

# Memorandum

September 16, 2015

**To:** Community Advisory Committee  
**From:** Kevin Cook, Multnomah County Planner  
**Re:** Tree Protection Policy

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## OVERVIEW

Assistant County Attorney, Jed Tomkins, has proposed revisions to the new tree protection policy that was previously approved by the CAC. The CAC reviewed and discussed Jed's text changes at its September 2<sup>nd</sup> meeting.

Some CAC members expressed concern about the change that Jed has proposed and questioned whether it accurately states what the policy is intended to do. The intent of the policy is to address the concern that excessive clearing of the forest canopy sometimes occurs around dwellings especially in areas where tree removal significantly improves views as seen from a dwelling and related structures such as decks and patios. Large clearings often greatly exceed a typical yard area and, as such, increase the magnitude of habitat fragmentation (also known as the edge effect).

At the September 2 meeting, the CAC ultimately approved the revised policy but directed staff to check with Oregon Department of Forestry to make sure the terminology used in the policy is correct. After further scrutiny of the policy language, staff believes that the entire policy should be rewritten and expanded upon to clarify its meaning.

An explanation of the reworked policy text follows:

1. The first paragraph of the policy statement adds the intent of the policy and clarifies that the policy needs to be consistent with fire safety standards.
2. The second paragraph of the policy statement addresses clearings for agricultural practices or for timber harvests. The text clarifies that staff can seek verification of legitimate farm use and that the County can require replanting beyond what may be required under the Forest Practices Act. This second piece addresses the concern that ODF sometimes allows exemptions for areas around dwellings or even areas that are contemplated but not approved for future dwelling use by property owners.
3. Strategies 1 and 2 are modified for clarity.
4. Strategy 3 is moved into a stand-alone policy since the primary concern of the SEC-v overlay is protecting scenic resources (and in this case expanding the extent of that overlay) and tree protection is a secondary benefit of the overlay.

## EXISTING DRAFT POLICY (INCLUDING JED TOMKIN'S REVISIONS):

*Within the Significant Environmental Concern overlay zones, protect the forest canopy from non timber harvest clearings that have not been done under an approved Oregon DOF reforestation plan, require reforestation of such cleared non-agricultural areas and minimize the amount of landscaping and yard area associated with a dwelling.*

### **Strategies:**

- 1. Update development requirements as needed to ensure that removal of trees to accommodate new development is minimized and that replanting or replacement of such trees is required where physically possible.*
- 2. Monitor implementation of approved developments to ensure that tree protection or replanting requirements are met within a specified time period and that tree removal does not exceed levels approved as part of the development permit.*
- 3. Consider expansion of the Significant Environmental Concern Overlay for Views (SEC-v) to the west slope of the West Hills area to protect Views from the Tualatin Basin.*

## STAFF PROPOSAL:

### NEW TREE PROTECTION POLICY

In order to minimize the detrimental environmental impacts and habitat fragmentation of extensive tree removal around structures, development, landscaping and yard areas, amend the Significant Environmental Concern overlay zones to require replanting of trees in areas where tree removal has occurred consistent with County fire-safety standards and legitimate farm uses.

The County may require concurrence from the Oregon Department of Agriculture of a legitimate farm use when tree removal is done to convert forest land to agricultural use. For timber harvests under the Oregon Forest Practices Act (OFPA), the County may require evidence of compliance with the OFPA and may require reforestation within areas considered exempt from reforestation by the Oregon Department of Forestry such as, but not limited to, areas cleared for residential development.

### **Strategies:**

1. Update development requirements ~~as needed~~ to ensure that removal of trees to accommodate new development is minimized and that replanting of such trees is required where physically possible.
2. Monitor implementation of approved developments to ensure that tree protection ~~or~~ and replanting requirements are met within a specified time period and that tree removal does not exceed the levels approved ~~as part of~~ in the development permit.

~~3. Consider expansion of the Significant Environmental Concern Overlay for Views (SEC-v) to the west slope of the West Hills area to protect Views from the Tualatin Basin.~~

**New Scenic Views Protection Policy:**

Consider expansion of the Significant Environmental Concern Overlay for Views (SEC-v) to the west slope of the West Hills area to protect views from the Tualatin Basin.