



# City of Lake Oswego Natural Resources Advisory Board Minutes

March 4, 2009

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## I. CALL TO ORDER AND ROLL CALL

Chair Morgan Holen called the Natural Resources Advisory Board meeting of Wednesday, March 4, 2009 to order at 6:30 p.m. in the West End Building, 4010 Kruse Way, Lake Oswego, Oregon.

Members present were Chair Holen, Vice Chair William Gaar, Denise Dailey and Nancy Gronowski. Shawn Howard participated in part of the meeting by telephone. Douglas Rich, Stephanie Wagner and Rishi Rajani (student member) were not present.

Staff present was Jonna Papaefthimiou, Staff Liaison and Natural Resources Planner

## II. ANNOUNCEMENTS

None.

## III. PUBLIC COMMENT

None.

## IV. REGULAR BUSINESS

### **Community Forestry Implementation Plan – Presentation and Discussion**

Natural Resources Advisory Board (NRAB) members had asked Chair Holen to help them understand the Tree Code so they could relate it to the Community Forestry Plan. She explained the Tree Code was regulatory and protected individual trees and groves (without regard to species) in order to preserve the City's woody character. The Community Forestry Plan was a policy document intended to protect the canopy and health of the urban forest. Its action measures included educating individual property owners; protecting trees in the public right of way; data collection and tracking.

Chair Holen related the history of tree protection in the City. Citizens had successfully pushed for the first Tree Code in 1971. Volunteers had helped conduct an inventory in 1975 that identified important trees and natural areas to be protected in the first Comprehensive Plan. The NRAB had been formed in 1979. The Heritage Tree Program had been created in 1997. A Tree Code Task Force formed in the late 1990s had worked hard to revise it. However, the City Council had not adopted their recommendations at that time - mostly because they were reluctant to fund a new staff

position of City Arborist to administer the code. Another change that task force recommended was focusing regulations on protecting a list of native tree species. Over time the City had created and staffed the City Arborist position, but it was currently unfilled. They had never adopted the revised Tree Code. The Task Force report was still on the City website. The NRAB had successfully pushed for adoption of the Community Forestry Plan in 2008, but it took a much broader approach based on science.

Board members thought about researching what other elements of the recommended Tree Code the City might have eventually implemented. They reasoned that the relatively high percentage of canopy the City enjoyed (47%) showed the Tree Code was working.

The local newspaper reported on January 29<sup>th</sup> that an organizational efficiency audit done to find out how the City could improve services showed that 60% of the Planning Department staff workload was related to tree issues. Ms. Papaefthimiou clarified that the final report said that 60% of the phone / walk-in inquiries were tree related, but most were resolved quickly. Chair Holen and Vice Chair Gaar recalled that City Councilor Hennagin and City Manager Alex McIntyre had indicated the current City Council might decide to consider changes to the Tree Code and that the Board should be prepared for that. The board generally agreed that they did not know what the specific problems with the Tree Code were (what was making people angry and frustrated), and they were fairly sure they did not want to initiate revising it. They speculated it might be too complicated; time consuming, expensive, or maybe even used by neighbors to stop another's project. Chair Holen recalled owners who had three hazardous trees in their yard, but only requested removal of two because they did not want to request too much. Ms. Dailey recalled her neighbor had become very frustrated by the process of getting a permit to remove a tree he had planted himself that eventually took over his house. Members suggested people needed to be better educated about what to plant. Ms. Papaefthimiou suggested using the tree inventory value scoring system used to evaluate street trees to create a list or modify the list staff offered to those who asked them what to plant. She clarified the City did not require people to plant native trees. Ms. Dailey suggested the City should adopt a policy that encouraged people to plant edibles. Vice Chair Gaar suggested the list should be consistent with whatever species the Community Forestry Plan indicated were needed at a particular planting site. The group agreed they needed more data to do that. They needed to know if the City needed more native species, and how to manage them. They already had some data in the State of the Forest report. Chair Holen reported the City of Vancouver used an entirely different approach to tree removal permitting that considered factors such as species and diameter and based mitigation on "equivalent units" per acre.

Board members reasoned that if the City did not have a tree code one could be developed based on the urban forestry perspective of the Community Forestry Plan. They might create a list of exempt species that could be removed without a permit, such as Holly Trees, and revise the list of suggested trees to plant that staff already handed out. They would have tree removal permitting staff offer advice to owners about how to manage their other trees better when they visited the site.

Chair Holen continued her presentation. She explained that the Tree Code defined a “tree” as 5 inches or greater diameter at 4.5 feet above the ground. She described the six different types of tree removal permits. **Type I** and **Dead Tree** permits were issued over the counter for \$12.00 and some documentation. The city required a picture to show a tree was lifeless and they did not issue this permit during winter. A Type I permit allowed an owner to remove up to two trees per year per lot up to 10-inches diameter as long as the site was in a residential zone. The owner had to submit a site plan (that could be sketched) and the permit had to be posted. A **Hazard Tree** permit required a photograph and evaluation and hazard rating by a certified arborist. An **Emergency** permit was issued after the fact with no fee, but staff required a photograph of the tree before it was removed. A **Verification** permit was issued at the same time as the Building Permit for a development that had been approved that allowed tree removal. Staff visited the site to verify the right trees had been cut.

Chair Holen suggested the City could better define what a “dead” tree was and she advised the hazard rating form was a little outdated. In recent years the International Society of Horticulture had developed a better rating system. When asked, she estimated it took a certified arborist at least two hours to complete the City evaluation form.

A **Type II** permit was issued for trees that did not qualify for a Type I permit and/or were not in a residential zone. It was only issued to allow tree removal for landscaping or construction purposes and if certain criteria were met related to erosion, soil stability, surface water flow, protection of adjacent trees or existing windbreaks, and no significant negative impact on the character, aesthetics or property values of the neighborhood. Removal could not be for the sole purpose of providing or enhancing views. An intensive professional evaluation, an application, and site plan were required. Trees to be preserved had to be protected out to their drip lines by fencing during construction. The City could require the applicant to adjust a building footprint in order to save significant trees. Mitigation of 1:1 was required using at least 2-inch caliper deciduous trees or 6’ to 8’- tall evergreen trees. A list of “recommended” trees was offered to the applicant, but they could plant any type of tree that met the size specifications. This permit type required public notice and a sign at the site. There was a 14-day comment period during which staff made a tentative decision that could be appealed during another 14-day period. The Development Review Commission (DRC) or Community Forestry Commission (CFC) would hear the appeal. There was a \$22.00 sign fee; the permit cost \$129.00, plus \$12.00 per tree; and the protection inspection fee was \$59.00.

The NRAB noted that no one had asked them to look at the current code and that even if it could be modified, they did not want to create work for themselves that the City Council would not support and that might not fit their work plan. They commented that they did want to be prepared to suggest a process for that if they were asked and that they needed to collect more data to show how to manage the urban forest in the meantime. The NRAB acknowledged that they already had information about street trees. It was suggested that possibly the next AmeriCorps worker could study removal permit files and report what types of trees people were asking to remove. They indicated that it would fit their goal to support the Community Forestry Plan.

Vice Chair Gaar agreed to talk to the NRAB Council Liaison Mary Olson to let her know the Board was interested in offering some ideas about a process to use if the City Council ever wanted to reconsider the Tree Code. He heard a consensus that to become involved in revising the Tree Code would be a lot of work; would require the support of the City Council and the help of consultants and an arborist; and it might not fit the current NRAB work plan. The group agreed to think about projects that would support the Community Forestry Plan. One such project would be creating a handout of preferred mitigation trees with related information about appropriate planting conditions and species. The Board agreed to put this discussion on their April agenda.

### **2009 Farmer's Market Update – Planning**

Chair Holen said she would talk about Heritage Trees at one of the Farmers Markets. The members contacted Mr. Howard by telephone and he related the owner of the Bosky Dell Nursery was willing to sell the Board native plants and cards they could mark up and sell. She was also willing to be there herself to talk about native plants. She would give her profit to a stream restoration project. Ms. Papaefthimiou was to check on whether the NRAB could engage in selling items or if it could partner with a nonprofit that could handle the money. The group asked Mr. Howard to invite the nurserywoman to their April meeting.

The members agreed to man a booth at the Farmers Markets on May 23<sup>rd</sup>, June 27<sup>th</sup> and October 3<sup>rd</sup>. On May 23<sup>rd</sup> the NRAB would be present to support the Sustainability Advisory Board's Sustainability Action Month expo at the Market.

### **V. ADJOURNMENT**

The next regular meeting was scheduled for March 18, 2009. There being no further business Chair Holen adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Jonna Papaefthimiou  
Natural Resources Planner