



# CITY OF OREGON CITY NATURAL RESOURCES COMMITTEE AGENDA

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Virtual Meeting  
Wednesday, July 08, 2020 at 7:00 PM

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## CALL TO ORDER

## ADOPTION OF THE AGENDA

*Committee members have the opportunity to move items to New Business/Discussion Items from Communications if they are interested in discussion. The Committee may also add an item to the agenda with the consensus of the Committee.*

## PUBLIC COMMENT

*Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. The Chair has the discretion to waive limitations. Prior to speaking, citizens shall complete a comment form and deliver it to the Staff Member. The Natural Resources Committee does not generally engage in dialog with those making comments but may refer the issue to the City Manager.*

## OLD BUSINESS

1. Draft Permitting and Notification Process for Tree Removal on Institutional and City Owned Properties

## NEW BUSINESS/DISCUSSION ITEMS

2. Review NRC Work Plan
3. Thimble Creek Upland Habitat Overlay District

## COMMUNICATIONS

## FUTURE AGENDA ITEMS

## ADJOURNMENT

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## PUBLIC COMMENT GUIDELINES

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*Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the Staff Member. When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone. To assist in tracking your speaking time, refer to the timer on the table.*

*As a general practice, the Natural Resources Committee does not engage in discussion with those making comments.*

*Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.*

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### **ADA NOTICE**

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*The location is ADA accessible. Hearing devices may be requested from the City Staff Member prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503 657 0891*

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***Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.***

***Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at [www.orcity.org](http://www.orcity.org) and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channel 28 for Oregon City area residents. The meetings are also rebroadcast on WFMC. Please contact WFMC at 503 650 0275 for a programming schedule***



# CITY OF OREGON CITY

## Staff Report

625 Center Street  
Oregon City, OR 97045  
503-657-0891

**To:** City Commission **Agenda Date:** 07/07/2020  
**From:** Community Development Director Laura Terway

### **SUBJECT:**

Draft Permitting and Notification Process for Tree Removal on Institutional and City Owned Properties

### **STAFF RECOMMENDATION:**

The City Commission provide comment and direction as needed.

### **EXECUTIVE SUMMARY:**

Staff has prepared draft code amendments and/or a policy including new procedures and public notification to avoid inappropriate tree removal by institutional properties, including the City itself. Staff is seeking confirmation from the City Commission that the draft proposal implements the direction of the Commission.

### **BACKGROUND:**

In response to tree removal on City property, the City Manager directed staff to work together to draft code amendments and/or a policy including new procedures and policies to avoid inappropriate tree removal by City staff. More specifically, the directive included:

- Utilizing the existing Heritage Tree type and size requirements, or other type and size requirements as determined through the review process, as a trigger for further analysis of alternative methods to retain healthy trees.
- Determining a public notification for the removal of trees on public property that meet the new requirements for further analysis.
- Determining an internal approval process for the removal of trees on public property that meet the new requirements for further analysis.

At the October 16, 2020 City Commission hearing, the City Commission expanded the direction to include:

- Application of the policy to Institutional properties throughout the City.

- Provisions for reuse of the wood associated with trees removed.
- Larger caliper replacement trees rather than many smaller caliper ones.

Since that time, Planning Division staff has been working with the Natural Resources Committee as well as a variety of departments within the City to draft proposed amendments. The Planning Commission has also discussed the draft approach.

**OPTIONS:**

1. Discussion and direction to City staff

**BUDGET IMPACT:**

Amount: \$  
FY(s): TBD  
Funding Source(s): TBD



## Permitting and Notification Process for Tree Removal on Institutional Properties

June 29, 2020

In response to tree removal on City property, the City Manager directed staff to work together to draft code amendments and/or a policy including new procedures and policies to avoid inappropriate tree removal by City staff. More specifically, the directive included:

- Utilizing the existing Heritage Tree type and size requirements, or other type and size requirements as determined through the review process, as a trigger for further analysis of alternative methods to retain healthy trees.
- Determining a public notification for the removal of trees on public property that meet the new requirements for further analysis.
- Determining an internal approval process for the removal of trees on public property that meet the new requirements for further analysis.

At the October 16, 2020 City Commission hearing, the City Commission expanded the direction to include:

- Application of the policy to Institutional properties throughout the City.
- Provisions for reuse of the wood associated with trees removed.
- Larger caliper replacement trees rather than many smaller caliper ones.

Since that time, Planning Division staff has been working with the Natural Resources Committee as well as a variety of departments within the City to draft proposed amendments. The Natural Resources Committee has reviewed the amendments several times. The Planning Commission discussed the draft policy and code on June 22, 2020. The Parks and Recreation Advisory Committee, and the Transportation Advisory Committee have yet to review the proposal. Staff has incorporated input from affected departments and agencies into this updated draft and noted area when the input has not been incorporated. This memo is intended to describe the approach to implement the directive of the City Commission and City Manager by requiring additional permitting, notification, and mitigation requirements for tree removal on Institutional lands.

### Applicability

The proposed would apply to tree removal on public property such as land owned by: the City of Oregon City, Clackamas County, Metro, State of Oregon, Oregon Department of Transportation, Water Environmental Services, Clackamas River Water, South Fork Water Board, Oregon City School District property, Clackamas Community College property, or the public right-of-way.

The following process is not intended to be applied to properties which are not publicly owned such as retail, office, restaurants, apartments, and homes. Type I tree removal and permitting requirements would continue to apply for these properties.

### **Step 1. Determine if the Tree is Exempt**

The following trees are exempt from the arborist report, public notice and additional review requirements in this document:

- **Imminent Hazard Trees.**

Wherever a tree is considered an imminent hazard as defined in OCMC 17.04.1370, it may be removed before a permit is obtained due to the necessity to respond to the hazard and restore public safety as soon as possible. Examples include if the tree has fallen across the roadway or if it is leaning significantly due to a heavy windstorm and likely to fall within the next 72 hours, or when a tree is damaged by a vehicle collision. A determination of imminent hazard is made in the field by the City of Oregon City Public Works, or emergency personnel, a forester, or a certified arborist. Permits are required after the imminent hazard has been removed and any applicable replacement requirements shall be followed. Photos and documentation of the hazardous conditions shall be provided with the permit application for tree removal to verify the tree was hazardous, but arborist reports would not be required. If the tree is 25 inches or greater and owned by the City of Oregon City, the wood must be reused as identified at the end of this document.

*17.04.1370 - Tree, imminent hazard.*

*"Imminent hazard tree" means a hazardous tree as defined in OCMC 12.32.020, all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed.*

- **Tripping Hazard.**

Trees causing a sidewalk to lift greater than 0.25 inches or create a hazard which is not compliant with ADA standards. If the tree is 25 inches or greater and owned by the City of Oregon City, the wood must be reused as identified at the end of this document.

- **Invasive Species.**

If the tree is 25 inches or greater and owned by the City of Oregon City, the wood must be reused as identified at the end of this document.

- **Approved Habitat Restoration Programs.**

The Natural Resources Committee recommended public lands and public projects that have approved habitat restoration programs in effect not be subject to these standards. There are a variety of open space and natural areas under public ownership within the City's Urban Growth Boundary and city limits that are actively managed to improve wildlife habitat, stream and water quality. The two largest open space areas are the Canemah Bluffs Open Space Natural Area and Newell Creek Canyon Natural Area owned and managed by Metro who has expressed concerns regarding how the process would be applied to open space areas. Both areas are subject to detailed habitat restoration plans developed by Metro natural resources scientists and approved by the City. In addition, the Greater Oregon City Watershed Council conducts stream habitat restoration projects through the city. Many of these types of project require the removal of invasive tree species, but also occasionally require the removal of natural occurring healthy trees to allow certain habitats to flourish. For example, at the Canemah Bluffs Natural Area, the restoration of Willamette Valley Oak (*Quercus garryana*) required the removal of over-story Douglas Fir trees in order to simulate the naturally occurring fires that allowed oaks to grow since they need more light. If the tree is 25 inches or greater and owned by the City of Oregon City, the wood must be reused as identified at the end of this document.

- **Federal Lands.**

The process does not apply to tree removal on Federal lands, though compliance is encouraged.

The Public Works Department requested to be exempt from additional process and permit requirements. Currently, both permits are required for street tree removal and Type I tree removal and permitting requirements apply for on-site work on city properties, including water quality facilities.

Exempt trees are likely subject to other review and permitting processes. Verification with the Planning Division is highly encouraged prior to any tree removal.

## Step 2. Obtain an Arborist Report

A written assessment by a certified arborist is required to identify the tree's condition and the presence of any potential hazards that may be posed by the tree.

If the tree meets the minimum size requirements for a Heritage Tree in the table below, the arborist report must also include an alternatives analysis as to options in which the tree can be retained or preserved. In these cases, the arborist report shall include a discussion of methods that might be employed to preserve the tree, the cost, and practicality of employing such methods, in their recommendation.

Heritage Tree Eligibility Table		
Common Name	Species	Minimum Size (d.b.h)*
Oregon White Oak	Quercus garrayana	8"
Douglas Fir	Pseudotsuga menziesii	18"
Western Red Cedar	Thuja plicata	12"
Ponderosa Pine	Pinus ponderosa	12"
Western Yew	Taxus brevifolia	6"
Pacific Dogwood	Cornus nuttallii	5"
Coastal Redwood	Sequoia sempervirens	12"
Giant Sequoia	Sequoiadendron giganteum	12"
Pacific Madrone	Arbutus menziesii	5"
Other broadleaf tree species		20"
Other conifer trees		18"

*\*d.b.h = Diameter at breast height, means a measurement of the trunk or stem diameter of a mature tree at a height four and one-half feet above the ground level at the base of the tree.*

Note: Natural Resources Committee recommended that the native tree Pacific Madrone be added to the Heritage Tree Eligibility List at 5" d.b.h. due to its rarity, small mature size and unique characteristics. This requires amendment of the table in OCMC 17.32.010 (attached).

## Step 2. Apply for Permits for Tree Removal

A permit process will be created and administered by the Planning Division to ensure compliance with these standards and to facilitate a public noticing process. The permit will be free of charge. The application will also include written determination of the feasibility of the proposed alternatives identified in the arborist report.

### Large Tree Mitigation.

In addition to the mitigation (replanting) required in the Oregon City Municipal Code, trees proposed for removal that are 25 inches or greater d.b.h. may only be mitigated with trees a minimum of 2.5 inches d.b.h. No fee in lieu is allowed, and thus the trees shall be placed onsite, or offsite in a location within the city limits. In addition, if an applicant chooses to plant a mitigation tree over 4 inches d.b.h., the mitigation requirements may be reduced by 3 trees for every tree planted.

### **Step 3. Processing the Proposed Tree Removal**

The purpose of the permit is to verify an arborist report was completed and to inform the public of the proposal. The notice will direct them to a website where they could review the application, arborist report, and contact the applicant with any questions or concerns.

- **Website Notice**

Notice of all proposed removal of heritage eligible trees will be posted to a city website. The public as well as the City Commission, PRAC, NRC, CIC, Neighborhood Associations, etc. will have the ability to subscribe to the website to receive notifications each time a new posting occurs.

- **Physical Notice**

A physical notice is also required to be posted on the tree proposed for removal for a minimum of 7 calendar days. This period is intended to provide an opportunity for the public to contact the applicant with questions and comments about the proposed tree removal. Notices shall be provided by the Planning Division on 8.5 X 11 laminated paper with the words "NOTICE OF PROPOSED TREE REMOVAL" in bold, 48-point font and the website where the public may download the permits, arborist reports and associated documentation. Notices shall be tied to the tree with twine or wire. No screws or nails shall be used.

If there remain unresolved questions or concerns regarding the proposed tree removal of a tree on City property which was subject to the public notice, the decision to issue the applicable permit(s) shall be referred to the City Manager's office for further review. The City Manager may direct staff to continue with the tree removal, may hire an arborist to review the situation, or may direct staff to not remove the tree.

Approval by the City Commission will be required for City owned trees over 50 inches D.B.H. Trees on City property greater than 50" d.b.h. shall be placed on a City Commission consent agenda and notification will be sent to the Natural Resources Committee, Parks and Recreation Committee, and/or the Transportation Advisory Committee as applicable.

The City will not have the authority to deny tree removal by another entity if the process was followed.

### **Step 4. Additional Requirements for Removal of Trees Owned by the City of Oregon City**

Trees proposed for removal which are owned by the City of Oregon City, 25 inches d.b.h. or greater, and are free from infestation shall be repurposed for use by the City and/or public if feasible. Depending on the quality of the wood, it may be utilized for environmental enhancement, furniture or crafts. The Natural Resources Committee recommends that in natural areas and next to streams, leaving large woody debris in place may help to improve fish and wildlife habitat, and that the use of wood for firewood should be allowed only if the wood cannot be repurposed any other way (e.g. cottonwood).

### **Establishment of a Dedicated Fund for Alternatives to Tree Removal and Reuse of Wood**

The City shall establish a dedicated fund for the purpose of funding alternatives to tree removal and reuse of the wood for large tree removal.

### Process of Adopting Proposed Process

The process above could be adopted by either:

1. Adoption of Amendments to the Oregon City Municipal Code. The City Commission would amend the code to require compliance with the process outlined for both the City itself as well as other institutional property owners. This process is expected to take approximately 9 months and cost significant staff time and more than \$5,000 in noticing costs.
2. Adoption of a Resolution. The City Commission could adopt a Resolution which would apply the policy to City tree removal. This approach would preclude the ability to the apply the new regulations to other institutional properties throughout the City.

Staff recommends that this process remain a policy adopted by Resolution which is only applicable to city-owned properties. The City has currently adopted five separate code sections which regulate trees within the city and is in the process of adopting a sixth for upland tree habitat in the Thimble Creek Concept Plan area. In addition, the City Commission and community recommended a thorough review of tree related codes following completion of the OC2040 Comprehensive Plan update. This will allow broader input from the community, greater time, and resources to evaluate impacts and unintended consequences of the proposal at a large scale. Staff suggests not imposing the additional process and standards on institutional properties until the comprehensive analysis is completed.

#### Next Steps:

The comments from the City Commission will be incorporated into the final draft which will be reviewed by the Natural Resources Committee prior to the adoption process.



## Oregon City Municipal Code

### Chapter 17.41 Tree Protection, Preservation, Removal and Replanting Standards

#### 17.41.010 - Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all Land Division and Site Plan and Design Review applications.

#### 17.41.020 - Tree protection—Applicability.

- A. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.
- B. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.
- C. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.
- D. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.
- E. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.
- A. F. Applications for tree removal on public property in any zone are subject to compliance with this chapter, except as provided under 17.41.040.

#### 17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

#### 17.41.040 - Exemptions.

- A. These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49.
- B. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this

subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

- C. These regulations do not apply to the removal of trees that are considered invasive species.
- D. The regulations do not apply to publicly owned natural areas and open space lands which are being managed for stream, riparian, wetland and habitat restoration projects approved by the City.
- E. Imminent Hazard Trees. Imminent hazard trees as defined in OCMC 17.04.1370 may be removed before a permit is obtained due to the necessity to respond to the hazard and restore public safety as soon as possible. Permits are required after the imminent hazard has been removed and any applicable replacement requirements shall be followed. Photos and documentation of the hazardous conditions shall be provided with the permit application for tree removal to verify the tree was hazardous, but arborist reports would not be required.

#### 17.41.045 – Tree Removal on Public Property

In addition to the standards within this chapter, applications for tree removal on public property shall demonstrate compliance with this section, unless the tree proposed to be removed has fallen, is an invasive species, or is a street tree causing a sidewalk lift greater than 0.25 inches.

- A. An application for tree removal on public property shall include an arborist report assessing the tree's condition and the presence of any potential hazards posed by the tree.
  - 1. Trees which are eligible as Heritage Trees are also required to have an arborist report which describes alternatives to removal. For all trees meeting the eligibility requirements, the arborist report shall include a discussion of methods that might be employed to preserve the tree, an estimate of the cost of such methods, and the practicality of employing such methods. City staff requesting tree removal shall include a written determination regarding the alternatives and whether they are feasible, and this information shall be furnished in the Public Notice.
- B. Applications for removal of trees eligible for heritage tree designation in accordance with the Table in OCMC 12.32.010 shall provide a public notice as follows:
  - 1. Notice of the tree removal and all application materials submitted by the applicant shall be posted on the City website; and
  - 2. Physical notice shall be posted on each tree proposed to be removed on 8.5 X 11 laminated paper with a link to the City webpage where the applicant's full submittal is posted. Notices shall be tied to the tree with twine or wire. No screws or nails shall be used.
  - 3. Website and physical notices shall remain posted for a minimum of 7 calendar days. Permits for tree removal shall not be issued until the notice period has ended.
- C. Tree removal of trees with a DBH greater than 25 inches are subject to the following additional standards:
  - 1. Mitigation trees for tree removal with a DBH greater than 25 inches shall be a minimum of 2.5 inches in caliper. Mitigation tree requirements may be reduced by 3 trees for every mitigation tree over 4 inches DBH planted.
  - 2. Mitigation trees must be planted on the subject site or offsite within City limits. Fee-in-lieu of planting is not permitted as mitigation for tree removal of trees with a DBH greater than 25 inches.
  - 3. City-owned trees with a DBH greater than 25 inches which are free of infestation and proposed for removal shall be repurposed for use by the City and/or public if feasible.D. Applications for tree removal of City-owned trees with a DBH greater than 50 inches shall be reviewed by the City Commission.

17.41.050 - Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060.
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or
- D. Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

- A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.
- B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six-inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
  - 1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
  - 2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

Table 17.41.060-1  
Tree Replacement Requirements

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed <b>Outside</b> of construction area)	Column 2 Number of trees to be planted. (If removed <b>Within</b> the construction area)
6 to 12"	3	1

13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate the size (DBH) of all trees pursuant to accepted industry standards.
3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.
4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.
5. Identify the construction area (as defined in OCMC 17.04.230).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.

C. Planting area priority for mitigation.

Development applications which opt for removal of trees with subsequent replanting pursuant to OCMC 17.41.050.A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

1. First Priority. Replanting on the development site.
2. Second Priority. Off-site replacement tree planting locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and shall be approved by the Community Development Director.

D. Replacement tree planting standards.

1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.
2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.
3. Due to their diminishing range in the region, Oregon white oak (*Quercus garryana*) trees, if removed, shall be replaced by the same species.

E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

F. Alternative mitigation plan.

The Community Development Director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the Natural Resource Overlay District alternative mitigation plan in OCMC 17.49.190.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

- A. An applicant for a new subdivision and partition may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.
- B. The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to OCMC 17.41.080.F below.
- C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a dwelling. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.
- D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
1. Private open space held by the owner or a homeowner's association; or
  2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
  3. Public open space where the tract has been dedicated to the City or other governmental unit; or
  4. Any other ownership proposed by the owner and approved by the Community Development Director.
- E. Density transfers incentive for tree protection tracts.
1. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. Density shall not be transferred beyond the boundaries of the development site.
  2. Development applications for subdivisions and minor partitions that request a density transfer shall:
    - a. Provide a map showing the net buildable area of the tree protection tract;
    - b. Provide calculations justifying the requested dimensional adjustments;
    - c. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to this section;
    - d. Demonstrate that, with the exception of the tree protection tract, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
    - e. Meet all other standards of the base zone except as modified in this section.
  3. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.
- F. Permitted modifications to dimensional standards.
1. An applicant proposing to protect trees in a dedicated tract may request, and the Community Development Director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

**Table 17.41.080.A**  
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

**Table 17.41.080.B**  
Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

**Table 17.41.080.C**  
Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

\*0 foot setback is only allowed on single-family attached units

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the Community Development Director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the Community Development Director, are determined to be diseased or hazardous.

A. Permitted adjustments.

1. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
2. The City Engineer may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.
3. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

17.41.120 - Cash-in-lieu of planting (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

17.41.130 - Regulated tree protection procedures during construction.

- A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.
- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
  1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
  2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.
  3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.
  4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.

5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
  6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.
  7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
  8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
  9. The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
  10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, 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 to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

## Oregon City Municipal Code

### Chapter 17.04 Definitions

#### 17.04.974 Public Property

For the purpose of OCMC 17.41, “public property” means land owned by a local, State, or Federal government, publicly owned utility provider, schools, colleges, and public right-of-way.



## Chapter 12.32 - HERITAGE TREES

### 12.32.010 - Purpose.

- A. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of certain trees, because their age, species, natural resource value, ecological or horticultural value, or historical association, are of special importance to the city. These trees may grow on private or public property.
- B. In particular, the following trees are considered significant, and therefore will be eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility Based on Size

Common Name	Species	Size (d.b.h)*
Oregon White Oak	<i>Quercus garryana</i>	8"
Douglas Fir	<i>Pseudotsuga menziesii</i>	18"
Western Red Cedar	<i>Thuja plicata</i>	12"
Ponderosa Pine	<i>Pinus ponderosa</i>	12"
Western Yew	<i>Taxus brevifolia</i>	6"
Pacific Dogwood	<i>Cornus nuttallii</i>	5"
Pacific Madrone	<i>Arbutus menziesii</i>	5"
Other broadleaf tree species		20"
Other conifer trees		20"

\*d.b.h = Diameter at breast height, means a measurement of the trunk or stem diameter of a mature tree at a height four and one-half feet above the ground level at the base of the tree.

### 12.32.020 - Definitions.

For the purposes of this chapter the following definitions are used.

"Hazardous tree" means a tree that presents a significant risk to life or property as determined by a certified arborist, forester, or horticulturalist. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.

"Diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree, or which harbors communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees as determined by a certified arborist, forester or horticulturist.

"Heritage stand" means a group of two or more trees that have been designated by the city as having unique importance, subject to the heritage tree regulations of [OCMC 12.32](#).

"Heritage tree" means a tree that has been designated by the city as having unique importance, and subject to the heritage tree regulations of [OCMC 12.32](#). Where a grouping of two or more heritage trees has been so designated, the term "heritage stand" may be used.

"Imminent hazard tree" means a hazardous tree — all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed. (See also Tree, hazard.) Determination of imminent hazard may be made by the City of Oregon City public works or emergency personnel, a PGE forester, or a certified arborist.

"Native tree" or "native tree stand" refers to a regulated native tree or stand of trees that are defined as such on regionally recognized plant lists. Significant native trees are those that contribute to the landscape character of the area.

"Tree stand" means a stand of three or more trees which together create a mutual canopy continuous over eighty or more percent of the area within the boundaries of the stand.

#### **12.32.030 - Nomination and Review Process.**

All nominations require approval of the City Commission.

- A. A tree or stand of trees may be nominated for consideration as a heritage tree or heritage stand by any citizen. The tree or stand of trees may be located anywhere in the city, regardless of whether the property is public or private, or if it is within a right-of-way.
- B. Completed heritage tree nominations shall be submitted by December 31, and nominations announced prior to or concurrent with the proclamation of Arbor Day.
- C. The Community Development Director shall schedule all nominations for review by the Natural Resources Committee at a regularly scheduled meeting, with notice to the general public, applicant, consenting property owner, abutting property owner, Parks and Recreation Advisory Committee, and the chair of any recognized neighborhood association in which the tree or stand is located as applicable.
- D. The Community Development Director shall prepare a staff report that analyzes the nomination pursuant to the criteria in this chapter and shall include a staff recommendation to support or not support the nomination.
- E. The Natural Resources Committee shall review the nomination and staff report at a regular meeting and make a recommendation regarding the nomination to the City Commission. In the absence of a functioning Natural Resources Committee then the Community Development Director shall forward the nomination directly to the City Commission.
- F. The City Commission shall make the final decision on all nominations forwarded to them by the Natural Resources Committee at a public meeting.
- G. Notice of the City Commission meeting shall be provided to the general public, the nominating applicant, Natural Resources Committee, the property owner or abutting

property owner (if located on city right-of-way), the chair of any recognized neighborhood association in which the tree or stand is located, and the Parks and Recreation Advisory Committee, if applicable.

- H. After considering the recommendation and any testimony by interested persons or groups, the City Commission shall vote to approve or deny the nomination.
- I. Notice of the City Commission's decision shall be provided to the NRC, property owner, abutting property owner, and the Parks and Recreation Advisory Committee as applicable.

#### **12.32.040 - Consent of Owner.**

Consent of the property owner or jurisdiction responsible for maintenance of the tree proposed for designation shall be required, pursuant to the following provisions.

- A. Nominations for trees or tree stands on city-owned property, other than right-of-way, may be submitted by any citizen of Oregon City and the City Commission shall make the final decision following the general procedure identified in subsection 12.32.030 above. If the nomination is for a city park, the Parks and Recreation Advisory Committee shall also review the nomination and provide an advisory opinion prior to the Natural Resources Committee recommendation to the City Commission.
- B. Nominations for trees or tree stands located in city public rights-of-way, including alleys, require the consent of the abutting property owner responsible for the care and maintenance of the nominated tree pursuant to OCMC 12.08.
- C. Nominations for trees or tree stands on property owned by other public agencies that are not the City (for example, Clackamas County, the Oregon Department of Transportation, Urban Renewal Agency), shall require the written consent of the applicable public agency before the nomination is considered by the city.
- D. Nominations for trees or tree stands located on private property may only be submitted by the property owner or if accompanied by the property owner's written consent.

#### **12.32.050 - Nomination Submittal Requirements.**

- A. Trees and stands of trees shall be nominated by completing a form provided by the Community Development Director and attaching the required information.
- B. For individual trees, the applicant shall provide, at a minimum, the approximate height, canopy spread, diameter, approximate age, species, and condition of the tree, if known. For a stand of trees, the nomination shall be accompanied by sufficient information to describe the overall condition of the stand.
- C. The nomination shall include a narrative explaining how the tree or stand of trees meets the review criteria identified in [Section 12.32.050](#) of this chapter.
- D. The nomination shall be accompanied by the written consent of the property owner or agency as described in [Section 12.32.030\(B\)](#) of this chapter.
- E. The Community Development Director may request further information from the applicant to support the nomination request.

#### **12.32.060 - Designation.**

Following approval by the City Commission, the designation shall be completed pursuant to the following procedures:

- A. For private property, the designation shall be complete upon the property owner's execution of a restrictive covenant running with the land for the benefit of the city and suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or stand of trees, and covenant that the

tree or stand of trees is protected as a "heritage tree" or "heritage stand" by the city of Oregon City and therefore subject to special protection as provided in this chapter.

- B. If the tree or stand of trees is located on city right-of-way, the designation shall be complete upon the staff's listing of the tree or stand of trees on the city of Oregon City heritage tree and stand records and official maps. The city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a protective covenant in accordance with subsection 1., above, which shall be recorded by the city upon the vacation of the right-of-way.
- C. For designation of heritage trees and stands on city parks and other city owned property, the designation shall be complete upon the City Commission's approval of the nomination and any documents determined by the commission to be legally necessary to ensure the preservation of the heritage tree or stand of trees, whether this be in the form of a restrictive covenant, or other instrument or agreement applicable to the specific site.
- D. For designation of heritage trees and stands on public property or right-of-way other than city property or right-of-way, the designation shall be complete upon the City Commission's approval of the nomination and any documents determined by the commission to be legally necessary to ensure the preservation of the heritage tree or stand of trees, whether this be in the form of a restrictive covenant, or other instrument or agreement applicable to the specific site.

**12.32.070 - Criteria for designation.**

The City Commission may designate a tree or stand of trees as a heritage tree or heritage stand if the commission determines that the tree or stand of trees is consistent with a positive balance of the factors set forth below.

- A. Heritage criteria (at least one heritage criterion must be met):
  - 1. The tree or stand of trees is associated with events that have made a significant contribution to the broad pattern of Oregon City's history; or
  - 2. The tree or stand of trees is associated with the life of a person or group of historic significance to Oregon City; or
  - 3. The tree or stand of trees represents a significant and distinguishable presence within Oregon City; or
  - 4. The tree or stand of trees has age, size, or species significance (horticultural or ecological), which contributes to Oregon City's heritage status;
- B. Site and Condition Criteria (all criteria must be satisfied):
  - 1. The tree species is not listed as invasive on any regionally accepted plant list;
  - 2. If the proposed heritage tree or stand is located on private property or on public property owned by a public agency other than the city of Oregon City, the property owner or, if the tree or stand of trees is located on a public right-of-way, the abutting private property owner consents to the designation and agrees to sign a protective covenant.

**12.32.080 - Protection of heritage trees and stands.**

- A. No heritage tree or stand may be removed, topped, or otherwise altered unless permitted by this section.
- B. An application to remove a heritage tree or stand shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way

under city jurisdiction, then the burden imposed on the city by the continued presence of the tree, outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

- 1. View obstruction;
  - 2. Routine pruning, leaf raking and other maintenance activities; and
  - 3. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.
- C. Replacement. If the heritage tree is permitted to be removed due to poor health or hazard as determined by the city, the applicant shall be required to mitigate for the loss of the tree pursuant to the following priorities:

- 1. Replanting on site.  
Replacement trees shall measure a minimum of 2" caliper. Priority shall be to plant larger caliper trees if practicable provided that the equivalent number of overall caliper inches is planted. For example:

- 18" of replacement trees required =
- Priority 1) Four (4) x 4" caliper trees, + one 2" caliper tree.
- Priority 2) Six (6) x 3" caliper trees.
- Priority 3) Nine (9) x 2" caliper trees.

Table 12.32.080 - Heritage Tree Replacement Requirements

Size of tree removed (DBH)	Number of 2" trees to be planted / total caliper inches required
6 to 12"	3 (6")
13 to 18"	6 (12")
19 to 24"	9 (18")
25 to 30"	12 (24")
31 and over"	15 (30")

- 2. Replanting off-site. If site constraints do not permit the planting of all mitigation trees on-site, alternative off-site planting areas may be considered and approved by the Community Development Director.
- D. The removal of or damage to a heritage tree or stand in violation of this chapter shall constitute a civil infraction, subject to the code enforcement procedures of Chapter 1.16 and/or Chapter 1.20, except that the penalty for unlawful removal of a heritage tree shall be six hundred dollars for each tree removed or damaged.
- E. Native heritage trees that are removed shall be replaced with native tree species.
- F. Applications to remove city-owned trees from the public right-of-way that are eligible for heritage tree nomination shall be reviewed pursuant to the procedures and notification process in OCMC 17.41.045.

**12.32.090 - Recognition of heritage trees and stands.**

- A. A heritage tree plaque may be designed and furnished by the city to the property owner or, if the tree is in the public right-of-way, to the appropriate city official, of a designated

heritage tree or stand. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the heritage tree or stand and, if feasible, visible from a public right-of-way.

- B. The Community Development Director shall maintain a list and map of designated heritage trees and stands.

**12.32.100 - Removal of heritage tree or stand designation.**

A designated heritage tree or stand may have that designation removed if the tree or stand dies or is removed pursuant to this chapter. The Natural Resources Committee, Parks and Recreation Advisory Committee, and City Commission shall be notified of the pending de-designation prior to the removal as applicable. If removed from private property, the city shall record a document extinguishing the covenant.



## Oregon City Municipal Code

### Chapter 12.08 - PUBLIC AND STREET TREES

#### 12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air and water quality; and
- E. Increase the community tree canopy and resource.

#### 12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
  1. Fifteen feet from streetlights;
  2. Five feet from fire hydrants;
  3. Twenty feet from intersections;
  4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.
- E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
- F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

- G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the city engineer.
- H. Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).

**12.08.025 - General tree maintenance.**

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is prohibited, unless under recommendation of a certified arborist, or other qualified professional. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks, eight-foot clearance in clear vision areas pursuant to OCMC 10.32, and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

**12.08.030 - Public property tree maintenance.**

- A. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The public works department and parks and recreation department may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition or may be injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of the OCMC 17.49, Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.
- B. Applications to remove city-owned trees from the public right-of-way that are eligible for heritage tree nomination pursuant to OCMC 12.32.010 shall be reviewed pursuant to the procedures and notification process in OCMC 17.41.045.

**12.08.035 - Tree removal and replacement.**

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal shall be mitigated by the following:

- A. A diseased or hazardous street tree, as determined by a registered arborist and approved by the city, may be removed, if replaced with one new tree for each diseased or hazardous tree. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without approval of an arborist.
- B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with Table 12.08.035. All replaced street trees shall have a minimum one and one-half-inch caliper trunk measured six inches above the root crown.

**Table 12.08.035**

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist	Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist
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Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

- C. For the purposes of this chapter, removed trees shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under OCMC 12.08.015.B. If a sufficient location to replant tree(s) is not available, the community development director may allow:
  - 1. Off-site installation of replacement trees within the right-of-way or on public property;
  - 2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way as street trees. Designated street trees shall be a minimum of two inches in caliper and shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter; or
  - 3. If sufficient space to replant tree(s) is not available, the community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.
- D. Trees that are listed as invasive or nuisance species as defined in OCMC 17.04.605 may be removed without replacement.

**12.08.045 - Gifts, fee-in-lieu of planting, and funding.**

The city of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. The community development director may allow a fee-in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

**12.08.050 - Violation—Penalty.**

The violation of any provision of this chapter shall constitute a civil infraction, subject to code enforcement procedures of OCMC 1.16 and/or OCMC 1.20.





# CITY OF OREGON CITY

## Staff Report

625 Center Street  
Oregon City, OR 97045  
503-657-0891

**To:** Natural Resources Committee  
**From:** Senior Planner Pete Walter

**Agenda Date:** 07/08/2020

### **SUBJECT:**

Review NRC Work Plan

### **STAFF RECOMMENDATION:**

Discussion

### **EXECUTIVE SUMMARY:**

Discuss and update the NRC Work Plan.

### **BACKGROUND:**

Please review the existing NRC Work Plan and be prepared to provide suggestions for how the Work Plan should be revised for 2020-2021. Please note that the current work plan already has more items than can be accomplished in 2020. Items should be removed if additional items are added so that we can all set realistic expectations. Items that cannot be accomplished this year should be removed or postponed until 2021.

Several major global issues are currently affecting government policy at all levels, including the COVID-19 pandemic, systemic racism, a need for great diversity, equity and inclusion in decision making, a major economic downturn, and other. What has not changed is the ever present and growing lack of awareness regarding the current state of the environment. The NRC has raised the issue of climate change as an item deserving of local recognition and importance, for example. Considering these issues, it is important the NRC's Work Plan reflect current priorities of not only the NRC but also the City Commission, as fundamental challenges affecting all Oregon City residents and the City's natural environment continue to shape local policy.

Staff suggests that the discussion begin with the following topics:

1. The NRC's role in the update of the Comprehensive Plan and Vision process [OC2040](#). Since the comprehensive plan will be the city's principal governing document for long term land use and public infrastructure decisions for the next

20 years, it will need to address a variety of environmental goals and policies. It is anticipated that updating the comprehensive plan will take a significant amount of time and input from all advisory committees, including the NRC.

2. Approaches to climate change at the local level. What aspects of climate change can the city affect, given current resources?
3. Any other suggestions from the NRC given member's review of the current work plan.

**OPTIONS:**

1. Discussion and direction to City staff

## Oregon City Natural Resource Committee 2019 – 2021 Activity Planning Sheet

NRC members should evaluate activities with respect to availability of resources and likelihood of success within the 2019 – 2021 biennium. NRC members are encouraged to take the lead in carrying out these activities with the assistance of staff to the extent staff resources are available.

1. Should any activities be removed?
2. Should any be added?

*NRC Mission Statement: In concert with the City, the committee shall advise, evaluate, and advance an agenda that empowers citizen, business and governmental stakeholders to become natural resource stewards who achieve a beneficial balance among people and natural systems now and in the future.*

### NRC Bylaws Article IV: Responsibilities:

1. *Promote community involvement in conservation of natural resources within the City and its Urban Growth Boundary (UGB) in partnership with the City, neighborhood associations, and community organizations.*
2. *Initiate recommendations and review updates to the City's comprehensive plan, codes and policy as they relate to statewide Planning Goals that are integral to our mission.*
3. *Receive notice of and comment on land use applications and City activities that have the potential to impact natural resources in the City and its Urban Growth Boundary.*
4. *Conduct orderly meetings that result in good communication to city staff, policy makers, city departments and community to achieve our mission.*
5. *Coordinate with the Parks and Recreation Advisory Committee (PRAC) and Planning and City Commissions on at least an annual basis that results in good communication and mutually beneficial results.*

*City Commission Vision: Embrace and advance Oregon City's historic role as a regional leader.*

*City Commission Mission: Build a dynamic community that leads the State in safety, economic opportunity, livability, and historic significance.*

### City Commission Goals 2019-2021:

*Goal 1. Cultivate an Environment for Successful Economic Development*

*Goal 2. Address Critical Facility/Operations Needs*

*Goal 3. Enhance the Livability of the Community*

*Goal 4. Pursue Opportunities to Increase Transparency and Encourage Citizen Participation*

*Goal 5. Maintain Fiscal Health and Long-Term Stability*

## NRC Responsibility #1:

### Promote Community Involvement in Natural Resources Conservation

#### Activities

1. Communicate with Neighborhood Associations, Citizen Involvement Commission and the Business Community. NRC members will promote programs such as the heritage tree program, arbor day, etc. through presentations to other groups and boards.
2. Strengthen and Encourage Participation in the Heritage Tree Program.
  - a. Simplify the Nomination Process – Remove Arborist Report Requirement. Amend OCMC 12.32. (look at prior code), inform comprehensive tree code update. **COMPLETED.**
  - b. Provide input on ways to improve awareness of Heritage Tree Program through brochures, Informational signs for trees, \$\$\$ for incentives, Further Outreach and Social Media.
3. Support and provide input on projects that improve connectivity between Rossmann landfill site, End of the Oregon Trail interpretive center, Cove and Willamette Rivers. This is tied to strategies in the adopted Comprehensive Plan (2003), the City’s adopted Waterfront Master Plan (2001) and the Downtown Community Plan (1999).
4. Support a process for naming of local natural and geological features. NRC wishes to use the procedures established by the US Board on Geographic Names to formally name such features as unnamed stream tributaries and other sites of geologic, natural and historical interest features, such as Waterboard Park. This could have various benefits, including improved awareness of watersheds, enhanced tourism, etc. For more details visit <https://geonames.usgs.gov/>
5. Support habitat projects in and around the Cove by seeking additional funding through Superfund - Lower Harbor Trust Fund – NRDA, Clackamette Cove restoration. A specific restoration strategy has been discussed with the Urban Renewal Commission in the report from Cascade Environmental Group. As this strategy becomes better refined, the NRC would advocate for Oregon City priority for a grant award at the appropriate phase of the redevelopment for the Cove Project.

#### Comments

## NRC Responsibility #2.

Initiate recommendations and review updates to the City's comprehensive plan, codes and policy as they relate to statewide Planning Goals that are integral to our mission.

### Activities

1. Water Resource and Wetland Inventory. Support staff efforts to address as resources allow. NRC recognizes the need to update the City's water resources, stream and wetland inventory (1999). This involves an extensive and expensive Local Wetland Inventory and Statewide Goal 5 process. Funding for this effort would need to come from grants. It is unknown whether funding sources are available.
2. Support coordinated strategy for invasive species management in 2019, such as encouraging City participation as a partner to the Clackamas County Integrated Pest Management (IPM) program. Improve public outreach / information about invasive plants.
3. Consider and advise on Natural Resources Annexation Policy. Review Annexation policies with respect to Goal 5 resources and other natural resources. **COMPLETED**
4. Consider and advise on NROD, Tree Protection and Upland Habitat Code Amendments as needed. **COMPLETED**

### Comments

### NRC Responsibility #3:

## Receive Notice and Comment on Land Use Applications and Projects within City Limits and the Urban Growth Boundary

### Activities

1. Review and comment on requests to reduce NROD Vegetative Corridor Width and other significant adjustments to the Overlay District standards.

### Comments

## NRC Responsibility #4.

### Conduct Orderly Meetings that result in Good Communications

#### Activities

1. Maintain and Update a list of Natural Resources Committee priorities and activities to share with Planning Commission and City Commission.

#### Comments

NRC Responsibility #5.

Coordinate with the Parks and Recreation Advisory Committee (PRAC) and Planning and City Commissions on at least an annual basis that results in good communication and mutually beneficial results.

Activities

Comments



## Oregon City Natural Resource Committee 2019 – 2021

### Activity Prioritization Work Sheet

Please refer to the Work Plan and enter number a number in order of how high a priority you feel the activity should be (1 = highest priority).

- **The current work plan contains 13 activities.** Two of these have been already completed (#3 and #11). Some of the activities are on-going (e.g. commenting on land use applications), while others require commitment of members and staff resources to complete.
- The worksheet contains room for additional suggested activities, which will require discussion and prioritization by the committee before being added to the list.
- Staff will compile the results and provide feedback on the practicality and feasibility of the activities at the next meeting.

Please evaluate activities with respect to the likelihood and desire of the committee to complete the item within the 2019 – 2021 biennium, given staff resources.

- Should any activities be removed?
- Should any be added?

	Trent Warness	Matt Kuhl	Doug Neeley	Jerry Herrmann	Mike Hamilton	Marie Holladay	Nancy Broshot	Average Rank
<b>NRC Responsibility #1: Promote Community Involvement in Natural Resources Conservation Activities</b>								
1. Communicate with Neighborhood Associations, Citizen Involvement Commission and the Business Community. NRC members will promote programs such as the heritage tree program, arbor day, etc. through presentations to other groups and boards.								
2. Strengthen and Encourage Participation in the Heritage Tree Program. Comments:								
3. Simplify the Nomination Process – Remove Arborist Report Requirement. Amend OCMC 12.32. (look at prior code), inform comprehensive tree code update. <b>COMPLETED.</b>								
4. Provide input on ways to improve awareness of Heritage Tree Program through brochures, Informational signs for trees, \$\$\$ for incentives, Further Outreach and Social Media.								
5. Support and provide input on projects that improve connectivity between Rossmann landfill site, End of the Oregon Trail interpretive center, Cove and Willamette Rivers. This is tied to strategies in the adopted Comprehensive Plan (2003), the City's adopted Waterfront Master Plan (2001) and the Downtown Community Plan (1999).								
6. Support a process for naming of local natural and geological features. NRC wishes to use the procedures established by the US Board on Geographic Names to formally name such features as unnamed stream tributaries and other sites of geologic, natural and historical interest features, such as Waterboard Park. This could have various benefits, including improved awareness of watersheds, enhanced tourism, etc. For more details visit <a href="https://geonames.usgs.gov/">https://geonames.usgs.gov/</a>								
7. Support habitat projects in and around the Cove by seeking additional funding through Superfund - Lower Harbor Trust Fund – NRDA, Clackamette Cove restoration. A specific restoration strategy has been discussed with the Urban Renewal Commission in the report from Cascade Environmental Group. As this strategy becomes better refined, the NRC would advocate for Oregon City priority for a grant award at the appropriate phase of the redevelopment for the Cove Project.								

	Trent Warness	Matt Kuhl	Doug Neeley	Jerry Herrmann	Mike Hamilton	Marie Holladay	Nancy Broshot	Average Rank
Other Activity Suggestion:								
Other Activity Suggestion:								
Other Activity Suggestion:								
<b>NRC Responsibility #2.</b> <b>Initiate recommendations and review updates to the City's comprehensive plan, codes and policy as they relate to statewide Planning Goals that are integral to our mission.</b> <b>Activities</b>								
8. Water Resource and Wetland Inventory. Support staff efforts to address as resources allow. NRC recognizes the need to update the City's water resources, stream and wetland inventory (1999). This involves an extensive and expensive Local Wetland Inventory and Statewide Goal 5 process. Funding for this effort would need to come from grants. It is unknown whether funding sources are available.								
9. Support coordinated strategy for invasive species management in 2019, such as encouraging City participation as a partner to the Clackamas County Integrated Pest Management (IPM) program. Improve public outreach / information about invasive plants.								
10. Consider and advise on Natural Resources Annexation Policy. Review Annexation policies with respect to Goal 5 resources and other natural resources. <b>COMPLETED</b>								
11. Consider and advise on NROD, Tree Protection and Upland Habitat Code Amendments as needed. <b>COMPLETED</b>								
Other Activity Suggestion:								
Other Activity Suggestion:								
Other Activity Suggestion:								
<b>NRC Responsibility #3:</b> <b>Receive Notice and Comment on Land Use Applications and Projects within City Limits and the Urban Growth Boundary</b> <b>Activities</b>								
12. Review and comment on requests to reduce NROD Vegetative Corridor Width and other significant adjustments to the Overlay District standards.								
Other Activity Suggestion:								
Other Activity Suggestion:								
Other Activity Suggestion:								
<b>NRC Responsibility #4.</b> <b>Conduct Orderly Meetings that result in Good Communications</b> <b>Activities</b>								
13. Maintain and Update a list of Natural Resources Committee priorities and activities to share with Planning Commission and City Commission.								
Other Activity Suggestion:								

	Trent Warness	Matt Kuhl	Doug Neeley	Jerry Herrmann	Mike Hamilton	Marie Holladay	Nancy Broshot	Average Rank
Other Activity Suggestion:								
Other Activity Suggestion:								
<b>NRC Responsibility #5.</b> <b>Coordinate with the Parks and Recreation Advisory Committee (PRAC) and Planning and City Commissions on at least an annual basis that results in good communication and mutually beneficial results.</b> <b>Activities</b>								
Other Activity Suggestion:								
Other Activity Suggestion:								
Other Activity Suggestion:								



# CITY OF OREGON CITY

## Staff Report

625 Center Street  
Oregon City, OR 97045  
503-657-0891

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**To:** Natural Resource Committee      **Agenda Date:** 07/07/2020  
**From:** Community Development Director Laura Terway

**SUBJECT:**

Thimble Creek Upland Habitat Overlay District

**STAFF RECOMMENDATION:**

Provide comment.

**EXECUTIVE SUMMARY:**

At the June 17<sup>th</sup> City Commission hearing, the City Commission directed staff to proceed with the creation of a new overlay district to protect upland habitat identified within the Thimble Creek Concept Plan as recommended by the Natural Resources Committee. The purpose of this meeting is to discuss general approaches to habitat protection.

**BACKGROUND:**

At the June 17<sup>th</sup> City Commission hearing, the City Commission directed staff to proceed with the creation of a new overlay district to protect upland habitat identified within the Thimble Creek Concept Plan as recommended by the Natural Resources Committee (identified in blue below).



The purpose of this meeting is to discuss general approaches to habitat protection. Staff has preliminarily identified the following options:

1. Apply the protection and mitigation standards in or similar to Chapter 17.41 to the new overlay district at all times. The result would discourage tree removal by requiring mitigation for any tree removed. The amount of mitigation could also be increased to further discourage removal. For example, the mitigation requirements could be doubled.
2. Require that as properties develop, the upland trees be preserved in an easement or tract, and mitigate the loss of development in those locations by requiring density transfers be used to allow development to occur at minimum thresholds as envisioned in the Concept Plan.

The NRC and community is invited to discuss these options as well as identify new ones. Specific code, policy or legal instruments will be necessary to implement these additional protections and provide clarity for developers once there is agreement on these general approaches.

#### **OPTIONS:**

1. Provide comment.
2. Do not provide comment.

**BUDGET IMPACT:**

Amount: Unknown

FY(s): N/A

Funding Source(s): N/A

# Thimble Creek Concept Plan Upland Tree Habitat Protection District

Item #3.



### Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



0 800 1,600 Feet



1: 9,600



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 6/30/2020

City of Oregon City  
 PO Box 3040  
 625 Center St  
 Oregon City  
 OR 97045  
 (503) 657-0891  
 www.orcity.org





# OREGON CITY

## Natural Resources Committee

695 Warner Parrott Road | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

June 17, 2020

**To:** Oregon City - City Commission  
**From:** Natural Resources Committee  
**Re:** Beaver Creek Road Concept Plan Implementation Upland Habitat

On June 10th, the Oregon City Natural Resources Committee met and reviewed the decision by the Planning Commission in their February meeting to dismiss our prior recommendation from November 2019 concerning the inclusion of 4 sections of unprotected upland habitat areas that were identified in the 2008 Beaver Creek Roadside Inventory Map. These areas fell outside of the OCMC 17.49- Natural Resources Overlay District or OCMC 17.44 Geologic Hazards, but could be included under a code amendment. The NRC feels very strongly that the two of these parcels delineated as section 3 and 4, constitute significant upland habitat areas and warrant enhanced protection beyond those that would be afforded by the existing city tree ordinances. The biological and natural resources values of these upland habitat parcels could be severely compromised with urban development. Ecologists and remote sensing experts will defer to ground-based survey to evaluate the quality of habitat which cannot be represented in the simplification process used to generate GIS map overlays. This is especially the case in issues where intact forests become fragmented along their boundary with altered land uses such as agriculture or urbanization. It is vitally important to take a closer look at parcels that are connected to existing protected areas in order to determine if they may have been overlooked in the initial mapping, or if they are sufficiently degraded as to no longer retain ecological values.

Two of our members on the NRC are professional plant ecologists and conservation scientists who feel strongly about the City taking a careful and technically informed approach to deciding these advance planning policies and decisions regarding future development zones within the city limits. The two parcels under question are connected to intact ecosystems within the Natural Resources and Geological Hazard overlay districts. Allowing urbanization of the parcels effectively impacts the NROD by reducing the ecological benefits through fragmentation of habitats. Edge habitats are thus created which are far less biologically diverse and of poorer quality for fish and wildlife, and become entry points for the introduction of non-native and invasive species. Professor Nancy Broshot clearly defined these values in her February letter to the Planning Commission. In her letter she said;

*“Forest fragmentation is one of the major documented negative impacts of urbanization and is an insidious threat to natural areas. Large intact areas of forest contribute to species diversity (both plant and animal), help remove pollutants from the air, mitigate climate change, and protect water quality. Development chips away at forests edges, reducing interior habitat until the land no longer functions ecologically as forest habitat. The increased edge, while attractive to many species, is not suitable habitat to many important species such as woodpeckers, owls and other raptors, and many migratory songbirds. As edge habitat increases, the remaining forest has a different climate, increased invasive species, and increased predators and nest parasites, all of which leads to a decline in abundance of forest interior species of plants and animals. Large intact forested areas serve as a refuges for specialized species; the loss of large forests due to fragmentation leads to localized extinction of species.”*

We respectfully ask the Commissioners to reconsider the recommendation of the Planning Commission to no longer review the upland habitat parcels 3 & 4. . Ideally, these two parcels can be surveyed on the ground either by NRC members, or an appropriate biological expert, who can then advise the City as to how best to proceed.

We appreciate your consideration in this matter.

#### Natural Resources Committee

Nancy Broshot, Ph.D., Chair

Mike Hamilton, Ph.D., Vice-Chair

Doug Neeley

Devon Pilney

Chris Weaver

Trent Warness



To: City Commission  
From: Christina Robertson-Gardiner, Senior Planner  
RE: LEG 19-0003-Beavercreek Road (Thimble Creek) Concept Plan Zoning and Code Amendments – Draft Planning Commission Recommendations  
Date: March 11, 2020

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The purpose of this memo is to provide additional background information on items identified by the City Commission at the March 10, 2020 City Commission Work Session on the Beavercreek Road (Thimble Creek) Concept Plan.

\*\*\*\*\*Excerpt – Portions of this memo were removed\*\*\*\*\*

### **6. Upland Habitat regulation under OCMC 17.49 Natural Resource Overlay District (NROD).**

*Discussed at: September 23, 2019, January 13, 2020 and February 10, 2020 Planning Commission Hearings October 9, 2020 and November 13, 2020 Natural Resource Committee Meetings  
This item was not discussed during the Spring open houses or through a survey.*

The 2008 Beavercreek Road Site Inventory Map identified habitat areas which may be protected. A majority of the habitat is regulated under OCMC 17.49 Natural Resources Overlay District or OCMC 17.44 Geologic Hazards, though there are locations which are not. Additional regulations could be adopted to address these areas but would not be required. Staff determined that a sufficient amount of land identified as habitat is being protected through the City's existing code or through the tree requirements identified citywide in OCMC 17.41 to show substantial compliance with the goals and policies of the Beavercreek Road Concept Plan.

#### Background

In 2008, the City was in the middle of the design and adoption of the Beavercreek Road Concept Plan and was beginning reviewing code amendments to implement Metro Title 13, which conserves and protects streamside corridor system integrated with upland wildlife habitat. The aim of Title 13 is to combine the ecological needs of wetlands and streams with habitat protection. Oregon City adopted a stream protection code in 1999, which placed a 50-foot buffer from break-in 25% slope (up to 200 feet) along a perennial stream and 15 feet protection from a seasonal stream. Anadromous or fish-bearing streams such as the Willamette River and Abernethy Creek received a 200-foot buffer.

In 2008 and 2009, Oregon City worked with Metro to identify habitat areas within Oregon City. A majority of the areas identified as conservation habitat areas were located within the existing stream buffers or were further regulated by the Geologic Hazards Overlay District. The City requested compliance with this approach and included any city-owned parks and open spaces habitat areas if located outside of the existing stream buffer into the newly revised Natural Resource Overlay District (NROD). A June 3, 2009 letter to Pete Walter from Brian Harper, Metro Assistant Regional Planner confirming compliance with Title 13, can be found attached to this memo.

Staff has reviewed the 2008 Site Inventory Map and has identified some areas that are not currently regulated under OCMC 17.49- Natural Resources Overlay District or OCMC 17.44 Geologic Hazards. Staff presented this analysis to the Natural Resource Committee (NRC) on October 9, 2019, and November 13, 2019. The Natural Resource Committee submitted a letter with a keyed map into the record requesting the Planning Commission create code to regulate and protect upland habitat areas 3 and 4 as they are of specific interest to the committee and are contiguous to large habitat areas. They supported additional

protection in Area 2 in locations that abut the identified and protected stream. Area 1 merits additional protection if analysis can show enough tree area located outside of the Natural Resource Overlay District exists. Staff requested further direction from the Planning Commission on this issue.

Nancy Broshot, NRC Chair, speaking on behalf of herself, provided additional testimony about the benefit of protecting large habitat areas. Her letter can be found attached to the public comment matrix. "Forest fragmentation is one of the major documented negative impacts of urbanization and is an insidious threat to natural areas. Large intact areas of forest contribute to species diversity (both plant and animal), help remove pollutants from the air, mitigate climate change, and protect water quality. Development chips away at forests edges, reducing interior habitat until the land no longer functions ecologically as forest habitat." She recognizes the importance of additional housing in our area, but felt the need to balance development with protection of important natural resources that, once gone, cannot be replaced. She recommended protection of Areas 3 and 4.

Below are four maps that further described this issue. The 1<sup>st</sup> map- Figure 1, looked at streams, wetlands and habitat areas during the Concept Plan design process prior to the adoption of the revised Title 13 code amendments. The areas identified in orange are labeled as habitat areas.

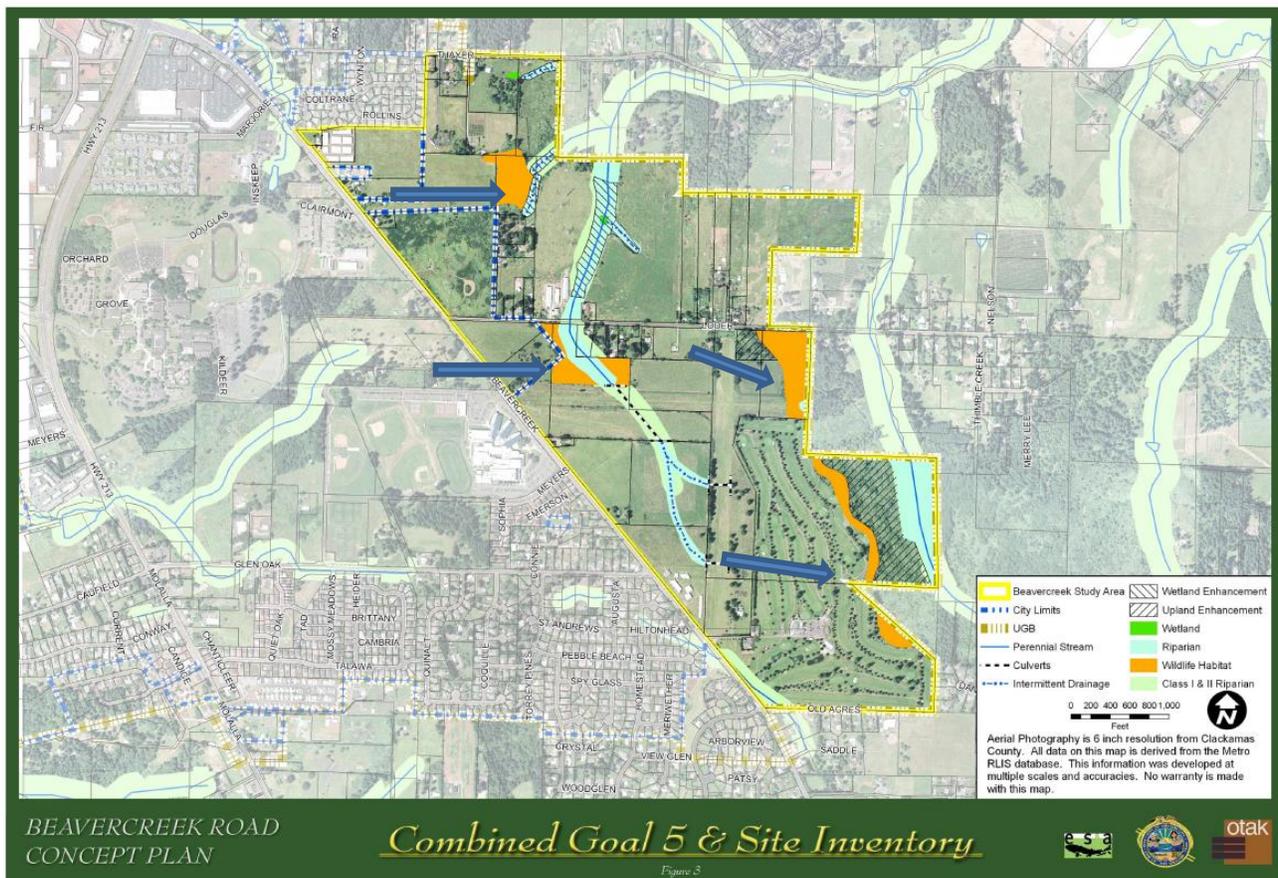


Figure 1 - Goal 5 Site Inventory- Beaver Creek Road Concept Plan Design Process

The 2nd Map- Figure 2 consists of the adopted Metro Title 13 compliant Natural Resource Overlay District. The habitat areas are identified as salmon pink (NROD HCA- High), and the Natural Resource Overlay District is identified as bright pink. Please note that the Metro identified habitat areas regulated under OCMC 17.49 Natural Resource Overlay District are smaller than the habitat areas identified by the Concept Plan consultant team above in Figure 1 and have been demarcated with red numbers (1-4)

All of the currently regulated habitat areas located within the Natural Resource Overlay District in this area are protected through OCMC 17.49.

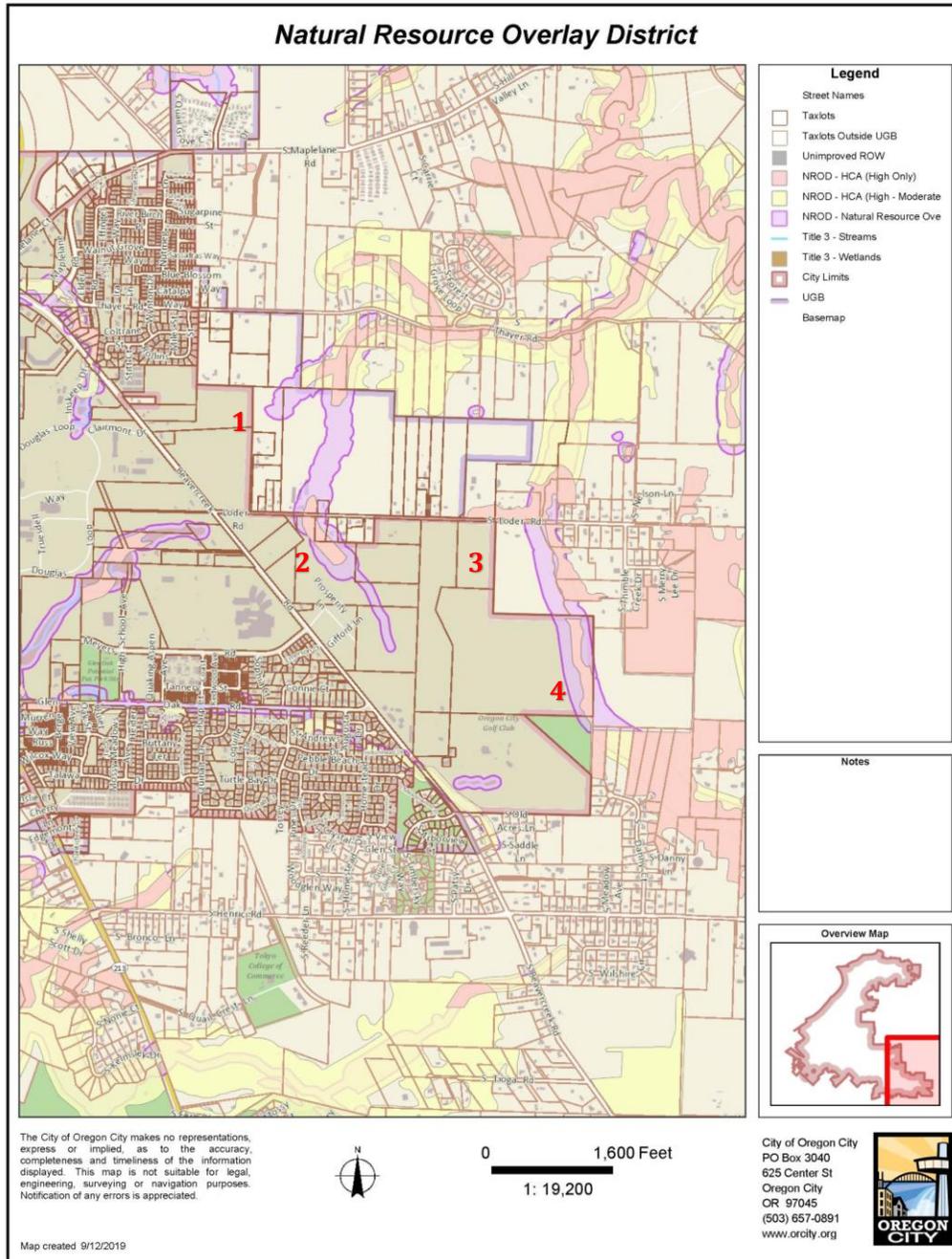


Figure 2 Natural Resource Overlay District (NROD)

The areas located outside of the NROD District and identified as orange in Concept Plan Inventory in Figure 1 are further protected through the Geologic Hazards District. Figure 3 below identifies areas with historic landslides, sloped over 25% slope and 50 buffers around these features. Oregon City regulates and limits tree removal, grading, and development in areas with steep slopes or historic landslides; more information can be found in [Chapter 17.44 of the Oregon City Municipal Code](#).

Geologic hazards fall into two categories: steep slopes and historic landslide deposits. The City regulates properties of 25% or greater and a buffer of 50 feet from those sloped areas as well as ancient landslide

areas and a buffer of 200 feet from the landslide areas. Density is limited on slopes between 25-35% and prohibited in most cases on slopes greater than 35%. Landslide areas are analyzed individually for their appropriateness. Most developments within the Geologic Hazards Overlay District requires extensive review to minimize cuts and fills and overall disturbance to the existing land. Construction in geologic hazard areas is generally limited to May 1 to October 31. The City uses a third-party consultant to verify the work of an applicant's geotechnical engineer, resulting in two engineers reviewing the appropriateness of development.

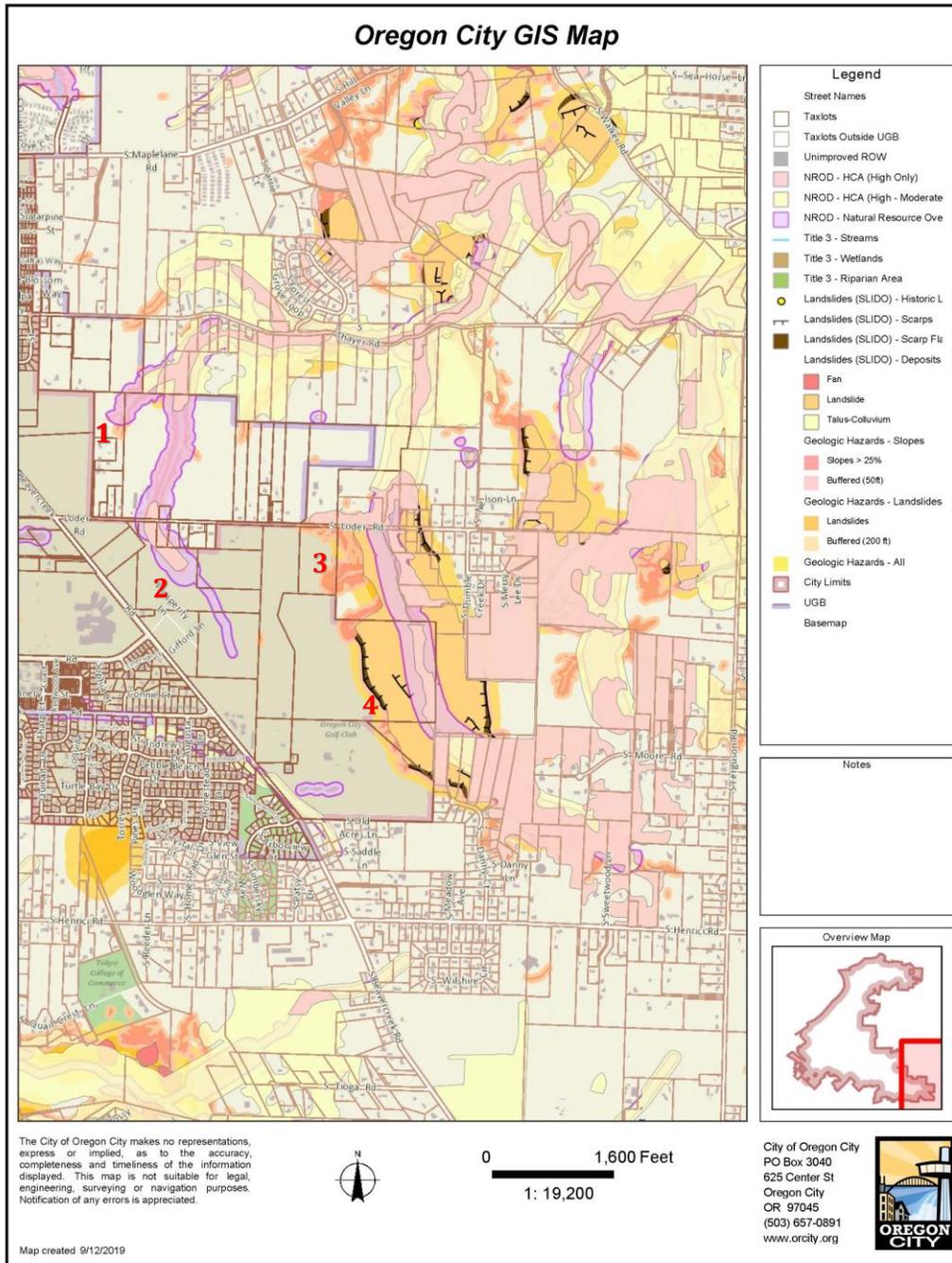


Figure 3- Geologic Hazards + Natural Resource Overlay District (NROD)

### Oregon City GIS Map

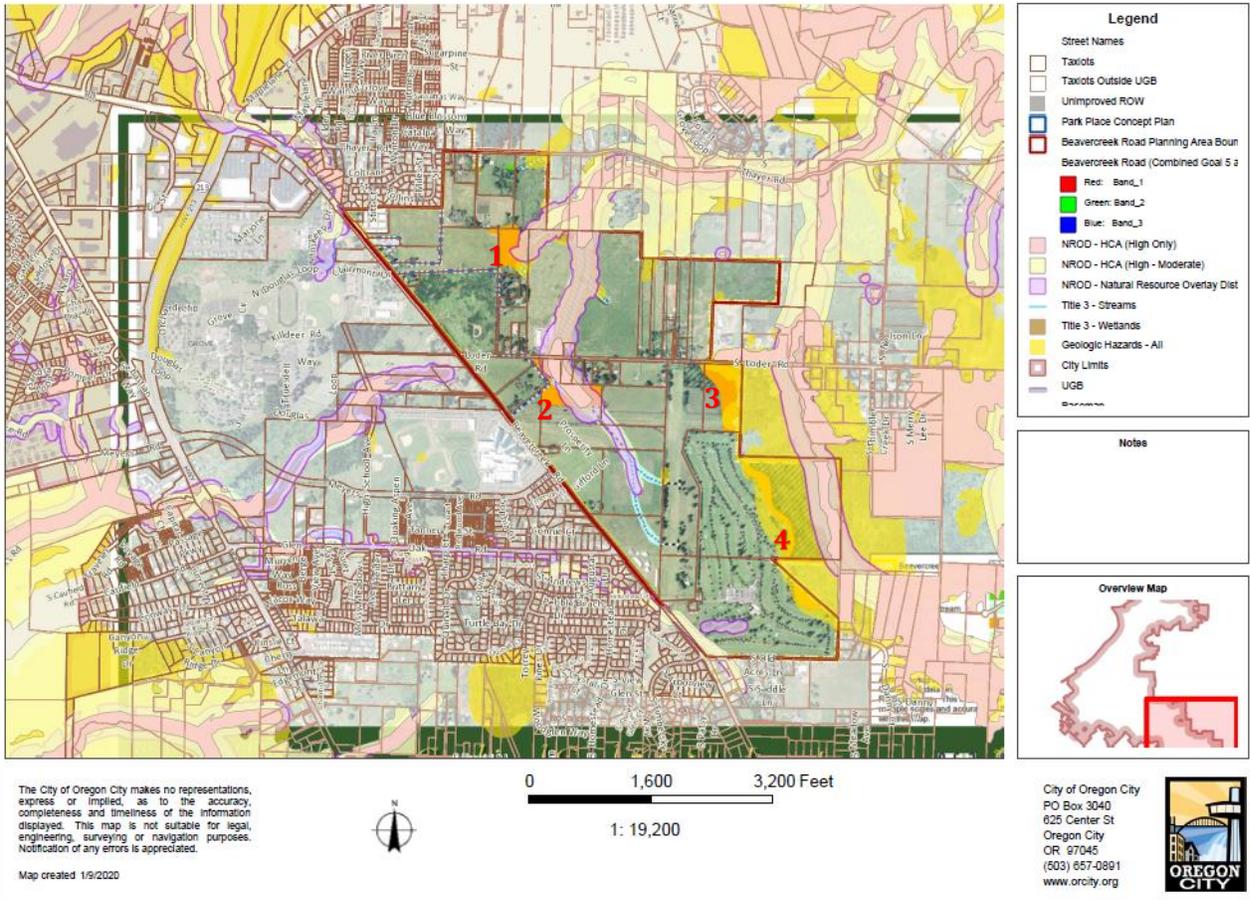


Figure 4- Geologic Hazards + Natural Resource Overlay District (NROD) overlaid with the 2008 Goal 5 Upland Habitat Map.

The Natural Resource Overlay District (OCMC 17.49) and Geologic Hazards (17.44) account for much of the concept plan identified habitat area associated with Thimble Creek Canyon (area 4) at the far SE quadrant of the plan and some of Area 3 closer to Loder Road.

The Concept Plan identified habitat area proposed to be zoned Campus Industrial (areas 1 and 2) that abuts the stream which runs north along the airfield and crosses over Loder Road is not fully regulated by these two overlay districts.

However, OCMC 17.41 Chapter 17.41 Tree Protection, Preservation, Removal, and Replanting Standards provides some additional protection along this tributary to Thimble Creek. Any tree removed in non-residential districts prior to a development application or any development removed as part of a development application in a residential district requires mitigation per the table below. While the replanting of trees removed may not necessarily be completed in the same area- the mitigation tree replanting provides an approach to no net loss of city tree canopy as part of a development application.

Table 17.41.060-1  
Tree Replacement Requirements  
All replacement trees shall be either:  
Two-inch caliper deciduous, or  
Six-foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

The analysis contained above reviews how the City regulates the area identified in the Beaver Creek Road Concept Plan habitat areas. Staff finds that the combination of OCMC 17.49 Natural Resource Overlay District, Geologic Hazards Overlay District and Chapter 17.41 Tree Protection, Preservation, Removal, and Replanting Standards provide substantial implementation of protection standards to meet the goals and vision of the Concept Plan. Moreover, the areas with the largest gap in protection have been identified for future Campus Industrial jobs, which is a major goal of the Concept Plan.

Staff did not recommend any revisions to the proposed code amendments.

Planning Commission did not recommend any revisions to the proposed code amendments at the September 23, 2019 Planning Commission Meeting and discussed the NRC's recommendation at the January 13, 2019 and February 10, 2020 Planning Commission Meetings. At the February 24, 2020 Planning Commission Meeting, the Planning Commission directed staff not pursue any additional measures or research for this topic. Staff will be providing an update to the NRC at the March 11, 2020 meeting.

## Environmental Science & Assessment, LLC

### MEMORANDUM

DATE: July 11, 2006

TO: Beaver Creek Road Citizen and Technical Advisory Committees

FROM: Jack Dalton  
Wallace Leake

RE: Beaver Creek Road Concept Plan: Natural Resource Inventory

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#### Introduction

The following includes an inventory of selected Statewide Planning Goal 5 Resources conducted for the Beaver Creek Road Concept Plan Area (Figure 1). Goal 5 Resources include wetlands, streams and their riparian areas, wildlife habitat and other resources. Oregon's statewide planning guidelines require that natural areas be inventoried and evaluated, and that natural areas with high resource values be protected from development.

The inventory consisted of two parts: 1) an examination of existing resource information for the Plan Area, and 2) a field study to verify the location and evaluate resource habitat quality. The first phase of the inventory included review of existing documents such as Metro Goal 5 Inventory maps, National Wetlands Inventory maps, Natural Resource Conservation Service (NRCS) Soils Survey of Clackamas County, Stream Net fisheries data, and other sources of existing information.

The second phase of the inventory consisted of a field evaluation of the Plan Area by a team biologist. Verification of the resource information gathered in the first phase was a key element of the field evaluation. The team biologist visited each of the previously mapped natural resource areas to confirm its location, approximate size and quality. Natural resource areas not mapped in the Metro inventory were noted on an aerial photo and included in the field evaluation inventory (Figure 1). The natural areas determined to be of high resource value were distinguished from natural areas of lesser resource value. The lower quality natural areas were given a designation of enhancement potential (high, moderate, or low) in order to identify both the highest quality natural resources and provide a determination of the feasibility of enhancement.

All of the 19 natural areas identified during the inventory were placed on a map of the Plan Area (Figure 1). A summary of characteristics of these areas is included in Table 1.

## Natural Resource Inventory

The study area occupies the upper part of the Thimble Creek watershed. Thimble Creek is a tributary to Abernathy Creek, which enters the Willamette River near downtown Oregon City. Thimble Creek is located near the eastern limit of the Plan Area. A tributary of Thimble Creek extends from south to north through much of the central part of the Plan Area, and enters Thimble Creek north of the Plan Area along South Thayer Road.

The findings of the field evaluation were generally consistent with the results of the Metro Goal 5 mapping. The Metro Class I and II Riparian and Habitat Conservation areas are shown in Figure 2. Of the 19 resource sites identified by the field evaluation, only 5 were found to be inconsistent with the Metro inventory. Figure 3 is the Metro Class I and II Riparian areas with an overlay of the site inventory, which shows the discrepancies between the Metro Goal 5 inventory and the field evaluation inventory. Resource Sites 1 and 2 (Figure 1) were not included in the Metro inventory, but were verified in the field evaluation. The field study determined that the boundaries of two additional areas (Resource Sites 14 and 15) were incorrectly mapped.

A fifth significant inconsistency was identified near Resource Site 19. The Metro mapping shows that the Thimble Creek tributary and associated riparian habitat extends through much of the area in the vicinity of the private airport immediately west of Oregon City Golf Club. The field study determined that a significant length of the tributary is piped in this area, and that the remaining riparian habitat is limited to a shallow drainage swale with no defined bed or banks. This reach of the tributary is not consistent with Metro's definition of a "stream".

Additionally, an area at the southwest corner of the Plan Area immediately east of Beaver Creek Road is mapped in the Metro inventory as a riparian corridor. The field study determined that this area has been altered by development and the riparian corridor is no longer present.

Table 1 provides specific information on all mapped resource areas and indicates whether the field-verified mapping (Figure 1) is consistent with the Metro inventory.

Natural resources, including wetlands, stream/riparian corridors, and upland wildlife habitat areas are present in the Plan Area (Table 1). Thimble Creek and its associated riparian area possess extensive tree and shrub cover with few invasive plant species, and provide high value wildlife habitat. Much of the Thimble Creek tributary, on the other hand, is highly degraded, having been disturbed by clearing, grazing and piping. For example, a significant length of the Thimble Creek tributary between Loder Road and South Thayer Road has been cleared of most streamside vegetation and extensively grazed

The southern segment of the Thimble Creek tributary within the private airport property has been piped under two runways. The remaining reaches of the tributary in this area consist of a shallow swale system. At the time of the field study, these swales did not contain standing water or evidence of surface water flow. However, area topography and other evidence indicate that water may be present in these swales during storm events. Further investigation is required to verify whether this segment of the tributary meets the state and federal definitions of a wetland.

Upland forest communities adjacent to some of the riparian corridors provide additional wildlife habitat within the Plan Area while also enhancing the habitat value of these riparian areas. Examples include forested areas along a reach of the Thimble Creek tributary immediately north of the private airport property and east of Oregon City Golf Club along Thimble Creek.

Wetlands were also determined to be present within the Plan Area. These wetland areas include an impounded stock pond on the Thimble Creek tributary and an emergent wetland in a pasture just south of Thayer Road. Wetlands may also be associated with the swales within the airport property, but further investigation is required to confirm whether jurisdictional wetland criteria are met in these three areas.

### **Development Constraints**

The presence of natural resources within the Plan Area may present a number of constraints to development. The City of Oregon City designates buffer areas (“Vegetated Corridors”) adjacent to water features such as wetlands and streams. The purpose of these buffer areas is to preserve the natural function of water features from surrounding development. The width of these areas can vary from as little as 15 feet to as much as 200 feet, depending on the type of water feature. Development is restricted within these areas.

Development in natural areas such as streamside habitats, floodplains and wetlands is also subject to Metro’s Title 13 rules. These rules were developed to protect the water quality and ecological benefits these resources provide. The level of development constraint in these areas varies with the type and quality of the resource. Resources considered to be of high quality receive a greater level of protection, and development in these areas may be highly restricted or prohibited. Resources considered to be of lower quality may provide some level of development opportunity.

Disturbances to wetlands and streams within the Plan Area would also require authorization from the US Army Corps of Engineers (USACE) and/or the Oregon Department of State Lands (DSL). Formal studies for wetlands and stream areas proposed for disturbance would need to be conducted and findings of these

studies would need to be submitted for agency concurrence to support wetland fill permit applications to USACE and DSL. Mitigation would also need to be provided to address any development impacts to these areas.

Additionally, Clackamas County regulates streams considered to be fish bearing. While it does not appear that the County would regulate the Thimble Creek tributary, Thimble Creek may meet the criteria for a fish-bearing stream. If disturbance were proposed for Thimble Creek, further studies would be required to determine its status. Development adjacent to the stream could be restricted, and disturbance to streamside areas could require mitigation.

### **Enhancement Opportunities**

Two wetland areas, six stream segments and four upland areas have been identified as having high or moderate enhancement potential (Table 1). The resource areas with high enhancement potential are those resources that are highly degraded and have few habitat functions. Resource areas considered to possess moderate enhancement potential have some habitat functions, which could be improved. Potential enhancements to these areas include invasive plant species removal, additional native plantings or, with the channelized streams, providing structural improvements, such as channel meandering.

Resource sites possessing high enhancement potential include riparian corridors in the northern portion of the Plan Area along the Thimble Creek tributary. These areas lack significant tree or shrub cover and have a high occurrence of invasive species. Steep slopes along banks of these channels increases the need for channel enhancement and riparian restoration. These drainages have intermittent or perennial flow and could be enhanced by adding native tree and shrub plantings.

Other sites with moderate enhancement potential include areas adjacent to existing upland forest habitat and riparian corridors. One of these areas occurs at the eastern limit of the study area near the golf course and west of the main channel of Thimble Creek. This property was apparently logged about 10 years ago and replanted, but contains a high proportion of invasive plant cover. This area could be enhanced by removal of invasive plant species and adding native tree and shrub plantings.

Table 1 tabulates the findings of the inventory of significant natural resources conducted for the Plan Area. The table identifies the types of resources found during the study, provides a rating of their value and enhancement potential, and indicates whether the study findings are consistent with Metro's existing Goal 5 resource maps. The table also describes essential features found at each of the 19 Resource Sites.

**Table 1. Significant Natural Resource Inventory: Beaver Creek Road Concept Plan Area**

Resource Site No.	Resource Type <sup>1</sup>	Area (Acres)	Resource Value <sup>2</sup>	Enhance. Potential	Consistent with Goal 5 Mapping <sup>3</sup>	Comments
1	Wetland	0.2	Low	High	No	Located upslope of Thimble Creek Tributary in pasture; not included in Metro Goal 5 Inventory map.
2	Riparian	0.7	Low	High	No	Intermittent stream corridor; highly degraded habitat and high non-native vegetative cover. Not included in Metro Goal 5 Inventory map.
3	Wildlife Habitat	4.4	Moderate	Moderate	Yes	Limited habitat function. Located within existing developed 10-acre parcels.
4	Riparian	1.7	Low	High	Yes	Intermittent stream corridor; highly degraded habitat and high non-native vegetative cover.
5	Riparian	1.3	High	Low	Yes	Good habitat function, multi-leveled plant community, and low non-native vegetative cover.
6	Riparian	1.8	Low	High	Yes	Intermittent stream corridor; highly degraded habitat and high non-native vegetative cover.
7	Wetland	0.2	Moderate	Moderate	Yes	Impounded stock pond between stream/riparian Resource Sites 6 and 8.
8	Riparian	3.1	Low	High	Yes	Intermittent stream corridor; highly degraded habitat and high non-native vegetative cover
9	Riparian	0.9	High	Low	Yes	Good habitat function, multi-leveled plant community, and low non-native vegetative cover.
10	Riparian	0.8	Low	High	Yes	Intermittent stream corridor; Highly degraded habitat and high non-native vegetative cover
11	Riparian	3.7	High	Low	Yes	Perennial stream and forested riparian corridor, multi-leveled native plant community, and low non-native vegetative cover
12	Wildlife Habitat	2.8	High	Low	Yes	Good habitat function, multi-leveled plant community, and low non-native vegetative cover
13	Wildlife Habitat	1.4	High	Low	Yes	Good habitat function, multi-leveled plant community, and low non-native vegetative cover

14	Wildlife Habitat	6.3	Moderate	Moderate	No	Some habitat functions, high non-native vegetative cover; Metro Goal 5 Inventory map boundary not accurate. Additional upland at the west edge of the resource area may have enhancement potential.
15	Riparian	0.2	High	Low	No	Intermittent stream and forested riparian corridor, multi-leveled plant community, and low non-native vegetative cover; riparian area not mapped within wildlife habitat resource on Metro inventory.
16	Wildlife Habitat	3.5	Moderate	Moderate	Yes	Some habitat functions, low native understory cover, high non-native vegetative cover; additional upland located at the eastern edge of the resource may have enhancement potential.
17	Riparian	9.4	Low	Low	Yes	Good habitat function, multi-leveled plant community, and low non-native vegetative cover; additional upland along the west edge of resource may have enhancement potential.
18	Wildlife Habitat	1.7	Moderate	Moderate	Yes	Some habitat functions, low native understory cover, high non-native vegetative cover.
19	Riparian	4.0	Low	High	No	Segments of intermittent drainages (swales) have been placed in culverts and/or drain tiles beneath existing airport runways. Potential wetland conditions require verification.
<b>Total Area</b>		<b>48.0</b>				

<sup>1</sup> Resource inventory includes area of wetlands, streams, riparian corridors and wildlife habitat consistent with Goal 5 significant natural resource definitions.

<sup>2</sup> Resource Value is rated as *High* if resource is not degraded and has high existing habitat functions, *Moderate* if some habitat functions are present but some enhancement is possible, or *Low* if the resource is highly degraded and has low or few existing habitat functions.

<sup>3</sup> Resource mapping is considered *consistent* with Metro's existing Goal 5 Inventory if the field study confirmed that a resource was located in the area indicated on existing Goal 5 mapping; resource mapping is *not consistent* with Metro inventory if it was not included in Metro's mapping or the ground-truthing indicates that resource is not present as mapped on Metro inventory. Notes explain determination of consistency.

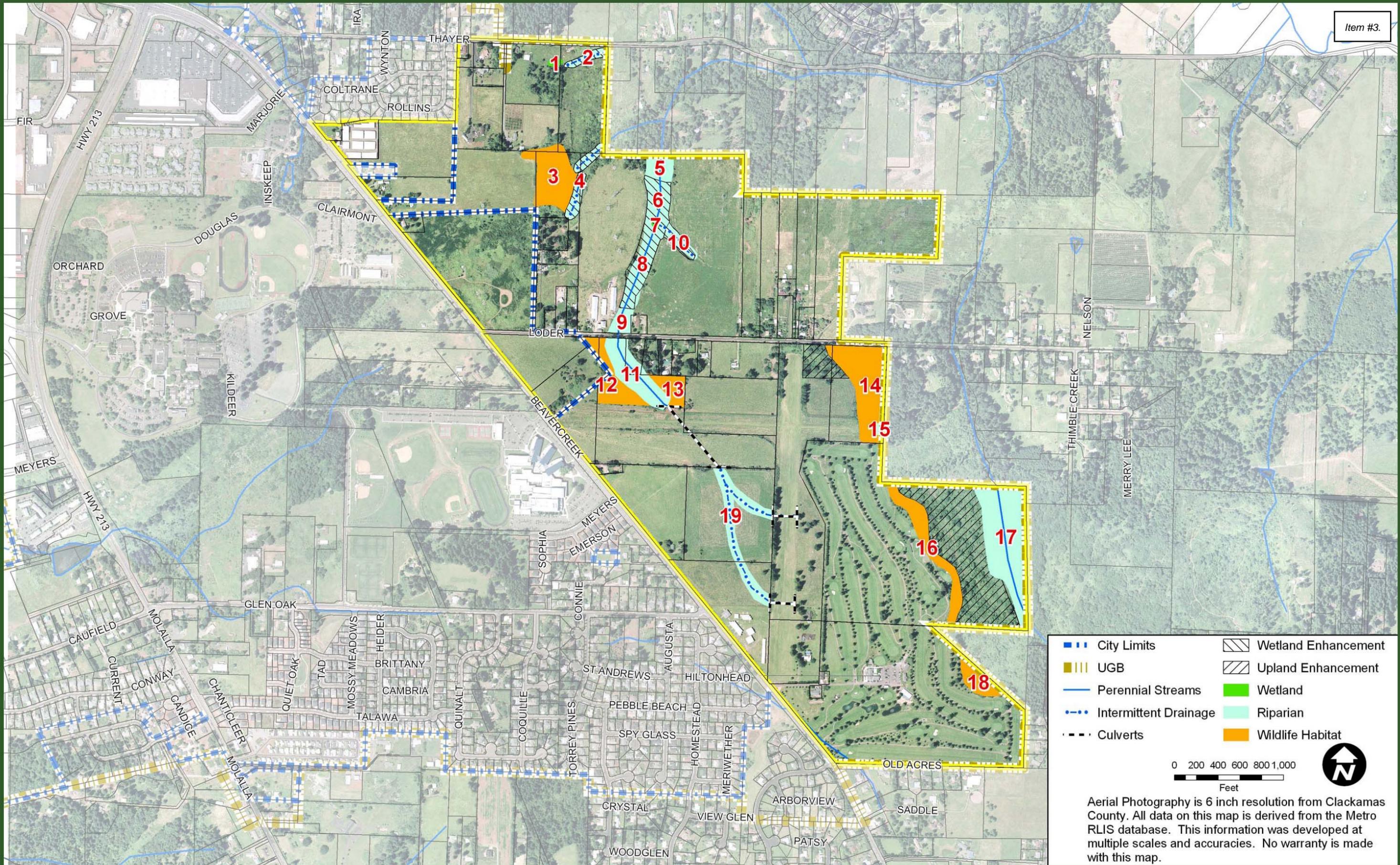
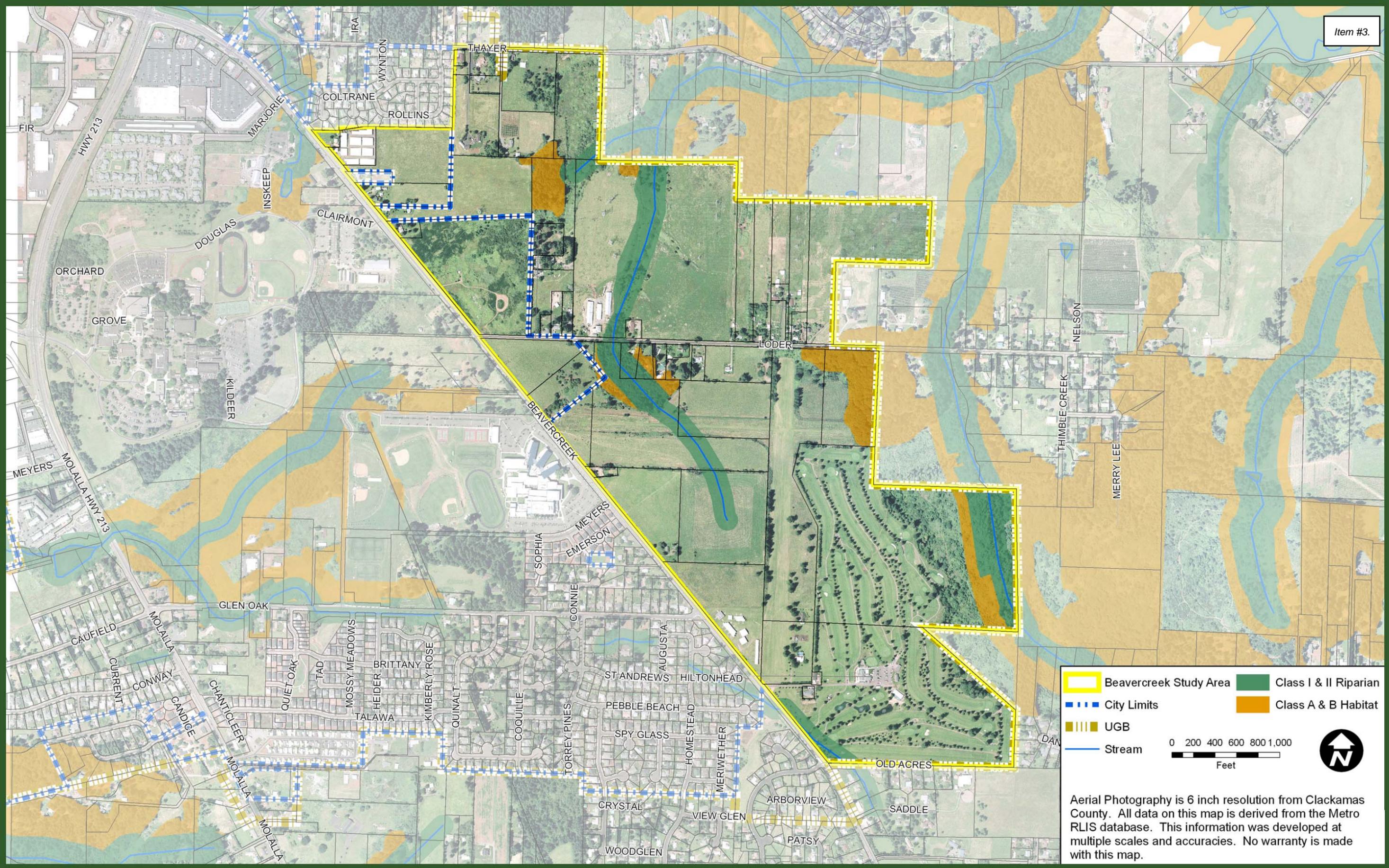


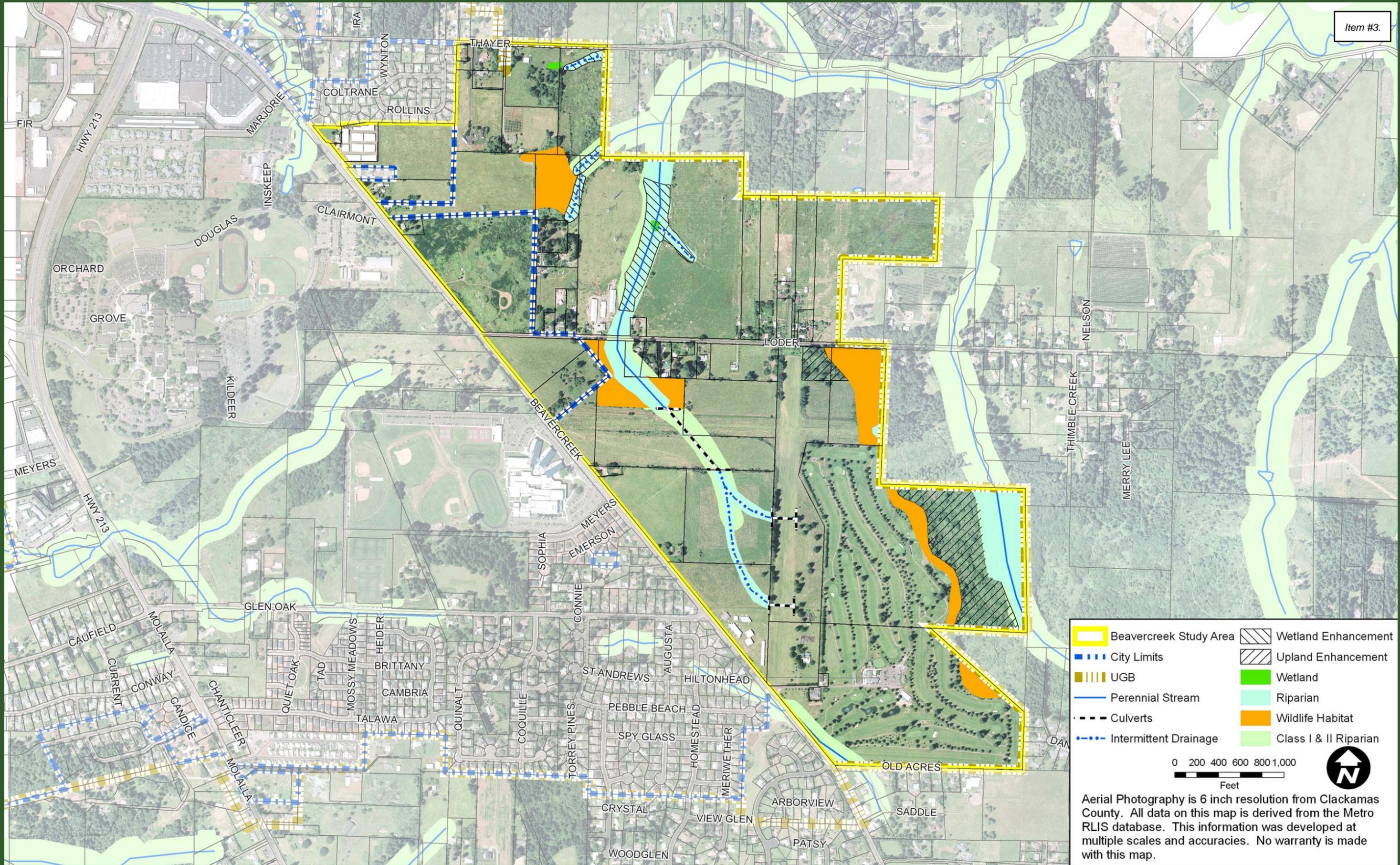
Figure 1



	Beavercreek Study Area		Class I & II Riparian
	City Limits		Class A & B Habitat
	UGB		
	Stream		

0 200 400 600 800 1,000 Feet

Aerial Photography is 6 inch resolution from Clackamas County. All data on this map is derived from the Metro RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.



Beaver Creek Study Area	Wetland Enhancement
City Limits	Upland Enhancement
UGB	Wetland
Perennial Stream	Riparian
Culverts	Wildlife Habitat
Intermittent Drainage	Class I & II Riparian

0 200 400 600 800 1,000  
Feet

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