

**STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** URBAN FORESTRY CODE REVISIONS PROJECT

**CASE NOS:** Comprehensive Plan Amendment (CPA) CPA 2011-00004  
Development Code Amendment (DCA) DCA 2011-00002

**APPLICANT:** City of Tigard  
13125 SW Hall Boulevard  
Tigard, OR 97223

**PROPOSAL:** To implement the city’s Comprehensive Plan, as recommended by the Urban Forestry Master Plan, the City of Tigard is proposing a Comprehensive Plan Amendment adopting the “Significant Tree Groves Map” (Exhibit A) and Tigard Development Code (Title 18) Amendments to Chapters 18.115, 18.120, 18.310, 18.330, 18.350, 18.360, 18.370 18.390, 18.530, 18.610, 18.620, 18.630 18.640, 18.715,18.745, 18.775, 18.790, and 18.798.

**LOCATION:** Citywide

**ZONING:** All zoning classifications

**COMP PLAN:** All Comprehensive Plan Designations

**APPLICABLE  
REVIEW  
CRITERIA:**

Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, Environmental Quality; 7, Hazards; 8, Parks Recreation, Trails and Open Space; 9, Economic Development; 10, Housing; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; and 14, Urbanization; Downtown; METRO’s Urban Growth Management Functional Plan Titles 1, 3, 12 and 13; Statewide Planning Goals 1, 2, and 5 through 14.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the City Council concur with the Planning Commission and find that this request for a Comprehensive Plan Amendment and Development Code Amendments meets the necessary approval criteria according to the findings found in Section IV of this report. Therefore, staff recommends City Council APPROVE CPA 2011-00004 and DCA 2011-00002.

**SECTION III. BACKGROUND INFORMATION**

**Project History**

The City of Tigard has a proud history of commitment to preserving, enhancing and maintaining its urban forest. The city’s trees provide an important backdrop for life in Tigard. Unlike natural forests or managed

timberland, Tigard's urban forest is a mosaic of native forest remnants and planted landscapes interspersed with buildings, roads and other elements of the urban environment.

On June 3, 2008, Tigard City Council adopted an Urban Forest section as part of its Comprehensive Plan in order to establish broad goals and policies to guide the long-term management and enhancement of the urban forest. During this process, the public voiced concern over existing Development Code provisions, particularly with regard to tree mitigation standards. Development interests felt the standards were overly punitive and served as impediments to development. Environmental interests felt the standards were ineffective at achieving the goal of a healthy and sustainable urban forest.

Soon after adoption, the Home Builders Association of Metropolitan Portland filed a notice of intent to appeal with the Land Use Board of Appeals. The Urban Forest section of Comprehensive Plan was voluntarily remanded as a result. While the city was unable to fully understand the specific concerns of the Home Builders Association, they did take the opportunity to provide more detailed findings to further support and explain the rationale for the city's urban forest goals and policies. These additional findings can be found in the Tree Values Memo beginning on page 149 of Volume V of the Adoption Volumes, which are more fully described on page 4 of this staff report. On August 10, 2010, Tigard City Council readopted the Urban Forest section of the Comprehensive Plan with the additional findings. For reference, the Urban Forest section of the Comprehensive Plan is included beginning on page 292 in Volume V.

To create a roadmap that implements the urban forest goals and policies in the Comprehensive Plan, Tigard City Council directed staff to develop an Urban Forestry Master Plan, which is included in its entirety beginning on page 207 of Volume V. The Urban Forestry Master Plan was developed through a public process, which included specific outreach and involvement of development and environmental interests, as well as the community at large. On November 10, 2009, the Urban Forestry Master Plan was accepted by Council. It outlines issues with the management and regulation of the urban forest and detailed recommendations for addressing those issues. Among the recommendations are suggested code revisions to support the implementation of the urban forest goals and policies in the Comprehensive Plan.

The main issues and recommendations in the Urban Forestry Master Plan include:

Issues:

1. The code does not promote the preservation of high quality trees.
2. The mitigation structure encourages overplanting and the preservation of large diameter trees that are often less likely to survive development impacts.
3. The fees for tree removal are excessive.
4. The code unfairly penalizes those property owners with existing trees more than those owners without trees.
5. The code is administratively difficult to implement because it is challenging to track protected and replacement trees in the years and decades following development.
6. The code lacks specificity and has conflicts between various provisions, which present administrative challenges for the city.
7. The code does not require sustainable installation and maintenance methods for trees.
8. The code does not provide flexible standards and incentives for preserving native tree groves.

Recommendations:

1. Update Tigard's urban forestry standards for development.
2. Ensure urban forestry standards promote sustainable design and maintenance of the urban forest.
3. Establish an incentive-based program to preserve Tigard's remaining groves of native trees.
4. Develop an equitable and efficient hazard tree identification and abatement program.
5. Improve management of the urban forest by ensuring information is readily available for both the city and the public when making decisions.
6. Promote community-wide participation in urban forest stewardship.

To implement the Comprehensive Plan, as recommended by the Urban Forestry Master Plan, City Council directed staff to undertake a major update of Tigard's urban forestry related code provisions. Developed over two years from February 2010 to the spring of 2012, the Urban Forestry Code Revisions Project reflects Tigard City Council's direction for a comprehensive update of the city's urban forestry related code provisions with enhanced public involvement.

The Urban Forestry Code Revisions Project has involved ongoing, extensive collaboration with city residents and stakeholders, internal city departments and outside agencies. In February 2010, a Citizen Advisory Committee was appointed by Council to ensure representation of a broad set of viewpoints during the update process. This committee included two planning commissioners, two Tree Board members, two Parks Board members, two developers (including a representative for the Home Builders Association), one certified arborist, one natural resource advocate and one at-large citizen. In January 2011, the Citizen Advisory Committee timeline was extended to ensure ample time for the committee to discuss code topics. In finalization, the committee reached consensus on a set of guiding principles for each of the code topics.

A Technical Advisory Committee was formed at the same time as the Citizen Advisory Committee. The Technical Advisory Committee included city staff and representatives from outside agencies to advise the project management team on the technical aspects of the code during the update process.

A public involvement plan was developed specifically for the project, to provide enhanced opportunities for participation for the overall community throughout the process. This plan included outreach at city events such as the Balloon Festival and Farmers Market, an email newsletter specific to the Urban Forestry Code Revisions Project, three open houses and a variety of other methods for community feedback.

The draft urban forestry code was peer reviewed by outside development and urban forestry experts in October 2011, to provide additional assurance of technical soundness.

From this collaborative process emerged the staff proposed draft code amendments, which Planning Commission received public testimony and deliberated on during four public hearings from February through May of 2012. On May 7, 2012 the Planning Commission unanimously recommended City Council approval of the land use elements of the Urban Forestry Code Revisions. While the commission's formal recommendation to council was limited to the land use elements of the proposal, the commission also reviewed proposed changes to the Tigard Municipal Code and the proposed Urban Forestry Manual. Based on their review, the commission found these proposals are consistent with and supportive of the recommended land use elements. A detailed description of the Planning Commission deliberations and decisions is included beginning on page 3 of Volume V.

The Planning Commission recommended Development Code Amendments (DCA) to Title 18 (Vol. II, pp. 3) and Comprehensive Plan Amendment (CPA) adopting the significant tree groves map (Exhibit A) are the subject of this application and staff report. The CPA allows for the significant tree grove preservation incentives (Vol. II, pp. 153-161), as required by Statewide Planning Goal 5 rule requirements.

Amendments proposed to the Tigard Municipal Code Chapters 1.16, 6.01, 6.02, 7.40, 8.02 - 8.18, 9.06, and 9.08, address the management of trees when land use regulations are not applicable. For example, these non-land use amendments would address trees that are hazards to people or property outside the land use process. While they are not part of the CPA or DCA in this application, they are included in the full package being considered by City Council (Vol. III).

In addition, proposed administrative rules in the form of an Urban Forestry Manual included in the full package being considered by City Council (Vol. IV). The proposed Urban Forestry Manual contains detailed specifications and procedures to support implementation of the proposed code. The Urban Forestry Manual is provided for reference only; it does not contain land use regulations and is not part of the CPA or DCA in this application.

## **Volumes I, II, III, IV and V of the Urban Forestry Code Revisions**

The Urban Forestry Code Revisions project is presented in five volumes. Volume I provides the project overview and describes the process used to develop all of the elements. Volume II is the land use elements of the code, and Volume III the non land use elements. Volume IV contains the Urban Forestry Manual. Volume V contains technical reports and research that contributed to the code revisions along with details of the public input and deliberations to date.

### **Volume I | Project Overview**

**Project Overview** includes the following sections:

- Project Introduction
- Overview of Key Elements
- Key Element Summaries
  - Urban Forestry Standards for Development
  - Tree Grove Preservation Incentives
  - Tree Permit Requirements
  - Hazard Trees
  - Urban Forestry Manual

**Appendix A** includes additional detail about the information used to shape the Urban Forestry Code Revisions Project, and includes the following sections:

- Process summary
- Summary of Community Ideas and Concerns
- Summary of Planning Commission Deliberations
- Existing Conditions

### **Volume II | Land Use Elements**

**Community Development Code (Title 18)** is the Planning Commission's recommended draft of the Development Code. This section includes commentary on the amendments.

**Peer Review** demonstrates how the Planning Commission's recommended draft of the Development Code and Urban Forestry Manual will work in application.

**ESEE Analysis** is a report that addresses Statewide Planning Goal 5 - Natural Resources requirements for the preservation of Significant Tree Groves.

**Staff Report and findings** includes the staff recommendation for approval of the land use elements (Title 18 and the Comprehensive Plan Amendment) and the findings that demonstrate the land use elements meet the necessary approval criteria.

### **Volume III | Non Land Use Elements**

**Tigard Municipal Code** is the staff proposed draft of the Municipal Code (Title 8 and other Municipal Code titles). This section includes commentary on the amendments.

### **Volume IV | Urban Forestry Manual (Administrative Rules)**

**Urban Forestry Manual** consists of administrative rules that implement the technical details of the urban forestry related code provisions in Title 8, Title 18 and other applicable titles in the Tigard Municipal Code.

## Volume V | Additional Background Materials

**Planning Commission Deliberations** details Planning Commission discussion and decisions during the public hearing process.

**Amendment Requests Document for the Planning Commission** lists code amendment requests received in response to the first Planning Commission public hearing and staff responses.

**Outstanding Issues** for the Urban Forestry Code Revisions includes additional information on the outstanding issues that were further deliberated by the Planning Commission before making their final recommendation to City Council on May 7, 2012.

**Log of Input** lists the input received and any code changes from the last meeting of the CAC to the staff proposed draft of the Urban Forestry Code Revisions to Planning Commission.

**CAC Guiding Principles** includes the consensus view of the Citizens Advisory Committee (CAC) developed to help guide the legislative adoption process.

**Tree Values** includes information and current research on the environmental, economic, social and aesthetic benefits of trees.

**Canopy Standards** explains the reasons for adopting tree canopy cover requirements as well as the methods used to arrive at the requirements.

**Soil volume** details research about the soil volume required to support a mature tree canopy.

**Tree Canopy Fee** discusses research used to develop a square foot value for tree canopy.

**Regulatory Comparison** is an excerpted report prepared by Metro and the Audubon Society that summarizes and compares regional urban forestry programs and regulations.

**Urban Forestry Master Plan** is the City of Tigard's recommended plan for achieving the urban forestry goals in the Comprehensive Plan.

### **Goal 5 Applicability**

The CPA would incorporate the significant tree grove map (Exhibit A) into the city's Comprehensive Plan Resource Document (Volume 1) as a new Goal 5 natural resource inventory. The DCA in Section 18.790.050.D includes regulatory incentives and flexible standards to protect significant tree groves listed in the inventory. Oregon Administrative Rule (ORS) 660-23-0250(3) requires local governments to address Goal 5 requirements when a post acknowledgement plan amendment "...creates...a resource list...or a land use regulation adopted in order to protect a significant Goal 5 resource." Therefore, the significant tree grove map and regulatory incentives and flexible standards are subject to Goal 5 requirements (further described in the Tree Grove ESEE Analysis (Vol. II, p. 219)). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (pages 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report.

However, Goal 5 requirements are not applicable to recommended code amendments that support general urban forest enhancement activities, such as tree planting and preservation, when not associated with significant tree groves. These activities do not create or amend a resource list or land use regulation adopted in order to protect a Goal 5 resource.

## **Procedural Note**

For the purposes of review and adoption, the urban forestry code revisions are comprised of four basic elements:

- 1) The significant tree groves map, which is the subject of the recommended CPA;
- 2) Amendments to the land use regulations in Title 18, which are the subject of the DCA;
- 3) Amendments to the non-land use regulations in all other titles except Title 18, which are not part of this application; and
- 4) Administrative rules in the Urban Forestry Manual, which are also non-land use regulations and also not part of this application.

Because of Oregon land use law, the land use elements (CPA and DCA) will be adopted by separate ordinance from the proposed non-land use amendments (Tigard Municipal Code titles other than Title 18). The Urban Forestry Manual will be adopted as an administrative rule through a separate rule making process in TMC 2.04, which also allows future amendments to these technical specifications using the same process.

## **SECTION IV. APPLICABLE CRITERIA AND FINDINGS**

---

### **APPLICABLE CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)**

#### **Chapter 18.380. ZONING MAP AND TEXT AMENDMENTS**

##### **“18.380.020 Legislative Amendments to this Title and Map**

**A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.”**

The CPA and DCA would establish rules and regulations to be applied generally to all similarly affected properties throughout the City of Tigard. Therefore, the application is being processed as a Type IV procedure, which is a legislative amendment, as governed by Section 18.390.060.G.

#### **Chapter 18.390. DECISION-MAKING PROCEDURES**

##### **“18.390.B.4. Types defined. There are four types of decision-making procedures, as follows: ...**

**4. Type IV Procedure. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.”**

The CPA and DCA would result in the creation, revision and large-scale implementation of the city’s urban forestry goals and policies in the Comprehensive Plan. Therefore, the application will be reviewed under the Type IV procedure as detailed in the Section 18.390.060.G. In accordance with this section, the CPA and DCA was initially considered by the Planning Commission and they recommended City Council adopt the changes in making the final decision.

**“18.390.060.G. Decision-making considerations. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:**

1. **The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**
2. **Any federal or state statutes or regulations found applicable;**
3. **Any applicable METRO regulations;**
4. **Any applicable comprehensive plan policies; and**
5. **Any applicable provisions of the City's implementing ordinances.”**

The applicable decision-making considerations include the following:

- Applicable Statewide Planning Goals - Goals 1, 2, and 5 through 14.
- Applicable federal and state of Oregon statutes – ORS197.
- Applicable METRO regulations - Titles 1, 3, 12 and 13.
- Applicable Comprehensive Plan policies - Goals 1, Citizen Involvement; 2, Land Use Planning; 5, Natural Resources; 6, Environmental Quality; 7, Hazards; 8, Parks Recreation, Trails and Open Space; 9, Economic Development; 10, Housing; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; and 14, Urbanization; 15, Downtown.
- Applicable city ordinances – TMC Chapters 18.380 and 18.390.

**CONCLUSION:** The review criteria listed above are applicable to the CPA and DCA in Volume II. The CPA and DCA were reviewed through the Type IV legislative procedure. The Planning Commission and Council are basing their decisions on applicable federal, state, METRO, and local policies and regulations, which are enumerated and addressed in this staff report. Therefore, the applicable Tigard Development Code provisions are met.

## **APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES**

### **INTRODUCTION**

---

**(Excerpt from p. I-3 of the Comprehensive Plan):**

**“As the comprehensive plan is “comprehensive” in nature, there are no parts that can be considered separately from others. Plan goals and policies are intended to be supportive of one another. However, if conflicts arise between goals and policies when using the Plan, the City has an obligation to make findings that indicate why the goal or policy being supported takes precedence. This involves a decision-making process on the part of the city that balances and weighs the applicability and merits of the goals and policies that are in contention.”**

As described in the Project History section of this report, the Urban Forestry Code Revisions Project reflects Tigard City Council’s direction for a comprehensive update of the city’s urban forestry related code provisions with enhanced public involvement.

The Urban Forestry Code Revisions Project has involved ongoing, extensive collaboration with city residents and stakeholders, internal city departments, outside agencies and Planning Commission (Vol. I, p. 26).

From this collaborative process emerged the Planning Commission CPA and DCA described in this report which represent a balance between the range of interests involved in the process, as well as balance between the goals and policies in the Comprehensive Plan.

The primary balancing efforts have focused on developing tree canopy requirements that balance the community’s desire for trees, development, and open space. The Citizen Advisory Committee reached consensus to draft achievable and balanced tree canopy requirements for development that are tiered based on zoning district. For example, development in low density residential areas would be required to have more trees than in areas of dense zoning, such as Downtown Tigard (Vol. V, p. 141).

To implement the consensus of the Citizen Advisory Committee, staff analyzed possible percent tree canopy for each zoning district using the same methodology developed to set tree canopy goals for the Urban Forestry Master Plan as well as an updated methodology using Light Detection and Ranging (LiDAR) technology (Vol. V, p. 159).

The results of these analyses were then used in conjunction with the minimum percent landscaping requirements in the Tigard Development Code to place the various zoning districts within one of three tiers. The exception is school sites, which were placed in the “dense zoning” tier 3 to ensure sufficient room for sports fields (Vol. V, p. 161).

Staff and outside consultants then tested the tiered requirements on a wide range of development projects to ensure the requirements are in fact achievable, result in a reasonable balance between trees, development and open space, and do not force payment of fees in lieu or discretionary review for typical projects.

The peer review results demonstrate that the requirements are achievable without payment of fees in lieu or discretionary reviews (Vol. II, p. 185).

While the Planning Commission kept with the CAC consensus, key changes made to the proposal by Planning Commission, in response to public input, include:

- Reducing the amount of tree canopy required for higher density residential development;
- Allowing required tree canopy to be measured for the overall development site rather than individual lots for higher density residential development and non-residential development; and
- Granting bonus credits for planting native trees.

A detailed description of the Planning Commission deliberations and decisions can be found beginning on page 3 of Volume V.

Based on these analyses, the Planning Commission concluded that the recommended tree canopy requirements balance the community's desire for trees, development and open space, and the goals and policies of the Comprehensive Plan as articulated in the Introduction.

## **CITIZEN INVOLVEMENT**

---

### **“GOAL:**

#### **1.1 Provide citizens, affected agencies, and other jurisdictions the opportunity to participate in all phases of the planning process.”**

As described in the Process Summary (Vol. I, p. 26), the city has provided Tigard citizens, affected agencies and other jurisdictions multiple and varied opportunities to participate in all phases of the urban forestry planning process. This included 11 Citizen Advisory Committee meetings where people representing diverse interests and viewpoints discussed and reviewed code concepts and language at 11 meetings, hosted by an independent facilitator. In addition, a Technical Advisory Committee, which included representatives from multiple city departments such as Public Works and Community Development and outside agencies such as the Oregon Department of Transportation and Clean Water Service met 14 times to discuss and review code concepts and language resulting from the Citizen Advisory Committee process. 14,225 public hearing notices, consistent with Measure 56 requirements, were sent to all Tigard property owners on January 13, 2012. Public hearing notices were also provided to interested parties on January 17, 2012, to affected agencies on January 20, 2012 and published in the Tigard Times on January 19, 2012.

The Planning Commission received public testimony and deliberated on the proposed CPA and DCA during four public hearings from February through May 2012. This included consideration of 85 amendment requests that were generated from their February 6, 2012 hearing. Using this input the Planning Commission revised the proposed CPA and DCA, and then made a unanimous recommendation for council approval.

The Planning Commission recommended CPA and DCA will be further considered through the public hearing process at City Council prior to adoption. The tentative council schedule is as follows:

<b>Meeting Date</b>	<b>Meeting Type</b>	<b>Meeting Purpose</b>
July 10, 2012	Council Study Session	Staff reviews legislative adoption process with council and distributes UFCR materials.
July 11, 2012 to July 23, 2012	Project Staff with Councilors	Provide broad overview of proposal components and describe/discuss elements in more detail with councilors, as desired, in advance of public hearings.
July 24, 2012	Council Public Hearing	Receive staff report, listen to public testimony and identify issues of most concern for additional discussion at the August 28, 2012 meeting.
Aug 28, 2012	Council Work Session	Staff report on issues of most concern and council direction on how to address each issue.
Oct 9, 2012	Council Public Hearing	Receive staff report on how issues of most concern were addressed, accept public testimony on those issues and make a final decision on adoption.
Nov 13, 2012	Council Public Hearing	Additional hearing similar in format as previous meeting, if needed.

The Urban Forestry Code Revisions process demonstrates that citizens, affected agencies and other jurisdictions have been provided the opportunity to participate in all phases of the planning process consistent with this policy.

**“GOAL:**

- 1.2 Ensure all citizens have access to:**  
**A. opportunities to communicate directly to the City; and**  
**B. information on issues in an understandable form.”**

**“POLICIES:**

- 5. The City shall seek citizen participation and input through collaboration with community organizations, interest groups, and individuals in addition to City sponsored boards and committees.”**

As described in the Process Summary (Vol. I, p. 26), the Citizen Advisory Committee included representatives from city boards such as the Tree Board, Parks Boards, and Planning Commission, representatives from community organizations and interests groups such as the Tualatin Riverkeepers and HBA and citizens at large. These and other public involvement opportunities demonstrate that the city has sought citizen participation and input through collaboration with community organizations, interest groups and individuals in addition to city sponsored boards and committees consistent with this policy.

- “6. The City shall provide opportunities for citizens to communicate to Council, boards and commissions, and staff regarding issues that concern them.”**

The community had opportunities to participate in the Citizen Advisory Committee process by providing written, electronic and verbal communication at each Citizen Advisory Committee meeting. Staff provided three open house opportunities to provide opportunities for additional community feedback. Two open houses allowed opportunities for property owners with significant tree groves to provide input to the city during the inventory phase and development of regulatory incentives and flexible standards. An additional open house provided opportunities for the overall community to provide feedback on additional urban forestry code amendments, which are not subject to the Goal 5 rule requirements. Therefore, the city has

provided Tigard citizens the opportunity to communicate to Council, boards and commissions, and staff regarding urban forestry issues that concern them, consistent with this policy.

## LAND USE PLANNING

---

### **“GOAL:**

- 2.1 Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard’s land use planning program.”**

### **“POLICIES:**

- 1. The City’s land use program shall establish a clear policy direction, comply with state and regional requirements, and serve its citizens’ own interests.”**

In 2008 the city completed its periodic review and update of its Comprehensive Plan, which has been acknowledged by Oregon Department of Land Conservation and Development DLCD as consistent with Statewide Planning Goals. Included within the Comprehensive Plan is an Urban Forest section, which was initially adopted on June 3, 2008, and readopted on August 10, 2010, with additional findings that further support the goals and policies in the Urban Forest section. The Urban Forest section (Vol. V, p. 292) and the additional findings can be found in the Tree Values Memo (Vol. V, p. 149). On November 10, 2009, City Council accepted the Urban Forestry Master Plan as consistent with, and supportive of, the urban forestry goals and policies in the Comprehensive Plan. The Urban Forestry Master Plan set realistic timelines and provides a balanced framework for implementing updates to the city’s urban forestry code provisions, policies and programs (Vol. V, p. 207). The CPA and DCA have been guided by these past planning processes, which have established clear policy direction in compliance with state and regional requirements and serve citizen’s interests, consistent with this policy.

- “2. The City’s land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.”**

The Urban Forestry Master Plan provides a roadmap in the form of a matrix for implementing urban forestry goals and policies in the Comprehensive Plan (Implementation Matrix, Vol. V, p. 216). The CPA and DCA implement the recommendations in the Urban Forestry Master Plan matrix. Therefore, they are consistent with related plans and implement the Comprehensive Plan, as required by this policy.

- “3. The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.”**

Request for comments on the proposed CPA and DCA were sent to Metro – Land Use and Planning, Washington County Department of Land Use & Transportation, U.S. Army Corps of Engineers, Oregon Department of State Lands, Oregon Department of Land Conservation and Development, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, Tualatin Valley Fire & Rescue, Tigard-Tualatin School District 23J, and the cities of Tualatin, Lake Oswego, Beaverton, King City and Durham. Representatives of the Oregon Department of Transportation and Clean Water Services were also members of the Technical Advisory Committee. DLCD was provided the opportunity to comment and coordinate the application for the Post Acknowledgement Plan Amendment process per ORS 197.610. Therefore, the city has coordinated the adoption, amendment and implementation of the CPA and DCA with potentially affected jurisdictions and agencies consistent with this policy.

- “4. The City’s land use program shall promote the efficient use of land through the creation of incentives and redevelopment programs.”**

The DCA in Section 18.790.050.C (Vol. II, p. 149) include incentives and flexible standards for the preservation and planting of individual trees, while accommodating development. These incentives and flexible standards include lot size averaging, setback adjustments and parking adjustments.

In addition, incentives and flexible standards for the preservation of significant tree groves are recommended in Section 18.790.050.D (Volume II, p. 153). These incentives and flexible standards include density transfer, setback adjustments and additional building height to preserve significant tree groves, while accommodating development. Therefore, the city has promoted the efficient use of land through incentives and flexible standards that accommodate the preservation and planting of individual trees and the preservation of significant tree groves, consistent with this policy.

**“7. The City’s regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including: ...**

**E) Overlay districts where natural resource protections or special planning and regulatory tools are warranted.”**

The CPA establishes an overlay district for 70 significant tree groves covering 527 acres. As further described in the Tree Grove ESEE Analysis (Vol. II, p. 219), Goal 5 rule requirements allow significant tree groves within the overlay to be eligible for the recommended incentives and flexible standards for their preservation in Section 18.790.050.D. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. Therefore, the CPA and DCA implement the Comprehensive Plan by creating an overlay district where natural resource protections and special planning and regulatory tools are warranted consistent with this policy.

**“12. The City shall provide a wide range of tools, such as planned development, design standards, and conservation easements that encourage results such as: ...**

**C) Protection of natural resources;  
D) Preservation of open space; and  
E) Regulatory flexibility necessary for projects to adapt to site conditions.”**

Incentives and flexible standards for the preservation of significant tree groves are recommended in Section 18.790.050.D, such as reduction of minimum density, density transfer, setback adjustments and additional building height to preserve significant tree groves while allowing development to adapt to site conditions. Significant tree groves are a Goal 5 natural resource and the recommended amendments would facilitate the protection of these resources, consistent with this policy.

**“15. In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard’s Comprehensive Plan/Zone Map shall be subject to the following specific criteria:**

**G) Demonstration that the amendment does not detract from the viability of the City’s natural systems.”**

The CPA creates a significant tree grove overlay, which overlaps with sensitive lands defined in Chapter 18.775, which together represent the city’s natural systems. The recommended flexible standards and incentives for preserving significant trees groves would enhance, rather than detract from the viability of the city’s natural systems, consistent with this policy.

**“18. The Council may at any time, upon finding it is in the overall public interest, initiate legislative amendments to change the Comprehensive Plan text, Plan/Zoning Map(s) and/or the Community Development Code.”**

To implement the Comprehensive Plan as recommended by the Urban Forestry Master Plan, in February 2010 City Council directed staff to undertake a comprehensive update of Tigard's urban forestry related

code provisions. The CPA and DCA reflect City Council direction for a comprehensive update of the city's urban forestry related code provisions, which they have found to be in the overall public interest consistent with this policy.

**“20. The City shall periodically review and, if necessary, update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.”**

The CPA and DCA amendments were developed in response to community needs identified through the Urban Forestry Master Plan and Urban Forestry Code Revisions Projects. Both of these projects involved a Citizen Advisory Committee to ensure community needs were well represented during the planning process. The CPA and DCA are current and responsive to the community's needs, as evidenced by the Citizen Advisory Committee's unanimously approved guiding principles (Vol. V, p. 139).

In addition, the CPA creates a significant tree grove map (Exhibit A), which provides reliable information. Each significant tree grove was inventoried and assessed using Geographic Information Systems (GIS) and site visits. The inventory and assessment process is further described in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The CPA and DCA conform to applicable state, administrative rules, and regional requirements as identified in the findings for this staff report and the Tree Grove ESEE Analysis. Therefore, the CPA and DCA are consistent with this policy.

**“21. The City shall require all development to conform to site design/development regulations.”**

The Urban Forestry Plan requirements in Chapter 18.790 (Vol. II, p. 219) would continue to require an Urban Forestry Plan for land use projects that were previously required to conform to the chapter requirements. Two additional review types (Downtown Design Review and Sensitive Lands Review) would also be required to conform to the chapter requirements. Therefore, the DCA would continue to require all land use projects, as well as two additional review types, to conform to urban forestry site design and development regulations, consistent with this policy.

**“22. The City shall identify, designate, and protect natural resources as part of its land use program.”**

The CPA creates a significant tree grove overlay for 70 inventoried significant tree groves covering 527 acres. The Tree Grove ESEE Analysis (Vol. II, p. 219) provides greater context for the recommended overlay, which has been designated consistent with Goal 5 rule requirements. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The recommended flexible standards and incentives in Section 18.790.050.D (Vol. II, p. 153) are designed to facilitate the protection of significant tree groves consistent with this policy. It is important to note that Goal 5 rule requirements are not applicable to the preservation and planting of individual trees because individual trees are planted and preserved primarily for their aesthetic, air and water quality benefits, as further described in the Tree Values Memo (Vol. V, p. 149).

**“24. The City shall establish design standards to promote quality urban development and to enhance the community's value, livability, and attractiveness.”**

The DCA in Chapters 18.610 - 18.640, 18.745 and 18.790 in Volume II, include design standards for the planting and preservation of individual trees, which are recognized for their aesthetic benefits as more fully

described in the Tree Values Memo (Vol. V, p. 149). The Tree Values memo explains that individual trees are proven to enhance property values and thereby promote quality urban development and enhance the community's value, livability and attractiveness, consistent with this policy.

**“GOAL:**

**2.2 To enlarge, improve, and sustain a diverse urban forest to maximize the economic, ecological, and social benefits of trees.”**

**“POLICIES:**

**1. The City shall maintain and periodically update policies, regulations, and standards to inventory, manage, preserve, mitigate the loss of, and enhance the community's tree and vegetation resources to promote their environmental, aesthetic and economic benefits.”**

The Urban Forestry Standards for Development require an inventory and plan to manage, preserve and mitigate the loss of the trees as part of the development process (Vol. II, p. 3-184). Incentives in Chapter 18.790, such as the Urban Forestry Plan requirements in Section 18.790.030 encourage the preservation and planting of trees, however a fee-in-lieu of planting or preservation is allowed to mitigate the loss of trees.

In addition, the CPA would create a significant tree grove overlay for 70 inventoried significant tree groves covering 527 acres. The Tree Grove ESEE Analysis (Vol. II, p. 219) provides greater context for the recommended overlay, which has been designated consistent with Goal 5 rule requirements. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. Flexible standards and incentives are recommended in Section 18.790.050.D to facilitate preservation of significant tree groves (Vol. II, p. 153).

Through these CPA and DCA , the city is maintaining and updating its policies, regulations and standards to inventory, manage, preserve, mitigate the loss of and enhance the community's tree and vegetation resources to promote their environmental, aesthetic and economic benefits consistent with this policy.

**“2. The City's various codes, regulations, standards, and programs relating to landscaping, site development, mitigation, and tree management shall be consistent with, and supportive of, one another; administration and enforcement shall be regulated and coordinated by the variously impacted departments.”**

Tigard City Council directed staff to pursue a comprehensive update of the city's urban forestry code provisions to ensure the various code, regulations, standards and programs relating to landscaping, site development, mitigation and tree management are consistent with an supportive of, one another. Staff has paid particular attention to ensure consistency between the recommended land use regulations in Title 18 and the non-land use regulations in other titles so administration and enforcement is coordinated before, during and after the development process. In addition, staff from variously impacted departments and outside agencies that have a role in urban forestry served on the Technical Advisory Committee to coordinate developing the urban forestry code provisions. Administration and enforcement of the urban forestry code provisions will be assigned to the Community Development Department. The city's comprehensive approach to developing the CPA and DCA, and planned administration and enforcement by a single department is consistent with this policy.

**“3. The City shall continue to regulate the removal of trees within environmentally sensitive lands and on lands subject to natural hazards.”**

Trees within environmentally sensitive lands and lands subject to natural hazards, as defined in Chapter 18.775, would continue to be subject to the recommended Urban Forestry Plan requirements in Chapter 18.790.030, as part of the development process. When development is not proposed, trees within

environmentally sensitive lands would still be regulated by the provision of Chapter 8.10, which are non-land use regulations and not part of this application. The DCA in Chapter 18.790.030 would continue to regulate the removal of trees within environmentally sensitive lands and on lands subject to natural hazards, consistent with this policy.

**“4. The City shall ensure that street design and land use standards provide ample room for the planting of trees and other vegetation, including the use of flexible and incentive based development standards.”**

The recommended design standards in Chapters 18.610 - 18.640, Chapter 18.745 and Section 18.790.050, require ample room and allow flexible standards and incentives for the planting of trees. Included are increased dimensions for tree planting spaces, reduction in parking for planting parking lot trees, flexible sidewalk locations for planting street trees and minimum soil volume standards for parking lot and street trees. Through the DCA, the city will ensure that street design and land use standards provide ample room for the planting of trees, including the use of flexible and incentive based development standards, consistent with this policy.

**“5. The City shall require the replacement and/or installation of new street trees, unless demonstrated infeasible, on all new roads or road enhancement projects. Trees should be planted within planter strips, or at the back of sidewalks if planter strips are not feasible or would prohibit the preservation of existing trees.”**

Through the DCA in Chapter 18.745.040 (Vol. II, p. 111), the city will require the replacement and/or installation of new street trees, unless demonstrated infeasible, on all new roads or road enhancement projects that are part of the listed land use permits. New roads or road enhancement projects that do not require a land use permit are not part of this application. The existing street design standards in Chapter 18.810 require street trees within planter strips but allow planting in the back of sidewalk if planter strips are not feasible or would prohibit the preservation of existing trees. Chapter 18.810 is not recommended for revision as part of this application. Therefore, the DCA in Chapter 18.745.040 that require new street trees and the existing street design standards in Chapter 18.810 that require street trees in planter strips are consistent with this policy.

**“6. The City shall establish and enforce regulations to protect the public’s investment in trees and vegetation located in parks, within right-of-ways, and on other public lands and easements.”**

The DCA (Vol. II, pp. 3-184) are applicable to trees located in parks, within right of ways and on other public lands and easements as part of the land use permitting process for certain development activities in those locations. Additional provisions protect the public’s investment in trees located in parks, within right of ways and on other public lands and easements outside the development process (Vol. III), but are not land use regulations and not part of this application. The recommended applicability of land use regulations protect the public’s investment in trees located in parks, within rights of ways and on other public lands and easements consistent with this policy.

**“7. The City shall conduct an ongoing tree and urban forest enhancement program to improve the aesthetic experience, environmental quality, and economic value of Tigard’s streets and neighborhoods.”**

The Urban Forestry Code Revisions Project is part of the city’s ongoing tree and urban forest enhancement program. The DCA (Vol. II, pp. 3-184) require development to improve the aesthetic experience, environmental quality and economic value of Tigard’s streets and neighborhoods through tree planting and preservation requirements as part of the land use process, consistent with this policy.

**“8. The City shall continue to maintain and periodically update approved tree lists for specific applications and site conditions, such as street trees, parking lot trees, and trees for wetland and riparian areas.”**

The DCA in Chapters 18.610 through 18.640, Chapter 18.745 and Section 18.790.050, reference the Urban Forestry Manual for a list of recommended trees for specific applications and site conditions such as street trees, parking lot trees and trees for wetland and riparian areas when planting is required as part of the land use process. While the Urban Forestry Manual itself not part of this application, referencing the recommending trees lists within it during the land use process is consistent with this policy.

**“9. The City shall discourage the use or retention of invasive trees and other plants through the development review process.”**

The lists of recommended trees referenced in Goal 2.2 Policy 8 do not include invasive trees. In addition, a nuisance (i.e. invasive) tree list is included in the Urban Forestry Manual and nuisance trees are not eligible for credit when planted to meet the Urban Forestry Plan requirements in Section 18.790.030. While the Urban Forestry Manual itself not part of this application, not allowing nuisance trees to meet the tree planting standards that are part of the development review process discourages their use and retention and is consistent with this policy.

**“10. The City shall require the appropriate use of trees and other vegetation as buffering and screening between incompatible uses.”**

The DCA retain the existing buffering and screening requirements for incompatible uses in Section 18.745.050 (Vol. II, p. 117). The spacing requirements and names of the specific tree types have been amended slightly for consistency with the spacing requirements and names of trees in other sections in Title 18. The slightly modified DCA would continue to require appropriate use of trees and other vegetation as buffering and screening between incompatible uses and is consistent with this policy.

**“11. The City shall develop and implement a citywide Urban Forestry Management Master Plan.”**

Council accepted the Urban Forestry Master Plan (Vol. V, p. 207) on November 10, 2009, consistent with this policy. The Urban Forestry Code Revisions Project implements the Comprehensive Plan as recommended by the Urban Forestry Master Plan. While the Urban Forestry Master Plan is not part of this application, is not a land use regulation and does not contain relevant approval criteria for this application, its development and implementation has helped shape the Urban Forestry Code Revisions and is consistent with this policy.

**“GOAL:**

**2.3 To balance the diverse and changing needs of the city through well designed urban development that minimizes the loss of existing trees to create a living legacy for future generations.”**

**“POLICIES:**

**1. The City shall develop and implement standards and procedures designed to minimize the reduction of existing tree cover, with priority given to native trees and non-native varieties that are long lived and/or provide a broad canopy spread.”**

The DCA are designed to minimize the reduction of existing tree cover through the Urban Forestry Plan requirements in Section 18.790.030 (Vol. II, p. 139). Section 18.790.030 requires tree canopy cover standards to be met as part of the land use process. The standards for meeting tree canopy cover requirements are within the Urban Forestry Manual and are designed to minimize the reduction of existing tree cover by granting bonus credits for preserving existing trees. In addition, standards are designed to

give priority to native trees as well as non-native trees that are long-lived and broad spreading because these tree types will most facilitate achievement of canopy cover standards.

The DCA in Section 18.790.050.C include incentives and flexible standards for the preservation of individual trees (Vol. II, p. 149). The amendments are designed to minimize the reduction of existing tree cover by allowing lot size averaging, setback adjustments and parking adjustments.

In addition, incentives and flexible standards for significant tree groves are recommended in Section 18.790.050.D, such as density transfer, setback adjustments and additional building height to preserve significant tree groves. These incentives and flexible standards for significant tree groves are designed to minimize the reduction of existing tree cover while prioritizing native trees that are long-lived and provide a broad canopy spread. Flexible standards and incentives for the preservation of significant tree groves were developed through the Goal 5 rule requirements as required by state law. Goal 5 rule requirements are not applicable to the preservation and planting of individual trees because individual trees are planted and preserved primarily for their aesthetic, air and water quality benefits.

Therefore, the Urban Forestry Plan requirements in Section 18.790.030 and the incentives and flexible standards for preservation in Section 18.790.050 have the effect of minimizing the reduction of existing tree cover, with priority given to native trees and non-native varieties that are long-lived and/or provide a broad canopy spread consistent with this policy.

**“2. In prescribing the mitigation of the impacts of development, the City shall give priority to the protection of existing trees, taking into consideration the related financial impact of mitigation.”**

The DCA prescribe the mitigation of the impacts of development through Urban Forestry Plan requirements in Section 18.790.030 (Vol. II, p. 139). Section 18.790.030 requires tree canopy cover standards to be met by planting new trees, preserving existing trees or paying a fee in lieu of planting or preservation. The standards are designed to minimize the reduction of existing tree cover by granting bonus credits for preserving existing trees.

The DCA in Section 18.790.050.C include flexible standards to facilitate the preservation of individual trees (Vol. II, p. 149). The flexible standards include lot size averaging, setback adjustments and parking adjustments.

In addition, incentives and flexible standards in Section 18.790.050.D would facilitate the preservation of significant tree groves. These incentives and flexible standards include density transfer, setback adjustments and additional building height to accommodate the preservation of significant tree groves.

A fee in lieu of planting or preservation is recommended and takes into consideration the financial impacts of mitigation. As further described in the Tree Canopy Fee Memo (Vol. V, p. 171), the tree canopy fee was established using a conservative estimated value of tree canopy based on appraisal standards developed by the International Society of Arboriculture.

The peer review results demonstrate that the recommended canopy requirements are likely achievable through planting and preservation for most development projects (Vol. II, p. 185). This further informed the city's consideration of related financial impacts of mitigation when developing the recommended fee in lieu of planting or preservation.

Finally, a discretionary Urban Forestry Plan review option (Vol. II, p. 142) is recommended to be allowed in lieu of meeting the Urban Forestry Plan requirements in Section 18.790.030. The discretionary Urban Forestry Plan review option would allow an applicant to mitigate the lack of canopy cover by incorporating innovative, alternate development proposals that provide equivalent environmental benefits as trees.

The range of options for meeting the recommended Urban Forestry Plan requirements in Section 18.790.030 prioritize the protection of existing trees. However, applicants would be allowed to mitigate through achievable planting requirements, a fee in lieu of planting or preservation or a discretionary review option. These recommended alternatives to preservation were developed with consideration of the financial impacts of mitigation consistent with this policy.

**“3. The City shall develop policies and procedures designed to protect trees, including root systems, selected for preservation during land development.”**

The DCA in Section 18.790.030 would require a tree preservation and removal site plan by a certified arborist or landscape architect (Vol. II, p. 139). The specifications for the tree preservation and removal site plan are in the Urban Forestry Manual and would require the certified arborist or landscape architect to identify methods for protecting trees, including root systems, selected for preservation during land development. The required methods would include, but are not limited to, displaying the type, size and location of tree protection fencing to scale on the tree preservation and removal site plan.

In addition, Section 18.790.060 would require the certified arborist or landscape architect to perform regular inspections of the tree protection fencing and other tree protection methods throughout the land development process (Vol. II, p. 163). The recommended Development Code requirements for a tree preservation and removal site plan along with regular inspections and reporting on that plan during the development process are designed to protect trees, including their root systems, consistent with this policy.

**“4. The City shall address public safety concerns by ensuring ways to prevent and resolve verified tree related hazards in a timely manner.”**

The DCA allow tree removal if the certified arborist or landscape architect determines a tree has become a hazard during the development process (Vol. II, p. 169). The rating system for determining tree hazards is within the Urban Forestry Manual and cross-referenced by the recommended code amendments. Therefore, the DCA ensure the prevention and resolution of verified tree related hazards during the land development process, consistent with this policy.

Additional provisions in Chapter 8.06 in Volume III would prohibit verified tree related hazards and allow for their emergency abatement, however these provisions are not land use regulations and not part of this application.

**“5. The City shall develop and enforce site design and landscape requirements to reduce the aesthetic and environmental impacts of impervious surfaces through the use of trees and other vegetation.”**

The DCA in Chapter 18.745 (Vol. II, p. 107) would require the planting of street trees and parking lot trees as part of the land use process. Street trees would be required based on the amount of street frontage of the development and parking lot trees would be required to provide 30% minimum tree canopy cover at maturity over the parking area. These recommended site design and landscape requirements were developed and would be enforced to reduce to the aesthetic and environmental impacts of impervious surfaces, consistent with this policy.

**“6. The City shall, in order to preserve existing trees and ensure new trees will thrive, allow and encourage flexibility in site design through all aspects of development review.”**

The DCA in Section 18.790.050.C (Vol. II, p. 149) would allow and encourage flexibility in site design for the preservation and planting of individual trees. These flexible site design standards include lot size averaging, setback adjustments and parking adjustments.

In addition, flexibility in site design standards are allowed and encouraged for the preservation significant tree groves by the DCA in Section 18.790.050.D. These flexible site design standards include density

transfer, setback adjustments and additional building height.

Therefore, the DCA in Section 18.790.050.C and 18.790.050.D include flexible site design standards that would allow and encourage flexibility to preserve existing trees and ensure new trees will thrive consistent with this policy.

**“7. The City shall require all development, including City projects, to prepare and implement a tree preservation and landscaping plan, with the chosen trees and other plant materials appropriate for site conditions.”**

The DCA in Chapters 18.745 (Vol. II, p. 107) and 18.790 (Vol. II, p. 135), would require tree preservation and landscaping plans that are appropriate to site conditions. These requirements are applicable to city projects.

The term “development” is so broad that any material change to a property, such as installing a shed, could fall within the definition. Staff and the Citizen Advisory Committee discussed the scale of development that should be required to implement tree preservation and landscaping plans. It was determined that those land use permit types listed in Chapters 18.745 and 18.790 are of appropriate scale that requiring tree preservation and landscaping plans would be roughly proportional to the impacts of development. After evaluating smaller scale projects, such as shed installations or residential additions, it was determined they are usually designed in ways that have minimal impacts on trees and surrounding neighborhoods.

Therefore, the DCA would require appropriate tree preservation and landscaping plans for all development with significant impacts, including city projects, consistent with this policy.

**“8. The City shall continue to cooperate with property owners, businesses, other jurisdictions, agencies, utilities, and non-governmental entities to manage and preserve street trees, wetlands, stream corridors, riparian areas, tree groves, specimen and heritage trees, and other vegetation.”**

As described in the Process Summary (Vol. I, p. 26), the city cooperated with property owners, businesses, other jurisdictions, agencies, utilities and non-governmental entities in developing code amendments as part of the Urban Forestry Code Revisions Project. The DCA in Chapter 18.745.040 (Vol. II, p. 111) contribute to the management and preservation of street trees during the land use process.

The DCA in Section 18.790.050.D (Vol. II, p. 153) contribute to the preservation significant tree groves during the land use process. Flexible site design standards for the preservation of significant tree groves were developed through the Goal 5 rule requirements, as required by state law.

Individual specimen and heritage trees would be required to be included as part of the Urban Forestry Plan through the recommended amendments in Section 18.790.030 (Vol. II, p. 139). Including specimen and heritage trees in the Urban Forestry Plan will contribute to their preservation and management because they could be considered and utilized to meet plan requirements.

The DCA do not affect the preservation and management of wetlands, stream corridors and riparian areas except to the extent that trees preservation and planting activities may overlap with these areas. However, the DCA are intended to support the preservation and management of trees and significant trees groves, not wetlands, stream corridors and riparian areas.

The DCA were developed in cooperation with property owners, businesses, other jurisdictions, agencies, utilities and non-governmental entities. The DCA support the management and preservation of street trees, significant tree groves, specimen and heritage trees during the development process. The DCA were not specifically designed to affect the management or preservation of wetlands, stream corridors or riparian areas. Therefore, the DCA are consistent with this policy.

**“9. The City shall require, as appropriate, tree preservation strategies that prioritize the retention of trees in cohesive and viable stands and groves instead of isolated specimens.”**

The CPA establishes an overlay district for 70 significant tree groves covering 527 acres. The recommended flexible standards and incentives in Section 18.790.050.D (Vol. II, p. 153) 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. The recommended flexible standards and incentives would facilitate the preservation of the significant tree groves in cohesive and viable stands instead of isolated specimens consistent with this policy.

**“10. Applications for tree removal and tree management plans shall be reviewed by a certified arborist employed or under contract to the City.”**

The DCA in Section 18.790.030 would require urban forestry plans to be coordinated, reviewed and approved by a certified arborist or landscape architect (Vol. II, p. 139). The city currently employs a certified arborist to review land use permit applications to determine whether urban forestry related requirements are met. The requirement for urban forestry plans to be coordinated, reviewed and approved by a certified arborist or landscape architect and the city’s current practice for land use applications to be reviewed by a certified arborist employed by the city, is consistent with this policy.

**“11. The City shall recognize the rights of individuals to manage their residential landscapes.”**

The DCA in Chapter 18.790 (Vol. II, p. 135) would allow applicants to meet Urban Forestry Plan requirements through any combination of preserving existing trees, planting new trees or paying a fee in lieu of planting or preservation. In addition, a discretionary review process in Section 18.790.040 (Vol. II, p. 143) is available as an alternative to providing the required trees. Finally, Section 18.790.070 would allow individuals to modify their Urban Forestry Plan after the land use approval process to provide additional flexibility to adapt to changing site conditions or personal preferences. Therefore, the DCA in Chapter 18.790 recognize the rights of individuals to manage their residential landscapes, consistent with this policy.

Title 8 amendments include tree permit procedures in Chapter 8.04 of Volume III that allow for increased flexibility for tree management activities outside the land use process. However, amendments to Title 8 are not land use regulations and are not part of this application.

## **NATURAL RESOURCES**

---

### **“GOAL:**

**5.1: Protect natural resources and the environmental and ecological functions they provide and, to the extent feasible, restore natural resources to create naturally functioning systems and high levels of biodiversity.”**

### **“POLICIES:**

- 1. The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to:**
  - A. contribute to the City’s scenic quality and its unique sense of place;**
  - B. provide educational opportunities, recreational amenities, and buffering between differential land uses;**
  - C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and**
  - D. result in healthy and naturally functioning systems containing a high level of biodiversity.”**

The recommended Comprehensive Plan amendment establishes an overlay district for 70 significant tree groves covering 527 acres. As further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219), key evaluation criteria in the inventory and selection of significant tree groves were grove maturity/tree size, grove size, health/viability, visibility, screening and buffering, accessibility, rarity, educational/recreational potential, wildlife habitat value and connectivity and the amount of existing disturbance. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report.

The DCA in Section 18.790.050.D (Vol. II, p. 153) include regulatory incentives and flexible standards that allow for the preservation of significant tree groves.

The evaluation criteria used for the inventory and selection of significant tree groves and the recommended regulatory incentives and flexible standards support this policy by allowing for the maximum preservation of the functions and values of significant tree groves with the attributes identified in this policy.

**“4. The City shall actively coordinate and consult with landowners, local stakeholders, and governmental jurisdictions and agencies regarding the inventory, protection, and restoration of natural resources.”**

As more fully described in the Tree Grove ESEE analysis (Vol. II, p. 219), the city actively coordinated and consulted with landowners, local stakeholders, governmental jurisdictions and agencies throughout the development of the CPA and DCA. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report.

During the inventory phase, all property owners with an inventoried tree grove on their property were provided notice, compliant with Goal 5 rule requirements. As part of the notice, property owners were invited to a tree grove open house, which was held on October 6, 2010, to learn more and provide feedback about the process.

After developing draft regulatory incentives and flexible standards based on community input, property owners and the community were invited to a second tree grove open house on February 17, 2011, to learn more and provide feedback on the recommended regulatory incentives and flexible standards.

In addition, the city coordinated with local stakeholders and governmental jurisdictions and agencies as part of the Citizen Advisory Committee and Technical Advisory Committee processes, which are more fully described in the Process Summary (Vol. I, p. 26). Both the Citizen Advisory Committee and Technical Advisory Committee reviewed and approved the recommended regulatory incentives program for significant tree groves. The Citizen Advisory Committee approval is documented in their guiding principles for the Tree Grove Preservation Incentives (Vol. V, p. 143).

Therefore, the city coordinated and consulted with landowners, local stakeholders, governmental jurisdiction and agencies during the inventory and development of regulatory incentives and flexible standards for preserving significant tree groves, consistent with this policy.

**“5. The City shall utilize periodic assessments of the effectiveness of the City’s programs and regulatory structures to guide future decisions regarding natural resource protection, management, and restoration.”**

The city utilized periodic canopy assessments as part of the Urban Forestry Master Plan process. The periodic canopy assessments demonstrated a 24% decline in canopy clusters of over 5 acres in size from

1996 to 2007. These and other findings were used to develop recommendations in the Urban Forestry Master Plan (Vol. V, p. 207) that helped guide the CPA and DCA. The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. Therefore, periodic assessments of the effectiveness of the city's programs and regulatory structures were used to guide the CPA and DCA aimed at the protection, management and restoration of significant tree groves, consistent with this policy.

**“6. The City shall utilize incentives or disincentives, to the extent feasible, to discourage property owners from removing or degrading natural resources prior to application for development or annexation.”**

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The development code amendments in Section 18.790.050.D (Vol. II, p. 153) include regulatory incentives and flexible standards to facilitate the preservation of significant tree groves. Regulatory incentives and flexible standards 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. The regulatory incentives and flexible standards are voluntary, and thus there is no incentive for property owners to remove or degrade significant trees groves prior to application for development or annexation. Therefore, the DCA in Section 18.790.050.D are consistent with this policy.

**“7. The City shall protect and restore riparian and upland habitats to the maximum extent feasible on public and private lands.”**

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The CPA and DCA facilitate the preservation of significant tree groves located in both riparian and upland habitats and on public and private lands. The city also has non-regulatory programs to protect and restore riparian and upland habitats, but these are not land use regulations and not part of this application. Therefore, the CPA and DCA facilitate the preservation of significant tree groves in both riparian and upland habitats on both public and private property, which allows for their further protection and restoration through non-regulatory programs consistent with this policy.

**“10. The City shall complete a baseline inventory of significant natural resources and update or improve it as necessary, such as at the time of Comprehensive Plan Periodic Review, changes to Metro or State programs, or to reflect changed conditions, circumstances, and community values.”**

The city completed a baseline inventory of 70 significant tree groves in compliance with Statewide Planning Goal 5 rule requirements as further detailed in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) represents

the baseline inventory, which will be adopted through the CPA and updated and improved as necessary consistent with this policy.

**“11. The City shall assist landowners in the protection of natural resources through diverse methods including, but not limited to: education, incentives, planned development standards and regulations, and conservation easements.”**

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to assist landowners in the preservation of significant tree groves (Vol. II, p. 153). Regulatory incentives and flexible standards 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. Permanent protection of significant tree groves through instruments such as conservation easements would be required to utilize the incentives and flexible standards. These incentives and flexible standards would assist landowners in the protection of natural resources consistent with this policy.

**“12. The City shall develop and implement standards and procedures that mitigate the loss of natural resource functions and services, with priority given to protection over mitigation.”**

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to prioritize the preservation of significant tree groves over mitigation. In utilizing these regulatory incentives and flexible standards, applicants would be required to preserve at least 10,000 square feet of significant tree grove canopy and to maximize the connectivity and viability of the remaining portion of the significant tree grove under the direction of a certified arborist or landscape architect (Vol. II, p. 153). Considerations in the Urban Forestry Manual are cross-referenced in Section 18.790.050.D to provide additional guidance for the certified arborist or landscape architect in the preservation of a connected and viable significant tree grove. Therefore, the DCA in Section 18.790.050.D create standards and procedures that mitigate the loss of natural resource functions and services, with priority given to protection of significant tree groves over mitigation, consistent with this policy.

**13. “The City shall identify, preserve, and create linkages between wildlife habitat areas, to the extent feasible, as a key component of parks, open space, and surface water management plans.”**

As further explained in the Tree Grove ESEE Analysis (Vol. II, p. 232), the city identified 70 significant tree groves using wildlife habitat functions, connectivity and diversity as key criteria. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to preserve significant tree groves (Vol II, p. 153). In utilizing these regulatory incentives and flexible standards applicants would be required to maximize the connectivity of the remaining portion of the significant tree grove under the direction of a certified arborist or landscape architect. Considerations in the Urban Forestry Manual are cross-referenced in Section 18.790.050.D to provide additional guidance for the certified arborist or landscape architect in the preservation of a connected significant tree grove. Identified significant tree groves overlap parks, open spaces and surface water

management plan areas. Significant tree groves may be preserved to create linkages between wildlife habitats areas when plans are updated for these areas, consistent with this policy. However, this application is not intended as an update to any parks, open space or surface water management plan.

## **ENVIRONMENTAL QUALITY**

---

### **“GOAL:**

**6.1 Reduce air pollution and improve air quality in the community and region.”**

### **“POLICIES:**

**6. The City shall encourage the maintenance and improvement of open spaces, natural resources, and the City’s tree canopy to sustain their positive contribution to air quality.”**

The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to encourage the maintenance and improvement of significant tree groves (Vol. II, p. 153). In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city’s urban forestry program (Vol. II, p. 139). One benefit of these DCA is that they encourage the maintenance and improvement of tree canopy citywide, as further detailed in the Tree Values Memo (Vol. V, p. 149), which is well documented to have a positive contribution to air quality, consistent with this policy.

### **“GOAL:**

**6.2 Ensure land use activities protect and enhance the community’s water quality.”**

### **“POLICIES:**

**3. The City shall encourage the use of low impact development practices that reduce stormwater impacts from new and existing development.”**

The discretionary Urban Forestry Plan review (Vol. II, p. 143) allows the use of techniques that minimize hydrological impacts such as those detailed in Clean Water Services Low Impact Development Approached (LIDA) Handbook as an alternative to meeting the clear and objective Urban Forestry Plan requirements in Section 18.790.030 (Vol. II, p. 139). Therefore, the discretionary Urban Forestry Plan review option encourages the use of low impact development practices that reduce stormwater impacts from new and existing development, consistent with this policy.

**“4. The City shall protect, restore, and enhance, to the extent practical, the natural functions of stream corridors, trees, and water resources for their positive contribution to water quality.”**

The DCA in Section 18.790.050.D (Vol. II, p. 153) include regulatory incentives and flexible standards to encourage the maintenance and improvement of significant tree groves. In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city’s urban forestry program (Vol. II, p. 139). These DCA protect, restore and enhance the natural functions of trees, which have a positive contribution to water quality, as evidenced by the Tree Values Memo (Vol. V, p. 149), consistent with this policy.

## **HAZARDS**

---

### **“GOAL:**

**7.1 Protect people and property from flood, landslide, earthquake, wildfire, and severe weather hazards.”**

### **“POLICIES:**

10. **The City shall work with Clean Water Services to protect natural drainageways and wetlands as valuable water retention areas and, where possible, find ways to restore and enhance these areas.”**

As described in the Process Summary (Vol. I, p. 26), the city included Clean Water Services as a member of the Technical Advisory Committee for the Urban Forestry Code Revisions Project. The main purpose of Clean Water Services participation was to ensure the CPA and DCA in this application do not conflict with other standards that protect natural drainage ways and wetlands. The city and Clean Water Services determined that the standards are not in conflict. Therefore, the CPA and DCA are consistent with this policy.

- “13. **The City shall retain and restore existing vegetation with non-invasive species in areas with landslide potential to the greatest extent possible.”**

As further explained in the Tree Grove ESEE Analysis, the city identified 70 significant tree groves using the presence of non-invasive species as a key criterion (Vol. II, p. 231). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves, many of which overlap areas with landslide potential. The DCA in Section 18.790.050. include regulatory incentives and flexible standards to retain significant tree groves (Vol. II, p. 153).

In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city’s urban forestry program (Vol. II, p. 139). In meeting tree canopy standards, nuisance (i.e. invasive) trees are prohibited from planting by the Urban Forestry Manual. These standards support this policy by encouraging the preservation of significant tree groves with non-invasive species and prohibiting the planting of invasive tree species including within areas with landslide potential.

## **PARKS, RECREATION, TRAILS, AND OPEN SPACE**

---

### **“GOAL:**

- 8.1 **Provide a wide variety of high quality park and open spaces for all residents, including both:**

- A. **developed areas with facilities for active recreation; and**
- B. **undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.”**

### **“POLICIES: ...**

2. **The City shall preserve and, where appropriate, acquire and improve natural areas located within a half mile of every Tigard resident to provide passive recreational opportunities.”**

As further explained in the Tree Grove ESEE Analysis, the city identified 70 significant tree groves using visibility, accessibility and educational/recreational potential as key criteria (Vol. II, p. 232). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves, which are distributed citywide. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to retain significant tree groves (Vol. II, p. 153). These CPA and DCA support this policy by contributing to the preservation of visible, accessible

and potentially educational/recreational natural areas located within a half mile of every Tigard resident to provide passive recreational opportunities.

**“16. The City shall continue to encourage and recognize the important role of volunteers and community groups in meeting City park, trail, open space, and recreation needs, and in building stewardship and promoting community pride.”**

The Process Summary details the Citizen Advisory Committee’s role in providing recommendations to staff during the development of the CPA and DCA (Vol. I, p. 26). The Citizen Advisory Committee included representation from the Parks and Recreation Advisory Board to allow community interests relating to parks, trails, open spaces, and recreational needs to be well represented throughout the process. The CPA creating a significant tree grove map (Exhibit A) and the DCA in Title 18 are applicable to certain development actions within parks, trails, open spaces and recreational areas. Inclusion of a Parks and Recreation Advisory Board member on the Citizen Advisory Committee is supportive of this policy in that encouraged and recognized the important role of volunteers and community groups in meeting city park, trail, open space and recreational needs, and in building stewardship and promoting community pride.

**“17. The City shall maintain and manage its parks and open space resources in ways that preserve, protect, and restore Tigard’s natural resources, including rare, or state and federally listed species, and provide “Nature in the City” opportunities.”**

As further explained in the Tree Grove ESEE Analysis, the city identified 70 significant tree groves using wildlife habitat value and connectivity as a key criterion (Vol. II, p. 232). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves, many of which overlap with city’s park and open space resources. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to preserve significant tree groves (Vol. II, p. 153). In utilizing these regulatory incentives and flexible standards, applicants are required to maximize the connectivity of the remaining portion of the significant tree grove under the direction of a certified arborist or landscape architect. While rare, state and federally listed species were not specifically inventoried as part this process, the preservation of significant tree groves is supportive of their preservation. Therefore, this policy of maintaining and managing park and open space resources in ways that preserve, protect and restore Tigard’s natural resources (including rare or state and federally listed species) and providing “Nature in the City” opportunities, is supported by the CPA and DCA aimed at the preservation of significant tree groves.

**“19. The City shall seek to establish and manage a fully functional urban forest.”**

The Urban Forestry Master Plan (Vol. V, p. 207) provides recommendations for establishing and managing a fully functional urban forest. The recommendations require CPA and DCA to implement the goals and policies in the Urban Forest section of the Comprehensive Plan. The CPA and DCA are consistent with the recommendations in the Urban Forestry Master Plan. Therefore, the city is seeking to contribute to the establishment and management of a fully functional urban forest with this application, consistent with this policy.

## **ECONOMIC DEVELOPMENT**

---

### **“GOAL:**

**9.1 Develop and maintain a strong, diversified, and sustainable local economy.”**

### **“POLICIES:**

3. **The City’s land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.”**

The CPA and DCA in Section 18.790.050.D include regulatory incentives and flexible standards to retain significant tree groves (Vol. II, p. 153). In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city’s urban forestry program (Vol. II, p. 139). Therefore, the CPA and DCA have been designed to be flexible and adaptive to promote economic development opportunities and allow the provision of required infrastructure, consistent with this policy, while concurrently supporting the city’s urban forestry goals and policies.

**“GOAL:**

- 9.3 **Make Tigard a prosperous and desirable place to live and do business.”**

**“POLICIES:**

2. **The City shall adopt land use regulations and standards to ensure a well-designed and attractive urban environment that supports/protects public and private sector investments.”**

During the Urban Forestry Master Plan process the community identified the urban forest as a key component of a well-designed and attractive urban environment (Vol. V, p. 207). The CPA and DCA would create land use regulations and standards that incorporate trees and significant tree groves within the urban environment to support and protect public and private sector investments consistent with this policy.

3. **The City shall commit to improving and maintaining the quality of community life (public safety, education, transportation, community design, housing, parks and recreation, etc.) to promote a vibrant and sustainable economy.”**

During the Urban Forestry Master Plan process, the community identified the urban forest as a key component to improving and maintaining quality of community life (Vol. V, p. 207). In addition, the Tree Values Memo describes the ability of trees to promote a vibrant and sustainable economy (Vol. V, p. 149). The CPA and DCA would create land use regulations and standards that incorporate trees and significant tree groves within the urban environment to improve and maintain the quality of community life and to promote a vibrant and sustainable economy consistent with this policy.

## **HOUSING**

---

**“GOAL:**

- 10.1: **Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.”**

**“POLICIES:**

1. **The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that meet the needs, preferences, and financial capabilities of Tigard’s present and future residents.”**

Tigard’s current policies, codes and standards provide opportunities for a variety of housing types, including single-family and multi-family housing on land zoned R-1 to R-40 as well as mixed use and variations through the planned development overlay. As further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219), the city identified 70 significant tree groves through the statewide Goal 5 planning process. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are

hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves, many of which exist within lands zoned for residential uses. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards that allow variation in housing types such as attached units to retain significant tree groves (Vol. II, p. 153).

In addition, the DCA in Section 18.790.030 would require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II. P. 139).

These CPA and DCA have been designed to be flexible and adaptive to continue to allow a variety of housing types, while concurrently supporting the city's urban forestry goals and policies. The DCA (pp. 3-184) continue to allow opportunities to develop a variety of housing types that meet the needs, preferences and financial capabilities of Tigard's present and future residents consistent with this policy.

**“GOAL:**

**10.2 Maintain a high level of residential livability.”**

**“POLICIES:**

**1. The City shall adopt measures to protect and enhance the quality and integrity of its residential neighborhoods.”**

During the Urban Forestry Master Plan process, the community identified the urban forest as a key component of the quality and integrity of the city's residential neighborhoods (Vol. V, p. 207). In addition, the Tree Values Memo describes the aesthetic, economic and social contribution of trees to residential neighborhoods (Vol. V, p. 149). The CPA and DCA would create measures to protect and enhance the quality and integrity of the city's residential neighborhoods, consistent with this policy, by incorporating trees and significant tree groves.

**“3. The City shall commit to improving and maintaining the quality of community life public safety, education, transportation, community design; a strong economy, parks and recreation, etc.) as the basis for sustaining a high-quality residential environment.”**

During the Urban Forestry Master Plan process the community identified the urban forest as a key component of a high-quality residential environment (Vol. V, p. 207). In addition, the Tree Values Memo describes the positive contribution of trees to community life, public safety, education, transportation, community design, a strong economy, parks and recreation (Vol. V, p. 149). The CPA and DCA would incorporate trees and significant tree groves into residential, commercial, industrial and institutional environments, as well as the transportation system to maximize the benefits they provide. Therefore, the CPA and DCA will have the effect of improving and maintaining the quality of community life and thereby sustaining a high quality residential environment, consistent with this policy.

**“5. The City shall encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.”**

The DCA in Section 18.790.050.D encourage sustainable development patterns that conserve natural resources through regulatory incentives and flexible standards that allow the preservation of significant tree groves (Vol. II, p. 153). These regulatory incentives and flexible standards would promote the efficient use of land by allowing reduction in minimum density, density transfer, increased building height, reduced setbacks, adjustments to Urban Forestry Plan requirements and adjustments to street and utility standards.

In addition, the discretionary Urban Forestry Plan review option (Vol. II, p. 143) promotes the use of renewable energy sources by allowing onsite energy production such as solar technologies as an alternative to meeting the clear and objective Urban Forestry Plan requirements in Section 18.790.030 (Vol. II, p. 139).

These DCA would support sustainable development patterns by promoting the efficient use of land, conservation of natural resources and the use of renewable energy sources, consistent with this policy.

**“7. The City shall ensure that residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns.”**

As further explained in the Tree Grove ESEE Analysis, the city identified 70 significant tree groves through the statewide Goal 5 planning process (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves, many of which exist within lands zoned for residential uses. The DCA in Section 18.790.050.D would allow reduction in minimum density as one of the methods to preserve significant tree groves in residential areas (Vol. II, p. 153). Therefore, the CPA and DCA support this policy by ensuring residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural resources.

**“8. The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as: A) orderly transitions from one residential density to another and B) protection of existing vegetation, natural resources and provision of open space areas.”**

As further explained in the Tree Grove ESEE Analysis, the city identified 70 significant tree groves using screening/buffering ability as a key criterion (Vol. II, p. 231). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves, many of which exist within lands zones for residential uses. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to retain significant tree groves (Vol. II, p. 153). Regulatory incentives and flexible standards 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. In the density transfer option, compatibility with adjacent development with the same or lower density zoning would be ensured by restricting lot size reductions to 75 percent or greater of the base residential zoning district. Also, when additional building height is allowed, applicable buffering and screening requirements would still apply

In addition, the DCA in Section 18.745.050 (Vol. II, p. 149) continue to require buffering and screening with only slight adjustments to tree spacing requirements to ensure consistency with tree spacing requirements in other chapters.

Therefore, the CPA and DCA would require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments by ensuring orderly transitions from one residential density to another and protecting existing vegetation, natural resources and open space areas consistent with this policy.

**“9. The City shall require infill development to be designed to address compatibility with existing neighborhoods.”**

The DCA in Section 18.790.050.D include regulatory incentives and flexible standards such as residential density transfer to retain significant tree groves (Vol. II, p. 153). In the density transfer option, compatibility with adjacent development with the same or lower density zoning would be ensured by

restricting lot size reductions to 75 percent or greater of the base residential zoning district. This would ensure compatibility with existing neighborhoods when designing infill development.

In addition, the DCA in Section 18.790.030 would require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139). The requirements would apply to Minor Land Partitions, which are a primary contributor to infill development. As demonstrated by applying the code to infill development as part of the peer review (Vol. II, 185) and further described in the Canopy Standards memo (Vol. V, p. 159), the amount of tree canopy resulting from the recommended Development Code is estimated to be compatible with existing neighborhoods.

Therefore, the CPA and DCA are designed to require infill development to be compatible with existing neighborhoods, consistent with this policy.

## **PUBLIC FACILITIES**

---

### **“GOAL:**

**11.1 Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.”**

### **“POLICIES: ...**

**7. The City shall encourage low impact development practices and other measures that reduce the amount of, and/or treat, stormwater runoff at the source.”**

The DCA in Section 18.790.050.D (Vol. II, p. 153) include regulatory incentives and flexible standards to retain significant tree groves. In addition, the DCA in Section 18.790.030 would require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139).

In addition, the discretionary Urban Forestry Plan review option (Vol. II, p. 143) would allow the use of techniques that minimize hydrological impacts, such as those detailed in Clean Water Services LIDA Handbook, as an alternative to meeting the clear and objective Urban Forestry Plan requirements.

The Tree Values Memo (Vol. V, p. 149) documents the ability of trees to reduce and treat stormwater at the source. The Clean Water Services LIDA Handbook also documents the ability of the constructed systems detailed, within the handbook, to reduce and treat stormwater at the source. Therefore, the CPA and DCA encourage low impact development practices and other measures that reduce the amount of and/or treat stormwater at the source, consistent with this policy.

## **TRANSPORTATION**

---

### **“GOAL:**

**12.1: Develop mutually supportive land use and transportation plans to enhance the livability of the community.”**

### **“POLICIES: ...**

**6. The City shall support land use patterns that reduce greenhouse gas emissions and preserve the function of the transportation system.”**

The DCA incorporate trees, and significant tree groves, within existing land uses and the transportation system (Vol. II, pp. 3-184). The Tree Values Memo details the ability of trees to reduce greenhouse gas emissions through sequestration and shading, which reduces fossil fuel consumption (Vol. V, p. 149). Therefore, the CPA and DCA support land use patterns that reduce greenhouse gas emissions and preserve the function of the transportation system, consistent with this policy.

## **ENERGY**

---

**“GOAL:**

**13.1: Reduce energy consumption.”**

**“POLICIES: ...**

**3. The City shall require future development to consider topography, vegetation, and solar access during the design phase to reduce demands for artificial heating, cooling, and lighting.”**

The DCA in Section 18.790.050.D (Vol. II, p. 153) include regulatory incentives and flexible standards that would allow future development to consider retaining significant tree groves during the design phase. In addition, the DCA in Section 18.790.030 would require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city’s urban forestry program (Vol. II, p. 139). These CPA and DCA have been designed to be flexible and adaptive to allow future development to consider topography, trees and solar access during the design phase.

In addition, the discretionary Urban Forestry Plan review option (Vol. II, p. 143) would allow techniques such as solar to reduce the use of fossil fuels for heating, cooling, and lighting as an alternative to meeting the clear and objective Urban Forestry Plan requirements.

The Tree Values Memo documents the ability of trees reduce demands for heating and cooling through strategic placement and shading (Vol. V, p. 149). Therefore, the flexibility in placement of trees afforded by the DCA, and the allowance of alternative techniques that minimize use of fossil fuels, is consistent with this policy, which requires future development to be designed in ways that reduce demands for artificial heating, cooling and lighting.

**“6. The City shall support energy conservation by: ...**

**D) providing flexibility in the land use process to take advantage of solar radiation.”**

The DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city’s urban forestry program (Vol. II, p. 139). These DCA have been designed to provide flexibility in tree preservation and planting to take advantage of solar radiation.

In addition, the discretionary Urban Forestry Plan review option (Vol. II, p. 143) would allow the use of onsite energy production such as solar power as an alternative to meeting the clear and objective Urban Forestry Plan requirements in Section 18.790.030 (Vol. II, p. 139).

Therefore, the DCA support energy conservation by providing flexibility in the land use process to take advantage of solar radiation, consistent with this policy.

**URBANIZATION**

---

**“GOAL:**

**14.3. Promote Tigard citizens’ interests in urban growth boundary expansion and other regional and state growth management decision.”**

**“POLICIES: ...**

**3. The city shall maintain the low-density residential character of its existing single family residential neighborhoods and accommodate more intense urban land uses in its regional and town centers and within major transportation corridors to be consistent with Statewide Planning Goals and the Metro Framework Plan.”**

The DCA in Section 18.790.050.D include regulatory incentives and flexible standards such as reduction of minimum density and residential density transfer to retain significant tree groves (Vol. II, p. 153).

Reduction of minimum residential density would be allowed based on the area of significant tree grove preserved. In the density transfer option, compatibility with adjacent development with the same or lower density zoning would be ensured by restricting lot size reductions to 75 percent or greater of the base residential zoning district. This measure allows for the maintenance of the low-density residential character of existing single-family residential neighborhoods, consistent with this policy

## **SPECIAL PLANNING AREAS: DOWNTOWN**

---

### **“GOAL: ...**

**15.3 Develop and Improve the Open Space System and Integrate Natural Features into downtown.”**

### **“POLICIES:**

**1. Natural resource functions and values shall be integrated into downtown urban design.”**

There are no significant tree groves in downtown Tigard, so this policy is not applicable.

### **“GOAL: ...**

**15.4 Develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles, and transit.”**

### **“POLICIES: ...**

**5. Streetscape and public area design shall focus on creating a pedestrian friendly environment without the visual dominance by automobile-oriented uses.”**

The DCA to Chapter 18.745.040 would continue to require street trees in downtown Tigard. Street trees enhance the pedestrian environment as further explained by the Tree Values Memo (Vol. V, p. 149). Therefore, the DCA contribute to streetscape and public area design that create a pedestrian friendly environment, consistent with this policy.

**CONCLUSION:** Based on the analysis above, staff finds that the CPA and DCA in Volume II are consistent with the applicable goals and policies contained in the City of Tigard Comprehensive Plan.

## **APPLICABLE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLES**

---

**Metro Functional Plan Title 1 – “The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120.”**

To meet Title 1, each jurisdiction was required to determine its housing capacity and adopt minimum density requirements. Tigard adopted an 80% of minimum density requirement for development in 1998, which means that a development must build 80% of the maximum units allowed by the zoning designation. As provided in Section 3.07.120, a city or county may reduce the minimum-zoned capacity to protect natural resources.

The CPA would establish an overlay district for 70 significant tree groves covering 527 acres. As further described in the Tree Grove ESEE Analysis (Vol. II, p. 219), Goal 5 rule requirements would allow significant tree groves within the overlay to be eligible for the recommended incentives and flexible standards for preservation in Section 18.790.050.D. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The recommended incentives and flexible standards would allow for the full development of property under current zoning. Alternatively, the significant tree grove portion of a site may be removed

from the minimum density calculation, reducing the density of the site, as allowed in Section 3.07.120 of Title 1.

In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139). These DCA have been designed to be flexible and adaptive to continue to allow for a compact urban form and a fair-shared approach to meeting regional housing needs, consistent with Metro Title 1.

**Metro Functional Plan Title 3 – “To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.”**

In 2002, the City of Tigard adopted CPA and DCA amendments to comply with Title 3 of Metro's Urban Growth Management Functional Plan. Title 3 protects the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways. Title 3 implements Statewide Planning Goals 5, 6 and 7 by protecting streams, rivers, wetlands and floodplains by avoiding, limiting or mitigating development impacts on these areas. The areas subject to these requirements have been mapped and adopted by the Metro Council, specifically, the FEMA 100-year floodplain and the area of inundation for the February 1996 flood. Title 3 also protects rivers and streams with buffers that are typically 50 feet wide, requires erosion and sediment control, planting of native vegetation on stream banks when new development occurs and prohibits the storage of new uses of uncontained hazardous material in water quality areas. Title 3 results in significant protection and enhancement of that portion of the urban forest in streams and floodways.

The DCA in Section 18.790.050.D (Vol. II, p. 153) include regulatory incentives and flexible standards to encourage the preservation of significant tree groves. In addition, the DCA in Section 18.790.030 would require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139). While these CPA and DCA are not required to meet Title 3, they would result in the planting, preservation and maintenance of trees, which support water quality, flood management and fish and wildlife conservation, as evidenced by the Tree Values Memo (Vol. V, p. 149), consistent with Metro Title 3.

**Metro Functional Plan Title 12 -- “The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.”**

Title 12 protects residential neighborhoods by prohibiting cities from increasing density in certain areas, providing access to commercial services within neighborhoods while not creating excessive traffic, noise or air pollution. It also requires safe and convenient walking/biking access to schools, parks and greenspaces for city residents.

During the Urban Forestry Master Plan process, the community identified the urban forest as a key component of residential neighborhoods (Vol. V, p. 207). In addition, the Tree Values Memo describes the positive contribution of trees to preventing air and water pollution, noise and crime (Vol. V, p. 149). The CPA and DCA would incorporate trees and significant tree groves into residential neighborhoods while allowing for the provision of adequate levels of public services, consistent with Metro Title 12.

**Metro Functional Plan Title 13 – “The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.”**

One of the results of Title 13 was the creation, in the City of Tigard, of 588 acres of habitat designated as “highest” value (i.e. Metro inventoried Class I and II riparian resources within the Clean Water Services Vegetated Corridor). An estimated 370 acres of Class I and II riparian habitat situated outside the Clean Water Services’ vegetated corridor are designated as “moderate” value. In addition, 422 acres of non-Class I and II riparian resources within the city are designated as “lowest” value, including both upland forests and lower-value riparian habitat areas. The highest and moderate value habitats are currently protected through other regulatory processes and agencies such as Clean Water Services. The lowest value habitat consists of primarily upland forests and is currently vulnerable to development. Approximately 22% or 118 acres of the significant tree groves are located on buildable lands outside of Title 3 sensitive lands and overlap with the lowest value habitat described above.

The CPA would establish an overlay district for 70 significant tree groves covering 527 acres. As further described in the Tree Grove ESEE Analysis (Vol. II, p. 219), Goal 5 rule requirements would allow significant tree groves within the overlay to be eligible for the recommended incentives and flexible standards for preservation in Section 18.790.050.D. The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. Regulatory incentives and flexible standards 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.

Although the city is in compliance with Title 13, the regulatory incentives and flexible standards that facilitate the preservation of significant tree groves are consistent with and supportive of Metro Title 13, particularly with regards to preserving vulnerable upland habitat designated through Title 13.

**CONCLUSION:** Based on the analysis above, staff finds that the CPA and DCA in Volume II are consistent with the applicable Metro regulations.

## **FEDERAL OR STATE STATUTES OR REGULATIONS**

---

### **Federal Endangered Species Act**

In 1973, the Federal Government passed the Endangered Species Act to protect and recover imperiled species and the ecosystems on which they depend. Under Statewide Planning Goal 5, local governments are required to obtain current habitat inventory information for wildlife habitat inventories. Tigard previously adopted the significant habitat areas map, based on the inventory of regionally significant riparian corridors and wildlife habitat completed by Metro in 2002.

The city identified 70 significant tree groves using wildlife habitat value and connectivity as a key criterion as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 232). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves.

The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to preserve significant tree groves (Vol. II, p. 153). In utilizing these regulatory incentives and flexible standards, applicants are required to maximize the connectivity of the remaining portion of the significant tree grove under the direction of a certified arborist or landscape architect. While endangered species were not specifically inventoried as part this process, the preservation of significant tree groves is supportive of their preservation to the extent that they depend on these habitats. Therefore, the CPA and DCA, for the preservation of significant tree groves, contribute to the protection of wildlife habitat in support of the Endangered Species Act.

## **Federal Clean Water Act**

The Federal Clean Water Act regulates impacts to wetlands and other navigable waters of the United States. The State Department of Environmental Quality is also charged with establishing standards, regulating and monitoring Oregon's waters for compliance with the Federal Clean Water Act and National Pollutant Discharge Elimination System. Within Tigard, runoff from impervious surfaces, pet waste and erosion/ sedimentation are the most problematic sources of water pollution.

The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to facilitate the preservation of significant tree groves (Vol. II, p. 153). In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139). These DCA would result in the preservation and planting of trees, which have a positive contribution to water quality, as evidenced by the Tree Values Memo (Vol. V, p. 149). While the CPA and DCA in this application are not required for compliance, they are supportive of Federal Clean Water Act requirements.

## **Federal Migratory Bird Treaty Act**

The Migratory Bird Treaty Act is a federal law administered by US Fish and Wildlife that protects specifically listed species of birds. The CPA and DCA address the preservation, planting, and maintenance of trees. When removing trees, it is the sole responsibility of applicants to comply with all applicable state and federal regulations such as the Migratory Bird Treaty Act.

Implementing federal regulations to protect listed species of birds is out of scope for this application, and therefore the Federal Migratory Bird Treaty Act is not applicable.

**Oregon Department of Transportation (ODOT)** ODOT manages approximately 283 acres of right of way in the City of Tigard, including Hall Boulevard, Highways 217 and 99-W and Interstate 5. State Bulletin RD06-03(B) provides specifications for street tree placement and maintenance in ODOT rights of way. These specifications are intended to balance the need for safety along state roadways with the planting and maintenance of street trees.

ODOT served on the Technical Advisory Committee for the Urban Forestry Code Revisions Project. One of the purposes of ODOT's participation was to meet a project goal of clarifying jurisdictional requirements. The city and ODOT met this goal by defining street and median trees as trees within right of way under City of Tigard jurisdiction in Chapter 18.120 (Vol. II, p. 27). This recommended development code amendment would clarify that trees within ODOT right of way are under ODOT jurisdiction. Since the city and ODOT have differing standards for street tree planting, the DCA would ensure consistency with ODOT requirements by allowing each jurisdiction to apply its regulations separately in right of ways under its jurisdiction.

**CONCLUSION:** Based on the analysis above, staff finds that the CPA and DCA in Volume II support (or do not conflict) with state or federal regulations. All affected agencies have been notified of the recommended amendments and have been given the opportunity to comment.

## **STATEWIDE PLANNING GOALS**

---

**Statewide Planning Goal 1, Citizen Involvement,** outlines the citizen involvement requirements for adoption of, and changes to the Comprehensive Plans and implementing documents.

As described in the Process Summary, the city has provided Tigard citizens, affected agencies and other jurisdictions multiple and varied opportunities to participate in all phases of the urban forestry planning process (Vol. I, p. 26). This included 11 Citizen Advisory Committee meetings where people representing diverse interests and viewpoints discussed and reviewed code concepts and code language at 11 meetings hosted by an independent facilitator. In addition, the Technical Advisory Committee, which included representatives from multiple city departments such as Public Works and Community Development, and

outside agencies such as the ODOT and Clean Water Services, met 14 times to discuss and review code concepts and language resulting from the Citizen Advisory Committee process.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves.

In addition, 14,225 public hearing notices consistent with Measure 56 were sent to all Tigard property owners on January 13, 2012. Public hearing notices were also provided to interested parties on January 17, 2012, to affected agencies on January 20, 2012, and published in the Tigard Times on January 19, 2012.

The recommended amendments were further considered through the public hearing process at the Planning Commission and will be considered by City Council prior to adoption. Citizen involvement opportunities utilized to create the CPA and DCA have been consistent with Statewide Planning Goal 1.

**Statewide Planning Goal 2, Land Use Planning**, establishes a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves.

The CPA and DCA are being processed as a Type IV procedure, which requires any applicable Statewide Planning Goals, federal or state statutes or regulations, METRO regulations, Comprehensive Plan policies and city's implementing ordinances, be addressed as part of the decision-making process. All applicable review criteria have been addressed within this staff report. Therefore, the requirements of Statewide Planning Goal 2 have been met.

**Statewide Planning Goal 5, Natural Resources**, requires the inventory and protection of natural resources, open spaces, historic areas and sites suitable for removal and processing of mineral and aggregate resources.

The CPA would establish an overlay district for 70 significant tree groves covering 527 acres in compliance with Goal 5 rule requirements. As further explained in the Tree Grove ESEE Analysis, key evaluation criteria in the inventory and selection of significant tree groves were grove maturity/tree size, grove size, health/viability, visibility, screening and buffering, accessibility, rarity, educational/recreational potential, wildlife habitat value and connectivity and the amount of existing disturbance (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report.

During the inventory phase, all property owners with an inventoried tree grove on their property were provided notice, compliant with Goal 5 rule requirements. As part of the notice, property owners were invited to a tree grove open house, which was held on October 6, 2010, to learn more and provide feedback about the process.

The DCA in Section 18.790.050.D (Vol. II, p. 153) include regulatory incentives and flexible standards that allow for the preservation of significant tree groves.

Therefore, the CPA and DCA for significant tree groves would result in a limited protection program in compliance with Statewide Planning Goal 5.

Goal 5 requirements are not applicable to recommended code amendments that support general urban forest enhancement activities, such as tree planting and preservation, when not associated with significant tree groves. These activities do not create or amend a resource list or land use regulation adopted in order to protect a Goal 5 resource.

**Statewide Planning Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of the air, water and land resources of the state

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to encourage the maintenance and improvement of significant tree groves (Vol. II, p. 153).

In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139). One benefit of these DCA is they encourage the maintenance and improvement of tree canopy citywide, which as further detailed in the Tree Values Memo (Vol. V, p. 149), is well documented to have a positive contribution to air quality. Therefore, the CPA and DCA are consistent with Statewide Planning Goal 6.

**Statewide Planning Goal 7, Areas Subject to Natural Hazards**, requires the protection of life and property from natural disasters and hazards.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves, many of which overlap areas subject to natural hazards.

In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139). In meeting tree canopy standards, trees may be planted or preserved in lands subject to natural hazards.

One benefit of these CPA and DCA is that tree roots, canopies and leaf litter have the ability to prevent erosion and thereby protect areas subject to natural hazards. This is more fully described in the Tree Values Memo (Vol. V, p. 149). Therefore, the CPA and DCA are consistent with, and supportive of Statewide Planning Goal 7.

**Statewide Planning Goal 8, Recreational Opportunities**, requires satisfaction of the recreational needs of the citizens of the state and visitors.

The city identified 70 significant tree groves using visibility, accessibility and educational/recreational potential as key criteria as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 232). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5

ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves, many of which overlap with the city's parks and open space resources.

The DCA in Section 18.790.050.D (Vol. II, p. 153) include regulatory incentives and flexible standards to preserve significant tree groves. In utilizing these regulatory incentives and flexible standards, applicants are required to maximize the connectivity and viability of the remaining portion of the significant tree grove under the direction of a certified arborist or landscape architect.

Significant tree groves provide opportunities for passive and active recreational opportunities for citizens of the state. Therefore, the CPA and DCA are consistent with Statewide Planning Goal 8.

**Statewide Planning Goal 9, Economic Development**, requires provision of adequate opportunities throughout the state for a variety of economic activities vital to public health, welfare and prosperity.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The significant tree grove map (Exhibit A) identifies the location of these 70 significant tree groves. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards to preserve significant tree groves (Vol. II, p. 153).

In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139).

These CPA and DCA have been designed to be flexible and adaptive to promote economic development opportunities and allow the provision of required infrastructure, consistent with Statewide Planning Goal 9.

**Statewide Planning Goal 10, Housing**, requires balancing the needs of tree and forest planting and preservation with the need for housing and efficient use of urban land.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards that allow for the preservation of significant tree groves (Vol. II, p. 153). Regulatory incentives and flexible standards also provide for needed housing and promote the efficient use of land by allowing density transfer, increased building height, reduced setbacks, adjustments to Urban Forestry Plan requirements and adjustments to street and utility standards.

In addition, the DCA in Section 18.790.030 provide flexibility for meeting tree canopy requirements through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, P. 139). This would allow applicants to design sites efficiently while providing needed housing and incorporating trees.

Therefore, the CPA and DCA are consistent with and supportive of Statewide Planning Goal 10 while meeting the city's urban forestry goals.

**Statewide Planning Goal 11, Public Facilities/Services,** requires planning and development of a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards that allow for the preservation of significant tree groves (Vol. II, p. 153). Regulatory incentives and flexible standards would allow adjustments to street and utility standards.

In addition, the DCA in Section 18.790.030 provide flexibility for meeting tree canopy requirements through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139).

Therefore, the CPA and DCA are consistent with and supportive of Statewide Planning Goal 11 because they allow maximum flexibility for the efficient arrangement of public facilities while incorporating trees.

**Statewide Planning Goal 12, Transportation,** requires provision of a safe, convenient and economic transportation system.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. As stated above, the DCA in Section 18.790.050.D include regulatory incentives and flexible standards that allow for the preservation of significant tree groves (Vol. II, p. 153). Regulatory incentives and flexible standards would allow adjustments to street and utility standards.

In addition, the DCA in Section 18.790.030 provide flexibility for meeting tree canopy requirements through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139).

Therefore, the CPA and DCA are consistent with, and supportive of Statewide Planning Goal 12 because they allow maximum flexibility for a safe, convenient and economic transportation system while incorporating trees.

**Statewide Planning Goal 13, Energy Conservation,** requires land and uses developed on the land to be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards that allow for the preservation of significant tree groves (Vol. II, p. 153). In addition, the DCA in Section 18.790.030 require the achievement of tree canopy through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139).

In addition, the discretionary Urban Forestry Plan review option (Vol. II, p. 143) allows the use techniques such as solar power generation that minimize the use of fossil fuels an alternative to meeting the clear and objective Urban Forestry Plan requirements in Section 18.790.030.

The Tree Values Memo documents the ability of trees to reduce energy demands through strategic placement and shading (Vol. V, p. 149). Therefore, the flexibility in placement of trees afforded by the DCA, and the allowance of alternative techniques that minimize use of fossil fuels, are consistent with Statewide Planning Goal 13, which seeks to maximize energy conservation based on sound economic principles.

**Statewide Planning Goal 14, Urbanization**, requires provision for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land and to provide for livable communities.

The city identified 70 significant tree groves through the statewide Goal 5 planning process as further explained in the Tree Grove ESEE Analysis (Vol. II, p. 219). The analyses and conclusions found in the Statewide Planning Goal Analysis section of the Tigard Goal 5 ESEE Analysis for Significant Tree Groves (page 3-4 through 3-58) explains how the city adhered to the Goal 5 process and meets the applicable criteria. Those analyses and conclusions are hereby explicitly incorporated into the findings of this staff report. The DCA in Section 18.790.050.D include regulatory incentives and flexible standards that allow for the preservation of significant tree groves (Vol. II, p. 153). Regulatory incentives and flexible standards would allow density transfer, increased building height, reduced setbacks, adjustments to Urban Forestry Plan requirements and adjustments to street and utility standards.

In addition, the DCA in Section 18.790.030 provide flexibility for meeting tree canopy requirements through planting, preservation or a fee in lieu to support the city's urban forestry program (Vol. II, p. 139).

Therefore, the CPA and DCA provide flexibility in tree preservation and planting strategies to allow for the efficient use of land to accommodate urban population and employment within the urban growth boundary, consistent with Statewide Planning Goal 14.

**Inapplicable Statewide Planning Goals** include Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) because they address rural land outside the Metro Urban Growth Boundary; Goal 15 (Willamette River Greenway), because the Willamette River does not flow through Tigard; and Goals 16 (Estuarine Resources), 17 (Coastal Shorelines), 18 (Beaches and Dunes), and 19 (Ocean Resources), because they relate to Oregon's coastal resources.

**CONCLUSION:** Based on the analysis above, staff finds that the recommended amendments are consistent with the applicable Statewide Planning Goals.

## **SECTION V. CITIZEN COMMENTS**

---

Comments were received in response to the Measure 56 notice to all city property owners and public hearing notices to interested parties. These comments were provided to the Planning Commission when received during their portion of the legislative adoption process and will be provided to City Council when received during their portion of the legislative adoption process. All citizen comments are available in the project record.

## **SECTION VI. AGENCY COMMENTS**

---

**Metro – Land use and Planning, Washington County Department of Land Use & Transportation, U.S. Army Corps of Engineers, Oregon Department of State Lands, Oregon Department of Land Conservation and Development, and Oregon Department of Environmental Quality, Tualatin Valley Fire & Rescue, Tigard-Tualatin School District 23J** were given the opportunity to review this proposal and submitted no comments or objections.

**The cities of Tualatin, Lake Oswego, Beaverton, King City and Durham** were given the opportunity to review this proposal and submitted no comments or objections.

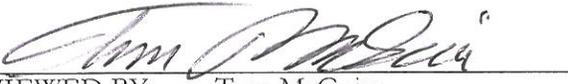
**Oregon Department of Transportation and Clean Water Services** have reviewed the proposal as members of the Technical Advisory Committee and provided input that contributed to the recommended amendments.

**Oregon Department of Fish and Wildlife** provided comments, which were provided to the Planning Commission and are available in the project record.

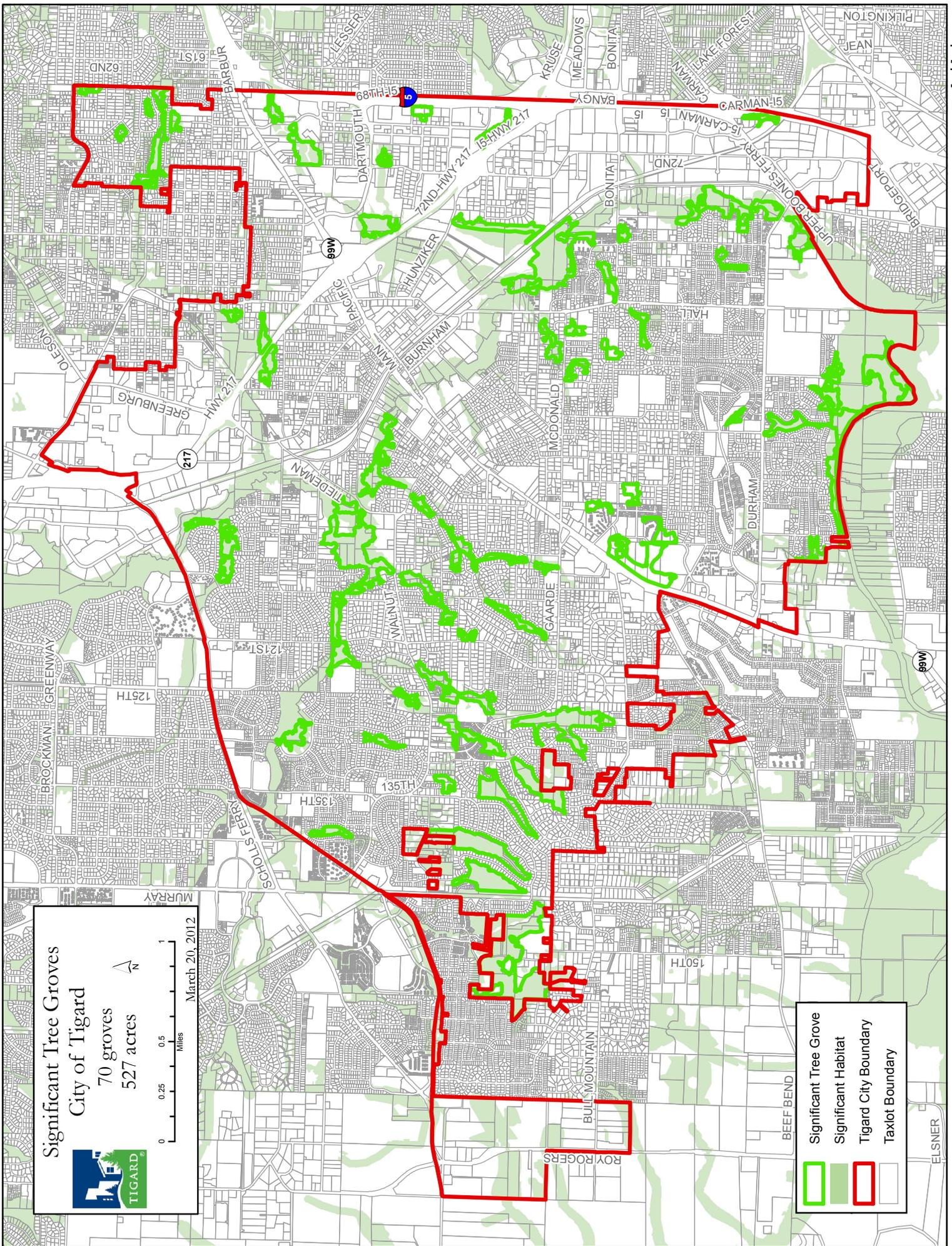
**Verizon, Comcast Cable Corp, Qwest Communications, Portland General Electric and NW Natural Gas Company** were given the opportunity to review this proposal and submitted no comments or objections.

  
PREPARED BY: Marissa Daniels  
Associate Planner

\_\_\_\_\_  
November 20, 2012

  
REVIEWED BY: Tom McGuire  
Interim Community Development Director

\_\_\_\_\_  
November 20, 2012







# City of Tigard Memorandum

---

**To:** Tigard City Council

**From:** Marissa Daniels, Associate Planner

**Re:** Supplemental Staff Report and Findings – CPA 2011-00004, DCA 2011-00002

**Date:** November 27, 2012

In the later half of 2012 City Council held six public hearings to consider CPA 2011-0004, DCA 2011-00002, and other non land use related Urban Forestry Code Revisions. Council received written and oral testimony on July 24, 2012 and October 23, 2012. Council also received written testimony in advance of the September 11, 2012 meeting. The public testimony from all three occasions has been summarized in memos dated July 31, November 13, and October 23 respectively. These summaries are only intended to highlight major themes of the testimony in order to facilitate deliberation, and are not intended to replace or supplant the full text of the received testimony. Copies of the written comments have been provided to the council and placed in the project record, which was available for council reference at all meetings.

This memorandum provides a summary of the requested amendments and comments, an indication as to whether this comment was taken up by City Council for further discussion, citations for comments previously responded to, and a sense of whether or not the requested amendment was incorporated into the code (see Outcome below).

## Summary of Public Testimony

Comment	Taken up by council?	Previously responded to?	Outcome
July 24, 2012			
1. Has public noticing and participation been sufficient to meet state and local requirements?	Yes.	No.	See staff report for noticing and participation details.
2. Should the ESEE be applied to the entire Urban Forestry Program?	No.	Volume V, p. 42	The code was not revised based on this amendment request.

<b>Comment</b>	<b>Taken up by council?</b>	<b>Previously responded to?</b>	<b>Outcome</b>
3. Should contents of Urban Forestry Manual be transferred out of administrative rules and into the community development code?	Issues of Interest 14, 15, 16, 30, 41 Policy Issue P7	Volume V, p. 32 Volume V, p. 69	Council Amendments for Consideration 4, 5
4. Have ODFW comments been sufficiently incorporated?	No.	Volume V, p. 33-40	The code was not revised based on this amendment request.
5. Should density reductions for tree grove protections consider the impact on needed housing estimates?	No.	No.	The code was not revised based on this amendment request.
6. Should the City amend minimum parking requirements for the purpose of reducing hardscape on lots?	No.	No.	The code was not revised based on this amendment request. Outside the scope of this project.
7. Are present levels of code enforcement sufficient?	No.	No.	The code was not revised based on this amendment request. Outside the scope of this project.
8. Is the project compliant with Measure 49?	No.	Volume V, p. 59	The code was not revised based on this amendment request.
9. Should clear-and-objective standards be created for green roofs?	No.	No.	The code was not revised based on this amendment request. Outside the scope of this project.
10. Should minimum canopy percentages be adjusted?	Issue of Interest 4, 6 Issues for Clarification C11	Volume I, p. 34-35 Volume V, p.50	Issue addressed at Planning Commission, Council upheld recommendation.

<b>Comment</b>	<b>Taken up by council?</b>	<b>Previously responded to?</b>	<b>Outcome</b>
11.Should arborists or landscape architects be required in all development situations? Can this be waived in certain situations through pre-approved standards?	Yes, November 13, 2012	Volume V, p.62 Volume V, page 17-19	Council Amendments for Consideration 6
12.Should the two year maintenance responsibility for developers be amended?	Issue of Interest 11 Policy Issue P3	Volume V, p. 79-80	Council Amendments for Consideration 1
13.Should the tree plan amendment process for new homeowners be amended to better allow for personalization of the property after sale?	Issues of Interest 21, 22 Policy Issue P4	Volume V, p. 79-80	Council Amendments for Consideration 4
14.Should the number of required arborist visits during construction be amended?	Issue of Interest 46	No.	To be addressed in the administrative rules process.
15.Should mitigation requirements be amended?	No.	No.	The code was not revised based on this amendment request. Mitigation is not required.
16.Should the City adopt solar access protection ordinances? If so, should this include tree height restrictions and viewshed protections?	Issue of Interest 8, 24	Volume V, p. 59	The code was not revised based on this amendment request. Identified as future work item.

<b>Comment</b>	<b>Taken up by council?</b>	<b>Previously responded to?</b>	<b>Outcome</b>
17.Should the City define its position on sustainability as part of this project?	No.	No.	The code was not revised based on this amendment request. Outside the scope of this project.
18.Does the project adequately address tree issues that may emerge between neighboring properties?	Issue of Interest 26 Issues for Clarification C4	Volume V, p. 13	The code was not revised based on this amendment request.
19.Should canopy standards be replaced by a “case-by-case” system?	Issue of Interest 5 Policy Item P1	Volume V, p.60	The code was not revised based on this amendment request.
20.Are the requirements contained within the UFCR equitably distributed?	No.	Volume V, p. 59	The code was not revised based on this amendment request.
<b>September 11, 2012</b>			
21.Should the minimum canopy cover standards be reduced?	Issue of Interest 4, 6 Issues for Clarification C11	Volume I, p. 34-35 Volume V, p.50	Issue addressed at Planning Commission, Council upheld recommendation
22.Should Developers be able to average canopy over an entire development?	No.	Volume V, page 11	Planning Commission eliminated the per lot minimum for the Tier 2 and 3 districts.
23.Should structural soils be required at all? Only for parking lot trees?	Issue of Interest 12, 13, * Policy Issue P8 Issues for Clarification C8, C9	Volume V, p.70	The code was not revised based on this amendment request.
24.Should the setbacks in the R4.5 zone and above be amended?	No.	No.	The code was not revised based on this amendment request. Outside the scope of this project.

<b>Comment</b>	<b>Taken up by council?</b>	<b>Previously responded to?</b>	<b>Outcome</b>
25.Should small lot development be exempted from tree plan requirements?	Issue of Interest 10 Policy Issue P2	Volume V, page 17-19 Volume V, p. 77-96	Council Amendments for Consideration 6
26.Should the fee in lieu of planting be reduced?	Issue of Interest 9 Policy Issue P8	Volume I, p. 35-38 Volume V, p. 54 Volume V, p. 69 Volume V, p. 77-96	Issue addressed at Planning Commission, Council upheld recommendation
27.Should double canopy credit be given for retained landscaping?	No.	No.	The code was not revised based on this amendment request.
28.Should trees relocated onsite qualify as “existing trees” in the proposal?	No.	No.	The code was not revised based on this amendment request.
29.Should paving and parking requirements be reduced in an effort to reduce the heat island effect?	No.	No.	The code was not revised based on this amendment request. Outside the scope of this project.
<b>October 23, 2012</b>			
30.Should the canopy approach be used? It is novel to the United States.	Issue of Interest 5 See Policy Item 1	Volume V, page 6-7 Volume V, page 27-29	The code was not revised based on this amendment request.