriate. Byron stated he did not know Black Locust seeded but he found that it does in moist areas on his own property and that it also suckers extensively which is unfortunate because it is a beautiful tree.

Pete talked about the Portland street tree list having a lot of information including invasiveness. He said in a future meeting the NRC needs to talk about modifications to the City's native plant list. Pete said Kelly from Planning has a brochure with illustrations, which is more user-friendly than current information. He hopes this will be better for public education and get people more invested in the care of trees abutting their property. He says Kelly's brochure will include the updated street trees list once that document is finalized.

Sha asked if the City can make a video of the tree list and have someone describe positives and negatives of trees to help public better understand. Pete said his first thought on this is Willamette Falls TV because the City has a contract with them to do that type of filming. Sha asked if they do the production. Pete answered Willamette Falls TV does the production, editing on content developed by staff and the NRC. Pete said the group would have to decide if they want to move forward with the video production. Sha said she does want to move forward and wants to have video of the committee members' favorite trees in Oregon City. Pete said it would be a project that could get a lot of volunteers involved. He said he feels this type of activity fits in the Tree City designation and improves outreach. Bob stated that he did a similar thing for Lake Oswego and Tualatin and would be able to do the outline for the plan but cannot be in charge of it.

Jerry asked Pete if this list will be online and Pete answered that the existing list is online and may be printed for distribution with money from the tree fund. Sha said she would rather spend the money on her idea of a video. Pete said they must decide if they want to spend the money just planting trees or planting trees and educating that public.

Byron said he was leafing through the native trees brochure and found two that are not native: Northern Red Oak and Burr Oak. Jerry added that Pacific Willow is listed as abundant and he does not believe it is. Indistinguishable crosstalk occurred between several members.

Unknown male member said to Pete that he should suggest to a staff member to include heritage trees Ponderosa Pine and White Oak on the list. Bob asked Pete if the City has printed this tree information in Spanish and Pete answered not that he was aware of. Bob said that may be another way to use volunteers that are bilingual. Pete said this type of thing goes back to the public information staffing position. Bob said even a short synopsis of this information might be helpful and Pete agreed.

Bryon suggested that a huge tulip tree near Atkinson Park be considered a candidate for a heritage tree. Jerry said that there is a huge Sugar Maple on Linn Ave. Pete said there was a lady in the McLoughlin Neighborhood Association (MNA) who volunteered to go around and talk to homeowners to see if they would volunteer their trees for the Heritage Project. Pete said he will bring a draft to the next meeting with the changes made from this meeting. He said at that time the document could be ready to go but may be edited more. Bryon stated he saw two misspellings in the list and that botanical names are hard if you are not familiar with them. Pete asked the Committee if they are ready to move on to the next agenda item.

4. Communications

4a. Outdoor lighting ordinance.

Bryon stated that the outdoor lighting ordinance is first issue under Communications. Pete said he hoped it will not take 30 minutes to discuss the outdoor lighting ordinance but wants to discuss how it resides in the code and how it is enforced. Current lighting ordinance was adopted in 2010 and has an applicability and purpose statement. Pete read aloud the statement: to provide safety and personal security, convenience in utility in public use or traverse and for use in public outdoors during dark hours, to control glare and improve visual performance, to control trespass light on neighboring properties, and to save energy and control light pollution. The ordinance applicability applies during development review for commercial, mixed use, industrial or multifamily development. The Public Works or City engineer also has the authority to regulate private property if it is deemed to be a hazard to public health, safety and welfare. Pete then gave an example of glare from a private property that is impeding traffic flow. There is a lighting plan requirement that specifies what needs to be submitted to the City and the plan lists exceptions which are: residential, single family dwellings, subdivisions, duplexes, detached homes, street and right-of-way lighting, seasonal or temporary lighting, and special district lighting.

Unknown male member asked about new billboards that look like TV and Pete answered that goes under sign code which is a separate section of the code. He said the City does not allow moving or flashing signs. He said the only exception to that is a signboard that is manually changed but does not move on its own and gave an example of Oregon City High School's message board. Pete explained size and quantity are what can be regulated, but not content because that falls under Freedom of Speech.

Bryon asked Pete if residential lighting is regulated in any way. Pete said that was correct. Pete explained that lighting is not required unless the building code requires it. He gave an example of entryways to buildings and pedestrian walking areas in parking lots having a minimum lighting requirement under building code. If lighting is provided, it must adhere to the lighting code.

Pete stated that there are mistakes in the current lighting plan and used the point foot candle stated in the plan as an example. He said sometimes it reads two-foot candle. He explained that a lighting

engineer looks at all the lighting in a plan to make sure the plan adheres to codes. He stated that any light exceeding 900 lumens must have a fixed shield. He said the code does not address LED lighting because it was adopted prior to wide usage.

Erik asked Pete to excuse him because he was not feeling well, and he left the meeting.

Pete continued and said it would be nice to add International Dark Sky Association (IDA) -approved fixtures to the plan.

Unknown male member asked Pete what it is that the Committee trying to accomplish under the IDA. Pete asked if this was a question about the ordinance and man asked question said No, under IDA. Pete answered that the point of compliance with the ordinance is to only use the amount of light needed for security and visual purposes and not to provide excess light that competes with the night sky.

An unknown male stated this sounds confusing because there are many things that are trying to be accomplished with light ordinances. Pete agreed that it is complicated and has multiple goals.

Sha suggested that the first video for the NRC be about outdoor lighting because IDA has information about what is being discussed for the lighting ordinance. She said she believes if people have the information from IDA, they will voluntarily make adjustments to their property to comply. She stated she has a colleague in West Linn that is on the IDA board and volunteered to assist her or the NRC. She said that a video would help people understand the concepts before they are expected comply with regulations with which they are unfamiliar.

Bob suggested contacting the Police and Neighborhood Watch because they are familiar with lighting in regard to safety. He stated that having a cohesive set of guidelines can help inform people and not contradict other agencies.

Jerry said he did not see information about down direction lighting. He also said that Clackamas Community College did not use low lighting guidelines in their plan and it may be because there is not a lot of information in the plan about low-lit areas.

Sha asked Pete how the NRC can most effectively participate in the process.

Pete answered that the Committee's bylaws state it will make recommendation actions to the City Commission, Planning Commission and Parks and Recreation Advisory Commission (PRAC). There is a form with recommendation actions and other information can be attached to this. Pete explained that once the Committee has decided a specific recommendation or code reference that needs to be inserted, amended or modified, they can submit that recommendation. Pete said that when the code is open and ready to be amended, such as during a legislative review process, that is when the advisory recommendations come up. He said that the list of needed changes will then become part of the record. He said code amendments take Planning Commission review and City planning adoption. He said the code will be open for the transportation code update and South End plan adoption by the end of the year.

Jerry asked if individuals could submit a concept using these guidelines. There was crosstalk between committee members, and then Bryon said that not individuals but the Committee can submit concepts. Jerry clarified that as individuals they can use this form to come up with concepts for the Committee to think about. Pete said that this is the first this there has been a form or guidelines written down like this.

Pete asked the Committee to give him feedback on the form. He said following decisions about changes, the form should be signed by the Chair and Vice Chair of the Committee and it should be noted whether it is a vote or consensus decision and the date that occurred.

Jerry directed a question to Sha and asked her what she would like to see the Committee do since she helped start it nine years ago. Sha answered that she now knows the Committee has an opportunity, during the South End plan adoption, to build in the concept plans of excellent lighting. She stated that residential building with down lighting can reduce light pollution and it is a simple thing to do.

Jerry brought up Clackamette Cove and said it is not fully developed yet. He said low light conservation would be very important for wildlife in that area. Pete said the Natural Resource Overlay District and Planning would already have lighting in their plan. He told the committee members that looking at residential areas would be new for them and pointed out that these change as property owners change. He said if they pursue residential they have to think about staffing and inform the City Commission.

Jerry commented that during the next South End development meeting their committee should raise the visibility of the lighting plan. Pete agreed.

There was inaudible crosstalk, and then Pete asked if there was anything else about this topic to be discussed. Sha asked about lighting on billboards and if there are regulations. Pete said the answer depends on where the billboard is. Sha spoke about billboard lighting and that she believes large billboards should be lit from above and not below. She suggested changing current and new billboards in Oregon City to downward facing lighting. Pete answered that the sign code has been discussed by the City Commission and they are revising the code but it is a huge project and he doesn't know where they are on it. He said one problem is lack of money for code enforcement staff and some billboards are on Oregon Department of Transportation right-of-way, not City of Oregon City. Sha asked Pete if the City could request ODOT follow their codes. Pete agreed with her saying that we could at least try to ask them to.

Bob asked Pete what happens when citizens complain, since there is not enough staff to enforce code. Pete replied that the person gets a response stating that the City is not currently enforcing the sign code because of staffing limitations and that it is an official policy that the City Commission is aware of.

Jerry asked Pete what steps are next for the lighting ordinance. Pete answered he would like to get some specific language from the Committee about changes to the code and is editing his notes on comments so far. He said so far he has a requirement to direct light downwards, shield light and it would apply to new residential subdivisions. Sha added 'or new single-family homes.' Jerry reminded Pete of his Clackamette Cove comment about low light and Bryon added that the other thing the Committee brought up is the educational component. Pete answered that there can never be enough public education. There was inaudible crosstalk between members.

Jerry asked Pete how long it would be until adoption of these changes. Pete answered that the Committee needs to make a decision and put the changes on as a future agenda item making it an action because it is currently under Communications. Bryon said it is an agenda item after Heritage Tree and various updates.

Jerry said he needs to leave meeting soon but has some comments to make. He asked Chair Bryon if his leaving would be a quorum problem and Bryon answered that the committee is doing non-consent

items for the remaining time. Jerry said that the Clackamas River Task Force will first meet on February 27th at the Water Environmental Services meeting facility. Jerry said he is reaching out to people from other environmental committees and people who he thinks may be interested. He said they will look at the situation as it now exists and think about the potential for a bridge collapse. He said contractors are looking at removing a bridge in Gladstone. He said the boat ramp and 99E abutments need to be discussed. He said there are a lot of changes underway at Clackamette Park. Bryon said he thinks that the bridge would be a good pedestrian crossing, but it would have to be acquired from the railroad. Pete said John Lewis is in contact with Union Pacific.

4b. Heritage Tree Code Amendments

Pete said he is now moving onto the Heritage Tree topic but has not made any progress since last meeting because of time constraints. Bryon suggests forwarding it to the next meeting. Pete agreed to table that topic.

Jerry left the meeting at 8:08pm.

4c. Updates

Pete said Bob was going to give us an update on the Climate Change Sub-Committee. Bob said he is trying to get a committee up and going, made up of citizens and stake-holders. He said there will be Earth Day activities in association with CCC. Bob said his initial idea is to have a Climate Change Community Conversation during CCC's events. This would include an overview of Northwest climate change impact. He would like staff from the City to talk about what they are doing for climate change. He wants the discussion to cover what all people in the area can do to limit the impact of climate change and then have follow-up meetings about this topic. He said he talked with Green Grocer, the OSU Extension council, and the Oregon City Watershed Council among others about their ideas for this discussion. He said it is important to build a sustainable effort to combat climate change. He told the Committee that if they know of people who may be interested, to give them his contact information. He said he hopes to get as many people as possible to this event to build a foundation for this new committee. He said he feels that President Obama's recent comments on climate change may help get more people interested in events like these and future committees. Pete asked for the dates again and Bob replied that CCC will have a whole week of activities but at this point his contact at CCC, Alison, said April 19th or 20th for this discussion. Bob said he volunteered to attend the planning meeting for the event and he will get back to everyone with specific time, once it is determined. Pete said he would reach out to City staff and other committee members about this. Bob said he would like to keep it geographically close as far as the speaker and asked if there were any questions for him. Pete suggested Eric and Metro as potential collaborators.

Pete moved on to answer a question from the last meeting about whether public notice is required for sub-committees. He said he spoke to the City Recorder's office and various department heads about this question. The answer was generally, no. He explained if an ad-hoc committee is providing information to a main committee, public notice is not required. The NRC needs to give at least 24-hour public notice. Bob asked Pete what the difference was between an ad-hoc committee and a regular sub-committee. Pete responded that the NRC has the power to start ad-hoc committees as needed and the standard sub-committee for NRC is the tree sub-committee. Bob said that he thinks of ad-hoc committee as being

brought together and dissolved quickly to work on a solution to something unlike a sub-committee that would be more long-term.

Pete moved on to discuss Clackamette Park tree removal by the Parks department and said he spoke to Larry Potter about last year's tree removals. Pete said he asked Larry for a summary of what had been done. He received a copy of the tree hazard evaluation by a certified arborist for four Eastern Cottonwood and four White Ashes. He said Clackamette Park has planted 34 trees and are moving forward with planting 8 more to replace the ones they removed. He said that, moving forward, the Parks Department is aware that all removals and replacements must go through the Planning Department and administrative review. Clackamette Park is in the Natural Resources Overlay District and -even though it is an RV Park- they are subject to NROD rules and documenting any hazards that are determined.

Sha commented that the NRC was formed so that there would be an overview of people who deal with environmental issues to look at unstable slopes, water resource areas and tree removal in public areas. She then asked Pete how the NRC can comment on these issues. Pete responded that as a staff liaison he notifies the Parks Department. He said Scott Archer is the Community Services director. He said the City code gives the City of Oregon City the right to manage trees in its parks. He said an update to the code in 2010 brought Clackamette Park into the service area through NROD. Pete said that if things aren't happening the City Manager needs to be aware of it, and he is aware of it and it is being discussed at upper levels of management.

Bob brought up his concern about the flooding out of newly planted trees at Clackamette Park. He asked Pete if anyone takes flooding into account when planting there. Pete replied that if a person is doing a natural resources application, they have to include a mitigation and monitoring plan. Land-use rules state that you have to have 85% establishment of what you want planted, planted within 5 years. If you are just replacing trees, the Parks Department handles that. Bob replied that planting in a flood plain is different than in a regular park area and he is wondering if anyone is making choices based on that. Pete said it is an active management situation. Bryon said the main water flow doesn't go through the park and he thinks they have done a good job getting plants established. He said dredging done decades ago keeps the main current in the river. Pete commented that four years ago, planting done at Abernethy park was stripped out during flooding. Bob said in that park they have to do netting to keep nutria and beavers from cutting the trees down. Pete said he hope the City can expand the restoration work done by Metro and the Greater Oregon City Watershed Council.

Pete moved onto the discussion of the Agnes Road Vegetation clearance and said that Public Works was notified about it. He said it appears that a County crew was doing clearing along the road, which is not in the NROD, but there is some question about whether it was ODOT land, County land or City land. He said it was mostly invasive species removal. Bryon said he had seen lots of blackberries in the area, but also willow and cottonwood trees. He said that large cottonwoods were still there but the willows were all removed. Pete said he hoped some native plants can be established in that area, although it is not required. Pete told the Committee that as he learns more about the work in that area he will let them know.

Pete said the City will celebrate Arbor Day on April 17. That day was chosen to coincide with a City Commission meeting. He said that they plan on partnering with the school district, the Clackamas Soil and Water District (CSWD) and hopefully there will be a tree-planting ceremony at Mcloughlin Elementary. He said the City received notification from Oregon Department of Forestry that they will be

presented with a Tree City USA award in the evening. He said Maureen Cole, director of Oregon City Library, has a poetry contest running for Arbor Day and that there will be an event at the library with a storyteller. He said CSWD is giving away 40 burlap-sized trees. The City is asking two nurseries in Canby to donate trees like they did last year. He said the Arbor Day events are bigger this year than in previous years. He said those were all the updates he had.

Bryon informed the Committee that the Basin Council is having a gold-shovel ceremony tomorrow. He said that they are planting 6 miles of streamside vegetation this year and the ceremony will be at one of these sites. He said a Senator and PGE representatives will be there and it will be a big event where he will plant a ceremonial Douglas Fir. He said that the planting will be done by professionals and will occur in February.

Pete told Bryon that there is a code request app called OC Request. Bryon said it can be downloaded at Go To Request and select Oregon City and then it becomes OC Request. He said he has not used it to report anything yet.

Bob asked Pete if there were any other types of enforcement that the City is not doing because of staffing limitations. Pete said sign enforcement is the only one he is aware of.

(At this point in the meeting there were two separate conversations going and it was not easy to determine who was speaking or what was being said.)

Bryon said there is a 'Track Issues' area in the app where people can see if there issues have been resolved. Pete said once the code issue is sent it gets routed through email to the appropriate City department person who then clicks on link, comments on it and that starts the 'Track Issue' process. Pete described some of the items within the app and said he thinks it is going well. He said the City's code enforcement staff is made up of four people. He said one is primarily parking and the other three work on the rest of the code.

5. Future Agenda Items

The PRAC has requested at their March meeting that the NRC speak and discuss matters of mutual importance. Bryon asked Pete for the date and he said it is on the City calendar. Sha asked if one representative or several were asked to attend. Pete said he thought they would welcome all of the NRC members. Bryon asked if this is to discuss what topics are of mutual interest and Pete said yes and topics can then be discussed in more detail at a to-be-determined later date or dates. Pete expressed thanks to a person who came into the room off-camera and told the Committee that March 28th was the meeting date.

Sha asked what the last date to comment on the South End project was and Pete responded there wasn't one. He said that they are in the middle of the public involvement process. He said there is no draft plan yet. Bob commented that he thought the earlier the comments were made, the better. Sha suggested adding as a future agenda item that the NRC make a recommendation to the South End concept plan about lighting. Bryon said there is an online place for comments like these. Pete then provided the Committee with the South End concept plan's website. Pete said he is in charge of that plan and that they can make comments directly to him. Pete said that Sha's suggestion is an implementation comment and would occur at the end. Sha said that the issue of lighting should be raised in multiple ways, multiple times. Pete said at this point it would be a value statement to bring

awareness and agreed that the more times light pollution is addressed the better. He said some citizens have talked about lighting already.

6. Meeting adjourned

The meeting was adjourned at 8:40 by Bryon.