

## Clackamas County Re-Vegetation Policy for Rivers, Streams and Wetlands

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### Overview

All regulated rivers, streams and wetlands<sup>1</sup> within Clackamas County have so-called buffers or filter strips within which the removal of native vegetation is either prohibited or only allowed to a small degree, unless the vegetation-removal activity is either: 1) part of a commercial forest activity subject to and in compliance with the Oregon Forest Practices Act; or 2) conducted for the purpose of removing noxious (non-native) vegetation, diseased trees, or trees in danger of falling that pose a threat to existing development or safety.

The purpose of these buffers is to preserve and enhance water quality, wildlife habitat and the scenic characteristics of a riparian or wetland environment. Generally speaking, the width of the buffer strip is 100 to 150 feet for all Principal Rivers and for the Willamette River, while that width varies from 50 to 100 feet for streams, depending on the classification of the stream in question.<sup>2</sup> Despite these regulations, vegetation removal does occur, often simply because of a lack of awareness of these restrictions. For that reason, the County has adopted the following policy for developing re-vegetation / mitigation plans for compromised river and stream buffers.

### Re-Vegetation / Mitigation Plan Development Process

#### 1. **Damage Assessment**

Following the County's discovery of vegetation clearing within a regulated buffer, County Planning, Code Enforcement and other staff conduct a site visit to assess and quantify the damage in terms that may include, but are not limited to:

- General summary of vegetation that was removed
- Monetary value of the timber and other vegetation that was felled / removed
- Loss of critical wildlife habitat
- Degradation of water quality
- Damage or potential damage to nearby property owners
- De-valuation of property values

#### 2. **Re-Vegetation / Mitigation Plan**

Given that information, the County then requires that the property owner develop a re-vegetation / mitigation plan that best addresses the specific conditions and relevant portions of the Clackamas County Zoning and Development Ordinance (ZDO), and leads to restoration of the site. The County requires the plan to be implemented by a specific date and conducts an initial and follow-up site checks to confirm that the newly planted vegetation remains in place and is growing in the manner that it should within its native environment. In the event that, in the future, the County discovers that the re-planted vegetation has been removed or is unhealthy, the current property owner shall be required to re-implement the initial re-vegetation / mitigation plan, or one similar.

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<sup>1</sup> Generally speaking, most wetlands, except those located within the urban area of the County, are regulated by the Division of State Lands (DSL). DSL also has jurisdiction over the actual water and immediate banks of most of Oregon's rivers and streams.

<sup>2</sup> Check with Clackamas County Planning and Water Environment Services about specific buffer widths, removal of diseased or hazardous trees, removal of noxious vegetation and re-planting with native vegetation.

### **3. Plan Development and Implementation Process**

The re-vegetation / mitigation plan shall be encapsulated within the appropriate Willamette River Greenway, river, stream or wetland land-use application process, as follows:

- (A) Vegetation removal that occurs within the Buffer of the Willamette River Greenway shall undergo a Willamette River Greenway (WRG) Conditional Use permitting process, Section 705 of the Clackamas County Zoning and Development Ordinance (ZDO). Specifically, the applicant shall demonstrate through the re-vegetation / mitigation plan ways that the site will be restored to meet the Purpose and comply with the Standards, as applicable, of the WRG, Subsection 705.01 and Subsection 705.03(A), (B) and (C). The application shall be submitted according to the requirements of Subsection 705.05(A)(1) and (4), and shall be administered pursuant to the process outlined in Subsection 705.03(A).
- (B) Vegetation removal that occurs within the Buffer of a Principal River Conservation Area shall undergo a Principal River Conservation Area (PRCA) permitting process, Section 704 of the ZDO. Specifically, the applicant shall demonstrate through the re-vegetation / mitigation plan ways that the site will be restored to meet the River and Stream Conservation Area (RSCA) Exception, if applicable, outlined in Subsection 704.06(F), and comply with the Vegetation Preservation Requirements outlined in Subsection 704.07(A) and (B). The application shall be submitted according to the requirements of Subsection 704.08(A), (D) and (E), and shall be administered pursuant to the process outlined in Subsection 704.09(A). In general, the re-vegetation / mitigation plan shall serve to restore the site such that it conforms with the RSCA Purpose, as outlined in Subsection 704.01.
- (C) Vegetation removal that occurs within the Buffer of a Stream Conservation Area shall undergo a River and Stream Conservation Area (RSCA) permitting process, Section 704 of the ZDO. Specifically, the applicant shall demonstrate through the re-vegetation / mitigation plan ways that the site will be restored to meet the RSCA Exception, if applicable, outlined in Subsection 704.06(F), and comply with the Vegetation Preservation Requirements outlined in Subsection 704.07(A) and (B). The application shall be submitted according to the requirements of Subsection 704.08(A), (D) and (E), and shall be administered pursuant to the process outlined in Subsection 704.09(A). In general, the re-vegetation / mitigation plan shall serve to restore the site such that it conforms with the RSCA Purpose, as outlined in Subsection 704.01.
- (D) Vegetation removal that occurs within the Buffer of a County-regulated wetland, or within the wetland itself, shall undergo a Conservation Wetland District (CW) permitting process, Section 709 of the ZDO. Specifically, the applicant shall demonstrate through the re-vegetation / mitigation plan ways that the site will be restored to meet the Standards outlined in Subsection 709.05. The application shall be submitted according to the requirements, as applicable, of Subsection 709.07 and 709.08, and shall be administered pursuant to the process outlined in Subsection 709.04(B). In general, the re-vegetation / mitigation plan shall serve to restore the site such that it conforms with the CW Purpose, as outlined in Subsection 709.01.