



# City of Tigard Tree Board – Minutes

---

**MEETING DATE:** December 4, 2008, 6:30-8:00 p.m.  
**MEETING LOCATION:** City of Tigard-Town Hall,  
13125 SW Hall Blvd., Tigard, OR 97223

**Members Present** –Janet Gillis, Matt Clemo, Dennis Sizemore, Tony Tycer, David Walsh

**Members Absent** –

**Staff Present** – John Floyd, Todd Prager

**Visitors** –John Frewing, Alan DeHarpport

1. Introductions and Opening Remarks

At 6:37 Janet Gillis commenced the Tree Board meeting by allowing staff member, Todd Prager, to make an opening statement. Prager explained that the Planning Commission met on Monday, December 1, 2008 with PacTrust regarding their concept plan for a planned development called Tigard Retail Center. He explained that the Tigard Retail Center will contain a Target store with a large parking area and natural habitat areas among other features. Because the project will contain a significant amount of trees and landscaping, the Planning Commission required that PacTrust meet with the Tree Board for input prior to the next Planning Commission meeting where the detailed plan will be discussed.

Dennis Sizemore commented that in the past, Target has been a positive community partner, especially with regards to landscaping and maintenance.

David Walsh said that we will be dealing with PacTrust, and Target will be their tenant. Mr. Walsh stressed that PacTrust will own and manage the project before, during, and after construction.

Mr. Walsh then went on to describe the project in more detail. He said that Planning Commission has reviewed and approved the preliminary concept design of the project. He said he walked the site and noted that it has poor soils and drainage, and is generally in poor condition. He also said that a significant portion of the site is in wetlands, and therefore unbuildable. The unbuildable areas will contain a walking path for passive recreation. Mr. Walsh added that PacTrust is required to meet with the Tree Board prior to the next Planning Commission meeting where the detailed plan will be discussed.

Matt Clemo asked if the site is large enough to hold a Target. Mr. Walsh responded that there is plenty of room.

Mr. Walsh said that this site can only be improved by development because it is in such poor condition. Janet Gillis expressed concerns about the increased amount of traffic congestion that may result from the development.

Mr. Walsh said that he felt that the project may actually improve traffic flow in the area due to the extensive amount of roadway improvements that are planned for the project. He added that the traffic improvements would be funded by PacTrust.

Prager asked if everyone would be available to meet with the project team on January 28, 2009 in the 2<sup>nd</sup> floor conference room of the Tigard Library. Everyone agreed that this would work for their schedule, and that the meeting will be in-lieu of the Tree Board's regular February meeting.

Janet Gillis then announced that her Tree Board membership would be up in May of 2009, and that she would like to hand over the chair position to another member.

Staff member Todd Prager then announced that the urban forestry survey was 75% complete and that it should be completed on Friday, December 5, 2009. He said the results would be available for the Urban Forestry Master Plan Citizen Advisory Committee by their next meeting on January 7, 2009. In response to a question by Alan DeHarpport, Prager said the questions would not be made public until the survey is completed. John Frewing said that he had spoken to one of the survey respondents, and she found it difficult to provide informed responses to somewhat complex policy questions over the phone. Prager acknowledged the difficulty and said that perhaps the web survey will allow for more informed responses to the questions since it would give the respondents more time to think. Prager added that the web results could be compared with the phone results to see if there is a discrepancy.

## 2. Review and Approval of October 1, 2008 Meeting Minutes

The Tree Board members discussed the October 1, 2008 meeting minutes.

At 7:00pm, Tony Tycer made a motion to approve the minutes. Matt Clemo then seconded the motion and thus the October 1, 2008 meeting minutes were approved.

Tony Tycer then noted that at the October 1 meeting, there had been discussion about coordinating with Metro regarding the conflicts between density and tree preservation. Staff member John Floyd added that other communities in the region have repealed their minimum density requirements, and that Tigard would be revisiting their density requirements in 2009 as part of its comprehensive urban forestry program revisions.

Mr. DeHarpport said that he supported the challenge to minimum density requirements, because he has mixed feeling about minimum density. He added that his preference is for cities to have a wider variety of densities.

## 3. Discuss Interim Tree Code Revisions

The discussion then shifted to the draft interim tree code revisions. John Floyd explained that earlier in the year, staff received direction from City Council to codify the Director's Interpretation that was appealed by the Home Builder's Association. Therefore, Floyd said that the interim tree code revisions would be focused on codifying the Director's Interpretation. Floyd then explained the major revisions that staff are proposing:

1. Street trees are to be part of the tree plan.
2. Require applicants to demonstrate how protection can be given preference over removal.

Dave Walsh asked if the mitigation issue is within the scope of the revisions. Floyd said that mitigation is not within the scope of the revisions.

Mr. Walsh then asked what the purpose of the revisions are. Floyd responded that the main purpose of the revisions is to require applicants to demonstrate how preservation can be given preference over removal. Dennis Sizemore added that as he read the revisions, they allow applicants to describe how they are incorporating trees into the project design.

Floyd then went on to describe the revisions in more detail:

1. He said that the revisions in part B1 require the arborist to describe the condition of trees on and adjacent to the project site.
2. He said that the revisions in part B1 also require the applicant to document trees on adjacent property as part of the tree plan.
3. He said that the revisions in part B2 require applicants to focus on the preservation of healthy trees.
4. He said that the revisions in part B3 require the applicant to describe the reasons for removal.
5. He concluded by saying the major changes are in section B5 (there was a typo in the draft that labeled the section as B4). Floyd went on to say that B5 requires the project arborist to address the project design items a.-j. Floyd said B5 does not require applicants to preserve a specific percentage of trees, but that it is for informational purposes only.

In response to Floyd's presentation, Janet Gillis said the changes in section B1 would impact street tree removal such as at the reservoir project on Bull Mountain where a number of Pacific Dogwoods were removed from the right of way. She viewed the inclusion of right of way trees in the tree plan as a positive change.

Tony Tycer stressed that City projects need to give the same consideration for tree preservation that will be required for private development projects.

Janet Gillis asked if the new regulations should be applicable to trees that are six inches in diameter. David Walsh responded that he felt it would have too large of an impact for interim regulations. The Board generally agreed with Mr. Walsh.

Mr. Walsh said that his interpretation of the revisions was that it required developers to disclose their thought processes with regards to tree preservation during development.

Janet Gillis added that if the questions in B5 were applied to the Oregon white oak (pending heritage tree) at the White Oak Village Subdivision, they could easily answer the questions and describe how the tree was incorporated in the design process.

Dennis Sizemore suggested that the words “certified arborist” should be highlighted in the section so that applicants would clearly understand that the information needs to be approved by the project arborist.

David Walsh asked if the questions in B5 need to be answered for each individual tree on site. John Floyd responded that he imagined that applicants could group trees if they are all being removed for the same reason. For example, “Trees 25-87 are being removed for the widening of Hall Boulevard”.

Both David Walsh and Dennis Sizemore suggested that the City provide applicants with examples or a template that explains to what degree the questions should be answered.

Tony Tycer asked staff member Prager at what point he will review the tree plan. Prager responded that he will review the tree plan before the application is deemed complete, and before development permits are issued.

Janet Gillis said that more clearly identifying why trees are being removed may actually speed up the development process because the City and public will have a better understanding of when tree removal is necessary.

Tony Tycer commented that he hopes that the City will avoid inflexibility in the future that requires trees to be damaged and/or removed.

Janet Gillis then opened up the discussion for public comment. John Frewing began by asking what has happened to the old draft revisions that the Tree Board worked on with former staff arborist Matt Stine. Both Floyd and Prager said that they would look into locating them.

Mr. Frewing then went on to say that the revisions to the tree code should make reference to the newly adopted Comprehensive Plan. John Floyd responded that the Comprehensive Plan was not referenced because it is under appeal by the Home Builder’s Association.

Mr. Frewing also commented that the questions in B5 should be approval criteria, not simply information requirements.

Mr. Frewing suggested that the “Tree Removal” section title should be changed to “Tree Management”.

Mr. Frewing said that the City needs to be clearer on what is practical with regards to tree preservation. He went on to say that anything is “possible”, but there has to be a limit. For example, tree preservation shall not increase the cost of construction by more than 15% or some other limit.

Mr. Frewing said that the tree plan cannot be prepared solely by the project arborist, but will require more of a team approach. The wording of the tree plan requirement should be revised to reflect that fact.

---

## **TIGARD TREE BOARD MEETING MINUTES – December 4, 2008**

Mr. Frewing noted that the revisions in section 030.B2 give no role to wildlife trees or other unhealthy trees that can benefit wildlife while not posing a danger to people. He added that the revisions in 030.B2 were not in the original Director's Interpretation, and should not be in the scope of the revisions.

Tony Tycker added that preserved trees should be guaranteed after construction through methods such as bonding requirements.

Mr. Frewing concluded his comments by stating that the City should require applicants to show alternative plans of tree preservation so that there is a basis for comparison.

Alan DeHarpport began his comments by asking if the questions in B5 are approval criteria. He added that if they are approval criteria, then they need to be clear and objective. He said that since the questions in B5 are not clear and objective, they should be limited to Type III decisions only. Mr. DeHarpport went on to say that if the questions are simply informational, then they are acceptable. He said if they are not informational, then they violate ORS 197.307. Mr. DeHarpport suggested that the Code section should clarify that the questions in B5 are not approval criteria.

Mr. DeHarpport also suggested that the Code section should specify exactly what constitutes a property tree. He asked if a tree is on a property line, who is the owner of the tree? Staff member Prager responded that his understanding is that if the trunk is on a property line, it is shared property, but that staff could look into verifying this. David Walsh added that it would be helpful if the City could provide graphical explanations of tree ownership for property line cases such as the graphics produced by the Eastmoreland Neighborhood Association.

Mr. DeHarpport concluded his comments by suggesting that the term "determined adequate" be revised to say "deemed complete".

Floyd reiterated that more comprehensive changes to the tree code will be accomplished during and after the Urban Forestry Master Plan process. Floyd again said that the interim changes are intended to require the project arborist to work in closer coordination with the developer in the planning process.

David Walsh commented that the questions in B5 will demonstrate how "protection...wherever possible" can occur.

Alan DeHarpport said that providing the arborist narrative in B5 will not present an excessive burden over and above the standard arborist report.

Floyd concluded the discussion by saying he will incorporate everyone's suggestions into the revisions, and present the revisions to the Planning Commission in late January.

#### 4. Closing Remarks and Adjournment

Chairwoman Gillis adjourned the meeting at 8:00 p.m.