



# City of Tigard Tree Board Minutes

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**MEETING DATE:** January 26, 2011, 6:30-8:00 p.m.  
**MEETING LOCATION:** Tigard Library, 2<sup>nd</sup> Floor Conference Room,  
13500 SW Hall Blvd., Tigard, OR 97223

**Members Present** –Bret Lieuallen, Dave Walsh, Mort Ettelstein, Paul Jackson, Tony Tycer, Wayne Gross

**Members Absent** – None

**Council/Staff Present** –Cheryl Caines, Susan Hartnett, Toby LaFrance, Todd Prager

**Visitors** – None

1. Introduction and Opening Remarks

At 6:34 p.m., Todd Prager called the meeting to order. He noted that the Tree Board was without an official Chair and offered to facilitate the meeting.

Since there were two new members (Paul Jackson and Wayne Gross), Todd asked everyone to introduce themselves.

Todd Prager explained he is the City Arborist, and responsible for Tigard's urban forestry program. Toby LaFrance said he is the City's Finance Director, and was attending the meeting as a guest speaker. Bret Lieuallen said he was a Tree Board Member. Tony Tycer said he was a Tree Board member. Wayne Gross said he helped manage the City of Burlington, Vermont's urban forestry program and is currently Assistant Director of the City of Hillsboro Parks Department. Paul Jackson said he has lived in Tigard for 25 years and was looking forward to the opportunity to contribute to the Tree Board. Mort Ettelstein said he was a Tree Board member and trained as an Industrial Engineer. He said he worked for the EPA, Navy, and FAA and specialized in workforce planning. Cheryl Caines said she is an Associate Planner with the Current Planning Division for the City and will be helping the Tree Board on developing a funding strategy and to revise their charge. Susan Hartnett said she is the City's Long Range Planning Manager and one of her efforts is to mix up current and long range planning activities in the City (thus why Cheryl is assisting the Tree Board). Dave Walsh said he is a Tree Board Member and Planning Commission Member, as well as a member of the Urban Forestry Code Revisions (UFCR) Citizen Advisory Committee (CAC). He said he started his career in forestry and now works for a paper company. He said he is willing to fill in as Tree Board Chair for the time being.

2. Review and Approval of October 11, 2010 Meeting Minutes

Todd Prager asked if there were any objections to the October 11, 2010 meeting minutes (Attachment 1, January 26, 2011 Tree Board Meeting Packet). Bret Lieuallen noted that his comments about the Fred Fields properties

were not part of the official Tree Board meeting, so Todd Prager said he would strike them from the minutes. The Tree Board then unanimously approved the October 11, 2010 Tree Board Meeting Minutes subject to the revision at 6:43 p.m.

### 3. Goal Setting for 2011

Susan Hartnett took over facilitation of the meeting so that Todd Prager could concentrate on recording the minutes. She drew the Tree Board's attention to the following draft goals outlined in the cover memo of the January 26, 2011 Tree Board Meeting Packet:

1. *Continue to Provide Oversight on the Implementation of the Urban Forestry Master Plan.*
2. *Work with City Staff and Council to Develop a Funding Proposal for a Sustainable Tree and Urban Forest Enhancement Program.*
3. *Work with City Staff and Council to Develop a New Charge Statement for the Tree Board following Adoption of the Urban Forestry Code Revisions.*

Dave Walsh added that Goal 3 will determine what the Tree Board will be doing in the future to give them better direction than they have currently. Should they be a Natural Resources Board? He said Goal 1 continues the implementation of the Tree Board's overall work plan, and asked Todd Prager to provide the new members with copies of the Urban Forestry Master Plan (UFMP). He said Goal 2 will involve working with Cheryl to develop a funding proposal for Council.

Susan Hartnett added that at the Tree Board's joint meeting with Council, most of the Councilors liked the idea of broadening the charge, but Councilor Wilson was concerned that their beneficial work regarding trees could get lost with more expansive natural resource issues. Dave Walsh said he agreed with the concern, but once the work of the code revisions is complete, there will be more room on the Tree Board's plate for other natural resource issues.

Mort Ettelstein said he was uncomfortable with the word "oversight" in Goal 1 because it implies the Tree Board has a management role. He suggested changing the word so that it is clear the Tree Board is not responsible for managing City staff. Mr. Ettelstein added that he thinks there should be a goal relating to education and outreach to reflect the Tree Board's 2007 interim charge.

Tony Tycer said that he was concerned about the letter from the Oregon Department of Fish and Wildlife to the UFMP Citizen Advisory Committee (CAC), and does not think the Tree Board should carry forward recommendations to limit tree cutting to specific time periods or requiring people to retain dead trees.

Susan Hartnett said the Tree Board's interim charge from 2007 says that when the revised code is adopted, the Tree Board's charge shall be revisited. The Tree Board will have the opportunity to recommend a revised charge to Council and work with Cheryl when doing so.

Wayne Gross clarified that the CAC will go away once the revised code is adopted.

Dave Walsh said he thinks it is appropriate for the Tree Board to provide oversight on the implementation of the UFMP because they are the most passionate group about seeing its implementation.

Mort Ettelstein asked how the Tree Board can get information on UFMP implementation. Todd Prager said that all of the current year's implementation goals relate to the UFCR project, and the Tree Board is being provided status updates on the UFCR project as part of their regular meeting packets. The Tree Board is also being copied on the UFCR agendas, packets, and outreach materials.

Susan Hartnett added that it is important to remember the Tree board advises Council and the CAC advises staff. If the Tree Board as a group has comments about the UFCR, it is within their scope to provide them to Council during the adoption process.

Dave Walsh reiterated that the CAC advises staff, staff provides a proposal to the Planning Commission, and Planning Commission provides a recommendation to City Council on the UFCR adoption. Susan Hartnett added that the Tree Board could give recommendations on the UFCR to Planning Commission.

Susan Hartnett asked how the Tree Board would like to move forward with their goals.

Bret Lieuallen said he thought the word oversight could be changed, and there could be language that the Tree Board advises Council directly on all things related to trees.

Dave Walsh said that he would like to include an education and outreach component within the goals.

Susan Hartnett said that staff would bring back revised draft goals for the Tree Board's next meeting.

Wayne Gross said it will be important for the Tree Board to agree upon how broad they want to be.

Mort Ettelstein said the education and outreach component from the 2007 interim charge should be carried forward in the goals.

Paul Jackson said he thought the goals were a little too broad, and when the Tree Board reconvenes they could add some specificity.

#### 4. Urban Forestry Program Funding

At 7:17 p.m. Susan Hartnett moved the conversation to urban forestry program funding. She explained that this will be a two part discussion with the Tree Board first recommending to Council in April how the existing Tree Replacement Fund should be utilized, and then determining if additional funding is needed for other activities. She said Cheryl Caines will be working with the Tree Board on this over the next year, and Toby LaFrance will provide a City finance overview to help frame upcoming decisions.

Toby LaFrance started out by saying he is glad the Tree Board is coming up with both a plan, and a way to fund it. He said that policies/plans need funds in order to be implemented. He explained the City manages 28 different funds and keeps detailed records of all transfers, expenditures, and deposits. He said that through the budgeting process, Council determines what will get funded and how, within the constraints of each funding source.

He said that the City's General Fund is the most flexible fund, and is not specific on what it can be used for. Other funds are much more specific.

He said the Tree Replacement Fund is not specific either, but past practice has been to only use it for planting trees. However, this past practice has not been clearly documented.

Mr. LaFrance said that the Tree Board's recommendation on how to use the Tree Replacement Fund does not have to be written in stone, and their recommendation can be revised at a later date such as when the UFCR is adopted. It will be very helpful to get clarification on the Tree Replacement Fund in the short term during the upcoming fiscal year. He said the Tree Board could recommend to expand or restrict current practice.

Paul Jackson clarified that there is roughly \$1.1 million in the Fund currently, and \$75,000-\$150,000 is budgeted annually for tree planting.

Toby LaFrance added that generally when developers cut trees, if they can't replant then the City plants for them, and it would be beneficial to document current practice.

Tony Tycer asked what has been deposited into the Fund this year. Susan Hartnett responded that there has been a large amount of deposits into the Fund because of the downturn in the housing market, developers have not been able to plant trees.

Bret Lieuallen asked in what time frame does a developer have to plant trees. Susan Hartnett said it varies by land use case, but generally 2 years after platting.

Toby LaFrance said the City does not recognize cash assurance to plant trees as revenue unless and until the assurance is deposited into the Tree Replacement Fund (because the developer did not complete their planting obligations).

Mr. LaFrance added that if budgeted funds (\$75,000 to \$150,000 annually) are not spent, they do not become unavailable to the Fund.

Susan Hartnett said that clarifying the use of the Tree Replacement Fund through a resolution will also be helpful for Todd Prager so he has certainty that he is using funds correctly when implementing particular projects.

Mort Ettlstein asked who manages the Fund. Toby LaFrance said that Council adopts a program level budget, and implementation is managed jointly by Finance, Public Works, and Community Development because the Fund implements Capital Improvement Projects. He said expenditures from the Fund are signed off by the project manager and the Community Development Director.

Tony Tycer said that he does not like the idea of converting the Tree Replacement Fund into the General Fund even though it is technically legal. He said that past funds should be used for planting trees only, and future funds could be broadened if clearly stated in the UFCR. He added that the Fund has resulted from trees cut on private property, and planting should be allowed on private property. There is also the beneficial result of maintenance being privatized.

Tony Tycer said that if a tree grove is removed, another grove should have to be preserved through a conservation easement.

Susan Hartnett clarified that the Tree Board does not have to make a decision tonight.

Toby LaFrance said that if the Tree Board's recommendation is basically to codify current practice, then it should be relatively simple to receive Council approval. Todd Prager added that the proposed resolution in Attachment 2

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of the Tree Board's January 26, 2011 packet is to codify current practice and make it clear that planting is allowed on both public and private property.

Toby LaFrance cautioned that if the Tree Replacement Fund is not clarified, then it could be at risk to being absorbed into the General Fund, although that is not likely.

Todd Prager verified for Bret Lieuallen that 3 years of maintenance does represent current practice.

Tony Tycer asked what the rate of attrition is for current plantings. Todd Prager said that they lose less than 10% of the trees after planting, but since all of the trees are under warranty, any that die are replaced until successfully established. He said that they have really only lost 1 tree through the program because it kept getting vandalized and the City decided to stop putting effort into that particular tree.

Dave Walsh added that the proposed resolution does not close the door on how future funds collected could be utilized.

Wayne Gross noted that the Tree Board's original recommendation was not supported by the CAC. Bret Lieuallen said based on the CAC discussion, the group did agree it was appropriate to continue to use the Tree Replacement Fund for tree planting and early establishment only.

#### 5. Urban Forestry Code Revisions Progress Update

At 8:14 p.m. Todd Prager gave a brief update on the UFCR project.

He said the CAC reached a general level on consensus on the Hazard Tree Code, Street Tree Code, and Use of the Tree Replacement Fund. The Technical Advisory Committee (TAC) has been reviewing the work of the CAC and is generally comfortable with it from a technical standpoint. The TAC and CAC are moving into the topics of Urban Forestry Standards for Development and the Tree Grove Preservation Program.

He said that the inventory of tree groves is complete and there will be an open house on February 17, 2011 to receive public input on incentives for preservation.

The Public Involvement Plan for the UFCR is continuing to be implemented and Council approved an extension of the project timeline by 6 months to provide more time for community involvement with the project.

Tony Tycer asked what an incentive based program looks like. Todd Prager said they are asking the CAC for options and alternatives for incentives through a web survey which will be sent out shortly. Tony Tycer recommended studying John Frewing's emails that says mitigation requirements should vary based on the value of the species being removed.

#### 6. Scheduling, Closing Remarks, and Adjournment

Susan Hartnett recapped that at the next meeting, the Tree Board will finalize their goals, elect a Chair, and finalize a recommendation on the Tree Replacement Fund. She adjourned the meeting at 8:21 p.m.