



City of Tigard Tree Board – Minutes

MEETING DATE: January 6, 2010, 6:30-8:00 p.m.
MEETING LOCATION: Tigard City Hall, Red Rock Creek Conference Room,
13125 SW Hall Blvd., Tigard, OR 97223

Members Present –Dennis Sizemore, Bret Lieuallen, David Walsh, Matt Clemo, Mort Ettelstein, Tony Tycer

Members Absent – None

Council/Staff Present – Todd Prager

Visitors – John Frewing

1. Introduction and Opening Remarks

At 6:30 p.m., Chairman Dennis Sizemore called the meeting to order and asked for all of the Tree Board members to introduce themselves for the benefit of new and existing members.

Dennis Sizemore introduced himself as interim Chair of the Tree Board. Mort Ettelstein introduced himself as a new member. Tony Tycer said it was his second term on the Tree Board. Matt Clemo said he has been a Tree Board member for a year and a half. Dave Walsh said he was the Planning Commission liaison to the Tree Board. Bret Lieuallen said he was a new member.

Prager announced to the Board that Dave Walsh was recently elected President of the Planning Commission. Mr. Walsh said that due to the time commitment, he would like to back out of the Tree Board and see if an alternate Planning Commissioner could take his place.

Todd Prager added that Mort Ettelstein was a former member of the Urban Forestry Master Plan Citizen Advisory Committee. Prager also said that Mr. Ettelstein is a resident of Summerfield, and therefore an important liaison for one of Tigard's largest homeowner's associations.

Prager also said that Bret Lieuallen is a lifelong Tigard resident and runs his own landscape contracting firm.

2. Review and Approval of October 7, 2009 Meeting Minutes

The Tree Board unanimously approved a motion at 6:37 p.m. to approve the October 7, 2009 meeting minutes (Attachment 2, January 6, 2010 Tree Board Meeting Packet).

3. Goal Setting for 2010

Dennis Sizemore then shifted the discussion to goal setting for 2010. Mr. Sizemore suggested that the goals should be based on the goals in the Urban Forestry Master Plan.

Prager responded that the draft goals in the January 6, 2010 meeting packet were based on his and the Tree Board's notes from their joint meeting with Council on November 17, 2009. Prager added that the goals discussed at the meeting were based on the Urban Forestry Master Plan.

Dennis Sizemore asked the group if the following draft goals were acceptable to the group:

1. Advise Staff on Comprehensive Tree Code Revisions and a Tree Grove Protection Program;
2. Provide Oversight on the Implementation of the Urban Forestry Master Plan;
3. Establish a Budget for Urban Forestry Outreach Materials (to support ongoing activities such as mailing orientation postcards for new residents of Tigard); and
4. Develop Official Tree Board Bylaws to be Adopted by Council.

David Walsh suggested that the four goals be broken down into a work plan or sub-goals. Dennis Sizemore responded that the Tree Board is not going to be rewriting the Tree Code, and that is the responsibility of staff. David Walsh told the Board that on January 19, 2010 the Planning Commission and Council will be holding a joint meeting to give staff unified direction on the most controversial aspects of the Tree Code. Mr. Walsh invited the Tree Board to attend and asked staff for the meeting to be open to the public for comment.

Matt Clemo added that Goal 3 (Outreach) could include a Tree Board production of a video about tree care, tree planting, tree regulations, etc. Bret Lieuallen commented that funds for a video could be used for outreach postcards, so the outreach budget should be based on the cost of outreach items. David Walsh said the video should be short (4-5 minutes) so it could be posted to You Tube and easily distributed. Tony Tycker suggested possible topics such as hazard trees, how to prune, how to plant, and tree regulations. David Walsh said that Tony Tycker would be good for the video because of his passion for trees. Mort Ettlstein said he thought outreach efforts would be better directed to homeowner's associations rather than individual homeowners because there will be greater impact and more buy in. Bret Lieuallen suggested that producing a video geared towards school children could be effective at reaching a wide audience especially during Arbor Day.

David Walsh said with regards to Code (Goal 1), the Tree Board should review it prior to Planning Commission and/or Council hearings. Mr. Walsh added that if the Code is not being completed according to schedule, the Tree Board has an obligation to raise the issue to Council.

Dennis Sizemore asked if Council relieved the Tree Board of the task of writing Code. Prager agreed that the Tree Board will not be writing Code, but they will provide oversight for staff to ensure that Code is being completed on schedule.

Mort Ettelstein suggested that staff should be using project management software to help manage the tasks associated with writing Code. Prager said that John Floyd, lead City Planner on the Code rewrite, has purchased project management software to organize the Code update. David Walsh asked that in each Tree Board agenda, there be a progress report from staff on the Code rewrite and if the Tree Board's expectations are not being met, then they will need to have a discussion with Council.

Tony Tycer asked if Resolution 07-30 will need to be revised if the Tree Board will be less involved in the Code rewrite. Prager said he would get clarification from John Floyd on this issue. Tony Tycer said he would like to be involved in the Code rewrite to ensure, for example, that different species of trees are treated differently (e.g. Pacific Yew vs. Black Cottonwood).

David Walsh said he thought Resolution 07-30 would not need to be revised because it requires the Tree Board to provide oversight and not Code writing.

Dennis Sizemore and David Walsh said the mitigation issue needs to be addressed in detail so the rest of the Code rewrite can occur more smoothly. David Walsh said he thinks representatives from the Homebuilder's Association, Planning Commission, and Tree Board should form a subcommittee to work out the mitigation issue.

Tony Tycer said he would like face to face involvement with staff on issues that affect private property rights such as the hazard tree issue. David Walsh said that hazard trees need to be addressed in the municipal code, and that will be a topic of discussion during the joint Planning Commission/Council meeting on January 19, 2010.

Prager said he would talk to John Floyd to see if he could provide the Tree Board with a schedule of the Code update at their next meeting. Dennis Sizemore asked Prager to include a copy of the outreach postcard for the benefit of the new members at the next meeting.

Bret Lieuallen asked, with regards to Goal 3 (Outreach), what the cost to send postcards is. He said the budget should be based on cost of outreach and not a set number. Prager explained that currently, the Tree Board has an annual \$1500 budget for continuing education that is rarely utilized. During the joint meeting with Council, the Tree Board discussed allocating those funds for outreach items instead of continuing education. If the Tree Board had an annual outreach budget, then they could plan their outreach efforts accordingly.

Dennis Sizemore suggested taking references to specific outreach items (i.e. postcards) out of Goal 3 so the Tree Board has more flexibility on how to use the funds.

Bret Lieuallen said the Tree Board should provide Council with a package of outreach items and give them the costs to see if they want to fund it. Dennis Sizemore said the Tree Board could establish a fifth goal of developing an education and outreach plan.

Bret Lieuallen suggested that mitigation funds could be used for education and outreach. Dennis Sizemore responded that perhaps staff could clarify how mitigation funds have been and can be used at an upcoming meeting.

David Walsh commented on the mitigation trees that have died in Cook Park, and asked if the developer is being held accountable. Prager said yes, and that staff is working with the developer on a solution. Bret Lieuallen added that if people were educated on the right time of year to plant, for example, these types of issues may be avoided.

After the discussion, the Tree Board adopted the following goals for 2010:

1. Advise Staff on Comprehensive Tree Code Revisions and a Tree Grove Protection Program;
2. Provide Oversight on the Implementation of the Urban Forestry Master Plan;
3. Establish a Budget for Urban Forestry Education and Outreach Materials;
4. Develop an Urban Forestry Outreach Plan; and
5. Develop Official Tree Board Bylaws to be Adopted by Council.

4. Discuss Draft Bylaws

Dennis Sizemore then shifted the discussion to the draft bylaws. Mr. Sizemore noted that creating Tree Board bylaws is one of their 2010 goals.

Prager reviewed the Resolutions that established the Tree Board's mission and membership (Attachment 1, January 6, 2010 Tree Board Meeting Packet). Prager said Resolution 01-02 established the Tree Board as a 5-7 member advisory body (with 2-4 citizens at large and 1-3 Planning Commissioners) with oversight of trees on public lands.

Prager said Resolution 07-30 was then adopted by Council to expand the Tree Board's oversight role to private property to facilitate the development of the Comprehensive Plan, Tree Code, and outreach programs.

Prager then said Council adopted Resolution 07-46 to eliminate the requirement for a Planning Commission member on the Tree Board.

Tony Tyner added that prior Tree Board Chair Janet Gillis helped advance Resolution 07-30 so the Tree Board could address trees on private as well as public property. Dennis Sizemore agreed that the purpose of the Resolution was to broaden the Tree Board's scope to address private lands. David Walsh said his impression was that currently Council is not interested in regulating private lands except to address hazard trees. Mr. Walsh added that addressing hazard trees could be accomplished through outreach materials such as those developed by Eastmoreland which make the issue very clear.

David Walsh said that he thinks the Tree Board bylaws should not specify that a Planning Commissioner should be on the Tree Board, but he does think it is beneficial to the Board to have a Planning Commissioner.

Bret Lieuallen asked why the Tree Board is not involved in the Tree Code discussion between the Planning Commission and Council. David Walsh responded that the Tree Board has discussed the issues with both bodies individually, but Council and Planning Commission have not had an opportunity to discuss the issues with each other.

John Frewing said for the past three years, no progress has been made on the Code because the Homebuilder's Association has appealed the Comprehensive Plan.

Todd Prager clarified that the Homebuilder's Association has filed a Notice of Intent to Appeal, but that the City is in negotiation with them to resolve the issue. Prager added that staff is continuing work towards Code revisions, but will need to have the Notice of Intent to Appeal issue resolved prior to adopting new Code language.

David Walsh said that the Homebuilder's main issue is mitigation, and he hopes it can be resolved through a subcommittee of interested parties.

Dennis Sizemore said he thought the bylaws looked good, except that Section 6 (Voting) should be amended to allow the Chair to institute Robert's Rules of Order at his or her discretion. At 8:04 p.m. the Tree Board unanimously approved a motion to accept the bylaws and forward them on to Council for adoption.

5. Closing Remarks and Adjournment

Dennis Sizemore then opened the meeting up to public comment.

John Frewing recommended that the Tree Board be proactive about tree regulation and not simply react to staff's proposals. Mr. Frewing offered to try and get someone from Lake Oswego to give a presentation on their tree grove preservation program. He also suggested that the Tree Board could get information on Washington County's efforts on developing a Tree Code.

John Frewing then said the Tree Board should ask for an independent audit of Tigard's mitigation program from ECONorthwest.

Dennis Sizemore asked staff to provide some information on its mitigation program at the Tree Board's next meeting.

The meeting was adjourned by Chairman Sizemore at 8:10 p.m.