

MEMORANDUM

TO: Community Planning Organizations, Hamlets, Villages and Other Interested Parties

FROM: Jennifer Hughes, Senior Planner

DATE: February 11, 2010

SUBJECT: File ZDO-219, Trees Ordinance

Clackamas County is proposing amendments to the text of the Clackamas County Zoning and Development Ordinance (ZDO) and the Comprehensive Plan (Plan). Since these amendments may affect your community or area of interest, we want to give you and your organization the opportunity to review and comment on the proposed changes before or at public hearings scheduled in front of the Planning Commission on March 22 and in front of the Board of County Commissioners on June 8.

The proposal includes a new Section 1020 of the ZDO, conforming amendments to Sections 301, 307, 308, 309, 310, 314, 401, 406, 407, 1001, 1002 and 1603 of the ZDO, and revisions to Chapter 3 of the Plan. The purpose of these amendments is to implement new tree preservation standards. **Please note that the proposed regulations will apply only in unincorporated areas of the County inside the Portland Metropolitan Urban Growth Boundary.**

Currently, the ZDO has some broad, discretionary provisions that apply to trees during some, but not all, development review processes. In addition, there are restrictions on tree removal in designated riparian and wetland areas that apply even absent one of these development review processes. Outside of these designated areas, however, the ZDO does not regulate pre-development tree cutting.

Please note that the following description of the proposed amendments reflects the current draft. Substantial changes may be made by the Planning Commission or the Board of County Commissioners during the public hearings.

The draft ordinance would:

1. Apply to all land inside the UGB, except lots specially assessed as forestland and lots in urban low density single-family residential zones that are developed with a dwelling and are not divisible; However, the Planning Commission may consider including other single-family-zoned lots.

2. Exempt ten types of trees:
 - Trees with a diameter at breast height (d.b.h.) of less than eight inches
 - Trees required to be removed by state or federal law
 - Orchard trees
 - Christmas trees
 - Commercial nursery trees
 - Nuisance trees
 - Dead trees
 - Diseased or hazardous trees (with an arborist's report)
 - Trees required to be removed under the terms of a pre-existing view easement
 - Trees reviewed under a Habitat Conservation Area District or Water Quality Resource Area District development permit

3. Allow tree removal, with a permit, under the following circumstances:
 - Removal of two trees or 10 percent of the total number of trees, whichever is greater, in any two-year period, on any lot, for any reason
 - Tree removal for infrastructure projects in a public right-of-way with a statement from a public agency or utility company that removal is required
 - Tree removal for maintenance, repair or replacement of existing utility lines with a statement from the utility company that removal is required
 - Tree removal for any reason in single-family, rural and natural resource zones,* if the property is developed with a dwelling or specially assessed as farmland. In exchange, a five-year moratorium would be imposed on most types of development. (In some cases, the applicant would have to demonstrate compliance with the Oregon Forest Practices Act, as required by state statute, as stipulated by a forester retained by the applicant.)
 - Tree removal for construction if there is no practicable location alternative on the property for the proposed improvement. In the case of a land division, practicable access, utility and lot design alternatives also must be considered.
 - Tree removal if the tree interferes with the healthy growth of other trees, is located too close to an existing structure, or violates corner vision or sight distance standards

- Tree removal to allow solar access to a solar energy system, if the applicant provides supporting documentation
- * *Rural and natural resource zoning applies to some parcels inside the UGB where urban planning and zoning have not yet been applied.*

4. Add tree planting and tree protection requirements for some types of permits.

The Planning Commission public hearing will begin at 6:30 p.m., Monday, March 22, 2010, at the Development Services Building Auditorium, 150 Beaver Creek Rd., Oregon City, to consider these amendments. **You are invited to attend the hearing and present oral comments to the Planning Commission. Typically, written correspondence received at least one week prior to the hearing will be included in the Planning Commission packets. Written testimony received after that time will be emailed to the Planning Commission, or provided to the Planning Commission on the evening of the hearing.**

The Board of County Commissioners will consider the Planning Commission's recommendations on the proposed amendments beginning at 6:30 p.m., Tuesday, June 8, 2010, at the Board of County Commissioners Hearing Room, 2051 Kaen Rd., Oregon City. **Once again, you are invited to attend the hearing and present oral comments to the Commissioners. The Board will consider all written testimony submitted to the Planning Commission. Also, the Board will accept additional written testimony up to, and on the day of, the hearing.**

If you would like additional information regarding these proposed amendments, please contact Jennifer Hughes at (503) 742-4518 or jenniferh@co.clackamas.or.us. The draft amendments are also available for review on the county web site at <http://www.clackamas.us/transportation/planning/zdo.jsp#proposed>