

Summary of Comments from May 21, 2015 Tree Code Focus Groups

Introduction

As part of the City Council's goal to "convene a community dialog on the tree code," staff held two focus group meetings on May 21 in order to obtain feedback on the City's tree regulations from the perspective of professionals that interact with the Tree Code on a regular basis. The focus groups consisted of 11 tree professionals and six building professionals. The groups each met for one hour and discussed topics covering the tree removal process, Tree Code, tree protection, and tree regulation in general.

Below is a summary list of the comments by each focus group.

Summary of Tree Professional Group Comments

There was general agreement from the group that the tree removal process could be greatly improved:

- The process is cumbersome and expensive, particularly Type 2 tree permits. The posting of two signs is redundant and a month is too long for noticing. Two weeks should be sufficient.
- Should be able to apply for and pay for permits online.
- Need to make it easier for property owners to maintain trees in the public right-of-way. Some trees are interfering with power lines and/or have been severely disfigured.
- There should be a simpler process for certain types of trees (e.g., hinoki cypress or other small ornamental trees), to allow thinning, or to remove trees that are causing damage to structures or utilities. For example, Portland allows trees to be removed that are within 10 feet of a structure.
- The focus of tree regulation should be shifted from managing individual trees to managing the City's tree canopy cover.
- The regulated tree diameter should be increased in size.
- The Type 2 tree removal criteria are too subjective.
- The definition of what a tree is or isn't should be refined. For example, trees such as Leyland Cypressess that have been planted and maintained as a hedge should not be considered trees. Also, stems that have sprouted from suckers on a stump should not be considered a tree either.
- The DRC doesn't have enough knowledge about trees to make informed decisions on tree appeals.
- The City should offer "pre-app" meetings at development sites to discuss issues with tree removal/protection before the design phase. This used to be offered when there was a full time arborist in the Planning Department and it worked well.
- Having a single point of contact for trees at the City would be helpful instead of just the rotating staff at the Planning counter.
- Portland is the best right now for obtaining a tree permit. They have a quick turnaround and are less obtrusive than Lake Oswego.

Several comments and suggestions were made regarding tree mitigation requirements:

- Mitigation on treed lots is difficult and often unnecessary. Need more alternatives to plant off-site or pay a fee in lieu of mitigating.
- The minimum size of mitigation trees is too restrictive. Some natives, especially Oregon White Oaks, are very difficult to source at that size. Instead of specifying diameter, require the size to be the commonly available nursery size.
- Smaller mitigation trees have a better chance for survival. Could require 2:1 instead of 1:1 mitigation if smaller trees are planted.
- No mitigation should be required for trees removed beneath power lines in the ROW, or the mitigation should be more flexible.
- Vine maples do not count towards mitigation, so they shouldn't require a permit to remove them.
- A property owner's acceptable level of risk for hazard trees is not adequately considered. The City's definition of hazard is higher than many owner's risk tolerance.

The group as a whole felt that the tree protection process needs to be tightened up:

- The current tree protection regulations fall short. Contractors often don't follow the tree protection plan prescribed by the arborist and that arborist can't do anything about it. The City of Tigard requires a bi-weekly report for tree protection to assure compliance. The City's Code Enforcement Officer is not enough.
- Lots of plumbers out there are fixing broken water lines and not protecting trees.
- After the builder is finished and the tree protection fencing is removed, the landscapers come in and trench around trees.
- Alternative tree protection measures should be allowed and defined.

Summary of Building Professional Group Comments

The group discussed several common concerns they had with the Tree Code in general:

- The current regulations pit developers/builders against neighbors because the criteria are so subjective.
- All qualitative criteria should be converted to clear and objective criteria. For instance, allow the removal of a certain percentage of caliper inches on the site, or require the retention of a certain amount of canopy cover.
- Tree removal in the First Addition-Forest Hills neighborhood is especially contentious and requires a lot more effort to obtain a Type 2 or hazard permit. One builder recalled receiving a death threat for proposed tree removal.
- Many large firs that were damaged during the "Columbus Day Storm" have grown large codominant tops that are very hazardous. The public doesn't understand tree hazards. It would be nice to educate the public on this issue.
- The City's policy of tying the issuance of a tree permit to a building permit increases costs to builders because they have to put off site work until the building permit is issued. How about allowing issuance of the tree permit as long as the building permit has been submitted?
- The Type 2 tree permit takes too long. Two weeks should be sufficient time.

- Vocal groups that comment on tree removal get more weight.
- Builders often find out late in the process that trees will not be approved for removal and this uncertainty increases costs and affects design. Builders shouldn't have to redesign a site or building for trees that are not suitable or ideal for preservation, particularly when they are too close to the building.
- Tree removal should be allowed for views. Views significantly affect the value of a property and often the view is far more valuable than the trees blocking it.
- Building design and marketability should be considered in tree removal. In some cases trees can be saved, but at the expense of the house or site design. The changes seem simple to the City and neighbors, but has major implications for the builder in terms of costs and marketability.
- Instead of focusing on saving questionable trees that are too close to buildings (within 10 feet), focus on mitigation and planting the right trees in the right places for long term viability.
- Need to have separate process for trees that are damaging structures or utilities.
- The City should only closely regulate heritage trees and trees in Sensitive Lands. There is too much control over other people's property.
- It is frustrating when a builder goes to extremes to save a tree on a lot, then the property owner gets a permit later to remove it.
- Builders are left to take on the risk of trees that the City denies for removal, especially marginal trees that are close to development or trees that do not have a high enough hazard rating.
- There is a lot of misinformation out in the public about tree removal. There is a perception that tree removal is not allowed or is rarely allowed.
- If the City wants to save trees, buy the property and make it open space or put a deed restriction on it and resell it. Another option is a public/private partnership to retain the land in a trust.

Several comments and suggestions were made regarding tree mitigation and tree protection requirements:

- Need more flexible mitigation standards.
- It is not appropriate to require mitigation on heavily treed lots.
- Paying a fee in lieu of planting is a good option as long as the price is reasonable.
- Builders shouldn't be fined for impacts to trees that were unavoidable because tree protection wasn't possible. Trees that are too close to development shouldn't have to be preserved.