



City of Tigard Tree Board – Minutes

MEETING DATE: February 8, 2010, 6:30-8:00 p.m.
MEETING LOCATION: Tigard Library, 2nd Floor Conference Room,
13500 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 – John Floyd, Marissa Daniels, Susan Hartnett, Todd Prager

Visitors – Kandace Horlings, Ken Gertz

1. Introduction and Opening Remarks

At 6:28 p.m., Chairman Dennis Sizemore called the meeting to order.

Mr. Sizemore updated the Tree Board that the draft bylaws were revised slightly to allow the Tree Board to suspend/reinstate Roberts Rules of Order by a majority vote of the Board, rather than at the Chair's discretion. The changes were made so that the Chair would not have unilateral authority over voting at the meetings. Todd Prager added that the draft bylaws will be considered for adoption by Council in March.

2. Review and Approval of January 6, 2010 Meeting Minutes

Tony Tycer asked if Resolution 07-30 would need to be revised to make the Tree Board less involved in the Tree Code update. Dennis Sizemore responded that John Floyd and Susan Hartnett will explain the Tree Code update process during their presentation.

The Tree Board unanimously approved the January 6, 2010 meeting minutes (Attachment 1, February 8, 2010 Tree Board Meeting Packet).

3. Tree Code Update

Dennis Sizemore then shifted the discussion to the Tree Code update and introduced Assistant Community Development Director, Susan Hartnett, and Associate Planner, John Floyd.

Susan Hartnett explained that in January there was a joint meeting between the Planning Commission and Council to provide direction on the priorities for the Tree Code update. Ms. Hartnett said the meeting was beneficial for staff, but that additional direction is needed on how Council wants staff to procedurally implement the changes to the Tree Code. She explained that staff will be presenting the following two options for Council's consideration:

Option 1 – Comprehensive overhaul of the Development Code and Municipal Code.

Pluses

- +All of the tree provisions in the Code are interrelated so addressing all at one time will help to avoid loopholes and ensure the Development and Municipal Code provisions support one another.
- +There will be more opportunity for public involvement because the process will take longer.

Minuses

- It will take longer (18-24 months) to produce a product because there is more work involved.

Option 2 – Phased approach that addresses the Development Code now and Municipal Code later.

Pluses

- +The amount of time required to produce a product will be less (9-12 months).

Minuses

- The process will not be comprehensive so the Development and Municipal Codes will not be as supportive of one another.
- Because the process will be accelerated, there will be less opportunity for public involvement.

John Floyd then described the following proposed public involvement process for both approaches:

Option 1 (Comprehensive Approach) Public Involvement

- More public involvement.
- Create a citizen advisory committee composed of members from existing boards and committees (Tree Board, Planning Commission, Parks Board, etc.), and representatives from the Home Builder's Association (HBA). Staff may participate on the committee as well.
- The committee meetings would be run by an independent facilitator to make the meetings more neutral.
- The entire Tree Board will receive updates from their representative throughout the process, and will be consulted before presentation to Planning Commission and Council for adoption.

Option 2 (Phased Approach) Public Involvement

- Less public involvement.
- The Tree Board will be more involved, with staff presenting options to the Tree Board for their consideration and input. No citizen advisory committee.

-An all day workshop could be utilized with staff giving a presentation about the Tree Code update, and the community providing input to staff about the changes they want to see.

Dave Walsh asked what staff's recommendation will be. Susan Hartnett said that staff will be recommending Option 1 (Comprehensive Approach) to Council on February 16th.

Dennis Sizemore commented that Option 2 relies heavily on effective community involvement during the all day workshop. He added that the benefit is that Option 2 moves the process forward more quickly. Mr. Sizemore said the City needs to be clear that Council will be the ones making the final decision, and that the community and stakeholders will be consulted during the process. Both he and Susan Hartnett agreed that consensus will not be possible on an issue as divisive as tree regulations.

Susan Hartnett invited the Tree Board to attend the February 16th Council workshop, but added that Council will not likely receive comments from the Tree Board or public during the workshop.

4. Tree Mitigation Discussion

Todd Prager then said that in response to a request by the Tree Board, he worked with the City's Finance Department to compile a summary of expenditures and revenue for the tree mitigation cash assurance account and the tree replacement account (Attachment 2, February 8, 2010 Tree Board Meeting Packet). He then introduced Susan Hartnett to explain and answer questions about the future of both accounts.

Susan Hartnett said that Todd Prager has spent the past year evaluating all open tree mitigation cases, and found that many have not completed their requirements. She said that the situation has put the City in a bind because there is an obligation to close the land use cases, but due to the current economy it would put an extreme financial burden on developers to collect the required funds.

Council held an executive session to discuss the issue due to the high likelihood of litigation, and decided that they do want staff to pursue collections. Staff is not at liberty to discuss the details of decisions made or specific cases, but is currently working with three developers to close their tree mitigation requirements. All three developers want to continue developing, and the City wants to move forward in a manner that is equitable to those involved, and balances community values with economic realities.

Tony Tyner commented that to him the situation looked pretty straightforward: They either planted the trees or not. Susan Hartnett responded that the situation was not so simple. Some may have planted trees, but never provided notification to the City of the planting. Some may have planted trees, but they died. Others may not have ever planted, but are now bankrupt. Etc.

Dennis Sizemore asked if the funds in the Tree Replacement account could be used by the Tree Board to further implementation of the Urban Forestry Master Plan. Susan Hartnett responded that in order to use funds for things other than planting trees would require a change in the Code. Bret Lieuallen commented that he thinks the Tree Replacement funds should be used to plant trees. Dennis Sizemore agreed.

Todd Prager commented that in using the funds, he has focused planting efforts on public property such as City parks, public schools, public right-of-way, and local highways. He added though that there is nothing in the Code that he has seen that would preclude the City from planting on private property.

Susan Hartnett said if the Tree Board would like to become involved in using the tree mitigation fund for planting projects, they should make a proposal to Council and fold the funds into the budget process. Tony Tyker wanted to make sure the funds would not become part of the general fund and be used for items other than tree planting. Ms. Hartnett said that would not happen because the Tree Replacement account is a dedicated fund.

Dave Walsh asked if a holistic approach could be taken so the Tree Replacement account could be used for incentives such as purchasing easements or encouraging parking lot retrofits. Susan Hartnett responded that those items merit consideration, but the current Code would not allow funds to be used for those items.

Dennis Sizemore suggested the Tree Board could work on developing a five year plan for tree replacement that it could present to Council during a joint workshop. Susan Hartnett supported the idea and asked Todd Prager to work with the Tree Board to move it forward.

Tony Tyker said that time is important because the longer trees are in the ground, the larger they get and the more benefits they provide.

John Floyd added that he will be working with Council during the Tree Code update to determine how funds can be collected and utilized to sustain the City's urban forestry program in the future. Tony Tyker commented that if mitigation is required in the future, it should be species specific so that high value trees require more mitigation.

Mort Ettlstein commented that he thought a process for determining alternative uses for tree mitigation funds could be complicated. Susan Hartnett agreed and said that it will need to be specifically determined how much could be used to purchase easements, how much for parking lot trees, etc.

Tony Tyker commented that he thinks there should be a cap on how much should be spent on each tree.

Mort Ettlstein said the Tree Board could work with neighborhood associations to extend the urban forest onto private property. Susan Hartnett thought it was a good idea and suggested working with the City's neighborhood program to conduct outreach.

Dennis Sizemore suggested at the next Tree Board meeting, the Tree Board could brainstorm ideas for a five year planting plan, and present their findings to Council.

Tony Tyker said this process may allow the HBA to partner with neighborhoods in order to satisfy tree mitigation requirements.

5. Urban Forestry Outreach Discussion

Todd Prager then provided the following answers to outreach related questions that were asked by the Tree Board at their last meeting:

Q: Could the Tree Board utilize their annual budget for outreach and continuing education?

A: Yes, the Tree Board's \$1500 annual budget will be available for both outreach and continuing education beginning July 1, 2010.

Q: What is the cost to mail outreach postcards?

A: Up to 500 outreach postcards (see Attachment 3) could be printed and mailed annually by the City's Office Services Division. If additional mailings are needed, the cost would be 28 cents per additional card. The outreach postcards are targeted towards new Tigard residents. According to the City's Utility Billing Division, there are approximately 1250 new residents (both tenants and owners) in Tigard annually. Of those 1250 new residents, approximately 550 are new property owners. The cost to the Tree Board to mail postcards to all new residents annually would be approximately \$210. The cost to the Tree Board to mail postcards to all new property owners annually would be approximately \$14.

Q: Can mitigation funds be used for outreach?

A: Historically, tree mitigation funds have been used for the sole purpose of planting trees as specified in Chapter 18.790 of the Tigard Development Code. In order to use tree mitigation funds for things other than tree planting (such as outreach), Council would need to make a policy change.

Q: The Tree Board is interested in creating an outreach video about tree care, tree planting, tree regulations, etc. What is the process?

A: The City's Executive Staff discussed the Tree Board's proposal, but needs to first determine whether the Parks and Recreation Advisory Board (PRAB) will be developing an outreach video about a potential voter approval Parks Bond. This decision should be made within the next couple of months. If PRAB does not end up creating a video, the Tree Board and Executive Staff can revisit the issue. Please keep in mind that a video about a Parks Bond would support the Tree Board's mission in that City Council has discussed utilizing a portion of the Parks Bond (if approved by voters) to preserve some of the City's remaining tree groves and other natural areas.

Marissa Daniels then described urban forestry outreach efforts that she and other staff members have been working on to celebrate Arbor Day.

First, she said the Tree Board and public could nominate individuals for the Tree Stewardship Award. She added that starting this year, Council would like to make the final decision on who receives the award.

Tony Tyner asked if the Heritage Tree program still exists, and if there have been any nominations. Todd Prager responded that he recently received a Heritage Tree nomination and would be presenting a report to the Tree Board at their next meeting.

Marissa Daniels then said that she is working on expanding Arbor Day activities to both kids and adults. She said that kids would be involved in an Arbor Day celebration and tree planting at Mary Woodward Elementary school on April 8th at 1:30, and the Tree Board was invited to attend. She said adult activities include the Tree Stewardship Award and Tree City USA Council meeting, a community ivy pull and tree planting in a streamside area on City property, and a tree care workshop at the Library by a local arborist.

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Finally, families will be welcomed at the Library to listen to tree themed stories by a professional storyteller.

Todd Prager added that the children at Mary Woodward Elementary would be receiving lessons about the history and importance of Arbor Day prior to the celebration. Marissa Daniels said that staff was considering providing seeds for children to plant because they are easier to handle than live seedlings.

6. Closing Remarks and Adjournment

Dennis Sizemore then opened the meeting up to public comment at 7:37 p.m.

Ken Gertz asked if there were public spaces available for planting. Todd Prager responded that his projects have focused on planting in public spaces, but that the City does not allow developers to plant on their property because there has been a lack of follow up maintenance.

Mr. Gertz said he supported the idea of the Tree Board working to provide mitigation sites on private property. He also suggested the City stuff utility bill envelopes with tree related information in order to cut costs associated with separate mailings.

Tony Tycker suggested when developers send out their notices to neighbors, that they offer to plant mitigation trees.

Kandace Horlings asked Mr. Gertz if developers plant trees in the yards of new homes. Mr. Gertz said some do, but there are issues with new property owners taking them out.

Todd Prager recommended that when the group is considering expanding the use of mitigation funds to private property, that they consider these types of complications. He said we would need to be able to address situations where trees are removed, or individuals fail to maintain them.

Kandace Horlings commented that the City needs to take steps to plant trees, and get the money out of the Tree Replacement account.

Ken Gertz said that he and other developers would be opposed to using Tree Replacement funds for items other than planting trees, since that was the original reason funds were put into the account.

Dennis Sizemore asked Todd Prager to provide the Tree Board with examples of some of the planting projects the City has done for the next meeting.

Mort Ettlstein asked Todd Prager to bring large white sheets that can be marked up during brainstorming sessions.

Tony Tycker asked if designating a tree as a Heritage Tree would restrict its removal. Todd Prager said that it would, but the property owner has to agree to the Heritage nomination before it can move through the designation process.

The meeting was adjourned by Chairman Sizemore at 7:52 p.m.