



## City of Tigard

# Tigard Workshop Meeting - Minutes

### TIGARD CITY COUNCIL & CCDA

**MEETING DATE/TIME:** July 19, 2011 – 6:30 p.m. – Workshop Meeting

**MEETING LOCATION:** City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

#### 1. WORKSHOP MEETING

A. At 6:33 p.m. Mayor Dirksen called the workshop meeting to order.

B. Deputy Recorder Krager called the roll:

	Present	Absent
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	
Councilor Wilson	x	
Council President Buehner	x	

C. Pledge of Allegiance

D. Council Communications & Liaison Reports- Mayor Dirksen said he received some interesting information relating to potential federal funding at the JPACT meeting and asked the City Recorder to make copies for council. Council President Buehner mentioned a presentation she and Mayor Dirksen attended regarding the Lake Oswego/Tigard Water Partnership and suggested putting it on a council agenda in September. Mayor Dirksen said City Engineer Kyle gave a very interesting report on construction contracts, change orders and levels of risk involved. He said it would be good for both city councils to hear this information and would like this to be scheduled.

E. Call to Council and Staff for Non-Agenda Items - City Manager Prosser said to allow time for an executive session at the end of the meeting, the second quarter goal update was rescheduled to the July 26, 2011 business meeting.

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## 2. JOINT MEETING WITH CCAC FOR DOWNTOWN MARKETING AND REVITALIZATION PRESENTATION

CCAC Members present were Alice Ellis Gaut, Elise Shearer, Tom Murphy, Alexander Craghead, Peter Louw, and Linli Pao.

Redevelopment Project Manager Farrelly introduced Consultant Michelle Reeves. He said he was very impressed with a presentation she gave at Metro last fall on revitalizing downtowns. When he heard that Metro had contracted with her to offer services to regional cities, he asked for her assistance. He said Ms. Reeves organized some field trips and very well-attended meetings. Her presentation tonight is a summary of what she has presented to Main Street and downtown business and property owners. He said no decisions were being asked of Council tonight, just general feedback. Staff will be returning to council to request some decisions and recommended actions once the CCAC has reviewed them.

Consultant Reeves thanked the CCAC members and acknowledged CCDA Directors Henderson and Woodard for their enthusiastic participation. She said it was a great message to stakeholders to see them “rolling up their sleeves” and working alongside everyone else.

Ms. Reeves said her first presentation to those interested in revitalizing downtown Tigard was an **overview of the fundamentals of revitalization**. She said districts are initially graded within a series of three stages to show where they are and what help is needed.

- **Emerging** – Many buildings have not been redeveloped, blanks, inward facing uses on the ground floor, no continuity, no identity within the neighborhood.
- **Transition** - there are more redeveloped buildings, fewer blanks, a lot of activity on the street level, successful events are held, and they are typically starting to develop an identity both locally and within the region. The district has functioning organizations.
- **Mature** – great walking districts, not a lot of blanks, lots of connectivity, high level of retail sophistication, higher level of uses on the ground floor, higher commercial and residential density.

**Downtown Characteristics.** Consultant Reeves reviewed the characteristics of successful downtown areas. She said a key point is that they are not like arterial development, which is car-centric. Downtowns do not have the land to enable arterial-style development form. Top performing main streets and downtowns are great places for people but not necessarily for cars. She said the main key is that functioning downtowns are attractive pedestrian environments. Successful foot-traffic districts can rival or even exceed automobile retail districts but there needs to be a critical mass of active, ground-floor users. People want to participate in the human experience in a downtown area. They don't expect to park, immediately walk into a store and then leave. A successful and economically thriving downtown is a destination in and of itself.

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Consultant Reeves said the next step was a **recommendations analysis and presentation**, which is a snapshot of where Tigard's downtown is now and what strengths could be leveraged more effectively.

She listed some of downtown Tigard's positives:

- Infrastructure; there is a good stock of buildings which are interconnected.
- The nature of Main Street is charming. Although it is located right next to the highway, it has a meandering, curving feel. She said this makes it easy to control the environment and what people experience and see on the street.
- Funding is in place to improve the street and make it more appealing to pedestrians (Main Street/Green Street).
- Connectivity to Fanno Creek; this brand of physical beauty can be reflected in the street, which can become a respite to busy Pacific Highway.
- Large, locally owned anchor businesses are a huge boon.
- One of the largest ballroom dance floors in the country is located in downtown Tigard.

Ms. Reeves introduced a slide showing a ground floor map to illustrate how Tigard can leverage what is already in the downtown. She said the ground floor businesses show the businesses visitors the personality and identity of a district. Inactive ground floor space makes the street look vacant because people are not being engaged. She referred to the perception that there is a vacancy problem in downtown Tigard and said there is not a huge vacancy problem but there are a fair amount of inactive buildings. She said, "We talk about downtown Tigard, but right now you are really a main street...a downtown is going to be a larger, interconnected grid of buildings that are outward facing and more retail oriented, which you don't have right now. If you take this main street environment and build off of it, your plans are really attainable." She said private developers do not want to build a catalyst project or build the project that changes a downtown; they like to build on the edge of desirable areas. She said Tigard has the capacity to build on Main Street and if the downtown is revitalized, it will spread to Pacific Highway.

She said retail environments are built around nodes and Tigard's Main Street has two nodes – north and south, divided by the rail line. The northern node has more of a suburban feel and higher parking ratios. There are reasons to come into the node such as Rite Aid, Value Village, Frame Central, Crown Carpets, and the post office, but people do not find a reason to stay there.

Consultant Reeves used the metaphor of a store. She said downtowns function a lot like stores and questions to ask are: Where is the front door? How do people come into your store? Once they are inside, how do you keep them there? How do you leverage your best products? She said the "front doors" for Tigard's downtown are its two nodes: North Main Street and South Main Street.

She said Tigard's "store" is hidden and it is not obvious from Pacific Highway that just a right or left turn off the highway will put you in a completely different environment. She said she is aware that the city has plans to improve its gateways and reiterated their importance as the Tigard downtown's front doors.

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Consultant Reeves said the next thing to consider is the “aisles,” which are the streets and sidewalks. She suggested that these public spaces need to be activated. She said Tigard is doing a great job improving them through the Main Street/Green Street program. She said Tigard has another aisle - the downtown rail corridor. She said this is more of a problem because it is a very big aisle, well-travelled at certain times of the day, yet has “products” for people to see. It creates a dead spot in the downtown.

Ms. Reeves said the next thing to consider is, “What is on your shelves?” The products on the shelves are the buildings and businesses. She said Tigard has many great buildings downtown and her number one recommendation is to think about how transformative color would be. She said almost all of the buildings in the current downtown are beige. She suggested making the buildings stand out by using three and four-color paint designs. “Embrace color,” she advised. She said buildings also look great without moldy canvas awnings. She said if you want your downtown district to be vibrant and exciting, make the buildings vibrant and exciting. She said this would jumpstart tenancy and immediately change people’s perception of what downtown could look like.

Consultant Reeves said the third step was a **tour of Portland’s North Mississippi Avenue**. She said the district is short (only six blocks long), like Tigard’s Main Street. Similarly, there is a highway dividing it and an industrial area nearby. She showed before-and-after slides of North Mississippi Avenue and asked what lessons Tigard could learn and apply. She noted that the vibrant and active businesses are on the ground floor and while this may not bring in as much money, it builds value for a district and increases sales per square foot. She said tenancing for value increases property values overall and business productivity in the long run. Several private developers built their buildings on private land and recessed the street floor to create public space.

The fourth step was the **marketing and public relations workshop**. Consultant Reeves said everything from land use policy and economic development to marketing should be consistent with a downtown’s identity. She said every city and downtown tells a story, but most do not do it coherently and intentionally. She said a workshop was conducted to get a clear picture of downtown’s identity and story. She used a story framework - CORE (Characterization, Objective, Relationship and Environment) and asked participants questions relating to each category.

- **Characterization** – The part of a story told through the physical presence of a character. For a city it is all communications, including brochures, print ads, billboards, buildings, homes, yards, parks, lighting, signs, etc. A huge part of a story is told through characterization.
  - Downtown stakeholders want downtown to be seen as fun, friendly, lively and a prosperous destination for the entire community.
- **Objective** – We are always evaluating what people’s objectives are and we feel most comfortable in places where we know what the stakeholders want us to feel and what the businesses are passionate about. She asked participants the question,

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“If downtown Tigard was a person, based on how it looks, acts, promotes itself and the experiences it provides, how does (it) feel?”

- Participants used words such as retired, getting older, inactivity, and isolation.

Consultant Reeves said it was obviously not Tigard’s goal to portray an aging, decaying downtown, and she asked, “What does downtown Tigard want to feel?”

- Participants used words such as community (mentioned many times), fun, prosperous, energetic and connected, connecting with the Fanno Creek Trail and nature.
- **Relationship** – Ms. Reeves said much can be told about a person by the relationships they maintain and this can also be applied to cities. She asked what the most beloved relationships that existed in downtown were.
  - Participants used post office as the most common word. It seemed like Tigard is a place to run errands. There were also references to businesses such as Café Allegro and the dry cleaners. The relationship between the commuter rail and downtown was mentioned. The tree lighting ceremony was the most fondly mentioned event but it was clear that event planning has waned significantly in the last few years.
- **Environment – Context is everything.** Consultant Reeves said downtown Tigard is a main street environment located in the heart of a suburban community that is very auto-accommodating and next to a state highway. It is in a place where the focus has been on “new.” It is not a city that celebrates and restores its past, especially in terms of infrastructure.
  - Participants were asked what appealed to them about downtown. They mentioned things related to shopping and going to restaurants. Live Laugh Love Glass was mentioned although that business had just opened at the time of the workshop. It was already creating a buzz. The ballroom was mentioned.
  - When asked what places were analogous or related to downtown Tigard, stakeholders said Multnomah Village, McMinnville and Sherwood. Places such as Alberta Street or Mississippi Avenue were mentioned but when asked if people wanted downtown to feel young and hip, responses were universal that downtown should feel family-friendly, comfortable and safe.

Consultant Reeves said the next step in the process of building the CORE story framework is to identify conflicts. Conflicts make interesting stories and identities and are often where roadblocks to revitalization are discovered. She and her associate reviewed tensions and the one they found was: safety vs. edginess. On the one hand, participants said they want downtown to be family-friendly, quaint and the center of the community. On the other hand, there were many mentions of wanting it to be more vibrant and alive and interesting.

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“Vibrant and fun” can be at odds with “safe and secure.” She said, “This is neither good nor bad but it is important to understand that this conflict is here and look at how it impacts revitalization. Look at how you can leverage this conflict.”

Consultant Reeves said if she were to develop a character from words that people used to describe downtown Tigard now, it might be an older, isolated lady, perhaps in a rocking chair. She said if she characterized how people said they want downtown Tigard to be it would be the character of Tim Taylor from the television show Home Improvement – a handyman, devoted to his family, doesn’t live his life to achieve perfection; his life revolves around love of family, home and his car.

## **Recommendations**

Consultant Reeves said there is currently a great mix of businesses and a scale of infrastructure that should contribute to a high sense of vitality. All of the building blocks exist. What is missing is the relationship part. She said, “If you want a place that is fun and exciting and vibrant, it comes down to people and relationships. Tigard needs to focus efforts on the relationship part of the story framework.”

- 1. Form a Downtown Association** - The association needs enough seed capital to hire an employee. This person should receive technical assistance to build membership, plan events and become self-sufficient within three to four years. This is the single most important recommendation. Emerging business districts do not have the capital, time or expertise to do the kind of marketing and promotion work that needs to happen. The vibrancy everyone mentions is only going to happen in the downtown if it becomes the sole responsibility of an experienced professional who can talk to the press, hold events, bring people together and build community. It is not just a business association; it must include all stakeholders – public and private, business and residential.
- 2. Leverage Themes and Strengthen Connections to the Community** – Three main themes were noted: DIY/Design, Food, and Automotive. Consultant Reeves said Tigard’s Main Street is man-friendly and is a place where both men and women could enjoy shopping. She said the downtown manager position needs to showcase the deep level of knowledge and passion that only local business owners have. She said this is a huge selling point. She suggested do-it-yourself classes be rotated throughout the different businesses so there is a connection and the area can see how local shops are a resource.

Another theme is food. Food creates community and builds relationships. She said there is already a fabulous assortment of restaurants in downtown Tigard and yet almost nothing is being done to leverage them. The first change she recommends immediately is adding outdoor tables. She said visible outdoor tables let people driving through town know that there is a variety of food options available. She said downtown Tigard is missing some important food service concepts that will help build community, such as a coffee shop, breakfast place, production bakery and non-chain pizza place. These will attract people downtown and make them want to stay longer.

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Automotive Theme – Consultant Reeves said Tigard should own this part of the downtown. There is a carwash in the center of downtown so make it the “coolest carwash” by offering a coffee cart, outdoor music, landscaping in front, Ping-Pong, and activities for people who have nothing to do while waiting to get their car washed. There are auto parts stores and other car-related services in the industrial area. She suggested parking a classic car in front of them or offering classes to women or kids who want to fix up vintage cars. She had an idea of a car-related game day where people are timed to see how long they take to change a tire, etc. Making this part of a car show would leverage the strengths that Tigard already has in its downtown.

3. **Improve Beloved Events and Connections to Places** – The Halloween and tree lighting ceremony events need to be built back up again. They meant a lot to the people in the community. Also, Tigard should strengthen ties to the Fanno Creek Trail. Downtown Tigard could become the place where parents bring their kids to rent roller blades or bikes, have lunch and then head out on the trail for family fun.
4. **Increase Storefront Improvement Program** – Forming relationships is how to get this program implemented. The Downtown Manager should be out on the street talking to property owners about why this program is so great and encouraging participation. She said it would be the single most important thing to transform downtown – making the buildings look different and reflecting their character. She said just introducing color and upgrading or removing awnings would dramatically change what downtown looks like and tell a different story.

Consultant Reeves asked if CCDA and CCAC members had any questions.

CCDA Chair Dirksen asked if forming a downtown association is something the city would do and Consultant Reeves responded that a city needs to participate but there needs to be a collaborative process between a city and its stakeholders, a public and private venture. The city would usually provide support and a seed fund to hire the employee and get them started. She referred to the CCAC Members present and suggested they meet and discuss whether to form a downtown association or go with another option such as the Main Street Program. She said Oregon has a Main Street Program that works well and provides some technical assistance and training. She said these programs work best when there is a list of attainable goals, “low hanging fruit” such as the recommendations she gave tonight. She said the public sector should always be involved, and it is never handed off entirely to the business owners.

CCAC Member Murphy asked what the Mississippi district has in the form of a business association. Consultant Reeves responded that they have a business association which she participated in early on. She said it was supported by the APNBA (Alliance of Portland Neighborhood Business Associations) who gave assistance in formation, getting non-profit

status and technical assistance in starting the Mississippi Street Fair. Cooperation was also received from non-profit organizations, property owners, schools, and business owners.

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CCDA Director Wilson referred to the Hawthorne area in Portland where he lived as a child. He said the buildings were older and tired and fewer young people lived there. He noted that most of the older buildings are still there but the demographics changed. He asked Consultant Reeves about demographic changes, noting that in trendy areas such as Hawthorne, Mississippi and Belmont, what happened first was different people moved in. Consultant Reeves agreed and said it is very typical for there to be a demographic shift or a new wave of property ownership to stimulate revitalization. She said she calls it “fresh eyes” when buildings are viewed by people who see possibilities. She said Tigard has all of the building blocks and what it needs are “fresh eyes” to see its potential. CCDA Director Wilson suggested that Tigard’s demographics include older, busy, larger families and fewer single, trendy people. Consultant Reeves countered that they are not trying to turn downtown into a hip and trendy place, but rather, have it reflect the values of Tigard, increase the connectivity between businesses and increase the downtown’s relevance to the rest of the community. She said no matter what the values are, no one wants to spend time in a district with buildings that have peeling paint. People want to be someplace that is pleasant, attractive and where there are active uses on the ground floor. She said suburbs are hungry for pedestrian-friendly neighborhoods where one can have a cup of coffee and spend time.

CCAC Member Shearer said the city is forming an arts commission and asked how focused they should be on creating events rather than sculpture installation. Consultant Reeves said the arts are key to revitalizing downtown areas because art events give people a reason to congregate, eat dinner and look at art together. She suggested a sculpture walk on the north end of downtown. But she cautioned against just saying it will become an arts district overnight. She suggested building off the arts connections with existing businesses. Redevelopment Project Manager Farrelly clarified that the city is forming a committee to look at art as part of the Main Street/Green Street project, rather than an arts commission.

CCAC Member Pao asked what Tigard’s next step in actively telling its story is. Consultant Reeves said it is to hire a person whose job it is to focus on downtown, get classes going, put events together and tell the story to the press.

Community Development Director Bunch drew a distinction between the Urban Renewal Agency lead and the downtown manager. He said it was his experience that each has a different role. Consultant Reeves said revitalization is first and foremost about people and she can tell a lot about the relationship of the stakeholders by the way the infrastructure looks. At the first downtown social she found it interesting how few people in this small downtown knew each other. The role of the downtown manager is to get business owners talking. It is about getting restaurant owners together talking about a “sip and stroll” event, for example. Those things will not happen without it being the focus of someone’s job. She agreed that this is outside of the city’s Urban Renewal Agency’s responsibilities but they should be supportive.

CCDA Director Henderson thanked Consultant Reeves for her perspective and “fresh eyes” and said, “You’ve done an incredible job. I look forward to the next phase.” He said he hoped she could help unite the downtown community. Consultant Reeves responded that she enjoyed working with Tigard.

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Redevelopment Project Manager Farrelly said he will schedule a future discussion with council on the recommendations. He said he will be meeting with a core group of business and property owners who are interested in discussing these ideas.

CCDA Chair Dirksen said all of the recommendations made sense and the city should move forward with implementing each of them. He asked the CCAC to create an implementation plan.

### 3. HIGH-CAPACITY TRANSIT (HCT) LAND USE PLAN UPDATE

Senior Transportation Planner Gray gave council a quarterly update on progress of the high-capacity transit land use plan. She distributed a revised public workshop report that is on file in the meeting packet. She gave an update on the larger, regional project of the Southwest Corridor Plan, noting that the Multi-modal Transportation Plan is merging with the Alternatives Analysis so it becomes the transit chapter of the Transportation Plan. She said a regional level, formal steering committee will be created in September and their first items of business will be forming a project charter to establish the relationships among the various agencies. She said work is also being done related to developing alternative mobility standards and to assist with loosening land use restrictions along Pacific Highway.

Councilor Henderson asked if this process was new. Senior Transportation Planner Gray said, “We are doing something very different. The idea of starting off with a land use plan before developing alignments for transit is very, very new.” She said this comes about partly because there is not an obvious alignment but also because experience has shown that while a lot of investment can be put into transit, it does not ensure success absent the correct land use area types or access. She said planning done now will help ensure that the transit investments will be successful and also that the kinds of development needed fit the desired character for Tigard.

Councilor Henderson asked if this has been a fatal flaw in the past. Mayor Dirksen said he would not call it a fatal flaw but Tigard is looking at what others wish they had done in the past in other transit corridors. Council President Buehner disagreed, saying it has been a fatal flaw. She said there was so much focus on transit and traffic flow in the past, the rest of the community was lost.

Senior Transportation Planner Gray said major tasks completed include establishing groundwork and developing “Tigard Typologies.” These include Town Center/Main Street, Employment/Retail, Transit Corridor, and Transit Neighborhood.

She said they identified several potential Station Community Alternatives which will inform the alignment choices. She said they are generally one mile in diameter, or a twenty-minute walk. Councilor Wilson said he attended a light rail seminar and learned that there are different standard distances that people will walk for residential areas than for commercial areas. People will walk ten minutes to a stop in an office area for example, but will walk twenty minutes when coming from home. Senior Transportation Planner Gray said what is commonly used in this region is that one-quarter mile is a reasonable walking distance for

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standard bus service and one-half mile is a reasonable walking distance for more frequent or high-capacity transit.

Councilor Wilson referred to the council discussion from the July 12, 2011 council meeting regarding the Tigard Triangle. He said the tallest building in the Triangle now is six stories and across I-5 there is one that is eight-stories. He said it is disturbing that the previous discussion painted the entire Triangle with the same density and suggested focus on greater density and floor-area ratios (FAR's) near station areas. Senior Transportation Planner Gray said his and other feedback is welcome as they are in the development stage. She said the Citizen's Advisory Committee will receive these comments and it will be their role to determine the best way to address this. She said at this point it was appropriate to use a broad brush but to identify that flexibility be allowed for certain goals.

Community Development Director Bunch said staff discussed council's July 12 comments at length and take them very seriously. He used the example of higher density residential areas near stations and said they will be talking to the consultant and the CAC about developing sub-classes of typologies and adjusted FAR's.

Council President Buehner asked for clarification on the Triangle station location, as it had always been planned for the far north area of the Triangle. Senior Transportation Planner Gray said the Triangle was included as one area because one station, no matter where it is placed, will serve the entire Triangle area. Mayor Dirksen said there will be areas where station locations are more easily apparent than in others. It is too early to commit to individual spots. Councilor Wilson said what needs to be done is to identify places where transit-oriented development will be most supported and find a route that strings them together.

Councilor Woodard was thinking about the timelines and whether there will be the money five or ten years down to road to do these things. He expressed concerns about staff resources working too hard at this point. Senior Transportation Planner Gray said part of the transition of going between the HCT land use plan to the Southwest Corridor Plan is pulling the focus from HCT to the overall corridor and all modes. She said the timeline is only 13 years out, but in the interim we need to think about land development, pedestrian connections, and congestion and policy issues.

Council President Buehner said the issue she raised earlier with her question on the Triangle station location was that, "There is a transportation nightmare at 72nd Avenue in the Triangle. I don't want us to even consider putting a station there. I don't see us having the money to fix it." She said this is why she favors putting a station at the other end of the Triangle.

City Manager Prosser said it is very important for a community to be able to imagine what could be better than what exists now. He said the timeline is quite long but if we don't do the work now we have no chance of getting what we want in the future. He said the time Senior Transportation Planner Gray and Redevelopment Project Manager Farrelly and others spend on these projects is time well spent. He agreed that it is important to keep current problems in mind but options should remain open. He said if, after going through

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this process we decide to place a station more towards the southern end of the Triangle, then we have a lot of time to look at how we can solve existing problems and do so in a way that supports the future use.

Senior Transportation Planner Gray mentioned that what is being done now is the evaluation of alternatives of the different concepts and the discussion is still at a very high level. She said the process integrates other plans, such as the Transportation System Plan.

Senior Transportation Planner Gray highlighted the next steps which include a presentation to CAC and TTAC in August and meetings in September. Another open house is scheduled for September 28, 2011. She said individual elements from each alternative, along with any new elements or typologies, will be carried forward into a refined set.

Mayer Dirksen referred to the map showing seven potential locations and wanted everyone to realize that this map did not mean that there would be a station in each location. These are identified alternatives to be considered in the future.

Council President Buehner said she again wanted to request that the Planning Commission be included in these council workshop discussions. She said this would encourage communication, prevent misinterpretation and ensure everyone is on the same page. Community Development Director Bunch said that would be done.

#### 4. URBAN FORESTRY CODE REVISIONS PROJECT UPDATE

Associate Planner/Arborist Prager presented this item. He discussed the history and process for upgrading the Urban Forestry Code. He gave a detailed view of what the committees have been working on as the project moves into the final phases. He said the main objectives are clean, equitable standards and sound science. He discussed tangible economic benefits of trees, especially mature trees. He presented a PowerPoint to illustrate provisions of the urban forestry code.

The four main code provisions are:

1. **Urban Forestry Standards for Development**, including tiered canopy targets based on zoning. Incentives are provided for maximizing street trees, a shift from the current code, which urges planting many trees rather than quality trees. Standards for tree planting in parking lots will be improved. He showed examples of how developers can meet canopy requirements. Councilor Wilson asked if different species require more soil. Arborist Prager said they do and it would have to be demonstrated that soil volume requirements were met to receive street tree credit.

Councilor Henderson asked about overlapping trees. Arborist Prager said as long as a developer meets the spacing requirement for planted trees, the overlap can be counted.

For preserved trees, the standard is to delineate the canopy edge but you might not get credit for overlap in that case. In response to a question from Councilor Wilson about setback requirements, Arborist Prager said they depended on the stature of the tree and

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gave some examples. Councilor Wilson said for large commercial buildings shorter setbacks should be allowed. Trees are adaptable to their conditions and grow towards the light. He suggested that downtown Portland has some very large trees close to buildings. Arborist Prager said his committee considered large trees next to a one-story home as undesirable. He said he would discuss the commercial building setbacks further with the committee.

Council President Buehner asked about street trees tearing up the sidewalks or streets and if that is being addressed. Arborist Prager said that is addressed in a few ways, with a refined street tree list of species with less of a history for infrastructure problems, and also by requiring soil volume that allows trees a deeper place to grow. He said the planter strip requirement has changed so there is more spreading room for roots. Root barriers are referenced in the standards as a method to help direct root growth.

Councilor Wilson reminded Arborist Prager to keep in mind parking lot lighting as it is often designed to be in the exact places as the trees.

Council President Buehner asked if having more trees makes the environment less safe by creating places for people to hide. Arborist Prager said there was a local study that examined the relationship between crime and trees and found that areas with larger, higher stature trees have less crime than those with no trees. Hedges do create more hiding places however, so Tigard is striving for high canopy, spreading trees in parking lots.

2. **Tree Grove Preservation Incentives** – Based on council and planning commission direction, staff identified 70 large groves of native trees that cover 544 acres in Tigard. There are 130 acres on buildable lands and are vulnerable to development. These are the focus of preservation incentives, which include waivers or minimum density requirements, density transfers, and additional building height for commercial/industrial buildings. These are all contingent on permanent protection of the grove through easements or other protective instruments.
3. **Tree Permit Requirements** – The focus was not to add more regulation, but to improve the consistency, clarity and scientific basis for decision making. The requirements are consolidated into a new Title 8 and have a two-track decision making process (city manager decisions or city board or commission decisions). Currently scattered throughout the code, tree permit requirements will now be consolidated and easier to locate. At present there are no fees associated with tree permitting decisions except for those on sensitive lands. The CAC consensus is to continue subsidizing costs associated with tree permitting decisions but this will be brought to council for consideration. In response to a question from Councilor Henderson, Arborist Prager said Title 8 was an unused code chapter.
4. **Hazard Trees** – Clarifies the city's role in hazardous tree situations on private property and revises the definition of a hazardous tree. Neighbors will have to prove that they have tried to work things out among themselves before the city will get involved. If the city does become involved, a third-party arborist will be hired and will need some

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compensation, but there is lack of CAC agreement as to whether the arborist should receive some city subsidization.

He said these revisions are consistent with overall Urban Forestry Program Direction.

Council President Buehner asked if the code language provides an opportunity for homeowner associations to use it to address a hazardous tree issue. Arborist Prager said the committee talked at length about who should have standing in this situation. It must be shown that the tree is indeed a threat. The CAC was worried about someone going around pointing out trees that don't really affect them personally. Arborist Prager said there is language that an association could make a claim.

Councilor Woodard expressed concern about dense housing around trees and problems with roots damaging foundations and pipes. Arborist Prager said you couldn't remove it under the current code but the draft code has more criteria, including damage to infrastructure. Councilor Woodard asked if there was a way to mitigate for root damage. Arborist Prager said it is the city's view that this is a civil issue for neighbors to work out themselves.

Councilor Woodard asked if it was a city issue if a tree overhangs the public right of way. Removing the one branch would be abatement and you would not be required to remove the entire tree. Arborist Prager said if the tree is in a protected category the city is involved, but otherwise it is a private matter. Citizens are encouraged to talk to their neighbors and work it out without the involvement of the city.

Councilor Henderson asked how the public will be informed of the changes to the code. Arborist Prager said an open house will be held, and all property owners will be contacted. Councilor Wilson said he agreed with the work staff completed, saying it is hard to translate concept into code. He requested that it be kept simple.

5. **DISCUSS POTENTIAL ADMINISTRATIVE RULEMAKING MUNICIPAL CODE AMENDMENTS**

Assistant Community Development Director Hartnett introduced this item regarding potential amendments to the Tigard Municipal Code that will authorize, define and limit the use of administrative rules. They would also provide a process for administrative rulemaking which would be followed any time the Council authorizes the use of administrative rules. She said while there are several references to administrative rules in the code, it is not defined and even though one chapter details the process it only pertains to that chapter. There is also no clear public appeal process.

Assistant Community Development Director Hartnett said there are also sections of the TMC where day-to-day activities are codified. When there is a need to change them, as program objectives shift or technology changes, a public hearing is required because they were codified. Staff suggests that administrative rulemaking will allow greater flexibility as program changes are made.

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She mentioned several efforts underway where staff would like to use administrative rules, including the tree code update, code compliance (tying administrative abatement and administrative fees to administrative rules), and Chapter 12 - Water and Sewers, which the Public Works Department is currently working on. Assistant Community Development Director Hartnett said there needs to be a central place within the code where administrative rules are defined, limited and the public appeal process listed.

Ms. Hartnett said the packet included some draft language for council review. A public hearing is tentatively scheduled for August 9, 2011 for consideration of the administrative rulemaking changes.

Ms. Hartnett discussed the process. During the 14-day review period council can ask for additional discussion if desired. She said notices will be placed in newspapers. Written protest could also go to the council. All administrative rules would be on file with the city recorder.

Mayor Dirksen asked if there is a procedure for challenging an existing administrative rule. Assistant Community Development Director Hartnett said there was not.

City Attorney Hall said potential challenges would be limited to whether or not it exceeds the authority given to staff. Councilor Wilson expressed concern and said it is important that elected officials have authority over changing rules. He said there is a tendency for experts to make rules with blinders on. He said, "Most people don't really pay attention to rulemaking until they are subject to them. There is danger in assembling a panel of experts without having things vetted through regular people." He said he wants to ensure that issues are thoroughly considered and receive adequate feedback from citizens. Mayor Dirksen agreed it is important that Council reviews these for the reasons Councilor Wilson mentioned.

City Manager Prosser said one issue about rulemaking is the whole idea of mission creep. He said, "What we are envisioning today is that there are a lot of things we need to guide us that don't rise to the level of law. Council will have a discussion on any subject matter and whether it is beyond the bounds of what was envisioned. If we do our job right up front there will be less of an issue."

Assistant Community Development Director Hartnett will schedule a public hearing for an upcoming council meeting.

~~6. SECOND QUARTER COUNCIL GOAL UPDATE~~ Moved to July 26, 2011 Council Meeting

7. COUNCIL LIAISON REPORTS

Mayor Dirksen said there is currently in process the creation of a SW Corridor policy steering committee that would include an elected official from each of the jurisdictions along the route. Mayor Dirksen offered to be Tigard's representative but wanted input from the council. There was agreement that he should be the representative. He asked the City

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Manager to talk to King City and ask if they want to be involved directly or have Tigard be their designated representative.

8. NON AGENDA ITEMS

9. EXECUTIVE SESSION - At 9:23 p.m. City Manager Prosser announced that Council would enter into an executive session and adjourn immediately after. He said the executive session was called under ORS 192.660 (2) (h) to consult with counsel regarding pending litigation or litigation likely to be filed. The executive session ended at 10:11 p.m.

10. ADJOURNMENT

At 10:12 p.m. Councilor Wilson moved for adjournment and Councilor Woodard seconded the motion. All voted in favor.

	Yes	No
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	
Councilor Wilson	x	
Council President Buehner	(left meeting at 9:34 p.m.)	

/s/ Carol A. Krager  
Carol A. Krager, Deputy City Recorder

Attest:

Craig E. Dirksen  
Mayor, City of Tigard

Date: September 13, 2011

I/ADM/CATHY/CCM/2011/Final/July/110719

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