



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

9/30/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, October 14, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jennifer Hughes, Clackamas County
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	SEP 24 2010
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **Clackamas County**

Local file number: **ZDO-219**

Date of Adoption: September 23, 2010

Date Mailed: September 23, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 2/3/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Imposes a development restriction if excessive tree removal occurs prior to approval of a development application. Applies inside the Portland Metropolitan Urban Growth Boundary only. Exempts property specially assessed as forestland. Development restriction prohibits approval of design review, conditional uses, and land divisions for the five-year period following excessive tree removal. Excessive tree removal is defined as the removal of more than three trees in a calendar year, with no limit on the number of exempt trees that may be removed. Exempts trees such as those less than 6" d.b.h., diseased, hazardous, nuisance, etc.

Does the Adoption differ from proposal? Yes

The development restriction was part of the original proposal. However, the original proposal included a more comprehensive approach to regulating tree removal, including removal permit requirements, mitigation and tree protection during construction.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 003-10 (18102) [16342]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Forestry

Local Contact: **Jennifer Hughes**

Phone: (503) 742-4518 Extension:

Address: **150 Beaver Creek Rd**

Fax Number: **503-742-4550**

City: **Oregon City**

Zip: **97045**

E-mail Address: **jenniferh@co.clackamas.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. ZDO-219

An Ordinance amending Chapter 3 of the Clackamas County Comprehensive Plan and Sections 300, 400, 1000 and 1600 of the Clackamas County Zoning and Development Ordinance

WHEREAS, a healthy forest canopy is a critical resource for the urban area of Clackamas County; and

WHEREAS, excessive tree removal in anticipation of development conflicts with the preservation of the forest canopy; and

WHEREAS, it is important to balance reasonable development with the preservation of trees; and

WHEREAS, Clackamas County deems it important to limit certain land uses based on prior excessive tree removal; and

WHEREAS, the amendments are consistent with the Statewide Planning Goals and Guidelines and the Metro Urban Growth Management Functional Plan; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Planning Commission, recommended denial of ZDO-219 on April 12, 2010; and

WHEREAS, the Clackamas County Board of County Commissioners held public hearings on June 8, 2010; June 28, 2010; and September 8, 2010; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

- Section 1: Chapter 3 of the Clackamas County Comprehensive Plan is hereby amended as shown in Exhibit A hereto.
- Section 2: Sections 300, 400, 1000 and 1600 of the Clackamas County Zoning and Development Ordinance are amended as shown in Exhibit B hereto.
- Section 3: This ordinance shall be effective 5 days from the date of its adoption.

ADOPTED this 23rd day of September, 2010

BOARD OF COUNTY COMMISSIONERS

Chair

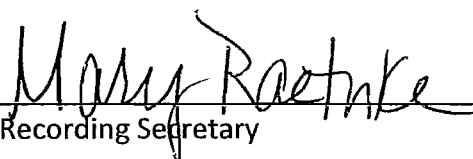

Recording Secretary

EXHIBIT A

ZDO-219

Comprehensive Plan Amendments

Text to be added is underlined. Text to be deleted is ~~struck through~~.

NATURAL RESOURCES AND ENERGY (1/5/09)

Citizen involvement is essential in the governmental process to promote the general health and welfare of the total community. New approaches must be developed by local government to effectively involve citizens in the planning and decision-making process. Positive accomplishments can be achieved.

The resources and natural systems of Clackamas County are the most enduring and tangible assets for its communities and their economies and environment.

River corridors, farm fields, marshes, scenic outlooks, wildflowers, spawning beds for salmon, deer and elk wintering areas, gravel quarries, magnificent stands of trees along Oatfield Ridge, or reservoirs of hot water beneath the slopes of Mt. Hood are all part of the wealth of Clackamas County's environment.

Natural resources and processes are interdependent, supplying benefits to the system of which they are a part. Plants are used by animals. Floodplains accommodate floods. Geologic processes produce areas of spectacular scenery. Skiers use the snow-covered slopes of Multnomah Mountain. Favorable soils and slopes result in savings for construction. Energy flows into the region from the sun, wind, and rain.

Clackamas County is an area of rapid growth, urbanization pressures, and diverse rural activities. As man exerts a greater influence on the environment, planning for future use of Clackamas County's land, water, and energy resources becomes increasingly important. The concern becomes one of insuring long-range values and a high quality of life. This can be accomplished by insuring that our resources are wisely managed, that different uses of land do not conflict, that energy for productivity is available in the quantities needed, and that there is a sufficient amount of high-quality water for the needs of the population as well as natural systems.

ISSUES

1. Use of rivers for recreation and public water supply
2. Effects of river corridor development

3. Competing land use demands in river corridors and impact of development on wetlands
4. Availability and quality of groundwater
5. Management of agricultural resources
6. Management of forest resources on small woodlot ownerships
7. Management of urban forests
8. Competition of recreational demands in forest areas
9. Management of mineral and aggregate supplies
10. Reuse of exhausted aggregate extraction sites
11. Management of fish and wildlife habitat
12. Compatibility of structures and land uses in critical habitat areas; animal damage in agricultural/forest areas
13. Protection of scenic and unique natural areas on public and private lands
14. Housing density in hazard areas (e.g., steep slopes, active landslides, and floodplains)
15. Government liability if known hazard areas are allowed to develop, and damage to life or property occurs
16. Energy efficiency and alternative local sources (e.g., solar, geothermal)
17. Need for educational programs on energy conservation (e.g., weatherization, recycling, and efficient land use patterning).

SUMMARY OF FINDINGS AND CONCLUSIONS

1. On peak days and/or during summer months, sections of the Willamette River are overused in terms of recreational activities. The Clackamas and Sandy Rivers may be approaching recreational overuse in some sections. The Molalla has very low summer flows. Access points on the Tualatin River and lower Molalla River are few. The banks of the Tualatin are predominantly mud, relatively fragile, and cannot withstand much wave (wake) action. Regulatory programs include State Scenic Waterways on the Clackamas and Sandy Rivers, Federal Wild and Scenic Waterways Act, the Willamette River Greenway, state water quality standards, Water Resources Department policy and water rights, and Division of State Lands fill permits. Seven cities and the County share jurisdiction of the Willamette River.
2. All rivers either support or provide passage for anadromous fish, i.e. salmon and steelhead.
3. Existing land uses within each river corridor area are:

Land Use as Percentage of Total

<u>River</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
<u>Ag/Forest/OS</u>			

Clackamas 90.2	6.5	0.1	3.2
Sandy 94.9	4.7	0.4	0.0
Molalla 97.0	2.0	0.0	1.0
Tualatin 85.9	13.9	0.2	0.0
Willamette 84.7	11.3	0.4	3.6

4. Quality of groundwater in Clackamas County is generally good, although some dissolved iron is found in well supplies. Groundwater monitoring activities show a gradual yearly decline in the water table; however, according to the Oregon Water Resources Department, there is no indication of a critical groundwater situation.
5. The County's agricultural production in 1987 had an estimated value of over \$150 million. This contributed a total of approximately \$500 million to the state's economy. The County's agricultural land base has decreased over 100,000 acres in the last 30 years. The potential for agricultural production is further reduced by rural parcelization patterns and inactive farm land owners.
6. Techniques for maintaining the County's agricultural base are (1) regulating land uses to insure that in prime agricultural lands, economic farm units are preserved; and (2) utilizing and expanding existing resources that provide tax relief, educational programs, technical assistance, cooperatives, etc., to encourage the economic viability of the County's farms.
7. Federal timber revenues to the County treasury averaged over \$9 million per year from 1984 to 1988. The forest industry is one of the largest industries in the state.
8. During the late 1980s (from 1984 to 1988) federal lands supplied 70 to 75 percent of Clackamas County's timber harvest volume, and the forest industry supplied about 15 to 20 percent. Small woodlot owners control approximately 20 percent of the Countywide commercial forest land, and supply 5 to 10 percent of the timber harvest.
9. ~~There is no County policy for~~ Inside the Portland Metropolitan Urban Growth Boundary, street trees are required in certain areas and encouraged elsewhere ~~or managing forest lands in the urban area.~~

- | 10. Inside the Portland Metropolitan Urban Growth Boundary, preservation, maintenance, and enhancement of the tree canopy are required or encouraged through regulation and public education.
- | 110. The County could simplify management of its scattered forest holdings by exchanging them for forest lands in other parts of the County and using them for parks and/or open space. A County forest land inventory and management plan has been completed and is now being implemented.
- | 124. Aggregate supplies are integral to general economic development in the County; however, supplies near the urban area are limited due to encroachment of urban land uses.
- | 132. Fishing is a major recreational activity in the County, with many streams and rivers noted for their salmon and steelhead runs. Hunting is also a major activity, with deer, bear, elk, and other hunting having an important economic impact on Clackamas County.
- | 143. Areas near rivers or streams are the most important wildlife habitat, harbor the greatest species diversity, and are critical to the survival of numerous species. Cool and well-oxygenated rivers sustain fish in the summer. Winter range is necessary to support big game during inclement months.
- | 154. Scenic and natural areas are often quite fragile and easily obscured or degraded by inappropriate forms of development.
- | 165. County population projections indicate an increase of 45 percent by the year 2010, substantially increasing development pressure and recreational use of the County's scenic and natural areas. The quality of these resources affects tourism, a major County industry.
- | 176. Flooding and landslides are natural events posing hazards to existing structures and may be compounded by further development. There are approximately 330 acres of landslides and 935 acres of floodplain in northwest unincorporated urban Clackamas County.
- | 187. Inappropriate hillside development can increase runoff, erosion, and public service costs. County road maintenance costs, for development on hillsides with greater than 15 percent slope, are about four times as great as maintenance costs for development on 0 percent to 8 percent slope.
- | 198. Practically all energy is imported to the County. Although little can be done to affect price or supply, efficient use of energy can be accomplished once it enters the County, and auxiliary sources (e.g. solar, wind, geothermal, etc.) can be developed.

- | 2049. Nearly 40 percent of the County's energy consumption is wasted by inefficient insulation, improper ventilation, poorly designed appliances, etc. Energy loss due to inefficient land use patterns add to this total. Energy conservation strengthens the economy by preventing job loss during shortages, reducing demands on natural resources, and providing time to develop new or more efficient sources.

- | 210. Solar and wind energy are both essentially unlimited in their supply and pose few environmental problems. If more actively promoted, they could become important auxiliary energy sources in Clackamas County. Solar energy can make an immediate contribution for heating and cooling individual buildings.

- | 224. The Metropolitan Service District has established a solid waste transfer station and recycling center in Oregon City. It, and a similar station near Sandy, are collection points for solid waste before the nonrecycled material is trucked to the landfill.

- | 232. Initial exploration near Mt. Hood indicates a potential for geothermal energy. Heat from the earth could be an important contributor to the total energy requirements of the Portland metropolitan area in the next 10 to 20 years.

No changes are made to the Water Resources or Agriculture sections of Chapter 3.

FORESTS

The forest resources of Clackamas County, primarily Douglas Fir, Western Hemlock and other coniferous trees, have provided thousands of jobs for many decades both in Clackamas County and the surrounding region. Timber volume is temporarily declining in the County as the old growth stands are replaced by younger forests. Sound management practices and coordination are needed by all forest owners.

Increased demand for outdoor recreation from a growing County and regional population places renewed emphasis on the need for balanced use and management of forest resources.

Development pressures pose a challenge to retaining and enhancing a healthy urban forest canopy. Accommodating growth inside the Portland Metropolitan Urban Growth Boundary should be balanced with the preservation and planting of trees for their environmental, aesthetic, and economic benefits.

For additional consideration of forest lands, see the Land Use Chapter.

GOALS

- Conserve and protect forest lands.
- Provide continued employment in the forest products industry.
- Protect, maintain, and conserve open space, environmentally sensitive areas, wildlife habitat, scenic corridors, recreational uses, and urban buffers.
- Maintain and improve the quality of air, water and land resources.
- Create conditions that will maintain or further the growth of the wood products industry.
- Support principles and implementation of the Oregon Forest Practices Act.

POLICIES

- 1.0 Protect from conflicting land uses productive forest lands and related forested areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) (see Land Use Chapter). Recognize forest producing areas through appropriate zoning.
 - 1.1 ~~Ensure~~Ensure that forest productivity data, based on cubic foot site classes, is current and revised periodically to reflect changes in commercial forest resources.
- 2.0 Encourage forest related industries, specifically firms doing secondary wood processing or those which use wood products now underutilized or considered waste--hardwoods, slash materials, etc.
- 3.0 Continue to support and coordinate programs of the Oregon State University Extension Service and the State Forestry Department to promote more intensive management of small woodlot forest lands, including the education and dissemination of information on timber management methods, special tax assessment incentives, and programs to aid in the marketing of small timber sales.
 - 3.1 Encourage ready availability of regeneration stock, greater opportunity for equipment-sharing co-ops, and joint timber harvest programs to assist smaller woodlot and timber tract owners.
- 4.0 Encourage coordinated management of major forest lands by cooperation with the U.S. Forest Service, the Bureau of Land

Management, the Oregon State Board of Forestry, and the private industry sector.

5.0 Cooperate and coordinate with appropriate state and federal agencies to ~~ensure~~insure forest management practices that recognize the multiple resource values of forest lands. Impacts on environmentally sensitive areas such as slide and erosion hazard areas, sensitive fish and wildlife habitat, scenic corridors, unique natural and/or cultural features, etc, shall be minimized.

5.1 Encourage forest owners to restrict the use of off-road vehicles to specified areas where environmental damage and conflicts with other forest uses will be minimized.

5.2 Encourage public agencies to acquire through purchase, exchange, or easement, scenic areas now in private ownership in order to insure their preservation.

5.3 Encourage strengthening of the Oregon State Forest Practices Act to include special consideration of scenic values in methods of harvesting, in addition to prompt clean up and regeneration (ref. State Forest Practices Act, Section 629-24-541(h), 1978) and ORS 527.710.

5.4 Support visual management techniques on federal lands within the County, e.g., alternating smaller harvests along scenic corridors to reduce large-scale impacts. Develop incentives to increase the management of scenic/watershed resources on privately owned forest lands, e.g., tax incentives for modifying harvest techniques in designated scenic corridors.

6.0 Initiate a tree conservation and planting program inside the Portland Metropolitan Urban Growth Boundary~~for the northwest urban area~~ to preserve urban forest areas and promote tree landscapes.

~~6.1 Initiate an inventory of the urban region to identify and map the location of existing forested areas, and, with the cooperation of community organizations and other interested groups, identify the location of tree specimens worthy of protection.~~

6.12 Implement~~Develop~~ tree conservation standards in conjunction with the processing of design review, grading, and subdivision~~and division, and conditional use applications~~ ordinances to minimize and regulate removal of trees and other vegetation and protection of trees during construction~~on undeveloped lands within the urban area.~~

- 6.2 Discourage excessive tree removal prior to development by imposing a five-year prohibition on approval of design review, land division, and conditional use applications, if such tree removal has occurred.
- a. Provide an exception for lands specially assessed as forestland on the effective date of the regulations.
 - b. Provide an exception for minor modifications to approved developments.
 - c. Allow unlimited removal of certain types of trees, such as those that are hazardous, diseased, or planted as a commercial crop.
 - d. Allow unlimited removal of trees for certain purposes, such as utility line maintenance, or compliance with other legal requirements.
- 6.3 Develop non-regulatory approaches to encourage and facilitate tree preservation, maintenance, and planting. Such approaches may include public education and outreach, partnerships with other community organizations, and County-sponsored tree planting.
- 6.4~~3~~ Develop an urban street tree planting and maintenance program that focuses on specified arterials (e.g., boulevards) and designated neighborhoods. This should be done in cooperation with businesses and community groups.
- ~~6.4 Establish a special review process for commercial timber harvesting within the urban area. Following receipt of a notification to harvest and/or operate motorized equipment by the State Department of Forestry, the County Department of Transportation and Development shall meet with representatives from State Forestry and OSU Extension Service. Visual and neighborhood impacts, alternative harvest plans, and revegetation techniques shall be addressed, and a recommendation made by the governing body and State Department of Forestry within fifteen (15) days.~~
- 7.0 Adopt and implement an updated Forest Management Plan for County-owned forest land, emphasizing consolidation/exchange of scattered County holdings to facilitate more intensive programs for timber

management, park development and acquisition, and protection of any recognized watershed, recreation, or scenic values.

No changes are made to the remaining sections of Chapter 3.

EXHIBIT B

ZDO-219

Zoning and Development Ordinance Amendment

Text to be added is underlined. Text to be deleted is ~~struck through~~.

1002 PROTECTION OF NATURAL FEATURES (1/5/09)

1002.01 PURPOSE

Section 1002 is adopted to: (1/5/09)

- A. Protect the natural environmental and scenic features of the County; (3/24/05)
- B. Encourage site planning and development practices which protect and enhance significant natural features such as streams, swales, hillsides, ridges, rock outcroppings, views, large trees, and wooded areas; (3/24/05)
- C. Provide ample open space; and (3/24/05)
- D. Create a humanmade environment compatible and harmonious with the natural environment. (3/24/05)

1002.02 GENERAL TERRAIN PREPARATION

- A. All developments shall be planned, designed, constructed, and maintained with maximum regard to significant natural terrain features and topography, such as hillside areas, floodplains, and other significant land forms. (3/24/05)
- B. Developments shall be planned, designed, constructed, and maintained to: (3/24/05)
 - 1. Avoid substantial probability of: (3/24/05)
 - a. Accelerated erosion;
 - b. Pollution, contamination, or siltation of lakes, rivers, and streams; (3/24/05)
 - c. Damage to vegetation; and (3/24/05)
 - d. Injury to wildlife and fish habitats; and (3/24/05)

2. Minimize the removal of trees and other native vegetation that stabilize hillsides; retain moisture; reduce erosion, siltation, and nutrient runoff; and preserve the natural scenic character. (3/24/05)

1002.03 HILLSIDES

All development proposed on slopes of 20 percent or greater shall be subject to the following standards~~limited to the extent that:~~ (3/24/05)

- A. No partition or subdivision shall create any new lot or parcel which cannot be developed under the provisions of Subsection 1002.03~~this section~~.
- B. Development on land over 35-percent slope—and residential development on land over 25-percent slope in the RR, MRR, and HR zoning districts—shall be subject to Planning Director review pursuant to Subsection 1305.02. Approval shall not be granted unless the following conditions are satisfied: (3/24/05)
 1. An engineering geologic study approved by the County establishes that the site is stable for the proposed development, and any conditions and recommendations based on the study are incorporated into the plans and construction of the development. The study shall include the items listed in Subsection 1003.02(B)(2). (3/24/05)
 2. Access to the site is approved by the County and the affected fire district pursuant to the engineering geologic study and associated conditions. Design review shall be required if construction of such access requires cut and fill, blasting, tree cutting, retaining walls, or other terrain alterations which detract from the natural scenic quality of the site. (3/24/05)
 3. Design review of the proposed design of structures and re-vegetation plans shall be required to ensure preservation or rapid reestablishment of the scenic quality of the site. (3/24/05)
 4. A plan for storm drainage and erosion control is approved by the County pursuant to Subsection 1008.02. (3/24/05)
 5. Other provisions of Subsection 1002.03~~this section~~ are addressed and satisfied by the proposal.
 6. When a building is proposed, the applicant shall, in addition to satisfying the above conditions, demonstrate that at least one of the following conditions applies: (3/24/05)
 - a. It is not feasible to either transfer the density (in the case of residential development) or to develop on a portion of the site which is less sloped; or (3/24/05)

- b. Unique characteristics of the site, such as, but not limited to, vistas or solar exposure, could be better utilized by the proposed siting of structures with less or equal overall disturbance of the property than would occur otherwise under the provisions of this Ordinance. (3/24/05)
- C. Grading, stripping of vegetation, and lot coverage by structures and impervious surfaces shall be limited to no more than 30 percent of slopes 20 percent or greater. Variances to this standard may be granted pursuant to Section 1205. A variance shall not be granted unless the proposed development satisfies the following conditions: (1/5/09)
 - 1. The proposed lot coverage shall not exceed the maximum lot coverage standard of the zoning district; (3/24/05)
 - 2. The additional lot coverage, grading, or stripping shall not: (3/24/05)
 - a. Decrease the stability of the slope;
 - b. Appreciably increase erosion, sedimentation, or drainage flow from the property; or (3/24/05)
 - c. Adversely impact high priority open space as defined in Section 1011. (3/24/05)
 - 3. Measures shall be employed to minimize grading or filling to accomplish the development. (3/24/05)
 - 4. Disturbed areas shall be compacted if necessary and re-vegetated as soon as practical and before the annual wet season. (3/24/05)
- D. Buildings shall be clustered to reduce alteration of terrain and provide for preservation of natural features.
- E. Creation of building sites through mass pad grading and successive padding or terracing of building sites shall be avoided.
- F. Roads shall be of minimum width, with grades consistent with County specifications. One-way streets may be allowed. (3/24/05)
- G. Re-vegetation of all graded areas shall be the responsibility of the developer and shall occur as soon as feasible following the final grading. Maintenance of the slopes shall be the responsibility of the developer until the property ownership is transferred. (3/24/05)

Subsection 1002.04 applies to land inside the Portland Metropolitan Urban Growth Boundary, except land specially assessed as forestland on (insert effective date of ZDO-219).

A. Definitions. Unless specifically defined in Subsection 1002.04(A), words or phrases used in Subsection 1002.04 shall be interpreted to have the same meaning as they have in common usage and to give Subsection 1002.04 its most reasonable application.

1. Christmas Tree: A tree of a marketable species and evidencing periodic maintenance practices of shearing for Douglas fir, fir, and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, and soil cultivation.
2. Diameter Breast Height (d.b.h.): A tree's diameter measured by diameter tape at four and one-half feet above grade on the uphill side. On multi-stem trees, the stem with the largest diameter shall be measured.
3. Hazardous Tree: A tree that, by reason of disease, infestation, age, or other condition, presents a known or immediate hazard to people or property.
4. Nuisance Tree: Any tree of the following species: tree of heaven (Ailanthus altissima), single seed hawthorn (Crataegus monogyna), English holly (Ilex aquifolium), plums (Prunus hybrids, which are not commercial nursery species), sweet cherry (Prunus avium), English laurel (Prunus laurocerasus), Portuguese laurel (Prunus lusitanica), black locust (Robinia pseudoacacia), European mountain ash (Sorbus aucuparia), and any listed in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System.
5. Orchard Tree: A tree maintained for the production of fruit or nuts for human consumption.
6. Tree: Any woody plant with at least one well-defined stem.
7. Tree Removal: The act of removing a tree by digging up or cutting down, or the effective removal through damage to a tree or its root system. Effective removal shall include any procedure the natural result of which is to cause the death or substantial destruction of a tree, including, but not limited to: topping and severe cutting back of limbs to such a degree as to destroy or adversely affect the normal growth pattern of the tree, girdling, and placing fill in excess of six inches deep over the root zone. Tree removal does not include routine pruning or trimming.

- B. Excessive Tree Removal. Excessive tree removal is the removal of more than three trees—excluding those identified as exempt in Subsection 1002.04(E)—on a lot of record in a calendar year.
- C. Development Restriction. If excessive tree removal occurred in the five years immediately preceding the date that a complete application is filed for design review, a subdivision, a partition, or a conditional use, the application will be denied. (This restriction applies to a conditional use under Section 1203, but not to a greenway conditional use under Section 705.)
- D. Exception to Development Restriction. Notwithstanding Subsection 1002.04(C), a minor modification of a previous design review, subdivision, partition, or conditional use approval may be approved pursuant to Subsection 1305.01(L).
- E. Exempt Trees. Removal of the following exempt trees is not excessive tree removal, regardless of the number of such trees removed. However, removal of the listed trees may be regulated under other provisions of this Ordinance, such as Section 705 (Willamette River Greenway), Section 706 (Habitat Conservation Area District), and Section 709 (Water Quality Resource Area District), or by conditions of approval on a previous land use decision.
1. Trees with a d.b.h. of less than six inches;
 2. Trees required to be removed by local, state or federal law or regulation, or by a fire official;
 3. Trees removed by a public utility—or required by a public utility to be removed—in order to maintain, repair, or replace an existing utility line;
 4. Trees removed by a public utility—or required by a public utility to be removed—in order to construct a new utility line, unless the purpose of the new line is to serve future development of the subject property;
 5. Orchard trees;
 6. Christmas trees;
 7. Trees planted on the site of a commercial nursery and grown for commercial purposes;
 8. Nuisance trees;
 9. Dead trees, where death resulted from an accident or non-human cause;
 10. Diseased or hazardous trees, where the condition resulted from an accident or non-human cause;

11. Trees, the removal of which is authorized by approval of an administrative action under this Ordinance; and

12. Trees removed prior to (insert effective date of ZDO-219).

1002.054 TREES AND WOODED AREAS

- A. Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development plan wherever feasible. The preservation of these natural features shall be balanced with the needs of the development, but shall not preclude development of the subject property, or require a reduction in the number of lots or dwelling units that would otherwise be permitted. Site planning and design techniques which address incorporation of trees and wooded areas in the development plan ~~this standard~~ include, but are not limited to, the following:
1. Siting of roadways and utility easements to avoid substantial disturbance of significant clumps or groves of trees; (3/24/05)
 2. Preservation of existing trees within rights-of-way and easements when such trees are suitably located, healthy, and when approved grading allows; (3/24/05)
 3. Use of flexible road standards as provided in Subsection 1007.03(A), including one-way roads or split-level roads, to preserve significant trees and avoid unnecessary disturbance of terrain; (3/24/05)
 4. Retention of specimen trees or clumps of trees in parking area islands or future landscape areas of the site as provided for in Section 1009.
 5. Use of wooded areas of the site for recreation, or other low-intensity uses, or structures, not requiring extensive clearing of large trees, grading, or filling activity which substantially alters the stability or character of the wooded area; (3/24/05)
 6. Retention of trees which are necessary to ensure the stability of clumps or groves of trees considering the type of trees, soil and terrain conditions, exposure to prevailing winds, and other site-specific considerations; (3/24/05)
 7. Use of trees and wooded areas to buffer, screen, or provide transitions between different or conflicting uses on and off the site; (3/24/05)
 8. Use of flexible-lot-size and planned unit development designs to minimize disturbance of wooded areas; (3/24/05)
 9. Siting of uses and structures to utilize the natural microclimates created by

wooded areas and trees to reduce extremes in temperature, provide wind protection, filter pollutants, and replenish oxygen and moisture to the air; and (3/24/05)

10. Use of other development techniques described in Subsection 1011.03(C). (3/24/05)

B. Trees and wooded areas to be retained shall be protected during site preparation and construction according to County design and specifications by:

1. Avoiding disturbance of the roots by grading and filling activity; (3/24/05)
2. Providing for water and air filtration to the roots of trees which will be covered with impermeable surfaces; (3/24/05)
3. Pruning or topping of trees which will be in parking areas or near buildings, as necessary, to maintain proper balance between top growth and roots, reduce windfall potential, and provide adequate vision clearances for safe vehicular circulation; and (3/24/05)
4. Requiring, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection of specified wooded areas or specimen trees, as recommended by the arborist or horticulturist.

| 1002.065 RIVER AND STREAM CORRIDORS (3/24/05)

The following standards shall apply to land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary. (1/5/09)

A. Developments shall be planned, designed, constructed, and maintained so that: (1/5/09)

1. River and stream corridors are preserved to the maximum extent feasible and water quality is protected through adequate drainage and erosion control practices; and (3/24/05)
2. Buffers or filter strips of natural vegetation are retained along all river and stream banks.

B. Except in the case of a river or stream subject to Section 704 or 705, the minimum structure setback from a river or perennial streambed shall be equal to the distance necessary to maintain or improve upon existing water quality. This distance shall be determined by a site investigation, but will not exceed 150 feet. Investigation shall consider: (1/5/09)

1. Soil types; (3/24/05)
 2. Types and amount of vegetative cover; (3/24/05)
 3. Bank stability; (3/24/05)
 4. Slope of the land abutting the river or stream; (3/24/05)
 5. Hazards of flooding; (3/24/05)
 6. River or stream character; and (3/24/05)
 7. Any special Comprehensive Plan designation or management program.
(1/5/09)
- C. For water impoundments, diversions, and hydropower facilities, reasonable mitigation of adverse impacts to fisheries, wildlife, water quality, and flow shall be required commensurate with the intensity of the proposed use and resulting generating capacity. (3/24/05)

| 1002.076 WILDLIFE HABITATS AND DISTINCTIVE RESOURCE AREAS

- A. Developments on land that is outside both the Metropolitan Service District Boundary and the Portland Metropolitan Urban Growth Boundary shall be designed to: (1/5/09)
1. Protect native plant species, aquatic habitats, and endangered or otherwise important wildlife species; and (3/24/05)
 2. Minimize adverse wildlife impacts in sensitive habitat areas, such as deer and elk winter range below 3,000 feet in elevation, riparian areas, and wetlands.
(3/24/05)
- B. Development in areas shown as Resource Protection Open Space on Comprehensive Plan Maps X-MH-1 through X-MH-3 proposed in or within 100 feet of natural wetlands shall be designed to: (1/5/09)
1. Preserve functions of groundwater recharge, water storage, turbidity reduction, nutrient filtration, biologic or botanical production, and protective habitat cover; (3/24/05)
 2. Provide compatibility with the continued performance of wetland functions, such as:
 - a. Conservation of soil, vegetation, water, fish, and wildlife; (3/24/05)

- b. Low-intensity, dispersed outdoor recreation, such as hiking and nature study; and (3/24/05)
 - c. Utility easements, but only on peripheral areas and where alternative alignments are impractical; (3/24/05)
 3. Eliminate the need for filling, dumping, and/or excavating in the wetland proper, unless approved pursuant to Subsection 1011.04; and (3/24/05)
 4. Maintain the runoff coefficient and erosion equilibrium for lands bordering the wetland substantially the same as if such lands were undeveloped. Pier construction, elevated pedestrian boardwalks, semi-impervious surfacing, bridging of natural drainageways, and retention of vegetation in areas not intended for buildings or roads are recommended design methods.
- C. In significant natural areas identified by the County, building and road construction, filling and excavation, paving, and tree removal shall be restricted to the extent necessary to protect the unique or fragile character or features that are the basis for their designation in the Comprehensive Plan. Restrictions may be modified pursuant to Subsection 1011.04. Outside the Portland Metropolitan Urban Growth Boundary, ~~commercial-forest activities and harvesting practices~~ on forestlands shall be subject to the Oregon Forest Practices Act. (3/24/05)

CONFORMING AMENDMENTS

301 URBAN LOW DENSITY RESIDENTIAL (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30)

Subsection 301.03(B)(5)

Propagation, management, and harvesting of forest products. Refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs. ~~Commercial timber harvesting shall be reviewed pursuant to Policy 6.4 of the Forests section of Chapter 3 of the Comprehensive Plan;~~

307 RURAL AREA RESIDENTIAL 1-ACRE DISTRICT (RA-1)

Subsection 307.03(A)

Agriculture, horticulture, greenhouses, nurseries, timber growing, and the raising of livestock and animals, subject to Section 821. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs;

308 RURAL AREA RESIDENTIAL 2-ACRE DISTRICT (RA-2)

Subsection 308.03(A)

Agriculture, horticulture, greenhouses, nurseries, timber growing, grazing, and the raising of livestock and animals. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs;

309 RURAL RESIDENTIAL FARM/FOREST 5-ACRE DISTRICT (RRFF-5)

Subsection 309.03(C)

The propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs;

310 FARM/FOREST 10-ACRE DISTRICT (FF-10)

Subsection 310.03(C)

Propagation or harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs;

314 FUTURE URBANIZABLE (FU-10) 10 ACRE DISTRICT

Subsection 314.03(C)

Propagation or harvesting of a forest product. Refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs.

401 EXCLUSIVE FARM USE DISTRICT (EFU)

Subsection 401.04(D)

Propagation and harvesting of a forest product. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs.

406 TIMBER DISTRICT (TBR)

Subsection 406.04(A)

Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs;

407 AG/FOREST DISTRICT (AG/F)

Subsection 407.04(A)

Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.04 regarding a development restriction that may apply if excessive tree removal occurs;

1603 VILLAGE STANDARD LOT RESIDENTIAL DISTRICT (VR-5/7) AND VILLAGE SMALL LOT RESIDENTIAL DISTRICT (VR-4/5)

Subsection 1603.06(F)(2)(d)(2)

| Compliance with Subsections 1002.03, ~~1002.04~~, and 1002.05 shall be demonstrated.



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

DEPT OF

SEP 24 2010

**LAND CONSERVATION
AND DEVELOPMENT**

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CHRIS STOREY
SCOTT C. CIECKO
D. DANIEL CHANDLER
ASSISTANTS

CERTIFICATE OF MAILING

I hereby certify that the enclosed Ordinance No. ZDO-219 was deposited in the mail on September 23, 2010

Signed: _____

Cheryl J. Cornelison, Administrative Assistant
Clackamas County Counsel's Office
(503) 655-8619



FIRST CLASS MAIL



CLACKAMAS
COUNTY

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