



City of Tigard

Tigard City Council Meeting Minutes

September 11, 2012

TIGARD CITY COUNCIL/LCRB

MEETING DATE/TIME: September 11, 2012 – 6:30 p.m.

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

- **STUDY SESSION**

Council Present: Mayor Dirksen, Councilors Henderson, Wilson, Woodard and Buehner
Staff Present: City Manager Wine, Assistant City Manager Newton, Risk Manager Mills, Deputy City Recorder Krager

- **EXECUTIVE SESSION:** At 6:30 p.m. Mayor Dirksen called the meeting to order and read the citation to announce that the Tigard City Council would be entering into Executive Session to consult with counsel concerning the legal rights and duties with regard to current litigation or litigation likely to be filed, under ORS 192.660(2) (h).

Executive Session ended at 7:15 p.m.

ADMINISTRATIVE ITEMS

- Mayor Dirksen gave background on a request for Tigard to support the Tualatin City Council changing the name of the Tonquin Trail in Tualatin to the “Ice Age Tonquin Trail.” Council agreed to consider a resolution at a future meeting.
- Mayor Dirksen said there is a CCDA (City Center Development Agency) meeting scheduled for November 6, 2012, which is also Election Day. He asked council members if they prefer to hold the CCDA meeting as scheduled or postpone any items to a future meeting. City Manager Wine noted there are no agenda items scheduled. Council agreed to cancel this meeting. Any urgent CCDA items that arise will be heard at the October 2 or December 4 CCDA meetings.

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- Council discussed the schedule for tonight's continued public hearing on Agenda Items No. 5 and 6 – Urban Forestry Code Revision Comprehensive Plan Amendment (CPA) 2011-00004 and Development Code Amendment (DCA) 2011-00002

Mayor Dirksen noted that Council was given copies of additional comments, which have been added to the record.

- A) Letter, dated September 5, 2012, from Brian Wegner, Tualatin Riverkeepers
- B) Email, dated September 5, 2012, from Justin Wood, Home Builders Association of Metropolitan Portland
- C) Letter, dated September 11, 2012, from Robert E. Ruedy

Council President Buehner said she was concerned about timing and covering all of this material tonight. Mayor Dirksen said if needed, the council we will continue discussion to a future date. City Manager Wine said the Issues of Interest were developed from council's questions and comments raised at the last meeting. She said she and Interim Community Development Director McGuire will make sure they captured council's concerns accurately and that anything new from tonight is added. She said they want to focus on the standards for development section because it is the foundation of the code revision. She said Planning Commission Chair Walsh's presentation may answer some of the questions.

City Manager Wine brought up two procedural points. Ninety minutes have been scheduled for this agenda item and there is a council groundrule that says council will check in with each other at 9:30 p.m. to see how the meeting is going. She said at either point council may decide to postpone remaining discussion until the next public hearing.

- The THS Student Envoy will most likely not be in attendance tonight.
- Mayor Dirksen noted that Councilors Woodard and Henderson had questions regarding an item on the consent agenda and asked them if they wanted it pulled for separate discussion. Councilor Woodard requested a chance to comment on this item but did not want it pulled for separate discussion.

The Study Session ended at 7:21 p.m.

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BUSINESS MEETING

1. BUSINESS MEETING – September 11, 2012

A. At 7:31 p.m. Mayor Dirksen called the meeting to order.

B. Deputy City Recorder Krager called the roll:

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports – Councilor Woodard reported on a Parks and Recreation Board meeting. He gave an update on parks acquisition and concept planning. There will be a celebration at the Fields property in early October; Metro is working out the details. A request was made to put park updates on the website. He noted that the ballroom property on Commercial is available and could be used for a city recreation program.

Councilor Woodard described a presentation given to PRAB by recreation consultant Vince Ardit which outlined what a city recreation program can accomplish. He said advice given is to use available resources and sculpt the program to the resource availability and what citizens want. He recommended the presentation be viewed by the entire council when they are ready to consider a recreation program.

There was discussion on the rotary club and donated fitness equipment. In response to a question from Mayor Dirksen, Councilor Woodard said it would be appropriate for installation along a walking trail.

 Mayor Dirksen reported on the Washington County Coordinating Committee meeting. He said they are on a very short timeline to get an ACT (Area Committee for Transportation) together to accept federal funding through ODOT. Washington County will make recommendations on project priorities but this does not preclude cities from applying directly. He noted that Tigard Senior Transportation Engineer McCarthy was at the meeting and will prepare a list of projects for the state and county lists.

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In response to a question from Councilor Woodard, Mayor Dirksen said a prioritized list is being developed through the CIP.

- E. Call to Council and Staff for Non-Agenda Items – Councilor Woodard said he wanted to discuss the Vision Action Network (VAN) at the end of the meeting.

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- A. Follow-up to Previous Citizen Communication – City Manager Wine said a group of Park Street neighbors will attend a facilitated meeting this Thursday evening with the operator of Fairhaven Homes and the Assistant City Manager. There will be a forum for questions and answers.
- B. Tigard High Student Envoy (not present tonight)
- C.  Tigard Area Chamber of Commerce Chief Executive Officer Debi Mollihan spoke about upcoming chamber activities. The Tigard Farmers Market is open for a few more weeks and the last day is Sunday, October 28. She said the Chamber launched a new website that is very member and community friendly. There is an events calendar and people can schedule the meeting room online. The new Chamber Directory will be released in October.
- D. Citizen Communication: No one signed up to speak.

3. PROCLAMATION – Mayor Dirksen

Mayor Dirksen noted that today is the 11th anniversary of the terrorist attack on the United States. He requested there be a moment of silence in honor of those who lost their lives on that day.

Mayor Dirksen proclaimed September 17-23, 2012, as Constitution Week, the 225th anniversary of the signing of the Constitution.

Council President Buehner noted that today is the City of Tigard's 51st birthday.

4.  CONSENT AGENDA: Mayor Dirksen gave a synopsis of the consent agenda items.

- A. Receive and File:
 - 1. Council Calendar
 - 2. Tentative Agenda

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B. Approve City Council Meeting Minutes for:

1. July 10, 2012

Local Contract Review Board:

C. AWARD A CONTRACT FOR TELEVISION INSPECTION SERVICES OF THE CITY'S SANITARY SEWER LINES TO PACIFIC IN-R-TEK

Councilor Woodard commented regarding this contract and said he realizes the service is critical but preventive maintenance should have been in the forecast and thus part of the budget. Mayor Dirksen said it is unusual that it is in the supplemental budget.

City Manager Wine said there was a glitch in the budget development process and it got missed. She said that through the intergovernmental agreement with Clean Water Services the city is obligated to check every sanitary sewer and storm water line every seven years.

Councilor Henderson requested that when the first quarter supplemental budget comes to council for consideration he would like to see a breakout of the impact to the general fund and what is left in the contingency. He asked, "Are we asking to have this contract approved now and get the money later, and is this the right way to do things?" City Manager Wine replied there is a base amount budgeted but the incremental amount was not, and that will appear on a future supplemental budget. It was the incremental amount that got lost in the budget process. She said if council desires, staff can wait and bring back this item after the supplemental budget is approved. No member of the Local Contract Review Board requested that consideration of this item be postponed. Council President Buehner moved for approval and her motion was seconded by Councilor Wilson. The motion to approve the consent agenda passed unanimously.

	<i>Yes</i>	<i>No</i>
Councilor Woodard	✓	
Councilor Wilson	✓	
Council President Buehner	✓	
Mayor Dirksen	✓	
Councilor Henderson	✓	

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5. CONTINUATION OF PUBLIC HEARING ON URBAN FORESTRY CODE REVISIONS – DISCUSSION ON LAND USE ELEMENTS

**– URBAN FORESTRY CODE REVISION PROJECT –
COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00004
DEVELOPMENT CODE AMENDMENT (DCA) 2011-00002**

At 7:55 p.m. Mayor Dirksen reopened the continued public hearing on both the land use and non land use elements of the Urban Forestry Code Revisions. He commented on the last council meeting discussion saying, “I walked into the meeting believing we were in the home stretch to bring forward a new urban forestry code. But I heard from my fellow councilors several concerns that led me to believe that may not be the case and that there might be a need to go back and restructure what had already been done. If that is the case, I would encourage them to reconsider.” He said he heard comments regarding basic policies and concepts regarding the targeted forest canopy percentage, such as a desire to cut the percentage in half. He heard from another councilor that there are already enough trees in Tigard. He said he also heard that staff may have redirected the Citizen Advisory Committee away from council’s original direction and he does not believe that is true and those statements represent the direction given to the CAC when the process started.

Mayor Dirksen shared some things that were in the Urban Forestry Master Plan (UFMP) that was approved by this council. He said some were directly quoted comments. Goals included:

- Strive to achieve 40 percent citywide tree canopy by 2047.
- Develop canopy cover or tree density standards for all lots to be met either by preserving existing trees or planting new trees.
- Create a design and maintenance manual with drawings and specifications for species selection, planting and maintenance.
- Require a private arborist to be involved in the development process from site planning through landscape installation.
- Require landscape architects to develop landscape plans for projects of a certain type and or size
- Revise TMC to establish a permit system for planting removal or replacement of required trees

He said these were specific goals and direction given by council to the CAC for the creation of the code proposal and he believed it reflects this direction. He said the public process was unprecedented. A CAC was created to review the approved Urban Forestry Master Plan and to work with staff to create a code structure that would meet our goals. They were successful even through there was a broad, diverse group of people involved. Their proposal was brought before the citizen Planning Commission, which reviewed it and unanimously approved forwarding the code revisions to the council. He said that since

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council's last meeting he reviewed letters received from two CAC members from opposite ends of the spectrum, from Tualatin Riverkeepers on the one side and the Home Builders Association on the other. They both supported the proposed code revisions and encouraged the City Council to approve them as brought forward from the Planning Commission.

Mayor Dirksen said, "With that kind of broad-based support in the community and based on the direction that council gave the citizen panels, I think at this point to consider a major change in the policy direction is fraught with peril and would be a huge mistake."

Mayor Dirksen said he heard from fellow councilors some specific technical concerns and he also had some. He said those issues can be adjusted, resolved or removed to make this work. He said he recognized that the City Council has the responsibility as final arbitrator to consider what is brought before them and make sure that it meets the needs of the citizens of Tigard. Staff met with council nine times since the Urban Forestry Master Plan adoption to keep them up to speed with how the proposal was developing. He acknowledged there are some policy issues to discuss now that council has seen the entire proposal. He said he wanted to accomplish two things at tonight's meeting:

- Hear from the President of the Planning Commission, who could not attend the last meeting, about key highlights regarding the development of the proposal from the CAC to the Planning Commission hearings and how that relates to council's questions; and
- Discuss with City Manager Wine and Interim Community Development Director McGuire on how the proposed code relates to the UFMP goals and to confirm that all the concerns and questions raised by council are listed. At the October 23 meeting these questions will be answered and discussed.

 Planning Commission President Walsh outlined the history of the urban forestry code. He said he was involved through the city's entire comprehensive plan process and commented that the tree section was the most contentious. Many people wanted to talk about trees. In 2008, a priority of the Planning Commission and the City Council was to do something about mitigation. Council advised the Planning Commission that the tree section of the comprehensive plan was a high priority. He said that led to the Urban Forestry Master Plan. Staff suggested a citizen advisory committee and a technical advisory committee be formed. Although he disagreed initially with such a structured program, he said it was a fantastic process that brought both sides of the spectrum together. The Planning Commission and the City Council received interim reports, findings and recommendations. The development code portion of this process came to the Planning Commission who took on this large, contentious issue and held four public hearings over four months. They received testimony from the CAC, the Home Builders Association and ten members of the general public. Much of the testimony they received was written.

Mr. Walsh said that the Planning Commission members realized they didn't understand it all after the first few hearings so they asked the staff for help. AKS Engineering tested the code and applied it to past and current projects and offered it as case examples. He said

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Councilor Wilson would have found the ensuing discussion exceptional. AKS showed how it applied to actual cases and said it works fairly well and is much better than what the city had.

He noted for Councilor Woodard that they found it to be more cost effective. He said there had been discussion with staff about setting up the same session for council which he recommended.

Planning Commission President Walsh said there were surveys and open houses and it was well vetted with public input that came back to the Planning Commission. Two Planning Commission members, he and Donald Schmidt were on the Citizen Advisory Committee. He noted that the rights of citizens to remove trees on their own property have been protected throughout the process. He said that the proposal only applies to new development, not existing development. He said they wanted to educate people about the correct way to remove trees. A permit was designed, not as a money-maker, but will require people to go online or come to the Permit Center and get this information with their permit. The Planning Commission did not discuss permit fees.

He noted that Ken Gertz and the Home Builders Association were present from the beginning and involved in many discussions. He said there were parts that they would still like changed but the Planning Commission strived for balance. Some items amended by the Planning Commission from the original CAC recommendation include:

- Reduced tree canopy from 40 percent to 33 for small residential lots.
- Reduced the per lot canopy requirement from 20 percent to 15 percent.
- Allowed for averaging of tree canopy across all lots in a subdivision.
- Eliminated the 15 percent requirement for small lots, commercial lots, industrial, schools and mixed use lands.
- Recommended granting bonuses for planting native trees but people are not required to do so (This came from a letter from Oregon Department of Wildlife saying native trees are preferred by wildlife.)
- Allow a landscape architect or arborist to prepare plans.

Areas not addressed by the Planning Commission:

- Solar access and rights - Planning Commission deemed outside the scope.
- Tree heights affecting views

Planning Commission President Walsh said they recognized that the existing tree mitigation system was broken and not working. They realize that the tree canopy goal is somewhat aspirational. He said the City will not all achieve 40 percent cover because the system has many credits. He said the tree code is not perfect but it is better, as AKS Engineering can attest. He said the Planning Commission recommends that this program be evaluated in a few years and it may require adjustments.

Planning Commission President Walsh said the new tree code sets a long-term goal for trees across the city's landscape. It also:

- Strives to incentivize citizens to embrace trees and feel good about them.
- Provides incentives to preserve existing tree groves.

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- Replaces punitive mitigation fees with incentives.
- Provides generous credits towards canopy goals if trees are not cut and left.
- Canopy targets are tiered to density.
- Provides flexibility and ways to meet canopy goals.
- Provides a framework and place to address hazard trees.
- Simplifies code administration by placing the tree manual outside of the development code.
- Does not prevent citizens from removing trees on their own property.
- Provides canopy credits for using green building techniques in lieu of planting trees.
- Allows for payment of a fee in lieu of meeting canopy targets but this is only an option and wasn't viewed as a desired outcome.
- Meets goals set forth in the Comprehensive Plan and Urban Forestry Master Plan.

He said he hoped to see this moved forward by the end of this year. He said developers and citizens are waiting to utilize the features of this proposal.

Planning Commission President Walsh commented on the discussion on this topic held at the August 14, 2012, meeting. He said he watched a replay of the meeting and it seemed to him that the City Council and Planning Commission were disconnected at times. He said addressing specific issues and holding meaningful discussions will help the Council and Commission to stay more aligned.

City Attorney Hall announced that this is a legislative land use public hearing that will be treated as a work session for discussion between staff and council. There will be no public testimony taken this evening. We are on the record and the hearing record is in the room.

Mayor Dirksen noted that the staff report for this agenda item has a calendar listing at the end that says there will be no opportunity for testimony at the October 23 public hearing but he believed that to be an error. City Manager Wine confirmed that he was correct; public testimony will be taken on October 23, 2012.

City Manager Wine and Acting Community Development Director McGuire said that council was given two printouts developed since the last discussion, called Issues of Interest and the Policy Roadmap. She said the Roadmap creates a relevant linkage between the goals adopted in the Urban Forestry Master Plan and the way that the proposal is organized. The Issues of Interest document has 47 questions identified by the City Council. She noted that Planning Commission President Walsh answered many of the questions on this list tonight. She said staff's goal is to determine which of the 47 questions were addressed tonight and if some require answers or a fuller explanation. She said staff also wants to capture anything

 Councilor Wilson offered his reaction to the Roadmap document. He commented on the increasing size of the forestry volumes and the range of ways to accomplish the same thing. He said that there is too much detail and we got to this point because during there

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weren't checkpoints during the year of detail development. He said his 25 years of career experience also gives him a unique perspective and while he did not have a problem with the concepts, he is reacting to the sheer complexity. He said many of his comments relate to his desire to make it simpler.

City Manager Wine acknowledged the time it would take the council to move through a detailed proposal but said the code revisions are fairly comprehensive. She said these principles were in the UFMP and the fact that council wants to delve into them and potentially revise the proposal is what staff wants to discuss tonight. She said they want to identify the major issues. City Manager Wine said the majority of council questions raised related to forestry standards and tree permit requirements.

City Manager Wine said one-third of council's questions were addressed in the administrative rules in the tree manual and she wanted to put this document in context. She noted that what is in the tree manual is not what staff is recommending that council adopt in the code. It is designed for a person at the permit counter responding to customer questions. She said she recognized that the manual adds yet another layer of complexity to what is already a very comprehensive code revision and staff can do something different if council so directs. She said, "Quite frankly, it is a level of detail I would never want to see in the Tigard Municipal Code." She said the main principles that Planning Commission President Walsh identified are what staff is asking council to approve – the land use elements and the non land use elements.

 Mayor Dirksen clarified that the UFMP volumes are not the code, but rather the history of the project. He said the tree manual is the administrative rule for the tree process. Every time a new section of code is created, the staff has to create a process to administer the new laws and write standard operating procedures and administrative rules.

City Attorney Hall said Tigard's administrative rule process as adopted by council is in Tigard Municipal Code Chapter 2.04. It established the process whereby administrative rules can be adopted under the authority granted to the city manager by council. He said administrative rules must be followed like the code. Council has authority over all of it however, and if here is something they are not comfortable with being an administrative rule, they can place it the code or modify the rule.

Council President Buehner asked City Attorney Hall if a manual can be strictly an in-house tool, as opposed to being formally adopted as administrative rules. He replied, "Conceptually, yes," and suggested it would need some adjusting as it was written under the impression that it would be formally adopted.

Council President Buehner said her issue is not with the code but with the way it is being interpreted in the manual. She said that most of the code is fine but there are specific areas where it is unclear or it has been interpreted in a way she does not agree with. She said another issue is the length of the process and said, "To be blunt, I allowed myself to be

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brought along but have subsequently realized what the real result of some of the concepts would be.” She said her primary concern is the manual and felt it does take away people’s rights.

 City Attorney Hall suggested a framework for addressing council’s issues. He suggested council start with the code and manual and make sure these documents lay out the requirements that council wants. Then council can decide what elements belong as an administrative rule and what elements belong in the code.

Council President Buehner said her primary concern is that it is difficult to use some provisions of the tree code without the manual as they are so interrelated. She understands that this was done intentionally but it opens the door to a variety of interpretations.

Councilor Henderson said he is not comfortable with how the use of administrative rules has grown.

City Manager Wine said that in the absence of administrative rules or a tree manual that gives staff guidance, there may not be consistent application of the rules and from a due process standpoint, the city is taking on more risk. She acknowledged the complexity of the manual, but said if we do not follow administrative rules and are inconsistent in interpreting the code for applicants, we are at greater risk for appeal or leaving the city open for a lawsuit.

Councilor Woodard said there are key elements that concern him. He said he doesn’t see a problem with the Planning Commission recommendations for canopy for new development. He said he was concerned with costs and did not want the city to, “build a Cadillac program when we might want to start looking at a Volkswagen.” His rough estimates are that changes due to this program might cost about \$1.2 million to implement. He said it was similar to the city recreation program, “We don’t have the money.” He commented that he did not see that Tigard has a shortage of trees.

Councilor Woodard said he is concerned about the cost of this program adding to the cost of building a home in Tigard. He said he is also concerned about the administrative rules and was not in favor of any rule that interferes with individual private land owner property rights. He said if he plants a tree on his property and it grows too large in 20 years, he wants to be able to cut it down.

Mayor Dirksen said, “There is nothing in this proposal that would prevent that.”

Community Development Director McGuire said staff can prepare more detailed information on costs for the next council discussion on this on October 23. He noted that some costs are being incurred now under the existing program. He said every time there is a permit issued and trees are protected, this information is transferred to the GIS system to be identified at the permit counter. This is a cost the city incurs that is usually recovered through a portion of the tree permit fee.

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Councilor Woodard said that although the tree program is very important, and he agreed one was needed, staff has to realize that there are a lot of people concerned about costs and infringement upon rights. He said there is concern that this could lead to unforeseen onerous enforcement situations in ten years. Mayor Dirksen replied, “Very simply and clearly, all of this that we are talking about only applies to new development, during development.”

Councilor Wilson said, and Interim Community Development Director McGuire agreed, that if a tree is protected as a condition of development, it is protected forever. He said that currently, street trees are required for single-family detached lots. Street trees are generally in the right of way or nearby easement so technically, they are on public property. He said what the new code potentially would do is require additional trees in the backyards or other places that would then be protected (requiring a permit or mitigation to remove). He suggested making a distinction between single-family detached homes vs. condos with common space. He said in a condominium situation there is recognition that a tree doesn't belong to one sole family. He said he would be more willing to accept this restriction on corporate- or business-owned property than on a single-family detached home.

Councilor Woodard said people purchasing a home in a development likely realize there are CC&R's. He said he was not sure a person building their own home on their own land is going to have protection.

Interim Community Development Director McGuire briefly walked through a few scenarios comparing current and proposed tree code process. Currently, if someone is buying a single-family lot, platted in 1990 that went through a subdivision review, there are only specific situations where a permit is required for removal: street tree, heritage tree, tree planted specifically through the urban forestry fund or a tree identified through the subdivision process as a tree to be preserved. Currently, the owner would be required to go back through the subdivision process. The new tree code is a much simpler, over-the-counter, permitting process. This owner could remove the tree and either plant another one or pay into a fee-in-lieu fund.

Council President Buehner said, “There is a flaw in your argument. The trees that were set to be left there are not put on the deed as a permanent deed restriction.” She said the code doesn't require this to be done therefore the buying public is unaware. She said they do not get notice of this unless it is a recorded restriction on the deed. And if it is not on the deed it is not enforceable. City Manager Wine said she will add this as issue No. 48. Planning Commission President Walsh commented that the Planning Commission did not intend for any legally binding deed restrictions to be placed on trees included to achieve the canopy goal. City Attorney Hall asked Council President Buehner if she wanted to see a deed restriction clause in the city code. She replied that she did not want that but wants staff to know that if this is the goal, notice must be given of the restriction to prospective buyers. City Attorney Hall suggested the discussion would be better served if council proceeded with policy objectives and then he can advise how to get there once he had direction from council.

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Councilor Wilson said this question only pertains if we treat some trees differently than others. If a permit is required for cutting down any tree – this is a non-issue.

Mayor Dirksen asked council if they wanted to walk through the issues to look for duplicates. City Manager Wine said what staff wants to hear from council is, from a policy perspective, what they want to see in the code. Planning Commission President Walsh has already said what the intention was with the Planning Commission proposal. She said the issues are sorted by code sections. Staff organized the questions by key organizing principles of the code revisions. She noted that there were 19 questions in the urban forestry standards category, but there was no major controversy with tree grove preservation requirements. There were questions about permitting requirements and hazard trees and many questions about the manual. She asked council what they wanted to tackle tonight and what they could discuss in October.

Council President Buehner said her sense is that all council is in favor of the aspirational tree grove preservation incentives program. She said she wants to discuss tree height, views and solar rights and asked if a number could be assigned to those concerns and a discussion held later. City Manager Wine asked if council wanted to talk about these concerns now; council decided to note this concern for later discussion.

Councilor Wilson said he strongly supports fixing the amount of soil required when planting trees, but asked, “Can we start with a little less soil?” He said the industry is still experimenting on structural soil requirements. He suggested moving in that direction and requiring it in parking lots. In response to Interim Community Development Director McGuire’s question about requiring this for street trees, Council President Buehner said more soil might be needed in large parking lots but the cost for the amount of soil required seems onerous for residents.

At 9:13 p.m. Mayor Dirksen asked council if it would be possible to go through the Issues of Interest so that staff can prepare answers by the October 23 meeting.

Council President Buehner said that several questions deal with canopy percentages and are closely related. Planning Commission President Walsh asked staff to come to that meeting with graphics to help reduce discussion time.

Council President Buehner asked for a section to be assigned to solar rights, tree height and view issues and noted that this section can be discussed later. City Manager Wine asked for clarification on whether council’s intent is to discuss these for the code now or put a placeholder in for later discussion and council said they want to address it later.

Councilor Henderson said wanted to clarify what he heard from people regarding the tree canopy requirements. He suggested that because of the economy and other factors, citizens should plant their own trees and the city should back off a little bit. He said council needs to be conscious about encouraging development in the next four to eight years and doesn’t want the tree code to be a hindrance.

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Councilor Wilson said part of the problem is that 40 percent shade sounds like a lot. He said we are really talking about a certain number of trees that will be required and they will be spaced in such a way that sometime in the future - maybe in 50 years, they will produce a tree canopy cover of 40 percent. Planning Commission President Walsh agreed and said the city would be approving a plan at the time of development, that if successful, will provide a 40 percent effective canopy in the future. Mayor Dirksen commented that the 40 percent goal is for the entire city and includes riparian areas where the cover could be as high as 100 percent. Interim Community Development Director McGuire said that if you have a 20 percent canopy on your property and you preserve those trees you get double the percent. When you subdivide, you wouldn't have to plant additional trees. Also, street trees crowns are counted towards the property canopy even though the cover may be mostly on public right of way.

Council President Buehner said she prefers sun-loving plants and has problems growing them in her yard because there are too many trees. Mayor Dirksen said the 40 percent canopy is subdivision-wide so some yards will have more and some less.

Councilor Woodard read comments from Ken Gertz relating to tree plan requirements for small lot developments being a waste of money. Staff said a tree plan is required currently and will be required with the new code but street trees will be factored in.

Councilor Wilson said his chief objection to the canopy standard is not the flexibility of being able to achieve it different ways, but the complexity of drawing the plan. It could cost property owners more. Councilor Wilson suggested making it easier to comply and achieve the same results. Mayor Dirksen asked him if he could propose different language and Councilor Wilson requested that it shouldn't be so restrictive. Planning Commission President Walsh said AKS found compliance to be less expensive. Interim Community Development Director McGuire said he could invite AKS staff to a future council meeting.

Council President Buehner noted that the issue of very small infill projects (2-4 lots) is not on the list. What is required in a big subdivision may not work with smaller subdivisions. She questioned whether the rules in the manual (not the code) will be sufficiently flexible to address these needs. She also said many of these lots are on hillsides. The map examples show flat land and there are topography issues. Planning Commission President Walsh said the Planning Commission attempted to address infill lots and lowered the requirements.

 At 9:32 p.m. Mayor Dirksen thanked Planning Commission President Walsh for attending the meeting. He continued the public hearing until October 23, 2012. Councilor Henderson asked why there were duplicate materials for agenda item No. 5 and No. 6. City Manager Wine said some elements relate to land use and some to non land use and council has spoken interchangeably about land use and non land use items tonight.

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6. CONTINUATION OF PUBLIC HEARING ON URBAN FORESTRY CODE REVISIONS – DISCUSSION ON NON LAND USE ELEMENTS

- URBAN FORESTRY CODE REVISION PROJECT –
COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00004
DEVELOPMENT CODE AMENDMENT (DCA) 2011-00002

This item was heard concurrently with Agenda Item No. 5. Mayor Dirksen continued the public hearing on both land use and non land use Urban Forestry Code Revisions to October 23, 2012.

7. CONSIDERATION OF QUASI-JUDICIAL PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT, SENSITIVE LANDS REVIEW AND ADJUSTMENT TO EXTEND WALL STREET

Mayor Dirksen opened the Public Hearing at 9:34 p.m. and continued it to 7:30 p.m., December 11, 2012, at Tigard Town Hall.

In response to a question from Council President Buehner, City Attorney Hall said the Fields property sale is still pending. He said the understanding with the applicant is that they will withdraw their application once the transfer has been completed.

8. COUNCIL LIAISON REPORTS: None

9. NON AGENDA ITEMS:  Councilor Woodard attended the Vision Action Network meeting and found that AARP is part of that body (as are the World Health Organization and Portland State University). He discussed the Coming of Age in America videos and said this brings senior citizens together to give them a forum to tell how we are doing and what cities can do to make things better for the aging population.

He said they are examining the built environment as well as the social environment. Council President Buehner recommended that Councilor Woodard get involved with VAN.

Councilor Woodard suggested forming a Citizen Advisory Committee (CAC) for senior citizens. Council President Buehner suggested that Councilor Woodard investigate Summerfield's recreation program which serves a large contingent of Tigard seniors.

10. ADJOURNMENT

TIGARD CITY COUNCIL MEETING MINUTES – September 11, 2012

At 9:44 p.m. Councilor Henderson moved for adjournment. Council President Buehner seconded and the motion passed unanimously.

	<i>Yes</i>	<i>No</i>
Councilor Woodard	✓	
Councilor Wilson	✓	
Council President Buehner	✓	
Mayor Dirksen	✓	
Councilor Henderson	✓	



Carol A. Krager, Deputy City Recorder

Attest:



Craig Dirksen, Mayor
October 23, 2012
Date

TIGARD CITY COUNCIL MEETING MINUTES – September 11, 2012