



City of Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: January 22, 2013 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

<http://www.tvctv.org/index.php/tigard>

CABLE VIEWERS: The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday 6:00 p.m. Sunday 11:00 a.m.

Friday 10:00 p.m. Monday 6:00 a.m.



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: January 22, 2013 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

6:30 PM

- **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to discuss labor negotiations and real property transaction negotiations under ORS 192.660(2)(d) and (e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

- **STUDY SESSION**

7:30 PM

1. BUSINESS MEETING
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Council Communications & Liaison Reports
 - E. Call to Council and Staff for Non-Agenda Items
2. CITIZEN COMMUNICATION
 - A. Follow-up to Previous Citizen Communication
 - B. Tigard High School Student Envoy
 - C. Tigard Area Chamber of Commerce
 - D. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

A. Approve City Council Meeting Minutes for:

1. October 23, 2012
2. December 11, 2012

B. Approve Ten-Year Extension of the Broadband Users Group Intergovernmental Agreement

- *Consent Agenda - Items Removed for Separate Discussion: Items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items that do not need discussion.*

4. APPROVE PURCHASE OF THE BAGAN PROPERTY AND AUTHORIZE THE CITY MANAGER TO COMPLETE THE PROPERTY PURCHASE - RESOLUTION

5. QUASI-JUDICIAL PUBLIC HEARING - ANNEXATION OF RIVER TERRACE PHASE II (URBAN GROWN BOUNDARY AREA 63 AND ROY ROGERS WEST)

APPLICANT: Multiple applicants

PROPOSAL: A request to annex to the City of Tigard approximately 268 acres of property (Metro Urban Growth Boundary expansion areas 63 and Roy Rogers West (including adjacent rights-of-way).

LOCATION: Multiple parcels generally located east of SW Roy Rogers Road, west of SW 150th Avenue and north of SW Beef Bend Road and portions of SW Roy Rogers and SW 150th Avenue rights-of-way. Washington County Tax Assessors Map (WCTM) 2S10700, Tax Lots 1200 and 1400. WCTM 2S10800, Tax Lots 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1500, 1501, 1503, 1504, 1505, 1506, 1507, 2900, 2901, 3000, 3100, and 3200. WCTM 2S108CA, Tax Lots 100, 200, 300, and 400. WCTM 2S108CD, Tax Lots 100, 200, 300, and 400.

COUNTY ZONE: FD20 Future Development, 20-acre minimum lot size. The FD20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this district are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

EFU Exclusive Farm Use. The intent of the Exclusive Farm Use District is to preserve and maintain commercial agricultural land within the County. The purpose of the Exclusive Farm Use District is to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm use and related supportive uses which are deemed appropriate. This EFU District is provided to meet the Oregon statutory and administrative rule requirements.

EQUIVALENT CITY ZONE: Annexation areas will retain current Washington County zoning until Tigard zoning is applied with the future adoption of a community plan for the area.

APPLICABLE REVIEW CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, Goal 12, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

6. INFORMATIONAL PUBLIC HEARING - SUPPLEMENTAL BUDGET AMENDMENT TO FY 2013 ADOPTED BUDGET - RESOLUTION

7. INFORMATIONAL PUBLIC HEARING ON THE URBAN FORESTRY CODE REVISIONS ADMINISTRATIVE RULE PROCESS

The administrative rulemaking procedure is described in Tigard Municipal Code Section 2.04.070, and includes notice to both council and the public. Staff formally notified council of the proposed administrative rules on December 13, 2012. Councilors Woodard and Henderson both notified City Manager Marty Wine by the deadline that they desire to put the administrative rules for discussion as part of the next available council agenda.

Public notice of the administrative rules discussion was sent on January 7, 2013.

Council is scheduled to discuss the administrative rules on January 22, 2013 and February 5, 2013.

8. COUNCIL LIAISON REPORTS

9. NON AGENDA ITEMS

10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

11. ADJOURNMENT

AIS-1155

3. A.

Business Meeting

Meeting Date: 01/22/2013

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Motion Requested

Meeting Type: Consent Agenda

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Minutes for the October 23 and December 11, 2012, City Council Meetings are attached.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

October 23, 2012 Council Meeting Minutes

December 11, 2012 Council Meeting Minutes



Agenda Item No. _____
Meeting of _____

City of Tigard
Tigard City Council Meeting Minutes
October 23, 2012

Mayor Dirksen called the meeting to order at 6:30 p.m.

Attendance:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Staff Present: City Manager Wine, Assistant City Manager Newton, Assistant Public Works Director Rager, Engineering Manager McMillan, Human Resources Director Zodrow, City Engineer Stone, Parks Facilities Manager Martin, Confidential Executive Assistant Gaston, Redevelopment Project Manager Farrelly, City Attorney Hall, City Recorder Wheatley

- **STUDY SESSION**
 - A. City Manager Evaluation: Setting Criteria & Process

Human Resources Director Zodrow presented the staff report.

The purpose of the agenda item is for the City Council to decide on the criteria and process to conduct the annual performance review for the city manager. At an upcoming City Council meeting, the public will have an opportunity to give input to the criteria and process selected by council. In late November, the City Council will conduct the review.

Discussion followed:

- Human Resources Director Zodrow referred to the past forms used by the council and staff for the city manager evaluation.
- Consensus of the City Council was to use the same process as used in the past and as presented with the Agenda Item Summary for this matter.

- City Manager Wine proposed a 360 degree evaluation to receive input/feedback from selected community members, staff and colleagues/partners from other agencies as well as the City Council. Mayor Dirksen said he would be fine with feedback as proposed within the City Council's evaluation process. Councilor Wilson said a great deal of what is covered in the format used by the City Council might not be applicable for others to use to evaluate. City Manager Wine said she was thinking the additional evaluators would consist of about six people who would be asked to weigh-in on a couple of the dimensions in the performance appraisal relating to community and regional aspects of her role. Consensus of the City Council was to add this element of the review as proposed by City Manager Wine. Councilor Woodard said his experience has been that a 360 degree review helps one to hone in on some skill sets that might not come to mind otherwise and helps with development in leadership.

B. Administrative Items

The City Council calendar was reviewed:

November 6 - Election Day - CCDA Meeting Canceled (Tuesday)
 November 12 - Veteran's Day Observed - City Hall Offices Closed (Monday)
 November 13 - Council Business Meeting - 6:30 p.m., Red Rock Creek Conference Room/Town Hall (Tuesday)
 November 20 - Council Workshop Meeting - 6:30 p.m., Town Hall (Tuesday)
 November 22 - Thanksgiving Holiday - City Hall Offices Closed (Thursday)
 November 27 - Council Business Meeting - 6:30 p.m., Red Rock Creek Conference Room/Town Hall (Tuesday)

Mayor Dirksen said January 8 is the first meeting of the Tigard City Council, which is primarily a ceremonial meeting. The new mayor will be inaugurated as well as two City Council members, Marland Henderson and Jason Snider. Mayor Dirksen said he plans to attend in the audience. The mayor said January 7 is the Metro Council inauguration and he invited council and staff members to attend the reception and inauguration at the Portland Center for Performing Arts (4 p.m. reception; 6 p.m. swearing in ceremony).

As the council prepared to go into the Executive Session, City Manager Wine referred to a request from Councilor-elect Snider to attend Executive Sessions. After brief discussion, it was the council members' consensus to agree to allow the Councilor-elect to attend.

Mayor Dirksen read the citation for the City Council to go into Executive Session.

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- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:45 p.m. to discuss real property transaction negotiations under ORS 192.660(2) (e).

Executive Session concluded at 7:28 p.m.

1. BUSINESS MEETING - October 23, 2012

A. Mayor Dirksen called the business meeting to order at 7:33 p.m. 

B. City Recorder Wheatley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

C. Pledge of Allegiance

D. Council Communications & Liaison Reports  Council President Buehner advised she will give two reports later in the meeting (see Agenda Item No. 6).

E. Call to Council and Staff for Non-Agenda Items  None

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication - None

B. Citizen Communication – Sign Up Sheet -

 Cleon Cox, 13580 SW Ash Avenue, Tigard OR 97223 signed up to address the council on “additional facts regarding light rail.” His comments included:

- He asked if the council knew John Charles or Steve Buckstein, who are Tigard residents and work for Cascade Policy Institute, which is a non-partisan think tank focusing on money issues/taxes. Mr. Cox said many places do not utilize the Institute’s services and he does not understand why.
- Mr. Cox referred to future light rail coming down Barbur Boulevard to Sherwood. He said some people “here are apparently in favor of or want and they don’t want the citizens to be able to speak up to say whether or not they want it.”

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- Mr. Cox said he does not understand why “you” don’t seek outside advice in addition to “your” own administrative advice. He said it bothers him that the council will not go to a forum such as the Cascade Policy Institute, which has empirical data showing the light rail is a waste of money.
-  He asked the council to look out for the taxpayers. He said he was disappointed with a “few of you” who seem to want to side up with and hang out with the cronies of big government. This is not helping “any of us,” especially those on a fixed income. He said a rail system was not needed; buses work very well.

 Mayor Dirksen reviewed the consent agenda:

3. CONSENT AGENDA: (Tigard City Council) - These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action.

A. Approve City Council Meeting Minutes for:

1. July 24, 2012
2. August 14, 2012
3. September 11, 2012

B. Adopt a Resolution in Support of Changing the Name of the Tonquin Trail to the Ice Age Tonquin Trail

RESOLUTION NO. 12-39 - A RESOLUTION IN SUPPORT OF CHANGING THE NAME OF THE TONQUIN TRAIL TO THE ICE AGE TONQUIN TRAIL TO PROMOTE PUBLIC AWARENESS, AND ENHANCE FUNDING OPPORTUNITIES AND ECONOMIC DEVELOPMENT THROUGH TOURISM AND SCIENTIFIC RESEARCH

C. Amend City Manager Employment Contract

D. Adopt a Resolution Authorizing the Submission of a Grant Application to Partially Fund Construction of a Segment of the Fanno Creek Trail

RESOLUTION NO. 12-40 - A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OREGON DEPARTMENT OF TRANSPORTATION (ODOT) TRANSPORTATION ENHANCEMENT AND BICYCLE & PEDESTRIAN GRANT APPLICATION TO PARTIALLY FUND THE DESIGN AND CONSTRUCTION OF A SEGMENT OF FANNO CREEK TRAIL FROM GRANT AVENUE TO WOODARD PARK

E. Authorize the Mayor to Execute an Intergovernmental Agreement with Clackamas River Water Providers

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F. Authorize the Mayor to Execute an Intergovernmental Agreement with Metro Regarding Trail Signage

G. Approve Third Quarter Council Goal Update

 Motion by Council President Buehner, seconded by Councilor Wilson, to approve the Consent Agenda, with Councilor Wilson advising he would *abstain from voting on the July 24, 2012 meeting minutes because he was absent.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes *(with abstention as noted above)
Councilor Woodard	Yes



4. CONTINUATION OF PUBLIC HEARING ON URBAN FORESTRY CODE REVISIONS - URBAN FORESTRY CODE REVISION PROJECT - COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00004 DEVELOPMENT CODE AMENDMENT (DCA) 2011-00002

REQUEST: 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 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. (Non Land Use Elements) In addition, in support of the Title 18 amendments, amendments are proposed to the Tigard Municipal Code (TMC) Chapters 1.16, 6.01, 6.02, 7.40, 8.02 through 8.16, 9.06, and 9.08.

LOCATION : Citywide. ZONE: Citywide.

APPLICABLE REVIEW CRITERIA: City of Tigard Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan 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; METRO's Urban Growth Management Functional Plan Titles 1, 3, 12 and 13. Statewide Planning Goals 1, 2, and 5 through 14.

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- A. Urban Forestry Code Revisions - Land Use Elements
- B. Urban Forestry Code Revisions - Non Land Use Elements

Mayor Dirksen announced the continuation of this public hearing and that these are combined hearings on the land use and non-land-use elements of the proposed urban forest recode revisions continued from September 11, 2012. Mayor Dirksen advised there would be opportunity for public testimony after the staff report.

STAFF REPORT

Associate Planner Daniels presented the staff report. A slide presentation was utilized during the staff report and is on file with the original Council packet materials.

- Reviewed the history of the discussion held at the public hearing on September 11, 2012.
 - Staff presented a list of 47 issues of interest.
 - Council gave directions to staff to categorize and simplify the list.
- The new list of categorized issues is before the City Council tonight. Ms. Daniels reviewed the list format.
- The main topic of discussion this evening will be the policy issues.
- Issues for clarification are also before the council this evening.
- Future issues are listed which are not before the council for consideration at this time.

Ms. Daniels introduced consultant Todd Prager to present information at this point in the meeting.

Also present: Consultant Todd Prager; Kirsti Hauswald, Landscape Designer for AKS Engineering & Forestry; Dave Walsh, Planning Commission President and member of the Citizens Advisory Committee; Tom McGuire, Acting Community Development Director; and John Floyd, Associate Planner.

Consultant Prager provided background on the eight policy issues.

Policy Issue 1 – Is the canopy approach an appropriate regulatory tool?

- The community values the presence of trees – aesthetics, clean air and clean water.
- Past experience has shown not everyone in Tigard values trees equally. The proposal is flexible enough to address the range of desires for trees and for good design results.
- There has been broad community support throughout the process for the four flexible options for meeting the tree canopy requirements with development.
- Mr. Prager reviewed the methods to attain compliance through preservation, planting, fee-in-lieu, and discretionary review.
- The Planning Commission recommended adoption of the canopy approach. Staff placed an alternative approach in tonight’s meeting packet for council’s consideration. Council could direct staff to develop some sort of alternative

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approach with the understanding that additional staff time would be required to rework the proposal. Staff recommends testing results of any new alternatives.

Policy Issue 2 – how will the requirements apply to various sites?

- Mr. Prager reviewed canopy requirements in a tiered approach for various zoning designations.
- The proposal is consistent with the existing conditions where we see more trees in residential areas than in non-residential areas.
- During the peer review and the range of sites tested, every site was able to meet the requirements through planting and preserving a reasonable amount of trees.
- As an alternative council could direct staff to develop a different approach or different canopy requirements.

Policy Issue 3 – should developers be required to maintain trees for two years?

- Under the existing code developers are required to maintain trees that were planted to meet mitigation requirements for two years, but they are not required to maintain trees such as street trees or parking lot trees for a two-year period.
- Under the proposed code, Planning Commission recommended continuing to require two years of tree maintenance but also applying those maintenance requirements to street trees and parking lot trees. These trees are just as important, if not more important, than the mitigation trees.
- An option before the Council this evening is to modify the permit process to modify the maintenance requirements for trees planted on private, single-family residential lots. The idea is people will maintain trees in those locations anyway. One caution was pointed out – new homes do not necessarily sell immediately and if no maintenance is supplied, trees would be more likely to die.

Policy Issue 4 – should permits be required to remove trees required with development?

- The current process means that to remove healthy trees required with a past development, a property owner must apply to amend the prior land-use approval or pay illegal tree removal fines after trees are removed. Both of these options can cost thousands of dollars.
- The proposed code creates a separate “no fee tree removal permit process” in Title 8 of the Tigard Municipal Code. The intent of this proposal is to increase flexibility compared to the current process. Because this proposal increases flexibility, while the same time meeting the public’s expectations that certain trees, such as parking lot trees, will be retained even after they are planted with development, the Planning Commission recommended adopting the proposed permit process.
- One of the alternatives before the Council this evening to modify the proposed permit process to exempt permits for private, single-family residential lots. People are likely to maintain trees in these locations regardless because of the value they provide. One caution, some neighbors may have the expectation that if a tree was preserved as part of a past development project, it will remain in that location. Or,

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in the proposed code if a tree was planted to meet the tree canopy requirements, it will continue to be maintained in the future.

- One of the alternatives before the Council this evening is to modify the proposed permit process to exempt permits for private, single-family residential lots.

The next two policy issues address the hazard tree matter.

Policy Issue 5 – should hazard trees be prohibited in Tigard?

Policy Issue 6 – should hazard-tree standards address personal liability requirements?

- Hazard trees are prohibited in the existing code. The proposal is to continue this prohibition while at the same time clarifying the definition of a hazard tree and the process for how hazard trees are identified.
- The proposed hazard tree requirements are recommended for adoption to clarify existing code requirements.
- Policy Issue 6 – this policy issue was discussed later in the meeting.

Policy Issue 7 – should the Administrative Rules be eliminated or moved into the code?

- The Planning Commission recommended maintaining the current separation of administrative rules and code. The administrative rules provide certainty as regarding what is required for city approval. These rules were supported by both the Homebuilders Association and the Citizen Advisory Committee.
- Without written rules and if there is lack of clarity in the code, staff must use their discretion when applying the code. This has led to the current situation where there are numerous staff interpretations or reliance on unwritten past practices.
- Council does have the option of eliminating the administrative rules or moving some or all of the rules into the code during the administrative rule adoption process.

Policy Issue 8 – does the proposal increase the cost of development?

-  Application of the rules during the peer review found that overall costs are not expected to increase. In many cases, costs are expected to decrease significantly due to the elimination of mitigation costs. There may be a small to moderate increases to the design costs when comparing the existing code to the proposed code.
- Council does have the option of addressing costs during the upcoming administrative rule adoption process.

Council Discussion:

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– P 1 – canopy requirement approach-Ms. Daniels referred to the four options proposed to be utilized to meet the canopy requirement. Staff is checking with the council to determine if it prefers to stay with the Planning Commission recommendation or to provide direction to staff to propose an alternative requirement.

Councilor Woodard advised he was comfortable with the proposed canopy requirement option. He noted the difference between requiring more trees and the goal of attaining a certain amount of canopy.

Mayor Dirksen said this a stated goal of this council that it wants to preserve canopy and to augment canopy in places where it is needed. Basing our regulatory tool on canopy means that it is very outcome oriented.

Councilor Wilson said he personally does not have a problem with the canopy approach in concept except for the amount of analysis to determine compliance. His primary problem is that the proposal is too complicated and he would like to see the entire code simplified and made easier to implement.

Council President Buehner said she does not have a problem with the concepts for the canopy approach. Her issue is that she thinks the numbers with regard to the amount of canopy are way too high. Similar to Councilor Wilson and Councilor Woodard, she thinks there are plenty of trees in the city. As a homeowner, she said she feels the new standards are restrictive and would make life difficult for those people who would prefer to have more sunshine in their yards to grow plants that need the sun. She agrees with Councilor Wilson that the proposed code amendments are too complicated. She added that it has the potential to increase the costs for small infill developments, which she thinks is unfair because the small developers are not as likely to have the resources to fund their project.

Mayor Dirksen commented that the matter before the Council at this point in the discussion is whether to support the canopy approach. He noted some of Council President Buehner's comments would pertain to Policy Issue 2.

City Manager Wine summarized and clarified council members' general positions at this point: For Policy Issue 1 – in terms of regulatory control, the Council members are generally agreeable. City Manager Wine asked for additional comment on what is meant by code complexity and whether this concern is related to the level of canopy coverage as an overall goal. Councilor Wilson responded to the issue of complexity: At this time we have requirements for parking lot trees, which are standard requirements throughout the region. We also require street trees and trees for a buffer between adjacent developments. Beyond these requirements, developers are free to plant trees as they choose and they do plant trees. Consequently, more trees are often planted than what is currently required by the code. The layer of complexity added through the proposed code amendments includes determining the type of tree to be planted, a formula to determine its eventual canopy cover and potential deductions for circumstances such as when tree canopies overlap. He described the process

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of providing documentation, which will be quite a bit more work than what is required now. Councilor Wilson said he never thought that the problem was that the city was not requiring enough trees to be planted; the problem was that the trees required to be planted never grew to their ultimate size. It was really a soil volume issue, which he strongly supports. He suggested having a developer demonstrate that his method will meet the code requirements rather than prescribe exactly how to achieve soil volume requirements. Councilor Wilson said the process is relatively simple now, the problem is not the lack of trees but, rather, not supporting the trees sufficiently so they thrive.

 Council President Buehner noted she agreed with Councilor Wilson that the proposal is too complicated and added that some trees might be well suited for residential areas but not appropriate for parking lot because of the heat stress. She suggested the tree list for parking lots might need to be reevaluated.

Associate Planner Daniels asked if Council was contemplating asking staff to reevaluate the proposed code amendments to determine if there was a way to simplify the language and remove some of the layers being offered in the proposed code amendments. Councilor Wilson clarified that the city requirements should be more intuitive so an individual could readily grasp the essence of what the city is requiring. He referred to the numerous formulas and details specified in the code language. The No. 1 objective is to assure that trees are able to reach full maturity. He spoke for simplifying the process insofar as one should demonstrate that these requirements could be met without being forced to follow specific specifications to attain compliance.

 Mayor Dirksen, in response to Councilor Wilson's call for simplification, said he would argue that there would have to be a requirement supporting a city staff position that what has been presented would or would not work. Councilor Wilson said that the requirement could be stated in simple terms such as each tree must have a certain amount of soil volume at the time of planting. Councilor Wilson explained further that the details of how one arrives at the soil volume do not need to be set out in detail, only that it can be explained and shown that required soil volume was achieved.

 Mayor Dirksen reminded the City Council of the initial charges that were given to the staff, Planning Commission and the Task Force. One of those was that the Council had identified an aspirational goal to increase the city's tree canopy from what it is now, which is about 25 percent, up to about 40 percent. Another charge was to come up with the regulatory tool to preserve existing tree groves. He recalled there was a detailed process the city went through to inventory and identify those groves. As this revision process was begun, one of the charges the Council gave was to come up with a code that would allow us to preserve those existing tree canopies to the extent possible, while the same time allowing property owners the use of their property. He noted this second charge was a difficult task to accomplish. Mayor Dirksen said that what is now before the Council was created in an effort to meet the charges identified by the Council. He said he has not heard that Council

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members have recognized that this was its initial goal. He offered that the way the proposed code is now written was done to meet those charges.

 Councilor Woodard responded that he was not on Council at the time those goals were set. He acknowledged that the 40 percent tree canopy is aspirational, but with all the credits available he does not think that the 40 percent is achievable. Mayor Dirksen clarified that the 40 percent tree canopy aspiration was not for a 40 percent canopy in residential areas where development was taking place, but the goal was for an overall 40 percent tree canopy throughout the entire city, including parks, etc. City Manager Wine further clarified that the aspiration was to be achieved over a 20+ year period. Councilor Woodard said reviewed all the elements of the proposed urban forestry code revisions and noted there would be opportunities for balancing out the requirements so that the aspirations are a reasonable target. He referred to the complexity and the overwhelming task of looking at this project as a whole, and suggested a section-by-section review comparing each policy in meeting the city's goals. He said that he would like to find a way for the Council to move forward because there is so much ground to cover. He noted that anything the Council adopts will be reviewed again within five years and adjustments can be made if necessary. In general, Councilor Woodard said he is in agreement with the proposed language, however, he believes the assumptions will need to be tested over time. He said he supported the Council going through each area to identify what should be code language and what should be placed within the administrative rules for guidance. He urged Council to reach agreement so that staff would have a basis to proceed.

 Council President Buehner restated a position she said she presented at an earlier Council meeting and that, to her, aspirational means that it is not required. When she voted in favor of the concept, she assumed that the city would be asking people to consider implementing certain activities with regard to trees, but these would be suggestions and not requirements. She said her understanding was incorrect and she was wrong to vote in support of the council's charge statements a couple of years ago. She said it was not her intention in any way to mandate what people could do on their private property outside of street trees. Mayor Dirksen said that discussion will be held later this evening to address the issue Councilor Buehner has raised.

 City Manager Wine commented that the hope is for the Council to reach consensus on some of the policy matters before it this evening or to direct staff to take another look at the policy matters and redraft code language for the Council's consideration.

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 Councilor Wilson noted the issues he brought up previously regarding the complicated code provisions and administrative rules. Circles drawn for canopy targets desired are essentially fictitious; that is, what is “hoped for” in the next 50 years. If the proposed code had been in place up until now, we would be similarly situated with regard to overall tree canopy. He said a tree canopy approach was just a different method of calculation. He said he is fine with changing the code language as long as the sum total is easier to understand.

 Mayor Dirksen said with regard to P1, the Council has two choices before it this evening. They can say yes the tree canopy approach is the correct approach and then discuss the nuances of this approach; or, say no and throw out what has been done and start over. The entire code revision recommendation is based on P1. Councilor Wilson said he was willing to say yes to the canopy approach and added that, in the end, his support will be based upon reining it into some kind of package that is easier to use.

 Councilor Buehner said she does not have a problem with the concept of the canopy approach, but noted the issues are contained within the details.

 City Manager Wine said the P1 and P2 issues are interrelated, and infill sites and subdivisions might be the next thing the Council should review.

 Councilor Henderson said his view is that the proposed language offers one way of coming to a conclusion. He said the proposed language offers a good way to double check to determine if the proposed “pieces” will amount to the hoped-for “whole.” He said that overall he is comfortable with the proposed language for the canopy approach.

Policy Issue 2 -  Associate Planner Daniels said this policy issue looks specifically at how the requirements will apply to various sites. Small lots are specifically mentioned. She asked for the City Council to delineate its concerns with this code language.

 Consultant Prager reviewed the chart on the PowerPoint slide presentation showing propose ranges for different areas of zoning. During the inventory analysis performed during the master planning process, the residential areas of Tigard now have a little over 30 percent canopy. During the process, it was noted that residents are satisfied for the most part with the amount of tree canopy in their neighborhoods. The proposal is compatible with the existing amount of trees in residential areas. The bigger change will be in the new language requirements for commercial and industrial areas, where we have heard from the community and the Council that we want to have additional tree canopy in these areas. This is particularly true for parking lots.

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 In response to a question from Councilor Henderson, Consultant Prager and Mayor Dirksen offered additional information. If a piece of property to be developed was already in a heavily treed area that would have a 40 percent canopy once the development was completed, these existing trees would mean a developer would receive a double credit. This would mean that the development would have “80 percent” coverage or 200 percent of the required canopy. Then if street trees are computed into the coverage, one might end up with a coverage calculation of 215 percent. There was comment from Councilor Henderson and Councilor Buehner about this being quite complicated for the public to understand. Associate Planner Daniels pointed out that this example is only a representation of what could happen.

 Councilor Buehner reiterated that the language is too complicated. She gave as an example small lots and said she would not be voting for anything that would require additional canopy. Rules need to be different for small-lot subdivisions; that is, minor land partitions. Councilor Wilson pointed that one could pay a “fee in-lieu-of.”

 Interim Community Development Director McGuire addressed the Council on the subject of small-lot subdivisions. Minor partitions will need to go through a pre-application conference where staff will sit down and walk through with the developer the requirements for his project. Doubling of the existing canopy will give incentives to save trees, which is not built into the code now. Staff will be able to advise the developer about different ways they can meet the requirements of the code; it will not necessarily be up to the developer to consider all the methods that might apply. The Mayor summed it up by saying that the developer might ask what is needed to meet the requirement and the staff would offer alternatives.

 Councilor Buehner said each person needs to be able to understand the requirements and have everything explained to them. She restated it is too complex. She called for simpler code language.

 Consultant Prager referred to the peer-review process conducted when applying the code language. The process followed was for a conceptual review of the proposed development. The staff person guided the discussion about how the applicant could meet the requirements. The details contained within the manual were referred to only when there was a question about specific matters such as whether credit is received for canopy in specific instances. The rules aren’t necessarily used as a “cookbook” regarding how to develop a site, but they are more for reference when needed. The City of Sherwood has adopted a similar urban forestry code based on tree canopy and it has been successfully implemented.

 Councilor Buehner commented on complex code language and the potential for litigation.

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 Councilor Woodard reflected on a development by his family in the 1990s. He said that the requirements were straightforward. He asked for an explanation of how one would go about starting the process for a small development and the costs associated. Consultant Hauswald said she does she did not believe costs would be greater than what is required by the current code. The number of trees to be planted is not being increased with the proposed code language. Councilor Woodard said he would want a private, small developer to be able to easily obtain information about what he needs to do and, at the same time, keep the costs down.

 Consultant Hauswald advised Councilor Woodard about a site that was looked at during the peer review process similar to the small development he referred to. If existing trees are not on the site, a developer would probably have to plant additional trees. In discussion with Councilor Woodard, Ms. Hauswald advised that she did not believe there would be additional costs with the new regulations for installation and construction costs.

 Councilor Wilson confirmed with Consultant Hauswald that the “shadow” of the tree does not need to fall on one’s property and it does not matter if the “shadows” of trees overlap. If this is the case, Councilor Wilson questioned whether values could be assigned to certain types of trees and avoid all of the documentation. Interim Community Development Director McGuire pointed out that this documentation is depicted in the administrative rules and is meant to be guidance for those who are unfamiliar with what is required. After discussion, Interim Community Development Director McGuire assured Councilor Wilson that if an individual can demonstrate they can meet the code requirements, staff will not object to the way the information is formatted.

 In response to comments from Councilor Woodard, Consultant Prager advised that under the existing code one would have to hire an arborist for a minor land partition. Under the proposed code, you would still be required to hire an arborist or a landscape architect – the difference is that mitigation would be eliminated and this would be a cost savings.

 Associate Planner Daniels checked with the Council on the progress in reviewing Policy Issue No. 2. She said information before the Council explained how the requirements would pertain to different sizes of development. As the Council discussion has proceeded this evening, she said she has also heard concern about costs, the amount of work required to meet the proposed code – what would actually be required to be turned in to staff to achieve approval. Councilor Wilson said he is no longer concerned if he was able to demonstrate the amount of canopy cover by listing the types of trees he would be planning to place on a proposed site. In response to a question from Mayor Dirksen, Interim Community Development Director McGuire said an informal sketch could be submitted and approved, if staff could determine the proposal would meet the code requirement.

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 City Attorney Hall said the administrative rules could be couched with language that says the procedures listed are the City of Tigard's preferred method, however, if an individual can prepare something equivalent and it conveys the same amount of information to determine compliance, then this would also be acceptable. Specific elements such as size of paper, where the key is located on the document, etc., should be noted to be desirable but not required.

 After discussion on process, council members weighed in on P2 regarding whether to accept the Planning Commission recommendation for approval. Councilor Wilson and Councilor President Buehner noted the actual requirement is not an issue for them; however, the process required to meet that condition was problematic – P2, the policy issue, is acceptable as presented. Council President Buehner added that she would also like assurance that the wording as proposed by City Attorney Hall with regard to process implementation not being mandatory is included. Councilor Woodard noted his support as well and noted he thinks the cost savings provided by the new language is a plus. Councilor Henderson advised he finds P2 to be acceptable and referred to the provisions for the small developer. Mayor Dirksen agreed that the costs for a small development would appear to be minimal.

Public Testimony

 John Frewing, said he was a member of the Citizen Advisory Committee. Mr. Frewing gave his address as 1300 NE 16th Ave., No. 1104, Portland Oregon. He said he has provided the Council with a good number of comments and said he had not received a response. Mr. Frewing said that he thought council should have a response from staff before it concluded the hearing process.

Mr. Frewing said he understood that a canopy approach has not been implemented elsewhere in the United States. He said that Portland considered this type of approach but abandoned it. Elsewhere in the country there are references to a canopy approach, however, such complex rules are not being associated with what is being required. He said the canopy approach was not requested in the public opinion surveys, which led to the Urban Forest Master Plan. The Master Plan does not provide a mandate for a canopy approach. It will be difficult to implement. Mr. Frewing said he was opposed to a canopy approach.

Mr. Frewing reviewed comments he made, which have not received a response. The use of the word “feasible,” as an approval standard, is not a standard when accompanied by the legislative history of this work. “Feasible” is something that appears to be determined by the applicant solely and in totality. The term “feasible” needs to be qualified. In response to a question from Councilor Wilson, Mr. Frewing said he is uncertain where the term “feasible” is being utilized in the current proposed language.

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Mr. Frewing said in December 2011, he provided written testimony that approval criteria are difficult to place in the administrative manual. State law requires that the regulations implement land use plans, not administrative rules. He said he provided references to ORS citations and LUBA rules that called for approval criteria. He noted that the proposal continues to use approval criteria very generally.

Mr. Frewing said that on July 24, 2012, he addressed a memo to the City Council providing a number of comments for which he is not received response. He reviewed the following:

1. OAR 660.023.250(3)(A) calls for an ESEE on the entire urban forestry program, since it is “creating and amending a resource list or a portion of an acknowledged plan or land-use regulation adopted in order to protect a significant resource.”
2. Oregon Rules call for cities to implement comprehensive land-use plans and regulations. Shifting the substance of urban forestry programs to the manual or other municipal code sections does not meet requirements.
3. ODFW had a number of comments. Only one of these comments was implemented in the draft materials so far. This related to some incentives for native tree species. Coordination, under Oregon rules, requires not only consideration of agency comments, but implementation wherever possible. ORS 197.015 (5) was cited by Mr. Frewing as his reference.

City Attorney Hall advised that Mr. Frewing’s testimony did receive a response from staff and this information has been included in the hearing materials. In response to a request from Mr. Frewing, City Attorney Hall said he would see that Mr. Frewing receives a copy of this information.

There was no further public testimony.

Discussion followed on the proceedings and the format and objectives for the remaining time for this matter this evening.

P3 – should developers be required to maintain trees for two years?

Council President Buehner said this referred to an outstanding issue she brought up previously -- the developer is not developing the property to own the property, but is developing the property to sell the property. This would mean that the property would be conveyed to a property owner in less than two years. She asked if the code language means that the developer would be responsible to maintain the trees on property now owned by someone else.

 Councilor Wilson said it is almost universally true that a landscape contractor has to guarantee trees for at least a year. Essentially he said he is not sure what difference it makes with regard to who is required to maintain the trees.

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 Mayor Dirksen said that requiring a developer to make sure a tree survives helps assure that when the tree is planted, the developer does an adequate job. If the tree does not survive, the developer is required to replace the tree. Councilor Wilson said he believes there is a difference between subdivisions and commercial development. In a commercial job, there are warranty issues for which the contractor is held responsible for at least a year. He said that a two-year requirement appears to be long for a commercial project. Councilor Woodard said he would be agreeable for at least a one year time period to hold a developer liable for tree survival and said that two years seems to be overly long.

 City Manager Wine said options brought before the Council by staff include segmenting the requirement for tree survival by development type or to reduce the requirement from two years to something less than that.

 Councilor Wilson suggested that the warranty by the developer/contractor could be for one year and that survival after that would be the responsibility of the property owner.

 Mayor Dirksen said he would have no objection to splitting the time period for requiring tree survival with different requirements for commercial/ industrial developments from residential developments.

 In response to a comment from Council President Buehner, Mayor Dirksen said that P3 does not address the issue regarding the homeowner who does not want to have a tree or trees on their property.

 Council discussed language in the policy area regarding maintenance of trees by a developer in residential developments as opposed to all other types of developments. City Attorney Hall summarized what he heard to be the Council consensus: tree maintenance would be the responsibility of a developer for two years or until it is sold to a private resident. All other development will have a requirement for a one-year tree maintenance responsibility.

P4-Should permits be required to remove trees required with development?

 Mayor Dirksen observed that under the current code there is no process permitting or otherwise available to address the removal or replacement of a tree required when the property was developed. If a tree was required to be preserved or included during the development, then it must be preserved. Because there is no permit process this means that the homeowner would have to come back to the city and go through a process to amend the prior land-use permits to legally remove the tree. The Mayor advised this is language that “must go away.”

 Council consensus was for the alternative proposed language, which was to not require tree removal permits for private single-family residential lots. This would be outside of requirements for street trees. In response to a question from Councilor Henderson, Heritage Trees would be addressed in a different section of the code.

P5-Should hazard trees be prohibited in Tigard?

 Council President Buehner said that there are a significant number of homeowners' fire insurance policies that provide that unless the city has a process to declare a tree a hazard tree, then there is no financial assistance for a homeowner to remove the tree. If it has been declared a hazard tree, some policies will help in the cost of removing the tree.

Council members discussed the process and language that could assist property owners with hazard trees. Councilor Wilson suggested that the hazard tree be identified on a complaint-driven basis.

Associate Planner Daniels pointed out this the Council discussion pertains to both P5 and P6. P5 contains the word “prohibited” and Ms. Daniels said that the tree would only be designated a hazard tree after complaints are verified. The “hazard” would be assessed by an arborist. Mayor Dirksen suggested wording should be pertinent to this statement, “Should the City of Tigard be able to address hazard trees?”

P6-Should hazard trees standards address personal liability requirements?

 Associate Planner Daniels advised that she understood Council President Buehner's concern that the City of Tigard have a process for determining when a tree presents a hazard which could assist a homeowner with the cost of moving the tree with insurance money.

 Councilor Henderson asked who would hire the arborist to determine that a tree is a hazard. Consultant Prager advised that to go through the city process, the complainant would have to bear the cost. The city would hire a third-party arborist to assess the tree and make the determination to the city.

 In response to a question from Mayor Dirksen, City Attorney Hall said that a definition of who has standing to file a complaint must be defined if the city wants to limit the source of complaints. Typical code complaints such as uncut lawns, do not require “standing” in order to file a complaint.

 After some discussion, consultant Prager advised that there is a standing requirement in the proposed language. The citizen committee had a similar concern that someone could simply file a complaint for no particular reason. A complainant would have to demonstrate that they were within a target area to be harmed by the tree.

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 Council President Buehner suggested that the Council discuss P8 next given the hour. She said P7 will likely be somewhat controversial and to discussion be deferred to a future meeting.

 **P8-Does the proposal increase the cost of development?**

 Council President Buehner suggested this might be another issue that should be separated with regard to commercial and residential development.

 Councilor Wilson noted his concerns were with the costs of producing the plans. He suggested that the requirements be stated for the canopy and soil volumes and then, if staff has doubts, staff could ask the person to demonstrate how the requirements are met.

 Mayor Dirksen noted that he liked the chart that was shown as an example in that it showed how the issue of expensive mitigation costs were being addressed for a small development.

 In response to a statement by Consultant Prager, Councilor Wilson said he would like the code language to identify for a developer how Tigard determines canopy. The developer would then be asked to demonstrate how his development meets the canopy code requirements. The same would be true for soil volumes. It would not be necessary to prescribe how to meet the requirements – examples could be provided.

 City Attorney Hall said wording should be included so there is flexibility for a design professional to choose an efficient way to demonstrate compliance of the standards. Councilor Wilson said that he believes P7 affects this area as some of the administrative rules might need to be included in the code to clearly delineate what is required.

 Discussion ensued on the purpose of an administrative rules manual. Upon an observation by City Manager Wine, additional discussion on the administrative rules will be held at a future meeting.

 Councilor Wilson noted that the new language regarding soil volumes will definitely increase development costs and this is intentional because of historical experience that this has been inadequately provided for.

 Councilor Wilson asked how the city would address a situation where a large commercial developer wanted to place its trees only around the perimeter. Consultant Prager responded that calculating the parking lot canopy uses a different approach from calculating the site canopy. For the parking lot, the canopy would have to be directly over the pavement. It would be difficult to meet the coverage required by only placing trees on the perimeter. Council members discussed this language and its complexity; this area of the code will need additional thought. Mayor Dirksen noted that the problem has been with parking lot trees not reaching maturity and providing their full canopy potential. He suggested that there be language based on a percentage of tree canopy required and to include spacing requirements.

 In response to an observation by Councilor Henderson, Councilor Wilson said that the expense for soils will be increased under the proposed code language because of the need for larger islands and additional soil. Discussion was held about where costs might increase but these increase costs would be appropriate to assure that trees planted would reach their full maturity and potential for canopy.

 Associate Planner Daniels talked about the next steps in this process. The next discussion will be held on November 13. The two issues to be discussed on the 13th would be P7 – Administrative Rules and parking lot trees. The list of “issues for clarification” would not be discussed separately; however, Ms. Daniels said that if a councilor has a question or concern, the matter can be scheduled for further discussion.

 Mayor Dirksen said the public hearing was continued to November 13, 2012.

5. ADOPT 2013 LEGISLATIVE AGENDA

 Assistant City Manager Newton previewed this agenda item. The document before the City Council reflects the City Council consensus after its discussion on September 25.

 Mayor Dirksen advised Council that based on dialogue that has occurred at the county and regional levels, he is asking for a change to one of the legislative items. Under Transportation, the second issue currently says “Seek additional funding, efficiencies and program support for multimodal transit and rail projects.” Because of timing, the mayor asked that this language be amended to specifically identify the Columbia River Crossing.

Motion by Council President Buehner, seconded by Councilor Wilson, to approve the 2013 legislative agenda as proposed with the amendment stated by Mayor Dirksen.

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The motion passed by a unanimous vote of City Council present:

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

 City Manager Wine commented on the League of Oregon Cities briefing presentation available for the subject of property tax reform options. There may be an opportunity in the next couple of months to hear this briefing with adjacent jurisdictions. Mayor Dirksen said he has seen this presentation and it does a good job of explaining impacts and the unintended consequences of Measures 5 and Measure 50. There are adjustments recommended to make the tax system more sustainable and go a long way toward addressing our own budget issues.

6. COUNCIL LIAISON REPORTS

 Council President Buehner provided an update on the Regional Water Providers Consortium. This group meets periodically to address region wide issues. At its October meeting, there was a presentation on the Consortium's history. After that, Paul Matthews reported on water utility revenue challenges. The consensus of the report was that more conservation is utilized as prices go up. At some point efficiencies will impact rates. Mr. Matthews said that the conclusion is that the base rate will need to increase.

 Council President Buehner reported on the most recent Lake Oswego/Tigard Water Partnership Oversight Committee meeting held in October. The Partnership is requesting proposals on various aspects of the plan mostly relating to the raw water intake system. Some of the plant processes are also receiving attention. Construction documents are at about 60 percent of completion, except for the plant. The recommendation was for Mitsubishi to be the company to be used for the ozone system.

The land-use application in West Linn is before the Planning Commission again. The first hearing was last Wednesday night. Council President Buehner said she was very impressed with the presentation by the partnership's attorney and Tigard Public Works Director Dennis Koellermeier. She said she thought the Planning Commission's questions were answered. The hearing will continue to Thursday. It is hoped that the Planning Commission will be able to enter into the decision-making portion of the hearing after the proceedings on Thursday. Council President Buehner said that she believes whatever the Commission decides, the decision will be appealed to the West Linn City Council.

Mayor Dirksen advised that the recommendation of the West Linn planning staff to the Planning Commission was for approval.

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 Councilor Woodard announced that the River Terrace planning kickoff meeting is tomorrow night at Deer Creek Elementary School.

7. NON AGENDA ITEMS

8. EXECUTIVE SESSION: Not held.

9. ADJOURNMENT: 10:12 PM

 Motion by Council President Buehner, seconded by Councilor Wilson, to adjourn the meeting

The motion was passed by a unanimous vote of Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 23, 2012



City of Tigard
Tigard City Council Meeting Minutes
December 11, 2012

- **STUDY SESSION**

Council President Buehner called the meeting to order at 6:30 p.m.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen		✓
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Staff present: City Manager Wine, Assistant City Manager Newton, Assistant to the City Manager Mills, City Attorney Ramis, City Recorder Wheatley.

Administrative Items Reviewed

- Councilor Wilson - Non-Agenda Item

Councilor Wilson advised he would be introducing a non-agenda item proposing a resolution for the City Council’s consideration regarding his proposal to name the Summer Creek property the “Dirksen Nature Park.”

Council reviewed the upcoming Council calendar.

Council Calendar:

December

- 18 Farewell Meeting - Mayor Dirksen and Councilor Wilson; 6:30 reception; 7:30 special meeting.
- 25 Christmas Holiday - No meeting - City offices closed.

January

- 1 New Year's Holiday - No CCDA meeting - City Hall offices closed.
- 8 Special Meeting - 6:30 reception, 7:30 swearing-in ceremonies, inaugural remarks,

- election of council president.
- 10 Special Meeting - 9 a.m. to 5 p.m. at Fanno Creek House; council groundrules, council liaison appointments, 2013 council goal setting.
- 15 Workshop Meeting - 6:30 p.m.
- 21 Martin Luther King Jr. Day - City Hall offices closed.
- 22 Business Meeting - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting.

February

- 12 Special Meeting, Tigard to host a joint meeting with the City of Beaverton (time to be determined).
- 18 Presidents Day - City Hall offices closed.
- 19 Workshop Meeting, 6:30 p.m.
- 26 Business Meeting - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting.

- EXECUTIVE SESSION: No Executive Session held.

Study session concluded at 6:37 PM



1. BUSINESS MEETING - DECEMBER 11, 2012

- A. Council President Buehner called the meeting to order at 7:32 p.m.
- B. Roll Call

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

- C. Pledge of Allegiance



After the Pledge of Allegiance, Council President Buehner called for a moment of silence for the killed and injured as a result of today's shooting at the Clackamas Town Center shopping mall.

- D. Council Communications & Liaison Reports: None.
- E. Call to Council and Staff for Non-Agenda Items



Councilor Wilson advised he would present a non-agenda item for Council consideration at the end of the business meeting.

TIGARD CITY COUNCIL/CCDA MEETING MINUTES – DECEMBER 11, 2012

 Council President Buehner advised she would defer presenting a council liaison report until the next meeting.

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication: None.



B. Tigard High School Student Envoy – Nathaniel Ditton, ASB Athletics Officer presented an update on recent activities at the Tigard High School. He noted community activities sponsored by students that are underway at the high school as well as updated the Council on academic and sports activities.

C. Tigard Area Chamber of Commerce - no report.

D. Citizen Communication – Sign Up Sheet – No one signed up to speak.

3. PROCLAIM DECEMBER 9-15 AS HUMAN RIGHTS WEEK

Tigard Assistant Police Chief Jim de Sully was present on behalf of the Human Rights Council of Washington County and addressed the Council. December 10, 2012, marks the 64th anniversary of the United Nations declaration of human rights. In honor of this anniversary, the Washington County Human Rights Council has asked each city in the county to publicly acknowledge, through a special proclamation, the importance of human rights in our communities. He thanked the City of Tigard for helping support and commemorate this important occasion.



Council President Buehner read the proclamation and declared December 9-15 as Human Rights Week.



Council President Buehner reviewed the consent agenda as follows:

4. CONSENT AGENDA: (Tigard City Council and City Center Development Agency)

A. Approve City Council Meeting/City Center Development Agency Meeting Minutes for:

1. September 25, 2012
2. October 2, 2012

B. Receive and File:

1. Official November 6, 2012 Election Results-Electing a Mayor, Two City Councilors, and a Charter Amendment "Vote Required to Use Certain Funds for Light Rail Construction."
2. Council Calendar
3. Council Tentative Agenda for Future Meeting Topics

TIGARD CITY COUNCIL/CCDA MEETING MINUTES – DECEMBER 11, 2012

- C. Appoint Melody Graeber, Don Fisher and Cathy Hearn to the Budget Committee and Appoint Melanie Boekee as an Alternate Member - Resolution

RESOLUTION NO. 12-46 - A RESOLUTION APPOINTING MELODY GRAEBER, DON FISHER AND CATHY HEARN TO THE BUDGET COMMITTEE AND APPOINTING MELANIE BOEKEE AS AN ALTERNATE MEMBER.

- D. Appoint Peter Hedgecock to the Audit Committee – Resolution

RESOLUTION NO. 12-47 - A RESOLUTION APPOINTING PETER HEDGECOCK TO THE AUDIT COMMITTEE, BEGINNING ON JANUARY 1, 2013

- E. Reappoint Matthew Muldoon and Appoint Timothy L. Gaschke and Brian K Feeney as Voting Members to the Planning Commission - Resolution

RESOLUTION 12-48 - A RESOLUTION REAPPOINTING MATTHEW MULDOON AND APPOINTING TIMOTHY L. GASCHKE AND BRIAN K. FEENEY AS VOTING MEMBERS TO THE PLANNING COMMISSION

- F. Appoint Laura Fisher, Tamera Slack and Paul Miller as Voting Members and Carine Arendes and Hemendra Mathur as Alternates to the City Center Advisory Commission - Resolution

RESOLUTION NO. 12-49 - A RESOLUTION APPOINTING LAURA FISHER, TAMERA SLACK AND PAUL MILLER AS VOTING MEMBERS OF THE CITY CENTER ADVISORY COMMISSION AND APPOINTING CARINE ARENDES AND HEMENDRA MATHUR AS ALTERNATES TO THE CITY CENTER ADVISORY COMMISSION

- G. Appoint Jennifer Stanfield, Donald Schmidt, Evelyn Murphy Mark Bogert and George Hetu as Voting Members to the Tigard Transportation Advisory Committee - Resolution

RESOLUTION NO. 12-50 - A RESOLUTION APPOINTING JENNIFER STANFIELD, DONALD SCHMIDT, EVELYN MURPHY, MARK BOGERT, AND GEORGE HETU AS VOTING MEMBERS OF THE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)

- H. Approve the Purchase of the Rankin Property and Authorize the City Manager to Complete the Property Purchase - Resolution

RESOLUTION NO. 12-51 - A RESOLUTION APPROVING THE PURCHASE OF THE RANKIN PROPERTY, (TAX LOT 2S1 04DA 03500) AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASE ON BEHALF OF THE CITY

TIGARD CITY COUNCIL/CCDA MEETING MINUTES – DECEMBER 11, 2012

I. Amend City Manager's Employment Agreement

Motion by Councilor Wilson, seconded by Councilor Henderson, to approve the consent agenda.

The motion was approved by unanimous vote of council present.

Mayor Dirksen	Absent
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes



5. LEGISLATIVE PUBLIC HEARING - TIGARD CITY COUNCIL CONSIDERATION OF AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00002 TO AMEND THE TIGARD COMPREHENSIVE PLAN MAP TO INCLUDE LAND USE DESIGNATIONS FOR THE RIVER TERRACE COMMUNITY PLAN AREA BASED ON RECOMMENDED LAND USES FOUND IN WASHINGTON COUNTY'S WEST BULL MOUNTAIN CONCEPT PLAN AND AMEND THE CURRENT TIGARD COMPREHENSIVE PLAN GOAL 14: URBANIZATION POLICIES

Proposal: To amend the current Tigard Comprehensive Plan Map to include map designations for the River Terrace Community Plan area based on recommended land uses found in Washington County's West Bull Mountain Concept Plan; to amend current Tigard Comprehensive Plan Goal 14; Urbanization goals, polices, and recommendation actions.

Applicant: City of Tigard, Oregon, 13125 SW Hall Boulevard, Tigard, Oregon 97223

Location: River Terrace Community Plan Area

Applicable Review Criteria: Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; Metro Functional Plan Title 11; and Statewide Planning Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

- Council President Buehner read the title of the public hearing and announced that she would not be participating in the discussion on this item since she has clients residing in the subject area. She recused herself from the hearing and turned the meeting over to Councilor Wilson who presided during the hearing that followed.
- Councilor Wilson opened the public hearing.
- City Attorney Ramis read the hearing procedures for this legislative hearing. A copy of those procedures is on file in the record copy of the council meeting packet.
- There were no declarations or challenges.

TIGARD CITY COUNCIL/CCDA MEETING MINUTES – DECEMBER 11, 2012



- Staff Report: Senior Planner Wyss presented the staff report.
 - Staff is requesting approval an amendment to the comprehensive plan map to include land use designations for the River Terrace Community Planning area and amend Goal 14 policies to guide the River Terrace Community Plan area during and after completion of the community planning process.
 - Proposed land uses are based on the recommendations made in the West Bull Mountain Concept Plan. Adopting those recommendations will honor the expectations set out in the Concept Plan as well as represent the transition from the concept planning process to the River Terrace community planning process.
 - The Concept Plan outlined a vision for the River Terrace area that was created over the course of three years by Washington County with the help of a stakeholder working group and a technical advisory committee. The vision was represented in land-use transportation and parks framework maps, which were intended to guide the future development of the area.
 - The framework maps envisioned a variety of residential densities and housing types to disperse the densities throughout the community and provide the appropriate amount of commercial uses, parks, trails and open spaces. The maps outlined a multimodal network of connected streets and walkable blocks.
 -  The stakeholder group and the technical advisory committee both voted to forward the Concept Plan to Washington County Planning Commission and Board of Commissioners for consideration and adoption. In November 2010, the Washington County Planning Commission voted to recommend the Board adopt the Concept Plan, and in December 2010 the Washington County Board of Commissioners adopted the Concept Plan.
 - In summary, the city is taking what was completed as part of the West Bull Mountain planning process and updating its comprehensive plan map with the recommended land use designations identified in that plan.
 - Since the conclusion of the Concept Plan in the fall of 2011, the city annexed a portion of the area known as Area 64. In 2012 the city agreed, by intergovernmental agreement with Washington County, to refine the West Bull Mountain Concept Plan into the River Terrace Community Plan.
 - The Concept Plan is a vision. The Community Plan will put into place the means to implement the vision of the Concept Plan that will make urban development possible in the area.
 - The process to complete the Community Plan includes 11 total tasks to take place over the next 18 months. One of those tasks was to adopt the Concept Plan recommended land uses into the Tigard Comprehensive Plan. The issue before the Council this evening is outlined in Exhibit A of the Council meeting packet. This action will set expectations for the community planning process as well as allow the city to access some of the construction excise tax funds to pay for this planning work.

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- A number of policies are recommended for adoption by the City Council to guide regulation of the River Terrace area during and after completion of the community planning process; shown in Exhibit B of the Council meeting packet.
- The proposed amendments before the Council this evening will not allow urban level development until the community planning process is complete.
- As part of the River Terrace community planning process, the recommended land uses before the Council this evening will be further analyzed. If there is need for further refinements, recommendations will be brought back to the Council through the planning commission. The City Council will consider final adoption at the end of the River Terrace community planning process.
-  Staff found that the proposed amendments meet the criteria of the Tigard Community Development Code, including noticing requirements.
- The Planning Commission held its public hearing on December 3, 2012. As part of the Planning Commission public hearing process, the City of Beaverton sent in comments; these are contained in the staff report, Exhibit C. Beaverton suggested more policies to outline collaboration with them during the River Terrace community planning process and the City of Beaverton's South Cooper Mountain planning process. The city staff recommended no changes as they found sufficient existing policies to signify its commitment to collaborate with Beaverton. Tigard staff has been meeting regularly with Beaverton staff who will also be invited to attend the meetings of the Technical Advisory Committee.
- Washington County staff also sent in comments; Attachment 2 to the staff report. They were supportive of the amendments and also suggested adoption of other elements of the concept plan including parks, trails and street classifications. Senior Planner Wyss reiterated that the proposed amendments represent the first steps to place land uses in the Tigard Comprehensive Plan. As part of the refinement of the Concept Plan, the city will be reviewing public facility elements of the area, which will be incorporated into the master plans. These will be adopted with findings made to assure compliance with state and regional requirements as well as meeting city standards. Therefore, staff recommended no changes based on these comments and Planning Commission agreed with staff's recommendation.
- Before the Planning Commission hearing, the city received written comments from Attorney Michael Robinson, who represented a property owner in the area. The letter was submitted to the Council as part of the record. The letter stated they were appreciative of the proposed amendments with no changes proposed to the amendment. They noted, however, some refinements may be needed during the community planning process. Mr. Robinson also pointed out that Policy 6 allowed such refinements.
- Senior Planner Wyss advised there were also two persons who testified at the Planning Commission. One was supportive of the amendments and one did not address the amendments directly, but wanted to stress the importance of cohesive planning between River Terrace and the urban reserves. The Planning Commission made no changes based on this testimony.
- Senior Planner Wyss said the city did not receive formal comments from the Oregon Department of Transportation, the Department of Land Conservation and

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Development and Metro. He advised Tigard staff worked with these agencies during the formulation of the policies that are found in the Council packet materials. The agencies were comfortable with the policies formulated.

- Senior Planner Wyss referred to the staff report, Exhibit C of the Council meeting packet. The report includes findings related to the goals and policies of the Tigard Comprehensive Plan, Metro Functional Plan Title 11 and state land-use goals. The Planning Commission found the amendment to meet the approval criteria and voted unanimously to recommend approval of the Comprehensive Plan amendment.
 - Since the Planning Commission hearing, another letter was received from Michael Robinson, an attorney representing a property owner in the area. This letter was submitted for the record and supports the Planning Commission recommendation for City Council approval of the Comprehensive Plan amendments. Staff recommended no changes to the proposal before the Council based on this letter.
 - Senior Planner Wyss summarized: The amendment for the Council tonight will adopt the recommended land uses from the West Bull Mountain Concept Plan into the Tigard Comprehensive Plan. This action represents the first step to honor the Concept Plan and to transition to the community planning process. These land use designations are a starting point for the community planning process and if any changes are deemed necessary during said process, these will be made during the public process and brought before the Planning Commission and City Council for final review and approval.
- Councilor Wilson asked if Council had questions of staff.
 - Councilor Henderson pointed towards a housekeeping issue that he would like addressed for future staff reports. He requested that all exhibits and attachments be marked as referenced in the staff report.
 - Councilor Wilson noted that Tigard was not officially part of the County's process and had expressed concerns at the time the Concept Plan was adopted by the County Board. In response to a request from Councilor Wilson, Senior Planner Wyss outlined those concerns: the City of Tigard had a staff member on the Technical Advisory Committee of the West Bull Mountain concept planning process. There was a concern that no governance providers were identified for the area; i.e. water and parks services. Since then part of the area has come into the city and recently Area 63 and a portion of Roy Rogers West residents/property owners submitted petitions to annex into the city. All of the River Terrace area will receive services from the City of Tigard. There were also some concerns with the traffic analysis that was done as part of the concept planning process, but city officials will apply the Transportation Planning Rule and meet its regulations and expand the analysis completed as part of the Concept Plan.
 -  Senior Planner Wyss confirmed for Councilor Woodard that the proposal before the Council is to take the recommended land uses from the Concept Plan and as city officials progress through the community planning process, they will analyze each of the components of the 11 tasks that were outlined earlier this evening. After analyzing what was done in the Concept Plan, city officials will update public facility plans and land use designations, if necessary, through the public process. Mr. Wyss also clarified that the remaining areas of River Terrace that are now outside of the city are poised to come into the city early in 2013

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and, therefore, will be included in the community planning process, which is scheduled to be completed by the summer of 2014.

- Councilor Wilson opened the public hearing.
- Public testimony.
 - Proponent--Michael Robinson, 1120 NW Couch St., 10th Floor, Portland, OR 97209 testified.  Mr. Robinson said he was before the Council on behalf of West Hills Development Company. He introduced Dan Grimberg, the Director of Development for West Hills. This company is one of the major property owners in the River Terrace Community Plan area. He voiced support for the proposed amendments and the initiation of the community planning process. Mr. Robinson said, as he referenced in his letter, the proposed text amendment changes will need changes as the planning process goes forward. He noted that the vision established by Washington County was a great start, but changes will be identified once the City of Tigard decides what it wants. They look forward to working with staff and to refine a great vision for the area. He urged the Council to adopt the text and plan amendments recommended by the Planning Commission.
 -  Councilor Wilson closed the public hearing.
- Council Comments
 - Councilor Woodard said he looks forward to this project starting and advised it was time to get started.
 - Councilor Henderson referred past efforts related to this project, which started in 2007. He urged his fellow Councilors to move this item forward without delay.
 - Councilor Wilson said the start of the community planning for this area for the City of Tigard has been a long time in coming. He noted that the subject of annexation in the Bull Mountain area was before the Council at the beginning of his first term. The matter before the Council this evening is, in a way, a culmination of that effort insofar as the city is now accomplishing some things they set out to do, which is to get out in front of development so we can control what occurs adjacent to the city's boundaries.
- Council consideration: Motion by Councilor Henderson, seconded by Councilor Woodard, to adopt Ordinance No. 12-12.

City Recorder Wheatley read the title and number of the ordinance:

ORDINANCE NO. 12-12 - AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00002 TO AMEND THE TIGARD COMPREHENSIVE PLAN MAP TO INCLUDE LAND USE DESIGNATIONS FOR THE RIVER TERRACE COMMUNITY PLAN AREA BASED ON RECOMMENDED LAND USES FOUND IN WASHINGTON COUNTY'S WEST BULL MT. CONCEPT PLAN AND AMEND THE CURRENT TIGARD COMPREHENSIVE PLAN GOAL 14: URBANIZATION POLICIES

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The motion passed by a unanimous vote of the Council present.

Mayor Dirksen	Absent
Council President Buehner	Absent from dais; did not participate during the hearing nor did she cast a vote.
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

Council President Buehner returned to the dais and presided over the remaining agenda items for this meeting.



6. LEGISLATIVE PUBLIC HEARING FOR TIGARD CITY COUNCIL CONSIDERATION OF AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00001 AND DEVELOPMENT CODE AMENDMENT DCA 2012-00002 TO AMEND THE CITY OF TIGARD 2035 TRANSPORTATION SYSTEM PLAN AND TIGARD DEVELOPMENT CODE CHAPTERS 18.370, 18.610, AND 18.810 TO IMPLEMENT STREET CONNECTIVITY AND DESIGN STANDARDS FROM THE DOWNTOWN TIGARD CONCEPTUAL CONNECTIVITY PLAN

Proposal: To amend the City of Tigard 2035 Transportation System Plan and Tigard Development Code (Title 18) Chapters 18.370, 18.610 and 18.810 to implement the street connectivity and design standards recommended to the *Downtown Tigard Conceptual Connectivity Plan*.

Applicant: City of Tigard, 13125 SW Hall Boulevard, Tigard, Oregon 97223

Location: Downtown Mixed Use Central Business District

Zoning: MU-CBD

Comp Plan: Mixed Use Central Business District

Applicable Review Criteria: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, Citizen Involvement; 2, Land Use Planning, 9, Economic Development; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; and 15, Special Planning Areas: Downtown; Metro Urban Growth Management Functional Plan Title 6, Metro Regional Transportation Functional Plan Titles 1, 2 and 5; Oregon Administrative Rules Chapter 660, Division 12; Statewide Planning Goals 1, 2, 9, 11, 12 and 13.

-  Council President Buehner read the title of the agenda item for the public hearing.
-  City Attorney Ramis reviewed the hearing procedures for this legislative hearing.

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- Declarations or challenges: There were no declarations or challenges.
-  Redevelopment Project Manager Farrelly presented the staff report. He introduced Cathy Corliss, consultant with Angelo Planning Group. Ms. Corliss assisted with drafting the proposed code language. Mr. Farrelly summarized the history of this matter. During his presentation, Mr. Farrelly referred to PowerPoint slides depicting the highlights of this report.
 - The study area of the urban renewal district was pointed out.
 - Existing conditions limit ways to move around downtown.
 - The foundational documents for the proposed code amendments were reviewed.
 - 2005 Tigard Downtown Improvement Plan
 - The Downtown Future Vision as expressed in the Downtown Improvement Plan.
 - Goal 15.4 of the Downtown chapter of the Comprehensive Plan specifically calls for developing street and circulation improvements.
 - Objectives of the Plan:
 - Connectivity.
 - Circulation.
 - Capacity.
 - Proposed code amendments required to implement the vision were reviewed and are outlined in both the presentation and the staff report prepared for the Council packet. These amendments, as recommended by the planning commission, were reviewed in detail (maps) with the City Council during Mr. Farrelly's presentation. A map depicting the proposed street character types was referred to by Mr. Farrelly followed by a review of the proposed amendments to Chapter 18.810 of the Community Development Code (Street and Utility Improvement Standards).
 - Street character types were reviewed. (PowerPoint slides 20-24)
- Consultant Corliss presented the next segment of information to the council.
 - Chapter 18.610 proposed language was reviewed for Tigard Downtown District Development and Design Standards. (PowerPoint slide 25) The proposed amendments for this section of the code included delineations of what would be considered new development and major redevelopment. New development and major redevelopment would require a property owner to dedicate required right of way or dedicate a public easement and construct required improvements. Ms. Corliss reviewed changes to the landscaping requirements to allow an applicant to count landscaping that was part of a required street improvement. At this point Ms. Corliss advised council of a scrivener's error in the footnote to Table 18.610.1. The error is on page 5 of 7, Exhibit C, Footnote 4. This footnote should read as follows:

“In the MU-CBD zone, required landscaping can be provided upon roofs or within the right-of-way where the applicant is required to provide landscaping as part of the street improvement in accordance with section 18.610 .025.” (The error was that the section was cited as 18.610.075)

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- If a project does not qualify as major redevelopment, valued at 60% or less of its: total current value as assessed by the Washington County Assessor, the standard to apply is that the future right-of-way be preserved for connectivity. Another requirement would be to sign a non-remonstrance agreement to a future local improvement district.
 - Ms. Corliss reviewed PowerPoint slide 28, which depicted a required new pedestrian pathway with the property affected shown in an overlay of grid marks on the map. This is a scale-back of an earlier proposal for a street connection through this block. The location of the pathway is flexible insofar as the standard calls for connections through blocks at least every 330 feet.
 - Ms. Corliss reviewed proposed amendments to Chapter 18.370, Adjustments to Connectivity Standards. There are existing adjustment procedures in this chapter and the proposed amendment is a new adjustment procedure that addresses the specific requirements that are in 18.610. (PowerPoint slide 29)
 - Ms. Corliss referred to PowerPoint slide 30 and commented that the rough proportionality provisions in 18.8 10.020 represents a safeguard for property owners who are concerned about the trigger of being required to pay for public improvements should they reach the threshold of new development or redevelopment of 60% or more of the value of the property. “Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.”
- Redevelopment Project Manager Farrelly reviewed the public involvement activities as listed in PowerPoint slide 31. Property owners received separate notice of the Planning Commission and the City Council hearings.
 - Redevelopment Project Manager Farrelly reviewed citizen comments highlighted in PowerPoint slide 32.
 - Redevelopment Project Manager Farrelly reviewed agency comments highlighted in PowerPoint slide 33. Comments were received from TVF&R, TriMet, and the Oregon Department of Transportation. Information and staff recommendations on these agency comments are contained in the staff report.
 - Redevelopment Project Manager Farrelly reviewed the proceedings of the Planning Commission Hearing of October 15, 2012. (PowerPoint slide 34)
 - The Planning Commission unanimously recommended that Council approve the proposed amendments. Mr. Farrelly noted the areas where revisions were made to accommodate citizen concerns. The Planning Commission was in accord with the changes proposed by the City Council during its preliminary review of this matter.
 - Mr. Farrelly reviewed the revised code language, which specifies that if an existing development is destroyed as a result of fire or other cause beyond the control of the owner, the rebuilding of it shall not be considered a major redevelopment for the purposes of street connectivity.

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- Mr. Farrelly reviewed the proposed and recommended Planning Commission changes for allowing flexible design standards for the street near Fanno Creek Park. (PowerPoint slide 36)
- Mr. Farrelly summarized the findings in the staff report and highlighted on PowerPoint slide 37.

Council questions:

- Councilor Woodard referred to wording related to Chapter 18.6 10.025 and asked staff if this was a complete rewrite? Mr. Farrelly said this is all new language. Councilor Woodard commented on incentivizing redevelopment and noted some concern about the 60 percent threshold as stated in this section.  He suggested there might be a way to offer a waiver to encourage clustering or sub clustering of certain types of business. One possibility might be to offer a public/private partnership to avoid the situation of overwhelming costs that would cause a property owner to decide they would not want to move forward with a redevelopment project. Councilor Wilson said the rough proportionality clause as referred to by staff would probably suffice to remedy the concern expressed by Councilor Woodard. After some discussion, Councilor Woodard said he might need to take more time to review this section before he can make a decision. He said that he feels there should be some other offering to give people an incentive/motivation to want to consider redeveloping. Councilor Wilson acknowledged Councilor Woodard's concerns and said it was one of the tougher decisions that the Council must make; that is, balancing the need for roads in a place that is already developed without dis-incentivizing new development. Councilor Woodard noted the distinction for him is that he sees redevelopment as different from new development. He said he thinks there will still be a cost to the existing property owner even with the rough proportionality application.
- Redevelopment Project Manager Farrelly responded that Councilor Woodard's concern has also been of concern to him insofar as his job is to attract developers and would not want to do anything to "scare" anyone away. However, he does believe the rough proportionality language would meet this concern. He offered that there is nothing precluding, through the urban renewal umbrella, offering incentives for development such as sharing costs in public/private partnerships. Councilor Woodard acknowledged that he saw some allusion to offering incentives as Mr. Farrelly described; however, he does not think the language is clear on this point.
-  Councilor Wilson weighed in on the discussion of incentivizing development and offered that if a developer can see that the city is serious about putting in a street grid that could also be a positive attraction. The bigger issue is for current owners who might want to expand outward but would be limited because of the need to preserve right of way. If potential developers are looking for the least-cost development, they probably would not come here anyway.
-  Councilor Henderson asked Mr. Farrelly about how he arrived at his conclusion that the proposed code amendment would make it more affordable for a developer. Mr. Farrelly referred to the specific example of large interior blocks, which do not have street frontage. If

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a new street is still creating street frontage, the street frontage is more marketable and creates more value. There is a cost in building the street, but value is also value created.

-  Council President Buehner advised she was supporting the rough proportionality section proposed by these amendments. She said that we need to be making sure we have uniform streets as they are constructed. A lack of uniform streets would deter redevelopment.
- Council President Buehner asked Mr. Farrelly and to bring up the slide showing the crosshatched area (Required New Pedestrian Pathway-Slide 28). She noted her concerns with an aging population and creating areas that are too large with respect to accessibility points. Mr. Farrelly noted that the gridded area will call for pedestrian and bike connections. Blocks cannot be larger than 330 feet. A street cannot be located in this area because of intersection spacing standards. He agreed with Councilor Buehner that a goal is to make the downtown easier for walking around, which is why a pedestrian connection would be required. A street had originally been shown at this location and was removed due to the lack of ability to connect to Hall Boulevard. Councilor Buehner noted the size of the crosshatched area and said it is too big. She said that access should be reconsidered for the area, even if it is a dead-end street. Councilor Wilson said he did not think anything would preclude a developer from providing access; in fact, presumably a parking lot would be required within the area. Councilor Buehner countered that she thought they would need some public right-of-way within the block at some location. She suggested it does not need to be a major street but could be an abbreviated style of local street. When Mr. Farrelly referred to the pedestrian access, Council President Buehner suggested consideration of a joint vehicle/pedestrian access, effectively a type of alley. Mr. Farrelly said this could be considered. He noted the challenge in this area was to avoid making the lot so small that it would be difficult to develop.
-  Councilor Woodard spoke in support of economic development and asked how many incentive programs are available to draw developers to the downtown to make investments. Mr. Farrelly referred to the Façade Improvement Program and the Targeted Improvement Program for interior improvements. He noted the City Center Development Agency Board has entertained a matrix of potential incentives that would attract a developer – one of those incentives is to offer a public/private partnership to build public improvements, to be considered on a case-by-case basis. Due to the limitations on the tax increment funding available, Mr. Farrelly said he was reluctant to make the public/private partnership an official program. Councilor Woodard noted the amount of incentives was limited and additional incentives could be derived from a review of the 60% requirement for the triggering of paying for public improvements when a property is redeveloped by a current owner.
-  Council President Buehner noted her concerns with Councilor Woodard’s proposal for additional incentives, noting the limitation of funding available from the tax increment realized to date. She suggested one way to accelerate the availability of funds would be to go back to the voters and asked to increase the size of the district.
- Councilor Woodard reiterated that he would prefer a re-examination of the “60 percent requirement” and did not think this would necessarily require going back to the voters. In response to a question from Councilor Woodard, Mr. Farrelly advised that the incentives do not necessarily need to be identified in the Development Code or the Comprehensive Plan.

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He referred to modest incentives that are built into Development Code language; i.e., allowing landscaping requirements to be met by using the streetscape landscaping towards meeting the total amount of landscaping required. The City Center Development Agency Board could also consider additional incentive programs.

-  City Manager Wine reminded the City Council that staff have been asked to come back with a proposal that looks beyond code revisions and street connectivity and propose other types of incentives for CCDA consideration. This proposal will be before the City Center Development Agency Board in the new year.
- Councilor Woodard advised that his primary concern with the proposed amendments is the “60 percent requirement.” He said he would not feel at ease voting in favor of the proposed amendments at this time.
-  Project Redevelopment Manager Farrelly responded to a question from Councilor Henderson regarding the scale of the proposed connectivity code amendments. Mr. Farrelly said some consideration had been given to expanding the connectivity changes to the shopping center mall on the other side of Hall and Pacific Highway; but, it was thought that those areas had different issues from the downtown core. The proposed changes are delineated in Exhibit A attached to the proposed ordinance.

 Council President Buehner called for public testimony.

Proponents

- Alexander Craghead, 12205 SW Hall Blvd., Tigard, OR 97223 advised he was before the City Council to testify on behalf of the City Center Advisory Commission. The proposal before the Council this evening is the culmination of many years of process. He commended the planning staff and consultant for making the effort to talk to property and business owners to make this a plan that works for short- and long-term business interests.

Mr. Craghead referred to the Council discussion on incentives and offered that if the code amendments are adopted as proposed, there is no reason that additional incentives could not occur. He cautioned against forming permanent incentives in the code since incentives should be a matter of negotiation and suggested this would be a better way to protect taxpayer dollars. Anything not paid for by the developer would be paid by the taxpayers in the city.

Mr. Craghead said the overall proposal before the Council this evening serves most of the major interests. He encouraged the Council to adopt the proposed amendments.

-  Richard Shavey, 11371 SW Sycamore Pl., Tigard, OR 97223 advised he was a member of the Planning Commission. He said the Planning Commission made changes to the document based on testimony and observations. The Planning Commission is supportive of the document as presented to the City Council. He said he did not believe the Commission was advocating downplaying economic development. He said the only thing he thinks might be missing from the document is identifying when activities should get started. He noted that in the last 20 years no timeframe was established for implementation of downtown activity. He urged establishing action plans for this year, next year and for the years ahead.

 Mr. Shavey announced a Planning Commission recommendation for the upcoming City Council goal-setting session:

- Reconfigure Tiedeman Avenue and/or North Dakota Street to reduce the number of at-grade railroad crossings in support of the Ash Avenue connection.

 Mr. Shavey said the Planning Commission supports the Council's approval of the document before it tonight.

Opponents

-  Cecelia Thompson, Manchester Sq., Tigard, OR (12625 Southwest Hall Blvd., No. 26, 97223) testified that she and her husband own the property that is crosshatched on slide number 28 that has been under discussion this evening. She noted her appreciation that the 60 percent rule would not apply if redevelopment was needed because of fire damage or an earthquake.

Ms. Thompson advised she still has a major concern that she would be required to install pedestrian and bike pathways. She did not want to divide up a property or allow people to go through the apartment complex due to security concerns. She appreciated Council President Buehner's concern about adequate access for senior residents. She noted that residents of the complex are able to park in front of their residence, for the most part. She would not want that to change.

Ms. Thompson said she would not want the future development of the lot to be constricted because of the requirements for a pedestrian or bicycle pathway. At some point in the future, she would like to have the entire complex be secured. She said that she would like her property to be excluded from the designation as indicated by the hash marks. In response to a question from Councilor Buehner, Ms. Thompson said she has expressed these same concerns during the Planning Commission considerations. She said that she was told that this requirement was related to the "60 percent rule."

Ms. Thompson said she and her husband have owned this property since 1984. They have done a significant amount of improvements to the property and this complex offers clean, affordable housing.

In response to a question from Councilor Henderson, Ms. Thompson said her preference would be to make the apartment complex a gated community. She said she has no plans to reconfigure the buildings. Councilor Henderson deferred to Mr. Farrelly to explain when the requirements for a pedestrian or bicycle pathway would be triggered. Mr. Farrelly advised that he has talked to Ms. Thompson and he has advised her that the pathway would not be required until there is redevelopment of the property greater than 60 percent. Mr. Farrelly said he understands her concern relates to her ability to sell the property the requirement for a pathway if a potential buyer plans redevelopment.

Ms. Thompson further voiced a concern about placing a pedestrian/bicycle pathway on the property and having it convert to public domain. She said she would lose value if this occurred. Council President Buehner explained that if property is converted to public right-of-way, then Ms. Thompson would be paid for the value of that right-of-way.

Councilor Wilson noted there were a number of different parcels included with the cross-hatch marks. He asked how it would be determined where the pathway would be required. Ms. Corliss responded this area was different than other parcels in the downtown because of the 330-foot spacing standard. If the large apartment building redeveloped, it would need to be designed so the 330-foot spacing standard could be met. If other areas of the parcel are redeveloped, then the standard would not be required. In response to Councilor Wilson's observation that this standard is required in other parts of the code, Ms. Corliss replied standards for block length and connectivity are also provided for in the Transportation Planning Rule. The issue for this particular area of the downtown was that the required pathways would not be triggered with site plan review or major redevelopment.

Council President Buehner pointed out that the subject parcel consists of a number of small pieces of property. She was of the opinion that if a redevelopment were to occur, it would be likely that a developer would be looking to purchase several parcels. She spoke to keeping flexibility in the code since it is unknown how redevelopment could occur. Ms. Thompson noted her property consists of three lots; one is quite small. Council President Buehner advised Ms. Thompson that given how redevelopment would likely occur, it would probably mean that someone was purchasing several parcels to create a larger development.

Council President Buehner advised that there was no one else on testimony sign in sheet and she asked if there was anyone present who wish to testify. Mr. Gregg Davidson indicated he would like to speak.

- Gregg Davidson, 10152 Southwest Murdock St., Tigard, OR 97224 testified. He referred to the proposed street behind the post office and the street between Scoffins and

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Commercial Street. He questioned whether the proposal before the Council was to require construction of these streets should property be redeveloped. Mr. Farrelly confirmed that this was correct. Mr. Davidson noted his issues with the location of the streets in proximity to his property and concerns that his property would become city property because of the requirement for half-street improvements. He questioned the premise behind placing a street between Scoffins and Commercial, going east and west. Mr. Farrelly advised that this is a very large block and the desire was to break down lot sizes to open up the interior lots for development. This would make properties more valuable and easier for pedestrians, cars and bikes to get around.

Mr. Davidson said this was detrimental to the property he owns. In addition he said he has not been contacted personally regarding the proposed code amendments.

Council President Buehner closed the public hearing.

In response to a question from Council President Buehner, Mr. Farrelly said staff has a list of people who participated in the small group meetings. Property owners have been noticed and there is a record of the addresses for which these notices were sent. He advised that notices were sent for a small group meetings as well as the two public hearings. He confirmed that notice was sent to Mr. Davidson.

Council President Buehner called for Council discussion on this matter.

- Councilor Wilson explained to Mr. Davidson that it is unknown how this might affect his property. The requirements for the streets are triggered in the event of a major redevelopment; at least 60 percent of the value of the property. Mr. Davidson asked for further clarification and at the request of Councilor Wilson, Mr. Farrelly responded. If Mr. Davidson were to redevelop his property that would increase its assessed value by more than 60 percent, then the connectivity standards would need to be addressed. Discussion followed with Mr. Davidson asking about specific situations where the streets would need to be improved by him. He has property that has access to Scoffins and Commercial Streets. After discussing the proximity of Mr. Davidson's property and the likelihood of redevelopment, Mr. Davidson noted his concern is with how these requirements might affect a potential sale of his property or if he decided he wanted to build something at the mobile home park site. Councilor Wilson said it was his understanding that the likely result would be for preservation of about 50-feet of right of way and suggested Mr. Davidson would be able to use this 50 feet for parking. Councilor Wilson said there would be some constraints on the location of the five-story apartment building that Mr. Davidson used as an example. There is some encumbrance on Mr. Davidson's property but most of the impact would be on the neighboring property. Councilor Wilson added that this would give Mr. Davidson's properties street frontage that might increase the value of his property.
- Mr. Davidson identified for Mr. Farrelly the parcels that he owned in this area. Mr. Davidson said he is trying to understand how any action that the Council might take tonight would affect any future plans he might have for this property. Mr. Farrelly advised that if the

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property was redeveloped with a large apartment building, then part of the property would need to be preserved for a future street connection – parking and landscaping could be placed on the preserved property. In the future if the adjoining properties are redeveloped, there will be a street providing frontage along Mr. Davidson’s property.

- Councilor Woodard pointed out that Mr. Davidson’s situation is a prime example of why he was concerned with some of the new language proposed for Council’s consideration tonight. He noted his perception that additional language, perhaps in the administrative rules, should spell out how property owners who want to redevelop their property would be affected with the requirements to preserve rights of way. He expressed concern for fairness. Councilor Woodard said he does not believe policies to protect property owners are in place.
- City Attorney Ramis said that because this is in the zoning code, there is no ability for adjustments through an administrative rule as suggested by Councilor Woodard. The criteria and rules must be specified in the code language.
- In response to a question from Councilor Woodard, City Manager Wine explained that prior to the proposed new language, this was a reserved section of the code. Councilor Woodard advised this was the root of his concern insofar as placing these requirements in the code will impact businesses. As a point of order, Councilor Wilson noted that the public hearing was closed and that his question to Mr. Davidson was whether he understood how the code might affect his property. He suggested that the Council excuse Mr. Davidson and for the Council to conduct its deliberations.
-  Mr. Farrelly pointed out where the impact might be on Mr. Davidson’s property. The connection could be reclassified to either a pedestrian connection or an alley.
-  Councilor Wilson commented that these code amendments have been several years in the making. He acknowledged that establishing new connections would impact property owners. In the past, property lines were respected, which is why there are strangely laid out connections such as the one at Scoffins and Hunziker. Councilor Wilson expressed support for the ordinance as proposed with the changes that the Planning Commission recommended.
-  Councilor Henderson noted he supports the proposed ordinance because of the opportunity to promote connectivity in the community. He referred to efforts over the past five years to further the connectivity the city’s transportation network. This is part of a bigger plan and needs to be implemented. He advocated fair/equitable administration of the ordinance provisions, noting that there will be problems to resolve. Councilor Henderson acknowledged concerns by property owners, such as Mr. Davidson, who think they may have to give up their property. This is not true; however, there might be restrictions placed on their property. Furthermore, Councilor Henderson pointed out the topography in the area where Mr. Davidson’s property is located and the difficulty it represents for building a future street connection.
-  Councilor Woodard said that while he agreed with much of what Councilor Henderson had to say, he remains concerned about the 60 percent trigger associated with a redevelopment. Councilor Woodard maintained that some creative thinking should occur prior to adoption of the code language to determine if there are ways to alleviate current property owners’ concerns about redevelopment of their property. He noted concerns that

TIGARD CITY COUNCIL/CCDA MEETING MINUTES – DECEMBER 11, 2012

the language regarding the 60 percent redevelopment trigger was new language that he had not had a chance to review before tonight and that if this new language remains, he will vote no on the proposed ordinance.

-  Council President Buehner recalled that the circulation study came before the Council about three years ago. At the time Council asked for additional review and there have been numerous opportunities for public participation. There is a problem in the downtown area in that there is no reasonable transportation grid system. The proposal before the Council this evening represents the effort to move toward more of a grid system. She said it is time to take a step forward and begin the initial steps for better connectivity. The lack of connectivity means investors are delaying buying property because they do not know where future streets will be placed. She advised that she would be voting in favor of the ordinance. She asked that staff take another look at the area on slide number 28 with regard to access for people with disabilities – as she noted earlier in her remarks.
-  Councilor Woodard reiterated that he was aware that the circulation planning has been underway for a long time. While he understands redevelopment may not occur for quite a few years, he remains concerned about the new language as he noted in his earlier comments. He added that no economic policies or strategies have been developed. Council President Buehner, in recognition of Councilor Woodard’s concern, noted that a review of the transportation plan occurs every five years.
-  Redevelopment Project Manager Farrelly advised that the proposed ordinance language was compared to the goals provided by the Comprehensive Plan. Staff has made findings supporting that the proposed language is consistent with the premise that increased connectivity will create higher valued development and raise values of adjacent properties when completed. This proposed language, therefore, addresses one of the economic development goals of the Comprehensive Plan. In response to a comment from Councilor Woodard, Mr. Farrelly acknowledged the concern with the trigger of the 60 percent redevelopment requirements, but it is consistent with other areas of the code. Small expansions will not trigger these requirements.

Council consideration of Ordinance No. 12-13:

 Motion by Councilor Wilson, seconded by Councilor Henderson, to adopt ordinance number 12-13.

City Recorder Wheatley read the title and number of the proposed ordinance:

ORDINANCE NO. 12-13 - AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00001 AND DEVELOPMENT CODE AMENDMENT DCA 2012-00002 TO AMEND THE CITY OF TIGARD 2035 TRANSPORTATION SYSTEM PLAN AND TIGARD DEVELOPMENT CODE CHAPTERS 18.370, 18.610, AND 18.810 TO IMPLEMENT STREET CONNECTIVITY AND DESIGN STANDARDS FROM THE DOWNTOWN TIGARD CONCEPTUAL CONNECTIVITY PLAN

Motion was approved by a majority roll-call vote of Council members present:

TIGARD CITY COUNCIL/CCDA MEETING MINUTES – DECEMBER 11, 2012

Mayor Dirksen	Absent
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	No

Council President Buehner requested staff meet with Mr. Davidson to discuss and address his concerns.

7. COUNCIL LIAISON REPORTS: None.

8. NON AGENDA ITEMS:

Non-Agenda Item - Councilor Wilson

 Councilor Wilson requested City Council consideration of Resolution No.12-52. In support of this non-agenda item, he read reviewed the language in the resolution stating the reasons for his proposal for Council to consider naming the Summer Creek property as “Dirksen Nature Park.”

Motion by Councilor Woodard, seconded by Councilor Henderson, to approve Resolution No. 12-52.

RESOLUTION NO. 12-52 – A RESOLUTION NAMING THE SUMMER CREEK PROPERTY AS THE “DIRKSEN NATURE PARK” IN HONOR OF TIGARD MAYOR CRAIG DIRKSEN.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen	Absent
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

9. EXECUTIVE SESSION: Not held.

10. ADJOURNMENT: 10:06 p.m. 

Motion by Councilor Wilson, seconded by Councilor Henderson to adjourn the meeting.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen	Absent
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

Business Meeting

Meeting Date: 01/22/2013

Length (in minutes): Consent Item

Agenda Title: Approve Ten-Year Extension of the Broadband Users Group Intergovernmental Agreement

Prepared For: Louis Sears

Submitted By: Louis Sears, Financial and Information Services

Item Type: Motion Requested

Meeting Type: Consent Agenda

Public Hearing: No

Publication Date:

Information

ISSUE

Should the Tigard City Council extend the current Broadband User's Group (BUG) IGA for 10 years?

STAFF RECOMMENDATION / ACTION REQUEST

Extend the current BUG intergovernmental agreement (IGA) for 10 years.

KEY FACTS AND INFORMATION SUMMARY

The BUG is composed of 17 local government agencies. The BUG provides Internet, connections between agencies, security, monitoring and support, with each agency paying a fee according to the amount of bandwidth used. Instead of each agency needing to setup firewalls, Internet connection, and security, there is a central BUG technical team which performs these functions allowing for both a more secure Internet and reducing costs to provide the services.

OTHER ALTERNATIVES

The City of Tigard could leave the BUG and setup their own Internet connection, security, and multiple IGAs to access and share data with other agencies. This would require both additional hardware and staff to setup, monitor and maintain the Internet connection.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

The reauthorization of this regional agreement does not directly relate to a 2012 City Council goal. However, the efficiencies gained by the organization of the Broadband Users Group and the resulting IGA meets the Tigard City Council's overall objective of promoting the City of Tigard's interests in the region. This agreement contributes toward the financial stability goal by leveraging a successful regional model to provide Internet access and security for city computers, and maximizes internal and external assets.

DATES OF PREVIOUS COUNCIL CONSIDERATION

Approximately January 2008

Fiscal Impact

Fiscal Information:

The City is already part of the BUG and this would be a 10 year extension of the IGA. The BUG maintains the Internet connection, security, and the ability to connect with other local agencies. One of the reasons for the formation of the BUG was to support smaller agencies in their ability to connect to local agencies without the need to setup their own security and maintain the Internet connection. The greatest fiscal impact on the City should the IGA not be extended would be the need to purchase equipment, configure the equipment, and enter into multiple intergovernmental agreements to continue to access other agencies data.

Attachments

BUG IGA 10 Yr Ext

**FIRST AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
BROADBAND USER'S GROUP (BUG)**

*Shared Use of Public Communication Network, Internet Access, Communication Devices and
Communication Equipment*

WHEREAS, the Cities of Beaverton, Cornelius, Forest Grove, Hillsboro, King City, Lake Oswego, Tigard, Tualatin, Banks, and North Plains, and Clean Water Services, Metropolitan Area Communications Commission, Tualatin Valley Fire & Rescue, Washington County, Washington County Consolidated Communications Agency, Washington County Cooperative Library Services, Banks Fire District 13, and Tualatin Hills Parks and Recreation District previously entered into the Broadband Users Group Intergovernmental Agreement, (hereafter “BUG IGA” or “Agreement”);

WHEREAS, pursuant to section 11.2 of the Agreement, the BUG IGA will terminate in 2013; and

WHEREAS, the Parties individually and collectively desire to extend the duration of the BUG IGA until January 1, 2023;

NOW THEREFORE, pursuant to ORS 190.010 et. seq., the Parties hereby agree to as follows:

A. Section 11.2 of the BUG IGA is hereby amended to read as follows (deleted language in ~~strike through~~ and new language in *underline italic*):

11.2 This Agreement and the BUG will continue ~~for 5 years~~ *until January 1, 2023*. A Participant may withdraw from the BUG by giving at least 180 days written notice of its intent to withdraw to the GB Chair. The written notification (not email) must include a transition plan developed by the withdrawing Participant to allow the orderly and coordinated ending of all BUG related services. The withdrawing Participant is responsible for the transition plan that must include: 1) an inventory listing each BUG related interconnectivity requirement with certification that each is addressed prior to disconnection, 2) a written summary of a meeting with the Lead Administrative Agency to review termination requirements, and 3) a timeline for withdrawing based on that meeting with the Lead Administrative Agency.

B. Except as expressly amended by this First Amendment, all terms and provisions of the BUG IGA shall remain in full force and effect.

C. This First Amendment to the BUG IGA may be executed in one or more counterparts (facsimile or otherwise), each of which shall be deemed to be an original. All

counterparts shall constitute one agreement binding on all parties. This First Amendment to the BUG IGA shall be effective as of the last date of signature indicated below.

THE PARTIES, by execution of this First Amendment to the BUG IGA, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions. This First Amendment to the BUG IGA is hereby APPROVED AND SIGNED by the appropriate officers who are authorized to execute this agreement on behalf of the governing body of each Party.

Dated this _____ day of _____, 2012

City of Beaverton

City of Beaverton Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of Cornelius

City of Cornelius Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of Forest Grove

City of Forest Grove Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of Hillsboro

City of Hillsboro Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of King City

City of King City Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of Lake Oswego

City of Lake Oswego Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of Tigard

City of Tigard Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of Tualatin

City of Tualatin Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

Clean Water Services

CWS Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

Tualatin Valley Fire & Rescue

TVF&R Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

Washington County/WCCLS

WC Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

WCCCA

WCCCA Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

MACC

MACC Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of Banks

City of Banks Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

City of North Plains

City of North Plains Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

THPRD

THPRD Attorney
APPROVED AS TO FORM

Dated this _____ day of _____, 2012

Banks Fire District 13

Banks Fire District 13 Attorney
APPROVED AS TO FORM

AIS-1090

4.

Business Meeting

Meeting Date: 01/22/2013

Length (in minutes): 10 Minutes

Agenda Title: Approve Purchase of the Bagan Property and Authorize the City Manager to Complete the Property Purchase

Prepared For: Steve Martin

Submitted By: Greer
Gaston,
Public Works
Council
Business
Meeting -

Item Type: Resolution

Meeting Type: Main

Public Hearing

Newspaper Legal Ad Required?: No

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the council consider a resolution:

- Approving the purchase of the Bagan property as outlined in the Purchase Agreement and Escrow Instructions?
- Authorizing the city manager to take all necessary action to complete the property purchase on behalf of the city?

STAFF RECOMMENDATION / ACTION REQUEST

Approve the resolution.

KEY FACTS AND INFORMATION SUMMARY

In November 2010 Tigard voters passed a \$17 million park bond measure. Eighty percent of park bond proceeds were dedicated to acquiring park land and open space.

In late 2010 the Park and Recreation Advisory Board (PRAB) was tasked with evaluating more than 60 potential park properties. The Bagan property ranked near the top of the PRAB's acquisition list.

The 2.9-acre property is located at 10910 SW Greenburg Road in Tigard and is adjacent to another city-owned property. A vicinity map is attached. Approximately 1.91 acres of the property cannot be developed as they lie within the Ash Creek floodplain and adjacent wetlands. Just under one acre of the property is developable, and the zoning is R12 – medium density residential. There is an existing structure on the property; it is in “tear down” condition and has no value.

If the resolution is adopted:

- The property would become a publicly-owned park and open space.
- The city will purchase the property for \$192,000 per the terms of the Purchase Agreement and Escrow Instructions. This document is fairly standard and has been reviewed by the city's real estate attorney.

OTHER ALTERNATIVES

The council could choose not to adopt the resolution; the city would not purchase the property.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

2012 Tigard City Council goal 1.c. - "Deliver on the promise of the voter-approved park bond by identifying all acquisition opportunities and completing the majority of park land acquisitions and improvements by the end of 2012."

DATES OF PREVIOUS CONSIDERATION

December 6, 2012 - Via a confidential memo, the council received an update on the Bagan property negotiations in its Thursday packet.

October 23, 2012 - The council authorized staff to negotiate the purchase of the Bagan property during executive session.

Fiscal Impact

Cost: \$192,000
Budgeted (yes or no): Yes
Where Budgeted (department/program): CIP - Park Bond Acquisitions

Additional Fiscal Notes:

Based on council direction, the city negotiated the purchase with the seller. The city and the seller have agreed to a purchase price of \$192,000—subject to council approval. Park bond dollars will be used to purchase the property; park land acquisition is included in the 2012-2013 Capital Improvement Plan (CIP).

Attachments

- Resolution
 - Purchase Agreement and Escrow Instructions
 - Vicinity Map
-
-

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 13-**

A RESOLUTION APPROVING THE PURCHASE OF THE BAGAN PROPERTY, (TAX LOT 1S135BD01400), AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASE ON BEHALF OF THE CITY

WHEREAS, in November 2010 Tigard voters passed a \$17 million park bond measure whereby 80 percent of bond proceeds were dedicated to acquiring open space and park land such as the Bagan property; and

WHEREAS, the Park and Recreation Advisory Board (PRAB) was tasked with evaluating more than 60 potential park properties, and the Bagan property ranked near the top of the PRAB's acquisition list; and

WHEREAS, the city would like to acquire the property to create publicly-owned park and open space; and

WHEREAS, the property is adjacent to another city-owned parcel to the east; and

WHEREAS, the council authorized staff to negotiate the purchase of the Bagan property on October 23, 2012; and

WHEREAS, the property is located at 10910 SW Greenburg Road within Tigard city limits; and

WHEREAS, the city and the property owner have reached a tentative agreement on the purchase/sale of the property. This agreement is subject to City Council approval.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council agrees to the terms of the Purchase Agreement and Escrow Instructions, (Exhibit A), including the purchase price of \$192,000 for the Bagan property.

SECTION 2: The City Council authorizes the city manager to take all necessary action to complete the Bagan property purchase on behalf of the city. This includes, but is not limited to, execution of the Purchase Agreement and Escrow Instructions and closing documents.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2013.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A

**PURCHASE AGREEMENT
AND
ESCROW INSTRUCTIONS**

BETWEEN: Bagan Family LLC, an Oregon limited liability company ("Seller")

And: City of Tigard, a Municipal corporation ("Purchaser")

DATED: 12/11/2012, _____, 2012 ("Effective Date")

RECITALS

A. Seller owns certain real property in the city of Tigard, county of Washington, Oregon, located at 10910 SW Greenburg Rd., Tigard, OR 97223, further identified as Tax Lot 1400 and Assessor's Map No. 1S135BD01400, which is more fully described on the attached and incorporated **Exhibit A** (the "Property").

B. Seller desires to sell the Property, and Purchaser desires to purchase the Property pursuant to the terms set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as set forth below.

**ARTICLE 1
DEFINED TERMS**

1.1 Cash. The term "Cash" means (i) United States currency, (ii) a check currently dated and payable to Escrow Holder, or (iii) U.S. funds credited by wire transfer into Escrow Holder's bank account.

1.2 Closing. The process described in Article 9 of this Agreement.

1.3 Closing Date. Closing shall occur no later than January 28, 2013, or on such other date as the parties may agree upon in writing.

1.4 Contingency Period. The period that ends on the date that the conditions precedent to Closing set forth in Sections 4.1 through 4.9 are waived by Purchaser or satisfied.

1.5 Deed. A statutory warranty deed in the form of **Exhibit B** attached hereto which shall be used to convey the Property from Seller to Purchaser.

1.6 Earnest Money. The Cash payable to Seller pursuant to Section 2.2 of this Agreement in the amount of Five Thousand and No/100 Dollars (\$5,000.00), plus all interest which accrues thereon.

1.7 Effective Date. The date on which this Agreement is fully executed by Seller and Purchaser.

1.8 Environmental Laws. Any federal, state, or local laws, ordinances, codes, statutes, regulations, administrative rules, policies and orders, and other authority existing now or in the future that classify, regulate, list, or define Hazardous Materials.

1.9 Escrow Holder. First American Title, located at 9200 SE Sunnybrook Blvd, Suite 400, Clackamas, Oregon, 97015, Phone: (503) 659-0069.

1.10 Escrow. The escrow opened by Escrow Holder pursuant to this Agreement.

1.11 Hazardous Materials. Any toxic or hazardous substance, material, waste, pollutant, contaminant, or infectious or radioactive material, including but not limited to those substances, materials, waste, chemicals, or mixtures that are (or that contain any) substances, chemicals, compounds, or mixtures regulated, either now or in the future, under any law, rule, regulation, code or ordinance.

1.12 Property. The term "Property" as defined in this Agreement, includes land described in Exhibit A, together with all improvements, rights, privileges, servitudes and appurtenances thereunto belonging or appertaining, including all right, title, and interest of Seller, if any, in and to the streets, alleys, and rights-of-way adjacent to the land, which will be transferred to Purchaser at Closing.

1.13 Property Documents. Any and all documents relating to or affecting the Property, including without limitation, conditional use permits, land use approvals, land use applications, permits, licenses, any agreements related to the Property that will survive Closing, maps, development agreements, surveys and studies relating to the Property prepared by third parties.

1.14 Purchase Price. Cash in the amount of One Hundred Ninety-Two Thousand and No/100 Dollars (\$192,000.00).

ARTICLE 2 EARNEST MONEY AND PURCHASE PRICE

2.1 Sale of Property. Subject to the terms and conditions in this Agreement, Seller agrees to sell the Property to Purchaser, and Purchaser agrees to buy the Property from Seller.

2.2 Earnest Money. Within five (5) business days after the opening of Escrow as set forth in Section 3.1, Purchaser shall deposit the Earnest Money into Escrow. Escrow Holder shall hold the Earnest Money in a non interest-bearing account that is FDIC insured, unless the parties approve holding the Earnest Money in an interest bearing account. The Earnest Money shall be refundable to Buyer until the all the conditions precedent to Closing set forth in Section 4 of this Agreement expire or the conditions precedent to Closing set forth in Section 4 of this Agreement are waived in writing by Buyer; thereafter, the Earnest Money shall not be refundable except in the event of a Seller default. The Earnest Money shall be applicable to the Purchase Price at Closing.

2.3 Purchase Price. The Purchase Price shall be paid by Purchaser in Cash to Seller at the Closing, subject to any withholdings required pursuant to this Agreement. The Earnest Money shall be applied to the Purchase Price.

**ARTICLE 3
DELIVERIES TO ESCROW HOLDER**

3.1 Opening of Escrow.

3.1.1 Within five (5) business days after the Effective Date, Purchaser and Seller shall open Escrow by depositing with Escrow Holder the Earnest Money and a fully executed photocopy of this Agreement for use as escrow instructions. Escrow Holder shall execute the Consent of Escrow Holder which appears at the end of this Agreement and deliver a fully executed consent to Purchaser and Seller.

3.1.2 Purchaser and Seller hereby authorize Escrow Holder to take necessary steps for the Closing of this transaction pursuant to the terms of this Agreement.

3.1.3 Purchaser and Seller may jointly or separately prepare additional escrow instructions. Escrow Holder may also provide general instructions. If there is any inconsistency between the provisions of any of these instructions and this Agreement, the provisions of this Agreement shall control.

3.2 Purchaser's Deliveries. At or before Closing, Purchaser shall deposit into Escrow (i) the Earnest Money, (ii) the Purchase Price, (iii) an executed and acknowledged counterpart acceptance of the Deed, and (iv) all other documents and instruments reasonably requested by Escrow Holder for Closing.

3.3 Seller's Deliveries. At or before Closing, Seller shall deliver into Escrow (i) an executed and acknowledged counterpart of the Deed, (ii) an executed Certificate of Non-Foreign Status, pursuant to Section 1445(b)(2) of the United States Internal Revenue Code, and (iii) all other documents and instruments reasonably requested by Escrow Holder for Closing. At Closing, Seller shall deliver possession of the Property to Purchaser.

**ARTICLE 4
CONDITIONS PRECEDENT TO CLOSING**

4.1 Purchaser's Right to Analyze Property Documents. Within ten (10) days after the Effective Date, Seller shall deliver all Property Documents in Seller's possession or control to Purchaser. During the Contingency Period, Purchaser shall have the right to analyze the Property Documents and determine, in Purchaser's sole, absolute and arbitrary discretion, whether the Property is suitable for Purchaser's intended use.

4.2 Purchaser's Right to Analyze Property. For a period of thirty (30) days after the Effective Date, Purchaser shall have the right to analyze the Property and determine, in Purchaser's sole, absolute and arbitrary discretion, whether the Property is suitable for Purchaser's intended use (the "Study Period"). Purchaser shall have the right to enter onto the Property to conduct any and all tests, investigations, and inspections deemed necessary by

Purchaser, including without limitation a Level I environmental site assessment and a geotechnical assessment. Such investigations and/or studies shall be conducted by Purchaser at its sole expense. Purchaser shall defend, indemnify and hold Seller harmless for, from, and against any claim, loss, or liability, or any claim of lien or damage which arises in connection with any entry on the Property by Purchaser or any activities on the Property by Purchaser, its agents, employees, and independent contractors; provided, however, that Purchaser shall have no obligation to indemnify, defend, or hold harmless Seller from any condition of the Property discovered by Purchaser, or from any loss of marketability of the Property as a consequence of such discovery.

4.3 Notice of Termination; Failure to Notify. If Purchaser determines, in Purchaser's sole, absolute, and arbitrary discretion, the Property is not suitable, Purchaser may terminate this Agreement and cancel Escrow by delivering written notice of termination to Seller prior to the expiration of the Contingency Period, in which case this Agreement shall immediately terminate and Escrow Holder shall immediately return the Earnest Money to Purchaser.

4.4 Review of Preliminary Report. Within ten (10) days after the Effective Date, Seller shall provide Purchaser with a preliminary title report issued by the Escrow Holder, describing title to the Property, and including legible copies of all recorded documents described in the preliminary report and plotted easements (collectively, the "Preliminary Report"). On or before ten (10) days after Purchaser's receipt of the Preliminary Report, Purchaser shall deliver written notice of approval or disapproval of matters disclosed in the Preliminary Report, which approval or disapproval shall be in Purchaser's sole and absolute discretion. Failure of Purchaser to deliver notice of disapproval of any matters disclosed in the Preliminary Report shall be deemed rejection of all such matters. Unless waived pursuant to Section 4.6, the approved matters disclosed in the Preliminary Report along with the standard printed exceptions on a form of title insurance policy, shall be the "Permitted Exceptions" included as exceptions in the Title Policy, defined in Section 4.7.

4.5 Right to Cure Disapproval of Preliminary Report. If Purchaser delivers notice of disapproval pursuant to Section 4.4 above, Seller may elect in writing, within five (5) days thereafter, to agree to remove or otherwise cure, to Purchaser's reasonable satisfaction, any disapproved item(s) prior to Closing. Notwithstanding any provision in this Agreement to the contrary, Seller shall be obligated to remove any deeds of trust and other monetary liens (other than liens for non-delinquent taxes and assessments) and any exceptions to title caused by Seller.

4.6 Failure to Cure Disapproval of Preliminary Report. If Seller fails to agree to cure a disapproved item, or agrees to cure and thereafter fails to cure a disapproved item prior to Closing, Purchaser shall have the right to (i) terminate this Agreement and receive a full refund of the Earnest Money, (ii) suspend performance of its obligations under this Agreement at no cost to Purchaser and extend the Closing Date until that removal of the disapproved exception has occurred or (iii) waive in writing its prior disapproval of such item and accept title subject to such previously disapproved item, by delivering written notice of Purchaser's election to Seller prior to Closing.

4.7 Title Policy. Seller shall be unconditionally committed to procure from Escrow Holder upon the Closing, an ALTA standard coverage owner's policy of title insurance for the Property, with a liability limit in the amount of the Purchase Price, and insuring fee title vests in Purchaser subject only to the Permitted Exceptions (collectively, the "Title Policy"). At Purchaser's option, Purchaser may elect to have the Title Policy issued with endorsements and/or in an ALTA extended coverage form, provided that Purchaser pays any additional costs associated with issuance of such policy and pursuant to section 8.4 of this Agreement.

4.8 Approval of Leases; No Tenancies.

4.8.1 Leases. Within ten (10) days of the Effective Date, Seller will provide to Purchaser copies of all current leases affecting the Property, and copies of any and all documents other than leases which provide for or discuss any matters affecting the occupancy of the Property by tenants, including but not limited to options to lease, relocation rights, termination rights, and/or expansion or contraction rights (collectively, the "Lease Documents"). Purchaser may terminate this Agreement at any time during the Study Period if Purchaser shall determine in the exercise of its sole discretion that the documents described in Section 4.1 or the Lease Documents are not satisfactory.

4.8.2 No Tenancies. At least five (5) days prior to the Closing Date, Seller shall have terminated any tenancy provided for in the Lease Documents and rendered the Property free of any occupants whatsoever.

4.9 Council Approval. This Agreement is contingent upon approval from the City Council of the City of Tigard. If such approval is not received by January 23, 2013, Purchaser shall have the right to terminate this Agreement and receive a full refund of the Earnest Money.

4.10 Contingency Failure. In the event any of the contingencies set forth in Section 4 are not timely satisfied or waived, this Agreement and the rights and obligations of the Purchaser and the Seller shall automatically terminate, and shall immediately return the Earnest Money to Purchaser.

**ARTICLE 5
COVENANTS AND AGREEMENTS**

5.1 Damage or Destruction; Eminent Domain. If, prior to the Closing, all or a material part of the Property is damaged or destroyed, or taken or appropriated by any public or quasi-public authority under the power of eminent domain or such an eminent domain action is threatened pursuant to a resolution of intention to condemn filed by any public entity, Purchaser may either (i) terminate this Agreement and receive a refund of the Earnest Money, or (ii) elect to receive an assignment from Seller in lieu of the part of the Property that has been so damaged or taken of all of Seller's rights to any award and/or proceeds attributable to said damaged or taken part of the Property, and the parties shall proceed to Closing pursuant to this Agreement.

**ARTICLE 6
SELLER'S REPRESENTATIONS AND WARRANTIES**

6.1 Representations and Warranties of Seller. Seller represents and warrants that, as of the Effective Date, the end of the Contingency Period, and the Closing, that all of the representations and warranties contained in this Agreement are and shall be true and correct, and shall survive Closing for a period of one (1) year. Each of Seller's representations and warranties is material to and is being relied upon by Purchaser and the continuing truth thereof shall constitute a condition precedent to Purchaser's obligations hereunder. Seller represents and warrants to Purchaser as follows:

6.1.1 Proof of Authority. Seller has authority and authorization to enter into this Agreement and consummate the transaction contemplated by it, and shall deliver such proof of the power and authority of the persons executing and/or delivering any instruments, documents, or certificates on behalf of the Seller to act for or bind the Seller, as may be reasonably required by the Escrow Holder and/or the Purchaser.

6.1.2 Title to the Property. Seller has sole legal and beneficial fee title to the Property, and has not granted any person or entity any right or interest in the Property except as set forth in this Agreement and in the Preliminary Report. Seller agrees to transfer to Purchaser, via Deed, the Property, subject only to the Permitted Exceptions.

6.1.3 Property Documents, Lease Documents; No Defaults. To Seller's knowledge, the Property Documents and Lease Documents delivered by Seller to Purchaser are true, correct and complete copies and there are no other documents or instruments that would constitute Property Documents or Lease Documents that have not been delivered by Seller or otherwise made available to Purchaser. Seller has no knowledge of any default by Seller under any Property Documents or Lease Documents. Seller warrants that the services associated with the Property Documents and Lease Documents, have been, or will be, paid for by Seller no later than Closing.

6.1.4 Pending Transactions, Suits or Proceedings. To Seller's knowledge, there are no transactions, suits, proceedings, litigation (including zoning or other land use regulation proceedings), condemnation, or investigations pending or threatened against or affecting the Property or Seller as the owner of the Property in any court at law or in equity, or before or by any governmental department, commission, board, agency or instrumentality.

6.1.5 Defects. To Seller's knowledge, there are no latent or other defects or conditions on or about the Property which would cause injury or damage to persons or property, or which would have a material adverse effect on lawful uses of the Property.

6.1.6 No Further Encumbrances. As long as this Agreement remains in force, Seller will not lease, transfer, option, mortgage, pledge, or convey its interest in the Property or any portion thereof nor any right therein, nor shall Seller enter into any agreement granting to any person or entity any option to purchase or rights superior to Purchaser with respect to the Property or any part thereof.

6.1.7 Hazardous Materials. Except as specifically disclosed herein, Seller hereby discloses that the house located on the Property may have asbestos-containing exterior siding on it. Seller has no knowledge of any other Hazardous Materials located on, in or under the Property. Seller's knowledge, no Hazardous Materials have been generated, disposed of, deposited or released (or caused to be generated, disposed of or released) on, within, under, about or from the Property. To Seller's knowledge, no other party or person has used, stored, transported, generated, disposed of or released on, within, under, about or from the Property any Hazardous Materials. Without limiting the foregoing, neither Seller nor, to Seller's knowledge, any other party, has installed, operated or maintained any underground storage tanks on or adjacent to the Property, and the Property is not now, and has never been, in violation and is not currently under investigation for the violation of any Environmental Laws. To Seller's knowledge, there is no lead paint on the Property. Seller hereby assigns to Purchaser as of the Closing, to the extent assignable, all claims, counterclaims, defenses or actions, whether at common law or pursuant to any other applicable federal or state or other laws, if any, that Seller may have against third parties to the extent relating to the existence of Hazardous Materials in, at, on, under or about the Property.

6.1.8 Access; Possession. The Property has legal and physical access to a publicly-dedicated street or road. Except as reflected in the Lease Documents, there are no leases or tenancies in effect on the Property and possession thereof can and will be delivered to Purchaser upon Closing.

6.1.9 Construction or Other Liens. Seller warrants that, at the time of Closing, no work, labor or materials have been expended, bestowed or placed upon the Property, adjacent thereto or within any existing or proposed assessment district which will remain unpaid at close of escrow or upon which a lien may be filed.

6.1.10 No Option or Right of First Refusal to Acquire Premises. Seller represents that no person or entity has any right of first refusal or option to acquire any interest in the property or any part thereof.

6.1.11 Conduct Pending Full Payment; Covenants.

6.1.11.1 Conduct of Property. Seller hereby agrees that Seller will not modify, cancel, extend or otherwise change in any material manner any of the terms, covenants or conditions of the Property Documents or Lease Documents, nor enter into any additional leases as to the Property without Purchaser's written consent, nor enter into any other agreements having a material effect on the Property without the prior written consent of Purchaser, which Purchaser shall not unreasonably withhold.

6.1.11.2 No Alterations. Seller will not make any material alterations to the Property prior to the Closing.

6.1.11.3 Condition of the Property through Closing. Seller will, at its sole cost and expense, between the Effective Date and the Closing Date: (i) maintain the Property in substantially the same condition as it was on the Effective Date, with no tree cutting, timber harvesting or altering of the Property in any way, (ii) keep all existing insurance policies

affecting the Property in full force and effect, (iii) make all regular payments of interest and principal on any existing financing, (iv) pay all real property taxes and assessments against the Property prior to delinquency, (v) comply with all government regulations, and (vi) keep Purchaser timely advised of any repair or improvement required to keep the Property in substantially the same condition as it was on the Effective Date.

6.1.12 Disclaimer of Additional Warranties and Representations; AS-IS, WHERE IS, WITH ALL FAULTS Sale. The Property shall be sold to, and accepted by, Purchaser at Closing in its then-present condition, AS-IS, WHERE IS, WITH ALL FAULTS, and without any warranty whatsoever, express or implied, except for any warranty of title to be contained in the Deed to be delivered at Closing, and except for Seller's limited representations and warranties set forth in Section 6.1 of this Agreement. Purchaser acknowledges that it is purchasing the Property AS-IS, WHERE IS, WITH ALL FAULTS. Seller and Seller's agents have not made, are not now making, and specifically disclaim any warranties and representations of any kind, express or implied, oral or written, with respect to the Property, except for any warranty of title to be contained in the Deed to be delivered at Closing and as set forth in Section 6.1 of this Agreement. The provisions of this Section 6.1.12 shall survive Closing.

ARTICLE 7 PURCHASER'S REPRESENTATIONS AND WARRANTIES

7.1 Purchaser's Representation and Warranties. Purchaser represents and warrants that, as of the Effective Date, the end of the Contingency Period, and Closing, all of the representations and warranties of Purchaser contained in this Agreement are and shall be true and correct, and shall survive Closing for a period of one (1) year. Each of Purchaser's representations and warranties is material to and is being relied upon by Seller and the continuing truth thereof shall constitute a condition precedent to Seller's obligations hereunder. Purchaser represents and warrants to Seller as follows:

7.1.1 Authority. The execution and delivery of this Agreement has been duly authorized and approved by all requisite action of Purchaser, and the consummation of the transactions contemplated hereby will be duly authorized and approved by all requisite action of Purchaser, and no other authorizations or approvals will be necessary in order to enable Purchaser to enter into or to comply with the terms of this Agreement.

7.1.2 Binding Effect of Documents. This Agreement and the other documents to be executed by Purchaser hereunder, upon execution and delivery thereof by Purchaser, will have been duly entered into by Purchaser, and will constitute legal, valid and binding obligations of Purchaser. To Purchaser's actual knowledge, neither this Agreement nor anything provided to be done under this Agreement violates or shall violate any contract, document, understanding, agreement or instrument to which Purchaser is a party or by which it is bound.

ARTICLE 8 PRORATED FEES AND COSTS

8.1 Prorations. Escrow Holder will prorate between the parties, based on the latest information available to Escrow Holder, all taxes, bonds and assessments ("Taxes") for the

Property, except as provided in Section 8.2 below. If, after the Closing, either party receives a bill for any Taxes, the parties agree that the Taxes shall be prorated between the parties to the Closing Date. The party receiving the bill for the Taxes shall notify the other party in writing of the amount of such Taxes and the party receiving that notice shall pay its prorated share of such Taxes within thirty (30) days of demand therefore, but not later than ten (10) days prior to delinquency. The parties' obligations under this Section shall survive Closing.

8.2 Penalties. Any penalties that would be due as a result of removal of the Property from any tax deferral program shall be charged to Seller as though the Property were removed from such program on the Closing Date. Seller's obligations under this Section shall survive Closing.

8.3 Seller's Fees and Costs. Seller shall pay: (i) the costs for the Title Policy; (ii) Seller's recording charges; (iii) one-half of Escrow Holder's escrow fee; and (iv) one-half of any transfer taxes.

8.4 Purchaser's Fees and Costs. Purchaser shall pay (i) one-half of the Escrow Holder's escrow fee, (ii) Purchaser's recording charges; (iii) if requested by Purchaser, any extended coverage and endorsements for the Title Policy; and (iv) one-half of any transfer taxes.

8.5 Other Costs. Except as otherwise provided in this Agreement, each party shall bear and pay the expense of its own attorneys, accountants and other professionals incurred in negotiating this Agreement.

ARTICLE 9 CLOSING

9.1 Closing. Escrow Holder shall close Escrow by (i) recording the Deed; (ii) confirming execution of all documents necessary for Closing and (iii) delivering funds and documents as set forth herein, when and only when all terms and conditions of this Agreement have been met and each of the conditions set forth below have been satisfied:

9.1.1 Funds and Instruments. All funds and instruments required pursuant to this Agreement have been delivered to Escrow Holder.

9.1.2 Satisfaction of Conditions Precedent. Each of the conditions precedent set forth in the Agreement have been either satisfied or waived.

9.1.3 Liens and Encumbrances. All liens and encumbrances required to be paid by Seller have been paid and satisfied at Seller's sole expense, including without limitation any trust deed or mortgage affecting the Property. The Property shall be conveyed free of encumbrances, except for the Permitted Exceptions and those expressly accepted or waived by Purchaser pursuant to the terms of this Agreement.

9.1.4 Assignment of Lease Documents. Seller shall have executed the Assignment of Leases attached to this Agreement as Exhibit C, if any ("Assignment of Leases").

**ARTICLE 10
RECORDATION AND DISTRIBUTION OF FUNDS AND DOCUMENTS**

10.1 Recorded Documents. Escrow Holder shall cause the County Recorder of Washington County to mail the Deed.

10.2 Conformed Copies. Escrow Holder shall at Closing deliver to Seller and Purchaser (i) a copy of the Deed, conformed to show recording date, and conformed copies of each document recorded to place title in the condition required by this Agreement, (ii) a copy of each non-recorded document received hereunder by Escrow Holder, and (iii) copies of all documents deposited into Escrow to the parties herein.

10.3 Payment of Funds at Closing. Escrow Holder shall deliver at Closing all amounts as set forth in the final, approved closing statement.

10.4 Original Documents. Escrow Holder shall at Closing deliver to Purchaser the Original Assignment of Leases.

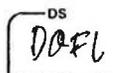
**ARTICLE 11
DEFAULT AND REMEDIES**

11.1 Purchaser's Default. If Purchaser breaches this Agreement, which breach Purchaser fails to cure within thirty (30) days after receipt of written notice thereof from Seller, Purchaser shall be in default hereunder and Seller is entitled, as Seller's sole and exclusive remedy, to liquidated damages pursuant to this Article. If Escrow fails to close due to Purchaser's default, Purchaser shall pay all Escrow cancellation charges.

11.2 Seller's Remedies. In the event of Purchaser's default under this Agreement, the Earnest Money shall be forfeited by Purchaser and retained by Seller as liquidated damages. Such amount has been agreed by the parties to be reasonable compensation and the exclusive remedy for Purchaser's default, since the precise amount of such compensation would be difficult to determine. Seller shall have no right to any other damages, claims or actions against Purchaser. By initialing this provision in the spaces below, Seller and Purchaser each specifically affirm their respective agreement to this liquidated damages provision as Seller's sole and exclusive remedy for Purchaser's default, and agreement that the sum is a reasonable sum.



Purchaser's Initials



Seller's Initials

11.3 Seller's Default. If Seller breaches this Agreement, which breach Seller fails to cure within thirty (30) days after receipt of written notice thereof from Purchaser, Seller shall be in default of this Agreement. If Escrow fails to close due to Seller's default, Seller shall pay all Escrow cancellation charges.

11.4 Purchaser's Remedies. In the event of Seller's default under this Agreement, Purchaser shall have the right to either (i) terminate this Agreement, and upon such event the Earnest Money shall be immediately refunded to Purchaser, or (ii) seek an action for specific

Page 10 - PURCHASE AGREEMENT AND ESCROW INSTRUCTIONS

performance in order to enforce Purchaser's rights hereunder. No provision of this Agreement shall be construed as waiving any of Purchaser's rights regarding eminent domain.

ARTICLE 12 ASSIGNMENT

12.1 Assignment by Purchaser. Purchaser may not assign or otherwise transfer any of its rights or obligations under this Agreement.

ARTICLE 13 GENERAL PROVISIONS

13.1 Attorneys Fees. If any action is instituted between Seller and Purchaser in connection with this Agreement, the party prevailing in such action shall be entitled to recover from the other party all of its costs of action, including, without limitation, attorneys' fees and costs as fixed by the court therein.

13.2 Construction of Agreement. The agreements contained herein shall not be construed in favor of or against either party, but shall be construed as if both parties prepared this Agreement.

13.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, negotiations and understandings of the parties hereto, oral or written, are hereby superseded and merged herein. The foregoing sentence shall in no way affect the validity of any instruments executed by the parties in the form of the exhibits attached to this Agreement.

13.4 Governing Law. This Agreement shall be governed by and construed under the laws of the State of Oregon.

13.5 Joint and Several Liability. If any party consists of more than one person or entity, the liability of each such person or entity signing this Agreement shall be joint and several.

13.6 Modification. No modification, waiver, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing and signed by all signatories hereto.

13.7 Real Estate Brokerage Commission. Purchaser represents and warrants that no real estate agent or broker representing Purchaser was involved in negotiating the transaction contemplated herein. Seller is represented by Dave Hopkins of Summa Professionals Real Estate Group. Seller agrees to be responsible for payment of any compensation, commission or fee to Seller's broker in accordance with the terms and conditions of the agreement between them. In the event any claims for real estate commissions, fees or compensation arise in connection with this transaction, the party so incurring or causing such claims shall indemnify, defend and hold harmless the other party from any loss or damage, including attorneys' fees, that said other party suffers because of said claims. The obligations of the parties in the prior sentence shall survive Closing or the termination of this Agreement.

13.12 Time of the Essence. Time is of the essence of each and every provision of this Agreement.

13.13 Legal Representation. Seller acknowledges that this is a legal document and that Seller has been advised to obtain the advice of legal counsel in connection with its review and execution of this Agreement. Seller covenants that it will not deny the enforceability of this Agreement on the basis that Seller elects not to obtain legal counsel to review and approve this Agreement.

13.14 Waiver. No waiver by Purchaser or Seller of a breach of any of the terms, covenants or conditions of this Agreement by the other party shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition herein contained. No waiver of any default by Purchaser or Seller hereunder shall be implied from any omission by the other party to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect a default other than as specified in such waiver. The consent or approval by Purchaser or Seller to or of any act by the other party requiring the consent or approval of the first party shall not be deemed to waive or render unnecessary such party's consent or approval to or of any subsequent similar acts by the other party.

13.15 Negation of Agency and Partnership. Any agreement by either party to cooperate with the other in connection with any provision of this Agreement shall not be construed as making either party an agent or partner of the other party.

13.16 Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday or such holiday, the period shall be extended to include the next day which is not a Saturday, Sunday or such holiday.

13.17 Statutory Disclaimer. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,

UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

13.18 Counterparts. This Agreement may be executed in counterparts, each of which, when taken together, shall constitute fully executed originals.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

SELLER

PURCHASER

Bagan Family LLC, an Oregon limited liability company

City of Tigard, an Oregon municipal corporation

DocuSigned by:
By: Diane Orr-Bagan Family LLC
Name: Diane Orr-Bagan Family LLC
Its: _____
Date: 12/11/2012

By: [Signature]
Name: Martha L. Wine
Its: City Manager
Date: 12/10/2012

APPROVED AS TO FORM:

By: [Signature]
City Attorney

- Exhibit A - Property
- Exhibit B - Deed
- Exhibit C - Assignment of Leases

CONSENT OF ESCROW HOLDER

The undersigned Escrow Holder hereby agrees to (i) accept the foregoing Agreement, (ii) be the Escrow Holder under said Agreement, and (iii) be bound by said Agreement in the performance of its duties as Escrow Holder, provided, however, the undersigned shall have no obligations, liability or responsibility under this Consent or otherwise unless and until said Agreement, fully signed by the parties, has been delivered to the undersigned.

DATED: 12-13-12, ~~2012~~

By: *Julie Wright*
Name: Julie Wright
Title: Senior Escrow Officer

EXHIBIT A

Beginning at the Southwest corner of the D.C. Graham D.L.C. No. 52, in T. 1 S., R. 1 W., W.M., and running thence East along the South line of said D.L.C. claim, 1007.9 feet to an iron pipe; thence N. 0° 28' E - 572.9 feet to an iron pipe on the East line of that certain tract of land conveyed to Andrew Wormsborg by deed as recorded on Page 2 of Vol. 201 of Washington County, Oregon, Deed Records, which point is the true point of beginning of the herein described tract; thence from said point of beginning S. 85° 08' W - 525.9 feet to a point in County Road No. 179, which point is on the West line of said Wormsborg tract; thence North along said West line and in said County Road 187.1 feet to a point; thence N. 40° 00' E. along the Northwesternly line of said Wormsborg tract and in said County Road 125.4 feet to a point; thence N. 85° 58' E. - 447.5 feet to an iron pipe on the East line of said Wormsborg tract; thence S. 0° 28' W. - 271.0 feet to the place of beginning; EXCEPTING the rights of the public in any portion thereof lying within the boundaries of roads and highways.

Exhibit A

EXHIBIT B

AFTER RECORDING RETURN TO:

City of Tigard
Attn: City Manager
City Hall
13125 SW Hall Blvd
Tigard OR 97223

UNTIL A CHANGE IS REQUESTED
SEND TAX STATEMENTS TO:

City of Tigard
Attn: City Manager, City Hall
13125 SW Hall Blvd
Tigard OR 97223

This space is reserved for recorder's use.

STATUTORY WARRANTY DEED

Bagan Family LLC, Grantor conveys and warrants to CITY OF TIGARD, an Oregon municipal corporation, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit A attached hereto.

The true consideration for this conveyance is One Hundred Ninety-Two Thousand and no/100 (\$192,000.00). This conveyance is made subject to the matters set forth on Exhibit B attached hereto.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY

LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this _____ day of _____, 20__.

Bagan Family LLC

By: _____

Name: _____

Its: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by _____ as _____ of Bagan Family LLC.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

ACCEPTED:

GRANTEE

CITY OF TIGARD, an Oregon municipal corporation

By: _____

Name: _____

Its: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by _____ as _____ of the City of Tigard, an Oregon municipal corporation.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

Exhibit A

Beginning at the Southwest corner of the D.C. Graham D.L.C. No. 52, in T. 1 S., R. 1 W., W.M., and running thence East along the South line of said D.L.C. claim, 1007.9 feet to an iron pipe; thence N. 0° 28' E – 572.9 feet to an iron pipe on the East line of that certain tract of land conveyed to Andrew Wormsborg by deed as recorded on Page 2 of Vol. 201 of Washington County, Oregon, Deed Records, which point is the true point of beginning of the herein described tract, thence from said point of beginning S. 85° 08' W. – 525.9 feet to a point in County Road No. 179, which point is on the West line of said Wormsborg tract; thence North along said West line and in said County Road 187.1 feet to a point; thence N. 40° 00' E. along the Northwesternly line of said Wormsborg tract and in said County Road 125.4 feet to a point; thence N. 85° 58' E. – 447.5 feet to an iron pipe on the East line of said Wormsborg tract; thence S. 0° 28' W. – 271.0 feet to the place of beginning; EXCEPTING the rights of the public in any portion thereof lying within the boundaries of roads and highways.

Exhibit B

Exhibit C
Assignment of Leases

Business Meeting

Meeting Date: 01/22/2013
Length (in minutes): 20 Minutes
Agenda Title: Annexation Hearing for River Terrace Phase II (UGB Area 63 & Roy Rogers West)
Submitted By: Cheryl Caines, Community Development

Council
 Business
 Meeting -

Item Type: Public Hearing - Quasi-Judicial

Meeting Type: Main

Public Hearing

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper: 01/10/2013

Information

ISSUE

Consider adoption of an ordinance to annex approximately 268 acres of land (River Terrace Phase II) into Tigard including adjacent right of way consisting of land east of SW Roy Rogers Road and north of SW Beef Bend Road.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that City Council find that the proposed annexation (ZCA2012-00003) meets all the approval criteria as identified in Oregon Revised Statutes Chapter 222, Oregon Administrative Rules 660, Metro Code Chapter 3.09, Tigard Community Development Code Chapters 18.320 and 18.390, and the following Tigard Comprehensive Plan Goals and Policies: Goal 1.1; Goals 11.1, 11.2, and 11.3, Goal 12.1, and Goals 14.1 and 14.2. Staff also recommends approval of ZCA2012-00003 by adoption of the attached ordinance.

KEY FACTS AND INFORMATION SUMMARYHistory

Metro expanded the Urban Growth Boundary (UGB) in 2002 by adding land that included UGB Expansion Areas 63 and 64, totaling approximately 449 acres. The boundary was amended again in 2011. This expansion included 49 acres known as Roy Rogers West that connect areas 63 and 64. All three of these expansion areas now make up an area known as River Terrace (see River Terrace Plan Area Map). In August 2011, Tigard City Council approved an ordinance approving an owner initiated annexation of Area 64. This proposal is to annex the remaining areas (63 and Roy Rogers West) into the city boundary.

The City of Tigard is currently developing a community plan for River Terrace that will provide land use designations, development code regulations, and financing and public facility plans, which are all necessary for urban level development. This plan will be based upon the West Bull Mountain Concept Plan approved by Washington County Board of Commissioners in November 2010 (Resolution & Order 10-105). The anticipated completion date of the River Terrace Community Plan is June 2014.

As a first step in the community plan process, Tigard City Council passed an ordinance in December 2012 (ORD 12-38) to amend the Tigard Comprehensive Plan map to include land use designations for the River Terrace Community Plan area that are based on recommended land uses found in the West Bull Mountain Concept Plan. The ordinance also amended Tigard Comprehensive Plan Goal 14: Urbanization Policies. These new policies guide the development of the River Terrace Community Plan.

Proposal Information

The area to be annexed is made up of 29 parcels totaling approximately 268 acres and is generally located east of SW Roy Rogers Road, west of SW 150th Avenue and north of SW Beef Bend Road (see River Terrace Phase II Annexation Map). It is contiguous to Tigard because it lies south of recently annexed Area 64. The proposed annexation also includes the adjacent portions of SW Roy Rogers and SW 150th Avenue rights-of-way.

A majority of the property owners (60 percent), which represent 73 percent of the land area and 64 percent of the total assessed value, of the area submitted petitions to annex to the City of Tigard. These percentages meet what is known as the “triple majority” method of annexation, which does not require a public election. However, a public hearing before the Tigard City Council is required. The purpose of the request is to obtain urban services from the city needed to urbanize the area and provide housing and employment opportunities as envisioned by Metro when the subject area was added to the UGB in 2002 and 2011.

The annexation request has been reviewed against applicable local, regional and state regulations and/or policies from the Tigard Community Development Code, Tigard Comprehensive Plan, Metro Code, Oregon Revised Statutes and Oregon Administrative Rules. The attached staff report (Attachment 4) outlines how the proposal satisfies the applicable requirements. Many of these requirements are related to servicing the River Terrace area with utilities, streets, public safety and parks/open spaces.

Conceptual plans for utilities, parks and transportation facilities were part of the West Bull Mountain Concept Plan. Coordination between the city and affected agencies and jurisdictions has been important throughout this process and will continue if annexation is approved. This coordination is necessary for preparation of intergovernmental agreements and the community plan. Also annexation to the Metro and Clean Water Services boundaries will occur following annexation to the city.

OTHER ALTERNATIVES

Council has the option to deny the annexation request. Additional findings would need to be made to support a decision to deny the request.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

The proposed annexation is not directly related to any Council goals. However, annexation of the area is required for urban level development as envisioned when the areas were brought into the Urban Growth Boundary by Metro. In addition, annexation is a necessary step in completion of the River Terrace Community Plan being developed by the city.

DATES OF PREVIOUS CONSIDERATION

None.

Fiscal Impact

Cost: Unknown

Budgeted (yes or no): No

Where Budgeted (department/program): Unknown

Additional Fiscal Notes:

Annexed parcels will not be assessed city taxes until the fiscal year starting July 1, 2014 which is intended to be after the adoption of the River Terrace Community Plan. Then taxes will be phased in over a three year period as outlined in Resolution 12-38.

Attachments

[Draft Ordinance](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Legal Maps](#)

[Exhibit C - Staff Report](#)

Annexation Area Map

River Terrace Plan Area Map

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2013- _____

AN ORDINANCE ANNEXING 268.14 ACRES OF LAND, INCLUDING TWENTY-NINE (29) PARCELS AND ADJACENT RIGHTS OF WAY; APPROVING THE RIVER TERRACE ANNEXATION – PHASE II (ZCA2012-00003).

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the Tigard City Council held a public hearing on January 22, 2013, to consider the annexation of twenty-nine (29) parcels [Washington County Tax Assessors Map (WCTM) 2S10700, Tax Lots 1200, 1400; WCTM 2S10800, Tax Lots 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1500, 1501, 1503, 1504, 1505, 1506, 1507, 2900, 2901, 3000, 3100 and 3200; WCTM 2S108CA, Tax Lots 100, 200, 300 and 400; and WCTM 2S108CD, Tax Lots 100, 200, 300 and 400] of land located generally west of SW 150th Avenue, east of SW Roy Rogers Road and north of SW Beef Bend Road, and adjoining rights-of-way;

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City on January 22, 2013; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council has carefully considered the applicant's materials, findings of the staff report and testimony at the public hearing.

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

SECTION 1: The Tigard City Council hereby annexes the subject parcels and rights of way as described and shown in the attached **Exhibits "A" and "B"**.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" (ZCA2012-00003) as findings in support of this decision; a copy of the staff report and supplemental findings are attached hereto as **Exhibit "C"**, and incorporated herein by this reference.

SECTION 3: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law and providing notice to utilities.

SECTION 4: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2013.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2013.

John L. Cook, Mayor

Approved as to form:

City Attorney

Date

Annexation Description
Area 63
Tigard, Oregon
Project No. 0330-009
November 9, 2012

EXHIBIT 'A'
PROPERTY DESCRIPTION

A tract of land in Sections 7 and 8, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at the Northwest corner of Lot 1 of the Davis Place Subdivision, recorded in Document No. 2001095284, Washington County Plat Records, said point also being on the East Right-of-Way line of Southwest 150th Avenue and the North line of the South one half (1/2) of said Section 8, said Right-of-Way being variable in width;

Thence, along said variable width East Right-of-Way line the following courses;

South 00°03'03" West, 280.30 feet;
 South 89°40'51" West, 13.00 feet;
 South 00°03'03" West, 50.00 feet;
 South 88°31'22" East, 5.00 feet;
 South 00°03'03" West, 976.88 feet;
 South 89°25'23" East, 8.00 feet;
 South 00°03'03" West, 314.88 feet;
 North 89°56'35" West, 13.00 feet;
 South 00°03'03" West, 351.31 feet;
 South 89°59'27" East, 15.00 feet;
 South 00°03'03" West, 335.12 feet;
 South 89°20'51" West, 2.00 feet;

South 00°03'03" West, 335.07 feet, to the Southwest corner of Lot 19 of the Orcas Estates Subdivision, recorded in Book 66 at Pages 28 and 29, Washington County Plat Records, and the South line of said Section 8;

Thence, along said South line of Section 8, North 89°59'49" West, 1909.75 feet to the most Southerly Southwest corner of Parcel 2 of Partition Plat 1990-006;

Thence, along the most Southerly portion of the Westerly line of said Parcel 2, North 00°19'17" West, 110.54 feet;

Thence, along the most Westerly portion of the Southerly line of said Parcel 2 and the Southerly line of Parcel 3 of said Partition Plat 1990-006, North 89°59'28" West, 702.92 feet to the East line of Tract "A" of said Partition Plat 1990-006, said "Tract A" being a 60.00 foot private access and public utility easement per said Partition Plat;

Thence, along the East line of said Tract "A", South 00°08'53" West, 110.61 feet to said South line of Section 8;

Thence, along said South line of Section 8, North 89°59'49" West, 60.00 feet to the West line of said Tract "A";

Thence along said West line of Tract "A" and the West line of said Parcel 3 of said Partition Plat 1990-006, North 00°08'53" East, 659.95 to the Southeast corner of Parcel 1 as described in the Deed to Tigard-Tualatin School District, recorded in Document No. 2006-096063, Washington County Deed Records;

Thence, along the South line of said Tigard-Tualatin School District Tract, South 89°58'36" West, 1313.39 feet to the West line of said Tigard-Tualatin School District Tract, said West line also being the Section line common to said Sections 7 and 8 ;

Thence, along said Section line and the West line of said Tigard-Tualatin School District Tract, North 00°01'16" East, 659.35 feet to the Northwest corner thereof and the Southeast corner of a tract of land in said Section 7 described in the Deed to Baggenstos Properties, LLC, recorded in Document No. 2003-058705, Washington County Deed Records;

Thence, along the South line of said Baggenstos Tract, and the Westerly extension thereof, South 89°57'02" West, 1338.68 feet to the West Right-of-Way of Southwest Roy Rogers Road, said Right-of-Way being variable in width;

Thence, along said variable width West Right-of-Way line the following courses;

North 00°08'47" East, 868.12 feet;

North 04°53'21" West, 192.56 feet;

North 00°17'52" West, 675.06 feet, to the Westerly extension of the North line of a tract of land described in the Deed to Gerald S. Upchurch, recorded in Document No. 2003-108665, Washington County Deed Records;

Thence, along the North line of said Upchurch Tract, and the Westerly extension thereof, North 89°53'24" East, 1357.56 feet to the Northeast corner of said Upchurch Tract and the Section line common to said Sections 7 and 8;

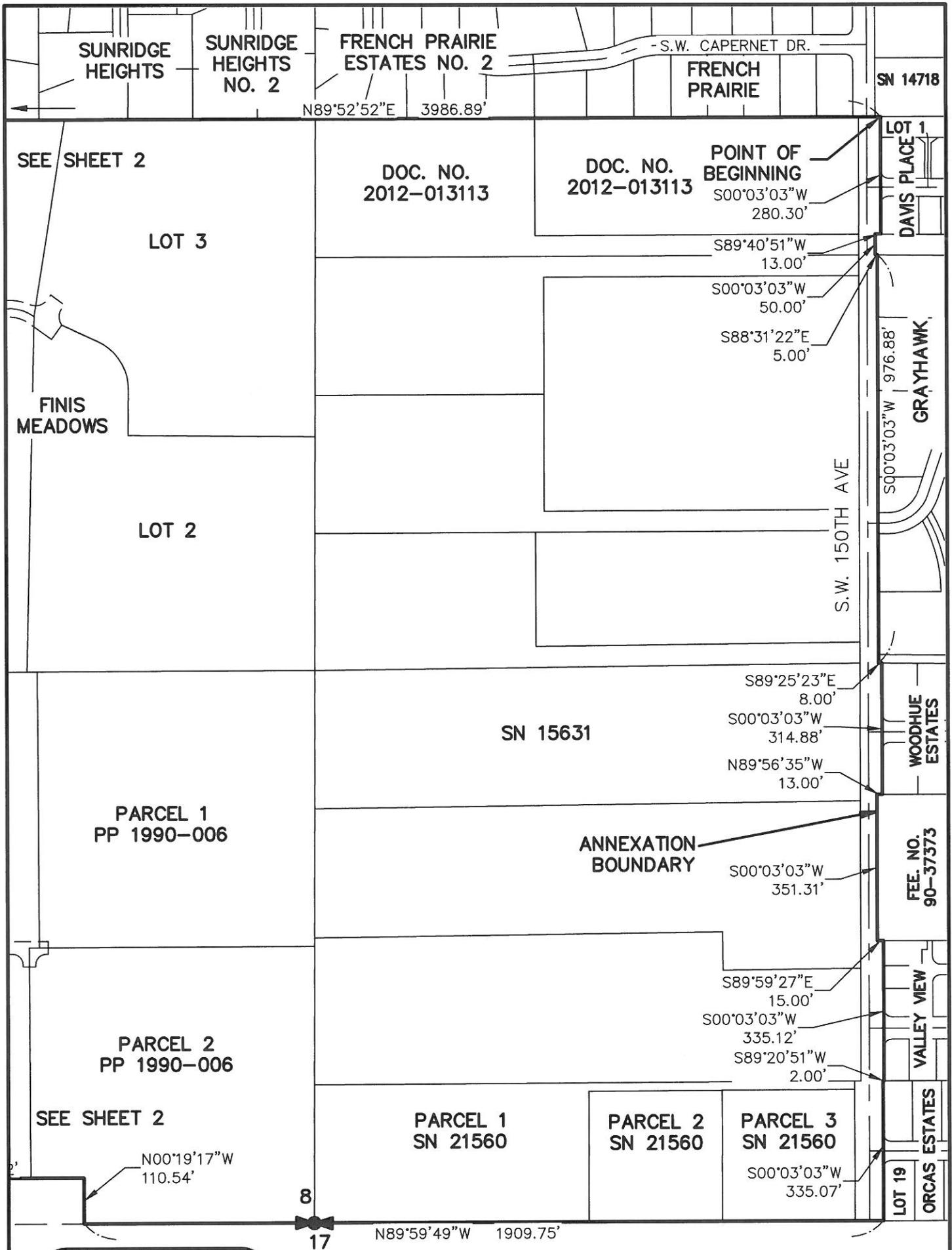
Thence, along said Section line and East line of said Upchurch Tract, South 00°05'40" West, 419.80 feet to the Southeast corner of said Upchurch tract and the Southwest corner of the Arbor Pointe No. 2 Subdivision, recorded in Document No. 2006-144877, Washington County Plat Records, said point also being the North line of the South one half (1/2) of said Section 8;

Thence, along the North line of the South one half (1/2) of said Section 8, also being the South line of Arbor Pointe No. 2 Subdivision per Document No. 2006-144877, and Meyers Farm Subdivision, recorded in Document No. 2000-049765, Washington County Plat Records, and Pleasant View Subdivision, recorded in Book 79 at Pages 3 through 5, Washington County Plat Records, and Sunridge Heights Subdivision, recorded in Document No. 2001-032724, Washington County Plat Records, and Sunridge Heights No. 2 Subdivision, recorded in Document No. 2001-113693, Washington County Plat Records, and French Prairie Estates No. 2 Subdivision, recorded in Book 74 at Pages 50 and 51, Washington County Plat Records and French Prairie Subdivision, recorded in Book 67 at Pages 16 and 17, Washington County Plat Records, North 89°52'52" East, 3986.89 feet to the Point of Beginning.

Containing 273.208 acres, more or less.

Bearings based on the South line of said French Prairie Subdivision, having a bearing of South 89°52'52" West.

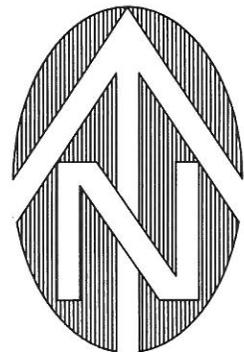
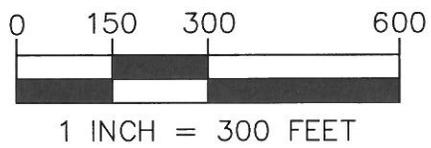




REGISTERED PROFESSIONAL LAND SURVEYOR



OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS
12-31-13



RENEWAL
EXHIBIT 'B'
PAGE 1 OF 4
CITY OF TIGARD
SECTIONS 7 & 8, T2S, R1W, WM
WASHINGTON COUNTY, OREGON

DATE	05DEC12
DRAWN	DPR
CHCKD	TGB
REVISIONS	
JOB	0330-009

WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY STE 150 (503) 684-0652
TIGARD OREGON 97224 FAX (503) 624-0157

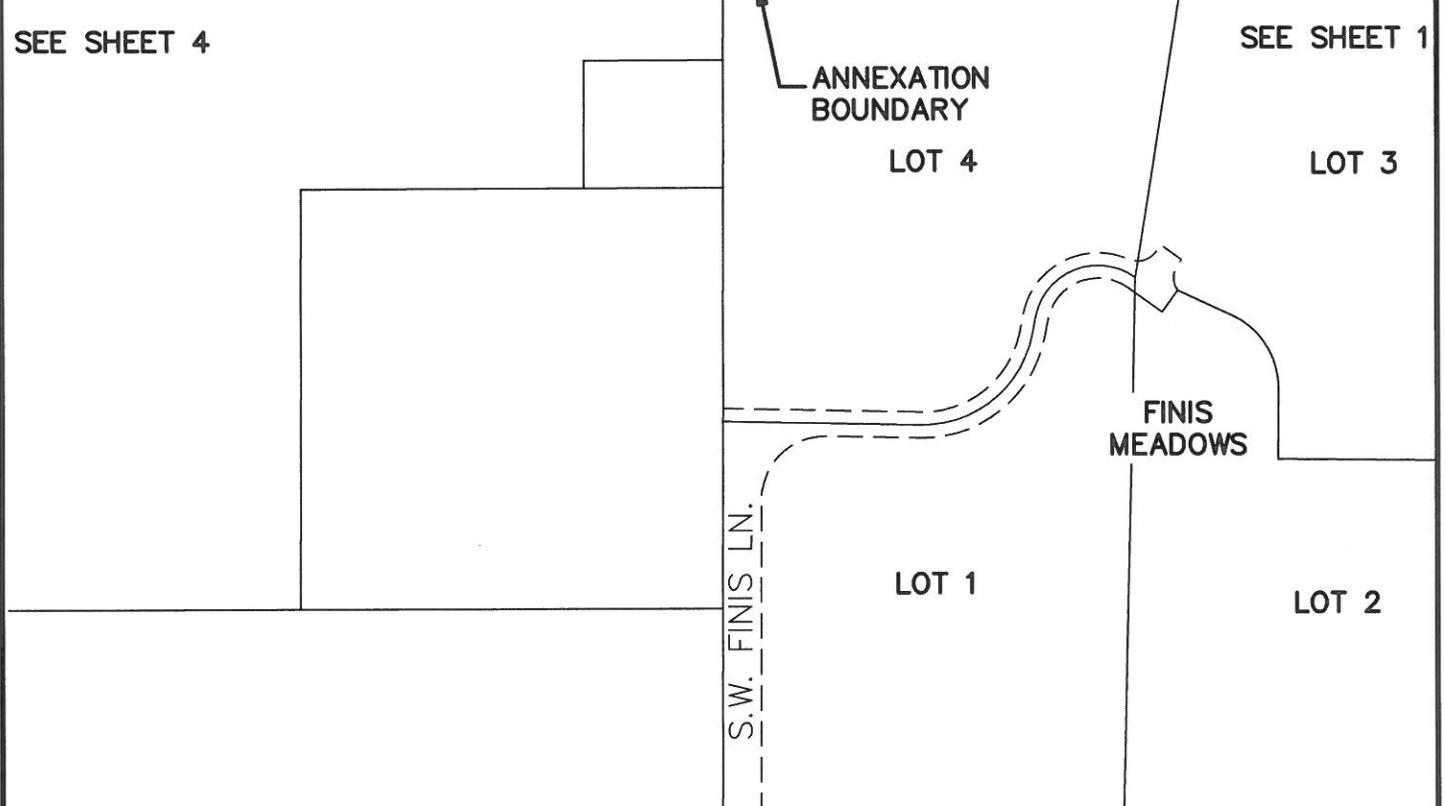
OR TE 2
 DOC. NO. 2003-112375
 N89°52'52"E 3986.89'

MEYERS FARM

PLEASANT VIEW

SUNRIDGE HEIGHTS

SU HE N



PARCEL 1
 DOC. NO. 2006-096063
 (TIGARD-TUALATIN SCHOOL DISTRICT 23J)
 SEE SHEET 3

PARCEL 1
 PP 1990-006

PARCEL 3
 PP 1990-006

S89°58'36"W 1313.39'

N00°08'53"E 659.95'

S.W. APRIL LN.
 (TRACT "A")

PARCEL 2
 PP 1990-006
 SEE SHEET 1

N00°19'17"W 110.54'

N89°59'28"W 702.92'

S89°59'49"E 60.00'

PARCEL B
 FEE NO. 88-05782
 SN 20259

S00°08'53"W 110.61'

REGISTERED PROFESSIONAL LAND SURVEYOR

TGB

OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS
 12-31-13
 RENEWAL

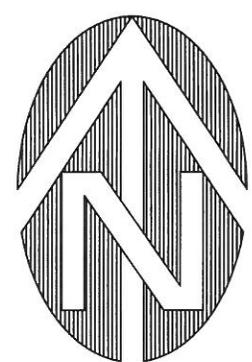
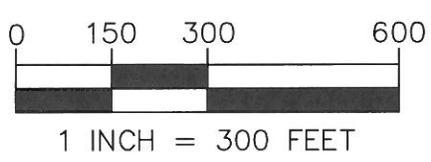


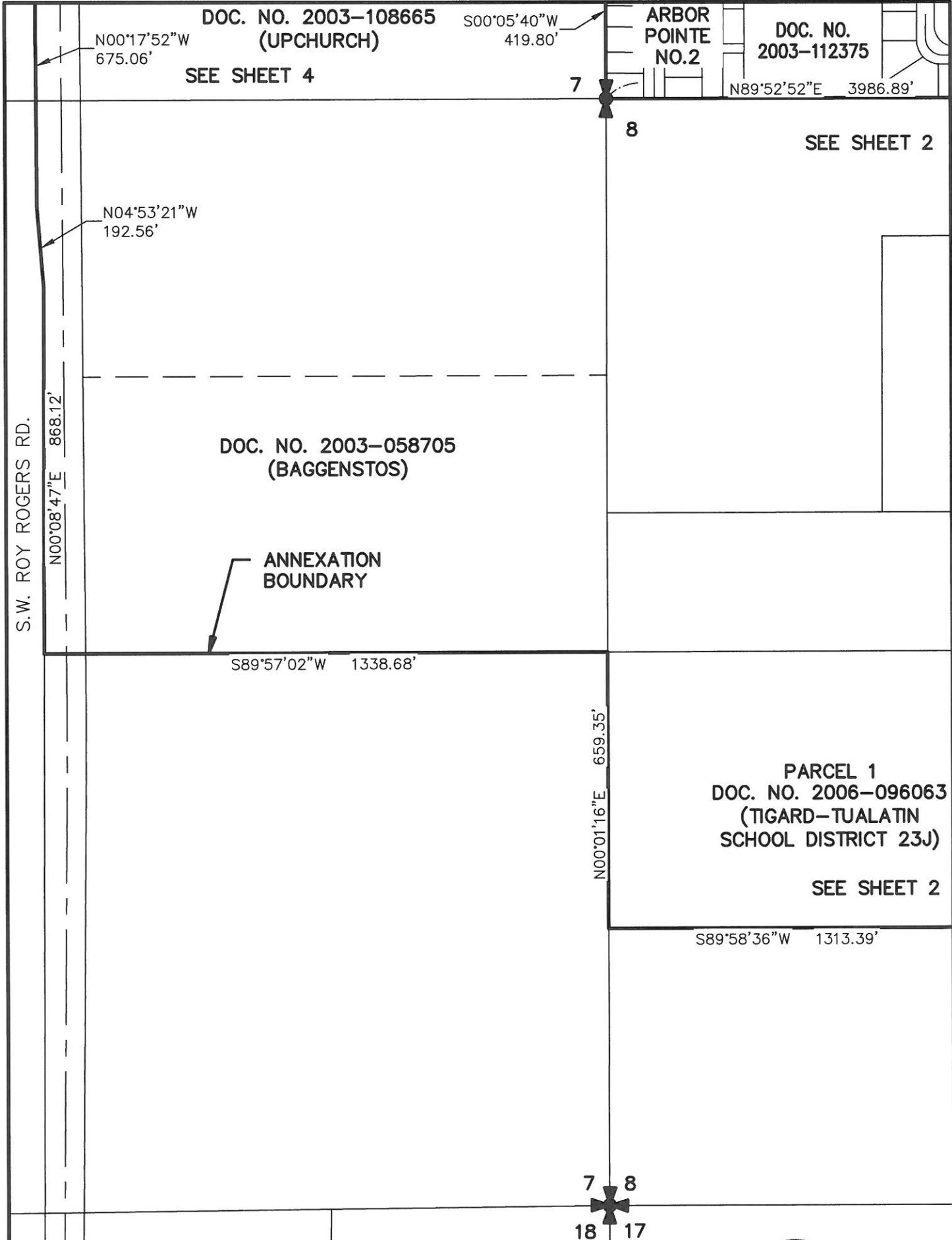
EXHIBIT 'B'
 PAGE 2 OF 4
 CITY OF TIGARD
 SECTIONS 7 & 8, T2S, R1W, WM
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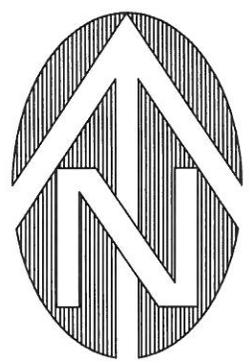
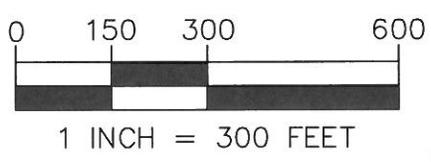
REGISTERED
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OREGON
JULY 13, 2004
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RENEWAL
EXHIBIT 'B'
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CITY OF TIGARD

SECTIONS 7 & 8, T2S, R1W, WM
WASHINGTON COUNTY, OREGON

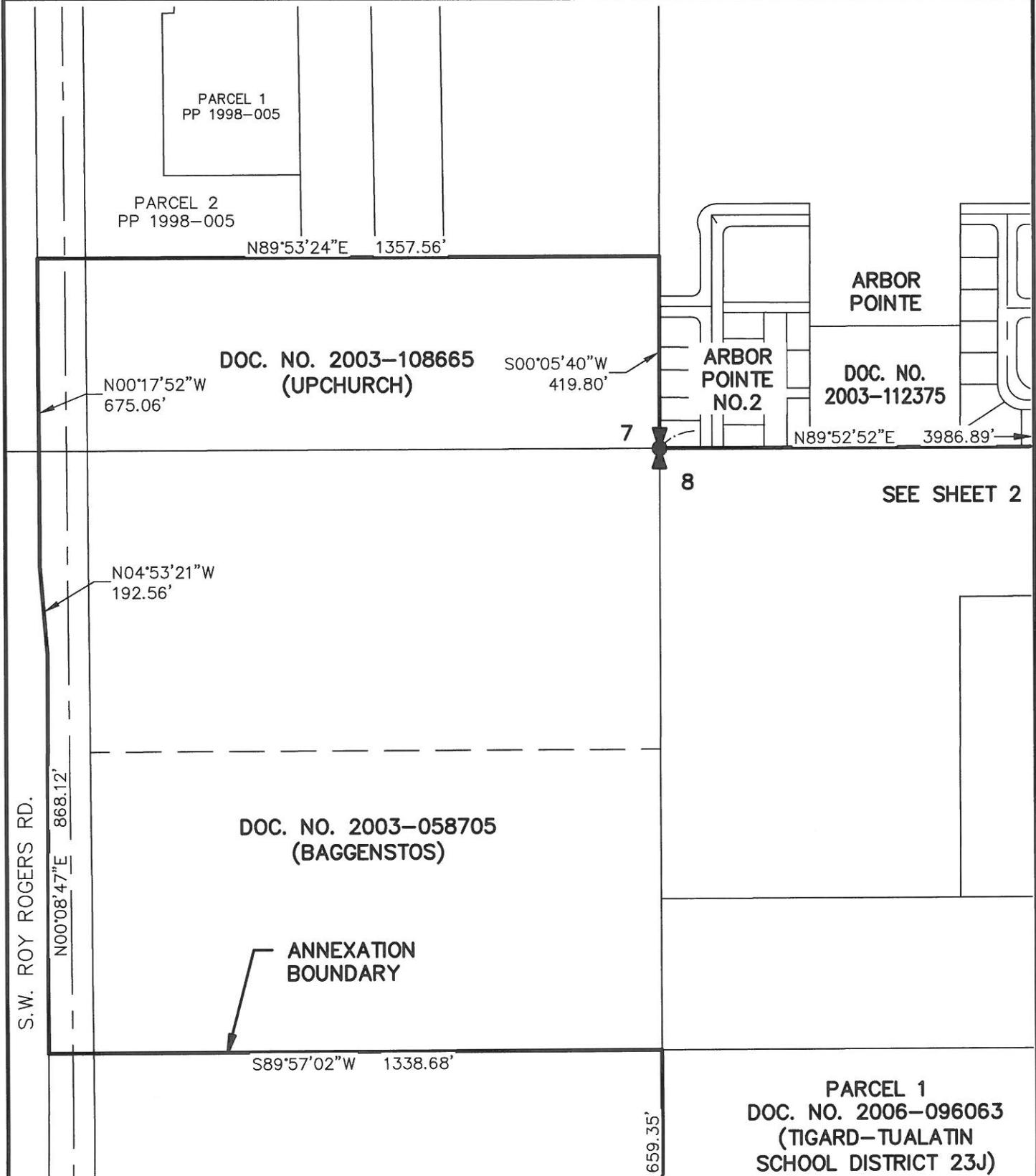


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RENEWAL

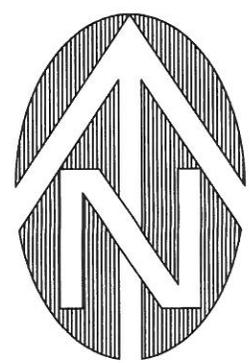
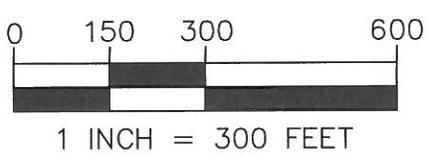


EXHIBIT 'B'
PAGE 4 OF 4
CITY OF TIGARD
SECTIONS 7 & 8, T2S, R1W, WM
WASHINGTON COUNTY, OREGON

DATE	05DEC12
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TIGARD? OREGON 97224 FAX (503) 624-0157

Hearing Date: January 22, 2013 Time: 7:30 PM

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



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: RIVER TERRACE – PHASE II ANNEXATION
CASE NO: Zone Change Annexation (ZCA) ZCA2012-00003

APPLICANT: Multiple applicants **OWNER:** Multiple property owners
Attachment 1 lists applicants Attachment 2 lists owners

PROPOSAL: A request to annex to the City of Tigard approximately 268 acres of property (Metro Urban Growth Boundary expansion areas 63 and Roy Rogers West (including adjacent rights-of-way)).

LOCATION: Multiple parcels generally located east of SW Roy Rogers Road, west of SW 150th Avenue and north of SW Beef Bend Road and portions of SW Roy Rogers and SW 150th Avenue rights-of-way. Washington County Tax Assessors Map (WCTM) 2S10700, Tax Lots 1200 and 1400. WCTM 2S10800, Tax Lots 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1500, 1501, 1503, 1504, 1505, 1506, 1507, 2900, 2901, 3000, 3100, and 3200. WCTM 2S108CA, Tax Lots 100, 200, 300, and 400. WCTM 2S108CD, Tax Lots 100, 200, 300, and 400.

COUNTY ZONE: FD20 Future Development, 20-acre minimum lot size. The FD20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this district are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

EFU Exclusive Farm Use. The intent of the Exclusive Farm Use District is to preserve and maintain commercial agricultural land within the County. The purpose of the Exclusive Farm Use District is to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm use and related supportive uses which are deemed appropriate. This EFU District is provided to meet the Oregon statutory and administrative rule requirements.

**EQUIVALENT
CITY ZONE:**

Annexation areas will retain current Washington County zoning until Tigard zoning is applied with the future adoption of a community plan for the area.

**APPLICABLE
REVIEW
CRITERIA:**

The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, Goal 12, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

SECTION II. STAFF RECOMMENDATION

Staff recommends that City Council find that the proposed annexation (ZCA2012-00003) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Community Development Code Chapters 18.320 and 18.390, and the following Comprehensive Plan Goals and Policies: Goal 1.1; Goals 11.1, 11.2 and 11.3; Goal 12.1, and Goals 14.1 and 14.2. Therefore, staff recommends APPROVAL of ZCA2012-00003 by adoption of the attached ordinance.

SECTION III. BACKGROUND INFORMATION

History

Urban Growth Boundary (UGB) Expansion Areas 63/64 and Roy Rogers West were brought into the UGB by Metro in 2002 and 2012 respectively. Area 64 was annexed into the City of Tigard in 2011 (ZCA2011-00001). These three expansion areas are now known as River Terrace.

In November 2010, the Washington County Board of Commissioners unanimously approved Resolution & Order 10-105, approving a concept plan (West Bull Mountain Concept Plan) as the basis to develop a more detailed community plan for areas west of Bull Mountain. Tigard is currently developing a community plan for River Terrace that will provide land use designations, development code regulations, and public facility plans. All of these elements are necessary for River Terrace to be urbanized.

Tigard City Council passed an ordinance in December 2012 (ORD 12-38) to amend the Tigard Comprehensive Plan map to include land use designations for the River Terrace Community Plan area that are based on recommended land uses found in Washington County's West Bull Mountain Concept Plan. The ordinance also amended Tigard Comprehensive Plan Goal 14: Urbanization Policies. These new policies guide the development of the River Terrace Community Plan.

Proposal Information

The proposed annexation area is made up of 29 parcels totaling approximately 268 acres. The area is adjacent to Area 64 annexed in 2011 and located generally west of Roy Rogers Road, east of 150th Avenue and north of Beef Bend Road. A majority of the property owners (60%) in the area, which represent 73% of the land area and 64% of the total assessed value, have submitted petitions to annex into the City of Tigard. These percentages meet what is known as the "triple majority" method of annexation, which does not require a public election. However, a public hearing before the Tigard City Council is required. The purpose of the request is to obtain services from the City needed to urbanize the area and provide housing and employment opportunities as envisioned by Metro when the subject areas were added to the UGB in 2002 and 2012.

SECTION IV. APPLICABLE REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

City: Community Development Code Chapter 18.320 and Chapter 18.390
Comprehensive Plan Goal 1; Goal 11, Goal 12 and Goal 14.
State: ORS Chapter 222
Regional: Metro Code Chapter 3.09

A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

“Chapter 18.320.020.B: Approval Process and Standards.

Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;”

FINDINGS: The City of Tigard Comprehensive Plan’s Public Facilities and Services Chapter states that for the purposes of the Comprehensive Plan, public facilities and services refer to storm water management, water supply and distribution, wastewater management, community facilities, and private utilities. In addition the comprehensive Plan Glossary includes public safety, parks, and transportation.

A conceptual plan was prepared for each service as part of the West Bull Mountain Concept Plan (WBMCP). Background documentation including technical memorandums regarding alternative water supplies, transportation, stormwater, and sewer infrastructure needs, was adopted as part of the Concept Plan findings and illustrate that these services can be provided to River Terrace.

The city is currently developing the River Terrace Community Plan which involves the planning for specific land uses and provision of services within the annexation territory. Urban development of the annexation territory will occur pursuant to the community plan. Services are available to the annexation territory and will be extended pursuant to the community plan as development occurs, with the exception of police and fire, which will be provided immediately upon annexation.

The proposed annexation area is currently designated by Washington County as rural with FD20 or EFU zoning and urban services are not currently available. The annexation in conjunction with the adoption of the community plan will result in the availability of urban services and provide urban land to meet the Portland Metropolitan Region’s employment and housing needs.

Water – City of Tigard. In September 2010 the city adopted the Tigard Water System Master Plan, which looks at current and projected supply and demands for areas currently served and to be served by the City of Tigard, including River Terrace. This plan included the proposed annexation area. Recommended upgrades to ensure future capacity requirements are being or have been completed by the city. Tigard water is available by extending existing mainlines from the north and east.

The West Bull Mountain Concept Plan reviewed potential suppliers of water for the River Terrace vicinity and acknowledged that “water provision is most efficient from the east,” and that the City of Tigard and the Tigard Water District are potential providers.

Sewer – City of Tigard/Clean Water Services. The city through agreements with Clean Water Services (CWS) is and will be the service provider of sewer to the proposed annexation area. The majority of the proposed annexation area is not currently served, but can be as shown in a 2009 CWS Sanitary Sewer Service Master Plan, which included the annexation area within study areas of anticipated growth. The plan calls out pump stations and trunk lines necessary to reach the Durham treatment plant, which has the capacity to serve the future growth in River Terrace and surrounding areas. Sewer services can be readily extended into the annexation territory, as development occurs.

Drainage – Clean Water Services. Clean Water Services will be the ultimate provider of stormwater services in River Terrace. CWS has storm lines within the unincorporated urban areas to the north. The city will work with CWS to develop a comprehensive stormwater plan to ensure water quality within the Tualatin River Basin, protect Goal 5 resources within the area, and guarantee sufficient capacity as part of the River Terrace Community Plan.

Streets – City of Tigard Engineering Division. The proposed annexation area is accessed primarily by SW Roy Rogers Road and SW 150th Avenue, with secondary access from substandard roads (161st Avenue, Finis Lane, and April Lane). Existing access will not be affected by the proposed annexation. Rights of way adjacent to parcels within the area are proposed for annexation to the city. Maintenance of these roads will be provided by a combination of the City of Tigard and Washington County through

intergovernmental agreements. Necessary improvements to the transportation system within River Terrace and surrounding area will be identified as part of the community plan.

Police – City of Tigard Police Department. The City of Tigard Police Department was notified of the proposed annexation and has no objections to the proposal. Tigard Police have capacity to provide adequate services to the most intense allowed use and providing services will not significantly reduce the level of services available to other land within the City of Tigard. The area is currently served by the Washington County Sheriff. Upon annexation, the area will be served by City of Tigard Police.

Fire – Tualatin Valley Fire and Rescue (TVF&R). The subject property is in Tualatin Valley Fire and Rescue’s (TVF&R’s) service area. The TVF&R District currently provides services to the entire area, both inside and outside of the City of Tigard. TVF&R has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations to developed and undeveloped land within the City of Tigard.

Parks–City of Tigard. The West Bull Mountain Concept Plan notes that the River Terrace vicinity is not located within the boundaries of a parks and recreation provider; therefore the subsequent community plan will need to identify a provider and adopt standards for development and maintenance of a parks system. The City of Tigard, named as one of the possible providers within the concept plan, will utilize its adopted standards to provide parks in conjunction with development following annexation of River Terrace.

CONCLUSION: Based upon the findings above it is concluded that all public services and facilities (as defined by the Comprehensive Plan) are available to the proposed annexation territory and will have sufficient capacity to serve annexation territory if developed generally to the most intense uses allowed as proposed by the concept plan. The comprehensive community plan and its associated implementation methods will ensure that annexation and development of the area will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard. Therefore the annexation meets this standard.

“2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.”

FINDINGS: The following Comprehensive Plan goals and policies apply to the proposed annexation: Goal 1, Goal 11, Goal 12, and Goal 14. Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

“GOAL 1 – CITIZEN INVOLVEMENT

Goal 1.1: The City shall provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.”

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed, and published notice of the public hearing as follows:

- The City posted the hearing notice at two public places on December 20, 2012 (Tigard City Hall and Tigard Permit Center) and two additional locations within the right-of-way along SW 150th Avenue and SW Roy Rogers Road on December 26, 2012.
- The City published notice of the hearing in *The Tigard Times* for two successive weeks (January 10, 2013 & January 17, 2013) prior to the January 22, 2013, public hearing.
- In addition, the City maintains a list of interested parties organized by geography. Notice was mailed to interested parties on December 27, 2012.

The city also provided notice and sought comment regarding the proposed annexation from the following affected units of government: Washington County, CWS, City of Beaverton, Metro, Tualatin Valley Fire & Rescue, City of King City, Portland General Electric, Tigard - Tualatin School District, Northwest Natural Gas, Metro Area Communications, Comcast Cable Corporation, Verizon, Centurylink, and Washington County CPO 4B. None of these agencies have expressed objections to the proposed annexation, and all have had the opportunity to participate in the process.

“GOAL 11 – PUBLIC FACILITIES AND SERVICES

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

Policy 2. The City shall continue to collaborate with Clean Water Services in the planning, operation, and maintenance of a comprehensive stormwater management system.

Policy 3. The City shall require the stormwater management system to comply with all applicable federal, state, and regional regulations and programs.

Policy 4. The City shall require the property to be located within the city limits prior to receiving City stormwater services.”

Clean Water Services in partnership with the City of Tigard will be the ultimate provider of stormwater management within the River Terrace area and will be closely involved in the development of the community plan to ensure stormwater needs and applicable regulations will be met with future development. CWS has budgeted to complete a basin-wide stormwater study that will include the River Terrace vicinity and has begun modeling that will determine the pipe sizing for the area.

Clean Water Services is a member of the community plan Technical Advisory Committee, therefore, the city is aware of CWS concerns and regulatory needs pertaining to stormwater within the River Terrace vicinity. If the proposed annexation is approved, the city will request the area be included in the CWS service boundary as part of the River Terrace Community Plan. The City will require all future development within the area to comply with CWS standards pertaining to stormwater management. No services will be provided prior to properties being located within the Tigard City limits.

“11.2 Secure a reliable, high quality, water supply to meet the existing and future needs of the community.

Policy 1. The City shall prioritize securing an interest in a high quality, long-term water supply, which is financially feasible and reliable, to serve the Tigard Water Service Area.

Policy 2. The City shall develop and maintain a water system master plan to coordinate the improvement and expansion of Tigard Water Service Area infrastructure to serve current and projected demand.”

The Tigard Water System Master Plan was approved in September 2010, which included the River Terrace vicinity. This plan studied current and future supply and demand considering population growth within areas currently served and those to be served, analyzed the existing system, and recommended capital improvements. The city is completing these improvements and upgrades.

“Goal 11.3: Develop and maintain a wastewater collection system that meets the existing and future needs of the community.

Policy 2. The City shall continue to collaborate with Clean Water Services in the planning, operation, and maintenance of a comprehensive wastewater management system for current and projected Tigard residents.

Policy 6. The City shall require the property to be located within the city limits prior to receiving City wastewater services.”

None of the parcels within the annexation area currently receive city wastewater services. The city in agreement with CWS will be the ultimate provider of this service. The CWS Sanitary Sewer Master Plan was updated in 2009. The plan included options for serving the River Terrace vicinity and included necessary improvements to ensure adequate capacity for development of the proposed annexation areas. These included upgrades to the Durham Treatment Facility, new pump stations, and replacement of pipes throughout the system.

“GOAL 12 - TRANSPORTATION

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

Policy 1. The City shall plan for a transportation system that meets current community needs and anticipated growth and development.”

An updated Transportation System Plan (TSP) for the City of Tigard was adopted in 2010 as part of the city’s periodic review. The plan considered both problem and growth areas within the city and the urban services area, and was consistent with state and regional rules and policies. A multi-modal and balanced approach was a key in the plan’s development.

As part of the West Bull Mountain Concept Plan, the area was extensively modeled by Washington County. The focus was on impacts to the transportation system surrounding the area upon full urban build out. The area is currently accessible by SW 150th Avenue, SW Roy Rogers Road, and SW Beef Bend Road. Through the community planning process the city will address impacts to these major streets and ensure adequate and safe access to these streets from future local streets. The city will coordinate planning efforts with other affected agencies and jurisdictions. Any necessary traffic improvements and related findings will be adopted into the Tigard TSP.

“GOAL 14 - URBANIZATION

14.1. Provide and/or coordinate the full range of urban level services to lands and citizens within the Tigard City limits.

1. The City shall only approve the extension of City services:

A. where applications for annexation for those properties have been approved; or

B. in circumstances where applicable state and county health agencies have declared a potential or imminent health hazard pursuant to ORS 431.705 to 431.760 (Health Hazard Annexation or Service District Formation); or

C. as outlined in the intergovernmental agreement regarding water provision within the Tigard Water Service Area.”

The city will not approve extension of services prior to the proposed annexation of the area. Upon annexation, only police and long range planning services will be provided by the city prior to adoption of the River Terrace Community Plan. Extension of utilities and other services will not occur until after the adoption of the River Terrace Community Plan and the associated updates of the applicable utility/infrastructure and financing plans.

“2. The City shall maintain, and amend when necessary, agreements with Washington County that recognizes the City as the ultimate provider of governance and identified services to the Tigard Urban Services Area.”

The proposed annexation area is not currently within the Tigard Urban Service Area (TUSA). However, the city will be the ultimate provider of urban services and governance to the entirety of River Terrace. This fact is recognized and reflected in an Intergovernmental Agreement (IGA) with Washington County signed in April 2012. This agreement (Attachment 3) includes a provision for Washington County to temporarily provide planning services to the annexation area until the community plan is completed and adopted.

“3. The City shall, as needed, coordinate and/or participate in planning activities or development decisions within the Tigard Urban Services Area.”

While this is not a policy directly related to annexation, the city is a participant in planning activities and development decisions within the Tigard Urban Services Area. The city has coordinated with all jurisdictions and agencies within the annexation territory, including Washington County. The signed IGA with Washington County requests that the County convene government representatives to amend the TUSA to include the entire River Terrace planning area.

“4. The City shall protect the existing and future delivery of City services and only support the formation of a new service district, or expansion of existing districts, that will not create a conflict within the Tigard Urban Services Area.”

This is not an applicable policy to the proposed annexation. No new district or expansion of an existing district is proposed with this application.

“5. The City shall enter into and maintain intergovernmental agreement with service districts operating within the Tigard Urban Service Area to:

A. define short and long term service provision roles;

B. specify the terms and conditions of withdrawal of territory from service districts and the transition of capital facility ownership and administration to the City;

C. provide for the coordination of plans and programs to eliminate duplicity and minimize conflict; and

D. ensure that services are provided consistent with the City’s adopted Public Facility Plan.”

The proposed annexation area is not within the TUSA boundaries; however the city has coordinated with all jurisdictions and agencies within/near the annexation territory, and extension of services to the proposed annexation area will be accomplished pursuant to the community plan being prepared by the city. This plan will be consistent with the city’s Public Facility Plan and the Regional Transportation Plan (RTP).

“Goal: 14.2. Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.

Policy 1. The City shall assign a Tigard zoning district designation to annexed property that most closely conforms to the existing Washington County zoning designation for that property.”

The current Washington County zoning designations will be retained for the entire annexation area until adoption of the community plan. Appropriate Tigard zoning district designations are addressed below in the findings for Section 18.320.020.C.

“Policy 2. The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation.”

Capacity has been addressed above, consistent with this policy. The city is preparing a community plan for River Terrace and vicinity in accordance with statewide goals and Metro policies. All systems and capacity issues will be fully addressed prior to urban level development within the area. Technical memoranda associated with the West Bull Mountain Concept Plan and current facility plans show that the area can be provided the appropriate level of services.

“Policy 3. The City shall approve proposed annexations based on findings that the request:

A. can be accommodated by the City’s public facilities and services; and”

The future availability of public facilities and services has been addressed above, consistent with this policy.

“B. is consistent with applicable state statute.”

As reviewed in later sections of this report, staff finds that the provisions of ORS 222 have been met, consistent with this policy.

“Policy 4. The City shall evaluate and may require that parcels adjacent to proposed annexations be included to: A) avoid creating unincorporated islands within the City; B) enable public services to be efficiently and effectively extended to the entire area; or C) implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.”

No unincorporated islands will be created by the proposed annexation. A majority of the property owners within the proposed annexation area have submitted annexation petitions. In order to avoid creating islands within the area, the application proposal is to annex all parcels within UGB Area 63 and Roy

Rogers West. To annex the entire area allows greater efficiency in planning and provision of future public services. Inviting additional parcels outside the area to join the proposal was determined to be unnecessary at this time.

“Policy 6. The City shall periodically update and/or amend its Public Facility Plan to ensure the predictable and logical provision of urban services for areas anticipated to be within the Tigard city limits.”

While this is not a policy directly related to annexation, it is noted that the city is currently updating its Public Facility Plan as part of periodic review. These updates are considering future growth of the city and all will, like the Tigard Waster System Master Plan, include River Terrace within the study areas.

CONCLUSION: There have been invitations for public participation in the application review process. The city has coordinated with all jurisdictions and agencies within/near the annexation territory. The City of Tigard has the capacity and is the most efficient provider of urban services for the annexation area. Conceptual plans adopted as part of the county’s West Bull Mountain Concept Plan will be refined through the city’s community planning process for this area. These plans include utilities and infrastructure, parks, and transportation. Based upon the above findings, the proposed annexation is consistent with the city’s applicable Comprehensive Plan goals and policies.

“Chapter 18.320.020.C

Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.”

FINDINGS: Parcels within the proposed annexation area currently have one of two Washington County zoning designations. The parcels with Area 63 are zoned FD20 (Future Development 20 units per acre), and those within Roy Rogers West are zoned EFU (Exclusive Farm Use). The county’s FD20 zoning is applied to areas that are currently rural but are designated for future urban development. The EFU zoning is intended to preserve and maintain commercial agricultural land in the county. However, during the 2011 Urban Growth Boundary expansion process, Metro determined that the 49 acres in Roy Rogers West were very important to the efficient and cost-effective provision of public facilities and services to adjacent areas and included the area in the expansion.

In December the City passed an ordinance adopting Tigard Comprehensive Plan designations in River Terrace that conform to the West Bull Mountain Concept Plan designations. However, consistent with state law, the appropriate urban level zoning will not be applied in the area until the adoption of the community plan. Prior to adoption of the Community Plan the County will continue to administer the existing County zoning designations.

CONCLUSION: Consistent with state law, the appropriate urban level zoning will not be applied in the area until the adoption of the Community Plan. Prior to adoption of the Community Plan the County will continue to administer the existing County zoning designations. Urban level zoning designations will be applied to the area at the adoption of the River Terrace Community Plan. The code allows zone changes after the annexation has been approved. Maintaining Washington County zoning designations until after annexation is consistent with this code regulation.

“Chapter 18.390.060: Type IV Procedure”

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the city to provide notice at least 10 days prior to the hearing by mail and to

publish notice at least 10 business days prior to the hearing; the city mailed notice on December 27, 2012, and published public notice in *The Tigard Times* for two successive weeks (January 10, 2013 & January 17, 2013) prior to the January 22, 2013 public hearing.

“Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;”

FINDINGS: The city’s Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals and as reviewed above, the annexation proposal is consistent with Tigard Comprehensive Plan goals and policies.

CONCLUSION: The proposal is consistent with the city’s acknowledged Comprehensive Plan. Therefore, the proposal complies with statewide planning goals, including citizen involvement, public facilities, transportation, and urbanization.

“2. Any federal or state statutes or regulations found applicable;”

Oregon Revised Statutes Chapter 222 – City Boundary Changes; Consolidations; Withdrawals is applicable to annexations. The applicable subsections are addressed below:

FINDINGS:

“ORS 222.111. *Authority and procedure for annexation.* (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

The proposed annexation area is contiguous to the city. The proposal satisfies this procedural requirement.

“(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.”

This annexation is being initiated by property owners in the annexation area. Signed petitions are found within the application materials. The legislative body of the city has initiated annexation of some lots in the annexation territory in order to create a reasonably shaped annexation territory that is conducive to the orderly and efficient provision of urban services and does not create unincorporated islands. The proposal satisfies this procedural requirement.

“(3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.”

This section does not include any applicable substantive approval criteria. The application does not include a proposal regarding the rate of taxation for the annexation area. The applicant recognizes that the city cannot assess taxes in an amount that exceeds the highest city tax rate for the year. The proposal is consistent with this section.

“(4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.”

The proposed annexation area is rural and not within any special districts named in ORS 222.465 or 222.510. This section is not applicable to the application.

“(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.”

This section is not applicable because the application satisfies the requirements of ORS 222.170, as described below.

“(6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.”

Because the annexation will not be submitted to a vote of the electors, this section is not applicable to the application.

“(7) Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.”

Because the annexation will not be submitted to a vote of the electors, this section is not applicable to the Application.

“222.120 *Procedure without election by city electors; hearing; ordinance subject to referendum.* (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

The city charter does not require that the city submit the question of the proposed annexation to the electors of the city for their approval or rejection.

(2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

(3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the

city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

A public hearing in accordance with this section is being held on January 22, 2013 to hear an owner initiated request to annex UGB Expansion Areas 63 and Roy Rogers West. Notice was published in the *Tigard Times* for two consecutive weeks prior to the hearing and notices were posted in four public places (Tigard City Hall, Tigard Permit Center, on SW Roy Rogers Road and SW 150th Avenue) on December 20, 2012 and December 26, 2012.

(4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:

(a) Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;

(b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; or

(c) Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 to 222.915.

(5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(6) The ordinance referred to in subsection (4) of this section is subject to referendum.

(7) For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land."

Tigard City Council will declare by ordinance that the territory is annexed where landowners consented in writing as provided in ORS222.170 prior to the public hearing. The area is not within any special districts so no withdrawals are proposed within the ordinance. This application is being processed in accordance with applicable law.

"222.170 Effect of consent to annexation by territory; proclamation with and without city election. (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

The proposed annexation includes twenty nine (29) parcels. More than half (60%) of the property owners, who also own more than half the land (73%) therein representing more than half of the assessed

value of all real property (63%) have filed petitions to annex into the City of Tigard. These petitions represent a percentage of owners that exceeds the applicable thresholds for annexation without public election. The annexation request is being processed in accordance ORS 222.170(1) without an election.

“222.173 *Time limit for filing statements of consent; public records.* (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.410 to 192.505.”

The application includes 15 petitions, all of which were filed within a year of each other. These petitions meet the thresholds required by ORS 222.170(1). These petitions are found within the land use file (ZCA2012-00003), which is public record. Therefore, the application satisfies this criterion.

“222.175 *City to provide information when soliciting statements of consent.* If a city solicits statements of consent under ORS 222.170 from electors and owners of land in order to facilitate annexation of unincorporated territory to the city, the city shall, upon request, provide to those electors and owners information on that city’s ad valorem tax levied for its current fiscal year expressed as the rate per thousand dollars of assessed valuation, a description of services the city generally provides its residents and owners of property within the city and such other information as the city considers relevant to the impact of annexation on land within the unincorporated territory within which statements of consent are being solicited.”

The statements of consent are being offered voluntarily and at the initiation of the owners of the annexation area. Therefore, this section is not applicable.

“222.177 *Filing of annexation records with Secretary of State.* When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

- (1) A copy of the resolution or ordinance proclaiming the annexation.**
- (2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.**
- (3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.**
- (4) A copy of the ordinance issued under ORS 222.120 (4).**
- (5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4).”**

This section does not include any applicable substantive approval criteria, but it does include procedural provisions that govern the city's actions. If the annexation is approved, the city will send necessary information to Metro for final action. Metro will map the annexation and make the appropriate notifications to the Secretary of State's Archives Division, the county elections supervisor, and the county assessor.

“222.180 *Effective date of annexation.* (1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

(2) For annexation proceedings initiated by a city, the city may specify an effective date that is later than the date specified in subsection (1) of this section. If a later date is specified under this subsection, that effective date shall not be later than 10 years after the date of a proclamation of annexation described in ORS 222.177.”

If approved by Tigard City Council, the annexation will be effective on the date of filing with the Secretary of State. The city is not proposing a later effective date.

OAR 660 - 014 - 0060 Annexations of Lands Subject to an Acknowledged Comprehensive Plan. A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 1197.251(1) or 19 76. 25 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation.

OAR 660 - 014 - 0060 provides that a city is not required to directly apply the Goals to an annexation decision unless the city's acknowledged comprehensive plan and implementing ordinances do not "control the annexation." Whether the plan and ordinances control the annexation depends upon whether the plan and ordinances include substantive standards guiding the city's determination of whether or not to annex land. Such standards need not be mandatory approval criteria, provided that they provide relevant guidance to the annexation decision. When the plan and ordinances "control the annexation," the city is required to apply such provisions to the decision.

The City's Comprehensive Plan is acknowledged and includes relevant standards providing guidance for annexation decisions. The city has also adopted substantive approval criteria relating to annexations in Tigard Community Development Code (TDC) 18.320.020. Together, these provisions include substantive standards guiding the City's determination of whether to annex the property. The standards are addressed previously in this document, and the findings conclude the annexation complies with the applicable city standards.

CONCLUSION: The proposed annexation has been requested by a sufficient number of property owners within River Terrace to comply with ORS 222.170, and a public election is not required. The annexation area is contiguous to the city. The city plan and development code contain substantive criteria that control the annexation, and the city is not required to directly apply the Statewide Planning Goals to the annexation request. Per the above findings, the proposed annexation is consistent with all state law, including ORS 222 and all applicable provisions of the Oregon Administrative Rules.

“3. Any applicable METRO regulations;”

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Staff has reviewed the Metro regulations for Local Government Boundary Changes and addressed the applicable regulations (Metro Code 3.09.045(d) &(e) and 3.09.050) below:

FINDINGS:

“Metro 3.09.045 (d) and (e)”

The proposed annexation is not being reviewed through an expedited process, but subsections (d) of Metro Code 3.09.050 requires that the standards of 3.09.045 (d) & (e) be addressed.

“(d) To approve a boundary change through an expedited process, the city shall:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;”

The proposed annexation area is not part of any urban service agreements. However, as part of the River Terrace Community Plan, both the Urban Planning Area Agreement (UPAA – 2006) and the Tigard Urban Service Agreement (TUSA) will be updated to include the entire River Terrace area.

“(B) Any applicable annexation plan adopted pursuant to ORS 195.205;”

These statutes outline the process for annexations initiated by a city or district, including public hearings and voting procedures. This statute is not applicable since this annexation was initiated by the property owners. The applicants have submitted petitions to annex, signed by the property owners.

“(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;”

ORS195.020(2) speaks to cooperative agreements between counties or Metro with each special district that provides an urban service within the boundaries of the county or the metropolitan district. Special districts would include fire, water, school, and sewer districts. Many of these districts will be the same following annexation, including fire and school districts. The area is not currently served with water or sewer, which will be provided by the city and CWS. If annexation is approved, the city will work to annex the area into CWS service boundaries to include it in service agreements already set up with the city. Properties within Roy Rogers West are currently within the Metro boundary; however properties within area 63 still remain outside of the Metro boundary. The city will initiate a Metro boundary change, if the proposed annexation is approved. The city will work with Metro during the boundary change to identify and amend any applicable planning agreements adopted pursuant to ORS195.020(2).

“(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and”

The City of Tigard Public Facility Plan was adopted in 1991 in compliance with statewide planning goals and Oregon Administrative Rule 660-11. A revised plan is currently being developed as part of periodic review. The development of the community plan and its public facility elements will be coordinated consistent with the new facility plan being prepared through periodic review and with CWS and TVF& R facility plans as required by Statewide Planning Goal 14, Urbanization. New Comprehensive Plan goals and policies for public facilities were adopted in 2008 (Goal 11), and the applicable goals and policies were addressed previously in this report. The proposed annexation is consistent with the Tigard Public Facility Plan.

“(E) Any applicable comprehensive plan; and”

The Tigard Comprehensive Plan applies in this case. Applicable policies are satisfied as addressed previously in this report.

“(2) Consider whether the boundary change would: (A) Promote the timely, orderly and economic provision of public facilities and services; (B) Affect the quality and quantity of urban services; and (C) Eliminate or avoid unnecessary duplication of facilities or services.”

The proposed annexation areas were brought into the Portland Metro UGB in 2002 and 2011 to ensure future regional housing and employment needs would be met. The area has not significantly changed from its rural level development. One reason for this is the inadequate level of services currently available to the area within Washington County. The city is the most efficient provider of urban level services and has the capacity to serve the area effectively. The proposed annexation will not affect the provision of public facilities and services. Conceptual and master plans exist for the River Terrace Area, but provision of services, including financing, will be greater defined through the community planning process. Urban services are not available without annexation into the city limits. This annexation will promote the efficient, timely, quality and appropriate quantity of services.

“(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.”

The property to be annexed is not outside the UGB. This criterion is not applicable.

“Metro 3.09.050 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, and that includes at a minimum the following:”

Note that this report is available 15 days before the hearing (January 7, 2013 for a January 22, 2013 hearing).

“(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;”

As addressed previously in this report, urban services can be available to the affected territory prior to urban level development. The city will prepare and adopt a community plan to provide for all urban level services.

“(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and”

The affected territory will not result in the withdrawal from any legal boundary because the area is not located within any special districts.

“(3) The proposed effective date of the boundary change.”

The public hearing will take place January 22, 2012. If the Council adopts findings to approve ZCA2012-00003, the effective date of the annexation will be the date of filing with the Oregon Secretary of State.

“(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.”

The applicant has provided findings within a narrative that addresses the applicable criteria.

“(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.”

The criteria and factors outlined in subsections (d) and (e) of Section 3.09.045 have been previously addressed in this report.

CONCLUSION: As shown in the above findings the proposed annexation of River Terrace satisfies the Metro Code regulations related to Local Government Boundary Changes.

“(Tigard CDC 18.390.060)

4. Any applicable comprehensive plan policies; and”

FINDINGS: Findings addressing the applicable Comprehensive Plan policies were provided previously in this report.

CONCLUSION: As previously demonstrated, the proposed annexation is consistent with all applicable comprehensive plan policies.

“5. Any applicable provisions of the City’s implementing ordinances.”

FINDINGS: Resolution 12-09 extended previously approved incentives to phase in city taxes over a three year period and waive application fees for property owners that voluntary annex into the city limits. This resolution also formalized a process for annual review of the city annexation policy. Resolution 21-38 established an additional incentive that builds upon the property tax phase-in for properties annexed through the “triple majority” method, such as the proposed annexation.

Taxes will be phased in over a longer period. These incentives, outlined below, will be extended to the applicants.

- 0.00 percent of the increased property taxes for collection in fiscal years prior to July 1, 2014;
- 33 percent of the increased property taxes for collection in fiscal year starting July 1, 2014;
- 66 percent of the increased property taxes for collection in fiscal year starting July 1, 2015; and
- 100 percent of the increased property taxes for collection in fiscal year starting July 1, 2016

Ordinance 12-12 amended the Tigard Comprehensive Plan map to include land use designations for the River Terrace Community Plan based on recommended land uses found in Washington County's West Bull Mountain Concept Plan and amended the current Comprehensive Plan Goal 14: Urbanization policies. These amendments are directed to the development of the community plan development and do not regulate the proposed annexation.

As demonstrated in previous sections of this report, the proposed annexation is consistent with all other applicable provisions of the Tigard Development Code.

CONCLUSION: Based upon the findings above, all applicable provisions of the city's implementing ordinances are satisfied.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Police Department Public Information Officer, Jim Wolf, commented that there were no issues with the project.

The city's **Public Works Department, Community Development Building Division and Development Services Division** were sent a request for comments. No comments were received.

SECTION VIII. AGENCY COMMENTS

Tualatin Valley Fire and Rescue and City of King City have reviewed the proposal and have no objections to it.

Washington County – Long Range Planning submitted a letter stating that Washington County supports adoption of the West Bull Mountain Concept Plan into the city's comprehensive plan and encourages the inclusion of parks, trails and street classification within the adoption.

The following agencies and jurisdictions were sent a request for comments but provided no formal written comments: **City of Beaverton, Metro – Land Use & Planning, Washington County Assessment & Taxation and Cartography, Portland General Electric, Tigard-Tualatin School District, Beaverton School District, Northwest Natural Gas, Metro Area Communications, Comcast Cable Corporation, Verizon, and Century Link Communications.**


PREPARED BY: Cheryl Caines
Associate Planner

January 3, 2013
DATE


REVIEWED BY: Tom McGuire
Interim Asst. Community Development Director

January 3, 2013
DATE

Applicant List

Attachment 1

2S1070001400

BAGGENSTOS, JAMES K & DARLA A
15252 SW ROY ROGERS RD
SHERWOOD, OR 97140

2S1080001500/1501/1504

DICKSON FAMILY PROPERTIES, LLC
KENNETH D DICKSON
29397 SW BAKER RD
SHERWOOD OR 97140

2S1080001505/1506

DICKSON, KEN & KARRI
29397 SW BAKER RD
SHERWOOD, OR 97140

2S1080003100

DRESSEL, KEVIN W & GILLIAN A
15455 SW FINIS LN
PORTLAND, OR 97224

2S108CA00400

GIESBRECHT, F BRUCE & SERENA L
15275 SW FINIS LN
TIGARD, OR 97224

2S1080003000

HUPFER, ROBERT W & HEATHER A
HERNSTEDT, CARL E & KRIS T
15149 SW 161ST AVE
TIGARD, OR 97224

2S1080002901

MARTIN, DANIEL & ELIZABETH
15087 SW 161ST AVE
TIGARD, OR 97224

2S108CD00200

MCCLESKEY, MICHAEL T & ALITA A
15590 SW APRIL LN
TIGARD, OR 97224

2S108CA00200

NOFFZ, JOHN O JR & CHERYL A
15170 SW FINIS LN
TIGARD, OR 97224

2S108CD00400

PISCITELLI FAMILY TRUST
BY PISCITELLI, VINCENZO & ROSALBA
15540 SW APRIL LN
TIGARD, OR 97224

2S108CA00300

RASMUSSEN, ROGER & NANCY
15165 SW FINIS LN
TIGARD, OR 97224

2S1080002900

STANLEY, JEAN A TRUST
BY STANLEY, JEAN A GAVIN D CO-TRS
15025 SW 161ST AVE
TIGARD, OR 97224

2S108CA00100

SUNDERMEIER, WILLIAM A JR & RONDA
15300 SW FINIS LN
TIGARD, OR 97224

2S1080003200

TIGARD-TUALATIN SCHOOL DISTRICT
ROB SAXTON
6960 SW SANDBURG ST
TIGARD, OR 97223

2S108CD00300

TRI-COUNTY INVESTMENTS LLC
17933 NW EVERGREEN PKWY STE 300
BEAVERTON, OR 97006

Property Owner List

Attachment 2

2S1080001507

ALBERTSON, BARRY D &
LESLIE, ROBIN R
15445 SW 150TH AVE
TIGARD, OR 97224

2S1070001400

BAGGENSTOS, JAMES K & DARLA A
15252 SW ROY ROGERS RD
SHERWOOD, OR 97140

2S1080001500/1501/1504

DICKSON FAMILY PROPERTIES, LLC
KENNETH D DICKSON
29397 SW BAKER RD
SHERWOOD OR 97140

2S1080001505/1506

DICKSON, KENNETH D & KARRI K
29397 SW BAKER RD
SHERWOOD, OR 97140

2S1080003100

DRESSEL, KEVIN W & GILLIAN A
15455 SW FINIS LN
PORTLAND, OR 97224

2S108CA00400

GIESBRECHT, F BRUCE & SERENA L
15275 SW FINIS LN
TIGARD, OR 97224

2S1080001400

HASUIKE, ALAN & SUSAN REV LG TR
PO BOX 667
TUALATIN, OR 97062

2S1080001406

HULSE, BRANDT L & KARIN L
15975 SW 150TH AVE
TIGARD, OR 97224

2S1080003000

HUPFER, ROBERT W & HEATHER A
HERNSTEDT, CARL E & KRIS T
15149 SW 161ST AVE
TIGARD, OR 97224

2S1080001403/1404

JACOBSON, STEVEN K & BARBARA
15915 SW 150TH AVE
TIGARD, OR 97224

2S1080001402

JAW PROPERTIES LLC
PO BOX 667
TUALATIN, OR 97062

2S1080001503

KADEL, ROGER A TRUST
KADEL, JANET S TRUST
15475 SW 150TH AVE
TIGARD, OR 97224

2S1080001405

KNOX, DANIEL F & PATRICIA
15955 SW 150TH AVE
TIGARD, OR 97224

2S1080002901

MARTIN, DANIEL & ELIZABETH
15087 SW 161ST AVE
TIGARD, OR 97224

2S108CD00200

MCCLESKEY, MICHAEL T & ALITA A
15590 SW APRIL LN
TIGARD, OR 97224

2S1080001401

NEIDERS, REGINE I & GUNARS K
14517 SE 178TH PL
RENTON, WA 98058

2S108CA00200

NOFFZ, JOHN O JR & CHERYL A
15170 SW FINIS LN
TIGARD, OR 97224

2S108CD00100

PETERSON, CINDI R
PETERSON, DONALD A REN TR
15601 SW APRIL LN
TIGARD, OR 97224

2S108CD00400

PISCITELLI FAMILY TRUST
BY PISCITELLI, VINCENZO & ROSALBA
15540 SW APRIL LN
TIGARD, OR 97224

2S108CA00300

RASMUSSEN, ROGER & NANCY
15165 SW FINIS LN
TIGARD, OR 97224

Property Owner List

Attachment 2

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STANLEY, JEAN A TRUST
BY STANLEY, JEAN A GAVIN D CO-TRS
15025 SW 161ST AVE
TIGARD, OR 97224

2S108CA00100
SUNDERMEIER, WILLIAM A JR & RONDA
15300 SW FINIS LN
TIGARD, OR 97224

2S1080003200
TIGARD-TUALATIN SCHOOL DISTRICT
6960 SW SANDBURG ST
TIGARD, OR 97223

2S108CD00300
TRI-COUNTY INVESTMENTS LLC
17933 NW EVERGREEN PKWY STE 300
BEAVERTON, OR 97006

2S1070001200
UPCHURCH, GERALD S
14992 SW ROY ROGERS RD
SHERWOOD, OR 97140

BCC 12-0304

INTERGOVERNMENTAL AGREEMENT
Coordination in Urbanizing Areas
and
Transfer of County Road Ownership

BETWEEN: City of Tigard, an Oregon Municipal Corporation (“City”)
AND: Washington County, a Political Subdivision of the State of Oregon (“County”)
DATED: APRIL 24, 2012

RECITALS

A. In 2002, Metro brought the West Bull Mountain Area, consisting of approximately 500 acres of land, within the Urban Growth Boundary (“UGB”).

B. In 2003, City, County, Clean Water Services, and other providers of urban services, entered into an agreement called the Tigard Urban Service Agreement (“TUSA”) that designated City as appropriate provider of services in the Tigard urban service area, except for those services that are to be provided by other agencies as further set forth in the TUSA.

C. On November 23, 2010, County adopted the West Bull Mountain Concept Plan Resolution and Order that established general land use strategies for how the West Bull Mountain Area should become a future urban community. Two areas of the West Bull Mountain Concept Plan are known as Area 63 and Area 64/River Terrace. Metro brought these areas inside the UGB in 2002. A third component of the West Bull Mountain Concept Plan is known as the “Rural Element,” which was not brought inside the UGB in 2002. These premises are illustrated on the map attached to this IGA as **Exhibit A**.

D. On September 30, 2011, the City annexed Area 64/River Terrace. The area annexed to the City of Tigard is illustrated on the map attached to this IGA as **Exhibit B**.

E. On October 20, 2011, Metro brought approximately 49 acres within the UGB, which will be referred to for the purposes of this Agreement as the Roy Rogers West Area. The Roy Rogers West Area is a portion of the Rural Element.

F. The City has also been formally approached by property owners in Area 63 and Roy Rogers West who are interested in annexing to Tigard.

G. Area 63, Area 64/River Terrace, and Roy Rogers West are currently within the UGB. These premises are illustrated on the map attached to this IGA as **Exhibit C**, and shall be referred to collectively as the Community Planning Area.

H. The City will refine the County’s West Bull Mountain Concept Plan and provide a detailed land use, public infrastructure, governance, and financial planning framework for urban development of the concept planned area. The refinement shall be referred to as the Community Plan.

I. City is the expected urban service provider to territory of the West Bull Mountain Area already within the UGB, Roy Rogers West, and the balance of the Rural Element that remains outside of the UGB. It is important to City and County that:

- 1) planning be completed to implement Metro's decision that River Terrace, Area 63, and Roy Rogers West, become functioning urban areas within the UGB; and
- 2) City and Council cooperate to support future annexation to the City of Area 63 and Roy Rogers West;
- 3) City and County further cooperate with Metro to bring the balance of the Rural Element inside the UGB; and
- 4) Roy Rogers West, Area 63, and River Terrace are included in the Community Plan for land use in the area.

J. City and County find it mutually beneficial to continue finding agreement on rights and obligations in the Tigard Urban Service Area.

K. City and County believe this IGA furthers effective governance, economy of scale, and furthers the policies of Metro Functional Plan Title 11, in that:

- 1) A single jurisdiction—the City of Tigard—will bear responsibility for creating a Community Plan for Area 63, River Terrace, and Roy Rogers West; and
- 2) One effort to produce a Community Plan governing the Community Planning Area may create more clear policy direction for the public; may prevent unnecessarily repetitive land use planning; and may promote quantity discounts for concurrently planning for streets and utility facilities in all three areas involved.

L. City and County find that there needs to be a funding mechanism for construction of roadways and transportation in the Community Planning Area, and both parties find it to be mutually beneficial to work together to develop a financing strategy for the development of a multi-modal transportation system in the Community Planning Area.

M. City and County agree that City ownership of roads within the City furthers effective maintenance, repair, and management of the City and County transportation systems, and provides increased efficiencies for provision of urban services within the City and County.

N. City and County agree that City ownership of roads within the City provides long term clarity and certainty as to the respective obligations of the two governments for street maintenance and repair.

AGREEMENT

NOW, THEREFORE, the parties mutually agree as follows:

Article 1: Land use planning and development

1. Delegation of planning and development authority.

- 1.1 The County agrees to assign and City agrees to accept responsibility to prepare a Community Plan to encompass the Community Planning Area. Such assignment shall occur by execution of separate assignment agreement attached hereto as **Exhibit D**. Upon such assignment, Tigard will be obligated to prepare the Community Plan for River Terrace as a component of the Tigard Comprehensive Plan.
- 1.2 City intends to concurrently plan for the Community Planning Area irrespective of whether Area 63 and Roy Rogers West are annexed by the City and despite the balance of the Rural Element not being included within the UGB in 2011.
- 1.3. Administration of County land use plan and zoning code. County will administer the County land use plan and regulations, with the exception of applications for zone or comprehensive plan changes, in River Terrace and any other territory within the Community Planning Area that may be annexed to City, until the effective date of the ordinance passed by City Council adopting the Community Plan and supporting zoning code for the Community Planning Area.
- 1.4. Development authority. County agrees that, prior to the effective date of all ordinances passed by City Council to adopt the Community Plan and supporting zoning code for the Community Planning Area, it will refer to City any development applications, and will not approve any urban-level development in this territory. The City shall have sole authority to decide applications for zone or comprehensive plan changes as described in section 1.3 above.

2. Binding effect of Community Plan. The parties intend for the Community Plan to be submitted to Metro for that agency's review under Title 11. The County agrees to accept the Plan and not pursue inconsistent regulations once it is submitted to Metro for this purpose.

3. Financial support for creating the Community Plan. County agrees it will fund a share of the land use planning cost required to produce the Community Plan, in cash equivalent or staff resources and in-kind services such as special analysis and transportation modeling as required by the City in support of the project and mutually agreed upon by City and County. All County resources made available to the City under this Section will continue until the date City Council approves the Community Plan.

4. Continued support for MSTIP work. Through the MSTIP process, County will work with City to identify projects that the City can submit to the Washington County Coordinating Committee to implement the Community Plan and mitigate its impacts on the roadway system.

Article 2: Annexation

5. Area 63 and Roy Rogers West annexation. County supports and consents to City annexation of Area 63 and Roy Rogers West as shown on **Exhibit C** including lands and rights-of-way under County control or ownership.

6. UGB amendments. County and City support future action by Metro to bring the entirety of the Rural Element within the UGB.

7. Timeframe for City consideration of annexations. City agrees to begin annexation of unincorporated islands within its boundaries.

Article 3: Services

8. **TUSA updates.** County agrees to convene government representatives for the purpose of amending the TUSA to recognize City as the logical provider of urban services to Area 63, River Terrace, and the Rural Element.

9. **Providers of urban services.** The parties continue to acknowledge their agreement that agencies providing services to the Tigard urban services area consist of those agencies listed in Sections A through G of the TUSA. The parties further agree that County will not create any new special service areas or enhanced service districts within the boundaries of Tigard's urban service area.

10. Prior to urban development of the Community Planning Area, and as part of the plan development, the City will work with the County to develop a financing strategy that assures an adequate level of arterial and collector roads over a 30 year time frame. Development and implementation of this strategy may require the establishment of new or supplemental funding components.

Article 4: Roadways

11. The City agrees to assume the entirety of the County's ownership interest in the portions of the following roads that are within Tigard's jurisdictional boundaries as soon as the parties adopt this Agreement, described as follows and attached hereto as **Exhibit E**.

11.1 The southeastern half of Barrows Road from Scholls Ferry to Springbrook (*item D on map*).

11.2 113th Avenue from Durham Road to the current city limits (*item E on map*).

11.3 Bull Mountain Road from Highway 99W to east of 14025 SW Bull Mountain Road (*item C on map*).

11.4 Friendly Lane from Roy Rogers Road east to its terminus (*item A on map*).

11.5 Roshak Road from Roy Rogers Road east to its terminus (*item B on map*).

12. The City's obligation to take ownership of the above listed roads is contingent on receipt of payment in cash from the County in an amount equal to or greater than the estimated total cost to the City to improve all portions of each of the above mentioned roads that are below Pavement Condition Index ("PCI") 67, to PCI 67.

Article 5: Administration of this Agreement

13. **Term.** This agreement shall become effective upon full execution of the parties and remain in effect until it is retired or superseded.

14. **Amendment.** This Agreement may be changed by written agreement of the parties.

15. **Dispute resolution.** Disputes over the administration or interpretation of this agreement shall be handled under the dispute resolution model provided in Article IX of the Tigard Urban Service Agreement.

CITY OF TIGARD, an Oregon Municipal Corporation

WASHINGTON COUNTY, a Political Subdivision of the State of Oregon

By: *Martha L. Wine*

By: *Andy Duyck*

Name: Martha L. Wine

Name: Andy Duyck

Its: City Manager

Its: Chairman Board of Commissioners

Signature

Signature

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

MINUTE ORDER # 12-99

DATE 4-24-12

BY *Barbara Hejtmancik*
BOARD

Exhibit A

Beaverton

River Terrace Vicinity

-  River Terrace
-  Urban Growth Boundary
-  City of Tigard

River Terrace
(UGB Area 64)

Tigard

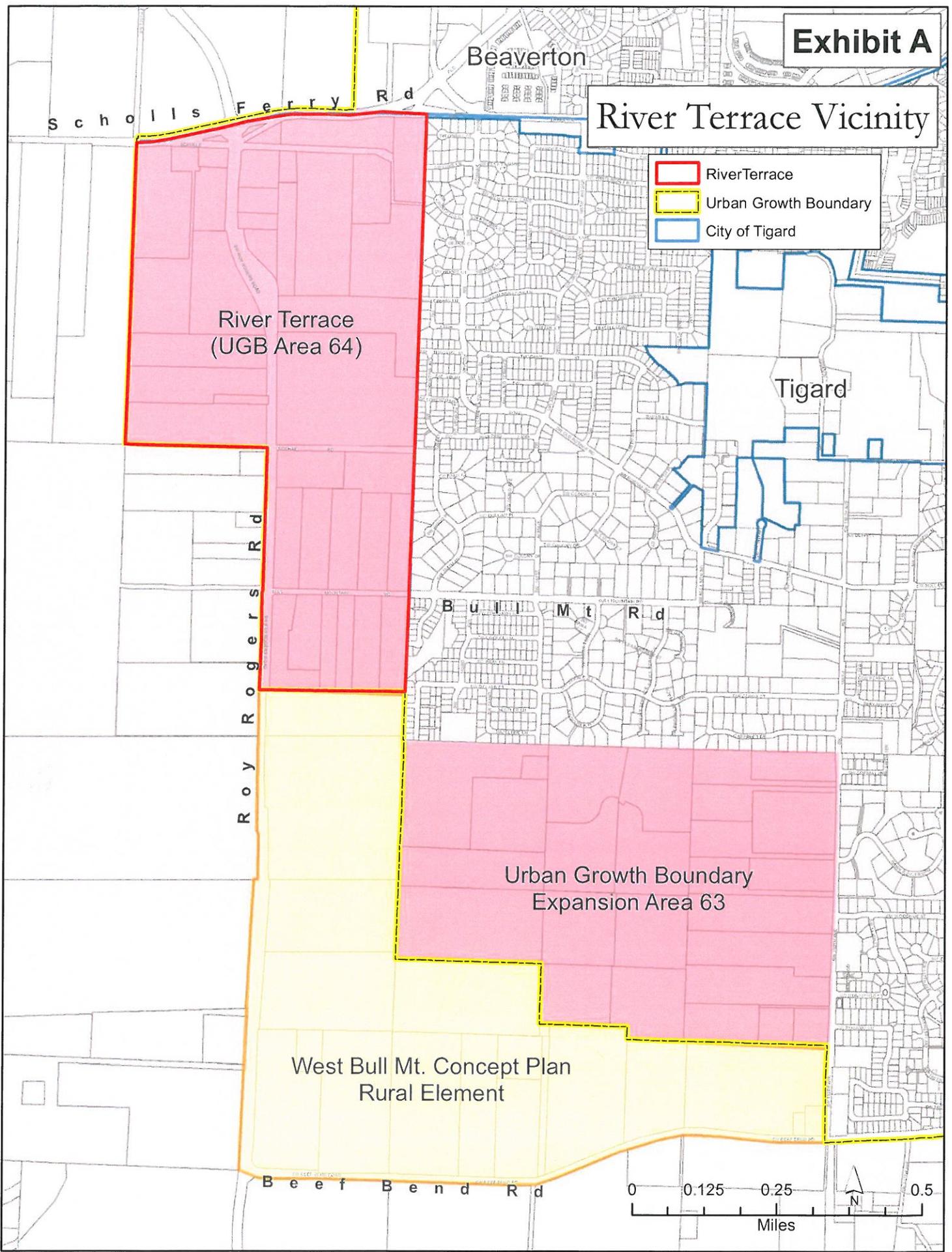
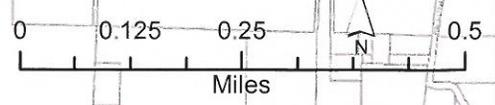
R o y
R o g g e r s
R d

B u l l
M t
R d

Urban Growth Boundary
Expansion Area 63

West Bull Mt. Concept Plan
Rural Element

B e e f
B e n d
R d



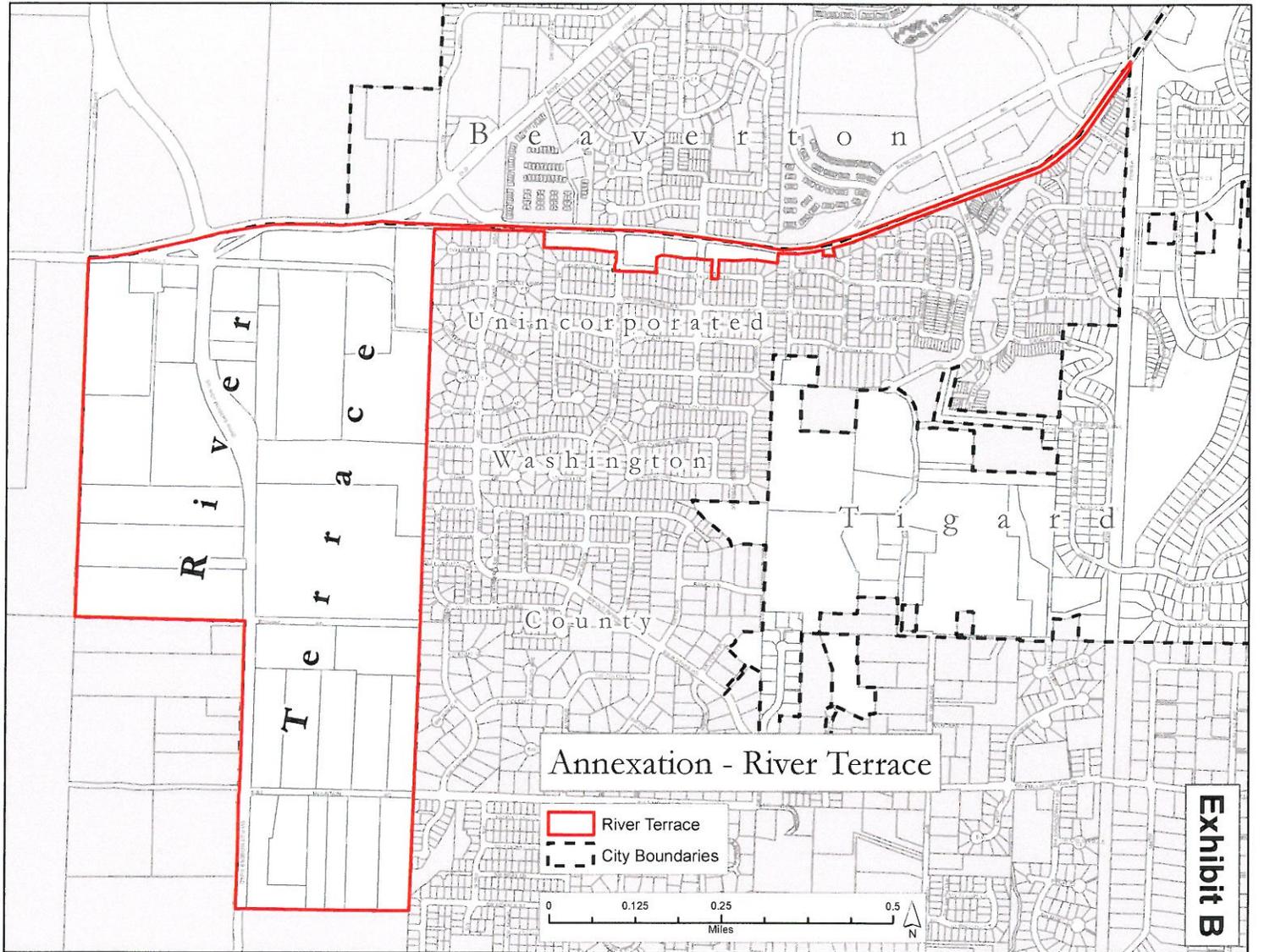
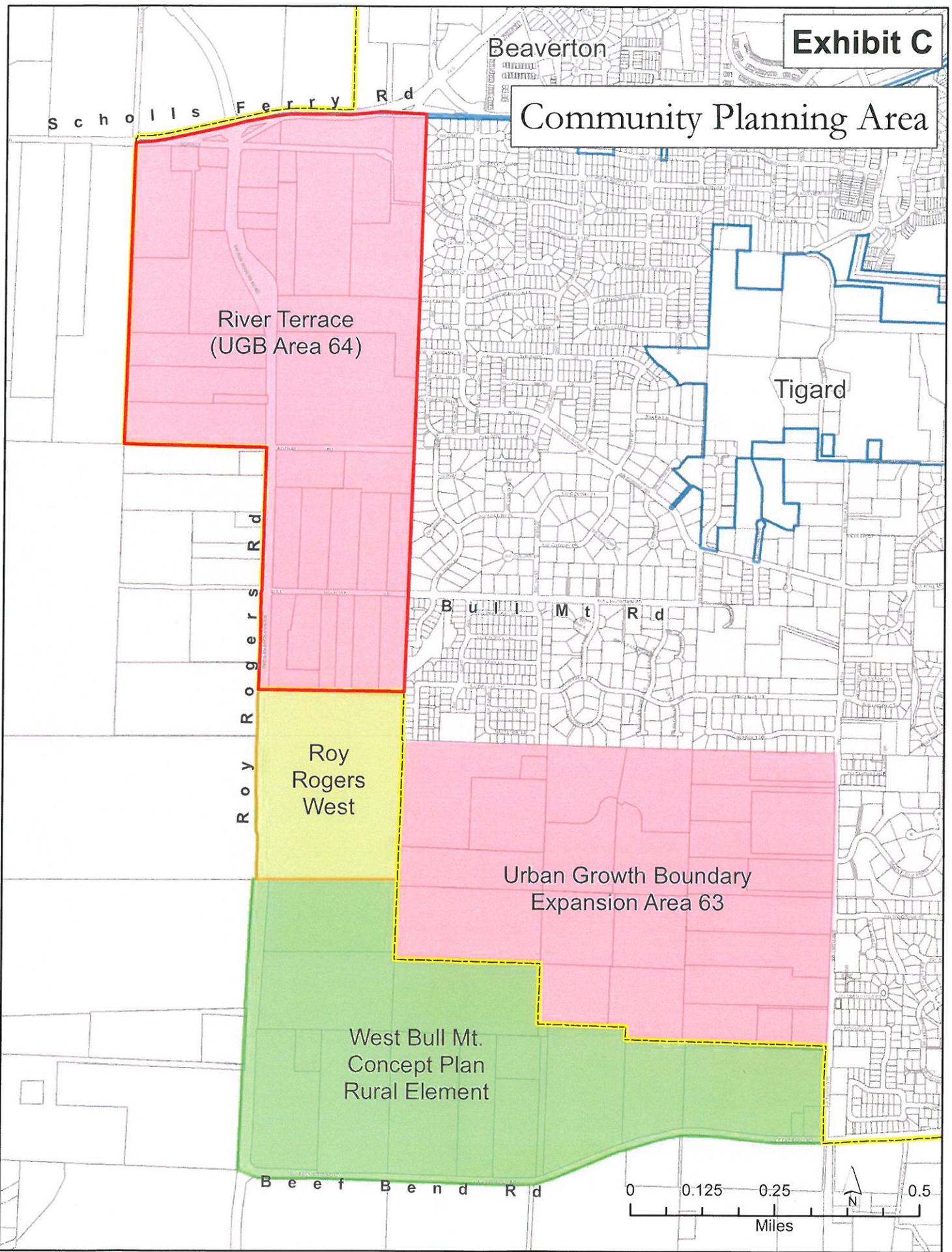


Exhibit B

Exhibit C

Community Planning Area



ASSIGNMENT OF RIGHTS AND DELEGATION OF DUTIES
UNDER CONSTRUCTION EXCISE TAX GRANT
INTERGOVERNMENTAL AGREEMENT

From: Washington County, Oregon

To: City of Tigard, Oregon

WHEREAS, Metro and Washington County (County) have entered into an IGA entitled, *Construction Excise Tax Grant Intergovernmental Agreement (Agreement)*, and County and the City of Tigard wish to enter into this Assignment of Rights and Delegations (Assignment) under the Agreement; and

WHEREAS, under the Agreement, Metro grants excise tax funds to Washington County to reimburse the County for the cost of local comprehensive land use planning efforts required for territory that is brought into the Urban Growth Boundary (UGB); and

WHEREAS, Exhibit A to the Agreement grants excise tax funds to Washington County to reimburse the County for land use planning costs incurred in the West Bull Mountain area, which is a territory of approximately 500 acres that Metro brought into the UGB in 2002 with the support of Metro, City of Tigard (City), and Washington County; and

WHEREAS, In 2003, City, County, Clean Water Services, and other providers of urban services, entered into an agreement called the Tigard Urban Service Agreement (“TUSA”) that designated City as appropriate provider of services in the Tigard urban service area, except for those services that are to be provided by other agencies as further set forth in the TUSA; and

WHEREAS, On November 23, 2010, County adopted the West Bull Mountain Concept Plan Resolution and Order (Concept Plan) that established general land use strategies for how the West Bull Mountain Area should become a future urban community. Two areas of the West Bull Mountain Concept Plan are known as Area 63 and Area 64/River Terrace, which were already inside the UGB. A third component of the West Bull Mountain Concept Plan is known as the “Rural Element,” which is not at present inside the UGB except for a subarea of about 50 acres referred to herein as Roy Rogers West, which Metro brought into the UGB on October 11, 2011. These premises are illustrated on the map attached to this Assignment as Exhibit A; and

WHEREAS, There is a need to refine the Concept Plan to provide detailed land use, public infrastructure, governance, and financial planning policies to guide urban development of the concept planned area; and

WHEREAS, For purposes of the Agreement and this Assignment, the refinement of the Concept Plan will be known as the Community Plan. City and County (collectively “Parties”) intend to ask Metro to approve the Community Plan and coordinate approval with the Department of Land Conservation and Development as consistent with the Statewide Planning Goals in the affected territory; and

WHEREAS, under the Agreement, Washington County currently must create the Community Plan for the West Bull Mountain area; and

WHEREAS, a formal assignment is necessary for City to satisfy County’s planning tasks under the Agreement;

NOW, THEREFORE, the Parties agree to the following:

1. Assignment from County to City: County assigns to City, and City accepts, the task to study and adapt the Concept Plan to become a Community Plan for River Terrace, Area 63, Roy Rogers West, and the balance of the Rural Element that satisfies County’s obligation to supply a deliverable Plan under Exhibit A of the Agreement. This assignment is subject to the following conditions subsequent:

- a. County will provide staff resources and services in support of the project as follows:
 - i. Collaborate with City staff to refine the West Bull Mountain Concept Plan into the river Terrace Community Plan. This will involve providing review and comment of refined land use designations, natural resource areas and implementing code standards. It is anticipated the County’s involvement in the land use/natural resource refinement phase shall not involve more than 150 staff hours.
 - ii. Collaborate with City staff to refine the West Bull Mountain Transportation Plan. The transportation element will be limited to 200 hours of County staff time to 1) test the performance of the proposed local street system; 2) propose solutions to any deficiencies in the local street system; 3) identify proportional impacts of River Terrace development on the arterial and collector road system particularly in Tigard and on Highway 99W; 4) work with the City to propose funding mechanisms to address these impacts.
 - iii. Participate on a City Technical Advisory Committee to assist in development of the Community Plan.
 - iv. Provide information to the City pertaining to its citizen engagement effort for the west Bull Mountain Community Plan to assist citizen information and involvement for the Community Plan.
- b. Metro agrees to pay City under this Assignment document; and
- c. County will grant City access to studies, correspondence, professional reports, exhibits, and all other documents that comprise the file of materials developed in connection with County’s creation of the Concept Plan.

2. Assignment of right to grant money: County assigns to City, and City accepts, the right to claim the remaining grant money under the Agreement, which sum is estimated at approximately \$134,000. Metro has acknowledged that the County will assign its rights to this grant money to the City pursuant to this agreement as demonstrated in Attachment “A”.

3. Effect of County nonperformance: County’s failure to supply the document access and in-kind services described in Section 1 does not:

- a. Invalidate City's right to submit Deliverables to Metro and claim the remaining grant money; or
 - b. Create in City a right to claim money damages against County on any legal or equitable theory.
4. Administration of this Assignment document:
- a. This Assignment becomes effective upon execution by both parties and remains in effect until it is cancelled by mutual agreement of the Parties, or the grant money has been fully claimed and received by City.
 - b. This Agreement may be amended by the Parties' written agreement.
5. This Agreement may be terminated, with cause at any time if the City fails to perform any of the other provisions of this Agreement as determined by Metro, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from the County, fails to correct such failures within sixty (60) days or other such period as the County may authorize.
6. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this agreement where the loss or claim is attributable to the negligent acts or omissions of that party.
7. Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.
8. Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
9. This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore.
10. Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.

Exhibit D

- 11. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 12. This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

CITY OF TIGARD, an Oregon Municipal Corporation

WASHINGTON COUNTY, a Political Subdivision of the State of Oregon

By: _____

By: _____

Name: _____

Name: _____

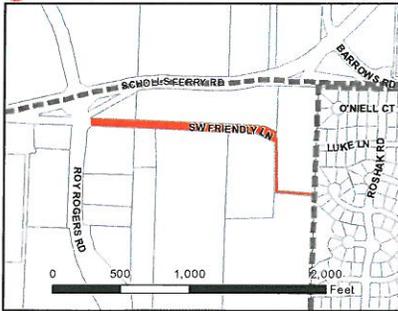
Its: _____

Its: _____

Signature

Signature

A Friendly Lane



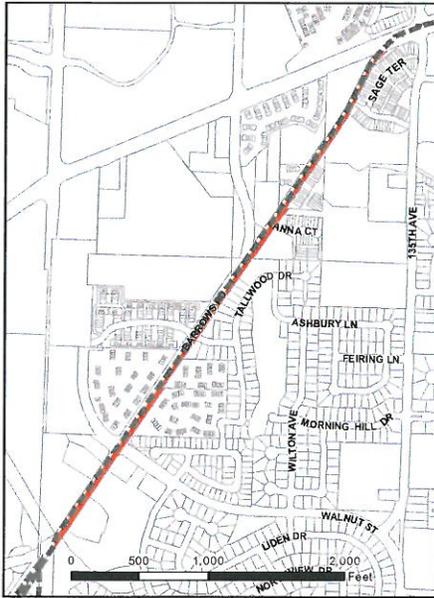
B Roshak Road



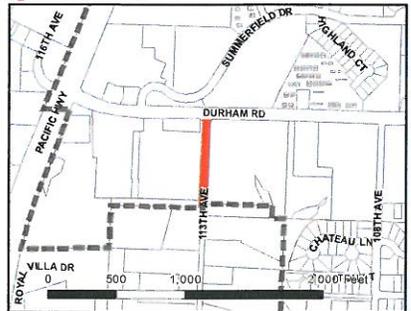
C Bull Mountain Road



D Barrows Road (Eastern Half)



E 113th Avenue



DRAFT

Attachment A
referred to in
Exhibit D

CONSTRUCTION EXCISE TAX GRANT INTERGOVERNMENTAL AGREEMENT Metro – Washington County West Bull Mountain Project

This Construction Excise Tax Grant Intergovernmental Agreement (“CET Grant IGA”) is effective on the last date of signature below, and is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, OR, 97232-2736 (“Metro”), and Washington County (“County”), located at 155 N. First Ave., Hillsboro, OR 97124, collectively referred to as “Parties.”

WHEREAS, Metro has established a Construction Excise Tax (“CET”) which imposes an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with new inclusions into the urban growth boundary (“UGB”) between 2002 and 2005;

WHEREAS, the CET is collected by local jurisdictions when issuing building permits, and the CET collected is remitted to Metro by the local collecting jurisdictions via Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax (“CET Collection IGAs”) entered into separately between Metro and the local collecting jurisdictions;

WHEREAS, in creating the purpose and amount of the CET, Metro worked with local jurisdictions, and received their estimates as to the total dollar amounts needed by the local jurisdictions to fund their local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005;

WHEREAS, the CET will expire when the total amount of CET collected by all jurisdictions and remitted to Metro is \$6.3 million dollars, which is estimated to take approximately three years; and

WHEREAS, Metro will distribute 100% of the CET expected to be remitted to Metro as grants to local jurisdictions, based on CET Grant Requests submitted by local jurisdictions that set forth their expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

WHEREAS, as part of the CET process Metro has met with all of the applicable local jurisdictions regarding their local comprehensive planning funding needs associated with new inclusions into the urban growth boundary between 2002 and 2005, and the total estimates recently provided by the local jurisdictions greatly exceed the total estimates upon which the CET was based; and

WHEREAS, the CET Administrative Rules set forth certain eligible expenses for CET Grant consideration, and the rules also provide that if the total Grant Requests from participating local governments exceed the total CET expected revenues, Metro shall first consider awarding funds for eligible direct costs, which will have priority for funding over indirect costs; and

WHEREAS, County has submitted a CET Grant Request to Metro, and the parties wish to set forth the funding amounts, timing, and procedures for receiving reimbursement from the CET fund for County’s planning expenditures.

NOW THEREFORE, the Parties hereto agree as follows:

1. Reimbursement by Metro. Metro shall reimburse County for approved eligible expenses, associated with County’s completion of those planning milestones, in the amounts and at the times, as set forth in Exhibit A attached hereto and incorporated herein. Payments shall be in accordance with the “payment

DRAFT

procedures” set forth below.

2. County Responsibilities. County agrees that it shall take all actions in a timely and diligent manner that are required or necessary to complete and fulfill the milestones set forth in Exhibit A. County also covenants and agrees that it shall use the CET funds it receives under this Agreement only for the work approved to reach the milestones set forth in Exhibit A.

3. Eligible Expenses. As set forth in Metro Code Chapter 7.04 Administrative Rules, the following expenses shall be considered Eligible Expenses for CET Grant consideration, up to a ceiling of the reimbursable amounts set forth in Exhibit A attached hereto: (a) materials directly related to project; (b) consultants’ work on project; (c) County staff support directly related to project; and (d) overhead directly attributable to project.

4. Payment Procedures. Within 30 days after the completion of each milestone as set forth in Exhibit A, County shall submit to Metro a statement describing in reasonable detail the eligible and reimbursable work services performed pursuant to this Agreement. County will furnish Metro with any other statements or reports of expenditures as may be needed to satisfy fiscal requirements. Metro shall reimburse County for the eligible and approved reimbursable work after each milestone is reached, no later than 60 days after the date Metro receives County’s statement. County shall send the statement, and Metro shall send CET payments, to:

Metro
Attention: Ray Valone
600 NE Grand Ave.
Portland OR 997205
(503) 797-1808

Washington County DLUT
Attention: Judy Lynn
Public Services Building, Suite 350, MS 16
155 N. First Ave.
Hillsboro, OR 97124
(503) 846-3718

5. Project Records. County shall maintain all records and documentation relating to the work and tasks involved in the project as set forth in Exhibit A. County shall provide Metro with such reasonable information and documentation as Metro requires for implementation of the CET grant process. County shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement.

6. Audits, Inspections and Retention of Records. Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they reasonably deem necessary, all County records with respect to all matters covered by this Agreement and Exhibit A, excepting privileged and other such documents that County may claim to be exempt from disclosure under ORS chapter 192. Nothing herein limits Metro’s right to challenge the withholding of any documents as permitted by law. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the project shall be retained by County and all of its contractors for three years from the later of the date of completion of the project, or expiration of the Agreement, to facilitate any audits or inspection.

7. Funding From CET Funds. Metro’s funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds. The parties recognize and agree that if the CET is ever held to be unenforceable or is terminated through no act or omission of Metro, that Metro shall not be liable in any way for funding the amounts described in Exhibit A.

DRAFT

Exhibit A

CET Grant IGA Between Metro and Washington County West Bull Mountain Project Milestones, Due Dates, and Reimbursement Rates

Total Requested by County for New Urban Growth Area West Bull Mountain Project: \$670,500
Total Reimbursable Amount:* \$670,500**

<u>Milestone #:</u>	<u>Deliverable</u>	<u>Date Due***</u>	<u>Grant Payment</u>
1.	Execution of CET Grant IGA	x date	\$134,100
2.	Mid-point in Concept Plan development, demonstrating progress toward completion	x date + 210 days	\$134,100
3.	County's Preferred Concept Plan Alternative or Urban Growth Diagram, showing at least those elements set forth in Title 11	x date + 390 days	\$134,100
4.	County's recommended Comprehensive Plan or Comp. Plan amendment, addressing Title 11; the applicable conditions of addition in Metro ordinance for the new urban area; and applicable state laws and regulations	x date + 540 days	\$134,100
5.	County's adoption of Comprehensive Plan or Comp. Plan amendment, addressing Title 11; the applicable conditions of addition in Metro ordinance for the new urban area; and applicable state laws and regulations	x date + 660 days	\$134,100
TOTAL REIMBURSABLE AMOUNT*			\$670,500**

*The Total Reimbursable Amount is a maximum amount that will be reimbursed for Eligible Expenses as set forth in the CET Grant IGA and Metro Code Chapter 7.04 Administrative Rules.

** The CET will fund the project for the full \$670,500 for all eligible expenses. Grant funding is subject to reduction attributed to a reduction in milestone expectations, alternate grants awarded to this project or completion or reduction requests by County.

*** Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If County anticipates that a due date will not be met, it shall inform Metro in writing no later than ten (10) days prior to the due date, and shall provide a revised estimated due date, and Metro and County will mutually revise the milestone due dates set forth in this Agreement.

Beaverton

Exhibit A referenced in Exhibit D

Community Planning Area

S c h o l l s F e r r y R d

River Terrace
(UGB Area 64)

Tigard

R o y R o g g e r s R d

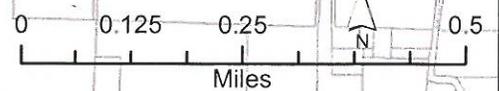
B u l l M t R d

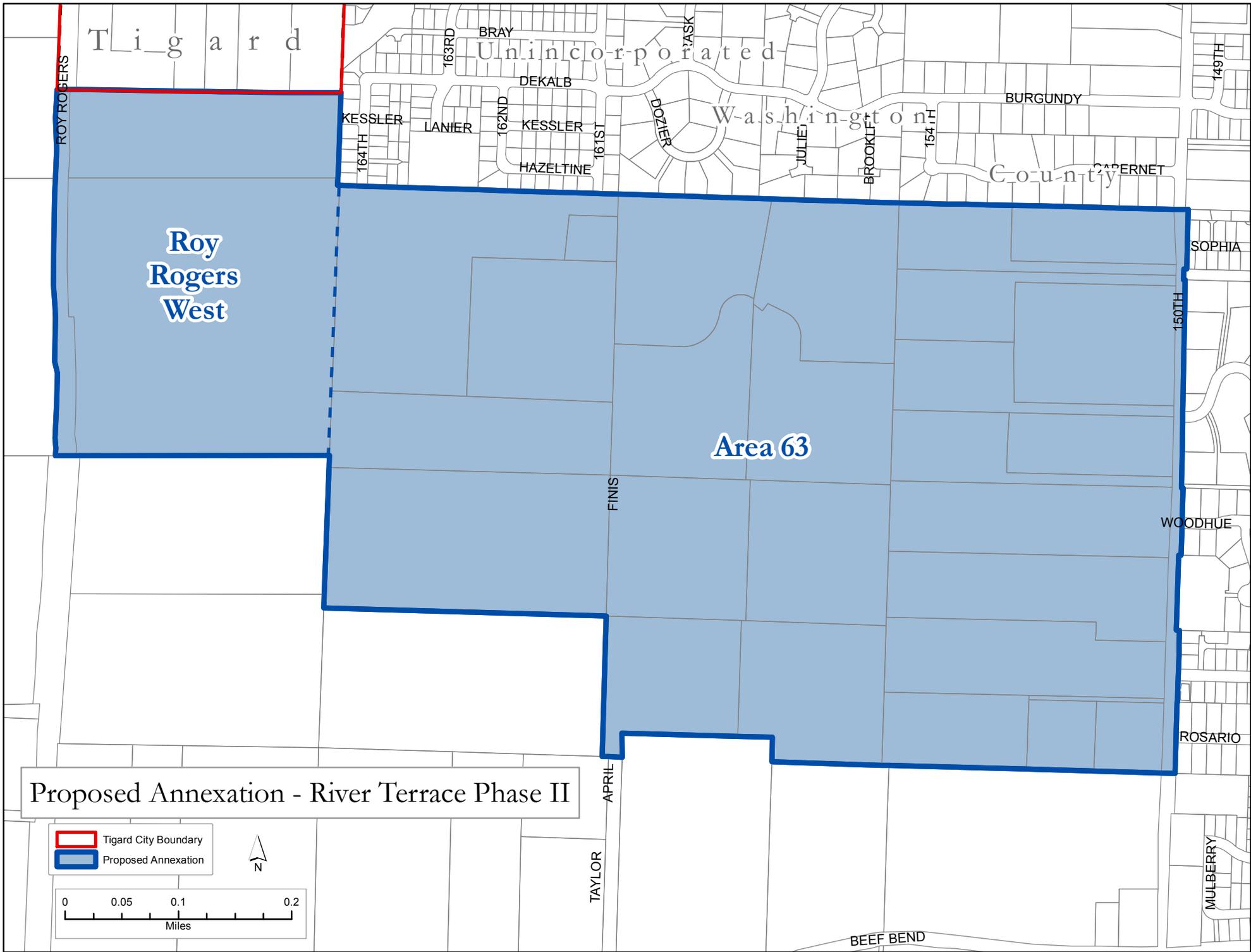
Roy
Rogers
West

Urban Growth Boundary
Expansion Area 63

West Bull Mt.
Concept Plan
Rural Element

B e e f B e n d R d



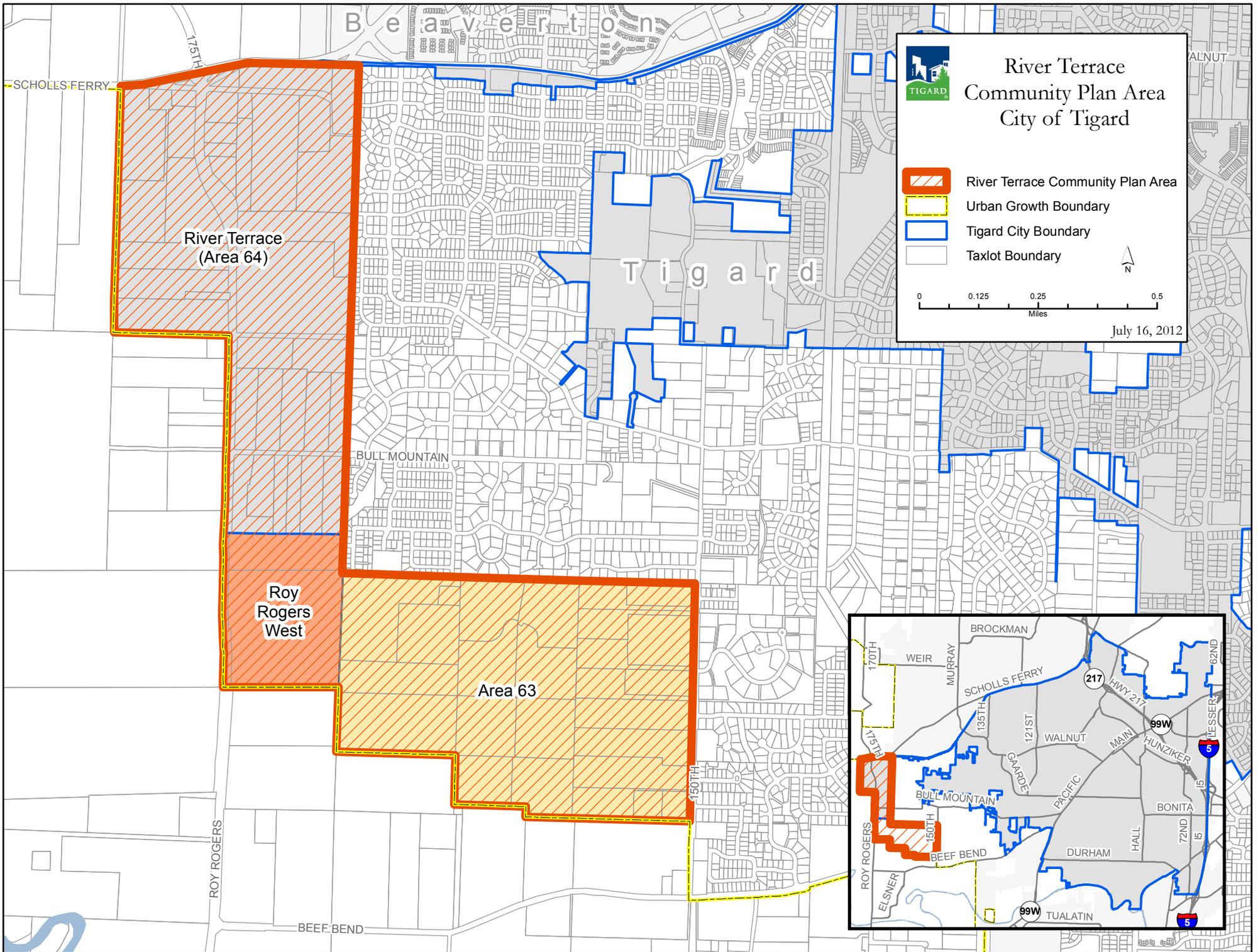


Proposed Annexation - River Terrace Phase II

Tigard City Boundary
Proposed Annexation

0 0.05 0.1 0.2
Miles

N



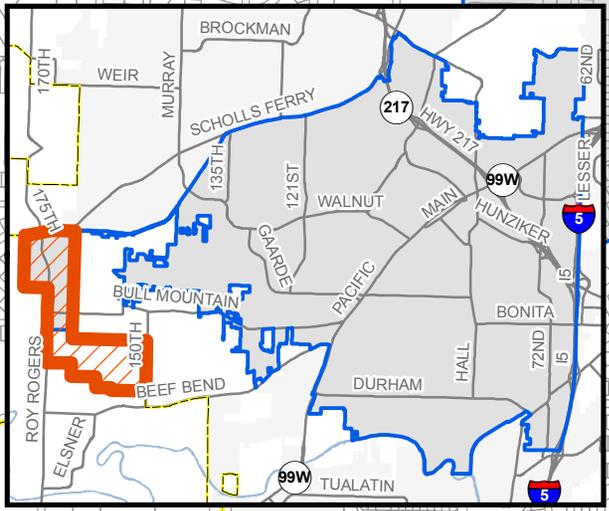
River Terrace Community Plan Area
City of Tigard

TIGARD

- River Terrace Community Plan Area
- Urban Growth Boundary
- Tigard City Boundary
- Taxlot Boundary

0 0.125 0.25 0.5
 Miles

July 16, 2012



Business Meeting

Meeting Date: 01/22/2013
Length (in minutes): 15 Minutes
Agenda Title: Informational Public Hearing - Supplemental Budget Amendment to FY 2013 Adopted Budget
Prepared For: Toby LaFrance
Submitted By: Carissa Collins, Financial and Information Services
 Motion Requested Council
 Resolution Business
 Public Hearing - Legislative Meeting -
Item Type: Public Hearing - Informational **Meeting Type:** Main

Public Hearing

Newspaper Legal Ad Required?: Yes

Public Hearing Publication

Date in Newspaper: 01/10/2013

Information

ISSUE

A second quarter supplemental amendment to the FY 2013 Adopted Budget is requested. The purpose of the supplemental is to account for revenues and expenses that were unknown at the time of budget adoption.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the FY 2013 Second Quarter Supplemental Budget Amendment.

KEY FACTS AND INFORMATION SUMMARY

The following is a list of items that require council action for the FY 2013 Adopted Budget:

A. Capital Improvement Program

1. Pavement Management Program - Additional \$260,000 of funding for crack sealing and evaluation of street inventory. Paid with actual beginning fund balance that exceeds budget.
2. Park Land Acquisition - Additional \$2,200,000 of funding for park land acquisition related to the \$17 million parks bond. Action will also use most of the available resources in the Parks System Development Charge Fund, bringing the ending fund balance near \$0.

B. City Operations

3. State Farm Insurance Grant - Recognition of \$5,000 grant to support the Distracted Driving Program in Police Department.
4. Municipal Court Contracted Services - Recognition on additional costs related to interpreter services and collections totaling \$8,500. The additional costs in collection payments is offset with higher collections revenues. Interpreter costs will use General Fund Contingency.
5. City Recorder Legal Services - Additional \$6,000 of appropriations from Central Service Fund Contingency to pay for legal services due to the citizen light rail initiative and City Council referendum.
6. Vehicle Repair & Maintenance - Additional \$5,648 in vehicle repairs due to accidents. Costs are reimbursed through insurance.
7. Police Vehicle Equipment - Additional \$10,000 of funding is requested to outfit two new police vehicles. Funding will come from \$21,000 in proceeds from vehicle trade-ins. The remaining \$11,000 of unspent proceeds will add to the General Fund Reserve for Future Expenditure.

C. Non-Appropriation Items

8. Sunrise Park - Move \$400K of the budgeted \$445K development dollars from 92020-Sunrise Park to 92027-Park Development. Sunrise Park development is projected to spend \$45K in FY13. There is no impact on appropriations, but the allocation of the appropriations between projects is adjusted.

9. Library Director - During the FY 2013 budget process, the Library Director volunteered to take a 10% reduction in pay as part of the budget reductions. At the time that the budget was adopted, this also reflected a 0.1 FTE reduction. The intent was to have the paycut only and not a reduction in hours. The Library Director has maintained her full-time schedule at the 10 percent lower pay. This action will correct the budget to match the intent and restore the Director's position from 0.9 FTE to 1.0 FTE. No additional appropriations are necessary.

10. Permit Technician Assistant - The Community Development Department hired the position at 1.0 FTE due to internal staffing reorganization; however, the position was adopted as a .80 FTE. An action is being requested for the additional .20 FTE. No additional appropriations are needed for FY 2013.

OTHER ALTERNATIVES

Do not approve the second quarter amendment to the FY 2013 Adopted Budget.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Financial Stability

DATES OF PREVIOUS CONSIDERATION

Fiscal Impact

Cost: 4,686,648

Budgeted (yes or no): No

Where Budgeted (department/program): Multiple

Additional Fiscal Notes:

The total impact of this action will increase the Fiscal Year 2013 Budget by \$4,686,648. Although the supplemental consists of increased requirements, they are offset by additional resources including grants, insurance, equipment sales, and actual fund balance that is higher than budget. Only Item #2 negatively impacts reserves for future expenditures in the Parks Bond Fund by \$900,000 and the Parks SDC Fund by \$1,884,624, bringing the Parks SDC Fund reserve near \$0.

The Exhibit-A has the details of each budgetary item.

Attachment #1 summarizes the items by fund. To help the reader cross reference Attachment #1 to the Exhibit A, the page for each fund also references which items are impacting that fund. The Attachment #1 concludes with the total impact of the supplemental on all city funds. This summary for all city funds shows that the supplemental will increase the total city budget by \$4,686,648 to a total of \$119,848,748 and that total requirements will increase by \$1,913,024 to \$221,912,324. The reason that total requirements increase by less than the total budget is due to the budgeted use of reserves in the supplemental.

Attachments

Proposed Resolution

Exhibit A

Attachment #1

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 13-**

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY 2013 TO ACHIEVE THE FOLLOWING: ADJUSTMENTS TO THE CAPITAL IMPROVEMENT PLAN, CITY OPERATIONS IN POLICE, COURT, AND CITY RECORDER, AND NON-APPROPRIATION ITEMS.

WHEREAS, the city is acknowledging those items unknown at the time the FY 2013 Budget was adopted; and

WHEREAS, the city recognizes a total of \$4,686,648 of unanticipated budget in Police, Court, City Recorder, and the Capital Improvement Program; and

WHEREAS, the city recognizes a total of \$1,913,024 in additional budgeted resources to pay for a portion of the budget increase; and

WHEREAS, the Sunrise Park CIP will only require \$45,000 of the budgeted \$445,000 allowing the remaining \$400,000 to be reallocated to other Park Development projects; and

WHEREAS, the Library Director volunteered a 10 percent reduction in pay as part of the budget cuts in FY 2013 and her position was reduced to 0.9 FTE; however, the Director retained full time work status at the lower total pay, resulting in an increase of 0.1 FTE with no additional appropriations needed in FY 2012-13; and

WHEREAS, a staffing reorganization in Community Development resulted in an increase of 0.2 FTE with no additional appropriations needed in FY 2012-13.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2012-13 Budget is hereby amended as detailed in Exhibit-A.

SECTION 2: The FY 2013-17 CIP is hereby amended to move \$400,000 in FY 2012-13 from Sunrise Park project # 92020 to Park Development project # 92027.

SECTION 3: The Library department will have a budgeted 0.1 FTE increases.

SECTION 4: The Community Development department will have a budgeted 0.2 FTE increases.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2013.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

RESOLUTION NO. 12-

Page 1

City of Tigard
FY 2013 Second Qtr Supplemental Budget Amendment

1. Capital Improvement Program (CIP)

Additional funding is requested to fund crack sealing of selected roads with the program. In addition, an evaluation of street inventory is to be conducted. This action will result in a increase in Beginning Fund Balance with an equal increase in capital improvement program expenditures.

	Adopted Budget	Amendment	Revised Budget
Street Maintenance Fund			
Resources			
Beginning Fund Balance	\$ 774,860	\$ 260,000	\$ 1,034,860
Licenses & Permits	\$ 1,908,122		\$ 1,908,122
Charges for Services	\$ (5,050)		\$ (5,050)
Interest Earnings	\$ 2,043		\$ 2,043
Total Resources	\$ 2,679,975	\$ 260,000	\$ 2,939,975
Requirements			
Program Expenditures Total	\$ -	\$ -	\$ -
Work-In-Progress	\$ 1,470,000	\$ 260,000	\$ 1,730,000
Transfers to Other Funds	\$ 193,645		\$ 193,645
Contingency	\$ 150,000		\$ 150,000
Total Budget	\$ 1,813,645	\$ 260,000	\$ 2,073,645
Reserve For Future Expenditure	\$ 866,330	\$ -	\$ 866,330
Total Requirements	\$ 2,679,975	\$ 260,000	\$ 2,939,975

City of Tigard
FY 2013 Second Qtr Supplemental Budget Amendment

2. Capital Improvement Program (CIP) - Park Land Acquisition

Additional appropriation is requested for potential opportunities associated with the purchase of land and open spaces as a result of the \$17 million park bond and available Parks SDC resources. This action will:

- show a decrease in reserve for future expenditures by \$900,000 in the Parks Bond Fund with an equal transfer out to the Parks CIP Fund;
- show a decrease in Beginning Fund Balance to align budget and actual by \$584,624 in the Parks SDC Fund, a transfer out to the Parks CIP Fund of \$1,300,000, and a decrease in Reserve for Future Expenditure of \$1,884,624, bringing the reserve in Parks SDC near zero.
- show an increase of \$2,200,000 in transfers in to the Parks CIP Fund with an equal increase in Work in Progress.

	Adopted Budget	Amendment	Revised Budget
Parks Bond Fund			
Resources			
Beginning Fund Balance	\$ 6,170,647		\$ 6,170,647
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ -		\$ -
Intergovernmental	\$ -		\$ -
Charges for Services	\$ -		\$ -
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 4,020		\$ 4,020
Total Resources	\$ 6,174,667	\$ -	\$ 6,174,667
Requirements			
Policy and Administration	\$ -		\$ -
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Public Works	\$ -		\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -		\$ -
Loans	\$ -		\$ -
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ 4,977,628	\$ 900,000	\$ 5,877,628
Contingency	\$ -		\$ -
Total Budget	\$ 4,977,628	\$ 900,000	\$ 5,877,628
Reserve For Future Expenditure	\$ 1,197,039	\$ (900,000)	\$ 297,039
Total Requirements	\$ 6,174,667	\$ -	\$ 6,174,667

City of Tigard
 FY 2013 Second Qtr Supplemental Budget Amendment

2. Capital Improvement Program (CIP) - Park Land Acquisition

	Adopted Budget	Amendment	Revised Budget
Parks SDC Fund			
Resources			
Beginning Fund Balance	\$ 2,910,897	\$ (584,624)	\$ 2,326,273
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ 394,825		\$ 394,825
Intergovernmental	\$ -		\$ -
Charges for Services	\$ -		\$ -
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 19,782		\$ 19,782
Total Resources	\$ 3,325,504	\$ (584,624)	\$ 2,740,880
Requirements			
Policy and Administration	\$ -		\$ -
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Public Works	\$ -		\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -		\$ -
Loans	\$ -		\$ -
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ 1,318,325	\$ 1,300,000	\$ 2,618,325
Contingency	\$ 100,000		\$ 100,000
Total Budget	\$ 1,418,325	\$ 1,300,000	\$ 2,718,325
Reserve For Future Expenditure	\$ 1,907,179	\$ (1,884,624)	\$ 22,555
Total Requirements	\$ 3,325,504	\$ (584,624)	\$ 2,740,880

City of Tigard
FY 2013 Second Qtr Supplemental Budget Amendment

2. Capital Improvement Program (CIP) - Park Land Acquisition

	Adopted Budget	Amendment	Revised Budget
Parks Capital Fund			
Resources			
Beginning Fund Balance	\$ 141,884		\$ 141,884
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ -		\$ -
Intergovernmental	\$ 34,000	\$ -	\$ 34,000
Charges for Services	\$ -		\$ -
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 3,015	\$ -	\$ 3,015
Miscellaneous	\$ -		\$ -
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ 6,448,628	\$ 2,200,000	\$ 8,648,628
Total Resources	\$ 6,627,527	\$ 2,200,000	\$ 8,827,527
Requirements			
Program Expenditures Total	\$ -	\$ -	\$ -
Work-In-Progress	\$ 6,619,628	\$ 2,200,000	\$ 8,819,628
Total Budget	\$ 6,619,628	\$ 2,200,000	\$ 8,819,628
Reserve For Future Expenditure	\$ 7,899	\$ -	\$ 7,899
Total Requirements	\$ 6,627,527	\$ 2,200,000	\$ 8,827,527

City of Tigard
FY 2013 Second Qtr Supplemental Budget Amendment

3. State Farm Insurance Grant

Recognition of the grant from State Farm Insurance Company to be used for the Distracted Driving Program in Police. General Fund revenue will increase by \$5,000 with an equal increase in Community Services program expenditures.

General Fund	Adopted	Amendment	Revised
Resources	Budget		Budget
Beginning Fund Balance	\$ 6,341,359		\$ 6,341,359
Property Taxes	\$ 12,726,427		\$ 12,726,427
Franchise Fees	\$ 4,966,611		\$ 4,966,611
Licenses & Permits	\$ 882,300		\$ 882,300
Intergovernmental	\$ 5,671,652		\$ 5,671,652
Charges for Services	\$ 3,142,995		\$ 3,142,995
Fines & Forfeitures	\$ 1,063,126		\$ 1,063,126
Interest Earnings	\$ 103,722		\$ 103,722
Miscellaneous	\$ 24,655	\$ 5,000	\$ 29,655
Other Financing Sources	\$ 280,000		\$ 280,000
Transfers In from Other Funds	\$ 70,000		\$ 70,000
Total Resources	\$ 35,272,847	\$ 5,000	\$ 35,277,847
Requirements			
Policy and Administration	\$ 748,857		\$ 748,857
Community Development	\$ 2,928,615		\$ 2,928,615
Community Services	\$ 19,652,042	\$ 5,000	\$ 19,657,042
Public Works	\$ 5,083,621		\$ 5,083,621
Program Expenditures Total	\$ 28,413,135	\$ 5,000	\$ 28,418,135
Debt Service	\$ -		\$ -
Loans	\$ 280,000		\$ 280,000
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ 623,264		\$ 623,264
Contingency	\$ 966,075		\$ 966,075
Total Budget	\$ 30,282,474	\$ 5,000	\$ 30,287,474
Reserve For Future Expenditure	\$ 4,990,373	\$ -	\$ 4,990,373
Total Requirements	\$ 35,272,847	\$ 5,000	\$ 35,277,847

City of Tigard
FY 2013 Second Qtr Supplemental Budget Amendment

4. Professional/Contractual Services

Appropriation of \$2,500 is being requested for a qualified interpreter for Municipal Court. The need is created due to an increase interpreter fees for certified interpreters. The interpreters will be paid through a reduction in Contingency. In addition, Municipal Court requests additional appropriations of \$6,000 for collection agency fees that are the result of increased collections. This request comes with additional collections revenue.

General Fund	Adopted		Revised
Resources	Budget	Amendment	Budget
Beginning Fund Balance	\$ 6,341,359		\$ 6,341,359
Property Taxes	\$ 12,726,427		\$ 12,726,427
Franchise Fees	\$ 4,966,611		\$ 4,966,611
Licenses & Permits	\$ 882,300		\$ 882,300
Intergovernmental	\$ 5,671,652		\$ 5,671,652
Charges for Services	\$ 3,142,995		\$ 3,142,995
Fines & Forfeitures	\$ 1,063,126	\$ 6,000	\$ 1,069,126
Interest Earnings	\$ 103,722		\$ 103,722
Miscellaneous	\$ 24,655		\$ 24,655
Other Financing Sources	\$ 280,000		\$ 280,000
Transfers In from Other Funds	\$ 70,000		\$ 70,000
Total Resources	\$ 35,272,847	\$ 6,000	\$ 35,278,847
Requirements			
Policy and Administration	\$ 748,857	\$ 8,500	\$ 757,357
Community Development	\$ 2,928,615		\$ 2,928,615
Community Services	\$ 19,652,042		\$ 19,652,042
Public Works	\$ 5,083,621		\$ 5,083,621
Program Expenditures Total	\$ 28,413,135	\$ 8,500	\$ 28,421,635
Loans	\$ 280,000		\$ 280,000
Transfers to Other Funds	\$ 623,264		\$ 623,264
Contingency	\$ 966,075	\$ (2,500)	\$ 963,575
Total Budget	\$ 30,282,474	\$ 6,000	\$ 30,288,474
Reserve For Future Expenditure	\$ 4,990,373	\$ -	\$ 4,990,373
Total Requirements	\$ 35,272,847	\$ 6,000	\$ 35,278,847

City of Tigard
FY 2013 Second Qtr Supplemental Budget Amendment

5. Legal Services

A request of \$6,000 is needed for unanticipated legal fees related to the citizen's Light Rail Initiative petition as well as the City Council initiated referendum on the charter amendment to the Light Rail. This action will result in an decrease in contingency in Central Services with an equal increase in Policy & Administration program expenditures.

	<u>Adopted</u> <u>Budget</u>	<u>Amendment</u>	<u>Revised</u> <u>Budget</u>
Central Services Fund			
Resources			
Beginning Fund Balance	\$ 518,468		\$ 518,468
Licenses & Permits	\$ 31,000		\$ 31,000
Charges for Services	\$ 5,948,588		\$ 5,948,588
Interest Earnings	\$ 593		\$ 593
Transfers In from Other Funds	\$ 282,477		\$ 282,477
Total Resources	\$ 6,781,126	\$ -	\$ 6,781,126
Requirements			
Policy and Administration	\$ 6,292,137	\$ 6,000	\$ 6,298,137
Program Expenditures Total	\$ 6,292,137	\$ 6,000	\$ 6,298,137
Contingency	\$ 300,000	\$ (6,000)	\$ 294,000
Total Budget	\$ 6,592,137	\$ -	\$ 6,592,137
Reserve For Future Expenditure	\$ 188,989	\$ -	\$ 188,989
Total Requirements	\$ 6,781,126	\$ -	\$ 6,781,126

City of Tigard
FY 2013 Second Qtr Supplemental Budget Amendment

6. Vehicle Repair & Maintenance

Appropriation is being requested to pay for vehicle repairs that have been reimbursed by insurance. This action will show an increase in recovered revenues of \$5,648 in the General Fund with an equal increase in Community Services and Public Works expenditures.

General Fund	Adopted	Amendment	Revised
Resources	Budget		Budget
Beginning Fund Balance	\$ 6,341,359		\$ 6,341,359
Property Taxes	\$ 12,726,427		\$ 12,726,427
Franchise Fees	\$ 4,966,611		\$ 4,966,611
Licenses & Permits	\$ 882,300		\$ 882,300
Intergovernmental	\$ 5,671,652		\$ 5,671,652
Charges for Services	\$ 3,142,995		\$ 3,142,995
Fines & Forfeitures	\$ 1,063,126		\$ 1,063,126
Interest Earnings	\$ 103,722		\$ 103,722
Miscellaneous	\$ 24,655	\$ 5,648	\$ 30,303
Other Financing Sources	\$ 280,000		\$ 280,000
Transfers In from Other Funds	\$ 70,000		\$ 70,000
Total Resources	\$ 35,272,847	\$ 5,648	\$ 35,278,495
Requirements			
Policy and Administration	\$ 748,857		\$ 748,857
Community Development	\$ 2,928,615		\$ 2,928,615
Community Services	\$ 19,652,042	\$ 4,668	\$ 19,656,710
Public Works	\$ 5,083,621	\$ 980	\$ 5,084,601
Program Expenditures Total	\$ 28,413,135	\$ 5,648	\$ 28,418,783
Loans	\$ 280,000		\$ 280,000
Transfers to Other Funds	\$ 623,264		\$ 623,264
Contingency	\$ 966,075		\$ 966,075
Total Budget	\$ 30,282,474	\$ 5,648	\$ 30,288,122
Reserve For Future Expenditure	\$ 4,990,373	\$ -	\$ 4,990,373
Total Requirements	\$ 35,272,847	\$ 5,648	\$ 35,278,495

City of Tigard
FY 2013 Second Qtr Supplemental Budget Amendment

7. Capital Outlay-Equipment

An appropriation in the amount of \$10,000 is being requested by Police. This funding will be used to outfit two new police vehicles with the necessary equipment. Funding will come from proceeds that were received as a result of vehicle trade-in. These proceeds amounted to \$21,000 of revenue for the city. The difference between the \$21,000 increase in revenue and the \$10,000 in Police expenditures will result in an \$11,000 increase in Reserves for Future Expenditure in the General Fund.

General Fund	Adopted		Revised
Resources	Budget	Amendment	Budget
Beginning Fund Balance	\$ 6,341,359		\$ 6,341,359
Property Taxes	\$ 12,726,427		\$ 12,726,427
Franchise Fees	\$ 4,966,611		\$ 4,966,611
Licenses & Permits	\$ 882,300		\$ 882,300
Intergovernmental	\$ 5,671,652		\$ 5,671,652
Charges for Services	\$ 3,142,995		\$ 3,142,995
Fines & Forfeitures	\$ 1,063,126		\$ 1,063,126
Interest Earnings	\$ 103,722		\$ 103,722
Miscellaneous	\$ 24,655	\$ 21,000	\$ 45,655
Other Financing Sources	\$ 280,000		\$ 280,000
Transfers In from Other Funds	\$ 70,000		\$ 70,000
Total Resources	\$ 35,272,847	\$ 21,000	\$ 35,293,847
Requirements			
Policy and Administration	\$ 748,857		\$ 748,857
Community Development	\$ 2,928,615		\$ 2,928,615
Community Services	\$ 19,652,042	\$ 10,000	\$ 19,662,042
Public Works	\$ 5,083,621		\$ 5,083,621
Program Expenditures Total	\$ 28,413,135	\$ 10,000	\$ 28,423,135
Loans	\$ 280,000		\$ 280,000
Transfers to Other Funds	\$ 623,264		\$ 623,264
Contingency	\$ 966,075		\$ 966,075
Total Budget	\$ 30,282,474	\$ 10,000	\$ 30,292,474
Reserve For Future Expenditure	\$ 4,990,373	\$ 11,000	\$ 5,001,373
Total Requirements	\$ 35,272,847	\$ 21,000	\$ 35,293,847

FY 2013 First Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: 3, 4, 6, 7

General Fund	Q1 Revised	Amendment	Q2 Revised
Resources	Budget		Budget
Beginning Fund Balance	\$ 6,341,359	\$ -	\$ 6,341,359
Property Taxes	\$ 12,726,427	\$ -	\$ 12,726,427
Franchise Fees	\$ 4,966,611	\$ -	\$ 4,966,611
Licenses & Permits	\$ 882,300	\$ -	\$ 882,300
Intergovernmental	\$ 5,671,652	\$ -	\$ 5,671,652
Charges for Services	\$ 3,142,995	\$ -	\$ 3,142,995
Fines & Forfeitures	\$ 1,063,126	\$ 6,000	\$ 1,069,126
Interest Earnings	\$ 103,722	\$ -	\$ 103,722
Miscellaneous	\$ 24,655	\$ 31,648	\$ 56,303
Other Financing Sources	\$ 280,000	\$ -	\$ 280,000
Transfers In from Other Funds	\$ 70,000	\$ -	\$ 70,000
Total Resources	\$ 35,272,847	\$ 37,648	\$ 35,310,495
Requirements			
Policy and Administration	\$ 748,857	\$ 8,500	\$ 757,357
Community Development	\$ 2,928,615	\$ -	\$ 2,928,615
Community Services	\$ 19,652,042	\$ 19,668	\$ 19,671,710
Public Works	\$ 5,083,621	\$ 980	\$ 5,084,601
Program Expenditures Total	\$ 28,413,135	\$ 29,148	\$ 28,442,283
Debt Service	\$ -	\$ -	\$ -
Loans	\$ 280,000	\$ -	\$ 280,000
Work-In-Progress	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ 623,264	\$ -	\$ 623,264
Contingency	\$ 966,075	\$ (2,500)	\$ 963,575
Total Budget	\$ 30,282,474	\$ 26,648	\$ 30,309,122
Reserve For Future Expenditure	\$ 4,990,373	\$ 11,000	\$ 5,001,373
Total Requirements	\$ 35,272,847	\$ 37,648	\$ 35,310,495

FY 2013 First Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: 2

Parks SDC Fund	Q1 Revised Budget	Amendment	Q2 Revised Budget
Resources			
Beginning Fund Balance	\$ 2,910,897	\$ (584,624)	\$ 2,326,273
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ 394,825	\$ -	\$ 394,825
Intergovernmental	\$ -	\$ -	\$ -
Charges for Services	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 19,782	\$ -	\$ 19,782
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ -	\$ -	\$ -
Total Resources	\$ 3,325,504	\$ (584,624)	\$ 2,740,880
Requirements			
Policy and Administration	\$ -	\$ -	\$ -
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ 1,318,325	\$ 1,300,000	\$ 2,618,325
Contingency	\$ 100,000	\$ -	\$ 100,000
Total Budget	\$ 1,418,325	\$ 1,300,000	\$ 2,718,325
Reserve For Future Expenditure	\$ 1,907,179	\$ (1,884,624)	\$ 22,555
Total Requirements	\$ 3,325,504	\$ (584,624)	\$ 2,740,880

FY 2013 First Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: 5a, 5b, 6

Parks Capital Fund	Q1 Revised		Q2 Revised
Resources	Budget	Amendment	Budget
Beginning Fund Balance	\$ 141,884	\$ -	\$ 141,884
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ -	\$ -	\$ -
Intergovernmental	\$ 34,000	\$ -	\$ 34,000
Charges for Services	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 3,015	\$ -	\$ 3,015
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ 5,902,628	\$ 2,200,000	\$ 8,102,628
Total Resources	\$ 6,081,527	\$ 2,200,000	\$ 8,281,527
Requirements			
Policy and Administration	\$ -	\$ -	\$ -
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ 6,073,628	\$ 2,200,000	\$ 8,273,628
Transfers to Other Funds	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Total Budget	\$ 6,073,628	\$ 2,200,000	\$ 8,273,628
Reserve For Future Expenditure	\$ 7,899	\$ -	\$ 7,899
Total Requirements	\$ 6,081,527	\$ 2,200,000	\$ 8,281,527

FY 2013 First Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: 6

	Q1 Revised Budget	Amendment	Q2 Revised Budget
Parks Bond Fund			
Resources			
Beginning Fund Balance	\$ 6,170,647	\$ -	\$ 6,170,647
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ -	\$ -	\$ -
Intergovernmental	\$ -	\$ -	\$ -
Charges for Services	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 4,020	\$ -	\$ 4,020
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ -	\$ -	\$ -
Total Resources	\$ 6,174,667	\$ -	\$ 6,174,667
Requirements			
Policy and Administration	\$ -	\$ -	\$ -
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ 4,977,628	\$ 900,000	\$ 5,877,628
Contingency	\$ -	\$ -	\$ -
Total Budget	\$ 4,977,628	\$ 900,000	\$ 5,877,628
Reserve For Future Expenditure	\$ 1,197,039	\$ (900,000)	\$ 297,039
Total Requirements	\$ 6,174,667	\$ -	\$ 6,174,667

FY 2013 First Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: 1

	Q1 Revised Budget	Amendment	Q2 Revised Budget
Street Maintenance Fund			
Resources			
Beginning Fund Balance	\$ 774,860	\$ 260,000	\$ 1,034,860
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ 1,908,122	\$ -	\$ 1,908,122
Intergovernmental	\$ -	\$ -	\$ -
Charges for Services	\$ (5,050)	\$ -	\$ (5,050)
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 2,043	\$ -	\$ 2,043
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ -	\$ -	\$ -
Total Resources	\$ 2,679,975	\$ 260,000	\$ 2,939,975
Requirements			
Policy and Administration	\$ -	\$ -	\$ -
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ 1,470,000	\$ 260,000	\$ 1,730,000
Transfers to Other Funds	\$ 193,645	\$ -	\$ 193,645
Contingency	\$ 150,000	\$ -	\$ 150,000
Total Budget	\$ 1,813,645	\$ 260,000	\$ 2,073,645
Reserve For Future Expenditure	\$ 866,330	\$ -	\$ 866,330
Total Requirements	\$ 2,679,975	\$ 260,000	\$ 2,939,975

FY 2013 First Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: 5

Central Services Fund	Q1 Revised	Amendment	Q2 Revised
Resources	Budget	Amendment	Budget
Beginning Fund Balance	\$ 518,468	\$ -	\$ 518,468
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ 31,000	\$ -	\$ 31,000
Intergovernmental	\$ -	\$ -	\$ -
Charges for Services	\$ 5,948,588	\$ -	\$ 5,948,588
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 593	\$ -	\$ 593
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ 282,477	\$ -	\$ 282,477
Total Resources	\$ 6,781,126	\$ -	\$ 6,781,126
Requirements			
Policy and Administration	\$ 6,292,137	\$ 6,000	\$ 6,298,137
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ 6,292,137	\$ 6,000	\$ 6,298,137
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -
Contingency	\$ 300,000	\$ (6,000)	\$ 294,000
Total Budget	\$ 6,592,137	\$ -	\$ 6,592,137
Reserve For Future Expenditure	\$ 188,989	\$ -	\$ 188,989
Total Requirements	\$ 6,781,126	\$ -	\$ 6,781,126

All City Funds	Q1 Revised	Amendment	Q2 Revised
Resources	Budget	Amendment	Budget
Beginning Fund Balance	\$ 139,875,542	\$ (324,624)	\$ 139,550,918
Property Taxes	\$ 14,990,988	\$ -	\$ 14,990,988
Franchise Fees	\$ 4,966,611	\$ -	\$ 4,966,611
Special Assessments	\$ 120,000	\$ -	\$ 120,000
Licenses & Permits	\$ 4,987,385	\$ -	\$ 4,987,385
Intergovernmental	\$ 9,984,804	\$ -	\$ 9,984,804
Charges for Services	\$ 27,022,493	\$ -	\$ 27,022,493
Fines & Forfeitures	\$ 1,073,726	\$ 6,000	\$ 1,079,726
Interest Earnings	\$ 493,317	\$ -	\$ 493,317
Miscellaneous	\$ 331,215	\$ 31,648	\$ 362,863
Other Financing Sources	\$ 280,000	\$ -	\$ 280,000
Transfers In from Other Funds	\$ 15,873,219	\$ 2,200,000	\$ 18,073,219
Total Resources	\$ 219,999,300	\$ 1,913,024	\$ 221,912,324
Requirements			
Policy and Administration	\$ 7,090,994	\$ 14,500	\$ 7,105,494
Community Development	\$ 4,224,664	\$ -	\$ 4,224,664
Community Services	\$ 19,922,675	\$ 19,668	\$ 19,942,343
Public Works	\$ 19,884,251	\$ 980	\$ 19,885,231
Program Expenditures Total	\$ 51,122,584	\$ 35,148	\$ 51,157,732
Debt Service	\$ 7,211,657	\$ -	\$ 7,211,657
Loans	\$ 280,000	\$ -	\$ 280,000
Work-In-Progress	\$ 37,364,640	\$ 2,460,000	\$ 39,824,640
Transfers to Other Funds	\$ 15,873,219	\$ 2,200,000	\$ 18,073,219
Contingency	\$ 3,310,000	\$ (8,500)	\$ 3,301,500
Total Budget	\$ 115,162,100	\$ 4,686,648	\$ 119,848,748
		0	
Reserve For Future Expenditure	\$ 104,837,200	\$ (2,773,624)	\$ 102,063,576
Total Requirements	\$ 219,999,300	\$ 1,913,024	\$ 221,912,324

Business Meeting**Meeting Date:** 01/22/2013**Length (in minutes):** 60 Minutes**Agenda Title:** Informational Public Hearing on the Urban Forestry Code Revisions
Administrative Rules Process**Submitted By:** Marissa Daniels, Community Development**Item Type:** Resolution
Public Hearing - Informational **Meeting Type:** Special Meeting**Public Hearing****Newspaper Legal Ad Required?:** No**Public Hearing Publication****Date in Newspaper:****Information****ISSUE**

Should Council take the following actions to implement the Urban Forestry Code Revisions adopted on November 27, 2012?

- Direct the City Manager to approve the administrative rules proposed in the Urban Forestry Manual, and
- Approve a resolution to amend the Citywide Master Fees and Charges Schedule

STAFF RECOMMENDATION / ACTION REQUEST

Direct the City Manager to approve the Administrative Rules and approve a resolution to amend the Citywide Master Fees and Charges Schedule.

KEY FACTS AND INFORMATION SUMMARY

The Urban Forestry Code Revisions is a comprehensive project intended to revise and update Tigard's urban forestry regulations. In February 2010, City Council directed the Community Development Department staff to undertake this update of Tigard's urban forestry codes as an implementing action to the Urban Forestry Master Plan. The final step in this multi-year project is council's discussion of the administrative rules and Citywide Master Fees and Charges Schedule. Council held six public hearings on the Code Revisions package, and on November 27, 2012 adopted changes to the city's Municipal Code, Development Code and Comprehensive Plan.

Materials for this meeting are divided between two categories:

Urban Forestry Manual – Administrative Rules

Staff has prepared several amendments to the Urban Forestry Manual based on council direction during the public hearing process. Attachment 1 details council amendments for consideration, and previous amendments.

Attachment 2 is an updated version of the Manual incorporating changes approved by Council on November 27, 2012.

Attachment 3 responds to Council's initial list of 47 "issues of interest" related to the administrative rules.

Citywide Master Fees and Charges Schedule

Attachment 4 describes the amendments to the Citywide Master Fees and Charges Schedule.

Attachment 5 is the Master Fees and Charges resolution and accompanying attachments.

At the January 22, 2013 meeting:

- Staff will provide a brief report summarizing council amendments for consideration and proposed changes to the Citywide Master Fees and Charges Schedule;
- Council will receive public testimony on the amendments;
- Council may direct the city manager to approve, modify or reject the administrative rules.
- Council consideration of the Citywide Master Fees and Charges Schedule resolution.

OTHER ALTERNATIVES

Additional time has been reserved to continue the Administrative Rules discussion to February 5, 2013. If additional time is needed, this will delay implementation of the code from March 1, 2013 to April 1, 2013.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

- Goal 1.b.i. Implement the Comprehensive Plan through code revisions, including tree code.
- Comprehensive Plan Goal 2, Section 2. Tigard's Urban Forest
- Urban Forestry Master Plan

DATES OF PREVIOUS CONSIDERATION

Council previously considered this matter on the following dates:

- February 16, 2010 (council direction to pursue a comprehensive set of code revisions)
- October 19, 2010
- November 9, 2010
- November 23, 2010
- January 25, 2011
- July 19, 2011 (staff presentation and council input on draft code revisions)
- January 24, 2012
- July 10, 2012
- July 24, 2012 (first public hearing on planning commission recommended code revisions)
- August 14, 2012
- September 11, 2012
- October 23, 2012
- November 13, 2012
- November 27, 2012 (adoption of Tigard Municipal Code, Development Code and Comprehensive Plan changes)

Fiscal Impact

Cost: N/A

Budgeted (yes or no): N/A

Where Budgeted (department/program): N/A

Additional Fiscal Notes:

The code amendments contained in the Urban Forestry Code Revisions package do not have a direct impact on the city's revenue and expenditures. Certain fees are proposed to be created and other to be adjusted. These fees, their purposes, and calculation methodologies are contained in the Resolution and its exhibits attached to this agenda item. The amount of funds collected in the Urban Forestry Fund may be affected by the proposed change from the existing "tree mitigation" fee to the proposed "tree canopy" fee.

Attachments

Potential Amendments Memo

UFM

Administrative Rules Memo

Fees and Charges Memo

Fees and Charges Resolution



City of Tigard Memorandum

To: Tigard City Council

From: Marissa Daniels, Associate Planner

Re: Potential Administrative Rules Amendments

Date: January 22, 2013

Hearing council's desire for additional flexibility in the Administrative Rules, staff has prepared several amendments for your consideration on January 22, 2013.

Potential Amendments to the Urban Forestry Manual

Throughout the public hearing process for the code, staff heard from council several additional potential revisions to the Urban Forestry Manual to be made during the administrative rules adoption process. Most of the revisions are aimed at increasing flexibility of the manual. The following table summarizes the potential revisions, the relevant sections of the manual, whether the requirement is already flexible, staff's recommendation, and the reasons for staff's recommendations. While staff recommends council limit their approval to amendments 1, 2, 5 and 7, amendments have been prepared for all 7 items. The specific text of the amendments is included on the following pages. Council will have an opportunity to ask questions of staff and deliberate on the revisions at the January 22, 2013 meeting.

Potential Amendment Number	Requirement Identified for Potential Amendment	Urban Forestry Manual Sections	Already flexible?	Staff Recommendation	Reason for Staff Recommendation
1	Sheet size	10.1.A, 10.2.A, 12.3.B, 13.3.B	No	Increase flexibility	Flexibility OK as long as alternate sheet size is legible
2	Bar scale	10.1.D, 10.2.D	No	Increase flexibility	Flexibility OK as long as alternate bar scale is legible
3	Driplines (to scale)	10.1.J, K, L, 10.2.H,I, 10.2.L, M	No	Do not increase flexibility	Locating tree driplines on site plans is a best practice and ensures conflicts are avoided
4	Tree lists	Appendices 2-6	Yes	Do not increase flexibility	Already flexible, applicants not limited to trees on lists
5	Tree spacing and building setbacks	10.2.L.1-4, 10.2.M.1-5	No, except for building setbacks downtown	Increase flexibility	Allowing building setback flexibility for constrained sites is OK

6	Tree setbacks from pavement and utilities	10.2.L.5-8, 10.2.M.6-9	No	Do not increase flexibility	Setbacks from pavement and utilities protects these infrastructure elements
7	Twice monthly inspection requirement	11.1.B	No, except not required when no active development	Increase flexibility	OK as long as trees are far enough away from planned construction activities

Previous Amendments to the Urban Forestry Manual

At the November 27, 2012 meeting, council adopted revisions to the Tigard Development Code and Tigard Municipal Code to implement the Urban Forestry Code Revisions. Some of the code amendments required revisions to the Urban Forestry Manual for consistency purposes. An updated version of the Urban Forestry Manual, which incorporates the revisions from the November 27, 2012 meeting is provided as part of this council packet. The revisions include:

- Differentiation between residential and non residential requirements for the maintenance of trees planted with development (Urban Forestry Manual Section 11.2);
- Housekeeping amendments to the tree risk assessment methodology (Urban Forestry Manual Section 1 and Appendix 1); and
- Housekeeping amendment to correct the spelling of a tree's common name (Urban Forestry Manual Appendix 2).

Potential Amendments to the Urban Forestry Manual

Potential Amendment 1: Increase flexibility on sheet size requirement.

Code/Manual Section: Urban Forestry Manual Section 10, Part 1 (Urban Forestry Plan Standards – Tree Preservation and Removal Site Plan Requirements:)

...

- A. The plan shall be standard size D (24" x 36"), a reduced ~~legal~~ ledger size (11" x 17") and a PDF, and include all items in part 1.B-O below. When required for clarity, the development impact area information in part 1.I may be detailed separately on multiple plan sheets provided that all of the remaining items in part 1 are included for reference. Alternate sheet sizes may be allowed if approved by the city manager or designee.

...

Code/Manual Section: Urban Forestry Manual Section 10, Part 2 (Urban Forestry Plan Standards – Tree Canopy Site Plan Requirements:)

...

- A. The plan shall be standard size D (24" x 36"), a reduced ~~legal~~ ledger size (11" x 17") and PDF format, and include all items in part 2.B-O below. Alternate sheet sizes may be allowed if approved by the city manager or designee.

...

Code/Manual Section: Urban Forestry Manual Section 12, Part 3 (Street Tree Soil Volume Standards – Soil Volume Plan Requirements:)

...

- B. A standard size D (24" x 36"), a reduced ~~legal~~ ledger size (11" x 17") and a PDF soil volume plan by a registered landscape architect (the project landscape architect) that includes all of the following elements (alternate sheet sizes may be allowed if approved by the city manager or designee):

...

Code/Manual Section: Urban Forestry Manual Section 13, Part 3 (Parking Lot Tree Canopy Standards – Parking Lot Tree Canopy Plan Requirements:)

...

- B. A standard size D (24" x 36"), a reduced ~~legal~~ ledger size (11" x 17") and a PDF parking lot tree canopy plan by a registered landscape architect (the project landscape architect) that includes all of the following elements (alternate sheet sizes may be allowed if approved by the city manager or designee):

...

Note: Revising the term "legal" to "ledger" in the sections above corrects a scrivener's error.

Potential Amendments to the Urban Forestry Manual

Potential Amendment 2: Increase flexibility on bar scale requirement.

Code/Manual Section: Urban Forestry Manual Section 10, Part 1 (Urban Forestry Plan Standards – Tree Preservation and Removal Site Plan Requirements:)

...

D. Bar scale as follows (unless otherwise approved by the city manager or designee):

1. Less than 1.0 acres: 1" = 10'
2. 1.0 - 5.0 acres: 1" = 20'
3. 5.0 – 20.0 acres: 1" = 50'
4. Over 20.0 acres: 1" = 100'.

...

Code/Manual Section: Urban Forestry Manual Section 10, Part 2 (Urban Forestry Plan Standards – Tree Canopy Site Plan Requirements:)

...

D. Bar scale as follows (unless otherwise approved by the city manager or designee):

1. Less than 1.0 acres: 1" = 10'
2. 1.0 - 5.0 acres: 1" = 20'
3. 5.0 – 20.0 acres: 1" = 50'
4. Over 20.0 acres: 1" = 100'.

...

Potential Amendments to the Urban Forestry Manual

Potential Amendment 3: Do not require driplines of trees to be shown on site plans to scale.

Code/Manual Section: Urban Forestry Manual Section 10, Part 1 (Urban Forestry Plan Standards – Tree Preservation and Removal Site Plan Requirements:)

...

- J. The trunk locations, ~~driplines~~, assigned numbers and “X” marks when applicable (indicating trees proposed for removal) for the following trees within the development impact area and within 25 feet of the development impact area:
1. Trees greater than or equal to 6 inch DBH; and
 2. Other trees that require a permit to remove by Title 8 and are less than 6 inch DBH.
- K. The trunk locations, ~~driplines~~ and assigned numbers for the following trees that are not within the development impact area:
1. Open grown trees greater than or equal to 6 inch DBH; and
 2. Other trees that require a permit to remove by Title 8 and are less than 6 inch DBH.
- L. The ~~driplines~~ locations of stand grown trees greater than or equal to 6 inch DBH that form a contiguous tree canopy. The ~~driplines~~ location of stand grown trees may be delineated at the outer edge of the stand. Each stand shall be assigned a number.

...

Code/Manual Section: Urban Forestry Manual Section 10, Part 2 (Urban Forestry Plan Standards – Tree Canopy Site Plan Requirements:)

...

- H. The trunk locations, ~~driplines~~ and assigned numbers for trees to be preserved in parts 1.J and 1.K. Each tree on both the tree preservation and removal site plan and tree canopy site plan shall be assigned the same number on both plans.
- I. The ~~dripline~~ locations of stand grown trees proposed for preservation greater than or equal to 6 inch DBH that form a contiguous tree canopy. The ~~driplines~~ location of stand grown trees may be delineated at the outer edge of the stand. Each stand shall be assigned a number. Each stand on both the tree preservation and removal site plan and tree canopy site plan shall be assigned the same number on both plans.
- ...
- L. The location, species, caliper (in inches for deciduous) or height (in feet for evergreen); and assigned numbers ~~and depiction of the mature tree canopy (in feet as identified on any of the tree lists in the Urban Forestry Manual or by the city manager or designee)~~ for all trees to be planted and maintained as open grown trees...
- ...
- M. The location, species, caliper (in inches for deciduous) or height (in feet for evergreen); and assigned numbers ~~and depiction of the mature tree canopy (in feet as identified on any of the tree lists in the Urban Forestry Manual or by the city manager or designee)~~ for all trees to be planted and maintained as open stand grown

Potential Amendments to the Urban Forestry Manual

trees. The species of trees planted and maintained as stand grown trees shall be selected from the native tree list in the Urban Forestry Manual. ~~The depiction of the mature tree canopy dripline shall be consistent with dimensions in the native tree list....~~

...

Note: Revision of the word "open" to the word "stand" in item M above is to correct a scrivener's error.

Potential Amendment 4: Revise tree lists.

Code/Manual Section: Urban Forestry Manual Appendices 2-6 (Street Tree List, Parking Lot Tree List, Columnar Tree List, Native Tree List and Nuisance Tree List)

Note: Council will need to provide staff with direction on which species to add or delete if they decide to revise the lists.

Potential Amendments to the Urban Forestry Manual

Potential Amendment 5: Increase flexibility of setbacks between trees and buildings.

Code/Manual Section: Urban Forestry Manual Section 10, Part 2 (Urban Forestry Plan Standards – Tree Canopy Site Plan Requirements:)

...

L. ...Open grown trees shall be located as follows:

1. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 15 feet on center from other newly planted or existing trees and 10 feet from the face of habitable buildings. ~~In downtown Tigard (Mixed Use-Central Business District, MU-CBD),~~ The setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
2. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet on center from other newly planted or existing trees and 15 feet from the face of habitable buildings. ~~In downtown Tigard (Mixed Use-Central Business District, MU-CBD),~~ The setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
3. Trees categorized as large stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet on center from other newly planted or existing trees and 20 feet from the face of habitable buildings. ~~In downtown Tigard (Mixed Use-Central Business District, MU-CBD),~~ The setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
4. Trees determined by the city manager or designee to have a mature spread of less than 20 feet shall be considered small stature, and shall be spaced no closer than 15 feet on center from other newly planted or existing trees and 10 feet from the face of habitable buildings. ~~In downtown Tigard (Mixed Use-Central Business District, MU-CBD),~~ The setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
5. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;
6. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;

...

Note: The addition of "or by the city manager or designee" to item L.6 above is to correct a scrivener's error.

...

M. ...Stand grown trees shall be located as follows:

...

3. Trees categorized as small stature on the native tree list in the Urban Forestry

Potential Amendments to the Urban Forestry Manual

- Manual or by the city manager or designee shall be spaced no closer than 15 feet from the face of habitable buildings. ~~In downtown Tigard (Mixed Use-Central Business District, MU-CBD),~~ ~~the~~ setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
4. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet from the face of habitable buildings. ~~In downtown Tigard (Mixed Use-Central Business District, MU-CBD),~~ ~~the~~ setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
 5. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet from the face of habitable buildings. ~~In downtown Tigard (Mixed Use-Central Business District, MU-CBD),~~ ~~the~~ setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
 6. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;
 7. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;

...

Note: The addition of "or by the city manager or designee" to item M.7 above is to correct a scrivener's error.

...

Potential Amendments to the Urban Forestry Manual

Potential Amendment 6: Increase flexibility of setbacks between trees and pavement and utilities.

Code/Manual Section: Urban Forestry Manual Section 10, Part 2 (Urban Forestry Plan Standards – Tree Canopy Site Plan Requirements:)

...

L. ...Open grown trees shall be located as follows:

...

5. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving unless otherwise approved by the city manager or designee;
6. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving unless otherwise approved by the city manager or designee;
7. Trees categorized as large stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving unless otherwise approved by the city manager or designee;
8. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines unless otherwise approved by the city manager or designee; and

...

Note: The addition of "or by the city manager or designee" to item L.6 above is to correct a scrivener's error.

...

M. ...Stand grown trees shall be located as follows:

...

6. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving unless otherwise approved by the city manager or designee;
7. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving unless otherwise approved by the city manager or designee;
8. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving unless otherwise approved by the city manager or designee;
9. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines unless otherwise

Potential Amendments to the Urban Forestry Manual

approved by the city manager or designee; and

...

Note: The addition of "or by the city manager or designee" to item M.7 above is to correct a scrivener's error.

...

Potential Amendment 7: Increase flexibility of the biweekly inspection requirements.

Code/Manual Section: Urban Forestry Manual Section 11, Part 1 (Urban Forestry Plan Implementation Standards – Inspection Requirements:)

...

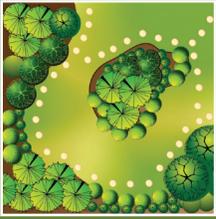
B. Following the completion of item a above, the project arborist or landscape architect shall perform ~~bimonthly~~ semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection. The frequency of site inspections may be decreased if approved by the city manager or designee.

...

E. Prior to final building inspection for any lot or tract with an ~~active~~ urban forestry plan that is still in effect, the project arborist or landscape architect shall perform a site inspection, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval to the city manager or designee.

...

Note: The revision of the word "active" to the term "in effect" in item E above corrects a scrivener's errors and ensures consistency in terminology used throughout the code and manual.



City of Tigard

Urban Forestry Code Revisions Project

VOLUME IV | URBAN FORESTRY MANUAL (Administrative Rules) | Rev. JANUARY 2013

City of Tigard
COMMUNITY DEVELOPMENT DEPARTMENT
13125 SW Hall Blvd., Tigard, OR 97223
www.tigard-or.gov/trees



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Organization of the Urban Forestry Code Revisions Documents

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.

Tree Grove 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.



City of Tigard **URBAN FORESTRY MANUAL**

Introduction

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

The city manager or designee has the authority to amend the Urban Forestry Manual pursuant with the provisions in Chapter 2.04 of the Tigard Municipal Code. The city manager or designee is authorized to administer the Urban Forestry Manual.

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Appendix 1 **Tree Risk Assessment Form**

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Appendix 15..... **Example Soil Volume Calculations for Parking Lot Trees**

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Appendix 18..... **Example Parking Lot that Meets the 30% Minimum
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Section 1 - Hazard Tree Evaluation and Abatement Procedure

Part 1. Informal Reconciliation:

If interpersonal communication is not feasible or is unsuccessful, the claimant shall contact the respondent by concurrently sending a regular and certified letter that explains the reasons they believe there is a hazard tree on the respondent's property, demonstrates how the claimant's life, limb or property has the potential to be impacted by said tree, and offers to negotiate a solution that is in compliance with all applicable rules and regulations either directly or through a third party mediator. The claimant is encouraged to support their claim with documentation by a tree risk assessor. The respondent shall have seven calendar days or less from receipt of the certified letter or 14 calendar days or less from the postmarked date of the regular letter (whichever is sooner) to respond to the claimant's proposal in writing by concurrent regular and certified mail. In order to become eligible for formal reconciliation, the claimant's letter shall cite Tigard Municipal Code sections 8.06.020 and 8.06.030, explain the respondent's written response deadlines and include all of the other required elements listed above.

Notes:

Part 2. Formal Reconciliation:

If the results of informal reconciliation are not acceptable to the claimant or there has been no response for 21 calendar days or more since the claimant sent the concurrent regular and certified letters, the claimant may seek resolution through formal reconciliation by completing a hazard tree dispute resolution application, paying a deposit for all applicable hazard tree dispute resolution fees and providing the city all documentation of informal reconciliation including but not limited to any letters to and from the respondent, proof of certified mail delivery and proof of certified mail receipt (if available).

See Master Fees and Charges Schedule for current fees

The city shall use all readily available tools and technology when assigning the hazard tree owner or responsible party as defined in Tigard Municipal Code Chapter 8.02. If the city determines that the claimant's previous correspondence was with the incorrect respondent, then the claimant shall be required to complete the previous steps of the hazard tree evaluation and abatement procedure with the correct respondent before proceeding with formal reconciliation. If the claimant or respondent disagrees with the city's assignment of the hazard tree owner or responsible party, the city shall be presented a land survey by a professional land surveyor that demonstrates the location of the tree in question in relation to property lines within all listed deadlines in order for the city to consider a reassignment of the hazard tree owner or responsible party.

Notes:

See Appendix 1 for
Tree Risk
Assessment Form

Within seven calendar days of receipt of all the required application materials, the city shall gain access to the respondent's property either voluntarily or with a warrant pursuant to Chapter 1.16 of the Tigard Municipal Code, conduct a tree risk assessment by a tree risk assessor using the tree risk assessment methodology in Appendix 1 of the Urban Forestry Manual, determine if the definition of hazard tree in Tigard Municipal Code Chapter 8.02 has been met and, if necessary, prescribe hazard tree abatement as defined in Tigard Municipal Code Chapter 8.02.

If the city determines the definition of hazard tree has been met, the city shall send a concurrent regular and certified letter to the respondent, explain that the definition of hazard tree has been met, explain the required hazard tree abatement procedures and require that hazard tree abatement be completed in seven calendar days or less from receipt of the certified letter or 14 calendar days or less from the mailing date of the regular letter (whichever is less). The city shall also bill the respondent for all applicable hazard tree dispute resolution fees, and refund the claimant previously deposited hazard tree dispute resolution fees.

If the respondent fails to complete the hazard tree abatement within the required timeframe, the city shall gain access to the property either voluntarily or with a warrant, abate the hazard, bill the respondent for the cost of abatement including administrative costs or place a lien on the property for the cost of abatement including administrative costs pursuant to Chapter 1.16 of the Tigard Municipal Code.

If the city determines the definition of hazard tree has not been met, the city shall send a concurrent regular and certified letter to both the claimant and respondent explaining that the definition of hazard tree has not been met and close the case.



END OF SECTION

Section 2 - Street Tree Planting and Maintenance Standards

Part 1. Street Tree Planting Standards:

- A. Street trees shall be planted in a manner consistent with tree care industry standards.
- B. Street trees shall have a minimum caliper of 1 ½ inches at the time of planting.
- C. Street tree species shall be from the street tree list, unless otherwise approved by the city manager or designee.
- D. Street tree species shall be appropriate for the planting environment as determined by the city manager or designee and seek to achieve a balance of the following:
 - 1. Consistency with previously approved street tree plans given space constraints for roots and branches at maturity;
 - 2. Compatibility with space constraints for roots and branches at maturity;
 - 3. Providing adequate species diversity citywide and reasonable resistance to pests and diseases; and
 - 4. Consideration of the objectives of the current street tree planting proposal.
- E. Street trees shall be provided adequate spacing from new and existing trees according to the following standards wherever possible:
 - 1. Street trees categorized as small stature on the street tree list or by the city manager or designee shall be spaced no greater than 20 feet on center and not closer than 15 feet on center from other newly planted street trees or any existing tree that has been in the ground for over three years;
 - 2. Street trees categorized as medium stature on the street tree list or by the city manager or designee shall be spaced no greater than 30 feet on center and not closer than 20 feet on center from other newly planted street trees or any existing tree that has been in the ground for over three years;
 - 3. Street trees categorized as large stature on the street tree list or by the city manager or designee shall be spaced no greater than 40 feet on center and not closer than 30 feet on center from other newly planted street trees or any existing tree that has been in the ground for over three years; and
 - 4. Any tree determined by the city manager or designee to have a mature spread of less than 20 feet shall be considered a small stature tree, and spaced accordingly when used as a street tree.
- F. Street trees shall be placed according to the following standards:

Notes:

See Appendix 2 for
Street Tree List

Notes:

See Code Section 8.08 and Manual Section 3 for Street Tree Removal Standards

See Master Fees and Charges Schedule for current fees

1. Street trees categorized as small stature on the street tree list or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;
 2. Street trees categorized as medium stature on the street tree list or by the city manager or designee shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;
 3. Street trees categorized as large stature on the street tree list or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving;
 4. Not closer than 4 feet on center from any fire hydrant, utility box or utility pole;
 5. Not closer than 2 feet on center from any underground utility;
 6. Not closer than 10 feet on center from a street light standard;
 7. Not closer than 20 feet from a street right of way corner as determined by the city manager or designee. The city manager or designee may require a greater or lesser corner setback based on an analysis of traffic and pedestrian safety impacts;
 8. Where there are overhead utility lines, the street tree species selected shall be of a type which, at full maturity, will not interfere with the lines; and
 9. Any other standards found by the city manager or designee to be relevant in order to protect public safety and public or private property.
- G. Root barriers shall be installed according to the manufacturer's specifications when a street tree is planted within 5 feet of any hard surface paving or utility box, or as otherwise required by the city engineer.
- H. Street trees planted prior to the adoption of the most current version of the street tree planting standards shall be exempt from the most current version of the street tree planting standards. However, the most current version of the street tree maintenance standards and the most current version of the street tree removal standards shall apply.
- I. If street tree planting is required by another section of the Urban Forestry Manual or Tigard Municipal Code, the city manager or designee may allow for an "in lieu of planting fee" equivalent to the city's cost to plant a street tree per the standards in Section 2, part 1 of the Urban Forestry Manual and maintain a street tree per the standards in Section 2, part 2 of the Urban Forestry Manual for a period of three years after planting. Payment of an in lieu of planting fee shall satisfy the street tree planting requirement.

Part 2. Street Tree Maintenance Standards:

- A. Street trees shall be maintained in a manner consistent with tree care industry standards.
- B. Street trees shall be maintained in a manner that does not impede public street or sidewalk traffic consistent with the specifications in section 7.40.060A of the Tigard Municipal Code including:
 - 1. 8 feet of clearance above public sidewalks;
 - 2. 13 feet of clearance above public local and neighborhood streets;
 - 3. 15 feet of clearance above public collector streets; and
 - 4. 18 feet of clearance above public arterial streets.
- C. Street trees shall be maintained so as not to become hazard trees as defined in Chapter 8.02 of the Tigard Municipal Code.

Notes:



END OF SECTION

Section 3 - Street Tree Removal Standards

Part 1. Street Tree Removal Standards:

- A. Street trees shall be removed in a manner consistent with tree care industry standards.
- B. The city manager or designee shall approve the removal of a street tree if any one of the following criteria are met:
 - 1. The tree is a “hazard tree” as defined in Chapter 8.02 and “hazard tree abatement” as defined in Chapter 8.02 cannot be completed in a manner that results in tree retention consistent with tree care industry standards.
 - 2. The tree is dead.
 - 3. The tree is in an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life.
 - 4. The tree is infested with pests or diseases that if left untreated will cause the tree to die, enter an advanced state of decline or cause other trees to die or enter an advanced state of decline.
 - 5. The tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline. If the physical damage was caused by a person in violation of Chapter 8.08 of the Tigard Municipal Code, the enforcement process outlined in Section 8.02.030 shall be completed prior to approval.
 - 6. The tree is listed on the nuisance tree list.
 - 7. The tree location is such that it would not meet all of the street tree planting standards in Section 2, parts 1E and 1F of the Urban Forestry Manual if it were a newly planted tree.
 - 8. The tree roots are causing damage to paved surfaces, infrastructure, utilities, buildings or other parts of the built environment.
 - 9. The tree location conflicts with areas of public street widening, construction or extension as shown in the Transportation System Plan.
 - 10. Tree removal is required for the purposes of an approved building or land use permit, utility or infrastructure installation or utility or infrastructure repair.
 - 11. The tree is recommended for removal by a designated fire marshal for Tualatin Valley Fire and Rescue because it presents a significant fire risk to habitable structures or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention.

Notes:

See Appendix 6 for
Nuisance Tree List

Notes:

12. The tree is part of a stand of trees, and a certified arborist or certified forester determines that thinning of interior trees within the stand of trees is necessary for overall stand health, the thinning will result in no less than 80 percent canopy cover at maturity for the area to be thinned, and that thinning of non-native trees is maximized prior to thinning of native trees.
- C. Unless removed for thinning purposes (part 1.B.11above) the city manager or designee shall condition the removal of a street tree upon the planting of a replacement tree in accordance with the Street Tree Planting Standards in Section 2, part 1 of the Urban Forestry Manual. The city manager or designee may consider existing trees as replacement trees if they meet all applicable species, size, condition and location requirements in Section 2, part 1 and were not already required to be planted or preserved by the Tigard Municipal Code.
 - D. If the Street Tree Planting Standards in Section 2, part 1 of the Urban Forestry Manual preclude replanting within the same right of way abutting on, fronting on or adjacent to the property as the tree was removed or on private property within 6 feet of the same right of way as the tree that was removed, the applicant shall be exempt from planting a replacement tree.



END OF SECTION

Section 4 - Median Tree Planting and Maintenance Standards

Part 1. Median Tree Planting Standards:

- A. Median trees shall be planted in a manner consistent with tree care industry standards.
- B. Median trees shall have a minimum caliper of 1 1/2 inches at the time of planting.
- C. Median tree species shall be from the street tree list, unless otherwise approved by the city manager or designee.
- D. Median tree species shall be appropriate for the planting environment as determined by the city manager or designee and seek to achieve a balance of the following:
 - 1. Consistency with previously approved median tree plans given space constraints for roots and branches at maturity;
 - 2. Compatibility with space constraints for roots and branches at maturity;
 - 3. Providing adequate species diversity citywide and reasonable resistance to pests and diseases; and
 - 4. Consideration of the objectives of the current median tree planting proposal.
- E. Median trees shall be provided adequate spacing from new and existing trees according to the following standards wherever possible:
 - 1. Median trees categorized as small stature on the street tree list or by the city manager or designee shall be spaced no greater than 20 feet on center and not closer than 15 feet on center from other newly planted median trees or any existing tree that has been in the ground for over three years;
 - 2. Median trees categorized as medium stature on the street tree list or by the city manager or designee shall be spaced no greater than 30 feet on center and not closer than 20 feet on center from other newly planted median trees or any existing tree that has been in the ground for over three years;
 - 3. Median trees categorized as large stature on the street tree list or by the city manager or designee shall be spaced no greater than 40 feet on center and not closer than 30 feet on center from other newly planted median trees or any existing tree that has been in the ground for over three years; and
 - 4. Any tree determined by the city manager or designee to have a mature spread of less than 20 feet shall be considered a small stature tree, and spaced accordingly when used as a median tree.

Notes:

See Appendix 2 for Street Tree List

Notes:

See Code Section
8.08 and Manual
Section 5 for Median
Tree Removal
Standards

- F. Median trees shall be placed according to the following standards:
1. Median trees categorized as small stature on the street tree list or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;
 2. Median trees categorized as medium stature on the street tree list or by the city manager or designee shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;
 3. Median trees categorized as large stature on the street tree list or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving;
 4. Not closer than 4 feet on center from any fire hydrant, utility box or utility pole;
 5. Not closer than 2 feet on center from any underground utility;
 6. Not closer than 10 feet on center from a street light standard;
 7. Not closer than 20 feet from a street right of way corner as determined by the city manager or designee. The city manager or designee may require a greater or lesser corner setback based on an analysis of traffic and pedestrian safety impacts;
 8. Where there are overhead utility lines, the median tree species selected shall be of a type which, at full maturity, will not interfere with the lines; and
 9. Any other standards found by the city manager or designee to be relevant in order to protect public safety and public or private property.
- G. Root barriers shall be installed according to the manufacturer's specifications when a street tree is planted within 5 feet of any hard surface paving or utility box, or as otherwise required by the city engineer.
- H. Median trees planted prior to the adoption of the most current version of the Median Tree Planting Standards shall be exempt from the most current version of the Median Tree Planting Standards. However, the most current version of the Median Tree Maintenance Standards and the most current version of the Median Tree Removal Standards shall apply.
- I. If median tree planting is required by another section of the Urban Forestry Manual or Tigard Municipal Code, the city manager or designee may allow for an "in lieu of planting fee" equivalent to the city's cost to plant a median tree per the standards in Section 4, part 1 of the Urban Forestry Manual and maintain a street tree per the standards in Section 4, part 2 of the Urban Forestry Manual for a period of three years after planting. Payment of an in lieu of planting fee shall satisfy the median tree planting requirement.

Part 2. Median Tree Maintenance Standards:

- A. Median trees shall be maintained in a manner consistent with tree care industry standards.
- B. Median trees shall be maintained in a manner that does not impede public street or sidewalk traffic consistent with the specifications in section 7.40.060A of the Tigard Municipal Code including:
 - 1. 8 feet of clearance above public sidewalks;
 - 2. 13 feet of clearance above public local and neighborhood streets;
 - 3. 15 feet of clearance above public collector streets; and
 - 4. 18 feet of clearance above public arterial streets.
- C. Median trees shall be maintained so as not to become hazard trees as defined in Chapter 8.02 of the Tigard Municipal Code.

Notes:



Section 5 - Median Tree Removal Standards

Part 1. Median Tree Removal Standards:

- A. Median trees shall be removed in a manner consistent with tree care industry standards.
- B. The city manager or designee shall approve the removal of a median tree if any one of the following criteria are met:
 - 1. The tree is a “hazard tree” as defined in Chapter 8.02 and “hazard tree abatement” as defined in Chapter 8.02 cannot be completed in a manner that results in tree retention consistent with tree care industry standards.
 - 2. The tree is dead.
 - 3. The tree is in an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life.
 - 4. The tree is infested with pests or diseases that if left untreated will cause the tree to die, enter an advanced state of decline or cause other trees to die or enter an advanced state of decline.
 - 5. The tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline. If the physical damage was caused by a person in violation of Chapter 8.08 of the Tigard Municipal Code, the enforcement process outlined in Section 8.02.030 shall be completed prior to approval.
 - 6. The tree is listed on the nuisance tree list.
 - 7. The tree location is such that it would not meet all of the median tree planting standards in Section 4, parts 1E and 1F of the Urban Forestry Manual if it were a newly planted tree.
 - 8. The tree roots are causing damage to paved surfaces, infrastructure, utilities, buildings or other parts of the built environment.
 - 9. The tree location conflicts with areas of public street widening, construction or extension as shown in the Transportation System Plan.
 - 10. Tree removal is required for the purposes of an approved building or land use permit, utility or infrastructure installation or utility or infrastructure repair.
 - 11. The tree is recommended for removal by a designated fire marshal for Tualatin Valley Fire and Rescue because it presents a significant fire risk to habitable structures or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention.

Notes:

See Appendix 6 for
Nuisance Tree List

Notes:

12. The tree is part of a stand of trees, and a certified arborist or certified forester determines that thinning of interior trees within the stand of trees is necessary for overall stand health, the thinning will result in no less than 80 percent canopy cover at maturity for the area to be thinned, and that thinning of non-native trees is maximized prior to thinning of native trees.
- C. Unless removed for thinning purposes (part 1.B.11 above) the city manager or designee shall condition the removal of a median tree upon the planting of a replacement tree within the same median as the tree was removed in accordance with the Median Tree Planting Standards in Section 4, part 1 of the Urban Forestry Manual. The city manager or designee may consider existing trees as replacement trees if they meet all applicable species, size, condition and location requirements in Section 4, part 1 and were not already required to be planted or preserved by the Tigard Municipal Code.
 - D. If the Median Tree Planting Standards in Section 4, part 1 of the Urban Forestry Manual preclude replanting within the same median as the tree was removed, the applicant shall be exempt from planting a replacement tree.



END OF SECTION

Section 6 - Sensitive Lands Tree Removal and Replacement Standards

Part 1. Sensitive Lands Tree Removal Standards:

- A. Native trees in sensitive lands shall be removed in a manner consistent with tree care industry standards.
- B. The city manager or designee shall approve the removal of a native tree in sensitive lands if any one of the following criteria are met:
 - 1. The tree is a “hazard tree” as defined in Chapter 8.02 and “hazard tree abatement” as defined in Chapter 8.02 cannot be completed in a manner that results in tree retention consistent with tree care industry standards.
 - 2. The tree is dead.
 - 3. The tree is in an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life.
 - 4. The tree is infested with pests or diseases that if left untreated will cause the tree to die, enter an advanced state of decline, or cause other trees to die or enter an advanced state of decline.
 - 5. The tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline. If the physical damage was caused by a person in violation of Chapter 8.10 of the Tigard Municipal Code, the enforcement process outlined in Section 8.02.030 shall be completed prior to approval.
 - 6. The tree roots are causing damage to paved surfaces, infrastructure, utilities, buildings or other parts of the built environment.
 - 7. The tree location conflicts with areas of public street widening, construction or extension as shown in the Transportation System Plan.
 - 8. Tree removal is required for the purposes of an approved building or land use permit, utility or infrastructure installation or utility or infrastructure repair.
 - 9. The tree is recommended for removal by a designated fire marshal for Tualatin Valley Fire and Rescue because it presents a significant fire risk to habitable structures or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention.
 - 10. A certified arborist or certified forester determines that thinning of interior trees within a stand of trees is necessary for overall stand health, the thinning will result in no less than 80 percent canopy cover at maturity for the area to be thinned, and that thinning of non-native trees is maximized prior to thinning of native trees.

Notes:

Notes:

- C. Unless removed for thinning purposes (part 1.B.10 above) the city manager or designee shall condition the removal of each tree in sensitive lands upon the planting of a replacement tree in accordance with the Sensitive Lands Tree Replacement Standards in Section 6, part 2 of the Urban Forestry Manual.
- D. If the Sensitive Lands Tree Replacement Standards in Section 6, part 2 preclude replanting within the same property as the tree that was removed, the applicant shall be exempt from planting a replacement tree.

Part 2. Sensitive Lands Tree Replacement Standards:

- A. Replacement trees shall be planted in a manner consistent with tree care industry standards.
- B. The minimum size of a replacement tree shall be 2 feet in height (from the top of the root ball) or equivalent to a 1 gallon container size.
- C. Replacement trees shall be selected from the native tree list in the Urban Forestry Manual.
- D. The city manager or designee may consider native trees that are less than 6 inches DBH as replacement trees if they meet all applicable species, size, condition and location requirements in this section and were not already required to be planted by the Tigard Municipal Code.
- E. The location of replacement trees shall be as follows:
 - 1. As close as practicable to the location of the tree that was removed provided the location complies with the other standards in this section;
 - 2. No closer than 10 feet on center from newly planted or existing trees;
 - 3. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 15 feet from the face of habitable buildings;
 - 4. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet from the face of habitable buildings;
 - 5. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet from the face of habitable buildings;
 - 6. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;

See Appendix 5 for
Native Tree List

7. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving; Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving; and
 8. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines.
- F. The city manager or designee may allow for an “in lieu of planting fee” equivalent to the city’s cost to plant a tree in sensitive lands per the standards in this Section and maintain a tree in sensitive lands per the standards in Section 8.10.030 of the Tigard Municipal Code for a period of three years after planting. Payment of an in lieu of planting fee shall satisfy the sensitive lands tree replacement requirement.

Notes:

See Master Fees and Charges Schedule for current fees



END OF SECTION

Section 7 - Development Tree Removal and Replacement Standards

Part 1. Development Tree Removal Standards:

- A. Trees subject to the requirements of Chapter 8.12 shall be removed in a manner consistent with tree care industry standards.
- B. The city manager or designee shall approve the removal of trees subject to the requirements of Chapter 8.12 if any one of the following criteria are met:
 - 1. The tree is a “hazard tree” as defined in Chapter 8.02 and “hazard tree abatement” as defined in Chapter 8.02 cannot be completed in a manner that results in tree retention consistent with tree care industry standards.
 - 2. The tree is dead.
 - 3. The tree is in an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life.
 - 4. The tree is infested with pests or diseases that if left untreated will cause the tree to die, enter an advanced state of decline or cause other trees to die or enter an advanced state of decline.
 - 5. The tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline. If the physical damage was caused by a person in violation of Chapter 8.12 of the Tigard Municipal Code, the enforcement process outlined in Section 8.02.030 shall be completed prior to approval.
 - 6. The tree is listed in the nuisance tree list.
 - 7. The tree roots are causing damage to paved surfaces, infrastructure, utilities, buildings or other parts of the built environment.
 - 8. The tree location conflicts with areas of public street widening, construction or extension as shown in the Transportation System Plan.
 - 9. Tree removal is required for the purposes of an approved building or land use permit, utility or infrastructure installation, or utility or infrastructure repair.
 - 10. The tree is recommended for removal by a designated fire marshal for Tualatin Valley Fire and Rescue because it presents a significant fire risk to habitable structures or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention.
 - 11. The tree is part of a stand of trees, and a certified arborist or certified forester determines that thinning of interior trees within the stand of trees is necessary for overall stand health, the thinning will result in no less than 80 percent canopy cover at maturity for the area to be thinned, and that thinning of non-native trees is maximized prior to thinning of native trees.

Notes:

See Appendix 6 for
Nuisance Tree List

Notes:

- C. Unless removed for thinning purposes (Part 1.B.11 above) the city manager or designee shall condition the removal of each tree upon the planting of a replacement tree in accordance with the Development Tree Replacement Standards in Section 7, part 2 of the Urban Forestry Manual.
- D. If the Development Tree Replacement Standards in Section 7, part 2 preclude replanting within the same property as the tree that was removed, the applicant shall be exempt from planting a replacement tree.

Part 2. Development Tree Replacement Standards:

- A. Replacement trees shall be planted in a manner consistent with tree care industry standards.
- B. The replacement tree shall be located so as to replace the function of the tree that was removed. For example, trees removed from parking lots shall be replaced in parking lots and trees removed from landscape buffers shall be replaced in landscape buffers. If planting in the same location would not comply with the other standards in this section, the replacement tree shall be planted as close as practicable to the tree that was removed in compliance with the other standards in this section.
- C. The replacement species shall be the same stature or greater (at maturity) as the tree that was removed. If planting the same stature or greater tree would not comply with the other standards in this section, the replacement tree shall be the most similar stature practicable as the tree that was removed in compliance with the other standards in this section.
- D. If the tree that was removed was part of a stand of trees, then the following standards apply to the replacement tree:
 - 1. The replacement tree shall be selected from the native tree list in the Urban Forestry Manual unless otherwise approved by the city manager or designee;
 - 2. The minimum size of the replacement tree shall be 2 feet in height (from the top of the root ball) or equivalent to a 1 gallon container size; and
 - 3. The replacement tree shall be located as follows:
 - a. No closer than 10 feet on center from newly planted or existing trees;
 - b. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 15 feet from the face of habitable buildings;
 - c. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet from the face of habitable buildings;

See Appendices 2-5 for Approved Tree Lists

See Appendix 5 for Native Tree List

- d. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet from the face of habitable buildings;
 - e. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;
 - f. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;
 - g. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving; and
 - h. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines.
- E. If the tree that was removed was an open grown tree, then the following standards apply to the replacement tree:
- 1. The replacement tree shall be selected from any of the tree lists in the Urban Forestry Manual (except the nuisance tree list) unless otherwise approved by the city manager or designee;
 - 2. The minimum size of the replacement tree shall be 1½ inch caliper for deciduous or 6 feet in height for evergreen; and
 - 3. The replacement tree shall be located as follows:
 - a. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 15 feet on center from other newly planted or existing trees and 10 feet from the face of habitable buildings;
 - b. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet on center from other newly planted or existing trees and 15 feet from the face of habitable buildings;
 - c. Trees categorized as large stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet on center from other newly planted or existing trees and 20 feet from the face of habitable buildings;

Notes:

See Appendices 2-5 for Approved Tree Lists

See Appendix 6 for Nuisance Tree List

Notes:

See Master Fees and Charges Schedule for current fees

- d. Trees determined by the city manager or designee to have a mature spread of less than 20 feet shall be considered small stature, and shall be spaced no closer than 15 feet on center from other newly planted or existing trees and 10 feet from the face of habitable buildings;
- e. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;
- f. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;
- g. Trees categorized as large stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving; and
- h. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines.

- F. The city manager or designee may consider existing trees as replacement trees if they meet all applicable species, size, condition and location requirements in this Section and were not already required to be planted or preserved by the Tigard Municipal Code.
- G. The city manager or designee may allow for an “in lieu of planting fee” equivalent to the city’s cost to plant a tree per the standards in this Section and maintain a tree per the standards in section 8.12.030 of the Tigard Municipal Code for a period of three years after planting. Payment of an in lieu of planting fee shall satisfy the development tree replacement requirement.



END OF SECTION

Section 8 - Urban Forestry Fund Tree Removal and Replacement Standards

Part 1. Urban Forestry Fund Tree Removal Standards:

- A. Trees subject to the requirements of Chapter 8.14 shall be removed in a manner consistent with tree care industry standards.
- B. The city manager or designee shall approve the removal of trees subject to the requirements of Chapter 8.14 if any one of the following criteria are met:
 - 1. The tree is a “hazard tree” as defined in Chapter 8.02 and “hazard tree abatement” as defined in Chapter 8.02 cannot be completed in a manner that results in tree retention consistent with tree care industry standards.
 - 2. The tree is dead.
 - 3. The tree is in an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life.
 - 4. The tree is infested with pests or diseases that if left untreated will cause the tree to die, enter an advanced state of decline or cause other trees to die or enter an advanced state of decline.
 - 5. The tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline. If the physical damage was caused by a person in violation of Chapter 8.14 of the Tigard Municipal Code, the enforcement process outlined in Section 8.02.030 shall be completed prior to approval.
 - 6. The tree is listed in the nuisance tree list.
 - 7. The tree roots are causing damage to paved surfaces, infrastructure, utilities, buildings or other parts of the built environment.
 - 8. The tree location conflicts with areas of public street widening, construction or extension as shown in the Transportation System Plan.
 - 9. Tree removal is required for the purposes of an approved building or land use permit, utility or infrastructure installation or utility or infrastructure repair.
 - 10. The tree is recommended for removal by a designated fire marshal for Tualatin Valley Fire and Rescue because it presents a significant fire risk to habitable structures or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention.
 - 11. The tree is part of a stand of trees, and a certified arborist or certified forester determines that thinning of interior trees within the stand of trees is necessary for overall stand health, the thinning will result in no less than 80 percent canopy cover at maturity for the area to be thinned, and that thinning of non-native trees is maximized prior to thinning of native trees.

Notes:

See Appendix 6 for
Nuisance Tree List

Notes:

- C. Unless removed for thinning purposes (part 1.B.11 above) the city manager or designee shall condition the removal of each tree upon the planting of a replacement tree in accordance with the Urban Forestry Fund Tree Replacement Standards in Section 8, part 2 of the Urban Forestry Manual.
- D. If the Urban Forestry Fund Tree Replacement Standards in Section 8, part 2 preclude replanting within the same property as the tree that was removed, the applicant shall be exempt from planting a replacement tree.

Part 2. Urban Forestry Fund Tree Replacement Standards:

- A. Replacement trees shall be planted in a manner consistent with tree care industry standards.
- B. The replacement species shall be the same stature or greater (at maturity) as the tree that was removed. If planting the same stature or greater tree would not comply with the other standards in this section, the replacement tree shall be the most similar stature practicable as the tree that was removed in compliance with the other standards in this section.
- C. If the tree that was removed was part of a stand of trees, then the following standards apply to the replacement tree:
 - 1. The replacement tree shall be selected from the native tree list in the Urban Forestry Manual unless otherwise approved by the city manager or designee;
 - 2. The minimum size of the replacement tree shall be 2 feet in height (from the top of the root ball) or equivalent to a 1 gallon container size; and
 - 3. The replacement tree shall be located as follows:
 - a. No closer than 10 feet on center from newly planted or existing trees;
 - b. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 15 feet from the face of habitable buildings;
 - c. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet from the face of habitable buildings;
 - d. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet from the face of habitable buildings;
 - e. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;

See Appendices 2-5 for Approved Tree Lists

See Appendix 5 for the Native Tree List

- f. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;
 - g. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving; and
 - h. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines.
- D. If the tree that was removed was an open grown tree, then the following standards apply to the replacement tree:
- 1. The replacement tree shall be selected from any of the tree lists in the Urban Forestry Manual (except the nuisance tree list) unless otherwise approved by the city manager or designee;
 - 2. The minimum size of the replacement tree shall be 1 ½ inch caliper for deciduous or 6 feet in height for evergreen; and
 - 3. The replacement tree shall be located as follows:
 - a. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 15 feet on center from other newly planted or existing trees and 10 feet from the face of habitable buildings;
 - b. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet on center from other newly planted or existing trees and 15 feet from the face of habitable buildings;
 - c. Trees categorized as large stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet on center from other newly planted or existing trees and 20 feet from the face of habitable buildings;
 - d. Trees determined by the city manager or designee to have a mature spread of less than 20 feet shall be considered small stature, and shall be spaced no closer than 15 feet on center from other newly planted or existing trees and 10 feet from the face of habitable buildings;
 - e. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;

Notes:

See Appendices 2-5 for Approved Tree Lists

See Appendix 6 for Nuisance Tree List

Notes:

- f. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;
- g. Trees categorized as large stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving; and
- h. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines.

E. The city manager or designee may consider existing trees as replacement trees if they meet all applicable species, size, condition and location requirements in this section and were not already required to be planted or preserved by the Tigard Municipal Code.

F. The city manager or designee may allow for an “in lieu of planting fee” equivalent to the city’s cost to plant a tree per the standards in this section and maintain a tree per the standards in section 8.14.030 of the Tigard Municipal Code for a period of three years after planting. Payment of an in lieu of planting fee shall satisfy the urban forestry fund tree replacement requirement.

See Master Fees and Charges Schedule for current fee



END OF SECTION

Section 9 - Heritage Tree Designation Removal Standards

Part 1. Heritage Tree Designation Removal Standards:

- A. Heritage trees subject to the requirements of Chapter 8.16 shall be removed in a manner consistent with tree care industry standards.
- B. The city manager or designee shall approve the removal of heritage tree designation if any one of the following criteria are met for a designated heritage tree:
1. The heritage tree is a “hazard tree” as defined in Chapter 8.02 and “hazard tree abatement” as defined in Chapter 8.02 cannot be completed in a manner that results in tree retention consistent with tree care industry standards.
 2. The heritage tree is dead.
 3. The heritage tree is in an advanced state of decline with insufficient live foliage, branches, roots or other tissue to sustain life.
 4. The heritage tree has sustained physical damage that will cause the tree to die or enter an advanced state of decline. If the physical damage was caused by a person in violation of Chapter 8.16 of the Tigard Municipal Code, the enforcement process outlined in Section 8.02.030 shall be completed prior to approval.
 5. The tree is recommended for removal by a designated fire marshal for Tualatin Valley Fire and Rescue because it presents a significant fire risk to habitable structures or limits emergency access for rescue workers, and the risk or access issue cannot be abated through pruning or other means that results in tree retention.
 6. The heritage tree is part of a stand of heritage trees, and a certified arborist or certified forester determines that thinning of interior heritage trees within the stand of heritage trees is necessary for overall stand health, the thinning will result in no less than 80 percent canopy cover at maturity for the area to be thinned, and that thinning of non-native heritage trees is maximized prior to thinning of native heritage trees.
- C. Replacement of heritage trees is not required unless a heritage tree is also subject to other provisions of the Tigard Municipal Code that require replacement.

Notes:



END OF SECTION

Section 10 - Urban Forestry Plan Standards

Part 1. Urban Forestry Plan – Tree Preservation and Removal Site Plan Requirements:

- A. The plan shall be standard size D (24" x 36"), a reduced legal size and a PDF, and include all items in part 1.B-O below. When required for clarity, the development impact area information in part 1.I may be detailed separately on multiple plan sheets provided that all of the remaining items in part 1 are included for reference.
- B. Date of drawing or last revision.
- C. North arrow.
- D. Bar scale as follows:
 - 1. Less than 1.0 acres: 1" = 10'
 - 2. 1.0 - 5.0 acres: 1" = 20'
 - 3. 5.0 – 20.0 acres: 1" = 50'
 - 4. Over 20.0 acres: 1" = 100'.
- E. Site address or assessor's parcel number.
- F. The location of existing and proposed property lines.
- G. Location of existing and proposed topographic lines at 1-foot contours unless otherwise approved.
- H. The location and type of sensitive lands areas.
- I. Proposed activities within the development impact area, including but not limited to:
 - 1. Construction of structures and walls;
 - 2. Paving and graveling;
 - 3. Utility and irrigation installation;
 - 4. Construction parking and construction equipment storage;
 - 5. Landscaping;
 - 6. Grading and filling;
 - 7. Stockpiling;
 - 8. Demolition and tree removal;
 - 9. Trenching and boring; and
 - 10. Any other activities that require excavation or soil disturbance.
- J. The trunk locations, driplines, assigned numbers and "X" marks when applicable (indicating trees proposed for removal) for the following trees within the development impact area and within 25 feet of the development impact area:
 - 1. Trees greater than or equal to 6 inch DBH; and
 - 2. Other trees that require a permit to remove by Title 8 and are less than 6 inch DBH.
- K. The trunk locations, driplines and assigned numbers for the following trees that are not within the development impact area:
 - 1. Open grown trees greater than or equal to 6 inch DBH; and

Notes:

See Appendix 7 for Example Tree Preservation and Removal Site Plan

Notes:

- 2. Other trees that require a permit to remove by Title 8 and are less than 6 inch DBH.
- L. The driplines of stand grown trees greater than or equal to 6 inch DBH that form a contiguous tree canopy. The driplines may be delineated at the outer edge of the stand. Each stand shall be assigned a number.
- M. The location and type of proposed tree protection fencing. If the location of the tree protection fencing will be phased, indicate the location of the tree protection fencing for each corresponding phase. Tree protection fencing shall be minimum 5-foot tall metal unless otherwise approved by the city manager or designee.
- N. Any supplemental tree preservation specifications consistent with tree care industry standards that the project arborist or landscape architect has determined are necessary for the continued viability of trees identified for preservation.
- O. A signature of approval and statement from the project arborist or landscape architect, attesting that the tree preservation and removal site plan meets all of the requirements in Section 10, part 1 of the Urban Forestry Manual.

See Appendix 8 for
Example Tree
Canopy Site Plan

Part 2. Urban Forestry Plan – Tree Canopy Site Plan Requirements:

- A. The plan shall be standard size D (24" x 36"), a reduced legal size and PDF format, and include all items in part 2.B-O below.
- B. Date of drawing or last revision.
- C. North arrow.
- D. Bar scale as follows:
 - 1. less than 1.0 acres: 1" = 10'
 - 2. 1.0 - 5.0 acres: 1" = 20'
 - 3. 5.0 – 20.0 acres: 1" = 50'
 - 4. Over 20.0 acres: 1" = 100'.
- E. Site address or assessor's parcel number.
- F. The location of proposed property lines.
- G. The location of proposed building footprints, utilities and irrigation, streets and other paved areas.
- H. The trunk locations, driplines and assigned numbers for trees to be preserved in parts 1.J and 1.K. Each tree on both the tree preservation and removal site plan and tree canopy site plan shall be assigned the same number on both plans.
- I. The dripline locations of stand grown trees proposed for preservation greater than or equal to 6 inch DBH that form a contiguous tree canopy. The dripline may be delineated at the outer edge of the stand. Each stand shall be assigned a number. Each stand on both the tree preservation and removal site plan and tree canopy site plan shall be assigned the same number on both plans.
- J. The location of existing or potential areas of tree growth limiting soils due to compaction, drainage, fertility, pH, contamination or other factors.

- K. Methods for improving areas of tree growth limiting soils if tree planting is proposed in those locations.
- L. The location, species, caliper (in inches for deciduous) or height (in feet for evergreen), assigned numbers and depiction of the mature tree canopy (in feet as identified on any of the tree lists in the Urban Forestry Manual or by the city manager or designee) for all trees to be planted and maintained as open grown trees. The minimum size for all trees planted and maintained as open grown trees is 1 ½ inch caliper for deciduous or 6 feet in height for evergreen. Open grown trees shall be selected from any of the tree lists in the Urban Forestry Manual (except the nuisance tree list) unless otherwise approved by the city manager or designee. If an open grown tree approved for planting is not identified on any of the tree lists in the Urban Forestry Manual, then the project arborist or landscape architect shall determine the average mature tree canopy spread using available scientific literature for review and approval by the city manager or designee. The city manager or designee may consider trees less than 6 inch DBH as equivalent to newly planted trees if they meet all applicable species, size, condition and location requirements in this section. Overall, the selection of open grown trees shall result in a reasonable amount of diversity for the site. Open grown trees shall be located as follows:
1. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 15 feet on center from other newly planted or existing trees and 10 feet from the face of habitable buildings. In downtown Tigard (Mixed Use-Central Business District, MU-CBD), the setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
 2. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet on center from other newly planted or existing trees and 15 feet from the face of habitable buildings. In downtown Tigard (Mixed Use-Central Business District, MU-CBD), the setback from the face of habitable buildings may be reduced if approved by the city manager or designee ;
 3. Trees categorized as large stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet on center from other newly planted or existing trees and 20 feet from the face of habitable buildings. In downtown Tigard (Mixed Use-Central Business District, MU-CBD), the setback from the face of habitable buildings may be reduced if approved by the city manager or designee;

Notes:

See Appendices 2-5 for Approved Tree Lists

See Appendix 6 for Nuisance Tree List

Notes:

4. Trees determined by the city manager or designee to have a mature spread of less than 20 feet shall be considered small stature, and shall be spaced no closer than 15 feet on center from other newly planted or existing trees and 10 feet from the face of habitable buildings. In downtown Tigard (Mixed Use-Central Business District, MU-CBD), the setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
5. Trees categorized as small stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;
6. Trees categorized as medium stature on any of the tree lists in the Urban Forestry Manual shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;
7. Trees categorized as large stature on any of the tree lists in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving;
8. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines; and
9. Where there is existing mature tree canopy or other areas with significant shade, the species selected shall be an understory tree according to available scientific literature. However, understory trees shall only be planted when the planting of non-understory trees is precluded due to site constraints.

See Appendix 5
for Native Tree
List

- M. The location, species, size (in height or container size), assigned number and depiction of the mature tree canopy dripline as identified in the native tree list in the Urban Forestry Manual (delineated at the outer edge of the stand) for all trees to be planted and maintained as stand grown trees. The species of trees planted and maintained as stand grown trees shall be selected from the native tree list in the Urban Forestry Manual. The depiction of the mature tree canopy dripline shall be consistent with dimensions in the native tree list. The minimum size of stand grown trees shall be 2 feet in height (from the top of the root ball) or equivalent to a 1 gallon container size. The city manager or designee may consider trees less than 6 inch DBH as equivalent to newly planted trees if they meet all applicable species, size, condition and location requirements in this section. Overall, the selection of stand grown trees shall result in a reasonable amount of diversity for the site. Stand grown trees shall be located as follows:
1. No closer than an average of 10 feet on center from newly planted or existing trees;
 2. No further than an average of 20 feet on center from newly planted or existing trees;

- 3. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 15 feet from the face of habitable buildings. In downtown Tigard (Mixed Use-Central Business District, MU-CBD), the setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
 - 4. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 20 feet from the face of habitable buildings. In downtown Tigard (Mixed Use-Central Business District, MU-CBD), the setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
 - 5. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall be spaced no closer than 30 feet from the face of habitable buildings. In downtown Tigard (Mixed Use-Central Business District, MU-CBD), the setback from the face of habitable buildings may be reduced if approved by the city manager or designee;
 - 6. Trees categorized as small stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 2 feet from any hard surface paving;
 - 7. Trees categorized as medium stature on the native tree list in the Urban Forestry Manual shall not be planted with the center of their trunks closer than 2 ½ feet from any hard surface paving;
 - 8. Trees categorized as large stature on the native tree list in the Urban Forestry Manual or by the city manager or designee shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving;
 - 9. Where there are overhead utility lines, the tree species selected shall be of a type which, at full maturity, will not interfere with the lines; and
 - 10. Where there is existing mature tree canopy or other areas with significant shade, the species selected shall be an understory tree according to available scientific literature. However, understory trees shall only be planted when the planting of non-understory trees is precluded due to space constraints.
- N. Any supplemental specifications that the project arborist or landscape architect has determined are necessary for the viability of trees proposed for planting.
 - O. A signature of approval and statement from the project arborist or landscape architect, attesting that the tree canopy site plan meets all of the requirements in Section 10, part 2 of the Urban Forestry Manual.

Notes:

See Appendix 9 for Example Supplemental Report Template

Part 3. Urban Forestry Plan – Supplemental Report Requirements:

- A. The supplemental report shall be provided by the project arborist or landscape architect in paper and PDF format, and include all items in part 3.B-P below.
- B. Date of the report.
- C. The name, address, telephone number, email address and ISA certified arborist number of the project arborist or stamp and registration number of the project landscape architect.
- D. The following inventory data in table or other such organized format corresponding to each tree in parts 1.J and 1.K in the tree preservation and removal site plan:
 - 1. The assigned tree number;
 - 2. The genus, species and common name;
 - 3. DBH (in inches);
 - 4. Average tree canopy area (in square feet), calculated as follows:
 - a. $\text{Average tree canopy area} = (\text{average tree canopy spread}/2)^2 \times \pi$;
 - 5. Open grown tree or stand grown tree;
 - 6. Heritage tree? (Y or N);
 - 7. Numerical condition rating (0-3) as follows:

Factors considered						
Condition rating	Overall vigor	Tree canopy density	Amount of deadwood	History of failure	Pests	Extent of decay
0	Dead to severe decline	<30%	Large; major scaffold branches	More than one scaffold	Infested	Major; conks and cavities
1	Declining	30-60%	Twig and branch dieback	Scaffold branches	Infested	One to a few conks; small cavities
2	Average	60-90%	Small twigs	Small branches	Minor	Present only at pruning wounds
3	Good to excellent	90-100%	Little or none	None	Minor to Insignificant	Absent to present only at pruning wounds

8. Numerical suitability for preservation rating (0-3) as follows:

Notes:

Rating	Considerations
0	The tree is a “hazard tree” as defined in Chapter 18.120 of the Tigard Development Code and “hazard tree abatement” as defined in Chapter 18.120 in the Tigard Development Code cannot be completed in a manner that results in tree retention consistent with tree care industry standards.
1	The tree is dead, in severe decline or declining but may be retained if desirable for wildlife or other benefits because it is not considered a “hazard tree” or “hazard tree abatement” could be performed.
2	The tree has average health and/or structural stability that could be alleviated with treatment; the tree will be less resilient to development impacts and will require more frequent management and monitoring after development than a tree rated as a “3”.
3	The tree has good to excellent health and structural stability; the tree will be more resilient to development impacts, and will require less frequent management and monitoring after development than a tree rated as a “2”.

- 9. Proposed for preservation? (Y or N); and
- 10. Additional comments.

E. The following inventory data in table or other such organized format corresponding to each existing stand in the tree preservation and removal site plan:

- 1. The assigned stand number;
- 2. The genus, species and common name of the tree species estimated to be dominant in the stand;
- 3. The genus, species and common name of the tree species estimated to be the second and third most common in the stand;
- 4. The estimated average DBH (in inches) of the dominant tree species in the stand;
- 5. The estimated average DBH (in inches) of both the second and third most common tree species in the stand;
- 6. The estimated average condition rating (per part 3.D.7) of the dominant tree species in the stand;
- 7. The estimated average condition rating (per part 3.D.7) of both the second and third most common tree species in the stand;
- 8. The total on site tree canopy area (in square feet) of the stand;
- 9. Numerical suitability for preservation rating of the stand (0-3) as follows:

Notes:

Rating	Considerations
0	Nuisance trees are the dominant species in the stand and/or continued viability of the stand is unlikely due to pests, diseases, competition from nuisance tree or plant species, hydrologic changes or other factors.
1	The stand requires a currently cost prohibitive level of investment and management of pests, diseases, nuisance tree or plant species, hydrology or other factors to become viable.
2	The stand is viable but requires more frequent management and monitoring of pests, diseases, nuisance tree or plant species, hydrology or other factors for continued viability than a stand rated as a "3".
3	The stand is viable and requires less frequent management and monitoring of pests, diseases, nuisance tree or plant species, hydrology or other factors for continued viability than a stand rated as a "2".

10. The total on site tree canopy area (in square feet) of the stand proposed for preservation; and
 11. Additional comments.
- F. Supplemental specifications regarding the location and type of proposed tree protection fencing. If the location of the tree protection fencing will be phased, indicate the location of the tree protection fencing for each corresponding phase. Tree protection fencing shall be minimum 5-foot tall metal unless otherwise approved by the city manager or designee.
- G. Supplemental specifications consistent with tree care industry standards that the project arborist or landscape architect has determined are necessary for the continued viability of trees identified for preservation.
- H. Supplemental specifications consistent with tree care industry standards that the project arborist or landscape architect has determined are necessary for the continued viability of stands identified for preservation.
- I. A general accounting of soil characteristics on site. Areas of existing or potential tree growth limiting soils due to compaction, drainage, fertility, pH, contamination or other factors shall be clearly identified. Methods for improving areas of tree growth limiting soils if tree planting is proposed in those areas shall be specifically addressed.
- J. The following inventory data in table or other such organized format corresponding to each open grown tree proposed for planting in the tree canopy site plan:
1. The assigned tree number;
 2. The genus, species and common name;
 3. The caliper (in inches for deciduous) or height (in feet for evergreen);

- 4. The average mature tree canopy spread (in feet) as identified on any of the tree lists in the Urban Forestry Manual. If an open grown tree approved for planting is not identified on any of the tree lists in the Urban Forestry Manual, then the project arborist or landscape architect shall determine the average mature tree canopy spread using available scientific literature for review and approval by the city manager or designee;
- 5. The average mature tree canopy area (in square feet) calculated as follows:
 - a.
$$\text{Average mature tree canopy area} = (\text{average mature tree canopy spread}/2)^2 \times \pi;$$
- 6. The proposed available soil volume (in cubic feet) for each tree according to the methodology in Section 12, part 2 of the Urban Forestry Manual. If the available soil volume is greater than 1000 cubic feet, then it is OK to note soil volume as simply “over 1000 cubic feet”; and
- 7. Additional comments.
- K. The following inventory data in table or other such organized format corresponding to each stand proposed for planting in the tree canopy site plan:
 - 1. The assigned stand number;
 - 2. The genus, species and common name of trees proposed for planting in the stand;
 - 3. The average spacing (in feet) and total number of each tree species proposed for planting in the stand;
 - 4. The height (in feet) or container size (in gallons) of each species proposed for planting in the stand;
 - 5. The mature tree canopy dripline area of the stand (in square feet) delineated at the outer edge of the stand; and
 - 6. Additional comments
- L. Any supplemental specifications consistent with tree care industry standards that the project arborist or landscape architect has determined are necessary for the viability of trees proposed for planting.
- M. A summary in table or other such organized format clearly demonstrating the effective tree canopy cover that will be provided for the overall development site (excluding streets) and for each lot or tract in the R-1, R-2, R-3.5, R-4.5 and R-7 districts (excluding streets) as follows:
 - 1. The area (in square feet) of the overall development site and each lot or tract; and
 - 2. The effective tree canopy area that will be provided for the overall development site and each lot or tract which shall be considered the sum of the following:

Notes:

- a. Double the canopy area (in square feet) of all open grown trees in the tree canopy site plan proposed for preservation within the overall development site and each lot or tract (or associated right of way, excluding median trees). Only trees with both a condition rating and suitability for preservation rating of 2 or greater are eligible for credit towards the effective tree canopy cover. The overall development site and each lot or tract (or associated right of way) with the largest percentage of the trunk immediately above the trunk flare or root buttresses shall be assigned the effective tree canopy cover area for the corresponding tree;
- b. Double the canopy area (in square feet) of all stands in the tree canopy site plan proposed for preservation within the overall development site and each lot or tract (or associated right of way, excluding median trees). Only stands with both a condition rating and suitability for preservation rating of 2 or greater are eligible for credit towards the effective tree canopy cover. The eligible tree canopy area shall be the portion directly above the overall development site and each lot or tract (or associated right of way). The canopy area of any stand grown tree with the largest percentage of the trunk immediately above the trunk flare or root buttresses outside of the overall development site and each lot or tract (or associated right of way) shall not be eligible for credit towards the effective tree canopy cover requirement for that development site or lot or tract;
- c. The mature canopy area (in square feet) of all open grown trees in the tree canopy site plan, except for those from the native tree list in the Urban Forestry Manual, to be planted and maintained within the overall development site and each lot or tract (or associated right of way, excluding median trees);
- d. 1.25 times the mature canopy area (in square feet) of all open grown trees from the native tree list in the Urban Forestry Manual in the tree canopy site plan to be planted and maintained within the overall development site and each lot or tract (or associated right of way, excluding median trees);

- e. 1.25 times the mature canopy area (in square feet) of each stand in the tree canopy site plan to be planted and maintained within the overall development site and each lot or tract (or associated right of way, excluding median trees). The eligible mature tree canopy area shall be the portion directly above the overall development site and each lot or tract (or associated right of way); and
 - f. Divide the tree canopy area (calculated per part 3.M.2.a-e above) for the overall development site and each lot or tract by the total area of the overall development site and each lot or tract respectively to determine the effective tree canopy cover for the overall development site and each lot or tract.
- N. The standard percentage of effective tree canopy cover for the overall development site shall be at least:
- 1. 40 percent for R-1, R-2, R-3.5, R-4.5 and R-7 districts, except for schools (18.130.050(J));
 - 2. 33 percent for R-12, R-25, R-40, C-N, C-C, C-G, C-P, MUE, MUE-1, MUE-2, MUC, MUR and I-P districts, except for schools (18.130.050(J)); and
 - 3. 25 percent for MU-CBD, MUC-1, I-L and I-H districts, and for schools (18.130.050(J)) in all districts.
- O. If the percent of effective tree canopy cover is less than the applicable standard percent in item n above for the overall development or less than 15 percent for any lot or tract in the R-1, R-2, R-3.5, R-4.5 and R-7 districts (when the overall development site meets or exceeds the standard percent effective tree canopy cover in item n), calculate the tree canopy fee required to meet the applicable standard percent effective tree canopy cover in item n above for the overall development site or 15 percent effective tree canopy cover for each lot or tract in the R-1, R-2, R-3.5, R-4.5 and R-7 districts (only if the overall development site meets or exceeds the standard percent effective tree canopy cover in item n but individual lots or tracts in the R-1, R-2, R-3.5, R-4.5 and R-7 districts do provide 15 percent effective tree canopy cover) according to the methodology in Section 10, part 4 of the Urban Forestry Manual.
- P. A signature of approval and statement from the project arborist or landscape architect, attesting that:
- 1. The tree preservation and removal site plan meets all of the requirements in Section 10, part 1 of the Urban Forestry Manual;
 - 2. The canopy site plan meets all of the requirements in Section 10, part 2 of the Urban Forestry Manual; and
 - 3. The supplemental report meets all of the requirements in Section 10, part 3 of the Urban Forestry Manual.

Part 4. Urban Forestry Plan – Tree Canopy Fee Calculation Requirements:

- A. The tree canopy fee shall be calculated as follows:

Notes:

See Appendix 9 for Example Supplemental Report Template with formula for calculating the Tree Canopy Fee

1. If the percentage of effective tree canopy cover is less than the applicable standard percentage in part 3, item n above for the overall development site find the difference (in square feet) between the proposed effective tree canopy cover and the applicable standard effective tree canopy cover for the overall development site and multiply the difference (in square feet) by:
 - a. The most recent wholesale median tree cost established by the PNW-ISA for a 3 inch diameter deciduous tree in the Willamette Valley, OR divided by 59 square feet.
2. In cases where the overall development site meets the standard percentage in part 3.N above yet the percentage of effective tree canopy cover is less than 15 percent for any individual lot or tract in the R-1, R-2, R-3.5, R-4.5 and R-7 districts, find the difference (in square feet) between the proposed effective tree canopy cover and 15 percent effective tree canopy cover for each deficient lot or tract and multiply the difference (in square feet) by:
 - a. The most recent wholesale median tree cost established by the PNW-ISA for a 3 inch diameter deciduous tree in the Willamette Valley, OR divided by 59 square feet.

Part 5. Urban Forestry Plan – Significant Tree Grove Preservation Considerations:

- A. Connects with and does not become isolated from the remaining portion of the significant tree grove on or off the site;
- B. Preserves the most dominant, resilient and healthiest native trees;
- C. Preserves a diversity of species, ages and sizes of native trees;
- D. Preserves native understory and supports natural succession;
- E. Preserves and minimizes disturbance to native soils and tree roots;
- F. Does not preserve hazard trees or trees likely to soon become hazard trees particularly those subject to windthrow (low live crown ratio, high height to diameter ratio, suppressed root development) and exacerbated by newly created edges and/or removal of adjacent trees; and
- G. Does not preserve trees currently or likely to soon be severely impacted by large scale weed, pest or disease outbreaks and/or changing site conditions (hydrology, light, temperature, wind).



END OF SECTION

Section 11 - Urban Forestry Plan Implementation Standards

Part 1. Urban Forestry Plan Implementation Standards – Inspection Requirements:

- A. After tree protection measures are installed and prior to any ground disturbance other than what is necessary for the installation of tree protection measures and erosion, sediment and pollutant controls measures, the project arborist or landscape architect shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.
- B. Following the completion of item a above, the project arborist or landscape architect shall perform bimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.
- C. When the land use review type will result in the division of land into multiple lots or tracts, the applicant shall provide on the building site plan for each resulting lot or tract, the information detailed in Section 10, part 2.B-N of the Urban Forestry Manual consistent with the approved urban forestry plan. Prior to issuance of any building permits for each resulting lot or tract, the project arborist or landscape architect shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval with the building permit submittal documents.
- D. When the land use review type will result in the division of land into multiple lots or tracts, the project arborist or landscape architect shall perform a site inspection for tree protection measures for all lots or tracts that are not proposed to be associated with a building permit, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval to the city manager or designee prior to the issuance of the first building permit resulting from the land use review type.
- E. Prior to final building inspection for any lot or tract with an active urban forestry plan, the project arborist or landscape architect shall perform a site inspection, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval to the city manager or designee.

Notes:

See Appendix 10 for
Example Tree
Canopy Site Plan
(Section 10, Part 2)
for an Individual Lot

Notes:

See Master Fees and Charges schedule for current fees

Part 2. Urban Forestry Plan Implementation Standards – Tree Establishment Requirements:

- A. Prior to any ground disturbance work, the applicant shall provide a tree establishment bond for all trees to be planted per the approved urban forestry plan. The total bond amount:
 - 1. For subdivisions and minor land partitions shall be equivalent to the city’s average cost to plant and maintain a tree per the applicable standards in the Urban Forestry Manual for a period of two years after planting multiplied by the total number of trees to be planted and maintained; and
 - 2. For all other land use review types shall be equivalent to the city’s average cost to plant and maintain a tree per the applicable standards in the Urban Forestry Manual for a period of one year after planting multiplied by the total number of trees to be planted and maintained.
- B. Following final building inspection or upon acceptance by the city manager or designee when there is no final building inspection, the tree establishment period shall immediately begin and continue:
 - 1. In subdivisions and partitions, for a period of two years or until such time as each lot is sold; and
 - 2. In all other land use review types, for a period of one year.
- C. When the land use review type will result in the division of land into multiple lots or tracts, there shall be a separate tree establishment period for each resulting lot or tract where trees are shown to be planted in the approved urban forestry plan.
- D. Following the applicable tree establishment period for each lot or tract, the bond shall be correspondingly reduced based on tree survival following a site inspection, documentation of successful tree establishment and/or replacement according to items E and F below, and receipt by the city manager or designee of written verification of findings and a signature of approval by the project arborist or landscape architect.
- E. For planted open grown trees, successful establishment shall be considered 80 percent survival of the open grown trees planted on the lot or tract, and replacement of 100 percent of the remaining open grown trees planted on the lot or tract that did not survive.
- F. For planted stand grown trees, successful establishment shall be considered survival of at least 80 percent of the original stand grown trees planted on the lot or tract.
- G. If successful establishment for open grown trees is less than 80 percent for any lot or tract, the applicable tree establishment period shall reset for that lot or tract and the establishment process for open grown trees described in part 2.B-F above shall be repeated until the successful establishment requirement for open grown trees is met.

- H. If successful establishment for stand grown trees is less than 80 percent for any lot or tract, the applicable tree establishment period shall reset for that lot or tract and the establishment process for stand grown trees described in Part 2.B-F above shall be repeated until the successful establishment requirement for stand grown trees is met.

Notes:

Part 3. Urban Forestry Plan Implementation Standards – Urban Forest Inventory Requirements:

- A. Following documentation of compliance with the urban forestry plan by the project arborist or landscape architect for each lot or tract, the city shall collect spatial and species specific data for each open grown tree and area of stand grown trees for inclusion in a publicly accessible inventory of trees.
- B. Prior to any ground disturbance work, the applicant shall provide a fee to cover the city’s cost of collecting and processing the inventory data for the entire urban forestry plan.

See Master Fees and Charges Schedule for current fees



END OF SECTION

Section 12 - Street Tree Soil Volume Standards

Part 1. Street Tree Soil Volume Standards – Soil Volume Requirements:

- A. Street trees required to be planted by chapter 18.745 shall be provided the following minimum soil volumes based on the width of the proposed right of way measured from the edge of the street (excluding curb) towards the subject site:

Notes:

Right of Way Width (feet)	Minimum Soil Volume Requirement (cubic feet per tree)
Up to 10	400
Over 10 up to 12	500
Over 12 up to 14	600
Over 14 up to 16	700
Over 16 up to 18	800
Over 18 up to 20	900
Over 20	1000

Part 2. Street Tree Soil Volume Standards – Soil Volume Calculation Requirements:

- A. For open soil volumes, soil depth is assumed to be 3 feet if the tree canopy site plan (per 18.790.030.A.3) and supplemental report (per 18.790.030.A.4) demonstrate that the tree will not be planted in an area of tree growth limiting soil or the area of tree growth limiting soil will be adequately amended to a depth of 3 feet in the specified planting area.
- B. Areas of tree growth limiting soils that have not been adequately amended shall not be eligible for credit towards the minimum soil volume requirements in part 1 of this section.
- C. For covered soil volumes, the soil depth is equal to the depth of the covered soil volume as demonstrated by the soil volume plan in part 3 of this section.
- D. Soil volumes for open soil volumes shall be calculated (in cubic feet) by measuring the open soil volume area (in square feet) times an assumed soil depth of 3 feet.
- E. Soil volumes for covered soils volumes shall be calculated (in cubic feet) by multiplying the area of the covered soil volume times the depth of the covered soil volume as demonstrated by the soil volume plan in part 3 of this section.
- F. The total soil volume provided for a tree shall be calculated (in cubic feet) by adding the available open soil volume (per part 2.C above) to the available covered soil volume (per part 2.D above) within a 50 foot radius of the tree.

See Appendix 11 for three Example Soil Volume Calculations for Street Trees

Notes:

- G. The open and covered soil volumes are considered “available” to a tree only when they are directly connected to the tree by a continuous path of no less than 3 feet in width.
- H. In addition, covered soil volumes are considered “available” to a tree only when demonstrated as available by the soil volume plan in part 3 of this section.
- I. All soil volumes calculated per this section shall be displayed for each corresponding tree in the required supplemental report.

Part 3. Street Tree Soil Volume Standards – Soil Volume Plan Requirements:

See Appendix 12 for Example Soil Volume Plan

- A. A soil volume plan shall be required for any street tree required to be planted by chapter 18.745 if a covered soil volume is proposed to be used to meet any portion of the minimum soil volume requirements in part 1 of this section. The soil volume plan shall include all items in part 3.B-E below.
- B. A standard size D (24" x 36"), a reduced legal size and a PDF soil volume plan by a registered landscape architect (the project landscape architect) that includes all of the following elements:
 1. Date of drawing or last revision;
 2. North arrow;
 3. Bar scale;
 4. Site address or assessor’s parcel number;
 5. The name, address, telephone number, email address and license number of the project landscape architect;
 6. The location of property lines or proposed property lines if different from existing;
 7. The location of proposed building footprints, utilities and irrigation, streets and other paved areas;
 8. The assigned numbers (consistent with the tree canopy site plan and supplemental report of a concurrent urban forestry plan) of all trees;
 9. The location of each open soil volume area and each covered soil volume area considered “available” for each tree; and
 10. The City of Tigard Example Covered Soil Volume Plan Drawings and Specifications unless otherwise approved by the city manager or designee. If required for clarity, this information may be detailed on a separate plan sheet.
- C. When the land use review type will result in the division of land into multiple lots or tracts, the applicant shall provide on the building site plan for each resulting lot or tract, the information detailed in –part 3.B.1-10 of this section consistent with the approved soil volume plan and a signature of approval from the project landscape architect.

See Appendix 14 for two alternative Example Covered Soil Volume Plan Drawings and an Example Covered Soil Specification for Street Trees

See Appendix 13 for Example Soil Volume Plan for a Single Lot

- D. The project landscape architect shall document compliance/non-compliance (including but not limited to materials receipts and observations from site inspections) with the approved soil volume plan, and send written verification with a signature of approval to the city manager or designee prior to final building inspection for all lots, parcels, or tracts associated with each particular tree. When the land use review type will result in the division of land into multiple lots or tracts, the project landscape architect shall provide the documentation/verification described above for all lots or tracts that are not proposed to be associated with a building permit prior to the issuance of the first building permit resulting from the land use review type. When the land use review type does not involve a building permit, the project landscape architect shall provide the documentation/verification described above prior to final acceptance by the city manager or designee.
- E. If any subsequent modifications to an approved soil volume plan is required to meet the minimum soil volume requirements in part 1 of this section, a revised soil volume plan that meets the requirements of part 3 of this section shall be provided that reflect the revisions.

Notes:



END OF SECTION

Section 13 - Parking Lot Tree Canopy Standards

Part 1. Parking Lot Tree Canopy Standards – Parking Lot Tree Requirements:

- A. Parking lot trees shall be planted in a manner consistent with tree care industry standards.
- B. Parking lot trees shall have a minimum caliper of 1 ½ inches (for deciduous) or height of a 6 feet (for evergreen) at the time of planting.
- C. Parking lot tree species shall be from the parking lot tree list, unless otherwise approved by the city manager or designee.
- D. Parking lot trees shall not be planted with the center of their trunks closer than 3 feet from any hard surface paving, including curbs.
- E. Parking lot trees shall be evenly distributed within the parking area, and no greater than 6 feet from the parking area.
- F. Parking lot trees shall be provided a minimum of 1000 cubic feet of soil volume per tree.

Part 2. Parking Lot Tree Canopy Standards – Soil Volume Calculation Requirements:

- A. Soil volumes for open soil volumes shall be calculated (in cubic feet) by measuring the open soil volume area (in square feet) times an assumed soil depth of 3 feet.
- B. Soil volumes for covered soils volumes shall be calculated (in cubic feet) by multiplying the area of the covered soil volume times the depth of the covered soil volume as demonstrated by the parking lot tree canopy plan in part 3 of this section.
- C. The total soil volume provided for a tree shall be calculated (in cubic feet) by adding the available open soil volume (per part 2.A above) to the available covered soil volume (per part 2.B above) within a 50 foot radius of the tree.
- D. The open and covered soil volumes are considered “available” to a tree only when they are directly connected to the tree by a continuous path of no less than 3 feet in width, and demonstrated as available by the parking lot tree canopy plan in part 3 of this section.
- E. All soil volumes calculated per this section shall be displayed for each corresponding tree in the supplemental report (per 18.790.030.A.4) when an urban forestry plan is concurrently required.

Part 3. Parking Lot Tree Canopy Standards – Parking Lot Tree Canopy Plan Requirements:

- A. A parking lot tree canopy plan shall be required unless the city manager or designee determines the requirements of a concurrent urban forestry plan per chapter 18.790 will meet the equivalent standards in part 3 of this section. The parking lot tree canopy plan shall include all items in part 3.B-E below.

Notes:

See Appendix 3 for
Parking Lot Tree List

See Appendix 15 for
three Example Soil
Volume Calculations
for Parking Lot Trees

See Appendix 16 for
Example Parking Lot
Tree Canopy Plan

Notes:

See Appendix 17 for two alternative Example Covered Soil Volume Plan Drawings and an Example Covered Soil Specification for Parking Lot Trees

See Appendix 18 for Example Parking Lot that Meets the 30% Minimum Canopy Cover Requirement per Code Section 18.745.050.E.1.a.4

- B. A standard size D (24" x 36"), a reduced legal size and a PDF parking lot tree canopy plan by a registered landscape architect (the project landscape architect) that includes all of the following elements:
1. Date of drawing or last revision;
 2. North arrow;
 3. Bar scale;
 4. Site address or assessor's parcel number;
 5. The name, address, telephone number, email address and license number of the project landscape architect;
 6. The location of property lines or proposed property lines if different from existing;
 7. The location of proposed building footprints, utilities and irrigation, streets and other paved areas;
 8. The location of areas of tree growth limiting soils due to compaction, drainage, fertility, pH, contamination or other factors;
 9. Methods for improving areas of tree growth limiting soils if tree planting is proposed in those areas. If required for clarity, this information may be detailed on a separate plan sheet;
 10. The location of all parking lot striping and the location of the limits of the parking area, which includes all parking spaces, all landscape islands and all parking aisles;
 11. Assigned numbers (consistent with the tree canopy site plan per 18.790.030.A.3 and supplemental report per 18.790.030.A.4 of a concurrent urban forestry plan) of all parking lot trees;
 12. The location, species and caliper (in inches for deciduous) or height (in feet for evergreen) of all parking lot trees;
 13. Depiction of the average mature tree canopy spread (in feet as identified on any of the tree lists in the Urban Forestry Manual) for each parking lot tree. If a parking lot tree is not identified on any of the tree lists in the Urban Forestry Manual, then the project arborist or landscape architect shall determine the average mature tree canopy spread using available scientific literature for review and approval by the city manager or designee;
 14. The location of each open soil volume area and each covered soil volume area considered "available" for each tree; and
 15. If covered soil volumes are proposed to meet any portion of the soil volume requirement in part 1.F of this section, the City of Tigard Example Covered Soil Volume Plan Drawings and Specifications unless otherwise approved by the city manager or designee. If required for clarity, this information may be detailed on a separate plan sheet.
- C. A summary in table or other such organized format clearly demonstrating the proposed percent tree canopy cover at maturity directly over the parking area as follows:
1. The area (in square feet) of the parking area as shown in the parking lot tree canopy plan;

2. The average mature tree canopy area for each parking lot tree as follows:
 - a. Average mature tree canopy area = $(\text{average mature tree canopy spread}/2)^2 \times \pi$;
 3. The total combined mature tree canopy area (in square feet) of all parking lot trees less the percentage not directly over the parking area; and
 4. The total combined mature tree canopy area directly over the parking area (in square feet) divided by the parking area.
- D. The project landscape architect shall document compliance/non-compliance (including but not limited to materials receipts and observations from site inspections) with the approved parking lot tree canopy plan, and send written verification with a signature of approval to the city manager or designee prior to final building inspection or prior to final acceptance when there is no final building inspection.
- E. If any subsequent modifications to an approved parking lot tree canopy plan is required, a revised parking lot tree canopy plan that meets the requirements of part 3 of this section shall be provided that reflect the revisions.

Notes:



END OF SECTION



City of Tigard Tree Risk Assessment Form

Hazard Rating:						
Probability of Failure	+	The Target Area	+	Size of Defective Part	=	Overall Risk Rating

Recommended Hazard Tree Abatement Procedures:

Property Address: _____

Location: Public Private Right-of-Way

Protected Tree: Yes No

Tree Species: _____

Diameter at Breast Height (DBH): _____

Tree Height: _____

Crown Spread: _____

Tree Part Subject of Evaluation: _____

Diameter of Subject Tree Part: _____

Distance to Target of Subject Tree Part: _____

Length of Subject Tree Part: _____

Target: _____

Occupancy of Target: Occasional Use Intermittent Use Frequent Use Constant Use

Date of Evaluation:
Tree Risk Assessor:
ISA Number:

Tree Risk Assessor Signature: _____

***Fill out this and supplemental rating form completely and attach: 1) photos of the tree; 2) an aerial photo showing the location of the tree on the subject property; and 3) a supplemental tree risk assessment report more fully describing whether the definition of hazard tree has been met and, if necessary, recommended hazard tree abatement procedures.**

Probability of Failure (1 - 5 points)			(1) One
Low 1 point	Defect is not likely to lead to imminent failure, and no further action is required. In many cases, defects might not be recorded.	Minor branch or crown dieback, small wounds, minor defects.	
Moderate 2 points	One or more defects areas well-established but typically do not lead to failure for several years. Corrective action might be useful to prevent future problems but only if time and money are available. Not the highest priority for action, these are retain and monitor situations used to inform budget and work schedules for subsequent years.	Several defects present. <ul style="list-style-type: none"> • Shell wall exceeds minimum requirement • Cracks initiated but no extensive decay • Cavity opening or other stem damage less than 30% of circumference • Crown damage or breakage less than 50% of canopy (30% in pines) • Dead crown limbs with fine twigs attached and bark intact • Weak branch union such as major branch or codominant stem with included bark • Stem girdling roots with less than 40% of circumference compressed • Root damage or root decay affects less than 33% of roots within the critical zone • Standing dead tree that is recently dead (still has fine twigs) and no other significant defects 	
Moderately High 3 points	One or more defects areas well-established, but not yet deemed to be a high priority issue. Additional testing may be required or, the assessor may feel the problems are not serious enough to warrant immediate action, but do warrant placing the tree on a list of trees to be inspected more regularly. These are Retain and Monitor trees.	Areas of decay that may be expanding; trees that have developed a recent but not yet critical lean; cracks noted but may be stable; edge trees that may adapt and become more stable.	
High 4 points	The defect is serious and imminent failure is likely and corrective action is required immediately. These cases require treatment within the next few days or weeks.	One or more major defects present. <ul style="list-style-type: none"> • Insufficient shell wall thickness • Large cracks, possibly associated with other defects • Cavity opening greater than 30% of circumference • Crown damage or breakage more than 50% of canopy (> 30% in pines) • Dead crown limbs with no fine twigs and bark peeling away. May be some saprophytic fungal evidence • Weak branch union has crack(s) or decay • Stem girdling root affects 40% or more of trunk circumference • More than 33% of roots are damaged within the critical zone • Tree is leaning. Recent root breakage, or soil mounding, or cracks, or extensive decay evident • Standing dead tree, has very few fine twigs, and no other significant defects 	
Extreme 5 points	The tree or component part is already failing. An emergency situation where treatment is required today.	Multiple high or extreme risk defects present. <ul style="list-style-type: none"> • Shell wall is already cracked and failing • Major cracks already open, such as hazard beams or split trunks • More than 30% of circumference defective and cracks or decay obvious • Dead crown limbs, no fine twigs, no bark, decay present • Weak branch union has crack(s) and decay • Leaning tree with recent root failure, soil mounding, and cracks or extensive decay • Dead branches hung up or partly failed • Visual obstruction of traffic signs/lights at intersections • Any partly failed component or whole tree • Standing dead trees that have been dead for more than one season with multiple defects such as cracks, decay, damaged roots, shedding bark 	

The Target Area (1 - 4 points)		(√) One
Low 1 point	Sites rated at one point are very rarely used for any long period of time, and people passing through the area (regardless of how they travel) do not spend a lot of time within the striking range of the tree. There are no valuable buildings or other facilities within striking range. Examples are seldom used back country roads or trails, seldom used overflow or long-term parking, industrial areas where workers drive machines (trucks, forklifts, tractors) with substantial cab protection; natural or wilderness areas; transition areas with limited access; remote areas of yards, parks, or private lands open for public use within set hours. All of these sites have relatively low occupancy within any one day.	
Moderate 2 points	Valuable buildings are at the edge off the striking distance, so they would not be seriously damaged even if the tree did fall down. The site has people within striking range occasionally, meaning less than 50% of the time span in any one day, week, or month, and do not stay within striking range very long. Examples include areas that are used seasonally; more remote areas of camping areas or parks; minor rural roads; picnic areas; low to moderate use trails; most park and school playgrounds.** Moderate to low use parks, parking lots with daily use; secondary roads and intersections, dispersed camping sites, moderate to high use trails, works and/or storage yards.	
Moderately High 3 points	The site has valuable buildings within striking range. People are within striking range more than 50% of the time span in any one day, week, or month, and their exposure time can be more than just passing by. Examples include secondary roads, trails, and access points; less commonly used parking areas and trails within parks; trails alongside fairways, bus stops.	
High 4 points	The highest rated targets have a) a building within striking range frequently accessed by people, often for longer periods of time, or high volumes of people coming and going within striking range. Valuable buildings or other structures within striking range that would suffer major structural damage in the event of tree failure or; b) people within striking distance of the tree, or both, seven days a week, all year long, and at all times of the day. Examples include main roads, the busiest streets or highways; high volume intersections power lines;* paths through busy open space areas and parks; short-term parking constantly in use; institutional buildings such as police stations, hospitals, fire stations; shopping areas; highly used walking trails; pick up and drop off points for commuters; golf tees and greens; emergency access routes and/or marshalling areas; handicap access areas; high use camping areas, visitor centers or shelters; residential buildings; industrial areas where workers take outside breaks; development sites where work activity within striking range lasts more than a few hours at a time.	

*There are very specific safe work practices required when working close to Power Lines. These vary depending on location, but all employ similar principles.

**It is recognized that there is a tendency to rate playgrounds higher simply because children are involved. Most playgrounds are occupied for short periods of time in daylight hours. Overall, their use is infrequent when compared to other locations such as busy streets.

Size of Defective Part (1 - 3 points)		(√) One
1 point	Branches or stems up to 10 centimeters (4 inches) in diameter	
2 points	Branches or stems between 10 to 50 centimeters (4 to 20 inches) in diameter.	
3 points	Branches or stems greater than 50 centimeters (20 inches) in diameter.	

*In some cases, there may be large areas of sloughing back bark, dwarf mistletoe brooms, branch stubs, or large bird nests in cavities that pose a risk. The assessor must use his or her judgment to assign a number to these components. In general, the lowest rating (1 point) is reserved for component parts that would not create much impact on a person or property if it were to fail. The highest rating is used for parts that have the potential to kill people or seriously damage property.

Overall Risk Rating and Action Thresholds			(v) One
<i>Risk Rating</i>	<i>Risk Category</i>	<i>Interpretation and Implications</i>	
3	Low 1	Insignificant – no concern at all.	
4	Low 2	Insignificant – very minor issues.	
5	Low 3	Insignificant – minor issues not of concern for many years yet.	
6	Moderate 1	Some issues but nothing that is likely to cause any problems for another 10 years or more.	
7	Moderate 2	Well defined issues – retain and monitor. Not expected to be a problem for at least another 5-10 years.	
8	Moderate 3	Well defined issues – retain and monitor. Not expected to be a problem for at least another 1-5 years.	
9	High 1	The assessed issues have now become very clear. The tree can still reasonably be retained as it is not likely to fall apart right away, but it must now be monitored annually. At this stage, it may be reasonable for the risk manager/owner to hold public education sessions to inform people of the issues and prepare them for the reality that part or the entire tree has to be removed.	
10	High 2	The assessed issues have now become very clear. The probability of failure is now getting serious, or the target rating and/or site context have changed such that mitigation measures should now be on a schedule with a clearly defined timeline for action. There may still be time to inform the public of the work being planned, but there is not enough time to protracted discussion about whether or not there are alternative options available.	
11	High 3	The tree, or a part of it has reached a stage where it could fail at any time. Action to mitigate the risk is required within weeks rather than months. By this stage there is not time to hold public meetings to discuss the issue. Risk reduction is a clearly defined issue and although the owner may wish to inform the public of the planned work, he/she should get on with it to avoid clearly foreseeable liabilities.	
12	Extreme	This tree, or part of it, is in the process of failing. Immediate action is required. All other, less significant tree work should be suspended, and roads or work areas should be closed off, until the risk issues have been mitigated. This might be as simple as removing the critical part, drastically reducing overall tree height, or taking the tree down and cordoning off the area until final clean up, or complete removal can be accomplished. The immediate action required is to ensure that the clearly identified risk of harm is eliminated. For areas hit by severe storms, where many extreme risk trees can occur, drastic pruning and/or partial tree removals, followed by barriers to contain traffic, would be an acceptable first stage of risk reduction. There is no time to inform people or worry about public concerns. Clearly defined safety issues preclude further discussion.	

The Table shown above outlines the interpretation and implications of the risk ratings and associated risk categories. This table is provided to inform the reader about these risk categories so that they can better understand any risk abatement recommendations made in the risk assessment report.

Notes: _____

Appendix 2

Street Tree List - Small Stature Trees (up to 25' in height at maturity)

Common Name	Scientific Name	Height (feet)	Spread (feet)	Canopy Area	Soil Type	Suitable for Under		Special Features/Considerations
						Powerlines		
Paperbark Maple	<i>Acer griseum</i>	25'	25'	491 sq. ft.	all	Yes*		peeling bark, tolerates some shade
Tatarian Maple	<i>Acer tataricum</i>	20'	20'	314 sq. ft.	all	Yes		tolerant of urban stresses
Trident Maple	<i>Acer buergeranum</i>	25'	20'	314 sq. ft.	all	Yes		tolerant of urban stresses
Serviceberry	<i>Amelanchier x grandiflora</i>	25'	15'	177 sq. ft.	well drained	Yes		white flowers, edible fruit
Western Serviceberry	<i>Amelanchier alnifolia</i>	20'	20'	314 sq. ft.	loam	Yes		native to Portland metropolitan region
American Hornbeam	<i>Carpinus caroliniana</i>	25'	20'	314 sq. ft.	all	No		needs ample water
Eastern Redbud	<i>Cercis canadensis</i>	25'	25'	491 sq. ft.	all	Yes		pink flowers in spring before leaves emerge
Glorybower Tree	<i>Clerodendrum trichotomum</i>	20'	20'	314 sq. ft.	all	Yes		colorful flowers in summer, blue berries in fall
Kousa Dogwood	<i>Cornus kousa</i>	25'	25'	491 sq. ft.	all	Yes		shade tolerant
Flowering Dogwood	<i>Cornus florida</i>	25'	25'	491 sq. ft.	all	Yes		large number of varieties available
Lavalle Hawthorne	<i>Crataegus x lavallei</i>	25'	20'	314 sq. ft.	all	Yes		white flowers in May, orange-red fruit persist into Winter
Black Hawthorne	<i>Crataegus douglasii</i>	25'	20'	314 sq. ft.	all	Yes		native to Portland metropolitan region, has thorns
Golden Desert Ash	<i>Fraxinus excelsior</i> 'Golden Desert'	20'	20'	314 sq. ft.	all	Yes		golden twigs
Flowering Ash	<i>Fraxinus ornus</i>	25'	25'	491 sq. ft.	all	Yes		fragrant flowers
Merrill Magnolia	<i>Magnolia x loebneri</i> 'Merrill'	25'	25'	491 sq. ft.	all	No		fragrant white flowers
Southern Magnolia	<i>Magnolia grandiflora</i> 'Victoria' or 'Little Gem'	25'	25'	491 sq. ft.	all	No		broadleaf evergreen, large fragrant white flowers
Prairiefire Crabapple	<i>Malus spp.</i> 'Prairiefire'	20'	20'	314 sq. ft.	all	Yes		disease resistant
Japanese Stewartia	<i>Stewartia pseudocamellia</i>	25'	25'	491 sq. ft.	loam	No		needs ample water
Japanese Snowbell	<i>Stryax japonicus</i>	25'	25'	491 sq. ft.	well drained	Yes		white flowers hang down from branches
Japanese Tree Lilac	<i>Syringa reticulata</i>	20'	15'	177 sq. ft.	well drained	Yes		showy, creamy white flowers

*These trees have been approved by Portland General Electric (PGE) for planting beneath overhead powerlines

Appendix 2

Street Tree List - Medium Stature Trees (between 25' and 40' in height at maturity)

Common Name	Scientific Name	Height (feet)	Spread (feet)	Canopy Area	Soil Type	Suitable for Under Powerlines	Special Features/Consideration
Hedge Maple	<i>Acer campestre</i>	35'	30'	707 sq. ft.	all	No	tolerant of urban stresses
Sunset Maple	<i>Acer truncatum</i> x <i>Acer platanoides</i>	35'	25'	491 sq. ft.	all	No	many varieties available
Strawberry Tree	<i>Arbutus 'Marina'</i>	30'	30'	707 sq. ft.	all	No	broadleaf evergreen
European Hornbeam	<i>Carpinus betulus</i>	35'	25'	491 sq. ft.	all	No	dense crown
Katsura	<i>Cercidiphyllum japonicum</i>	40'	40'	1256 sq. ft.	all	No	requires moist soils
Yellowwood	<i>Cladrastis kentuckia</i>	35'	35'	962 sq. ft.	all	No	fragrant, white, pendulous flowers
June Snow Dogwood	<i>Cornus controversa</i> 'June Snow'	30'	35'	962 sq. ft.	well drained	No	wide spreading, flowers in May/June
Pacific Dogwood	<i>Cornus nuttallii</i>	40'	30'	707 sq. ft.	loam	No	native to Portland metropolitan region, requires moist soil and some shade
Dove Tree	<i>Davidia involucrata</i>	35'	30'	707 sq. ft.	well drained	No	dove-like flowers
Raywood Ash	<i>Fraxinus oxycarpa</i> 'Raywood'	35'	30'	707 sq. ft.	all	No	smog tolerant
Goldenrain Tree	<i>Koelreuteria paniculata</i>	35'	35'	962 sq. ft.	all	No	tolerant of urban stresses
Yulan Magnolia	<i>Magnolia denudata</i>	35'	30'	707 sq. ft.	all	No	white, fragrant flowers
Southern Magnolia	<i>Magnolia grandiflora</i> 'Edith Bogue'	35'	20'	314 sq. ft.	all	No	broadleaf evergreen, many other varieties available
Sourwood	<i>Oxydendrum arboreum</i>	30'	20'	314 sq. ft.	well drained	No	white, midsummer flowers
American Hophornbeam	<i>Ostrya virginiana</i>	35'	25'	491 sq. ft.	all	No	exfoliating bark texture is attractive
Persian Parrotia	<i>Parrotia persica</i>	35'	25'	491 sq. ft.	well drained	No	beautiful bark and fall color
Amur Corktree	<i>Phellodendron amurense</i>	40'	30'	707 sq. ft.	all	No	fragrant leaves and fruit
Callery Pear	<i>Pyrus calleryana</i>	40'	25'	491 sq. ft.	all	No	many varieties available
Cascara	<i>Rhamnus purshiana</i>	35'	25'	491 sq. ft.	all	No	native to Portland metropolitan region
Frontier Elm	<i>Ulmus</i> 'Frontier'	40'	30'	707 sq. ft.	all	No	pest and disease resistant, substitute for American Elm

Appendix 2

Street Tree List - Large Stature Trees (over 40' in height at maturity)

Common Name	Scientific Name	Height (feet)	Spread (feet)	Canopy		Suitable for Under		Special Features/Consideration
				Area	Soil Type	Powerlines		
Red Maple	<i>Acer rubrum</i>	50'	40'	1256 sq. ft.	any	No	many large stature varieties available	
Hackberry	<i>Celtis occidentalis</i>	45'	35'	962 sq. ft.	any	No	tolerant of urban stresses, deep rooted	
European Beech	<i>Fagus sylvatica</i>	50'	40'	1256 sq. ft.	well drained	No	beautiful bark	
White Ash	<i>Fraxinus americana</i>	60'	45'	1590 sq. ft.	any	No	plant seedless varieties	
Oregon Ash	<i>Fraxinus latifolia</i>	60'	30'	707 sq. ft.	any	No	native to Portland metropolitan region	
Green Ash	<i>Fraxinus pennsylvanica</i>	50'	40'	1256 sq. ft.	any	No	plant seedless varieties	
Maidenhair Tree	<i>Ginkgo biloba</i>	60'	45'	1590 sq. ft.	any	No	many large stature varieties available, plant males only	
Honeylocust	<i>Gleditsia triacanthos var. inermis</i>	45'	35'	962 sq. ft.	any	No	thornless, tolerant of urban stresses	
Kentucky Coffeetree	<i>Gymnocladus dioica</i>	65'	50'	1963 sq. ft.	any	No	fragrant flowers	
Tulip Tree	<i>Liriodendron tulipifera</i>	60'	30'	707 sq. ft.	any	No	beautiful fall color	
Southern Magnolia	<i>Magnolia grandiflora</i>	70'	60'	1963 sq. ft.	any	No	broadleaf evergreen, large fragrant white flowers	
Blackgum	<i>Nyssa sylvatica</i>	45'	25'	491 sq. ft.	any	No	beautiful fall color	
London Planetree	<i>Platanus x acerifolia</i> 'Bloodgood'	50'	40'	1256 sq. ft.	any	No	disease resistant, pollution tolerant	
Scotch Pine	<i>Pinus sylvestris</i>	50'	40'	1256 sq. ft.	any	No	evergreen conifer, striking orange bark	
Oregon White Oak	<i>Quercus garryana</i>	65'	50'	1963 sq. ft.	any	No	native to Portland metropolitan region	
Willow Oak	<i>Quercus pbellos</i>	60'	45'	1590 sq. ft.	any	No	tolerant of urban stresses	
Red Oak	<i>Quercus rubra</i>	60'	45'	1590 sq. ft.	any	No	beautiful fall color	
American Linden	<i>Tilia americana</i>	60'	30'	707 sq. ft.	any	No	tolerant of urban stresses	
Sterling Silver Linden	<i>Tilia tomentosa</i> 'Sterling Silver'	45'	30'	707 sq. ft.	any	No	dark green leaves with silver undersides	
Zelkova	<i>Zelkova serrata</i>	65'	50'	1963 sq. ft.	any	No	attractive shade tree	

Appendix 3

Parking Lot Trees (recommended for parking lots, large stature)

Common Name	Scientific Name	Height (feet)	Spread (feet)	Canopy Area	Soil Type	Suitable for Under Powerlines	Special Features/ Consideration
Bigleaf Maple	<i>Acer macrophyllum</i>	65'	50'	1963 sq. ft.	any	No	native to Portland metropolitan region
Red Maple	<i>Acer rubrum</i>	50'	40'	1256 sq. ft.	any	No	brilliant red fall color
European Beech	<i>Fagus sylvatica</i>	50'	40'	1256 sq. ft.	well drained	No	beautiful bark
White Ash	<i>Fraxinus americana</i>	60'	45'	1590 sq. ft.	any	No	plant seedless varieties
Green Ash	<i>Fraxinus pennsylvanica</i>	50'	40'	1256 sq. ft.	any	No	plant seedless varieties
Maidenhair Tree	<i>Ginkgo biloba</i>	60'	45'	1590 sq. ft.	any	No	many large stature varieties available, plant males only
Kentucky Coffeetree	<i>Gymnocladus dioica</i>	65'	50'	1963 sq. ft.	any	No	fragrant flowers
Southern Magnolia	<i>Magnolia grandiflora</i>	70'	60'	2826 sq. ft.	any	No	broadleaf evergreen, large fragrant white flowers
Austrian Pine	<i>Pinus nigra</i>	55'	40'	1256 sq. ft.	any	No	evergreen conifer
Eastern White Pine	<i>Pinus strobus</i>	70'	40'	1256 sq. ft.	any	No	evergreen conifer
Scotch Pine	<i>Pinus sylvestris</i>	50'	40'	1256 sq. ft.	any	No	evergreen conifer, striking orange bark
London Planetree	<i>Platanus x acerifolia</i> 'Bloodgood'	50'	40'	1256 sq. ft.	any	No	disease resistant, pollution tolerant
Oregon White Oak	<i>Quercus garryana</i>	65'	50'	1963 sq. ft.	any	No	native to Portland metropolitan region
Willow Oak	<i>Quercus phellos</i>	60'	45'	1590 sq. ft.	any	No	tolerant of urban stresses
Red Oak	<i>Quercus rubra</i>	60'	45'	1590 sq. ft.	any	No	beautiful fall color
Accolade Elm	<i>Ulmus</i> 'Morton'	70'	60'	2826 sq. ft.	any	No	graceful vase shaped tree, disease resistant substitute for American elm
Lacebark Elm	<i>Ulmus parvifolia</i>	60'	50'	1963 sq. ft.	any	No	interesting mottled bark
Pioneer Elm	<i>Ulmus</i> 'Pioneer'	50'	50'	1963 sq. ft.	any	No	rounded spreading crown, disease resistant substitute for American elm
Oregon Myrtle	<i>Umbellularia californica</i>	70'	50'	1963 sq. ft.	any	No	broadleaf evergreen
Zelkova	<i>Zelkova serrata</i>	65'	50'	1963 sq. ft.	any	No	attractive shade tree

Appendix 4

Columnar Trees (canopy spread of less than 20 feet at maturity, small stature)

Common Name	Scientific Name	Height (feet)	Spread (feet)	Canopy Area	Soil Type	Suitable for Under Powerlines	Special Features/Considerations
Armstrong Maple	<i>Acer rubrum</i> 'Armstrong'	45'	15'	177 sq. ft.	any	No	orange-red fall color
Bowhall Maple	<i>Acer rubrum</i> 'Bowhall'	40'	15'	177 sq. ft.	any	No	bright red fall color
Frans Fontaine Hornbeam	<i>Carpinus betulus</i> 'Frans Fontaine'	35'	15'	177 sq. ft.	any	No	narrowest of the <i>Carpinus b.</i> cultivars
Dawyck Purple Beech	<i>Fagus sylvatica</i> 'Dawyck Purple'	40'	12'	113 sq. ft.	any	No	purple leaves for entire growing season
Princeton Sentry Ginkgo	<i>Ginkgo biloba</i> 'Princeton Sentry'	40'	15'	177 sq. ft.	any	No	seedless, bright yellow fall color
Arnold Tulip Tree	<i>Liriodendron tulipifera</i> 'Arnold'	40'	10'	79 sq. ft.	any	No	fast grower
Edith Bogue Magnolia	<i>Magnolia grandiflora</i> 'Edith Bogue'	30'	15'	177 sq. ft.	any	No	broadleaf evergreen
Galaxy Magnolia	<i>Magnolia</i> x 'Galaxy'	30'	15'	177 sq. ft.	any	No	showy pink flowers
Tschonoskii Crabapple	<i>Malus tschonoskii</i>	30'	15'	177 sq. ft.	any	No	good fall color
Arnold Sentinel Austrian Pine	<i>Pinus nigra</i> 'Arnold Sentinel'	35'	10'	79 sq. ft.	any	No	evergreen conifer
Fastigiata White Pine	<i>Pinus strobus</i> 'Fastigiata'	30'	10'	79 sq. ft.	well drained	No	evergreen conifer
Quaking Aspen	<i>Populus tremuloides</i>	30'	15'	177 sq. ft.	any	No	native to the Portland Metro region
Capital Pear	<i>Pyrus calleryana</i> 'Capital'	35'	12'	113 sq. ft.	any	No	glossy summer foliage
Chanticleer Pear	<i>Pyrus calleryana</i> 'Chanticleer'	40'	15'	177 sq. ft.	any	No	resistant to fireblight
Columnar Sargent Cherry	<i>Prunus sargentii</i> 'Columnaris'	35'	15'	177 sq. ft.	any	No	pink flowers and reddish bark
Skyrocket Oak	<i>Quercus robur</i> 'Fastigiata'	45'	15'	177 sq. ft.	well drained	No	may hold brown leaves into winter
Crimson Spire Oak	<i>Quercus robur</i> x <i>Q. alba</i> 'Crimschmidt'	45'	15'	177 sq. ft.	well drained	No	red fall color
Giant Arborvitae "Virescens"	<i>Thuja plicata</i> 'Virescens'	25'	12'	113 sq. ft.	moist	No	evergreen conifer, species native to the Portland Metro Region
Corinthian Linden	<i>Tilia cordata</i> 'Corzam'	45'	15'	177 sq. ft.	any	No	narrowest of the linden cultivars
Columnar Zelkova	<i>Zelkova serrata</i> 'Musashino'	45'	15'	177 sq. ft.	any	No	fine textured leaves

Appendix 5

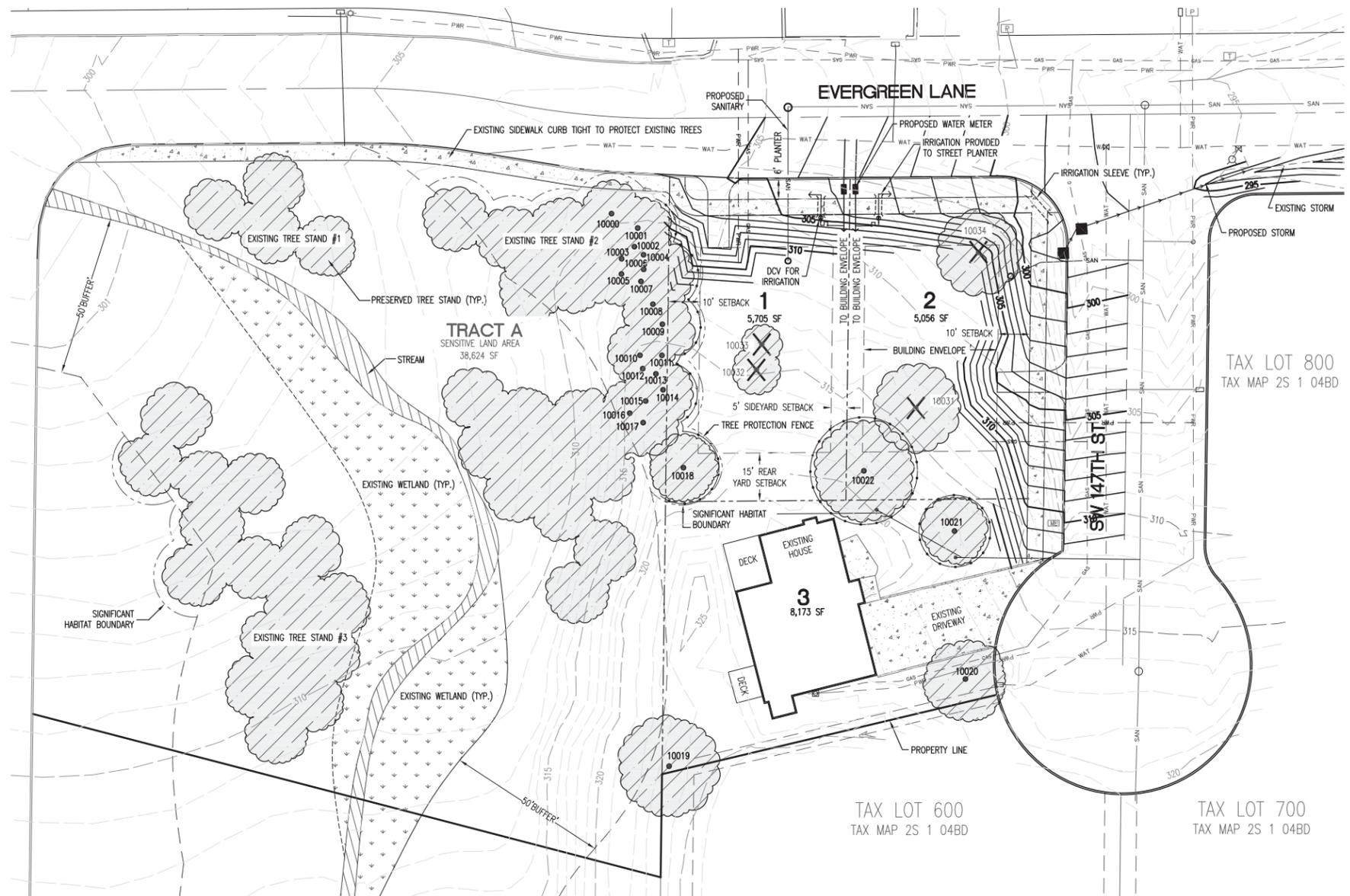
Native Trees

Common Name	Scientific Name	Height (feet)	Spread (feet)	Canopy Area	Stature	Suitable for Under Powerlines	Primary Habitat Types
Grand Fir	<i>Abies grandis</i>	150'	40'	1256 sq. ft.	Large	No	Wetland, Riparian, Upland
Big-leaf Maple	<i>Acer macrophyllum</i>	65'	50'	1963 sq. ft.	Large	No	Upland
Red Alder	<i>Alnus rubra</i>	100'	40'	1256 sq. ft.	Large	No	Riparian, Upland
Madrone	<i>Arbutus menziesii</i>	40'	30'	707 sq. ft.	Medium	No	Upland
Pacific Dogwood	<i>Cornus nuttallii</i>	40'	30'	707 sq. ft.	Medium	No	Upland
Black Hawthorn	<i>Crataegus douglasii</i>	25'	20'	314 sq. ft.	Small	Yes	Wetland, Riparian, Upland
Oregon Ash	<i>Fraxinus latifolia</i>	60'	30'	707 sq. ft.	Large	No	Wetland, Riparian
Ponderosa Pine	<i>Pinus ponderosa</i>	200'	30'	707 sq. ft.	Large	No	Upland
Black Cottonwood	<i>Populus balsamifera ssp. trichocarpa</i>	175'	40'	1256 sq. ft.	Large	No	Wetland, Riparian
Quaking Aspen	<i>Populus tremuloides</i>	30'	15'	177 sq. ft.	Medium	No	Wetland, Riparian
Bitter Cherry	<i>Prunus emarginata</i>	30'	20'	314 sq. ft.	Medium	No	Riparian, Upland
Douglas Fir	<i>Pseudotsuga menziesii</i>	180'	40'	1256 sq. ft.	Large	No	Upland
Oregon White Oak	<i>Quercus garryana</i>	65'	50'	1963 sq. ft.	Large	No	Upland
Cascara	<i>Rhamnus purshiana</i>	35'	25'	491 sq. ft.	Medium	No	Riparian, Upland
Pacific Willow	<i>Salix lucida ssp. lasiandra</i>	40'	30'	707 sq. ft.	Medium	No	Wetland, Riparian
Rigid Willow	<i>Salix rigida var. macrogemma</i>	30'	20'	314 sq. ft.	Small	No	Wetland, Riparian
Scouler Willow	<i>Salix scouleriana</i>	40'	40'	1256 sq. ft.	Medium	No	Wetland, Riparian, Upland
Pacific Yew	<i>Taxus brevifolia</i>	40'	30'	707 sq. ft.	Medium	No	Riparian, Upland
Western Red Cedar	<i>Thuja plicata</i>	100'	30'	707 sq. ft.	Large	No	Wetland, Riparian, Upland
Western Hemlock	<i>Tsuga heterophylla</i>	150'	40'	1256 sq. ft.	Large	No	Riparian, Upland

Appendix 6

Nuisance Tree List

Common Name	Scientific Name	Photos	Photos2	Photos3
Norway maple	<i>Acer platanoides</i>	leaf detail	fruit detail	flower detail
Sycamore maple	<i>Acer pseudoplatanus</i>	leaf detail	fruit detail	flower detail
Tree-of-heaven	<i>Ailanthus altissima</i>	leaf detail	fruit detail	flower detail
European white birch	<i>Betula pendula</i>	leaf detail	fruit detail	flower detail
English hawthorn	<i>Crataegus monogyna</i>	leaf detail	fruit detail	flower detail
English holly	<i>Ilex aquifolium</i>	leaf detail	fruit detail	flower detail
Princess tree	<i>Paulownia tomentosa</i>	leaf detail	fruit detail	flower detail
White poplar	<i>Populus alba</i>	leaf detail	fruit detail	flower detail
Sweet cherry	<i>Prunus avium</i>	leaf detail	fruit detail	flower detail
Black locust	<i>Robinia pseudoacacia</i>	leaf detail	fruit detail	flower detail
European mountain ash	<i>Sorbus aucuparia</i>	leaf detail	fruit detail	flower detail
Siberian elm	<i>Ulmus pumila</i>	leaf detail	fruit detail	flower detail



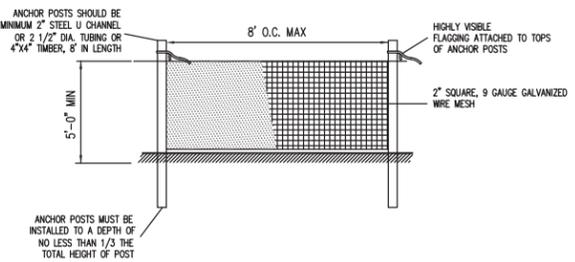
TREE PROTECTION NOTES:

- A. NO CHANGES SHALL BE MADE TO ANY ASPECT OF THE APPROVED URBAN FORESTRY PLAN WITHOUT WRITTEN CONSENT FROM THE PROJECT ARBORIST AND CITY ARBORIST.
- B. TIMELINE FOR CLEARING, GRADING, AND INSTALLATION OF TREE PROTECTION MEASURES: WORK WILL BEGIN WITHIN THREE (3) WEEKS OF PFT PERMIT INSURANCE BY THE CITY. TREE PROTECTION WILL BE INSTALLED PRIOR TO ANY GROUND DISTURBANCE WORK, CLEARING, AND GRADING WILL FOLLOW.
- C. PLACING MATERIALS NEAR TREES. NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE PROTECTED AREA OF ANY TREE DESIGNATED TO REMAIN, INCLUDING, BUT NOT LIMITED TO, PARKING EQUIPMENT, PLACING SOLVENTS, STORING BUILDING MATERIAL AND SOIL DEPOSITS, DUMPING CONCRETE WASHOUT AND LOCATING BURN HOLES.
- D. ATTACHMENTS TO TREES DURING CONSTRUCTION - NO PERSON SHALL ATTACH ANY OBJECT TO ANY TREE DESIGNATED FOR PRESERVATION.
- E. PROTECTIVE BARRIER. PRIOR TO ANY GROUND DISTURBANCE BY THE CONTRACTOR:
 - 1. SHALL ERECT AND MAINTAIN READILY VISIBLE TREE PROTECTION FENCING ALONG THE OUTER EDGE AND COMPLETELY SURROUNDING THE PROTECTED AREA OF ALL PROTECTED TREES OR GROUPS OF TREES AS SHOWN. FENCES SHALL BE CONSTRUCTED OF 5 FOOT TALL METAL, SECURED TO EIGHT FOOT TALL METAL POSTS. POSTS SHALL NOT BE PLACED FURTHER THAN 8 FEET O.C. APART.
 - 2. MAY BE REQUIRED TO COVER WITH MULCH TO A DEPTH OF AT LEAST SIX (6) INCHES, OR WITH PLYWOOD OR SIMILAR MATERIAL, OVER THE ROOT ZONE OF A TREE IN ORDER TO PROTECT ROOTS FROM DAMAGE CAUSED BY HEAVY EQUIPMENT.
 - 3. SHALL PROHIBIT EXCAVATION OR COMPACTING OF EARTH OR OTHER POTENTIALLY DAMAGING ACTIVITIES WITHIN THE TREE PROTECTION ZONE.
 - 4. MAY BE REQUIRED TO MINIMIZE ROOT DAMAGE BY EXCAVATION OF A TWO (2) FEET DEEP TRENCH, AT THE EDGE OF THE TREE PROTECTION ZONE, TO CLEANLY SEVER THE ROOTS OF TREES TO BE RETAINED.
 - 5. MAY BE REQUIRED TO HAVE CORRECTIVE PRUNING PERFORMED ON PRESERVED TREES IN ORDER TO AVOID DAMAGE FROM MACHINERY OR BUILDING ACTIVITY. MAY BE REQUIRED TO MAINTAIN TREES THROUGHOUT CONSTRUCTION PERIOD BY WATERING AND FERTILIZING.
 - 6. SHALL MAINTAIN THE TREE PROTECTION FENCING IN PLACE UNTIL THE PROJECT ARBORIST AND CITY ARBORIST AUTHORIZES THEIR REMOVAL.
 - 7. SHALL ENSURE THAT ANY LANDSCAPING DONE IN THE TREE PROTECTION ZONE SUBSEQUENT TO THE REMOVAL OF THE BARRIERS SHALL BE ACCOMPLISHED WITH LIGHT MACHINERY OR HAND LABOR. USE PLANT MATERIALS WITH COMPATIBLE WATER REQUIREMENTS TO TREE TO BE PRESERVED AND DIRECT SPRAY IRRIGATION AWAY FROM TRUNKS.
- F. THE GRADE SHALL NOT BE ELEVATED OR REDUCED WITHIN THE TREE PROTECTION ZONE WITHOUT THE PROJECT ARBORIST'S AUTHORIZATION. THE PROJECT ARBORIST MAY ALLOW COVERAGE OF UP TO ONE HALF OF THE AREA OF THE TREE'S ROOT ZONE WITH LIGHT SOILS (NO CLAY) TO THE MINIMUM DEPTH NECESSARY TO CARRY OUT GRADING OR LANDSCAPING PLANS, IF IT WILL NOT IMPERIL THE SURVIVAL OF THE TREE. AERATION DEVICES MAY BE REQUIRED TO ENSURE THE TREE'S SURVIVAL.
- G. IF THE GRADE ADJACENT TO A PRESERVED TREE IS RAISED SUCH THAT IT COULD SLOUGH OR ERODE INTO THE TREE PROTECTION ZONE, IT SHALL BE PERMANENTLY STABILIZED TO PREVENT SUFFOCATION OF THE ROOTS.
- H. AN IMPERVIOUS SURFACE SHALL NOT BE INSTALLED WITHIN THE TREE PROTECTION ZONE OF ANY TREE TO BE PRESERVED WITHOUT THE AUTHORIZATION OF THE PROJECT ARBORIST. THE PROJECT ARBORIST MAY REQUIRE SPECIFIC CONSTRUCTION METHODS AND/OR USE OF AERATION DEVICES TO ENSURE THE TREE'S SURVIVAL AND TO MINIMIZE THE POTENTIAL FOR ROOT INDUCED DAMAGE TO THE IMPERVIOUS SURFACE.
- I. TO THE GREATEST EXTENT PRACTICAL, UTILITY TRENCHES SHALL BE LOCATED OUTSIDE OF THE TREE PROTECTION ZONE OF TREES TO BE PRESERVED. THE PROJECT ARBORIST MAY REQUIRE THAT UTILITIES BE TUNNELED UNDER THE ROOTS OF TREES TO BE PRESERVED IF THE PROJECT ARBORIST DETERMINES THAT TRENCHING WOULD SIGNIFICANTLY REDUCE THE CHANCES OF THE TREES SURVIVAL.
- J. DIRECTIONAL FELLING. DIRECTIONAL FELLING OF TREES SHALL BE USED TO AVOID DAMAGE TO TREES DESIGNATED FOR PRESERVATION.
- K. ADDITIONAL REQUIREMENTS. THE PROJECT ARBORIST MAY REQUIRE ADDITIONAL TREE PRESERVATION MEASURES WHICH ARE CONSISTENT WITH TREE CARE INDUSTRY STANDARDS.

- GENERAL NOTES:**
- ALL PORTIONS OF LOTS 1 AND 2 NOT OCCUPIED BY BUILDINGS OR PAVING TO BE LANDSCAPE AND IRRIGATED.
 - ALL NON-NATIVE VEGETATION WITHIN THE 50' STREAM BUFFER IN TRACT A TO BE REMOVED AND REPLACED WITH NATIVE VEGETATION AND TEMPORARY IRRIGATION FOR A PERIOD OF ONE YEAR OR UNTIL PLANTS ARE ESTABLISHED.
- ROOT PROTECTION ZONE NOTES:**
- ENCROACHMENT INTO THE ROOT PROTECTION ZONE IS ALLOWED WITH PROJECT ARBORIST APPROVAL AS DESCRIBED IN THE FOLLOWING NOTES:
- EXCAVATION IN THE TOP 24" OF THE SOIL IN THE CRITICAL ROOT ZONE AREA SHOULD BEGIN AT THE EXCAVATION LINE THAT IS CLOSEST TO THE TREE.
 - THE EXCAVATION SHOULD BE DONE BY HAND/SHOVEL OR WITH A BACKHOE AND A MAN WITH A SHOVEL, PRUNING SHEARS, AND A PRUNING SAW.
 - IF DONE BY HAND, ALL ROOTS 1" OR LARGER SHOULD BE PRUNED AT THE EXCAVATION LINE.
 - IF DONE WITH A BACKHOE (MOST LIKELY SCENARIO), THEN THE OPERATOR SHALL START THE CUT AT THE EXCAVATION LINE AND CAREFULLY "FEEL" FOR ROOTS/RESISTANCE. WHEN THERE IS RESISTANCE, THE MAN WITH THE SHOVEL HAND DIGS AROUND THE ROOTS AND PRUNES THE ROOTS LARGER THAN 1" DIAMETER.

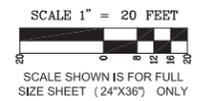
I, JOHN ARBORIST, ATTEST THAT THIS TREE CANOPY SITE PLAN MEETS ALL OF THE REQUIREMENTS IN SECTION 10, PART 2, OF THE CITY OF TIGARD URBAN FORESTRY MANUAL.

JOHN ARBORIST, CERTIFIED ARBORIST
PNN-0000



- NOTES:**
- METAL FENCE FOR TREE PROTECTION DEVICE ONLY.
 - BOUNDARIES OF PROTECTION AREA WILL BE ESTABLISHED IN THE FIELD BY THE ARBORIST PRIOR TO CONSTRUCTION.
 - BOUNDARIES OF PROTECTION AREA SHOULD BE STAKED AND FLAGGED BY THE ARBORIST PRIOR TO INSTALLING DEVICES.
 - AVOID DAMAGE TO CRITICAL ROOT ZONE. DO NOT DAMAGE OR SEVER LARGE ROOTS WHEN INSTALLING POSTS.
 - DEVICE SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION.

METAL TREE PROTECTION FENCE
TREE PRESERVATION/REMOVAL PLAN BY JOHN ARBORIST, CERTIFIED ARBORIST #PN-0000, WITH ABC COLLABORATIVE.



LEGEND

- EXISTING TREE TO BE REMOVED: X
- EXISTING TREE DRIPLINE: wavy line
- EXISTING TREE CANOPY AREA: diagonal hatching
- CANOPY AREA: solid grey
- TREE PROTECTION FENCE: line with cross-ticks
- EXISTING SANITARY: solid line with 'SAN'
- PROPOSED SANITARY: dashed line with 'SAN'
- EXISTING WATER: solid line with 'WAT'
- PROPOSED WATER: dashed line with 'WAT'
- PROPOSED WATER METER: square with 'X'
- EXISTING WATER METER: square with 'X'
- EXISTING STORM: dashed line with 'S'
- PROPOSED STORM: dashed line with 'S'
- EXISTING GAS: dashed line with 'GAS'
- PROPOSED GAS: dashed line with 'GAS'
- EXISTING ELECTRIC: dashed line with 'PWR'
- PROPOSED ELECTRIC: dashed line with 'PWR'
- PROPOSED IRRIGATION: line with arrows
- APPROXIMATE STREAM BED LOCATION: line with 'v' marks
- WETLAND: area with 'v' marks
- SIGNIFICANT HABITAT BOUNDARY: dashed line

REVISIONS:

EXAMPLE TREE PRESERVATION AND REMOVAL SITE PLAN

OFFICE LOCATED AT:
1000 1ST STREET, SUITE 1
TIGARD, OREGON 97223
PH: (503) 555-XXXX
FAX: (503) 555-XXXX
EMAIL: INFO@ABC_COLLABORATIVE.COM



DESIGNED BY:	KRJ	DRAWING NO.:	9A
DRAWN BY:	BDT	SCALE:	AS SHOWN
CHECKED BY:	KRJ		
PREPARED FOR:	JOHN SMITH PO BOX 111 TIGARD, OREGON 97223 PH: 503-909-5555 FAX: 503-909-5556		

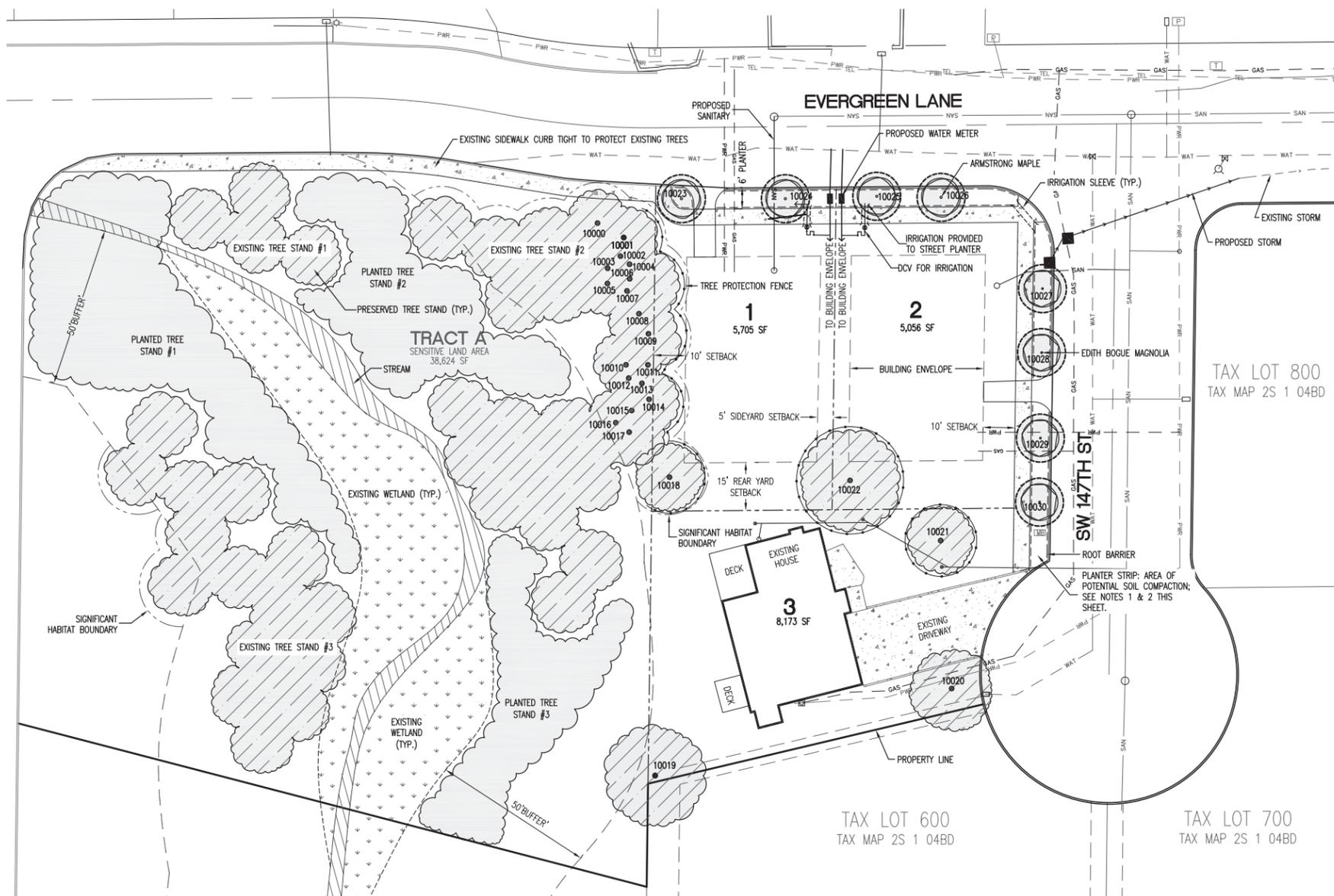
EVERGREEN HEIGHTS PARTITION
190 SW 147TH ST.
TIGARD TAXLOT 1700

OREGON TAXMAP 2 4E 25



DATE: 07-11-2011

JOB NUMBER	2001
SHEET	APPENDIX 7



PLANT LEGEND

STREET TREES

SYMBOL	QTY'S.	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	SPACING
	3	ACER RUBRUM 'ARMSTRONG'	ARMSTRONG RED MAPLE	2" CAL.	B&B	AS SHOWN
	4	MAGNOLIA GRANDIFLORA 'EDITH BOGUE'	EDITH BOGUE MAGNOLIA	2" CAL.	B&B	AS SHOWN

NOTE:
 1. PLANTER STRIP AREAS ALONG EVERGREEN LANE AND SW 147TH ARE AREAS OF POTENTIAL SOIL COMPACTION, LIMITING TREE GROWTH. IF SOIL COMPACTION OCCURS, BACKHOE TURNING SHOULD BE USED TO LOOSEN SOIL.
 2. BACKHOE TURNING: REMOVE ANY LAYERS OF GOOD TOPSOIL. SPREAD 3"-4" OF ORGANICS (HIGH-LIGNIN COMPOST) OR ESCS (EXPANDED SHALE/CALCINE CLAY) AMENDMENT OVER THE AREA, PRIOR TO TURNING THE SOIL. MAINTAINING A SAFE DISTANCE FROM PAVING, SIDEWALKS, AND STRUCTURES, USE BACKHOE TO TURN SOIL TO 36" DEPTH. BREAK SOIL INTO LARGE PEDS AND LOOSELY INCORPORATE THE SOIL AMENDMENT. MAINTAIN A SLOPE OF COMPACTED SOIL AT THE EDGE OF PAVING SO AS NOT TO UNDERMINE THE PAVING SUB-BASE. HAND TURNING MAY BE NECESSARY ALONG THE EDGES OF PAVING AND AT WALLS, DO NOT TILL TO A DEPTH GREATER THAN THE BOTTOM OF FOOTING. AFTER TURNING, RE-SPREAD TOPSOIL AND ADD 3"-5" OF YARD WASTE ORGANIC AMENDMENT OVER THE SURFACE AND LIGHTLY TILL TO BREAK THE SOIL INTO TEXTURE SUITABLE TO FINE GRADE.

LEGEND

EXISTING TREE DRIPLINE	
PLANTED TREE MATURE DRIPLINE	
EXISTING TREE CANOPY AREA	
CANOPY AREA	
TREE PROTECTION FENCE	
EXISTING SANITARY	
PROPOSED SANITARY	
EXISTING WATER	
PROPOSED WATER	
PROPOSED WATER METER	
EXISTING WATER METER	
EXISTING STORM	
PROPOSED STORM	
EXISTING GAS	
PROPOSED GAS	
EXISTING ELECTRIC	
PROPOSED ELECTRIC	
PROPOSED IRRIGATION	
APPROXIMATE STREAM BED LOCATION	
WETLAND	
SIGNIFICANT HABITAT BOUNDARY	



I, JOHN ARBORIST, ATTEST THAT THIS TREE CANOPY SITE PLAN MEETS ALL OF THE REQUIREMENTS IN SECTION 10, PART 2, OF THE CITY OF TIGARD URBAN FORESTRY MANUAL.

JOHN ARBORIST, CERTIFIED ARBORIST
 PNN-0000

DATE: 07-11-2011

REVISIONS:

EXAMPLE TREE CANOPY SITE PLAN

OFFICE LOCATED AT:
 1000 1ST STREET, SUITE 1
 TIGARD, OREGON 97223
 PH: (503) 555-XXXX
 FAX: (503) 555-XXXX
 EMAIL: INFO@ABC-COLLABORATIVE.COM
 LICENSED IN OR, WA, & ID



DESIGNED BY:	KRJ	DRAWING NO.:	9A
DRAWN BY:	BDT	SCALE:	AS SHOWN
CHECKED BY:	KRJ		
PREPARED FOR:	JOHN SMITH PO BOX 111 TIGARD, OREGON 97223 PH: 503-909-5555 FAX: 503-909-5556		

EVERGREEN HEIGHTS PARTITION
190 SW 147TH ST.
TIGARD
 TAXLOT 1700

OREGON
 TAXMAP 2 4E 25



JOB NUMBER	2001
SHEET	APPENDIX 8

Urban Forestry Plan –Supplemental Report Example Template

General Information

Date:

Project Name:

Project Arborist or Landscape Architect Name:

Project Arborist or Landscape Architect Address:

Project Arborist or Landscape Architect Telephone Number:

Project Arborist or Landscape Architect Email Address:

ISA Certified Arborist No.:

Landscape Architect Stamp:

Project Summary

Specifications

Tree Protection Fencing Specifications:

Tree Preservation Specifications:

Stand Preservation Specifications:

Soil Characteristics and Specifications for Improvement:

Tree Planting Specifications:

Stand Planting Specifications:

Urban Forestry Plan –Supplemental Report Example Template

Existing Tree Inventory

Tree #	Genus sp./ Common	DBH	Canopy (ft ²)	Open or Stand Grown	Heritage Tree?	Cond. Rating	Pres. Rating	Preserve?	Comments

Existing Stand Inventory

Stand #	Genus sp./ Common of Dominant	Avg. DBH 1	Avg. Cond. Rating 1	Overall Stand Pres. Rating	Total Canopy (ft ²)	Canopy Preserved (ft ²)	Comments
	Genus sp./ Common of 2 nd	Avg. DBH 2	Avg. Cond. Rating 2				
	Genus sp./ Common of 3 rd	Avg. DBH 3	Avg. Cond. Rating 3				

Urban Forestry Plan –Supplemental Report Example Template

Planted Tree Inventory

Tree #	Genus sp./ Common	Caliper (Decid.) or Height (Evergreen)	Mature Canopy Spread (ft)	Mature Canopy Area (ft ²)	Available Soil Volume (ft ³)	Comments

Planted Stand Inventory

Stand #	Genus sp./Common 1	Hgt. or Container size	No. of Trees	Avg. Spacing (ft)	Total Mature Canopy Area (ft ²) Delineated at the Outer Edge of the Stand	Comments
	Genus sp./Common 2	Hgt. or Container size	No. of Trees	Avg. Spacing (ft)		
	Genus sp./Common 3	Hgt. or Container size	No. of Trees	Avg. Spacing (ft)		
	Genus sp./Common 4	Hgt. or Container size	No. of Trees	Avg. Spacing (ft)		
	Genus sp./Common 5	Hgt. or Container size	No. of Trees	Avg. Spacing (ft)		

Urban Forestry Plan –Supplemental Report Example Template

Tree Canopy Fee Calculation (if applicable)

If the percentage of effective tree canopy cover is less than the applicable standard percentage for the overall development:

1. Find the required ft² of tree canopy:
(overall development site area) x (standard required % (40%, 33%, or 25%)).
2. Find the ft² of tree canopy the development is short:
(required ft² of tree canopy from 1 above) - (proposed ft² of tree canopy).
3. Find the \$ value of tree canopy:
(PNW-ISA wholesale median cost for a 3” deciduous tree in the Willamette Valley) ÷ 59.
4. Find the required tree canopy fee:
(amount of ft² of tree canopy from 2 above) x (the \$ value of tree canopy from 3 above).

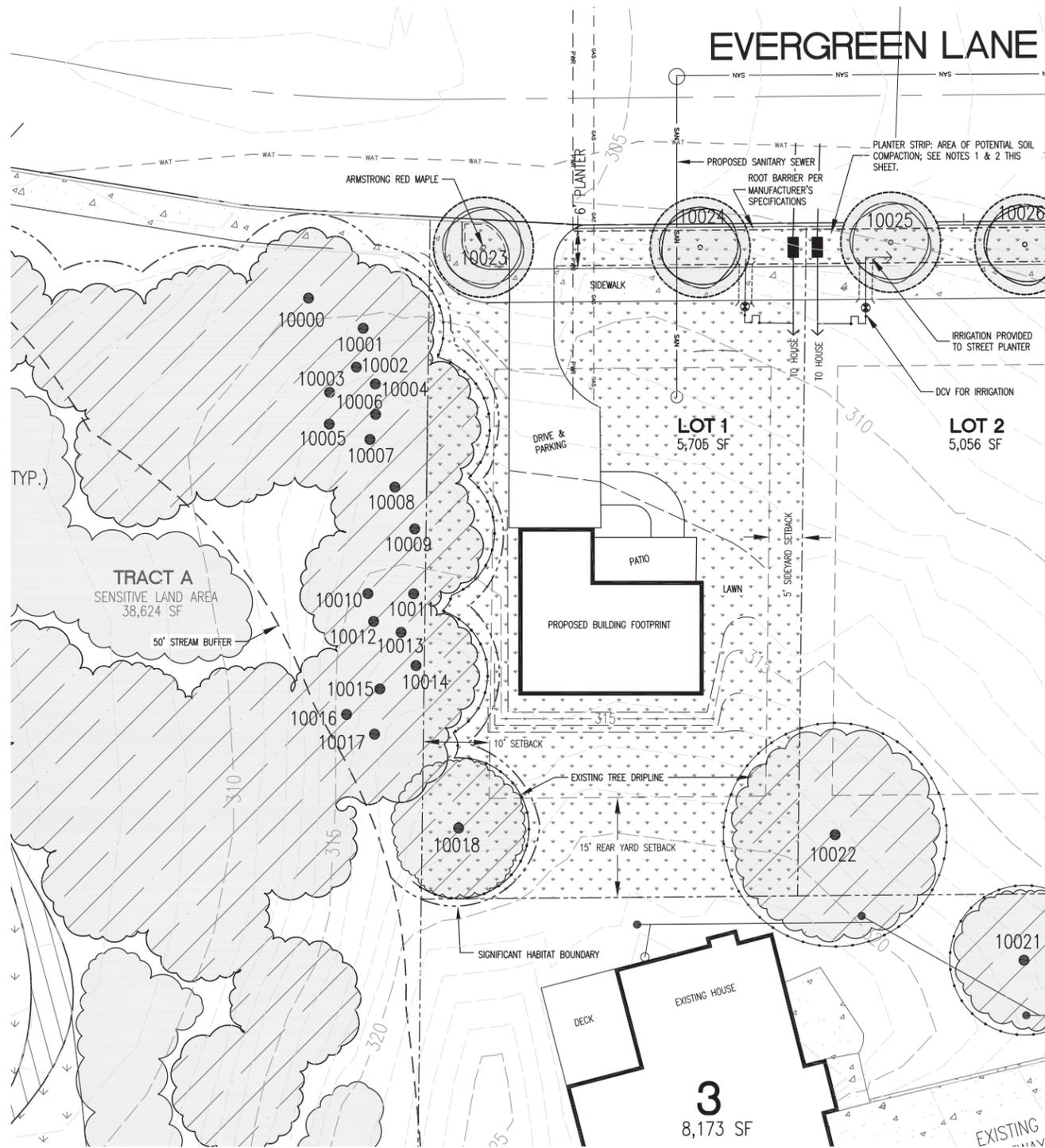
If the overall development meets the applicable standard percentage, but the percentage of effective tree canopy cover is less than 15% for any individual lot or tract in the R-1, R-2, R-3.5, R-4.5 and R-7 districts:

1. Find the required ft² of tree canopy for the deficient lot or tract:
(lot or tract area) x 15%.
2. Find the ft² of tree canopy the lot or tract is short:
(required ft² of tree canopy from 1 above) - (proposed ft² of tree canopy).
3. Find the \$ value of tree canopy:
(PNW-ISA wholesale median cost for a 3” deciduous tree in the Willamette Valley) ÷ 59.
4. Find the required tree canopy fee:
(amount of ft² of tree canopy from 2 above) x (the \$ value of tree canopy from 3 above).

Signature of Approval

I hereby attest that:

1. The Tree Preservation and Removal site plan meets all of the requirements in Section 10, Part 1 of the Urban Forestry Manual;
2. The Tree Canopy site plan meets all of the requirements in Section 10, Part 2 of the Urban Forestry Manual; and
3. The Supplemental Report meets all of the requirements in Section 10, Part 3 of the Urban Forestry Manual.



EVERGREEN LANE

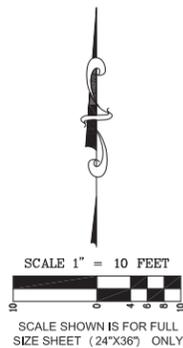
STREET TREES

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	SPACING
	ACER RUBRUM 'ARMSTRONG'	ARMSTRONG RED MAPLE	2" CAL.	B&B	AS SHOWN

NOTE:
 1. PLANTER STRIP AREAS ALONG EVERGREEN LANE AND SW 147TH ARE AREAS OF POTENTIAL SOIL COMPACTION, LIMITING TREE GROWTH. IF SOIL COMPACTION OCCURS, BACKHOE TURNING SHOULD BE USED TO LOOSEN SOIL.
 2. BACKHOE TURNING: REMOVE ANY LAYERS OF GOOD TOPSOIL. SPREAD 3"-4" OF ORGANICS (HIGH-LIGNIN COMPOST) OR ESCS (EXPANDED SHALE/CALCINE CLAY) AMENDMENT OVER THE AREA, PRIOR TO TURNING THE SOIL. MAINTAINING A SAFE DISTANCE FROM PAVING, SIDEWALKS, AND STRUCTURES, USE BACKHOE TO TURN SOIL TO 36" DEPTH. BREAK SOIL INTO LARGE PEDS AND LOOSELY INCORPORATE THE SOIL AMENDMENT. MAINTAIN A SLOPE OF COMPACTED SOIL AT THE EDGE OF PAVING SO AS NOT TO UNDERMINE THE PAVING SUB-BASE. HAND TURNING MAY BE NECESSARY ALONG THE EDGES OF PAVING AND AT WALLS, DO NOT TILL TO A DEPTH GREATER THAN THE BOTTOM OF FOOTING. AFTER TURNING, RE-SPREAD TOPSOIL AND ADD 3"-5" OF YARD WASTE ORGANIC AMENDMENT OVER THE SURFACE AND LIGHTLY TILL TO BREAK THE SOIL INTO TEXTURE SUITABLE TO FINE GRADE.

LEGEND

EXISTING TREE DRIPLINE	
PLANTED TREE MATURE DRIPLINE	
EXISTING TREE CANOPY AREA	
CANOPY AREA	
TREE PROTECTION FENCE	
EXISTING SANITARY	
PROPOSED SANITARY	
EXISTING WATER	
PROPOSED WATER	
PROPOSED WATER METER	
EXISTING WATER METER	
EXISTING STORM	
PROPOSED STORM	
EXISTING GAS	
PROPOSED GAS	
EXISTING ELECTRIC	
PROPOSED ELECTRIC	
PROPOSED IRRIGATION	
SIGNIFICANT HABITAT BOUNDARY	



REVISIONS:

EXAMPLE TREE CANOPY SITE PLAN FOR SINGLE LOT

OFFICE LOCATED AT:
 1000 1ST STREET, SUITE 1
 TIGARD, OREGON 97223
 PH: (503) 555-XXXX
 FAX: (503) 555-XXXX
 EMAIL: INFO@ABC_COLLABORATIVE.COM
 LICENSED IN OR, WA, & ID



DESIGNED BY:	KRJ	DRAWING NO.:	9A
DRAWN BY:	BDT	SCALE:	AS SHOWN
CHECKED BY:	KRJ		
PREPARED FOR:	JOHN SMITH PO BOX 111 TIGARD, OREGON 97223 PH: 503-909-5555 FAX: 503-909-5556		

EVERGREEN HEIGHTS PARTITION
190 SW 147TH ST.
TIGARD
 TAXLOT 1700

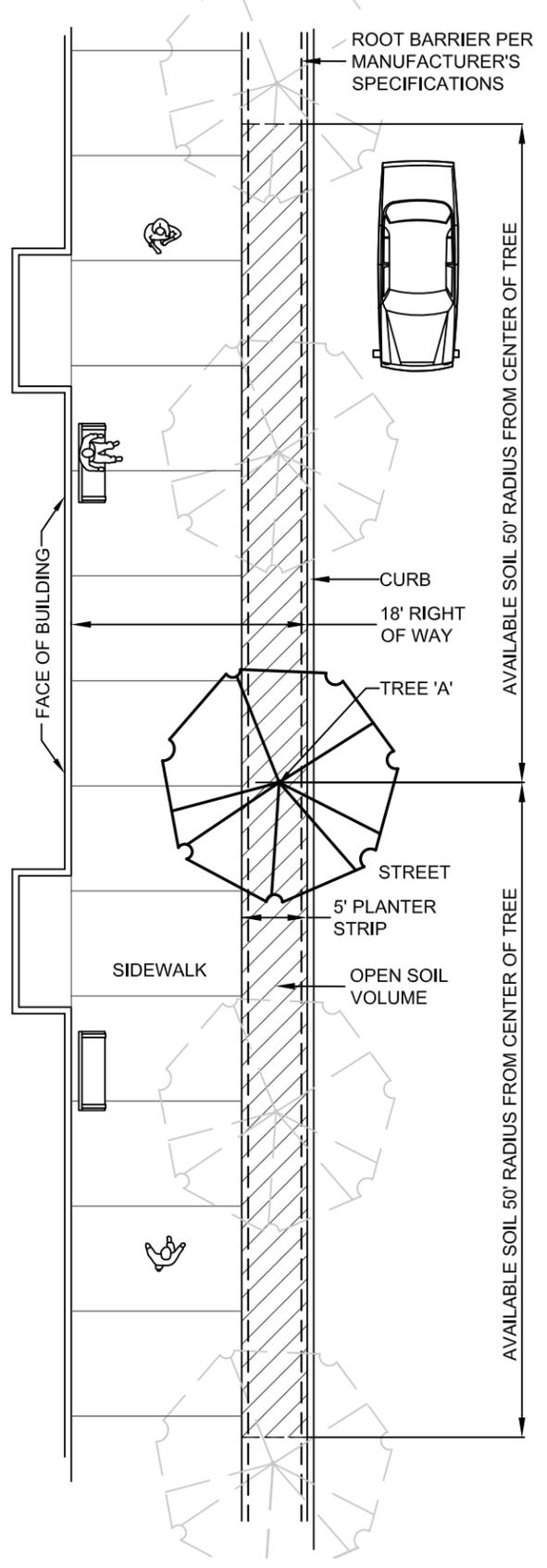
OREGON
 TAXMAP 2 4E 25

DATE: 07-11-2011



JOB NUMBER
 2001

SHEET
 APPENDIX 10



PLAN

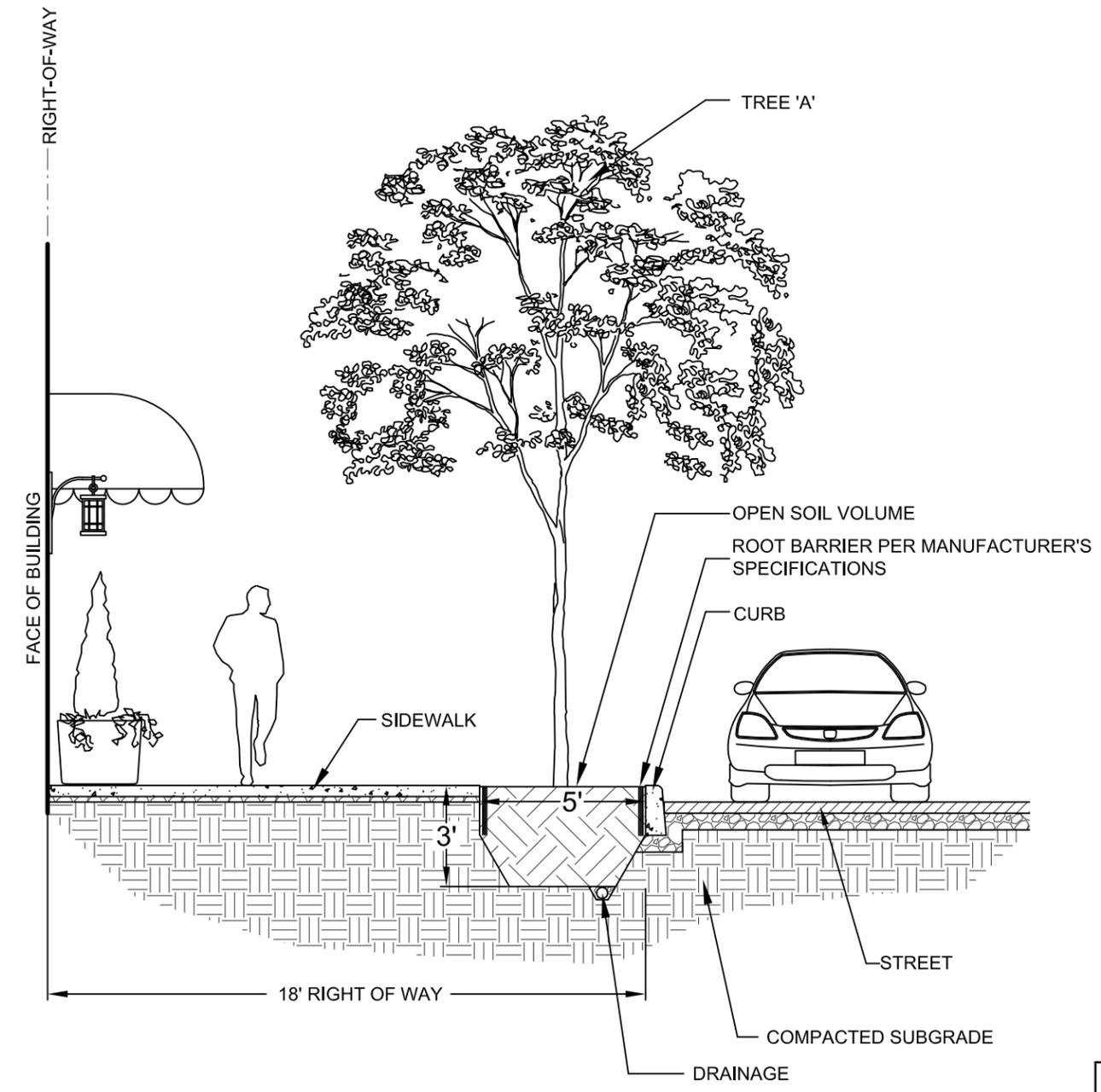
TOTAL SOIL VOLUME CALCULATION FOR TREE 'A':

OPEN SOIL VOLUME = 100' x 5' x 3' = 1,500 C.F.

COVERED SOIL VOLUME = 0 C.F.

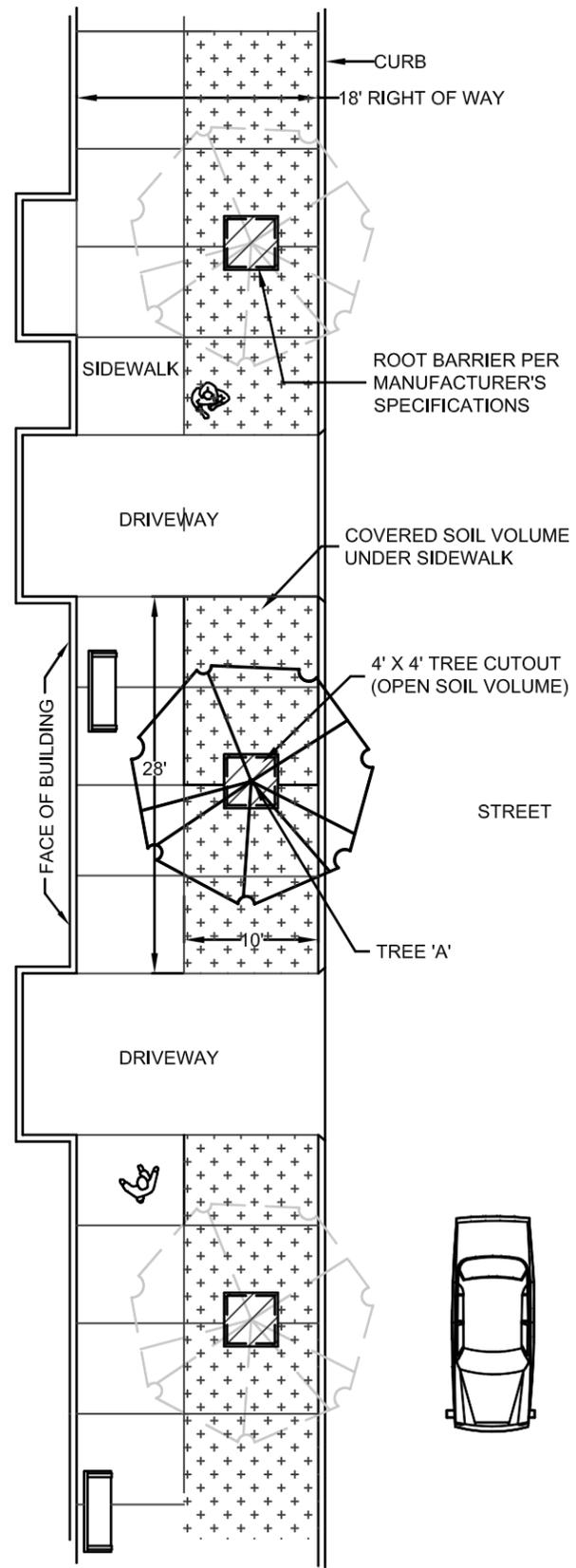
TOTAL SOIL VOLUME = 1,500 C.F.

1,500 C.F. IS GREATER THAN THE SOIL VOLUME REQUIRED BY A STREET TREE IN AN 18' RIGHT OF WAY (800 C.F.) THEREFORE THIS SOIL VOLUME MEETS CITY REQUIREMENTS.



PROFILE

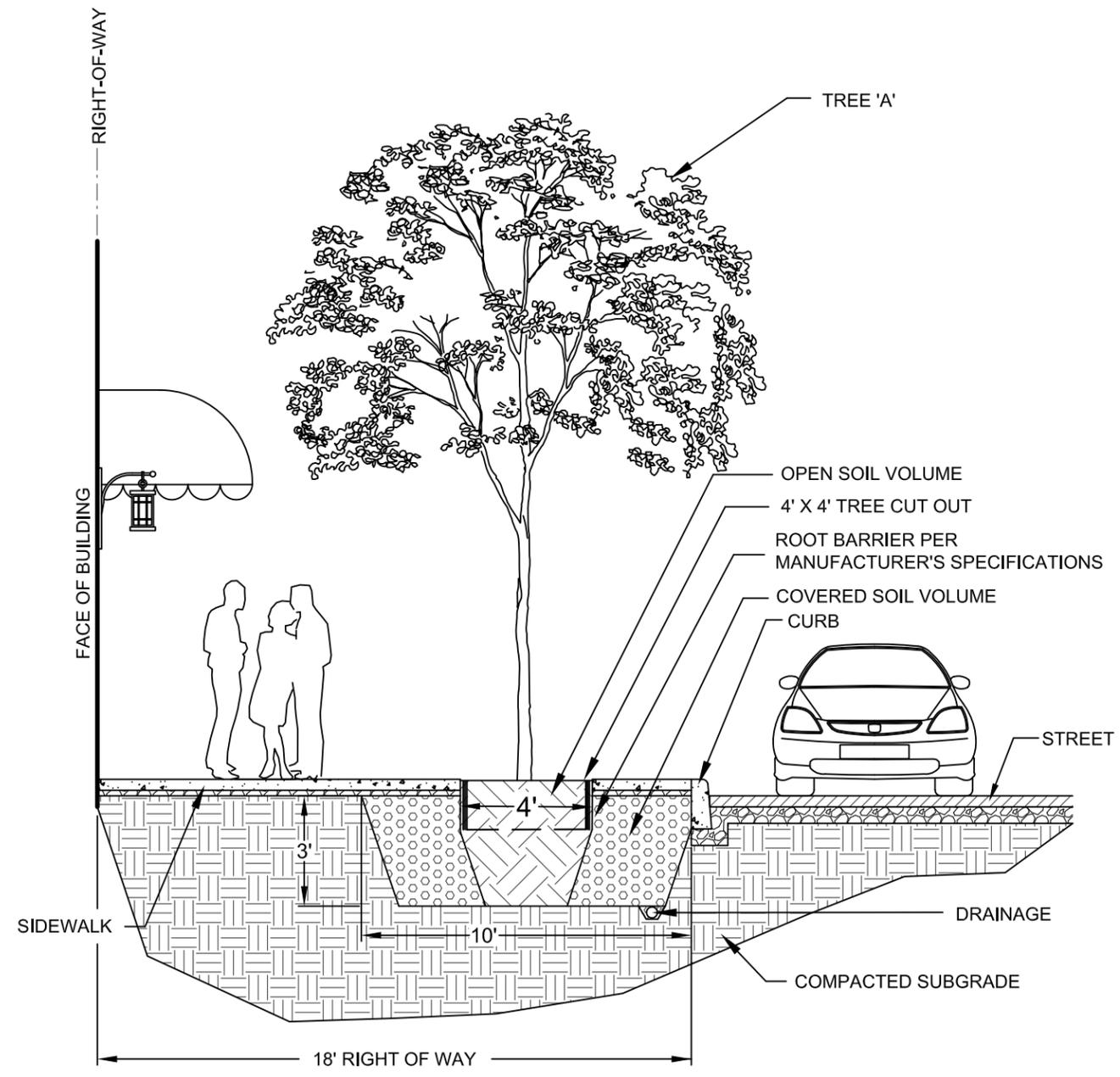
EXAMPLE SOIL VOLUME CALCULATION – STREET TREE WITH OPEN SOIL	NO SCALE
	DWG. NO. APPENDIX 11



PLAN

TOTAL SOIL VOLUME CALCULATION FOR TREE 'A':
OPEN SOIL VOLUME = 4' x 4' x 3' = 48 C.F.
COVERED SOIL VOLUME = 28' x 10' x 3' - 48 C.F. = 792 C.F.
TOTAL SOIL VOLUME = 840 C.F.

840 C.F. IS GREATER THAN THE SOIL VOLUME REQUIRED BY A STREET TREE IN AN 18' RIGHT OF WAY (800 C.F.) THEREFORE THIS SOIL VOLUME MEETS CITY REQUIREMENTS.



PROFILE

EXAMPLE SOIL VOLUME CALCULATION – STREET TREE WITH COVERED SOIL	NO SCALE
	DWG. NO. APPENDIX 11

OPEN SOIL VOLUME = (PLANTER STRIP AREA + FRONT YARD AREA CONNECTED BY THE COVERED CONTINUOUS ROOT PATH) x SOIL DEPTH

PLANTER STRIP AREA = 6 FEET X 22 FEET = 132 S. F.

AREA CONNECTED BY CONTINUOUS ROOT PATH = 4,000 S.F.

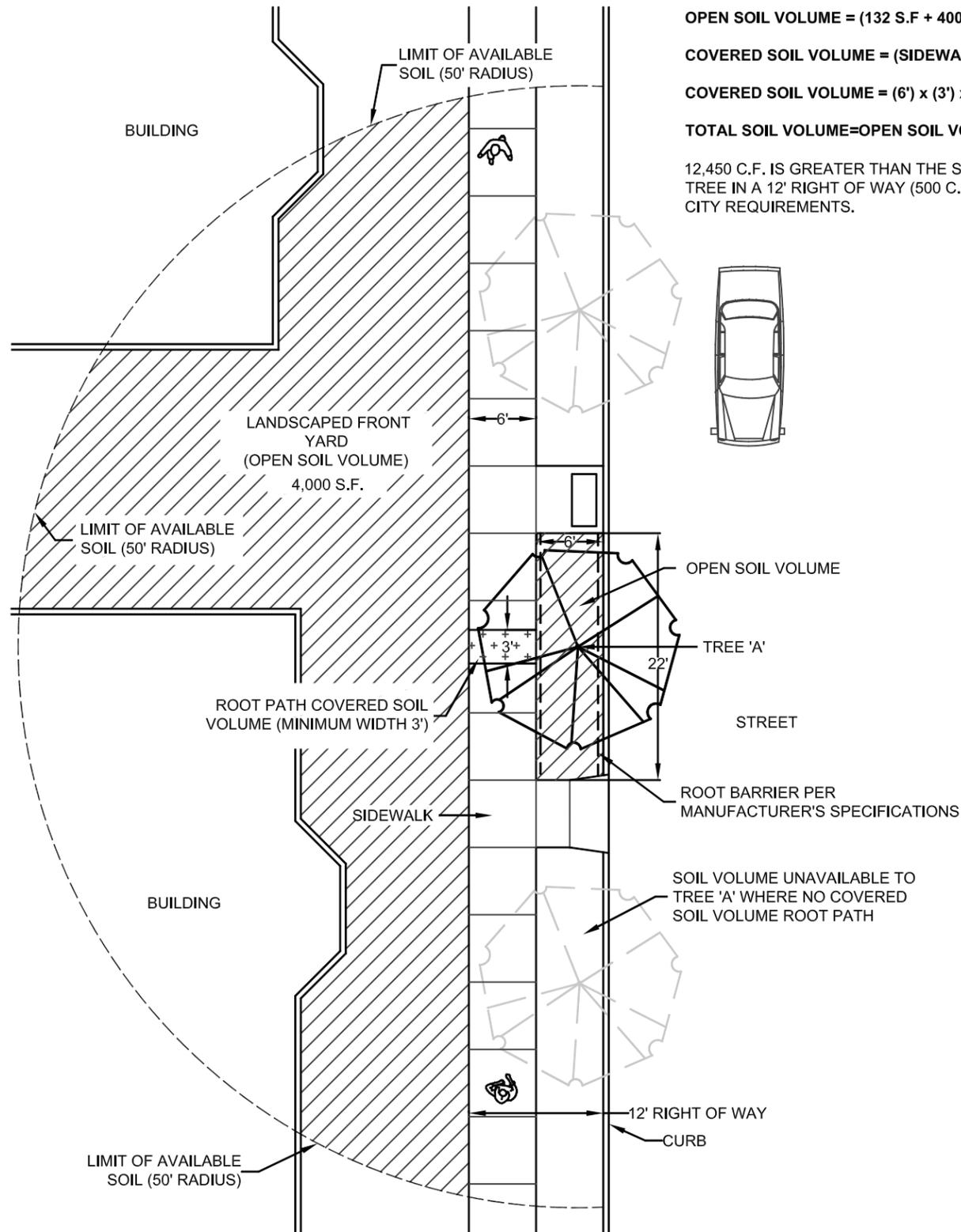
OPEN SOIL VOLUME = (132 S.F. + 4000 S.F.) x 3' = 12,396 C.F.

COVERED SOIL VOLUME = (SIDEWALK WIDTH) x (SIDEWALK LENGTH) x (STRUCTURAL SOIL DEPTH)

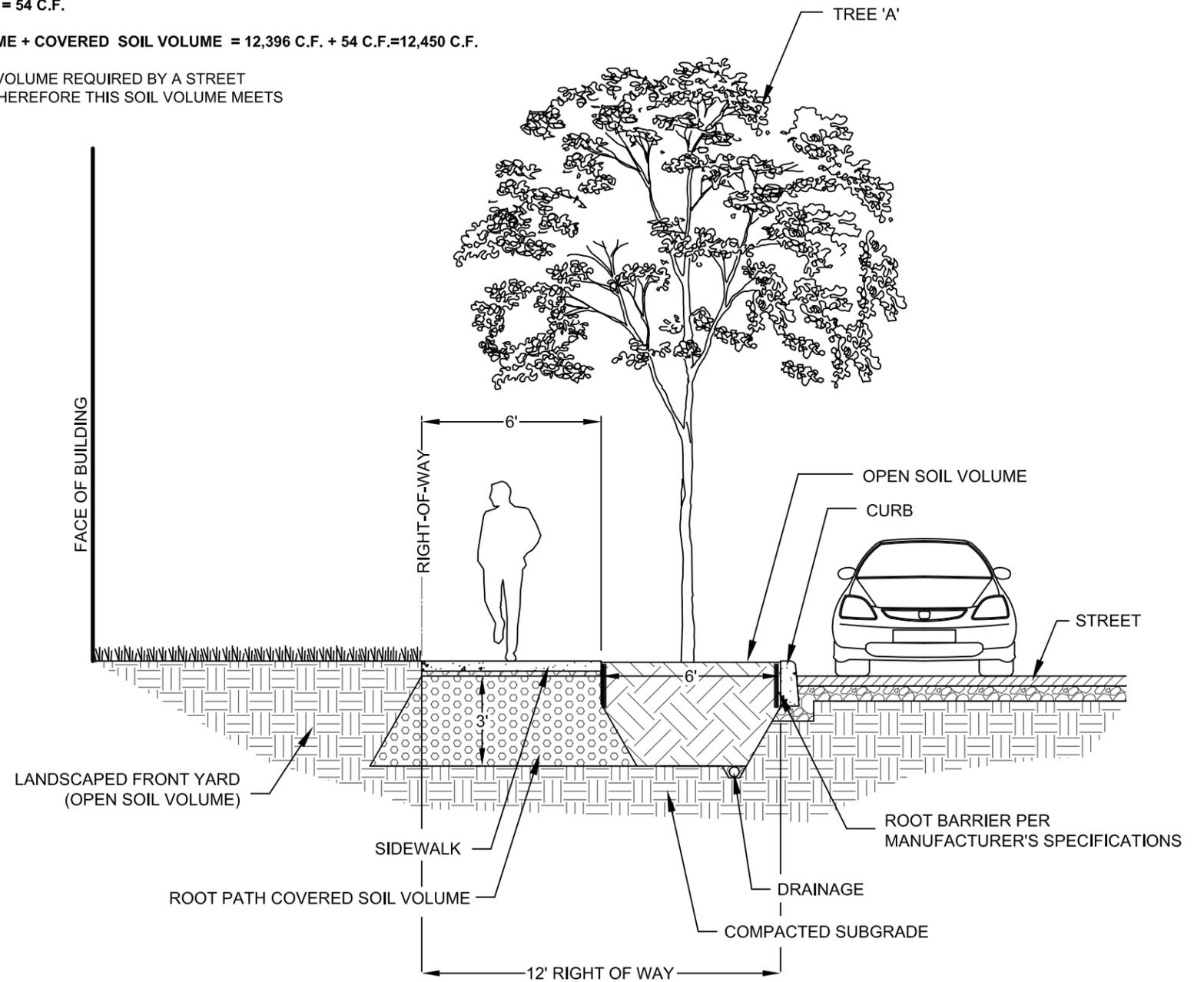
COVERED SOIL VOLUME = (6') x (3') x (3') = 54 C.F.

TOTAL SOIL VOLUME = OPEN SOIL VOLUME + COVERED SOIL VOLUME = 12,396 C.F. + 54 C.F. = 12,450 C.F.

12,450 C.F. IS GREATER THAN THE SOIL VOLUME REQUIRED BY A STREET TREE IN A 12' RIGHT OF WAY (500 C.F.) THEREFORE THIS SOIL VOLUME MEETS CITY REQUIREMENTS.



PLAN



PROFILE

**EXAMPLE SOIL VOLUME
CALCULATION – STREET TREE
WITH ROOT PATH**

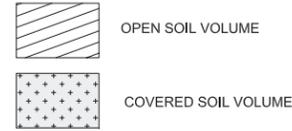
NO SCALE

DWG. NO.

APPENDIX 11

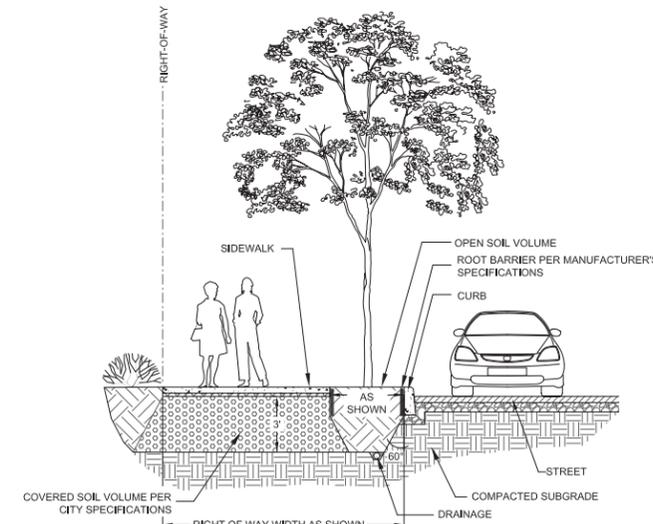
STREET TREE LEGEND

SYMBOL	QTY'S.	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	SPACING
	11	ACER RUBRUM	RED MAPLE	3" CAL.	B&B	AS SHOWN

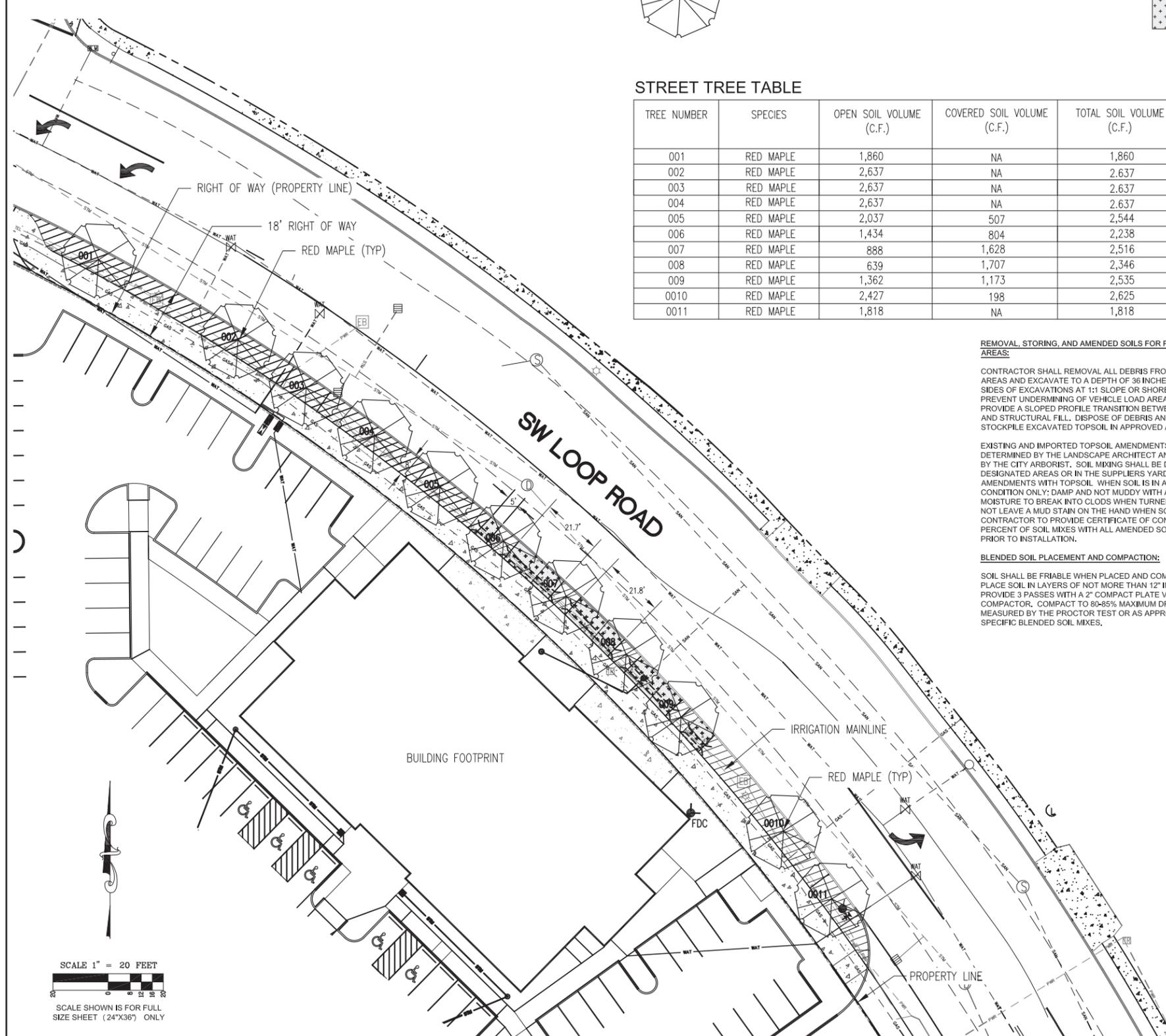


STREET TREE TABLE

TREE NUMBER	SPECIES	OPEN SOIL VOLUME (C.F.)	COVERED SOIL VOLUME (C.F.)	TOTAL SOIL VOLUME (C.F.)	REQUIRED SOIL VOLUME FOR 18' RIGHT OF WAY (C.F.)
001	RED MAPLE	1,860	NA	1,860	800
002	RED MAPLE	2,637	NA	2,637	800
003	RED MAPLE	2,637	NA	2,637	800
004	RED MAPLE	2,637	NA	2,637	800
005	RED MAPLE	2,037	507	2,544	800
006	RED MAPLE	1,434	804	2,238	800
007	RED MAPLE	888	1,628	2,516	800
008	RED MAPLE	639	1,707	2,346	800
009	RED MAPLE	1,362	1,173	2,535	800
0010	RED MAPLE	2,427	198	2,625	800
0011	RED MAPLE	1,818	NA	1,818	800



1 STREET TREE WITH COVERED SOIL DETAIL
NOT TO SCALE



REMOVAL, STORING, AND AMENDED SOILS FOR PLANTER AREAS:

CONTRACTOR SHALL REMOVE ALL DEBRIS FROM PLANTER AREAS AND EXCAVATE TO A DEPTH OF 36 INCHES. SLOPE SIDES OF EXCAVATIONS AT 1:1 SLOPE OR SHORE EDGES TO PREVENT UNDERMINING OF VEHICLE LOAD AREAS AND TO PROVIDE A SLOPED PROFILE TRANSITION BETWEEN SOIL TYPES AND STRUCTURAL FILL. DISPOSE OF DEBRIS AND SUBSOIL STOCKPILE EXCAVATED TOPSOIL IN APPROVED AREA OFF SITE.

EXISTING AND IMPORTED TOPSOIL AMENDMENTS SHALL BE DETERMINED BY THE LANDSCAPE ARCHITECT AND APPROVED BY THE CITY ARBORIST. SOIL MIXING SHALL BE DONE IN DESIGNATED AREAS OR IN THE SUPPLIER'S YARD. MIX AMENDMENTS WITH TOPSOIL WHEN SOIL IS IN A FRIABLE CONDITION ONLY; DAMP AND NOT MUDDY WITH ADEQUATE MOISTURE TO BREAK INTO CLODS WHEN TURNED AND WILL NOT LEAVE A MUD STAIN ON THE HAND WHEN SQUEEZED. CONTRACTOR TO PROVIDE CERTIFICATE OF CONTENT AND PERCENT OF SOIL MIXES WITH ALL AMENDED SOIL TO THE CITY PRIOR TO INSTALLATION.

BLENDED SOIL PLACEMENT AND COMPACTION:

SOIL SHALL BE FRIABLE WHEN PLACED AND COMPACTED. PLACE SOIL IN LAYERS OF NOT MORE THAN 12" IN DEPTH. PROVIDE 3 PASSES WITH A 2" COMPACT PLATE VIBRATING COMPACTOR. COMPACT TO 80-85% MAXIMUM DRY DENSITY AS MEASURED BY THE PROCTOR TEST OR AS APPROVED FOR SPECIFIC BLENDED SOIL MIXES.

STANDARD COVERED SOIL VOLUME SPECIFICATIONS:

PART 1. COVERED SOIL MATERIALS

- A. COVERED SOIL SHALL CONSIST OF THE FOLLOWING MIXTURE OF GRAVEL, SOIL AND ADMIXTURES:
- I. CRUSHED ROCK, GRADATION OF 100% PASSING 1.25 INCH, MAX. 30% PASSING 0.75 INCH;
 - II. LOAM/ORGANIC TOPSOIL;
 - III. SOIL BINDER SUCH AS STABILIZER, ; AND
 - IV. WATER.

PART 2. PROPORTIONS OF COVERED SOIL MATERIALS

- A. THE PROPORTIONS OF COVERED SOIL MATERIALS SHALL BE AS FOLLOWS:

MATERIAL	AMOUNT FOR 1 CY OF COVERED SOIL	AMOUNT FOR 4.6 CY OF COVERED SOIL
CRUSHED ROCK	23.2 CUBIC FEET	4 CUBIC YARDS
TOPSOIL	5.9 CUBIC FEET	1 CUBIC YARD
SOIL BINDER	13.7 OZ	4 LBS
WATER	1.6 GALLON	46 GALLONS

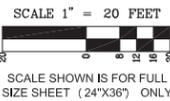
- B. THE TARGET MOISTURE CONTENT IS 20% BY WEIGHT OF THE TOPSOIL WEIGHT, THE ABOVE WATER CONTENTS ASSUME THE TOP IS DRY. THE AMOUNT OF WATER THAT WILL NEED TO BE ADDED WILL BE DEPENDENT ON THE MOISTURE CONTENT OF THE RAW MATERIALS. ACTUAL AMOUNTS OF WATER USED SHALL BE DETERMINED DURING MIXING.

PART 3. COVERED SOIL MIXING PROCEDURES

- A. MIX COVERED SOIL IN BATCHES OF AN APPROPRIATE SIZE FOR THE EQUIPMENT BEING USED. THE END RESULT IS TO BE A MATERIAL THAT IS UNIFORMLY BLENDED TOGETHER. DO NOT BATCH IN QUANTITIES THAT WILL NOT ALLOW THE EQUIPMENT TO COMPLETELY MIX THE MATERIAL. DETERMINE BATCH SIZE AND QUANTITIES OF EACH MATERIAL NEEDED FOR THE BATCH.
- B. START WITH HALF OF THE CRUSHED ROCK MATERIAL.
- C. ADD ALL OF THE TOPSOIL MATERIAL.
- D. ADD THE SOIL BINDER.
- E. ADD HALF OF THE ESTIMATED WATER.
- F. ADD THE OTHER HALF OF THE CRUSHED ROCK MATERIAL.
- G. MIX THE MATERIAL TOGETHER.
- H. SLOWLY ADD WATER TO THE MIXTURE AND CONTINUE TO MIX. THE FINAL AMOUNT OF WATER WILL VARY WITH MOISTURE CONTENT OF THE CRUSHED ROCK AND TOPSOIL. ADD WATER IN INCREMENTAL AMOUNTS AND MIX THE MATERIAL BETWEEN THE ADDITIONS OF WATER.
- I. STOP ADDING WATER AND MIXING WHEN THERE IS A MINUTE AMOUNT OF FREE TOPSOIL REMAINING. THE TOPSOIL WILL COAT THE CRUSHED ROCK AND NOT FALL OUT OF THE MATERIAL. ALL OF THE CRUSHED ROCK SHALL BE UNIFORMLY COATED WITH TOPSOIL. THERE SHALL BE NO CLUMPS OF TOPSOIL OR UNCOVERED CRUSHED ROCK IN THE MIXTURE.
- J. IF TOO MUCH WATER IS ADDED TO THE MIXTURE, WATER WILL DRAIN OUT OF THE MATERIAL AND THE TOPSOIL WILL WASH OFF OF THE CRUSHED ROCK. IF THIS OCCURS THE BATCH OF MATERIAL SHALL BE DISCARDED AND SHALL NOT BE INCORPORATED INTO THE COMPLETED WORK.

PART 4. PLACEMENT OF COVERED SOIL

- A. PROTECT SOILS AND MIXES FROM ABSORBING EXCESS WATER AND FROM EROSION AT ALL TIMES. DO NOT STORE MATERIALS UNPROTECTED FROM RAINFALL EVENTS. DO NOT ALLOW EXCESS WATER TO ENTER SITE PRIOR TO COMPACTION. IF WATER IS INTRODUCED INTO THE MATERIAL AFTER GRADING, ALLOW MATERIAL TO DRAIN OR AERATE TO OPTIMUM COMPACTION MOISTURE CONTENT.
- B. ALL AREAS TO RECEIVE COVERED SOIL MIXTURE SHALL BE INSPECTED BY THE PROJECT LANDSCAPE ARCHITECT AND/OR PROJECT ENGINEER BEFORE STARTING PLACEMENT OF MIXTURE. ALL DEFECTS SUCH AS INCORRECT GRADING, COMPACTION AND INADEQUATE DRAINAGE, ETC., SHALL BE CORRECTED PRIOR TO BEGINNING PLACEMENT OF COVERED SOIL.
- C. CONFIRM THAT THE SUB-GRADE IS AT THE PROPER ELEVATION AND COMPACTED AS REQUIRED. SUB-GRADE ELEVATIONS SHALL SLOPE PARALLEL TO THE FINISHED GRADE. CLEAR THE EXCAVATION OF ALL CONSTRUCTION DEBRIS, TRASH, RUBBLE AND FOREIGN MATERIAL. FILL ANY OVER EXCAVATION WITH APPROVED FILL AND COMPACT TO THE REQUIRED SUB-GRADE COMPACTION.
- D. INSTALL COVERED SOIL IN 6-INCH LIFTS AND SPREAD UNIFORMLY OVER THE AREA, COMPACT EACH LIFT TO THE REQUIRED PERCENT OF MAXIMUM DENSITY. DELAY PLACEMENT 24 HOURS IF MOISTURE CONTENT EXCEEDS MAXIMUM ALLOWABLE. PROTECT COVERED SOIL WITH PLASTIC OR PLYWOOD DURING DELAY. TAKE PARTICULAR CARE NOT TO DAMAGE UTILITIES WHEN INSTALLING COVERED SOIL. COVERED SOIL THAT WILL BE THE BEDDING FOR UTILITY LINES SHALL BE COMPACTED TO CONFORM TO THE REQUIRED GRADE OF THE UTILITY LINE. DO NOT COMPACT THE IMMEDIATE VICINITY ABOVE A UTILITY LINE UNTIL A FILL DEPTH OF AT LEAST 12-INCHES ABOVE THE UTILITY LINE IS REACHED.
- E. BRING COVERED SOILS TO FINISHED GRADES AS SHOWN IN THE APPROVED DRAWINGS. IMMEDIATELY PROTECT THE COVERED SOIL MATERIAL FROM CONTAMINATION BY WATER BY COVERING WITH PLASTIC OR PLYWOOD.



REVISIONS:

EXAMPLE SOIL VOLUME PLAN

OFFICE LOCATED AT:
1000 1ST STREET, SUITE 1
TIGARD, OREGON 97223
PH: (503) 555-XXXX
FAX: (503) 555-XXXX
EMAIL: INFO@ABC_COLLABORATIVE.COM
LICENSED IN OR, WA, & ID



DESIGNED BY: JMI
DRAWN BY: SMH
CHECKED BY: JMI
DRAWING NO.: 2A.DWG
SCALE: AS NOTED
PREPARED FOR: HANCOCK ASSOCIATES
1500 SW LOOP ROAD
TIGARD, OR 97223

LOOP ROAD IMPROVEMENTS
1011 SW LOOP ROAD

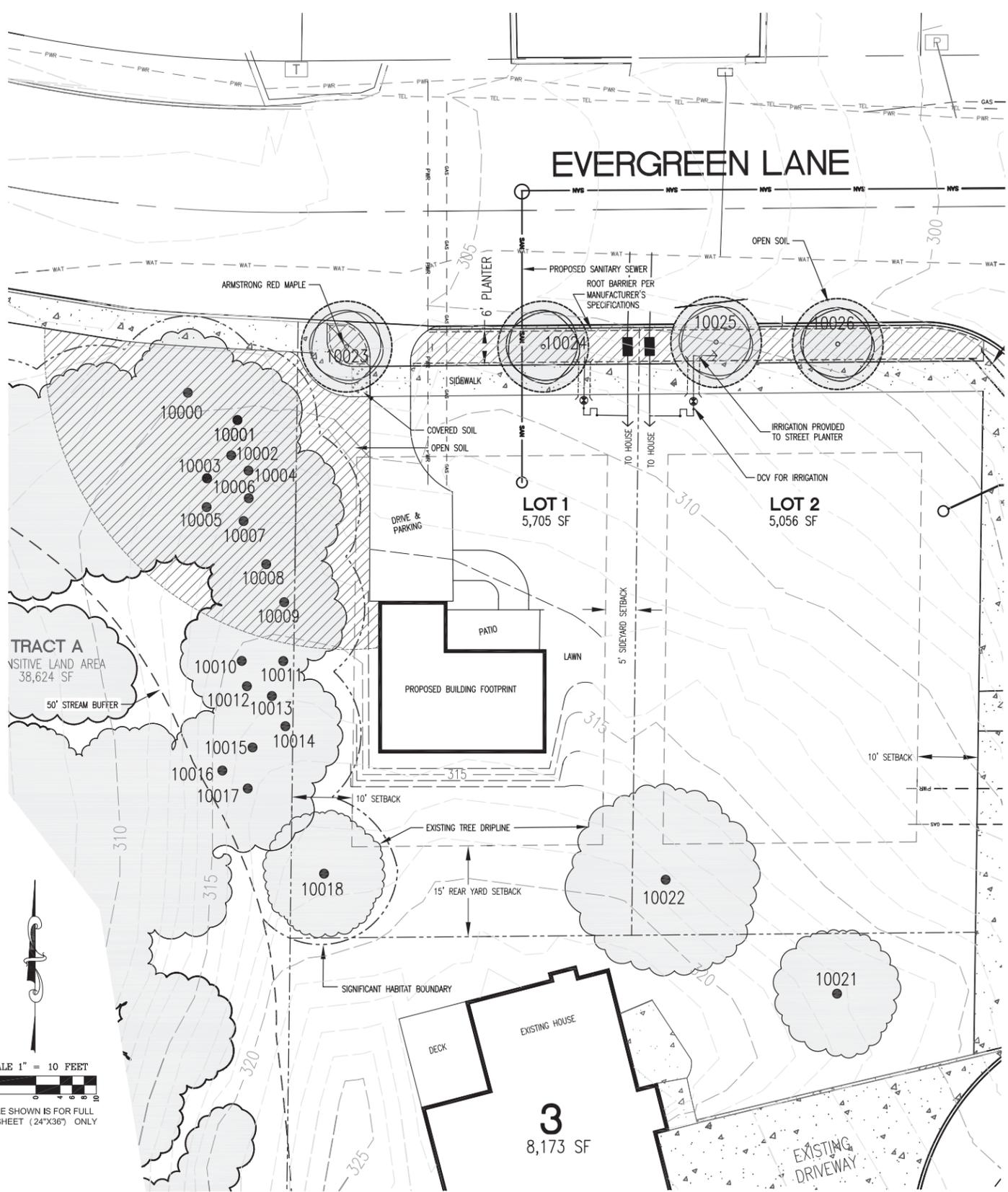
TIGARD TAX LOT 1000

OREGON TAX MAP: 2S 1 09AB

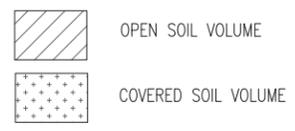
DATE: 07-11-2011

REGISTERED LANDSCAPE ARCHITECT
JOHN H. DOE
OREGON

JOB NUMBER 1000
SHEET APPENDIX 12



SOIL LEGEND

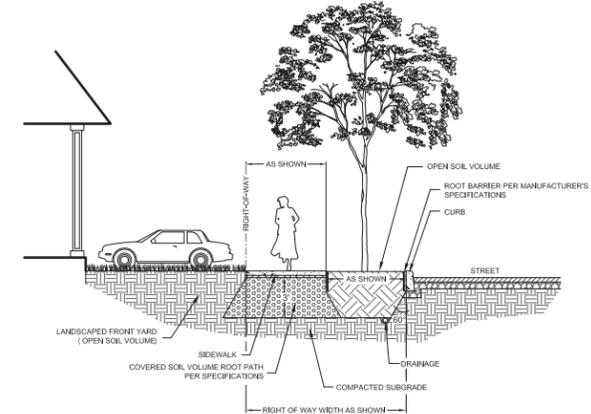


SOIL VOLUME CALCULATION FOR STREET TREES ADJACENT TO LOT 1

TREE NUMBER	SPECIES	OPEN SOIL VOLUME (C.F.)	COVERED SOIL VOLUME (C.F.)	TOTAL SOIL VOLUME (C.F.)	REQUIRED SOIL VOLME FOR 11' RIGHT OF WAY (C.F.)
10023	ARMSTRONG MAPLE	6,453	45	6,498	500
10024	ARMSTRONG MAPLE	OVER 1,000	0	OVER 1,000	500

STREET TREE LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE	SPACING
	ACER RUBRUM 'ARMSTRONG'	ARMSTRONG MAPLE	B&B	2" CAL.	AS SHOWN



STANDARD COVERED SOIL VOLUME SPECIFICATIONS:

PART 1. COVERED SOIL MATERIALS

A. COVERED SOIL SHALL CONSIST OF THE FOLLOWING MIXTURE OF GRAVEL, SOIL AND ADMIXTURES:

- I. CRUSHED ROCK, GRADATION OF 100% PASSING 1.25 INCH, MAX. 30% PASSING 0.75 INCH;
- II. LOAM/ORGANIC TOPSOIL;
- III. SOIL BINDER SUCH AS , STABILIZER, ; AND
- IV. WATER.

PART 2. PROPORTIONS OF COVERED SOIL MATERIALS

A. THE PROPORTIONS OF COVERED SOIL MATERIALS SHALL BE AS FOLLOWS:

MATERIAL	AMOUNT FOR 1 CY OF COVERED SOIL	AMOUNT FOR 4 CY OF COVERED SOIL
CRUSHED ROCK	23.2 CUBIC FEET	4 CUBIC YARDS
TOPSOIL	5.9 CUBIC FEET	1 CUBIC YARD
SOIL BINDER	13.7 OZ	4 LBS
WATER	1.6 GALLON	46 GALLONS

B. THE TARGET MOISTURE CONTENT IS 20% BY WEIGHT OF THE TOPSOIL WEIGHT. THE ABOVE WATER CONTENTS ASSUME THE TOP IS DRY. THE AMOUNT OF WATER THAT WILL NEED TO BE ADDED WILL BE DEPENDENT ON THE MOISTURE CONTENT OF THE RAW MATERIALS. ACTUAL AMOUNTS OF WATER USED SHALL BE DETERMINED DURING MIXING.

PART 3. COVERED SOIL MIXING PROCEDURES

- A. MIX COVERED SOIL IN BATCHES OF AN APPROPRIATE SIZE FOR THE EQUIPMENT BEING USED. THE END RESULT IS TO BE A MATERIAL THAT IS UNIFORMLY BLENDED TOGETHER. DO NOT BATCH IN QUANTITIES THAT WILL NOT ALLOW THE EQUIPMENT TO COMPLETELY MIX THE MATERIAL. DETERMINE BATCH SIZE AND QUANTITIES OF EACH MATERIAL NEEDED FOR THE BATCH.
- B. START WITH HALF OF THE CRUSHED ROCK MATERIAL.
- C. ADD ALL OF THE TOPSOIL MATERIAL.
- D. ADD THE SOIL BINDER.
- E. ADD HALF OF THE ESTIMATED WATER.
- F. ADD THE OTHER HALF OF THE CRUSHED ROCK MATERIAL.
- G. MIX THE MATERIAL TOGETHER.
- H. SLOWLY ADD WATER TO THE MIXTURE AND CONTINUE TO MIX. THE FINAL AMOUNT OF WATER WILL VARY WITH MOISTURE CONTENT OF THE CRUSHED ROCK AND TOPSOIL. ADD WATER IN INCREMENTAL AMOUNTS AND MIX THE MATERIAL BETWEEN THE ADDITIONS OF WATER.
- I. STOP ADDING WATER AND MIXING WHEN THERE IS A MINUTE AMOUNT OF FREE TOPSOIL REMAINING. THE TOPSOIL WILL COAT THE CRUSHED ROCK AND NOT FALL OUT OF THE MATERIAL. ALL OF THE CRUSHED ROCK SHALL BE UNIFORMLY COATED WITH TOPSOIL. THERE SHALL BE NO CLUMPS OF TOPSOIL OR UNCOVERED CRUSHED ROCK IN THE MIXTURE.
- J. IF TOO MUCH WATER IS ADDED TO THE MIXTURE, WATER WILL DRAIN OUT OF THE MATERIAL AND THE TOPSOIL WILL WASH OFF OF THE CRUSHED ROCK. IF THIS OCCURS THE BATCH OF MATERIAL SHALL BE DISCARDED AND SHALL NOT BE INCORPORATED INTO THE COMPLETED WORK.

PART 4. PLACEMENT OF COVERED SOIL

- A. PROTECT SOILS AND MIXES FROM ABSORBING EXCESS WATER AND FROM EROSION AT ALL TIMES. DO NOT STORE MATERIALS UNPROTECTED FROM RAINFALL EVENTS. DO NOT ALLOW EXCESS WATER TO ENTER SITE PRIOR TO COMPACTION. IF WATER IS INTRODUCED INTO THE MATERIAL AFTER GRADING, ALLOW MATERIAL TO DRAIN OR AERATE TO OPTIMUM COMPACTION MOISTURE CONTENT.
- B. ALL AREAS TO RECEIVE COVERED SOIL MIXTURE SHALL BE INSPECTED BY THE PROJECT LANDSCAPE ARCHITECT/AND/OR PROJECT ENGINEER BEFORE STARTING PLACEMENT OF MIXTURE. ALL DEFECTS SUCH AS INCORRECT GRADING, COMPACTION AND INADEQUATE DRAINAGE, ETC., SHALL BE CORRECTED PRIOR TO BEGINNING PLACEMENT OF COVERED SOIL.
- C. CONFIRM THAT THE SUB-GRADE IS AT THE PROPER ELEVATION AND COMPACTED AS REQUIRED. SUB-GRADE ELEVATIONS SHALL SLOPE PARALLEL TO THE FINISHED GRADE. CLEAR THE EXCAVATION OF ALL CONSTRUCTION DEBRIS, TRASH, RUBBLE AND FOREIGN MATERIAL. FILL ANY OVER EXCAVATION WITH APPROVED FILL AND COMPACT TO THE REQUIRED SUB-GRADE COMPACTION.
- D. INSTALL COVERED SOIL IN 6-INCH LIFTS AND SPREAD UNIFORMLY OVER THE AREA. COMPACT EACH LIFT TO THE REQUIRED MAXIMUM DENSITY. DELAY PLACEMENT 24 HOURS IF MOISTURE CONTENT EXCEEDS MAXIMUM ALLOWABLE. PROTECT COVERED SOIL WITH PLASTIC OR PLYWOOD DURING DELAY. TAKE PARTICULAR CARE NOT TO DAMAGE UTILITIES WHEN INSTALLING COVERED SOIL. COVERED SOIL THAT WILL BE THE BEDDING FOR UTILITY LINES SHALL BE COMPACTED TO CONFORM TO THE REQUIRED GRADE OF THE UTILITY LINE. DO NOT COMPACT THE IMMEDIATE VICINITY ABOVE A UTILITY LINE UNTIL A FILL DEPTH OF AT LEAST 12-INCHES ABOVE THE UTILITY LINE IS REACHED.
- E. BRING COVERED SOILS TO FINISHED GRADES AS SHOWN IN THE APPROVED DRAWINGS. IMMEDIATELY PROTECT THE COVERED SOIL MATERIAL FROM CONTAMINATION BY WATER BY COVERING WIT PLASTIC OR PLYWOOD.

1 STREET TREE WITH COVERED SOIL DETAIL
NOT TO SCALE

ROOT PROTECTION ZONE NOTES

ENCROACHMENT INTO THE ROOT PROTECTION ZONE IS ALLOWED WITH PROJECT ARBORIST APPROVAL AS DESCRIBED IN THE FOLLOWING NOTES:

- 1. EXCAVATION IN THE TOP 24" OF THE SOIL IN THE CRITICAL ROOT ZONE AREA SHOULD BEGIN AT THE EXCAVATION LINE THAT IS CLOSEST TO THE TREE.
- 2. THE EXCAVATION SHOULD BE DONE BY HAND/SHOVEL OR WITH A BACKHOE AND A MAN WITH A SHOVEL, PRUNING SHEARS, AND A PRUNING SAW.
- 3. IF DONE BY HAND, ALL ROOTS 1" OR LARGER SHOULD BE PRUNED AT THE EXCAVATION LINE.
- 4. IF DONE WITH A BACKHOE (MOST LIKELY SCENARIO) , THEN THE OPERATOR SHALL START THE CUT AT THE EXCAVATION LINE AND CAREFULLY "FEEL" FOR ROOTS/RESISTANCE. WHEN THERE IS RESISTANCE, THE MAN WITH THE SHOVEL HAND DIGS AROUND THE ROOTS AND PRUNES THE ROOTS LARGER THAN 1" DIAMETER.

IRRIGATION:

IRRIGATION TO BE 'DESIGN-BUILD' BY THE LANDSCAPE CONTRACTOR. PROVIDE PLANS TO THE CITY FOR APPROVAL PRIOR TO BEGINNING INSTALLATION.

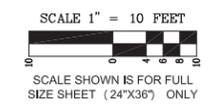
REMOVAL, STORING, AND AMENDED SOILS FOR PLANTER AREAS:

CONTRACTOR SHALL REMOVAL ALL DEBRIS FROM PLANTER AREAS AND EXCAVATE TO A DEPTH OF 36 INCHES. SLOPE SIDES OF EXCAVATIONS AT 1:1 SLOPE OR SHORE EDGES TO PREVENT UNDERMINING OF VEHICLE LOAD AREAS AND TO PROVIDE A SLOPED PROFILE TRANSITION BETWEEN SOIL TYPES AND STRUCTURAL FILL. DISPOSE OF DEBRIS AND SUBSOIL STOCKPILE EXCAVATED TOPSOIL IN APPROVED AREA OFF SITE.

EXISTING AND IMPORTED TOPSOIL AMENDMENTS SHALL BE DETERMINED BY THE LANDSCAPE ARCHITECT AND APPROVED BY THE CITY ARBORIST. SOIL MIXING SHALL BE DONE IN DESIGNATED AREAS OR IN THE SUPPLIERS YARD. MIX AMENDMENTS WITH TOPSOIL WHEN SOIL IS IN A FRIABLE CONDITION ONLY (DAMP AND NOT MUDDY WITH ADEQUATE MOISTURE TO BREAK INTO CLOUDS WHEN TURNED AND WILL NOT LEAVE A MUD STAIN ON THE HAND WHEN SQUEEZED) . CONTRACTOR TO PROVIDE CERTIFICATE OF CONTENT AND PERCENT OF SOIL MIXES WITH ALL AMENDED SOIL TO THE CITY PRIOR TO INSTALLATION.

BLENDED SOIL PLACEMENT AND COMPACTION:

SOIL SHALL BE FRIABLE WHEN PLACED AND COMPACTED. PLACE SOIL IN LAYERS OF NOT MORE THAN 12" IN DEPTH. PROVIDE 3 PASSES WITH A 2" COMPACT PLATE VIBRATING COMPACTOR. COMPACT TO 80-85% MAXIMUM DRY DENSITY AS MEASURED BY THE PROCTOR TEST OR AS APPROVED FOR SPECIFIC BLENDED SOIL MIXES.



REVISIONS:

EXAMPLE SOIL VOLUME PLAN FOR SINGLE LOT

OFFICE LOCATED AT:
1000 1ST STREET, SUITE 1
TIGARD, OREGON 97223
PH: (503) 555-XXXX
FAX: (503) 555-XXXX
EMAIL: INFO@ABC-COLLABORATIVE.COM
LICENSED IN OR, WA, & ID

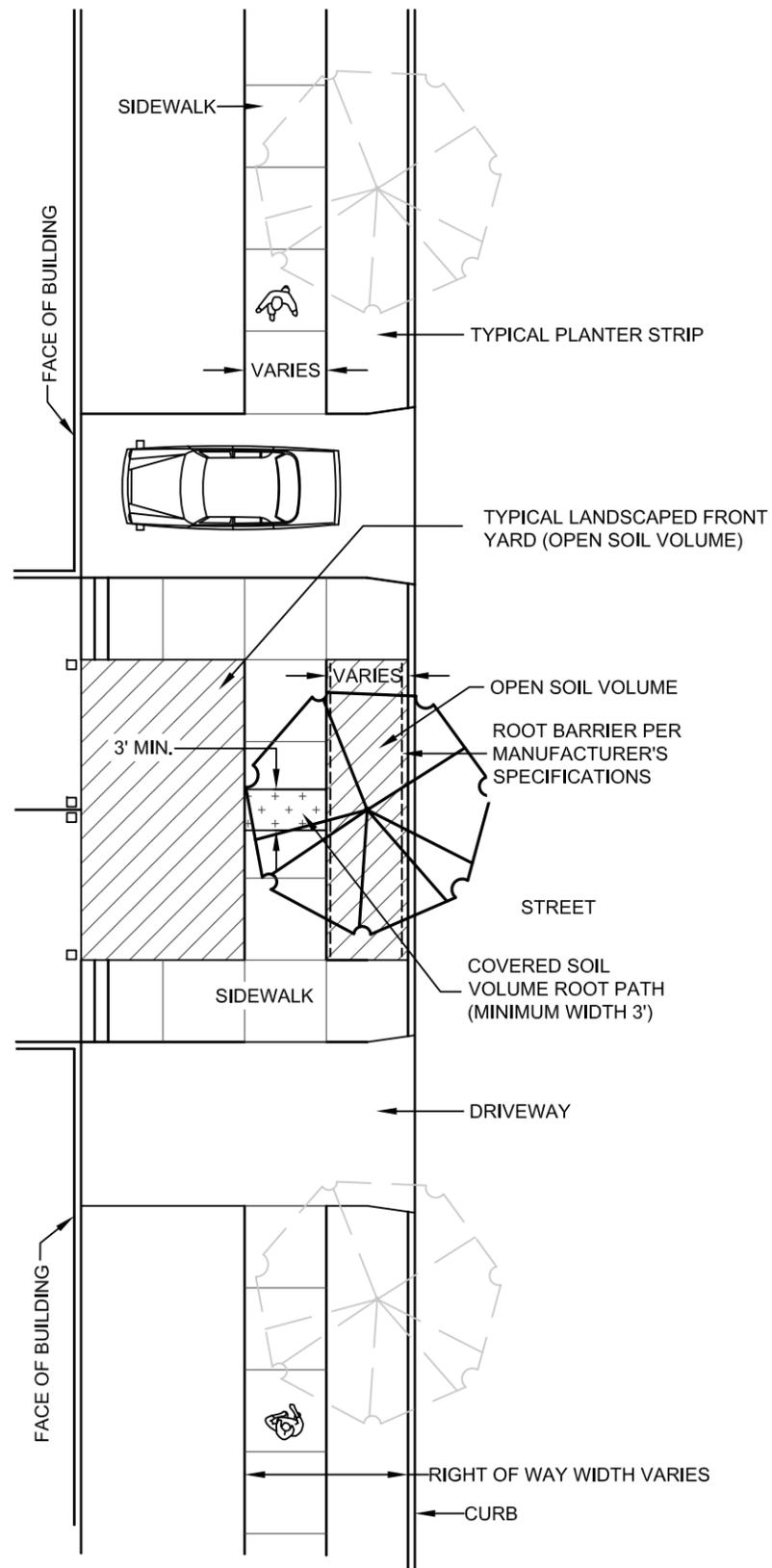


DESIGNED BY:	KRJ	DRAWING NO.:	9A
DRAWN BY:	BDT	SCALE:	AS SHOWN
CHECKED BY:	KRJ		
PREPARED FOR:	JOHN SMITH PO BOX 111 TIGARD, OREGON 97223 PH: 503-909-5555 FAX: 503-909-5556		

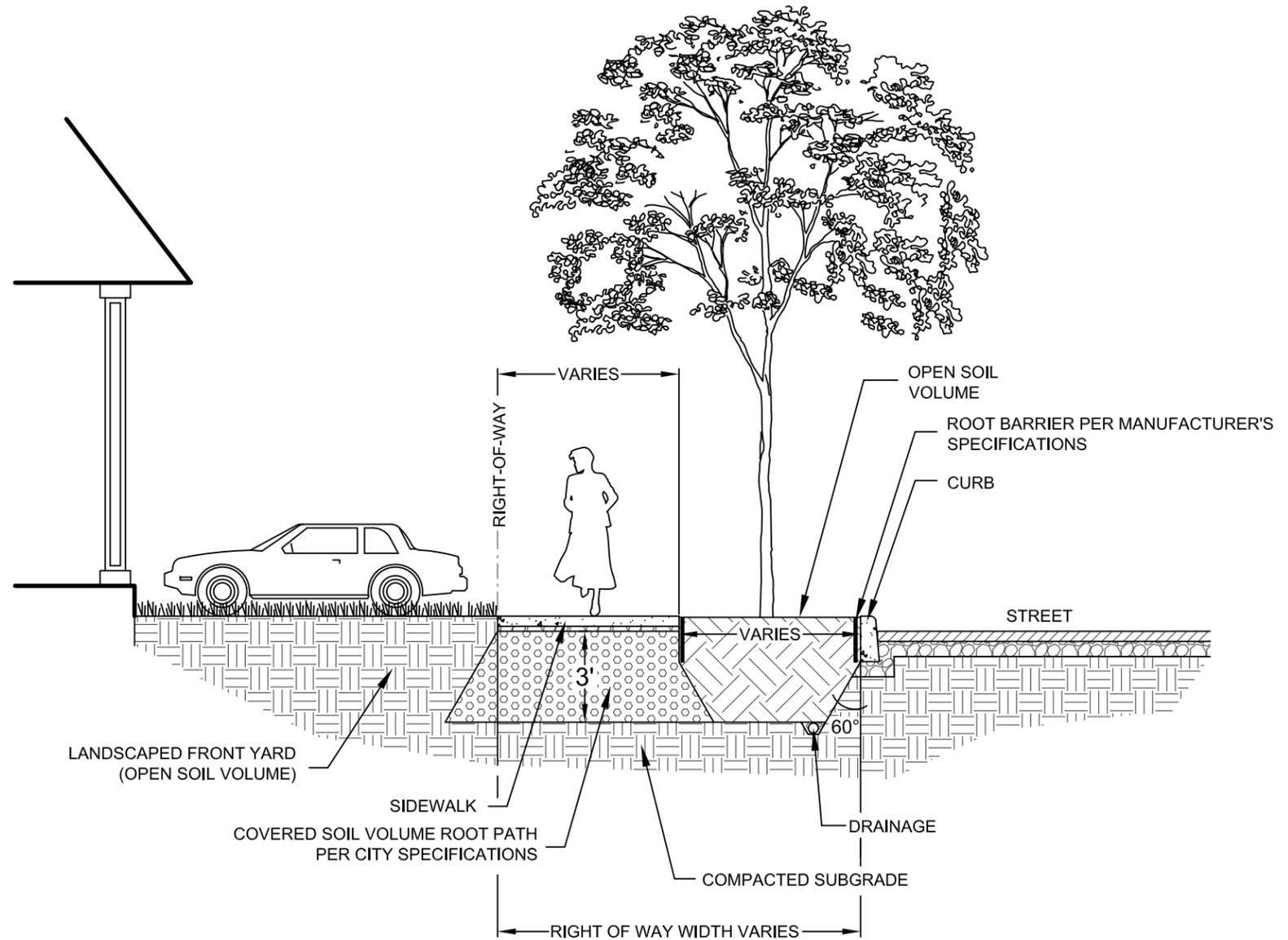
EVERGREEN HEIGHTS PARTITION
190 SW 147TH ST.
TIGARD TAXLOT 1700



JOB NUMBER	2001
SHEET	APPENDIX 13

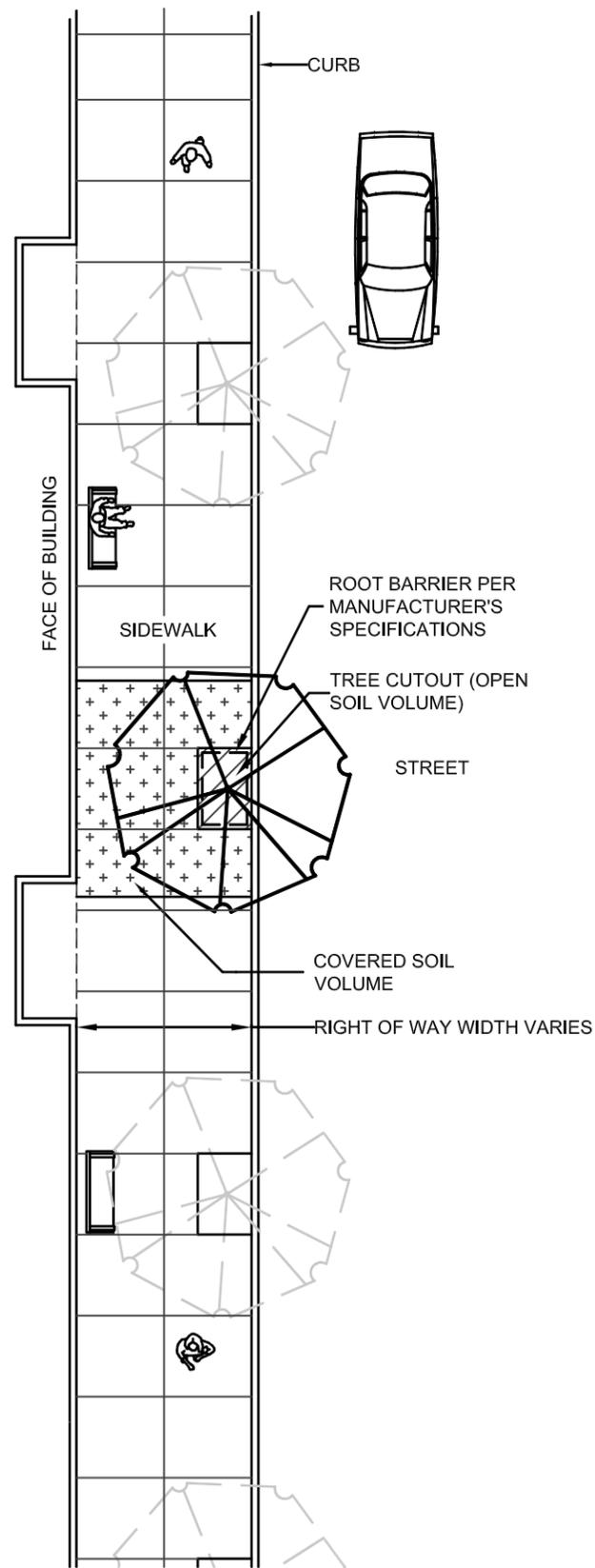


PLAN

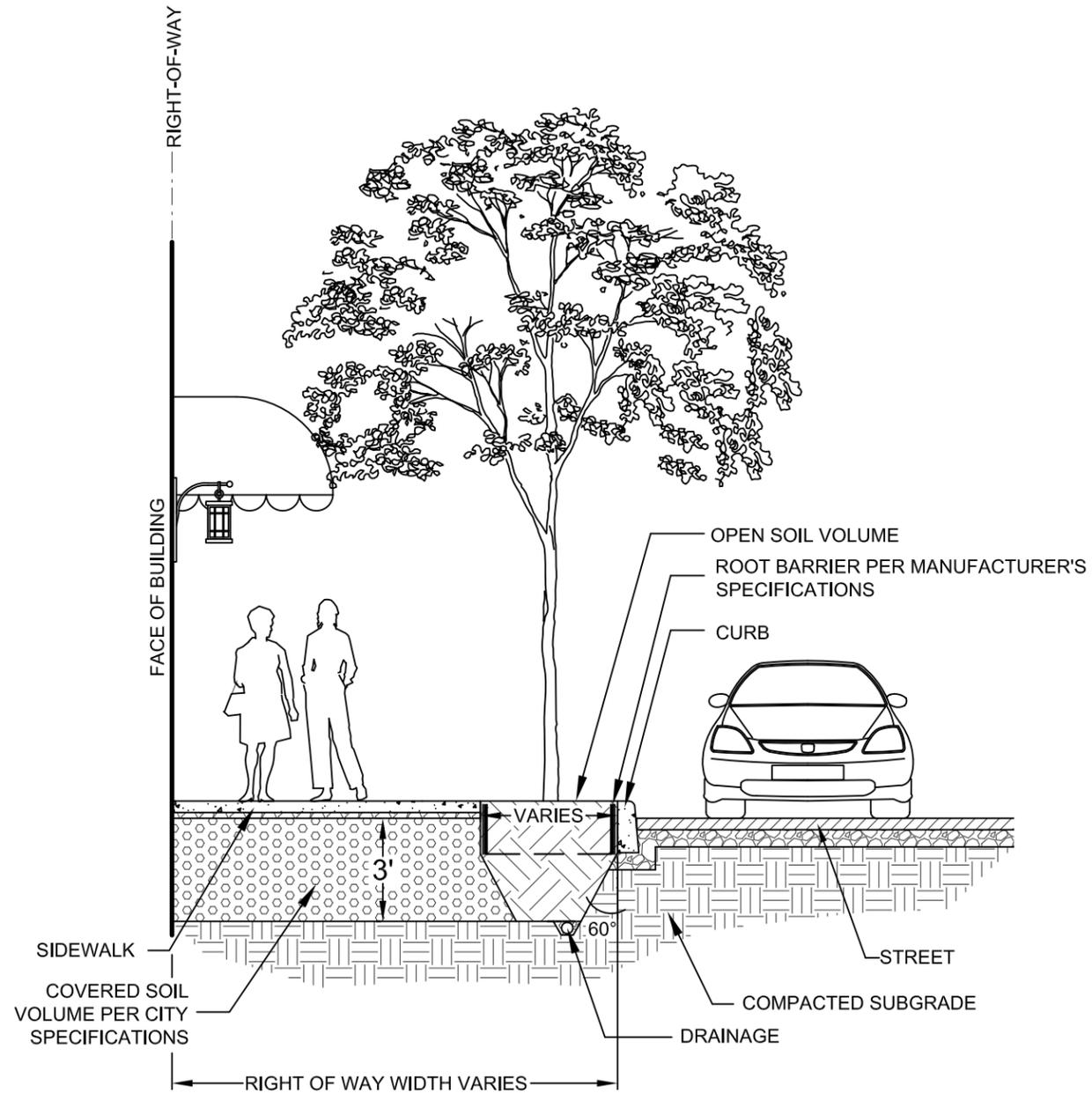


PROFILE

EXAMPLE COVERED SOIL VOLUME PLAN DRAWING – ROOT PATH OPTION FOR STREET TREE	NO SCALE
	DWG. NO. APPENDIX 14



PLAN



PROFILE

EXAMPLE COVERED SOIL VOLUME
 PLAN DRAWING – UNDER SIDEWALK
 OPTION FOR STREET TREE

NO SCALE

DWG. NO.

APPENDIX 14

Example Covered Soil Volume Specifications

Part 1. Covered Soil Materials

- A. Covered soil shall consist of the following mixture of gravel, soil and admixtures:
1. Crushed rock, gradation of 100% passing 1.25 inch, max. 30% passing 0.75 inch;
 2. Loam/Organic Topsoil;
 3. Soil binder such as “Stabilizer”; and
 4. Water.

Part 2. Proportions of Covered Soil Materials

- A. The proportions of covered soil materials shall be as follows:

Material	Amount for 1 CY of Covered Soil	Amount for 4.6 CY of Covered Soil
Crushed Rock	23.2 cubic feet	4 cubic yards
Topsoil	5.9 cubic feet	1 cubic yard
Soil Binder	13.7 ounces	4 pounds
Water	1.6 gallon	46 gallons

- B. The target moisture content is 20% by weight of the topsoil weight. The above water contents assume the top is dry. The amount of water that will need to be added will be dependent on the moisture content of the raw materials. Actual amounts of water used shall be determined during mixing.

Part 3. Covered Soil Mixing Procedures

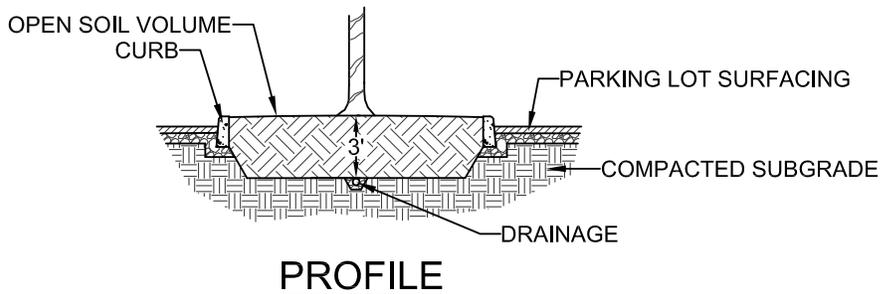
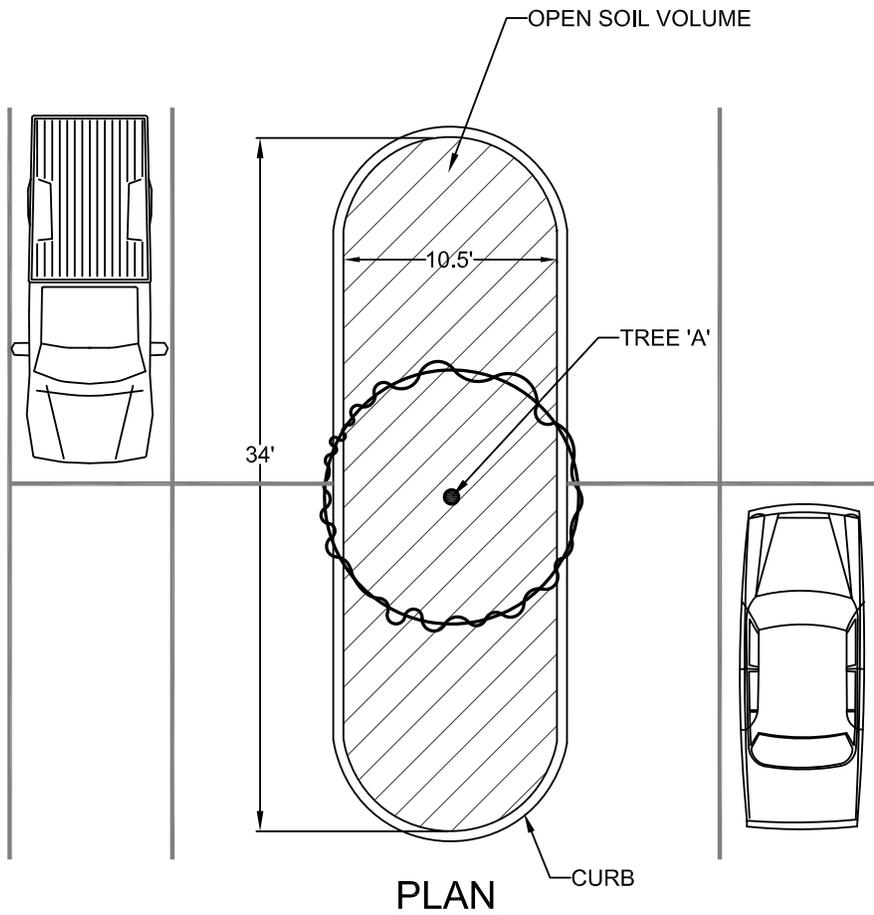
- A. Mix covered soil in batches of an appropriate size for the equipment being used. The end result is to be a material that is uniformly blended together. Do not batch in quantities that will not allow the equipment to completely mix the material. Determine batch size and quantities of each material needed for the batch.
- B. Start with half of the crushed rock material.
- C. Add all of the topsoil material.
- D. Add the soil binder.
- E. Add half of the estimated water.
- F. Add the other half of the crushed rock material.
- G. Mix the material together.
- H. Slowly add water to the mixture and continue to mix. The final amount of water will vary with moisture content of the crushed rock and topsoil. Add water in incremental amounts and mix the material between the additions of water.
- I. Stop adding water and mixing when there is a minute amount of free topsoil remaining. The topsoil will coat the crushed rock and not fall out of the material. All of the crushed rock

shall be uniformly coated with topsoil. There shall be no clumps of topsoil or uncovered crushed rock in the mixture.

- J. If too much water is added to the mixture, water will drain out of the material and the topsoil will wash off of the crushed rock. If this occurs the batch of material shall be discarded and shall not be incorporated into the completed work.

Part 4. Placement of Covered Soil

- A. Protect soils and mixes from absorbing excess water and from erosion at all times. Do not store materials unprotected from rainfall events. Do not allow excess water to enter site prior to compaction. If water is introduced into the material after grading, allow material to drain or aerate to optimum compaction moisture content.
- B. All areas to receive covered soil mixture shall be inspected by the project landscape architect and/or project engineer before starting placement of mixture. All defects such as incorrect grading, compaction and inadequate drainage, etc., shall be corrected prior to beginning placement of covered soil.
- C. Confirm that the sub-grade is at the proper elevation and compacted as required. Sub-grade elevations shall slope parallel to the finished grade. Clear the excavation of all construction debris, trash, rubble and foreign material. Fill any over excavation with approved fill and compact to the required sub-grade compaction.
- D. Install covered soil in 6-inch lifts and spread uniformly over the area. Compact each lift to the required percent of maximum density. Delay placement 24 hours if moisture content exceeds maximum allowable, protect covered soil with plastic or plywood during delay. Take particular care not to damage utilities when installing covered soil. Covered soil that will be the bedding for utility lines shall be compacted to conform to the required grade of the utility line. Do not compact the immediate vicinity above a utility line until a fill depth of at least 12-inches above the utility line is reached.
- E. Bring covered soils to finished grades as shown in the approved drawings. Immediately protect the covered soil material from contamination by water by covering with plastic or plywood.



TOTAL SOIL VOLUME CALCULATION FOR TREE 'A':

OPEN SOIL VOLUME = (ISLAND AREA) X (SOIL DEPTH) = 336 S.F.
x 3' = 1,008 C.F.

COVERED SOIL VOLUME = 0 C.F.

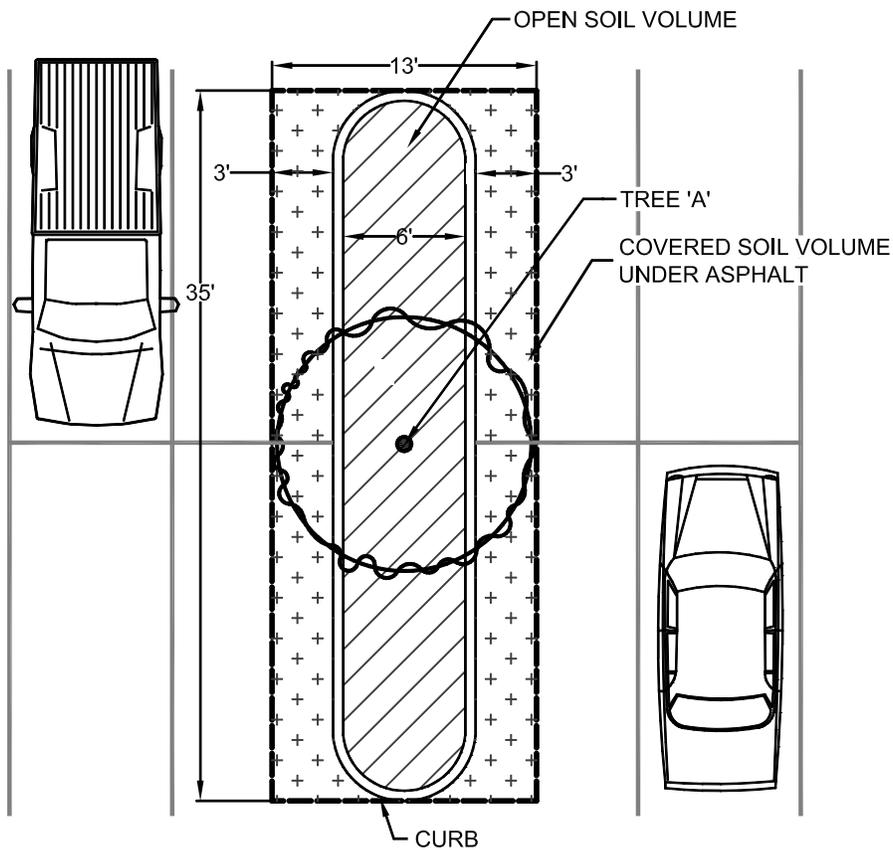
TOTAL SOIL VOLUME = OPEN SOIL VOLUME + COVERED SOIL
VOLUME = 1,008 C.F. + 0 C.F. = 1,008 C.F.

1,008 C.F. IS GREATER THAN THE SOIL VOLUME REQUIRED FOR
A PARKING LOT TREE (1,000 C.F.) SO THIS MEETS THE CITY
REQUIREMENTS.

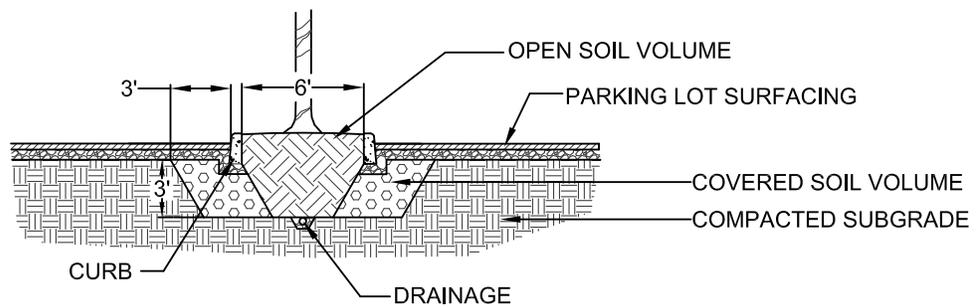
**EXAMPLE SOIL VOLUME
CALCULATION – PARKING
LOT TREE WITH OPEN SOIL**

NO SCALE

DWG. NO.
APPENDIX 15



PLAN



PROFILE

TOTAL SOIL VOLUME CALCULATION FOR TREE 'A':

OPEN SOIL VOLUME = (PLANTER AREA) X (SOIL DEPTH) = 196 S.F.
x 3' = 588 C.F.

COVERED SOIL VOLUME = 259 S.F. X 3' = 777 C.F.

TOTAL SOIL VOLUME = OPEN SOIL VOLUME + COVERED SOIL
VOLUME = 588 C.F. + 777 C.F. = 1,365 C.F.

1,365 C.F. IS GREATER THAN THE SOIL VOLUME REQUIRED FOR A
PARKING LOT TREE (1,000 C.F.) SO THIS MEETS THE CITY
REQUIREMENTS.

**EXAMPLE SOIL VOLUME
CALCULATION – PARKING LOT
TREE WITH COVERED SOIL**

NO SCALE

DWG. NO.
APPENDIX 15

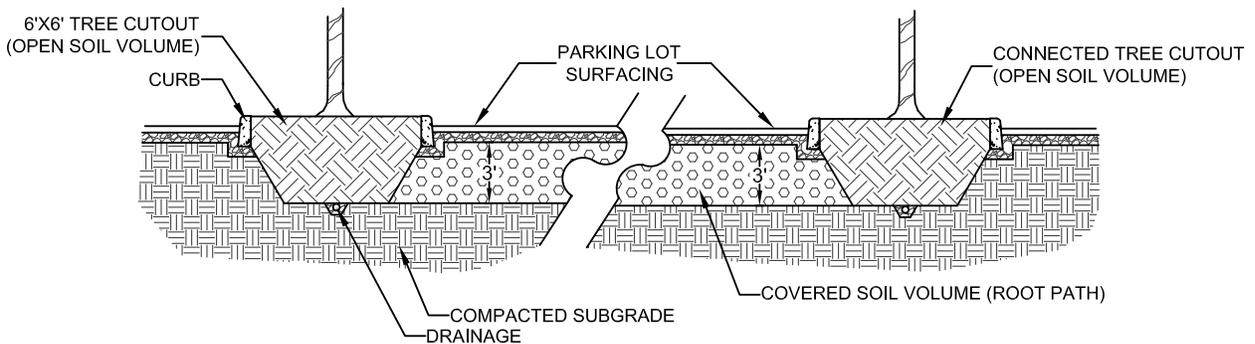
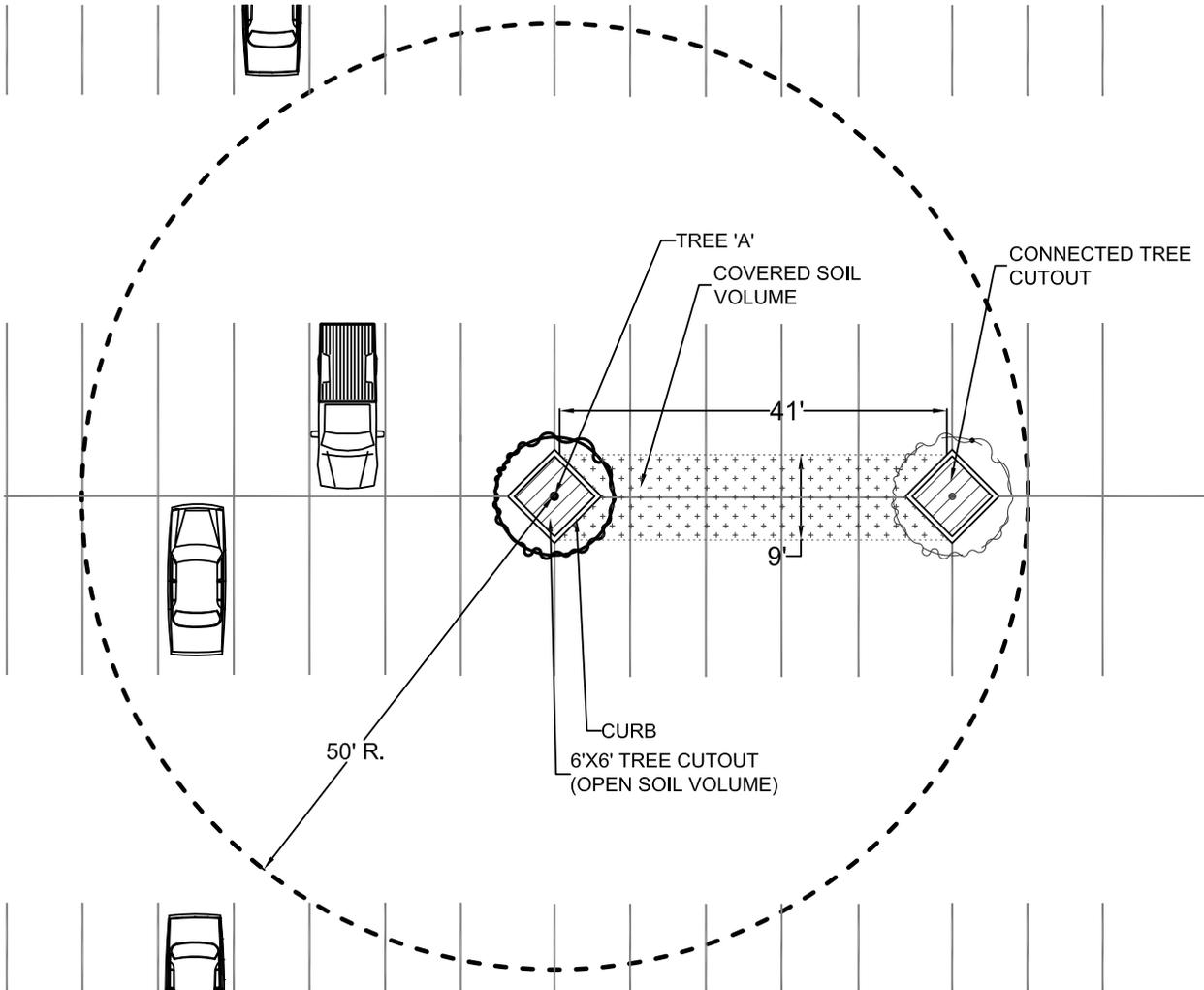
TOTAL SOIL VOLUME CALCULATION FOR TREE 'A':

OPEN SOIL VOLUME = 36 S.F. (TREE CUTOUT AREA)+ 36 S.F. (CONNECTED TREE CUTOUT AREA) x 3' (SOIL DEPTH) = 216 C.F.

COVERED SOIL VOLUME = 330 S.F. (COVERED SOIL AREA) X 3' (COVERED SOIL DEPTH) =990 C.F.

TOTAL SOIL VOLUME = OPEN SOIL VOLUME + COVERED SOIL VOLUME = 216 C.F. + 990 C.F.=1,206 C.F.

1,206 C.F. IS GREATER THAN THE SOIL VOLUME REQUIRED FOR A PARKING LOT TREE (1000 C.F) SO THIS MEETS THE CITY REQUIREMENTS.



**EXAMPLE SOIL VOLUME
CALCULATION – PARKING
LOT TREE WITH ROOT PATH**

NO SCALE

DWG. NO.

APPENDIX 15

PLANT LEGEND

SYMBOL	QTTIES.	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	SPACING	AVERAGE MATURE CANOPY SIZE
	7	ACER RUBRUM	RED MAPLE	2" CAL.	B&B	AS SHOWN	40' SPREAD (1,256 S.F.)
	7	QUERCUS RUBRA	RED OAK	2" CAL.	B&B	AS SHOWN	45' SPREAD (1,590 S.F.)
	28	ZELKOVA SERRATA	ZELKOVA	2" CAL.	B&B	AS SHOWN	50' SPREAD (1,963 S.F.)

TREE CANOPY TABLE

TREE #	SPECIES	OPEN SOIL VOLUME	COVERED SOIL VOLUME	TOTAL SOIL VOLUME	AVE. MATURE CANOPY	% OF CANOPY OVER PARKING LOT	AREA OVER PARKING LOT
001	Zelkova	5,466 c.f.	0 c.f.	5,466 c.f.	50' spread (1,963 s.f.)	39%	757 s.f.
002	Red Oak	4,539 c.f.	0 c.f.	4,539 c.f.	45' spread (1,590 s.f.)	40%	640 s.f.
003	Zelkova	3,192 c.f.	0 c.f.	3,192 c.f.	50' spread (1,963 s.f.)	92%	1,812 s.f.
004	Zelkova	3,069 c.f.	0 c.f.	3,069 c.f.	50' spread (1,963 s.f.)	89%	1,749 s.f.
005	Zelkova	1,818 c.f.	0 c.f.	1,818 c.f.	50' spread (1,963 s.f.)	53%	1,040 s.f.
006	Zelkova	303 c.f.	2,160 c.f.	2,463 c.f.	50' spread (1,963 s.f.)	50%	984 s.f.
007	Zelkova	348 c.f.	2,508 c.f.	2,856 c.f.	50' spread (1,963 s.f.)	80%	1,575 s.f.
008	Zelkova	576 c.f.	2,166 c.f.	2,742 c.f.	50' spread (1,963 s.f.)	85%	1,668 s.f.
009	Zelkova	3,681 c.f.	0 c.f.	3,681 c.f.	50' spread (1,963 s.f.)	76%	1,498 s.f.
010	Red Oak	4,200 c.f.	0 c.f.	4,200 c.f.	45' spread (1,590 s.f.)	35%	559 s.f.
011	Zelkova	708 c.f.	2,076 c.f.	2,784 c.f.	50' spread (1,963 s.f.)	82%	1,613 s.f.
0012	Zelkova	3,651 c.f.	0 c.f.	3,651 c.f.	50' spread (1,963 s.f.)	79%	1,550 s.f.
0013	Zelkova	1,101 c.f.	0 c.f.	1,101 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0014	Zelkova	1,101 c.f.	0 c.f.	1,101 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0015	Red Oak	4,155 c.f.	0 c.f.	4,155 c.f.	45' spread (1,590 s.f.)	36%	566 s.f.
0016	Zelkova	4,176 c.f.	0 c.f.	4,176 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0017	Zelkova	4,233 c.f.	0 c.f.	4,233 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0018	Zelkova	4,233 c.f.	0 c.f.	4,233 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0019	Zelkova	3,630 c.f.	0 c.f.	3,630 c.f.	50' spread (1,963 s.f.)	79%	1,547 s.f.
0020	Red Oak	4,506 c.f.	0 c.f.	4,506 c.f.	45' spread (1,590 s.f.)	41%	644 s.f.
0021	Zelkova	417 c.f.	870 c.f.	1,287 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0022	Zelkova	444 c.f.	870 c.f.	1,314 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0023	Zelkova	4,293 c.f.	870 c.f.	5,163 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0024	Zelkova	4,284 c.f.	870 c.f.	5,154 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0025	Zelkova	4,284 c.f.	870 c.f.	5,154 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0026	Zelkova	5,946 c.f.	0 c.f.	5,946 c.f.	50' spread (1,963 s.f.)	48%	936 s.f.
0027	Red Oak	3,702 c.f.	0 c.f.	3,702 c.f.	45' spread (1,590 s.f.)	37%	581 s.f.
0028	Zelkova	2,430 c.f.	0 c.f.	2,430 c.f.	50' spread (1,963 s.f.)	79%	1,558 s.f.
0029	Zelkova	1,077 c.f.	0 c.f.	1,077 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0030	Zelkova	1,077 c.f.	0 c.f.	1,077 c.f.	50' spread (1,963 s.f.)	100%	1,963 s.f.
0031	Red Oak	4,191 c.f.	0 c.f.	4,191 c.f.	45' spread (1,590 s.f.)	40%	642 s.f.
0032	Zelkova	3,630 c.f.	0 c.f.	3,630 c.f.	50' spread (1,963 s.f.)	80%	1,563 s.f.
0033	Red Oak	4,392 c.f.	0 c.f.	4,392 c.f.	45' spread (1,590 s.f.)	38%	602 s.f.
0034	Zelkova	7,350 c.f.	0 c.f.	7,350 c.f.	50' spread (1,963 s.f.)	45%	882 s.f.
0035	Red Maple	1,416 c.f.	0 c.f.	1,416 c.f.	40' spread (1,256 s.f.)	100%	1,256 s.f.
0036	Red Maple	1,989 c.f.	0 c.f.	1,989 c.f.	40' spread (1,256 s.f.)	100%	1,256 s.f.
0037	Red Maple	2,562 c.f.	0 c.f.	2,562 c.f.	40' spread (1,256 s.f.)	100%	1,256 s.f.
0038	Red Maple	2,529 c.f.	0 c.f.	2,529 c.f.	40' spread (1,256 s.f.)	73%	915 s.f.
0039	Red Maple	1,533 c.f.	0 c.f.	1,533 c.f.	40' spread (1,256 s.f.)	58%	726 s.f.
0040	Red Maple	516 c.f.	1,716 c.f.	2,232 c.f.	40' spread (1,256 s.f.)	81%	1,021 s.f.
0041	Red Maple	516 c.f.	1,716 c.f.	2,232 c.f.	40' spread (1,256 s.f.)	80%	1,007 s.f.
0042	Zelkova	837 c.f.	441 c.f.	1,278 c.f.	50' spread (1,963 s.f.)	92%	1,804 s.f.
Total Qualifying Mature Tree Canopy Area: (Sum of canopy area over parking lot)							57,763 s.f.

QUALIFYING MATURE CANOPY INCLUDES ALL AREAS DIRECTLY OVER THE PARKING LOT SURFACE AND AREAS THAT ARE SURROUNDED ON AT LEAST THREE SIDES BY EITHER CURB OR HARD SURFACE PAVING. THIS INCLUDES BUT IS NOT LIMITED TO PARKING LOT ISLANDS AND PLANTING AREAS BETWEEN THE PARKING LOT AND SIDEWALK.

QUALIFYING MATURE CANOPY COVER (Solid grey)

INDIVIDUAL TREE MATURE CANOPY OUTLINE (Dashed line)

PARKING LOT AREA: 64,962 S.F.
TOTAL QUALIFYING MATURE TREE CANOPY AREA: 57,763 S.F.
 (CANOPY AREA DIRECTLY OVER PARKING LOT)
% CANOPY COVER: 89%
MINIMUM % CANOPY COVER: 30%

89% IS GREATER THAN THE MINIMUM OF 30% TOTAL QUALIFYING MATURE CANOPY COVER THEREFORE CITY REQUIREMENTS ARE MET.

REMOVAL, STORING, AND AMENDED SOILS FOR PLANTER AREAS:

CONTRACTOR SHALL REMOVAL ALL DEBRIS FROM PLANTER AREAS AND EXCAVATE TO A DEPTH OF 36 INCHES. SLOPE SIDES OF EXCAVATIONS AT 1:1 SLOPE OR SHORE EDGES TO PREVENT UNDERMINING OF VEHICLE LOAD AREAS AND TO PROVIDE A SLOPED PROFILE TRANSITION BETWEEN SOIL TYPES AND STRUCTURAL FILL. DISPOSE OF DEBRIS AND SUBSOIL. STOCKPILE EXCAVATED TOPSOIL IN APPROVED AREA OFF SITE.

EXISTING AND IMPORTED TOPSOIL AMENDMENTS SHALL BE DETERMINED BY THE LANDSCAPE ARCHITECT AND APPROVED BY THE CITY ARBORIST. SOIL MIXING SHALL BE DONE IN DESIGNATED AREAS OR IN THE SUPPLIERS YARD. MIX AMENDMENTS WITH TOPSOIL WHEN SOIL IS IN A FRIBILE CONDITION ONLY (DAMP AND NOT MUDDY WITH ADEQUATE MOISTURE TO BREAK INTO CLODS WHEN TURNED AND WILL NOT LEAVE A MUD STAIN ON THE HAND WHEN SQUEEZED). CONTRACTOR TO PROVIDE CERTIFICATE OF CONTENT AND PERCENT OF SOIL MIXES WITH ALL AMENDED SOIL TO THE CITY PRIOR TO INSTALLATION.

BLENDED SOIL PLACEMENT AND COMPACTION:

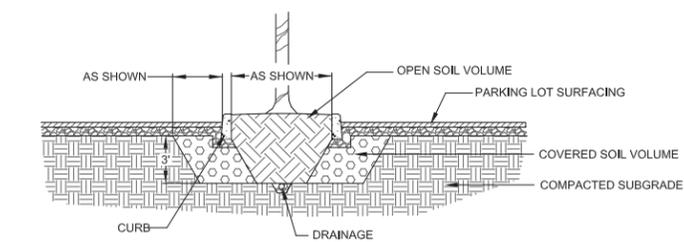
SOIL SHALL BE FRIBILE WHEN PLACED AND COMPACTED. PLACE SOIL IN LAYERS OF NOT MORE THAN 12" IN DEPTH. PROVIDE 3 PASSES WITH A 2" COMPACT PLATE VIBRATING COMPACTOR. COMPACT TO 80-85% MAXIMUM DRY DENSITY AS MEASURED BY THE PROCTOR TEST OR AS APPROVED FOR SPECIFIC BLENDED SOIL MIXES.

OPEN SOIL VOLUME (Diagonal hatching)

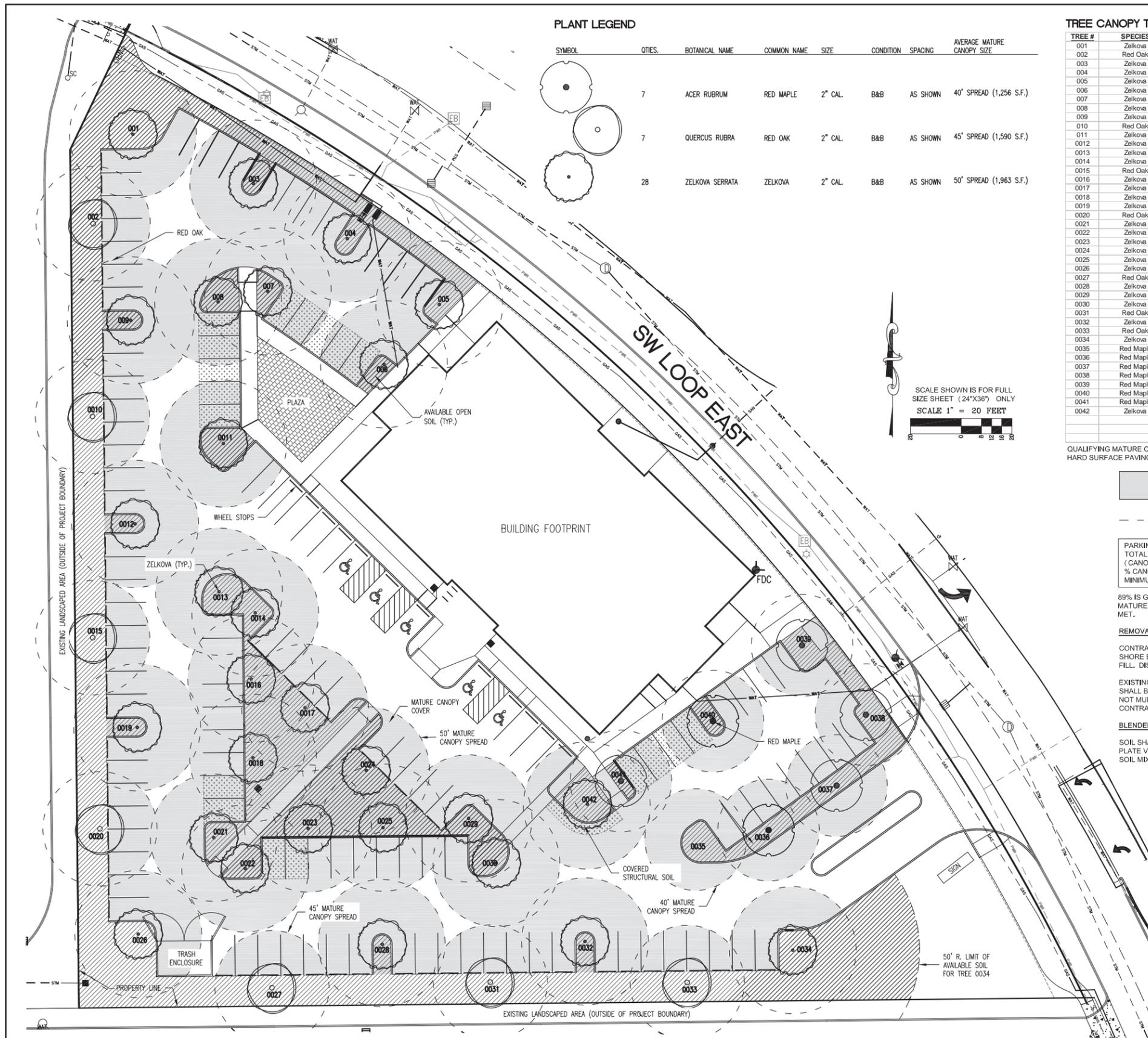
COVERED SOIL VOLUME (Dotted pattern)

PARKING LOT TREE SOIL VOLUME REQUIREMENTS

MIN. SOIL VOLUME REQUIREMENT (C.F. PER TREE)
1,000 C.F.



1 PARKING TREE WITH COVERED SOIL DETAIL
NOT TO SCALE



REVISIONS:

EXAMPLE PARKING LOT TREE CANOPY PLAN

OFFICE LOCATED AT:
1000 1ST STREET, SUITE 1
TIGARD, OREGON 97223
PH: (503) 555-XXXX
FAX: (503) 555-XXXX
EMAIL: INFO@ABC_COLLABORATIVE.COM
LICENSED IN OR, WA, & ID



DESIGNED BY:	DRAWING NO.:
DRAWN BY:	SCALE: AS NOTED
CHECKED BY:	
PREPARED FOR:	HANCOCK ASSOCIATES 1500 SW LOOP ROAD TIGARD, OR 97223

LOOP ROAD IMPROVEMENTS
1011 SW LOOP ROAD

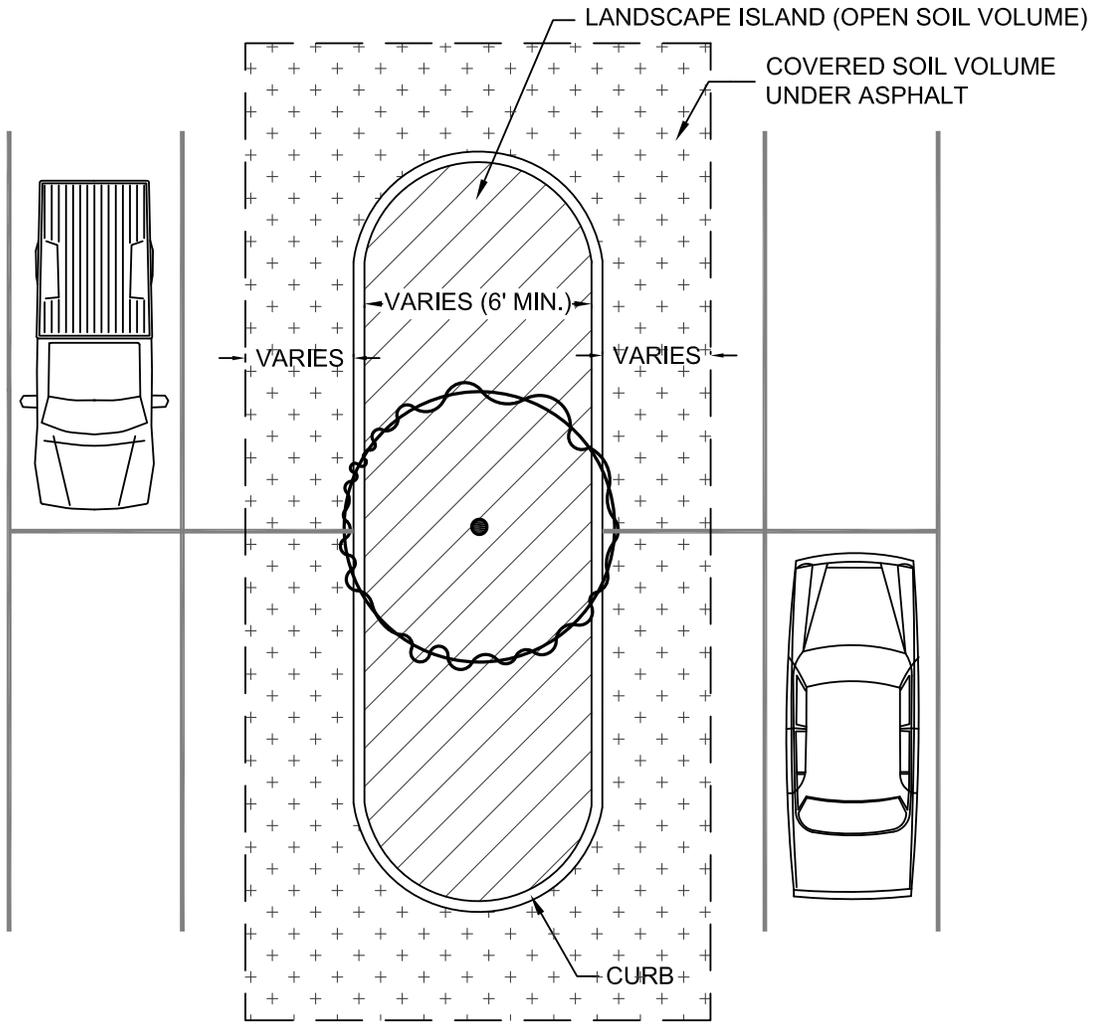
TIGARD
TAX LOT 1000

OREGON
TAX MAP 25 1 09AB

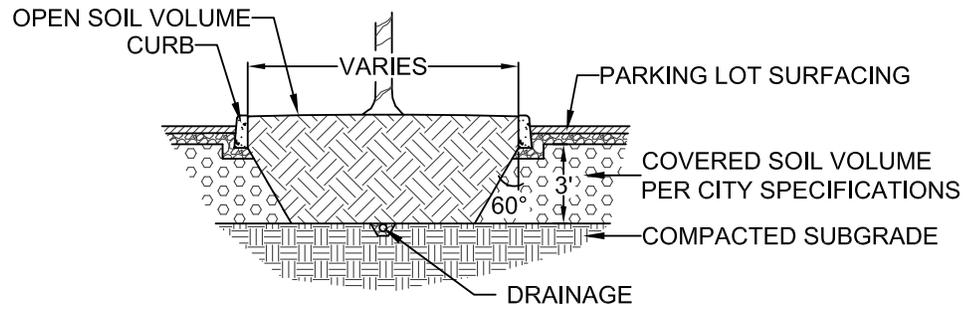
DATE: 07-11-2011



JOB NUMBER	1000
SHEET	APPENDIX 16

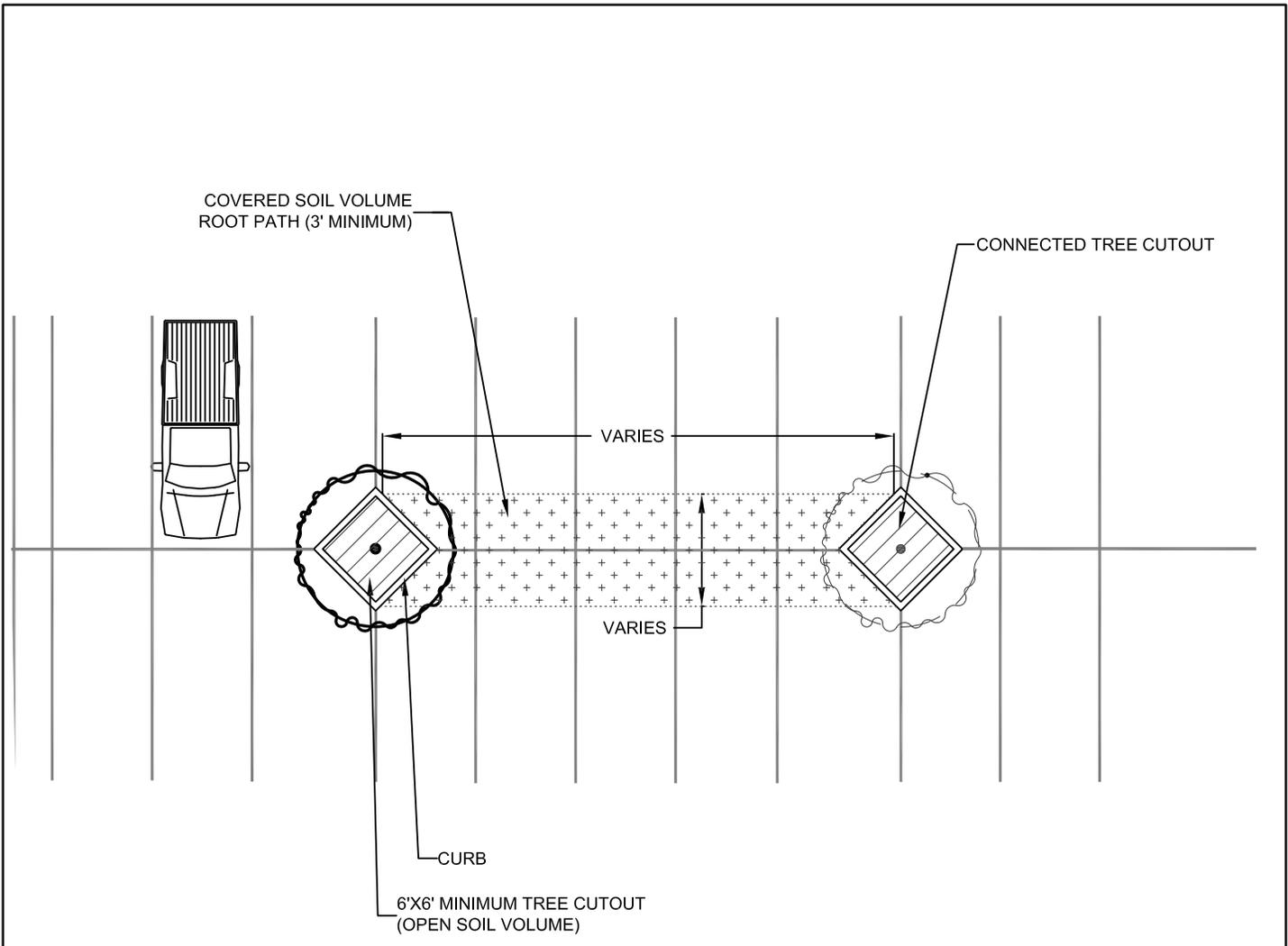


PLAN

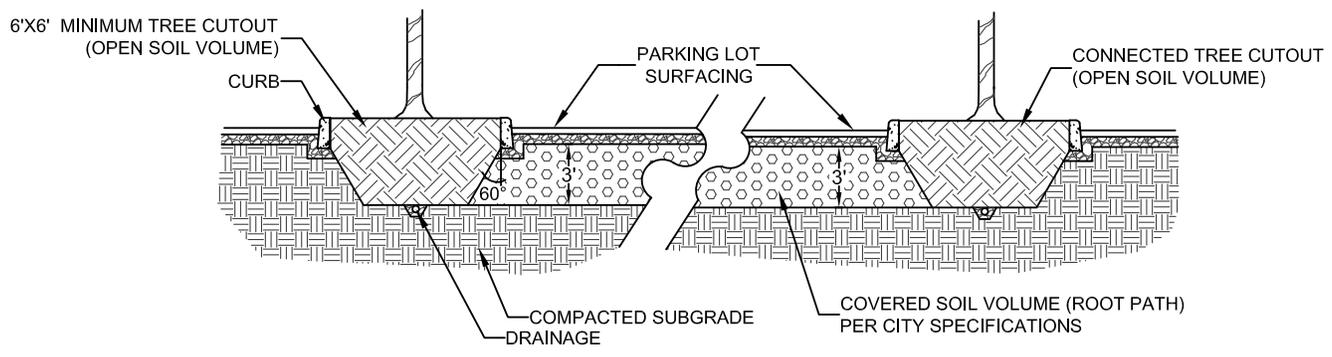


PROFILE

EXAMPLE COVERED SOIL VOLUME PLAN DRAWING – UNDER PARKING LOT OPTION FOR PARKING LOT TREE	NO SCALE
	DWG. NO. APPENDIX 17
	PLAN



PLAN



PROFILE

EXAMPLE COVERED SOIL VOLUME DRAWING— ROOT PATH OPTION FOR PARKING LOT TREE	NO SCALE
	DWG. NO. APPENDIX 17

Example Covered Soil Volume Specifications

Part 1. Covered Soil Materials

- A. Covered soil shall consist of the following mixture of gravel, soil and admixtures:
1. Crushed rock, gradation of 100% passing 1.25 inch, max. 30% passing 0.75 inch;
 2. Loam/Organic Topsoil;
 3. Soil binder such as “Stabilizer”; and
 4. Water.

Part 2. Proportions of Covered Soil Materials

- A. The proportions of covered soil materials shall be as follows:

Material	Amount for 1 CY of Covered Soil	Amount for 4.6 CY of Covered Soil
Crushed Rock	23.2 cubic feet	4 cubic yards
Topsoil	5.9 cubic feet	1 cubic yard
Soil Binder	13.7 ounces	4 pounds
Water	1.6 gallon	46 gallons

- B. The target moisture content is 20% by weight of the topsoil weight. The above water contents assume the top is dry. The amount of water that will need to be added will be dependent on the moisture content of the raw materials. Actual amounts of water used shall be determined during mixing.

Part 3. Covered Soil Mixing Procedures

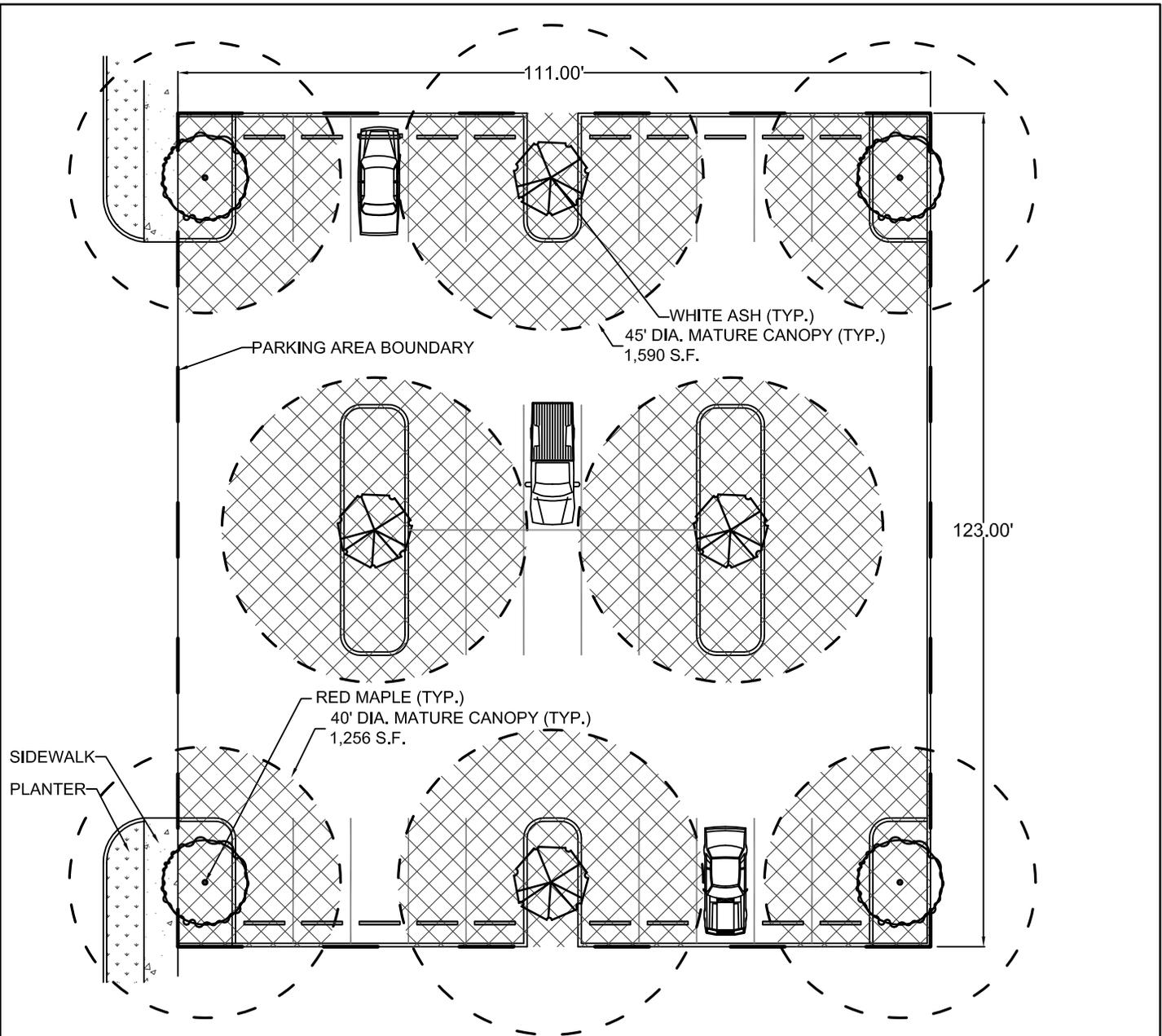
- A. Mix covered soil in batches of an appropriate size for the equipment being used. The end result is to be a material that is uniformly blended together. Do not batch in quantities that will not allow the equipment to completely mix the material. Determine batch size and quantities of each material needed for the batch.
- B. Start with half of the crushed rock material.
- C. Add all of the topsoil material.
- D. Add the soil binder.
- E. Add half of the estimated water.
- F. Add the other half of the crushed rock material.
- G. Mix the material together.
- H. Slowly add water to the mixture and continue to mix. The final amount of water will vary with moisture content of the crushed rock and topsoil. Add water in incremental amounts and mix the material between the additions of water.
- I. Stop adding water and mixing when there is a minute amount of free topsoil remaining. The topsoil will coat the crushed rock and not fall out of the material. All of the crushed rock

shall be uniformly coated with topsoil. There shall be no clumps of topsoil or uncovered crushed rock in the mixture.

- J. If too much water is added to the mixture, water will drain out of the material and the topsoil will wash off of the crushed rock. If this occurs the batch of material shall be discarded and shall not be incorporated into the completed work.

Part 4. Placement of Covered Soil

- A. Protect soils and mixes from absorbing excess water and from erosion at all times. Do not store materials unprotected from rainfall events. Do not allow excess water to enter site prior to compaction. If water is introduced into the material after grading, allow material to drain or aerate to optimum compaction moisture content.
- B. All areas to receive covered soil mixture shall be inspected by the project landscape architect and/or project engineer before starting placement of mixture. All defects such as incorrect grading, compaction and inadequate drainage, etc., shall be corrected prior to beginning placement of covered soil.
- C. Confirm that the sub-grade is at the proper elevation and compacted as required. Sub-grade elevations shall slope parallel to the finished grade. Clear the excavation of all construction debris, trash, rubble and foreign material. Fill any over excavation with approved fill and compact to the required sub-grade compaction.
- D. Install covered soil in 6-inch lifts and spread uniformly over the area. Compact each lift to at least 85 percent of maximum density. Delay placement 24 hours if moisture content exceeds maximum allowable, protect covered soil with plastic or plywood during delay. Take particular care not to damage utilities when installing covered soil. Covered soil that will be the bedding for utility lines shall be compacted to conform to the required grade of the utility line. Do not compact the immediate vicinity above a utility line until a fill depth of at least 12-inches above the utility line is reached.
- E. Bring covered soils to finished grades as shown in the approved drawings. Immediately protect the covered soil material from contamination by water by covering with plastic or plywood.



TOTAL CANOPY AREA OF PARKING LOT TREES* = 11,388 S.F.

TOTAL QUALIFYING MATURE CANOPY COVER = CANOPY COVER DIRECTLY OVER THE PARKING AREA IN SQUARE FEET, INCLUDING PLANTING ISLANDS AND AREAS SURROUNDED BY CURB OR HARD SURFACE PAVING ON AT LEAST THREE SIDES.

 TOTAL QUALIFYING MATURE CANOPY COVER = 8,057 S.F.

PARKING LOT AREA = 13,590 S.F.

PERCENT ACTUAL CANOPY COVER = $(8,057 \text{ S.F.}) / (13,590 \text{ S.F.}) = 59\%$

59% IS GREATER THAN THE MINIMUM OF 30% TOTAL QUALIFYING MATURE CANOPY COVER THEREFORE CITY REQUIREMENTS ARE MET.

*CANOPY AREA PER TREE IS DETERMINED FROM THE VALUE GIVEN IN THE CITY OF TIGARD PARKING LOT TREE LIST FOR A MATURE TREE OF THAT SPECIES.

EXAMPLE PARKING LOT THAT MEETS 30% MINIMUM CANOPY COVER REQUIREMENT	NO SCALE
	DWG. NO. APPENDIX 18



**Proposed Administrative Rule
Urban Forestry Manual Section 1 – Hazard Tree Evaluation and
Abatement Procedures**

Administrative Rule No. 8.06.030 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual creates a process for the reconciliation of hazard tree disputes between neighboring property owners.

2. Sections

Please see Section 1 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 2, Part 1 – Street Tree Planting
Standards**

Administrative Rule No. 8.08.030 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual creates a process for property owners to plant trees along streets.

2. Sections

Please see Section 2, Part 1 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 2, Part 2 – Street Tree Maintenance
Standards**

Administrative Rule No. 8.08.040 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual creates a process for property owners to maintain trees along streets.

2. Sections

Please see Section 2, Part 2 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 3 – Street Tree Removal Standards**

Administrative Rule No. 8.08.050 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual creates a process for property owners to remove street trees.

2. Sections

Please see Section 3 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 4, Part 1 – Median Tree Planting
Standards**

Administrative Rule No. 8.08.060 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual creates a process for property owners to plant median trees.

2. Sections

Please see Section 4, Part 1 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 4, Part 2 – Median Tree
Maintenance Standards**

Administrative Rule No. 8.08.070 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual creates a process for property owners to maintain median trees.

2. Sections

Please see Section 4, Part 2 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 5– Median Tree Removal
Standards**

Administrative Rule No. 8.08.080 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual creates a process for property owners to remove median trees.

2. Sections

Please see Section 5 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



Proposed Administrative Rule
Urban Forestry Manual Section 6 – Sensitive Lands Tree Removal
and Replacement Standards

Administrative Rule No. 8.10.040 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual details the approval criteria for sensitive lands tree removal through the City Manager Decision Making Procedures (Part 1), including Sensitive Lands Tree Replacement Standards (Part 2).

2. Sections

Please see Section 6 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 7 – Development Tree Removal
and Replacement Standards**

Administrative Rule No. 8.12.040 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual details the approval criteria for development tree removal through the City Manager Decision Making Procedures (Part 1), including replacement standards for development trees (Part 2).

2. Sections

Please see Section 7 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 8 – Urban Forestry Fund Tree
Removal and Replacement Standards**

Administrative Rule No. 8.14.040 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual details the approval criteria for Urban Forestry Fund Tree Removal through the City Manager Decision Making Procedures (Part 1), including Urban Forestry Fund Tree Replacement Standards (Part 2).

2. Sections

Please see Section 8 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 9 – Heritage Tree Designation
Removal Standards**

Administrative Rule No. 8.16.070 01 01
TMC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual details the approval criteria for heritage tree designation removal through the City Manager Decision Making Procedures.

2. Sections

Please see Section 9 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



Proposed Administrative Rule
Urban Forestry Manual Section 10 – Urban Forestry Plan Standards

Administrative Rule No. 18.790.030 01 01
TDC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual details urban forestry plan standards including tree preservation and removal site plan requirements, tree canopy site plan requirements, supplemental report requirements, tree canopy fee calculation requirements and significant tree grove preservation considerations.

2. Sections

Please see Section 10 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 11 – Urban Forestry Plan
Implementation Standards**

Administrative Rule No. 18.790.060 01 01
TDC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual details urban forestry plan implementation standards including inspection requirements, tree establishment requirements, and urban forest inventory requirements.

2. Sections

Please see Section 11 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



Proposed Administrative Rule
Urban Forestry Manual Section 12 – Street Tree Soil Volume Standards

Administrative Rule No. 18.745.040 01 01
TDC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual details street tree soil volume standards including soil volume requirements, soil volume calculation requirements, and soil volume plan requirements.

2. Sections

Please see Section 12 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



**Proposed Administrative Rule
Urban Forestry Manual Section 13 – Parking Lot Tree Canopy
Standards**

Administrative Rule No. 18.745.050 01 01
TDC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual details parking lot tree canopy standards including parking lot tree requirements, soil volume calculation requirements, and parking lot tree canopy plan requirements.

2. Sections

Please see Section 13 of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



Proposed Administrative Rule Urban Forestry Manual Appendices

Administrative Rule No. 00.000.000 01 01
TDC # Rule # Version #

Effective Date: _____

1. Description

This section of the proposed Urban Forestry Manual includes:

- Appendix 1: Tree Risk Assessment Form
- Appendix 2: Street Tree List
- Appendix 3: Parking Lot Tree List
- Appendix 4: Columnar Tree List
- Appendix 5: Native Tree List
- Appendix 6: Nuisance Tree List
- Appendix 7: Example Tree Preservation and Removal Site Plan
- Appendix 8: Example Tree Canopy Site Plan
- Appendix 9: Example Supplemental Report Template
- Appendix 10: Example Tree Canopy Site Plan for an Individual Lot
- Appendix 11: Example Soil Volume Calculations for Street Trees
- Appendix 12: Example Soil Volume Plan
- Appendix 13: Example Soil Volume Plan for a Single Lot
- Appendix 14: Example Covered Soil Volume Plan Drawings and Example Covered Soil Specifications for Street Trees
- Appendix 15: Example Soil Volume Calculations for Parking Lot Trees
- Appendix 16: Example Parking Lot Tree Canopy Plan
- Appendix 17: Example Covered Soil Volume Plan Drawings and Example Covered Soil Specifications for Parking Lot Trees
- Appendix 18: Example Parking Lot that Meets the 30% Minimum Canopy Cover requirement

2. Sections

Please see the appendix of the proposed City of Tigard Urban Forestry Manual in the City of Tigard Urban Forestry Code Revisions Volume IV (attached).

Approved by:

Martha L. Wine, City Manager

Date



City of Tigard Memorandum

To: Tigard City Council
From: Marissa Daniels, Associate Planner
Re: Administrative Rules
Date: January 22, 2013

The City Council will continue discussion of the Administrative Rules portion of the Urban Forestry Code Revisions. At the September 11, 2012, public hearing, staff presented a list of 47 “issues of interest” to capture Council feedback. At that time, Council gave direction to staff to categorize and simplify the list of issues to be discussed. The result of that process is repeated on page 3 of this memo (Discussion Guide). Issues related to the code were discussed on October 23, 2012 and November 13, 2012. Issues related to the administrative rules will be discussed now that the code portion of the proposal is adopted. This discussion is scheduled for January 22, 2013.

Administrative Rules Process

The administrative rulemaking procedure is described in Municipal Code section 2.04.070, and includes notice to both council and the public. Staff formally notified council of the proposed administrative rules on December 13, 2012. Councilors Woodard and Henderson both notified City Manager Marty Wine by the deadline that they desire to put the administrative rules for discussion as part of the next available council agenda.

Public notice of the administrative rules discussion was sent on January 7, 2013.

Council is scheduled to discuss the administrative rules on January 22, 2013 and February 5, 2013.

Discussion Format

Staff anticipates using an approach similar to the code items. Working from Council’s 47 issues of interest, the issues related to the administrative rules have been separated into two categories:

- **Administrative Issues** are items where Council has indicated a desire to look at potential changes to the Planning Commission’s recommendation. Staff will provide a detailed response to each of the administrative issues in advance of council’s discussion.

- **Issues for Clarification** are informational in nature. If there is an item in this category you'd like to raise for group discussion, please do so on January 22, 2013.

Future issues will not be considered in the adoption of the code at this time. For example, solar access was identified by Council as a future work item. **Issues Resolved** indicates issues discussed previously with some resolution or clarification items that were not raised by council during the public hearing process.

Expected Revisions

Throughout the public hearing process, staff has heard several potential revisions to the Urban Forestry Manual to be made during the administrative rules process. Staff is currently working to identify sections where additional flexibility can be added, and to provide council with options on the level of flexibility desired. Below is a summary of sections where Council may desire flexibility.

Discussion Guide

Urban Forestry Code Revision Issues of Interest – September 11, 2012

Category	Issue	Type			
		Policy	Clarification	Future	Resolved
Standards for Development	5. Is the canopy approach appropriate as a regulatory tool?				<input checked="" type="checkbox"/>
	10. How will the requirements apply to large subdivisions vs. small infill (i.e. partitions) and redevelopment sites?				<input checked="" type="checkbox"/>
	11. Should developers be required to maintain trees for two years after planting to ensure establishment?				<input checked="" type="checkbox"/>
	7. Are the canopy requirements a regulatory taking?				<input checked="" type="checkbox"/>
Administrative Rules - Details	32. Are the tree planting, removal and thinning standards internally consistent?			C1	
	33. What is the “built environment” (e.g. trees are allowed to be removed if their roots damage the “built environment”)?			C2	
	35. Are there some inappropriate trees on the lists such as London Plane Tree?			A1	
	36. How was the nuisance tree list developed?			C3	
	39. Should there be spacing standards between trees and from buildings?			A2	
	40. Why are there different standards for planting open grown vs. stand grown trees?			C4	
	44. Why is it necessary to specify sheet size and scale for development plans?			A3	
	45. Is it necessary for the city to have hard copies submittals of development plans?			A3	
	46. Is requiring tree protection inspections by arborists/landscape architects twice monthly during development excessive?			A4	
Administrative Rules – Tree Lists	48. Complexity of requirements to draw plans.			A3	
	34. Do the tree lists provide enough options?			A1	
	35. Are there some inappropriate trees on the lists such as London Plane Tree?			A1	
	36. How was the nuisance tree list developed?			C3	
	37. Is there a federal definition of a nuisance tree that can be used to develop the list?			C5	
	38. Should Norway Maple be removed from the nuisance tree list?			A1	
Tree Permit Requirements	43. Are there trees on the list that will cause damage to underground pipes and utilities?			C6	
	22. Should a permit be required to remove trees that were planted or preserved with development?				<input checked="" type="checkbox"/>
	21. Should permits continue to be required to remove trees on private property?				<input checked="" type="checkbox"/>
	20. Are the proposed permit requirements more restrictive than the existing permit requirements?				<input checked="" type="checkbox"/>
	23. Who will serve on the board or committee that makes decisions regarding removing healthy, protected trees?				<input checked="" type="checkbox"/>
Hazard Trees	25. Why does the code allow the removal and replacement of trees that die within three years of planting (e.g.8.12.040)?				<input checked="" type="checkbox"/>
	28. Should hazard trees be prohibited in Tigard?				<input checked="" type="checkbox"/>
	27. How do the hazard tree requirements relate to insurance requirements?				<input checked="" type="checkbox"/>
	26. Will the hazard tree requirements be effective in requiring removal of hazard trees when there are disputes?				<input checked="" type="checkbox"/>
Administrative Rules - General	29. Are there conflicts between the hazard tree requirements and the recently adopted nuisance code?				<input checked="" type="checkbox"/>
	16/30. Should the Administrative Rules (Urban Forestry Manual) be eliminated and the elements moved into the Code?				<input checked="" type="checkbox"/>
	*Does the proposal increase the cost of development due to the tree canopy plan and soil volume plan requirements?				<input checked="" type="checkbox"/>
	14. Do the administrative rules that implement the development code meet state land use law?				<input checked="" type="checkbox"/>
	15. Will the use of administrative rules lead to more appeals of development projects?				<input checked="" type="checkbox"/>
	17. Do the administrative rules for the development code need to be so detailed?			A5	
Soil Volumes	31. Are the administrative rules a solution in search of a problem?			C7	
	9/13. Will the cost of development increase due to the tree canopy plan and soil volume plan requirements?				<input checked="" type="checkbox"/>
Funding	*Should parking lot canopy (and associated soil volume) be required, since it could lead to increased development costs?				<input checked="" type="checkbox"/>
	*How will funding of the Urban Forestry Program be affected by the proposal?				<input checked="" type="checkbox"/>
Proposal Development Process	1. Was there a balance of viewpoint when developing the proposal?				<input checked="" type="checkbox"/>
	2. Is there a disconnect between where we started (i.e. Comp Plan and Urban Forestry Master Plan) and where we ended?				<input checked="" type="checkbox"/>
	3. Do Tigard residents support a 40% long term canopy goal?				<input checked="" type="checkbox"/>
	4. Is the 40% canopy goal for all private property or is it citywide?				<input checked="" type="checkbox"/>
	19. Should there be a review period after adoption?				<input checked="" type="checkbox"/>
	36. How was the nuisance tree list developed?				<input checked="" type="checkbox"/>
Future Work Items	8. Will the canopy requirements prevent solar access?			<input checked="" type="checkbox"/>	
	24. Should people have the right to significant view corridors such as Mt. Hood views?			<input checked="" type="checkbox"/>	
	41. Should there be limits on tree heights in order to preserve significant view corridors such as Mt. Hood views?			<input checked="" type="checkbox"/>	
	42. Should there be restrictions on planting evergreen trees on the south side of streets (due to winter shade/ice issues)?			<input checked="" type="checkbox"/>	

* Denotes issues raised on September 11, 2012

Administrative Issues

A1	<p>Issue of Interest: Are there some inappropriate trees on the lists such as London Plane Tree? Do the tree lists provide enough options? Should Norway Maple be removed from the nuisance tree list?</p>
	<p>Staff Response: The tree lists in Appendices 2 through 5 of the Urban Forestry Manual were developed by researching the tree lists from other cities in the Portland region. The most successful and appropriate trees were selected from the other cities' lists to create Tigard's lists. The lists were reviewed and recommended for approval by the Citizen Advisory Committee, Technical Advisory Committee and Peer Review Consultants. All of these reviewing bodies included members with expertise in urban forestry and urban tree species.</p> <p>There is a total of 123 trees on the tree lists that are appropriate for various applications from parking lots to natural areas. However, it is important to note that applicants are not limited to using only those trees on the city's lists. Any tree species not on the lists may be used if approved by the city during the application process.</p> <p>Norway Maple is included on the nuisance tree list in Appendix 6 of the Urban Forestry Manual because it is capable of spreading at such a rate that it causes harm to the natural environment. The process for developing the nuisance tree list is detailed in Issue C3 below.</p>
	<p>Staff Recommendation: Approve the tree lists in Appendices 2 through 6 of the Urban Forestry Manual.</p> <p>However, as mentioned in Potential Amendment 4, council will need to provide staff with direction on which species to add or delete if they decide to revise the lists.</p>
A2	<p>Issue of Interest: Should there be spacing standards between trees and from buildings?</p>
	<p>Staff Response: The purpose of having spacing standards between trees and from buildings is to ensure healthy and sustainable tree growth to maturity. When trees are planted too closely together it results in excessive competition between trees, which can weaken their health and stability as they grow over time. When trees are planted too closely to buildings, their roots can cause damage to building foundations and branches and leaves can cause increased roof and gutter maintenance. The spacing standards limit these future conflicts.</p> <p>During previous council discussions, there were concerns raised about possible scenarios where site constraints would not allow the building setback standards to be met. To address this concern, staff recommends increasing flexibility in the building</p>

	setback requirement.
	Staff Recommendation: Increase building setback flexibility in Urban Forestry Manual Sections 10.2.L.1-4 and 10.2.M.3-5. Include language to the effect that "The setback from the face of habitable buildings may be reduced if approved by the city manager or designee." See Potential Amendment 5.

A3	Issue of Interest: Why is it necessary to specify sheet size and scale for development plans? Is it necessary for the city to have hard copy submittals of development plans? Complexity of requirements to draw plans.
	<p>Staff Response: The sheet size and bar scales are specified to ensure applicants have a clear understanding of the city's submittal requirements. Currently, these submittal requirements are not clearly stated, so applicants often submit plans on sheets or at scales that are not legible for review which delays the approval process. Documenting these requirements in the Urban Forestry Manual is intended to increase the efficiency of the approval process. However, flexibility may be warranted if alternate sheet sizes or scales are submitted and still legible for review by the city staff. Therefore, staff recommends increasing flexibility on sheet size and scale requirements.</p> <p>Hard copy submittals are currently required for development plans to create a record of permit approvals. The requirement in the Urban Forestry Manual for hard copy submittals of urban forestry plans continues the city's administrative practices.</p> <p>Finally, AKS Engineering and Forestry did not find that the requirements to draw plans were overly complex when they tested the requirements during the peer review phase. What they found was that they referred to the requirements only when there were specific questions when drawing the plans. If the requirements were not written down in the Urban Forestry Manual, it would have led to subjectivity when creating and reviewing the plans which increases the likelihood of appeals.</p>
	<p>Staff Recommendation: Retain requirements in the Urban Forestry Manual for drawing plans and submitting hard copies.</p> <p>Increase flexibility by allowing alternate sheet sizes (in Sections 10.1.A, 10.2.A, 12.3.B and 13.3.B) and bar scales (in Sections 10.1.D and 10.2.D). Include language to the effect of "Alternate sheet sizes/bar scales may be allowed if approved by the city manager or designee." See Potential Amendments 1 and 2.</p>

A4	Issue of Interest: Is requiring tree protection inspections by arborists/landscape architects twice monthly during development excessive?
	Staff Response: The city currently requires twice monthly tree protection inspections as a condition of development approval. Documenting this requirement in the Urban Forestry Manual continues the city's current administrative practice and makes applicants aware of it in advance of application process.

	<p>The reason the city requires twice monthly inspections is to ensure tree protection plans are implemented and trees are adequately protected during development. This had been invaluable in avoiding damage to trees during development, fines and delays for applicants and damaged and/or hazardous trees for subsequent property owners.</p> <p>There may be situations where flexibility on the twice monthly inspection requirement is warranted. For example, a preserved tree may be far enough away from planned development activities that there is little chance it will be damaged. In this case, monthly inspections may suffice. Therefore, staff recommends increasing flexibility on the twice monthly inspection requirement.</p> <p>Staff Recommendation: Increase flexibility on the twice monthly inspection requirement in Urban Forestry Manual Section 11.1.B. Include language to the effect that "The frequency of site inspections may be decreased if approved by the city manager or designee." See Potential Amendment 7.</p>
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A5	Issue of Interest: Do the administrative rules for the development code need to be so detailed?
	<p>Staff Response: The purpose of the administrative rules in the Urban Forestry Manual is to more clearly articulate the city's code requirements for both development applicants and the general public.</p> <p>One of the main problems identified with the city's existing code is the vagueness of code requirements. This vagueness has led to staff interpretations, conditions of approval or relying on unwritten past practice when issuing decisions. This creates uncertainty and tends to increase the cost of development because of more delays and appeals.</p> <p>The administrative rules for the development code were developed in conjunction with homebuilders and the public on the Citizen Advisory Committee to make code implementation more efficient.</p> <p>The administrative rules were extensively tested as part of the peer review by AKS Engineering and Forestry, a local development consulting firm. What AKS found during the peer review was that the administrative rules were only referred to when there were specific questions to be answered.</p> <p>For example, during the peer review AKS wanted to better understand how to calculate tree canopy for street trees. They referred to the Urban Forestry Manual to confirm that street trees do receive full canopy credit even though they are planted in the right of way and not within the development site.</p> <p>If this detail was not included in the Urban Forestry Manual, it would be challenging to answer the question. In a real world scenario, this could have led to an appeal if someone disagreed with the decision.</p>

	<p>This example illustrates that the detail in the Urban Forestry Manual is not intended to make the requirements more complex, but rather to increase certainty during the development process.</p>
	<p>Staff Recommendation: Retain the existing level of detail in the Urban Forestry Manual.</p>

Issues for Clarification

C1	Issue of Interest: Are the tree planting, removal and thinning standards internally consistent?
	Staff Response: Staff has reviewed the tree planting, removal and thinning standards and determined they are internally consistent.
C2	Issue of Interest: What is the “built environment” (e.g. trees are allowed to be removed if their roots damage the “built environment”)?
	<p>Staff Response: The tree removal standards in Sections 3, 5, 6, 7 and 8 of the Urban Forestry Manual allow trees to be removed if their roots "are causing damage to paved surfaces, infrastructure, utilities, buildings or other parts of the built environment."</p> <p>The "built environment" is included as a catch all term to include all other things that have been constructed by people.</p>
C3	Issue of Interest: How was the nuisance tree list developed?
	<p>Staff Response: Morgan Holen, certified arborist and forest biologist, served on the Citizen Advisory Committee. Just prior to the development of the City of Tigard's nuisance tree list, Ms. Holen was contracted by the City of Lake Oswego to develop their nuisance tree list for very similar purposes (to exempt certain species from tree permit requirements). In order to benefit from the up to date work of another expert in an adjacent city, staff utilized the City of Lake Oswego's list for the City of Tigard's purposes.</p> <p>Ms. Holen's process began with compiling nuisance tree lists from other local jurisdictions such as Clean Water Services and the City of Portland. She then researched and verified the list of tree species using additional sources such as the Native Plant Society of Oregon and the Plant Conservation Alliance.</p> <p>Finally, Ms. Holen further refined the list by contacting local ISA certified arborists and receiving additional feedback. She identified twelve local tree species as capable of spreading at such a rate that they cause harm to human health, the environment and/or the economy.</p> <p>These twelve species were peer reviewed and approved by Tigard's Citizen Advisory Committee and Technical Advisory Committee (both included experts on nuisance tree species), and are proposed for inclusion in the City of Tigard's nuisance tree list.</p> <p>It is important to note that the purpose of the nuisance tree list is to automatically allow the removal of nuisance trees when requested as part of the tree removal permit process. There is no requirement to remove nuisance trees if an owner wants to retain</p>

	them.
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C4	Issue of Interest: Why are there different standards for planting open grown vs. stand grown trees?
	Staff Response: Open grown trees and stand grown trees serve two different purposes. Open grown trees are typically ornamental trees that provide a focal point in a landscape. Open grown trees are usually planted in residential yards, parking lots or along streets. Stand grown trees are typically native trees found in natural areas, tree groves or along streams. The reason there are different planting standards is because open grown trees need more space to achieve their desired landscape effect whereas stand grown trees are planted at much closer spacing to account for expected competition and mortality in their natural setting.

C5	Issue of Interest: Is there a federal definition of a nuisance tree that can be used to develop the list?
	Staff Response: There is not a federal definition of a nuisance tree. See Issue C3 to see how Tigard's nuisance tree list was developed.

C6	Issue of Interest: Are there trees on the list that will cause damage to underground pipes and utilities?
	Staff Response: The filter for including trees on the lists included non-aggressive rooting habits and low likelihood of causing damage to pipes and utilities. However, any tree has the potential to cause damage if planted too close to a pipe or utility. Therefore, the Urban Forestry Manual also includes setback requirements from pipes and utilities to minimize the possibility of damage.

C7	Issue of Interest: Are the administrative rules a solution in search of a problem?
	Staff Response: As described in Issue A5, the purpose of the administrative rules is to more clearly articulate the city's code requirements for both development applicants and the general public. One of the main problems identified with the city's existing code is the vagueness of code requirements. This vagueness has lead to staff interpretations, conditions of approval or relying on unwritten past practice when issuing decisions. This creates uncertainty and tends to increase the cost of development because of more delays and appeals. The administrative rules were developed in conjunction with homebuilders and the public on the Citizen Advisory Committee to make code implementation more

	efficient.
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City of Tigard Memorandum

To: Tigard City Council

From: Marissa Daniels, Associate Planner

Re: UFCR Master Fees and Charges

Date: January 22, 2012

As part of the Urban Forestry Code Revisions project, council is being asked to consider amendments to the Citywide Master Fees and Charges Schedule. The primary reason for these changes is the shift from a mitigation approach to a tree canopy approach. The fees being proposed are less than the existing fees and on the lower end of fees across the region. Additional information about specific changes being proposed, how the fees were calculated, and comparing the fee-in-lieu option between the new and existing code is provided below.

Specific Changes

Staff is proposing new and amended fees, which are further described in Exhibit A, to implement the changes adopted through the Urban Forestry Code Revisions Project. These changes include:

- Three existing land use review fees (Tree Removal, Landscaping Adjustments for Existing and New Street Trees, and Tree Removal Adjustments) are proposed to be eliminated because the corresponding land use reviews were eliminated.
- The existing Tree Replacement Fee is proposed to be eliminated because the corresponding in lieu of tree mitigation fee was eliminated

Background

The proposed new and amended fees and charges were prepared by city staff in consultation with a Citizen Advisory Committee, a Technical Advisory Committee, and median cost estimates published by the Pacific Northwest Chapter of the International Society of Arboriculture (PNWISA).

The Planning Commission held several hearings on the proposal, and ensuring the Urban Forestry Code Revisions do not result in an excessive increase in costs for development emerged as one of two major themes. The Commission compared the proposed fee to the existing fee in the code, as well as fees across the region. This provided them further evidence that the proposed fee is fair and reasonable, because it is less than the existing fee and on the

lower end of fees across the region. For additional information and comparison charts, please see Volume I, p. 35 or Volume V, p. 13.

Fee-in-lieu Comparison

One important distinction between the existing fees and the proposed fees is the fee-in-lieu of tree mitigation vs. the tree canopy replacement fee. In addition to the fee being less than the existing fee and on the lower end of fees across the region, the peer review results demonstrate that the proposed code has been structured so that the canopy requirements are achievable on the typical range of development projects in Tigard, without requiring payment of a fee-in-lieu. This is in contrast to the existing code where the mitigation requirements are not achievable for many projects, particularly those with many large existing trees. Therefore, the commission viewed the tree canopy fee as a fair and reasonable option for choosing not to plant or preserve trees, rather than something applicants will be required to pay for typical projects. For additional information, please see Volume I, p. 36 or Volume V, p. 130.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-~~XXXXXXX~~
13-_____

A RESOLUTION TO AMEND THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE AS ADOPTED BY RESOLUTION NO. 12-22 TO INSTITUTE NEW AND REVISED FEES NECESSARY TO IMPLEMENT THE URBAN FORESTRY CODE REVISIONS PROJECT.

WHEREAS, Tigard Municipal Code Chapter 3.32 authorizes City Council to review and adopt by resolution rates and fees for charges reasonably related to the City's cost of service; and

WHEREAS, the City of Tigard has a Master Fees and Charges Schedule that was last reviewed and adopted by Resolution 12-22; and

WHEREAS, City staff has proposed new and amended fees and charges to recover administrative and material costs in administering the code changes proposed through the Urban Forestry Code Revisions Project; and

WHEREAS, on November 27, 2012, the Tigard City Council adopted amendments to the Tigard Comprehensive Plan (CPA2011-00004; ORD 12-XX), the Community Development Code (DCA2011-00002; ORD 12-XX) and the Tigard Municipal Code (ORD 12-XX) to implement the Urban Forestry Code Revisions Project; and

WHEREAS, the proposed new and amended fees and charges, which are further described in Exhibit A, were prepared by city staff in consultation with a Citizen Advisory Committee, a Technical Advisory Committee, and median cost estimates published by the Pacific Northwest Chapter of the International Society of Arboriculture (PNWISA); and

WHEREAS, three existing land use review fees (Tree Removal, Landscaping Adjustments for Existing and New Street Trees, and Tree Removal Adjustments) are proposed to be eliminated because the corresponding land use reviews are proposed to be eliminated by DCA2011-00002; and

WHEREAS, the existing Tree Replacement Fee is proposed to be eliminated because the corresponding in lieu of tree mitigation fee is proposed to be eliminated by DCA2011-00002; and

WHEREAS, a failure to update the Master Fees and Charges Schedule would create regulatory and economic uncertainty and inhibit the orderly implementation of the City of Tigard's land use regulations and urban forestry program; and

WHEREAS, Tigard City Council finds it necessary to delay implementation of the Urban Forestry Code Revisions until March 1, 2013, to ensure an orderly administrative transition to the new urban forestry regulations.

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

SECTION 1: The new and amended fees and charges are enumerated and set as shown in "**EXHIBIT B**".

SECTION 2: The description of the new and amended fees and charges in **EXHIBIT A**, are adopted as legislative intent.

SECTION 3: This resolution shall be effective March 1, 2013.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, ~~2012~~ 2013

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, ~~2012~~ 2013

~~Craig Dirksen, Mayor~~
John L. Cook, Mayor

Approved as to form:

City Attorney

Date

Non Land Use Fees

Hazard Tree Dispute Resolution Fee

\$165 per tree plus \$55 for each additional tree*

*The Hazard Tree Dispute Resolution Fee is based upon cost estimates provided by local International Society of Arboriculture (ISA) certified arborists, with an additional 10% to cover contingency and administrative costs incurred by City of Tigard staff.

In Lieu of Planting Fees (Planting and 3 Years of Early Establishment)

\$537 per 1.5 inch caliper street tree*

\$537 per 1.5 inch caliper open grown tree*

\$383 per 0.5 inch caliper stand grown tree**

*The In Lieu of Planting Fees for 1.5 inch caliper street trees and other open grown trees is based on a formula that combines 50% of the published PNWISA wholesale median tree cost estimate to purchase and install a three inch diameter tree, with the average historical cost for City of Tigard staff to perform three years of maintenance on a 1.5 inch caliper tree.

**The In Lieu of Planting Fee for a tree of two feet in height or one gallon container size (estimated 0.5 inch caliper) for stand grown trees is based on a formula that combines 16.6% of the published PNWISA wholesale median tree cost estimate to purchase and install a three inch diameter tree, with the average historical cost for City of Tigard staff to perform three years of maintenance on a 0.5 inch caliper tree.

Tree Permit Fees

City Board or Committee Tree Permit* - \$307 per tree up to and including 10 trees. If over 10 trees, the applicant submits a deposit of \$307 for each tree over 10 trees up to a maximum of \$5000. The applicant is charged actual staff time to process the permit and will be refunded the balance of the deposit if any remains after the review is complete. The applicant is charged actual staff time to process the permit and will be refunded the balance of the deposit if any remains after the review is complete

City Manager Tree Permit** - No charge

*The City Board or Committee Tree Permit Fee matches the existing fee structure for tree removal permits and is comparable to fees charged by an adjacent jurisdiction for a similar review for tree removal.

** The Urban Forestry Code Revisions Citizen Advisory Committee recommended no fee be charged for City Manager Tree Permits because it is a relatively simple review and the city does not currently charge for similar reviews.

Land Use Fees

Tree Canopy Fee

\$2.95 per square foot of tree canopy*

*The Tree Canopy Fee was developed by converting the most recent wholesale median cost of a three inch diameter deciduous tree in the Willamette Valley, as determined by the PNWISA, divided by an average canopy size of 59 square feet for a three inch diameter deciduous tree as determined through the Krajicek methodology and local field samples. See the Tree Canopy Fee memo in Urban Forestry Code Revisions Volume V for a more detailed description of the methodology used to develop the Tree Canopy Fee.

Urban Forestry Inventory Fees

\$137 per open grown tree*

\$181 per stand of trees*

*The Urban Forestry Inventory Fees are based upon cost estimates provided by local ISA certified arborists increased by 10% for contingency and to cover administrative costs incurred by City of Tigard staff.

Tree Establishment Bond (Planting and Early Establishment)

\$489 per 1.5 inch caliper open grown tree for subdivisions and minor land partitions*

\$441 per 1.5 inch caliper open grown tree for land use review types other than subdivisions and minor land partitions**

\$367 per 0.5 inch caliper stand grown tree for subdivisions and minor land partitions***

\$351 per 0.5 inch caliper stand grown tree for land use review types other than subdivisions and minor land partitions ****

*The Tree Establishment Bond for the planting and maintenance of a 1.5 inch caliper tree for the required two years in subdivisions and minor land partitions is based on a formula that combines 50% of the published PNWISA wholesale median tree cost estimate to purchase and install a 3 inch diameter tree, with the average historical cost for City of Tigard staff to perform two years of maintenance on a 1.5 inch caliper tree.

**The Tree Establishment Bond for the planting and maintenance of a 1.5 inch caliper tree for the required one year in land use review types other than subdivisions and minor land partitions is based on a formula that combines 50% of the published PNWISA wholesale median tree cost estimate to purchase and install a 3 inch diameter tree, with the average historical cost for City of Tigard staff to perform one year of maintenance on a 1.5 inch caliper tree.

***The Tree Establishment Bond for the planting and maintenance of a tree two feet in height or one gallon container size (estimated 0.5 inch caliper) for the required two years in subdivisions and minor land partitions is based on a formula that combines 16.6% of the published PNWISA cost estimate to purchase and install a 3 inch caliper tree, with the average historical cost for City of Tigard staff to perform two years of maintenance on a 0.5 inch caliper tree.

****The Tree Establishment Bond for the planting and maintenance of a tree two feet in height or one gallon container size (estimated 0.5 inch caliper) for the required one year in land use review types other than subdivisions and minor land partitions is based on a formula that combines 16.6% of the published PNWISA cost estimate to purchase and install a 3 inch caliper tree, with the average historical cost for City of Tigard staff to perform one year of maintenance on a 0.5 inch caliper tree.

Urban Forestry Plan Review Fees*

\$627 for a Type I Modification to the Urban Forestry Plan Component of an Approved Land Use Permit**

\$392 for a Type III Discretionary Urban Forestry Plan Review Permit concurrent with another Type III hearing***

\$2,418 for a Type III Discretionary Urban Forestry Plan Review permit without a concurrent Type III hearing****

*A Long Range Planning surcharge of 14.76% has been added to all land use review fees pursuant to City Council resolution No. 04-99, passed and effective on December 28, 2004

**The fee to process a Type I Modification to the Urban Forestry Plan Component of an Approved Land Use Permit is based upon the fee to process a Minor Modification to an Approved Land Use Permit due to the administrative similarity of the two processes.

***The fee to process a Type III Discretionary Urban Forestry Plan Review Permit concurrent with another Type III hearing is equivalent to a comparable fee for a concurrent Detailed Plan Review due to the administrative similarity of the two processes.

****The fee to process a Type III Discretionary Urban Forestry Plan Review permit without a concurrent Type III hearing is equivalent to a comparable fee for a non concurrent Detailed Plan Review due to the administrative similarity of the two processes

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - DEVELOPMENT SERVICES PLANNING			
	<u>Accessory Residential Units</u>	\$307.00	7/1/2012
	<u>Annexation</u> (As of July 1, 2006 a moratorium on this fee was in effect, per Resolution 11-08, through February 2012)	\$2,875.00	7/1/2012
	<u>Appeal</u>		
	Director's Decision (Type II) to Hearings Officer	\$300.00	7/1/2012
	Expedited Review (Deposit)	\$360.00	7/1/2012
	Hearings Referee	\$600.00	7/1/2012
	Planning Commission/Hearing's Officer to City Council	\$2,890.00	7/1/2012
	<u>Approval Extension</u>	\$307.00	7/1/2012
	<u>Colocation (of Wireless Communication Facilities)</u>	\$52.00	7/1/2011
	<u>Conditional Use</u>		
	Initial	\$5,722.00	7/1/2012
	Major Modification	\$5,722.00	7/1/2012
	Minor Modification	\$627.00	7/1/2012
	<u>Design Evaluation Team (DET)</u>		
	<u>Recommendation (deposit)</u>	\$1,598.00	7/1/2012
	<u>Development Code Provision Review</u>		
	Single-Family Building Plan	\$77.00	7/1/2012
	Commercial/Industrial/Institution	\$307.00	7/1/2012
	Commercial/Industrial/Institution- Tenant Improvements in Existing Development		
	Project Valuation up to \$4,999	\$0.00	7/1/2010
	Project Valuation \$5,000 - \$74,999	\$77.00	7/1/2012
	Project Valuation \$75,000 - \$149,999	\$192.00	7/1/2012
	Project Valuation \$150,000 and more	\$307.00	7/1/2012
	<u>Downtown Review</u>		
	Downtown Review Compliance Letter	\$627.00	7/1/2012
	Downtown Design Administrative Review		
	Under \$1,000,000.00	\$1,464.00	+ 0.004 x project valuation 7/1/2012
	\$1,000,000.00 and over (max fee \$25,000.00)	\$5,645.00	+0.002 x project valuation 7/1/2012
	Downtown Design Review - Design Review Board	\$2,971.00	+ applicable Type II fee 7/1/2012
	<u>Hearing Postponement</u>	\$349.00	7/1/2012
	<u>Historic Overlay/Review District</u>		
	Historic Overlay Designation	\$4,475.00	7/1/2012
	Removal Historic Overlay Designation	\$4,475.00	7/1/2012
	Exterior Alteration in Historic Overlay District	\$670.00	7/1/2012
	New Construction in Historic Overlay District	\$670.00	7/1/2012
	Demolition in Historic Overlay District	\$670.00	7/1/2012
	<u>Home Occupation Permit</u>		
	Type I	\$106.00	7/1/2012
	Type II	\$627.00	7/1/2012
	<u>Interpretation of the Community Development Code</u>		
	Director's Interpretation	\$627.00	7/1/2012
	Appeal to City Council	\$2,890.00	7/1/2012

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - DEVELOPMENT SERVICES PLANNING			
<u>Land Partition</u>			
	Residential and Non-Residential (3 Lots)	\$4,141.00	7/1/2012
	Residential and Non-Residential (2 Lots)	\$3,444.00	7/1/2012
	Expedited	\$4,832.00	7/1/2012
	Final Plat	\$962.00	7/1/2012
<u>Lot Line Adjustment</u>			
		\$627.00	7/1/2012
<u>Minor Modification to an Approved Plan</u>			
		\$627.00	7/1/2012
<u>Non-Conforming Use Confirmation</u>			
		\$627.00	7/1/2012
<u>Planned Development</u>			
	Conceptual Plan Review	\$8,103.00	7/1/2012
	Detailed Plan Review (Concurrent Hearing)	Applicable SDR Fee or Subdivision Fee + \$392.00	7/1/2012
	Detailed Plan Review (Separate Hearing)	Applicable SDR Fee or Subdivision Fee + \$2,418.00	7/1/2012
<u>Pre-Application Conference</u>			
		\$627.00	7/1/2012
<u>Sensitive Lands Review</u>			
	With Excessive Slopes/Within Drainage Ways/ Within 100-Year Floodplain (Type I)	\$627.00	7/1/2012
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands (Type II)	\$2,748.00	7/1/2012
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands/Within the 100-Year Floodplain (Type III)	\$2,970.00	7/1/2012
<u>Sign Permit</u>			
	Existing and Modification to an Existing Sign (No Size Differential)	\$171.00	7/1/2012
	Temporary Sign (Per Sign)	\$54.00	7/1/2012
<u>Site Development Review & Major Modification</u>			
	Under \$1,000,000.00	\$4,856.00	7/1/2012
	\$1,000,000.00/Over	\$6,307.00	7/1/2012
		(+\$6.00/per each \$10,000.00 over \$1,000,000.00)	
	Minor Modification	\$627.00	7/1/2012
<u>Subdivision</u>			
	Preliminary Plat without Planned Development	\$5,606.00 /+ \$93.00 per lot	7/1/2012
	Preliminary Plat with Planned Development	\$7,758.00	7/1/2012
	Expedited Preliminary Plat without Planned Development	\$6,427.00 /+ \$93.00 per lot	7/1/2012
	Expedited Preliminary Plat with Planned Development	\$7,758.00	7/1/2012
	Final Plat	\$1,938.00	7/1/2012
	Plat Name Change	\$350.00	7/1/2012
<u>Temporary Use</u>			
	Director's Decision	\$307.00	7/1/2012
	Special Exemption/Non-Profit	\$0.00	7/1/2003
	Special Mixed Use-Central Business District Zone Rate		
	1st Temporary Use in a Calendar Year	\$307.00	7/1/2012
	2nd Through 5th Temporary Use With Substantially the Same Site Plan Within A Calendar Year	\$54.00	7/1/2012

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - DEVELOPMENT SERVICES PLANNING			
	Tree Removal	\$307.00	7/1/2012
	Urban Forestry		
	Type I Modification to the Urban Forestry Plan Component of an Approved Land Use Permit	\$627.00	3/1/2013
	Type III Discretionary Urban Forestry Plan Review Permit with concurrent Type III review	\$392.00	3/1/2013
	Type III Discretionary Urban Forestry Plan Review Permit without concurrent Type III review	\$2,418.00	3/1/2013
	Variance/Adjustment		
	Administrative Variance	\$670.00	7/1/2012
	Development Adjustment	\$307.00	7/1/2012
	Special Adjustments		
	Adjustment to a Subdivision	\$307.00	7/1/2012
	Reduction of Minimum Residential Density	\$307.00	7/1/2012
	Access/Egress Standards Adjustment	\$670.00	7/1/2012
	Landscaping Adjustments —Existing/New Street Trees	\$307.00	7/1/2012
	Parking Adjustments		
	Reduction in Minimum or Increase In Maximum Parking Ratio	\$670.00	7/1/2012
	Reduction in New or Existing Development/Transit Imprvmt	\$670.00	7/1/2012
	Reduction in Bicycle Parking Alternative Parking Garage	\$670.00	7/1/2012
	Layout Reduction in Stacking Lane Length	\$307.00	7/1/2012
	Sign Code Adjustment	\$670.00	7/1/2012
	Street Improvement Adjustment	\$670.00	7/1/2012
	Free Removal Adjustment	\$307.00	7/1/2012
	Wireless Communication Facility Adjustments		
	Setback from Nearby Residence	\$670.00	7/1/2012
	Distance from Another Tower	\$307.00	7/1/2012
	Zoning Map/Text Amendment		
	Legislative - Comprehensive Plan	\$9,611.00	7/1/2012
	Legislative - Community Development Code	\$3,924.00	7/1/2012
	Quasi-Judicial	\$3,616.00	7/1/2012
	Zoning Analysis (Detailed)	\$627.00	7/1/2012
	Zoning Inquiry Letter (Simple)	\$92.00	7/1/2012
	**Planning Fees include 14.76% Long Range Planning Surcharge per Ord 04-99		12/28/2004

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - DEVELOPMENT SERVICES PLANNING			
COMMUNITY DEVELOPMENT - MISCELLANEOUS FEES & CHARGES			
	<u>Plan Copies</u>	\$2.50	7/1/2007
	<u>Community Development Code</u>		
	CD Rom	\$10.00	
	<u>Tigard Comprehensive Plan</u>	\$75.00	7/1/2011
	<u>GIS Maps*</u>		
	8-1/2" x 11"		
	Non Aerial	\$2.50	7/1/2011
	Aerial	\$4.00	7/1/2011
	11" x 17"		
	Non Aerial	\$5.00	7/1/2011
	Aerial	\$7.00	7/1/2011
	17" x 22"		
	Non Aerial	\$11.00	7/1/2011
	Aerial	\$15.00	7/1/2011
	34" x 44"		
	Non Aerial	\$25.00	7/1/2011
	Aerial	\$30.00	7/1/2011
	Custom Maps	Staff Hourly Rate	
	<u>Information Processing & Archiving (IPA) Fee</u>		
	Temporary Sign	\$5.00	7/1/2010
	Type I Review	\$18.00	7/1/2010
	Type II Review	\$175.00	7/1/2010
	Type III Review	\$200.00	7/1/2010
	Type IV Review	\$200.00	7/1/2010
	<u>Neighborhood Meeting Signs (Land Use)</u>	\$2.00	1997
	<u>Oversize Load Permit</u>	\$200.00	7/1/2005
	<u>Planimetric Maps</u>		
	Blueline print - quarter section	\$5.00	
	Mylar - quarter section	\$150.00	/+ reproduction cost
	<u>Retrieval of Materials Confiscated in ROW</u>		
	Lawn and A-board signs	\$40.00	/sign 7/1/2010
	Other signs and materials (based on size and value)		City Manager's Discretion 7/1/2010 (per TMC 7.61.035 Ord 10-06)
	<u>Tigard Transportation System Plan</u>	\$75.00	7/1/2011
	<u>Washington Square Regional Center</u>		1999
	Task Force Recommendations	\$10.00	
	Master Plan Map (Zoning/Plan)	\$2.50	

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - MISCELLANEOUS DEVELOPMENT			
	<u>Blasting Permit*</u>	\$325.00	7/1/2012
	<u>Fee in Lieu of Sewer (Commercial Only)</u>	Based on actual cost of sewer connection, if sewer was available	1998
	<u>Fee in Lieu of Shared Open Space</u> (MU-CBD zone only)	Fee in lieu is determined by multiplying the current Washington County Assessor-determined real market value of the land (not improvements) by 10%.	7/1/2011
	<u>Sanitary Sewer Connection Fee</u> (This fee is determined by Cleanwater Services. The City of Tigard receives 3.99% of fees collected.)	\$4,665.00 /dwelling unit	7/1/2012
	<u>Tree Replacement Fee</u>	\$125.00 /caliber inch	9/1/2001
	<u>Water Quality Facility Fee (Fee set by Clean Water Services)</u> (City receives 100% of fees collected)		6/6/2000
	Residential Single Family	\$225.00 /unit	
	Commercial & Multi-family	\$225.00 /2,640 sq. ft of additional impervious surface	
	<u>Water Quantity Facility Fee (Fee set by Clean Water Services)</u> (City receives 100% of fees collected)		6/6/2000
	Residential Single Family	\$275.00 /unit	
	Commercial & Multi-family	\$275.00 /2,640 sq. ft of additional impervious surface	
	<u>Metro Construction Excise Tax</u> (City will retain 4% for administrative expenses) (Tax set by Metro, but collected by cities)	12% of building permits for projects with a total valuation of \$100,001 or more; not to exceed \$12,000.	7/1/2006
	<u>School District Construction Excise Tax</u> (City will retain 4% for administrative expenses) (Tax set by school districts, but collected by cities)		10/1/2009
	Beaverton School District	\$1.07 /sq. ft. residential construction \$0.54 /sq. ft. commercial construction	
	Tigard-Tualatin School District	\$1.07 /sq. ft. residential construction \$0.54 /sq. ft. commercial construction	

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - MISCELLANEOUS DEVELOPMENT			
<u>Urban Forestry</u>			
	<u>Hazard Tree Dispute Resolution Fee</u>	<u>\$165.00</u>	<u>+ \$55.00 each additional tree</u>
	<u>In Lieu of Planting Fees (Planting & 3 Year Maintenance)</u>		
	<u>Street Tree</u>	<u>\$537.00</u>	<u>per 1.5" caliper tree</u>
	<u>Open Grown Tree</u>	<u>\$537.00</u>	<u>per 1.5" caliper tree</u>
	<u>Stand Grown Tree</u>	<u>\$383.00</u>	<u>per tree 2' in height or 1 gallon container</u>
	<u>Tree Permit Fees</u>		
	<u>City Board or Committee</u>	<u>\$307.00**</u>	
	<u>City Manager</u>	<u>No Charge</u>	
	<u>Tree Canopy Fee</u>	<u>\$2.95</u>	<u>per square foot of tree canopy</u>
	<u>Urban Forest Inventory Fees</u>		
	<u>Open Grown Tree</u>	<u>\$137.00</u>	<u>+ \$28.00 each additional tree</u>
	<u>Stand of Trees</u>	<u>\$181.00</u>	<u>+ \$44.00 each additional stand</u>
	<u>Tree Establishment Bond (Planting & Early Establishment)</u>		
	<u>1.5" Caliper Minimum Street or Open Grown Tree in Subdivisions or Minor Land Partitions</u>	<u>\$489.00</u>	<u>per tree</u>
	<u>1.5" Caliper Minimum Street or Open Grown Tree in Land Use Review Types other than Subdivisions or Minor Land Partitions</u>	<u>\$441.00</u>	<u>per tree</u>
	<u>2' in Height or 1 Gallon Container Minimum Stand Grown Tree in Subdivisions or Minor Land Partitions</u>	<u>\$367.00</u>	<u>per tree</u>
	<u>2' in Height or 1 Gallon Container Minimum Stand Grown Tree in Land Use Review Types other than Subdivisions or Minor Land Partitions</u>	<u>\$351.00</u>	<u>per tree</u>
	<u>Vacation (Streets and Public Access)</u>	<u>\$2,319.00</u>	<u>/deposit + actual costs</u>

* Per Ord 03-59, fee is adjusted yearly based on the Construction Cost Index for the City of Seattle as published in the April issue of Engineering News Record and per Ord 04-99 includes the 14.76% Long Range Planning Surcharge.

**\$307.00 per tree up to and including 10 trees. If over 10 trees, the applicant submits a deposit of \$307.00 for each tree over 10 trees up to a maximum of \$5000.00. The applicant is charged actual staff time to process the permit and will be refunded the balance of the deposit if any remains after the review is complete



City of Tigard

Respect and Care | Do the Right Thing | Get it Done

Urban Forestry Code Revisions Implementation

January 22, 2013





Administrative Rules



Potential Amendments

Amendment	Staff Recommendation	Brief Description
1	Y	Increases flexibility on sheet size requirement.
2	Y	Increases flexibility on bar scale requirement.
3	N	Removes requirement for driplines of trees to be shown on site plans to scale.
4	N	Revises tree lists.
5	Y	Increases flexibility of setbacks between trees and buildings.
6	N	Increases flexibility of setbacks between trees and pavement and utilities.
7	Y	Increases flexibility of the biweekly inspection requirements.

Citywide Master Fees and Charges



Tree Canopy Replacement Fee



Preservation



Planting



Fee-in-lieu



Discretionary Review

Council Discussion

- Administrative Rules
- Citywide Master Fees and Charges