

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 12- 10

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2011-00004 TO INCORPORATE A SIGNIFICANT TREE GROVES MAP INTO THE TIGARD COMPREHENSIVE PLAN.

WHEREAS, on June 3, 2008 the Tigard City Council adopted an Urban Forest section as part of the Comprehensive Plan in order to establish broad goals and policies to guide the long-term management and enhancement of the urban forest; and

WHEREAS, on August 10, 2010 the Tigard City Council readopted the Urban Forest section as part of the Comprehensive Plan in order to provide more detailed findings to further support and explain the rationale for the city's urban forestry goals and policies; and

WHEREAS, Policy 2.2.1 of the Tigard Comprehensive Plan requires the city to periodically update policies, regulations and standards regarding the city's urban forestry program; and

WHEREAS, Policy 2.2.11 of the Tigard Comprehensive Plan requires the city to develop and implement a citywide Urban Forestry Master Plan to guide the update of the city's urban forestry program; and

WHEREAS, on November 10, 2009, the Tigard City Council adopted Resolution 09-69 accepting the City of Tigard's Urban Forestry Master Plan; and

WHEREAS, the accepted Urban Forestry Master Plan analyzed the past and present conditions of Tigard's Urban Forest, was developed through a public process, and sets forth a course of action for Tigard's urban forestry program through 2016; and

WHEREAS, the Urban Forestry Master Plan recommendations include the development of flexible and incentive based land use regulations for significant tree grove preservation; and

WHEREAS, on February 16, 2010, the Tigard City Council directed staff to implement the Community Development Code related recommendations in the Urban Forestry Master Plan, which include the development of flexible and incentive based land use regulations for significant tree grove preservation; and

WHEREAS, a public involvement plan was adopted by the city's Committee for Citizen Involvement in 2010 and implemented during the course of the Urban Forestry Code Revisions project to guide city staff and decision makers; and

WHEREAS, a council appointed Citizen Advisory Committee charged with advising project staff during the Urban Forestry Code Revisions project met 11 times between June 2010 and September 2011 and reached consensus on the flexible and incentive based land use regulations for tree grove preservation in Section 18.790.050.D through a set of "tree grove preservation incentives guiding principles"; and

WHEREAS, a Technical Advisory Committee comprised of city staff and agency representatives was concurrently convened to advise project staff on technical aspects during the Urban Forestry Code Revisions project, met 14 times between June 2010 and November 2011 and reached consensus on the technical

feasibility of the flexible and incentive based land use regulations for tree grove preservation in Section 18.790.050.D; and

WHEREAS, the process for adopting land use regulations for the preservation of natural resources, including the flexible and incentive based land use regulations for tree grove preservation in Section 18.790.050.D (to be adopted through DCA 2011-00002), must comply with Statewide Planning Goal 5 Rule requirements; and

WHEREAS, Statewide Planning Goal 5 Rule requires an inventory of regulated natural resources, coordination with affected property owners, an Environmental, Social, Economic and Energy (ESEE) Analysis of the consequences of a decision to allow, limit, or prohibit uses that conflict with the inventoried natural resources, and adoption of a map identifying the boundaries of the inventoried natural resources; and

WHEREAS, on July 20, 2012, the Tigard City Council and Planning Commission met with project staff and consultants prior to the inventory stage and concurred that tree groves should be part of the inventory only if they meet the following definition: "a 2-acre or larger contiguous, healthy canopy of predominately native trees that provide scenic, aesthetic, environmental or other functional values to the community."; and

WHEREAS, project staff and consultants conducted an inventory using the above definition and identified and mapped 70 tree groves covering 544 acres; and

WHEREAS, project staff and consultants held an open house with affected property owners on October 6, 2010, to discuss the inventory results, review the map and receive input prior to the drafting of flexible and incentive based land use regulations for tree grove preservation in Section 18.790.050.D; and

WHEREAS, project staff and consultants drafted flexible and incentive based land use regulations for tree grove preservation in Section 18.790.050.D, which are to be adopted through DCA 2011-00002 and include allowed reduction in minimum density, density transfer, increased building height, reduced setbacks, adjustments to Urban Forestry Plan requirements and adjustments to street and utility standards to facilitate the preservation of inventoried tree groves as part of the land development process; and

WHEREAS, project staff and consultants held an open house with affected property owners on February 17, 2011, to discuss the draft flexible and incentive based land use regulations for tree grove preservation in Section 18.790.050.D and found that the draft regulations were generally supported by affected property owners; and

WHEREAS, project staff and consultants drafted an ESEE Analysis of the consequences of a decision to allow, limit or prohibit uses that conflict with the 70 inventoried and mapped tree groves identified as significant, and determined that the proposed limited preservation option in Section 18.790.050.D, which provides flexible and incentive based land use regulations for significant tree grove preservation, is the preferred option; and

WHEREAS, on January 13, 2012, prior to the legislative adoption phase of the Urban Forestry Code Revisions project, 14,225 public hearing notices were sent to all Tigard property owners consistent with Measure 56 requirements as further described in the findings of the staff report beginning on page 419 of Urban Forestry Code Revisions Volume II; and

WHEREAS, the public response at the citywide open house on December 8, 2011 and after the Measure 56 notices were sent on January 13, 2012, was generally supportive of the inventoried and mapped tree groves and the proposed limited preservation option in Section 18.790.050.D that provides flexible and incentive based land use regulations for significant tree grove preservation; and

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WHEREAS, the Tigard Planning Commission reviewed at one workshop and four public hearings between January 2012 and May 2012 the inventoried and mapped tree groves and the limited preservation option in Section 18.790.050.D that provides flexible and incentive based land use regulations for significant tree grove preservation, the ESEE Analysis that includes findings that support the limited preservation option in Section 18.790.050.D and the significant tree groves map (CPA 2011-00004) that identifies the location of the 70 significant tree groves that are eligible for the flexible and incentive based land use regulations for significant tree grove preservation in Section 18.790.050.D; and

WHEREAS, while the Tigard Planning Commission supported the flexible and incentive based land use regulations in Section 18.790.050.D and the ESEE Analysis, they recommended amending the boundaries of significant tree groves #38 and #62 in the significant tree groves map (CPA 2011-00004) to reflect recent tree removal from those groves; and

WHEREAS, on May 7, 2012, the Tigard Planning Commission made a unanimous recommendation of approval of CPA 2011-00004 as amended regarding the boundaries of significant tree groves #38 and #62 to City Council by motion and unanimous vote; and

WHEREAS, as described in the findings of the staff report beginning on page 419 of Urban Forestry Code Revisions Volume II, the Planning Commission found the city complied with Statewide Planning Goal 5 Rule requirements throughout the development of flexible and incentive based land use regulations for tree grove preservation in Section 18.790.050.D; and

WHEREAS, on the following dates in 2012: July 24, August 14, September 11, October 23, November 13, and November 27, Tigard City Council held a public hearing to consider the Commission's recommendation on CPA 2011-00004; and

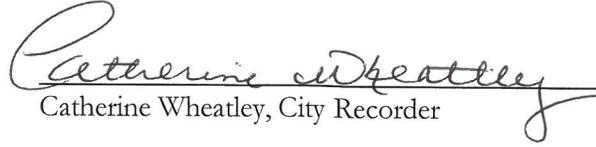
WHEREAS, Tigard City Council finds it necessary to delay implementation of the Urban Forestry Code Revisions, which include CPA 2011-00004, until March 1, 2013, to ensure an orderly administrative transition to the new urban forestry regulations; and

WHEREAS, Council's decision to adopt CPA 2011-00004 is based on the findings and conclusions found in the City of Tigard staff report dated November 20, and the associated record, which are incorporated herein by reference and are contained in land-use file CPA 2011-00004.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

- SECTION 1: Tigard Comprehensive Plan is amended to include "**EXHIBIT A – Significant Tree Groves Map, page 461 of Urban Forestry Code Revisions Volume II.**"
- SECTION 2: This ordinance shall be effective March 1, 2013.
- SECTION 3: Council adopts the findings recommended by the Planning Commission as described in the findings of the staff report dated November 20, 2012.

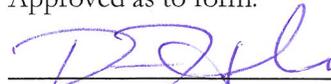
PASSED: By majority vote of all Council members present after being read by number and title only, this 27th day of November, 2012.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 27th day of November, 2012.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

11/27/12
Date

Significant Tree Groves
City of Tigard
70 groves
527 acres



March 20, 2012



City of Tigard Urban Forestry Code Revisions | Volume II | 461

-  Significant Tree Grove
-  Significant Habitat
-  Tigard City Boundary
-  Taxlot Boundary

