



Oak Lodge Community Council

working to preserve and improve our community

March 15, 2010

Dear Planning Commission:

The Board of Commissioners of Clackamas County charged the Trees Task Force to “address issues related to maintaining, preserving and enhancing the tree canopy in the urban, unincorporated area of the County”. The result of these efforts is principally articulated in the staff draft of Ordinance 1020 and changes to Chapter 3 of the Comprehensive Plan.

The Oak Lodge Community Council (OLCC) finds that the recommendations before the Planning Commission fail to meet the charge of “maintaining, preserving and enhancing the tree canopy...”

To address the critical issues identified in the staff proposal, **the OLCC proposes the following changes to Ordinance 1020 and Chapter 3 of the Comprehensive Plan:**

1) State goals for the tree canopy and set policies to achieve these goals.

The Comprehensive Plan and Zoning and Development Ordinances (ZDOs) must state clear, numerical goals for the tree canopy and set forth policies and rules consistent with these goals (i.e., that will reasonably result in achievement of these goals).

Based on research performed by Portland State University, the OLCC recommends that, as a starting point, goals for the tree canopy be set in the Comprehensive Plan. (Typical canopy goals for the Portland area established through research are 40% overall and 50% for residential areas.)

Ordinance 1020, as proposed, cannot achieve the purposes set forth by the Board of Commissioners since it appears that a large majority of the land area of the urban, unincorporated area of the County is exempted from limits on tree-cutting under the Ordinance.

Changes to the Ordinance required to meet the Board’s charge include:

- a) **The exempting of trees within 50 feet of a single-family dwelling from protections of the Ordinance must be dropped** since it allows removal of all trees without a permit on a large percentage of lots; we recommend that this exemption be entirely dropped, not reduced, since the other provisions allow reasonable tree removal for landscaping modifications.

- b) **Mitigation must be required for all tree-cutting.** Non-divisible lots make up roughly 60% of the residential area covered by the Tree Ordinance; the other County residents should not pay to make up the tree canopy lost on these lots. For the same reason, **the provision allowing cutting of 2 trees in 2 years without a permit must be changed so that a permit and mitigation are required.**

Mitigation must also be based on an analysis that sets mitigation standards based on the goal of maintaining the tree canopy and not on arbitrary prescriptions.

- c) **The Permitting structure needs cover all tree-cutting. The number of kinds of permits should be reduced to two, including one for public agencies.**
- d) **Penalties should be reexamined** to assure they are sufficiently strict to discourage violations, and a section on Penalties should be added to Ordinance 1020.

2) Establish an Urban Forestry Commission responsible for urban forest sections of the Comprehensive Plan and county ordinances.

To be effective, other actions in addition to enactment of a Tree Ordinance are needed. In particular, an Urban Forestry Commission should be established to oversee the operation and future evolution of the Tree Ordinance and related policies and programs, including:

Develop an Urban Forest Management Plan that:

- a) Sets the canopy target and establishes, through measurement, a canopy baseline and periodic updates on the status of the canopy;
- b) Develops and implements strategies to reach and maintain the canopy target;
- c) Reviews effectiveness of policies and procedures, including permit system and mitigation/penalty policies, and recommends changes; and
- d) Establishes an education program concerning the tree canopy and the Tree Ordinance.

3) Revise Chapter 3 of Comprehensive Plan to set clear policies for Urban Forest.

In order to better support the County's sustainability policies and integrate Chapter 3, Natural Resources and Energy, with Section 1020 –Trees, revisions to Chapter 3 should be made:

A new section, URBAN FORESTS, should be added to centralize and provide focus for material relating to urban forest. New material recommended in other OLCC submittals to the Planning Commission provides purpose, goals, and policies concerning urban trees.

4) Provide for citizen involvement in protecting and enhancing the Urban Forest by assigning responsibilities to Community Policy Organizations.

The role of CPOs and individual citizens should be added to the Tree Ordinance. In particular, CPOs should have a role in reviewing Tree Removal Permits, along the lines of the Land Use Application system.

Thank you for the opportunity to provide our recommendations concerning the Tree Ordinance and related documents.

Eleanore Hunter

Chair, Oak Lodge Community Council