



Frequently Asked Questions
Proposed Clackamas County Tree Preservation Ordinance
March 2010

NOTE: The following information applies to the current draft of the proposed ordinance. This may change through the public hearing and decision-making process.

1. Where would the ordinance apply?

The proposed ordinance applies in urban, unincorporated areas of Clackamas County, inside the Portland Metropolitan Urban Growth Boundary but outside incorporated cities. In addition, the County is *considering* exempting:

- Land specially assessed as forestland as of the effective date of the proposed ordinance
- Lots of record zoned Urban Low Density Residential (R-2.5 through R-30), VR-4/5 or VR-5/7; developed with a single-family dwelling; and not divisible

2. Are some trees exempt from regulation?

Yes. The ordinance would exempt:

- Trees with a d.b.h. (diameter at breast height) of less than eight inches;
- Trees required to be removed by state, federal or fire district regulations
- Orchard, Christmas and commercial nursery trees
- Nuisance trees
- Dead trees
- Diseased or hazardous trees, with an arborist's report
- Trees obstructing a pre-existing view easement
- Trees regulated by a Habitat Conservation Area District or Water Quality Resource Area District Development Permit

3. May a regulated tree be removed?

Yes, but only with an approved permit. Four types of permits are proposed.

Type A permits allow the removal of two trees (or 10% of the total number of trees, whichever is greater) per two-year period for any reason.

Type B permits are for certain public infrastructure or public utility projects.

Type C permits allow unlimited tree removal in exchange for a five-year moratorium on most development of the property. Type C permits are not available for property in open space, commercial, industrial or multifamily zones, or for property not already developed with a single-family dwelling, unless the property is specially assessed as farmland.

Type D permits allow tree removal if the tree interferes with the healthy growth of other trees, is located too close to an existing structure, violates corner vision or sight distance standards; or is needed to allow solar access to a solar energy system. Tree removal is allowed for construction, if there is no practicable alternative location on the property for the proposed improvement.



4. Are there any special conditions I should be aware of to get a Tree Removal Permit?

- **Type B and D permits** require mitigation for tree removal and protection of remaining trees during construction. Mitigation alternatives include on- and off-site replacement tree planting or payment into a county tree fund.
- **Type C permits** may require the applicant to demonstrate compliance with the Oregon Forest Practices Act, as stipulated by a forester retained by the applicant.
- **Type D permits** include notice to neighboring property owners and an opportunity to appeal the initial decision to the county's Land Use Hearings Officer. Also, a Type D permit that involves new construction requires the applicant to demonstrate that 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.

5. When would the ordinance go into effect?

Unless special provisions are made by the Board of County Commissioners, new ordinances go into effect 90 days after the Board holds a second "reading" of a proposed ordinance and approves it. Since the Board's first hearing on this proposed ordinance is scheduled for June 8, 2010, the effective date of a new ordinance, if one is adopted, would be sometime after that.

6. Who makes the final decision on the ordinance?

The final decision is made by the Board of County Commissioners after receiving a recommendation from the Planning Commission and holding at least one public hearing.

7. Does the County have any rules now on tree preservation?

Yes, the County currently has tree preservation regulations that apply to development applications for land divisions and commercial, industrial or multifamily projects. Pre-development tree cutting is unregulated outside designated riparian and wetland areas.

8. Why is it important to preserve trees? Why does the County care about this?

Clackamas County cares about the preservation of trees because of the various ways that trees benefit the environment and improve quality of life for citizens. Trees are much more than pretty to look at or the source of leaves to be raked in the fall. They also benefit the environment and life for humans and other animals in a variety of ways.

- Trees make effective sound barriers. Planted at strategic points in a neighborhood or around a house, trees can abate major noises from freeways and airports.
- Trees produce oxygen. A mature leafy tree produces as much oxygen in a season as 10 people inhale in a year.
- Trees store carbon dioxide. To produce its food, a tree absorbs and locks away carbon dioxide.
- Trees help clean the air by intercepting airborne particles, reducing heat, and absorbing such pollutants as carbon monoxide, sulfur dioxide, and nitrogen dioxide.
- Trees shade and cool, thereby reducing the need for air conditioning in summer.
- During windy and cold seasons, trees act as windbreaks that can lower home heating bills.
- Trees help prevent soil erosion, conserve rainwater, and reduce water runoff and sediment deposit after storms.

9. Do other counties have tree preservation ordinances?

A number of counties around the country have tree ordinances, and many cities, including some in Clackamas County, also have ordinances to protect and/or encourage preservation of trees.

10. Where can I get more information about this issue?

- The Minnesota Department of Natural Resources has developed A Guide to Developing a Community Tree Preservation Ordinance: <http://www.mnstad.org/RFC/preservationordguide.htm> or call 1-800-766-6000.
- The Oregon Department of Forestry, <http://www.oregon.gov/ODF/index.shtml> or 503-745-9200, has extensive information about forestry practices and laws in Oregon.
- The US Department of Agriculture Natural Resources Conservation Service, <http://www.nrcs.usda.gov/feature/backyard/TreePtg.html> or 503-655-3144 (for the office in Clackamas County), has useful tips about tree-planting.
- Find good information about trees, forestry and related issues, and links to more resources at:
 - International Society of Arboriculture, <http://www.isa-arbor.com/home.aspx>
 - The Oregon State University Forestry & Natural Resources Extension Program, <http://extensionweb.forestry.oregonstate.edu/>
 - Oregon Community Trees, <http://www.oregoncommunitytrees.org/>
 - National Arbor Day Foundation, <http://www.arboday.org/>
 - Portland's Friends of Trees, <http://www.friendsoftrees.org/>

11. Who can I talk to about this proposed ordinance?

The staff person working with this ordinance is Senior Planner Jennifer Hughes, who can be reached by calling 503-742-4518 or by sending an email to jenniferh@co.clackamas.or.us. She is the appropriate person to contact if you have questions about the proposed ordinance or the adoption process.

If you wish to express your views about the ordinance, send an email or letter to: Planning Commission, c/o Clackamas County Planning Division, Development Services Bldg., 150 Beaver Creek Rd, Oregon City, OR 97045 or send an email to zoninginfo@co.clackamas.or.us.