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## Land Use Hearing Item

### Staff Report to the Board of County Commissioners

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**File Number:** ZDO-219

**Board of County Commissioners Hearing Date:** June 8, 2010

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#### PROPOSAL

The proposal is a legislative text amendment to the Comprehensive Plan (Plan) and the Zoning and Development Ordinance (ZDO) to implement new tree preservation standards for urban, unincorporated Clackamas County. *The proposed regulations would apply only in unincorporated areas of the County inside the Portland Metropolitan Urban Growth Boundary (UGB).*

The proposal includes a new Section 1020 of the ZDO, conforming amendments to Sections 301, 307, 308, 309, 310, 314, 401, 406, 407, 1001, 1002 and 1603 of the ZDO, and revisions to Chapter 3 of the Plan.

The draft ordinance is a regulatory approach to tree preservation. It requires tree removal permits (which could be denied in some cases), mitigation for some removed trees and protection of preserved trees during construction. It addresses pre-development tree cutting, as well as tree preservation during development review.

The draft ordinance includes two significant provisions that limit its impact.

1. It does not apply to developed single-family lots that cannot be divided.
2. It allows owners of rural-zoned properties, and divisible, urban single-family lots, to remove trees before development and without mitigation, provided that they consent to a five-year moratorium on most types of development. (This option is available only if there is a single-family dwelling on the site.)

The draft ordinance requires the county to assume jurisdiction for the Oregon Forest Practices Act inside the UGB, although the effect of this would be lessened by the proposed exemption for properties specially assessed as forestland.

#### **Specifically, the draft ordinance would:**

1. Apply to all land inside the UGB, except lots specially assessed as forestland and lots in low-density, single-family residential zones that are developed with a single-family dwelling and are not divisible;
2. Exempt 10 types of trees:
  - Trees with a diameter at breast height (d.b.h.) of less than eight inches
  - Trees required to be removed by state or federal law
  - Orchard trees
  - Christmas trees
  - Commercial nursery trees
  - Nuisance trees

- Dead trees
  - Diseased or hazardous trees (with an arborist's report)
  - Trees required to be removed under the terms of a pre-existing view easement
  - Trees reviewed under a Habitat Conservation Area District or Water Quality Resource Area District development permit
3. Allow tree removal, with a permit, under the following circumstances:
- Removal of two trees or 10 percent of the total number of trees, whichever is greater, in any two-year period, on any lot, for any reason
  - Tree removal for infrastructure projects in a public right-of-way with a statement from a public agency or utility company that removal is required
  - Tree removal for maintenance, repair or replacement of existing utility lines with a statement from the utility company that removal is required
  - Tree removal for any reason in single-family, rural and natural resource zones\* if the property is developed with a dwelling or specially assessed as farmland. In exchange, a five-year moratorium would be imposed on most types of development. (In some cases, the applicant would have to demonstrate compliance with the Oregon Forest Practices Act, as required by state statute, as stipulated by a forester retained by the applicant.)
  - Tree removal for construction if there is no practicable location alternative on the property for the proposed improvement. In the case of a land division, practicable access, utility and lot design alternatives also must be considered.
  - Tree removal if the tree interferes with the healthy growth of other trees, is located too close to an existing structure, or violates corner vision or sight distance standards
  - Tree removal to allow solar access to a solar energy system, if the applicant provides supporting documentation
- \* *Rural and natural resource zoning applies to some parcels inside the UGB where urban zoning has not yet been applied.*
4. Add tree planting and tree protection requirements for some types of permits.

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## PLANNING COMMISSION ACTION

The Planning Commission, after extensive discussion, voted 6 to 1 to recommend to the Board that the draft ordinance not be adopted. The reasons given for the vote were diverse, but mirrored those heard in public testimony. In the event that the BCC proceeds with adoption of the draft ordinance, the Planning Commission made a number of suggestions for revisions to the draft.

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## CPO, HAMLET AND VILLAGE RECOMMENDATIONS

The **North Clackamas County Citizens Association** submitted written testimony (Exhibit 15) advocating revisions to the draft ordinance to strengthen it as proposed by the Audubon Society, Clackamas County Urban Green and North Clackamas Urban Watersheds Council.

**Oak Lodge Community Council** (Exhibits 28, 49 and 65) submitted written and oral testimony to the Planning Commission. The OLCC recommended stating clear, measurable goals for the tree canopy; setting policies and ordinances consistent with these goals; establishing an urban forestry

commission; creating an urban tree canopy section in Chapter 3 of the Comprehensive Plan, and providing a role for community planning organizations. OLCC recommended eliminating the exemption for trees within 50 feet of a single-family dwelling; requiring mitigation for all tree cutting, including trees on non-divisible single-family lots and trees covered under a Type A permit (two trees or 10% of the total number of trees, whichever is greater, every two years); a permitting structure that covers all tree cutting, reducing the permit types to two, with one of those for public agencies; reexamining the penalties to ensure they are sufficiently strict to discourage violations, and adding a section on penalties to the tree ordinance.

Jennings Lodge CPO (Exhibit 60) submitted written and oral testimony to the Planning Commission. Jennings Lodge expressed dissatisfaction with the draft ordinance, finding that it does not fully address the original charge of the BCC to enhance, preserve and maintain the tree canopy. The comments indicate a desire for a more restrictive tree ordinance.

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## **SIGNIFICANT ISSUES**

**Lack of Consensus:** Testimony during the Planning Commission public hearing on ZDO-219 was uniformly in opposition to the proposed ordinance, with some calling for no tree ordinance and others calling for a more restrictive or otherwise revised tree ordinance. One Planning Commissioner noted that though she had tried to find a consensus option, none emerged out of the testimony.

**Balance Between Complexity and Results:** Common concerns expressed by public testimony and Planning Commission discussion were the complexity of the ordinance and the belief that it would create bureaucracy with little benefit for the urban tree canopy.

Staff shares that concern, believing that the current ordinance is complex, and that the complexity is not justified by the level of tree protection the ordinance is likely to achieve. This imbalance exists because the ordinance establishes an extensive permitting structure, but due to exemptions, two (out of four) permit types that impose no significant restrictions on tree removal, and a development moratorium option for many of the County's developable lands, the permitting structure is not targeted to achieve tree protection proportional to its bureaucratic impact.

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## **STAFF RECOMMENDATIONS**

1. Staff recommends that the BCC direct staff to prepare a revised version of tree preservation regulations for adoption at a continued hearing.
  - Staff further recommends that the revised draft include tree preservation, mitigation and tree protection standards for land division, conditional use permit and design review applications. These standards should be consistent with those proposed in the current draft ordinance for Type D permits.
  - If the BCC elects to proceed toward the adoption of tree preservation regulations applicable to tree removal prior to the filing of one of the aforementioned development applications (i.e. "pre-development" tree cutting), staff recommends either a permit-based system of regulations, or a development moratorium, but not a hybrid of both.
2. During a recent study session, the BCC requested that staff prepare conceptual alternatives to the draft ordinance, to include two distinct elements: 1) development regulations and 2)

provisions to address excessive removal of trees in anticipation of development. Attached are two documents that identify these alternatives.

- *Provisions from the Draft Trees Ordinance that Could Be Adopted for Review of Development Applications* includes selected elements from the draft trees ordinance that could be adopted to regulate tree preservation during the review of specified development applications.
- *Options to Preserve, Maintain and Enhance the Urban Tree Canopy in Clackamas County* identifies several fronts on which the County may pursue urban tree canopy protection, asks three key questions that should be answered in order to craft pre-development tree preservation regulations, and compares how the draft ordinance responds to these questions with possible alternative approaches.

3. The BCC asked that the conceptual alternatives to the draft ordinance be circulated to interested parties in advance of the June 8 public hearing. Staff notified people who testified at the Planning Commission hearing, Community Planning Organizations, Hamlets, Villages, and people on the email distribution list for updates to the tree ordinance project, and the material presented here is available for the public from the front page of the County website beginning on June 1, 2010.

**Attachments:**

- *Provisions from the Draft Trees Ordinance that Could Be Adopted for Review of Development Applications*
- *Options to Preserve, Maintain and Enhance the Urban Tree Canopy in Clackamas County*

**File ZDO-219**  
**Provisions from the Draft Trees Ordinance that Could Be Adopted for**  
**Review of Development Applications**

June 1, 2010

*Note: The following provisions are excerpts from the draft Trees Ordinance, dated March 15, 2010, with minor revisions made by staff. These standards could be applied to the review of land divisions, conditional use permits and design review for commercial, industrial and multifamily development. Procedural language added or clarified elsewhere in the Zoning and Development Ordinance could establish the link between these standards and the listed development applications.*

Section 1 DEFINITIONS

Unless specifically defined, words or phrases shall be interpreted to give them the same meaning as they have in common usage and to give this section its most reasonable application.

- A. Caliper: A tree's diameter at six inches above grade. On multi-stem trees, the stem with the largest diameter shall be measured.
- B. Christmas Tree: A tree of a marketable species and evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, and soil cultivation.
- C. Critical Root Zone: The area where a tree's roots are located. This root zone is generally the area surrounding a tree trunk at a distance equal to one foot for every inch of d.b.h. This area is described as the radius of a circle around the tree.
- D. Diameter Breast Height (d.b.h.): A tree's diameter measured by diameter tape at four and one-half feet above grade on the uphill side. On multi-stem trees, the stem with the largest diameter shall be measured.
- E. Drip Line: The outermost edge of a tree's canopy; when delineating the drip line on the ground, it will appear as an irregularly shaped circle defining the canopy's perimeter.
- F. Emergency: Any manmade or natural event or circumstance causing or threatening loss of life, or injury to person or property.
- H. Hazardous Tree: A tree that, by reason of disease, infestation, age, or other condition, presents a known or immediate hazard to people or property.
- I. Nuisance Tree: Any tree of the following species: tree of heaven (*Alianthus altissima*), western hazelnut (*Corylus cornuta californica*), single seed hawthorn (*Crataegus monogyna*), English holly (*Ilex aquifolium*), plums (*Prunus* hybrids, which are not commercial nursery species), sweet cherry (*Prunus avium*), English laurel (*Prunus laurocerasus*), Portuguese laurel (*Prunus lusitanica*), black locust (*Robinia pseudoacacia*), and European mountain ash (*Sorbus aucuparia*).

- J. Orchard Tree: A fruit or nut tree.
- L. Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.
- M. Solar Energy System: Any solar collector, other solar energy device, or structural design feature of a building, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or electricity.
- N. Tree: Any woody plant with at least one well-defined stem.
- O. Tree Removal: The act of removing a tree by digging up or cutting down, or the effective removal through damage to a tree or its root system. Effective removal shall include any procedure the natural result of which is to cause the death or substantial destruction of a tree, including topping and severe cutting back of limbs to such a degree as to destroy or adversely affect the normal growth pattern of the tree. Tree removal does not include routine pruning or trimming.

## Section 2 EXEMPT TREES

The following trees are exempt from the requirements of this section. However, removal of the listed trees may be regulated under other provisions of this Ordinance, such as Section 706 (Habitat Conservation Area District) and Section 709 (Water Quality Resource Area District).

- A. Trees with a d.b.h. of less than eight inches. However, this exemption shall not apply to trees planted either to remedy a violation of this section or as part of a mitigation plan approved pursuant to Section 4;
- B. Trees required to be removed by state or federal law or regulation, or by a fire official;
- C. Orchard trees;
- D. Christmas trees;
- E. Trees planted on the site of a commercial nursery and grown for commercial purposes;
- F. Nuisance trees;
- G. Dead trees, where death resulted from an accident or non-human cause;
- H. Diseased or hazardous trees, where the condition resulted from an accident or non-human cause, if the property owner first provides a report to the County Planning Division from an International Society of Arboriculture (ISA) Certified Arborist verifying that the tree qualifies under this exemption. If a hazardous tree is removed in response to an emergency, the property owner may provide the required arborist's report, or other credible evidence that the tree was hazardous, within 30 days after the tree's removal;

- I. Trees required to be removed by the terms of a view easement established prior to the effective date of this section, if the property owner provides a copy of the easement document to the Planning Director; and
- J. Trees, the removal of which requires review of a Habitat Conservation Area Development Permit under Section 706 or a Water Quality Resource Area Development Permit under Section 709.

### Section 3 APPROVAL CRITERIA FOR TREE REMOVAL

Except for exempt trees identified in Section 2, trees shall be preserved unless the applicant provides evidence substantiating compliance with at least one of the following criteria:

- A. Tree removal is necessary for the construction of a structure or other improvement, including landscaping within 50 feet of a single-family dwelling, and there is no practicable location alternative on the subject property—or, in the case of tree removal in a public right-of-way, elsewhere in the right-of-way—for the proposed structure or other improvement. In considering whether tree removal is necessary, factors that may be considered include whether the tree is located within the footprint of the proposed structure or other improvement, whether it is too close to the proposed structure or other improvement, and whether it will violate the corner vision standards of this Ordinance or obstruct required sight distance under the County Roadway Standards. If tree removal is proposed in conjunction with an application for a subdivision or partition, it also must be demonstrated that there is no practicable access, utility, or lot design alternative.
  - 1. In applying Subsection 3(A), alternatives that also would result in tree removal shall be preferred where such alternatives would minimize the significance of the tree loss. Factors in determining relative significance include such characteristics as number of trees to be removed, tree health, tree size (i.e. height, trunk diameter, canopy and root spread), historic value of the trees to be removed, erosion prevention, preservation of wildlife habitat, and maintaining a diversity of tree species with an emphasis on retaining native trees appropriate to the proposed construction.
  - 2. Application of Subsection 3(A) shall not require a reduction of the square footage of a proposed structure or a reduction in the number of lots or dwelling units that would otherwise be permitted.
- B. The tree proposed for removal interferes with the healthy growth of other trees, unless such trees are nuisance trees, and it is not practicable to preserve the tree.
- C. The tree proposed for removal is located too close to an existing structure or other improvement, and it is not practicable to preserve the tree.
- D. The tree proposed for removal interferes with existing utility service or drainage, and it is not practicable to preserve the tree.

- E. The tree proposed for removal violates the corner vision standards of this Ordinance; or obstructs required sight distance under the County Roadway Standards, and it is not practicable to preserve the tree.
- F. Tree removal is reasonably necessary to allow solar access for the efficient operation of a solar energy system. The applicant shall provide supporting documentation from a solar energy system installer, a government agency with expertise in solar energy systems, or another credible source (e.g. Energy Trust of Oregon, an architect registered to practice architecture in the State of Oregon, an engineer registered to practice engineering in the State of Oregon).

#### Section 4 MITIGATION FOR REMOVED TREES

If removal of a regulated tree is approved, compliance with the following mitigation standards shall be required.

- A. Except as provided in Subsection 4(C)(2), each tree approved for removal shall be replaced as follows:
  - 1. If the tree to be removed has a d.b.h. of less than 16 inches, one replacement tree shall be planted.
  - 2. If the tree to be removed has a d.b.h. of at least 16 inches but less than 24 inches, two replacement trees shall be planted.
  - 3. If the tree to be removed has a d.b.h. of 24 inches or greater, three replacement trees shall be planted.
- B. To the extent practicable, the replacement tree shall be planted on the subject property and within the same general area as the removed tree. In determining whether such planting is practicable, consideration shall be given to such factors as terrain, difficulty of replacement, impact on existing or proposed development, and impact on adjacent property.
- C. When it is not practicable to relocate or replace the tree on the subject property, the applicant shall:
  - 1. Relocate or replace the tree at another location approved by the Planning Director. The alternate location shall be within the portion of the County that is inside the Portland Metropolitan Urban Growth Boundary; or
  - 2. Pay into the County Tree Fund, in an amount established by separate order of the Board of County Commissioners.
    - a. The County shall use the County Tree Fund within the portion of the County that is inside the Portland Metropolitan Urban Growth Boundary for planting trees and for producing, maintaining, and preserving wooded areas and trees designated by the County as Heritage Trees.

- b. In addition, and as funds allow, the County Tree Fund shall provide educational materials to assist with tree planting, mitigation, and relocation.
- E. A replacement tree shall be appropriately chosen for the site from an approved tree species list supplied by the County. Diversity of tree species shall be maintained where essential to preserving a wooded area or other habitat.
- F. A replacement tree shall have a minimum caliper of two inches or a minimum height of eight feet, by nursery industry standards.
- G. A replacement tree shall be staked, fertilized, mulched, and watered, for a minimum of one year after planting.
- H. Planting of required replacement tree(s) shall occur within one year of tree removal, or within one year of completion of construction, whichever is later. If replacement has not occurred prior to recording of the final plat, or issuance of a certificate of occupancy, replacement shall be financially guaranteed pursuant to Section 1104.
- I. If, within two years after the planting date, a replacement tree dies, or acquires a disease that necessitates removal, the tree shall be replaced, and the replacement tree shall in turn be subject to the same two-year standard.

## Section 5 TREE PROTECTION DURING CONSTRUCTION

During construction, compliance with the following tree protection standards shall be required.

- A. Unless a tree is exempt pursuant to Section 2, or has been authorized for removal, it shall be protected. If no trees that require protection pursuant to this provision exist on the subject property, the provisions of Section 5 are not applicable.
- B. Trees that require protection shall be clearly labeled as such for the duration of construction activity.
- C. Notwithstanding the requirement of Subsection 5(B), no device or wire shall be attached to any protected tree unless needed for tree protection.
- D. Prior to the commencement of construction activity, the applicant shall erect and maintain readily visible protective tree fencing along the outer edge and completely surrounding the critical root zones or drip lines, whichever is greater, of all protected trees or groups of trees. Orange construction fencing (i.e. safety fencing, snow fencing, or a comparable product) shall be required. The protective fencing shall remain in place until the County authorizes its removal or issues a final certificate of occupancy, whichever occurs first. Protective fencing is required for all protected trees, except in the following cases:
  - 1. Rights-of-Way and Easements. Street rights-of-way and utility easements may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon,

plastic tape, rope, or similar material from stake to stake along the outside perimeters of areas to be cleared.

2. Any property area separate from the construction or land clearing area and onto which no equipment will venture may also be cordoned off as described in Subsection 5(D)(1), or by other reasonable means.
- E. Within the protected area required pursuant to Subsection 5(D), construction activity shall be prohibited, unless a plan for such construction activity has been approved by the Planning Director based upon the recommendations of an arborist. Such activities include, but are not limited to: placing solvents, building materials or debris, construction equipment, excess soil, or landscaping; installation of an impervious surface; and excavation—including trenching for utilities, compaction of earth, or other soil disturbance.

*Note: The following requirements could be added to the list of submittal requirements for the types of development applications regulated by the tree preservation standards.*

- A. Identify on the site plan:
1. The site ingress and egress proposed to be used by construction vehicles; and
  2. Proposed equipment and material staging and stockpile areas.
- B. A photograph of each tree proposed for removal and the area surrounding the tree for a sufficient distance to establish the tree's location on the subject property. If more than one tree is proposed for removal and the trees are in proximity to one another, separate photographs of each tree are not required.
- C. A statement explaining why tree removal is necessary and addressing one or more of the approval criteria identified in Section 3;
- D. A mitigation plan that addresses the requirements of Section 4 to the extent applicable;
- E. A tree protection and maintenance plan that addresses the requirements of Section 5; and
- F. A tree survey:
1. Where three or fewer trees are proposed for removal, the tree survey shall include, as part of the required site plan, the location of the trees proposed for removal and a brief description of those trees, including common name (and botanical name, if known), approximate height, d.b.h., and apparent health.
  2. Where more than three trees are proposed for removal, the tree survey shall be prepared by an International Society of Arboriculture (ISA) Certified Arborist. The tree survey shall include an accurate map of the subject property that locates all trees and identifies their common name, botanical name, approximate height, approximate canopy spread, d.b.h., health, and condition. It also shall identify the tree(s) proposed

for removal. The tree survey shall include an accurate topographic survey stamped by a surveyor or engineer registered in the State of Oregon. Where a stand of five or more contiguous trees exists on the subject property and the applicant proposes neither removal of any of those trees nor construction in proximity to those trees, the tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line.

# OPTIONS TO *PRESERVE, MAINTAIN AND ENHANCE THE URBAN TREE CANOPY IN CLACKAMAS COUNTY*<sup>1</sup>

June 1, 2010

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## THREE-PHASE APPROACH

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### 1. Tree Preservation Regulations

- a. Pre-development tree cutting
  - i. Tree cutting in anticipation of what is commonly a larger-scale development (i.e., before the planned filing of an application for a land division, conditional use permit or design review for commercial, industrial, or multifamily development)
  - ii. Tree cutting for a smaller-scale development (e.g., a single-family dwelling, accessory structure)
  - iii. Tree cutting not associated with any development plan (e.g., harvesting for sale, property owner's preference)
- b. Development standards (i.e. the standards that would apply to any of the applications listed above, but only after the filing of the application)

### 2. Tree Planting Requirements

- a. Street trees
- b. Landscaping standards

### 3. Non-regulatory Programs

- a. Canopy management plan
- b. Performance objectives and monitoring
- c. Heritage Trees program
- d. Community education and outreach
- e. Involve CPOs, Hamlets, Villages
- f. Urban Forestry Commission

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## PHASE 1 TREE PRESERVATION REGULATIONS

(Board of County Commissioners Public Hearing, June 8, 2010)

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### A. PRE-DEVELOPMENT TREE CUTTING -- Alternatives

#### 1. What is developable property?

The current draft ordinance excludes property zoned single-family residential if it is not divisible and is already developed with a dwelling. It also excludes property

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<sup>1</sup> This was the charge given to the Trees Task Force by the Board of County Commissioners in February 2009.

specially assessed as forestland, but for reasons unrelated to whether it is developable. Alternatives include:

- Regulate based on zoning (single-family residential, multifamily residential, commercial, industrial, open space, rural residential, agriculture, forest)
- Regulate based on whether the property is vacant or improved. Property with improvements may be redeveloped with a more intense use, or divided for additional dwellings.
- Define based on lot size. Even relatively small lots may be divisible for an additional building lot, or developable for non-residential use.
- Define based on divisibility, which would apply primarily to single-family residential property

**2. What is the point at which tree removal becomes excessive and should be prevented prior to an approved development plan?**

The current draft ordinance excludes 10 types of trees<sup>2</sup> without regard to number and imposes only a permit for tracking/public education purposes for two trees or 10% of the total number of trees on a site, whichever is greater. Tree removal in excess of these limits is more strictly regulated. Alternatives include:

- Exclude a certain number of trees per year
- Establish a different d.b.h. standard
- Exclude a certain percentage of existing tree canopy
- Exclude a percentage of the total number of trees on a site
- Amend the list of exempt trees

**3. What regulatory tool should be used to regulate pre-development removal of an excessive number of trees?**

There are three identified approaches -- development moratorium, permits that restrict removal and/or require mitigation, and incentives – two of which are in the current draft ordinance:

- Five-year moratorium on approval of an application for a land division, conditional use permit or design review of commercial, industrial or multifamily development; or
- A land use permit (with notice to neighbors and an opportunity to appeal), which requires the applicant to demonstrate the need for tree removal based on one of several criteria:
  - no practicable alternative development location on the site,

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<sup>2</sup> Trees with a diameter at breast height [d.b.h.] of less than eight inches, trees required to be removed by state or federal law, orchard trees, Christmas trees, commercial nursery trees, nuisance trees, dead trees, diseased or hazardous trees [with an arborist's report], trees required to be removed under the terms of a pre-existing view easement, trees reviewed under a Habitat Conservation Area District or Water Quality Resource Area District development permit

- interferes with the healthy growth of other trees,
- located too close to an existing structure,
- violates corner vision or sight distance standards, or
- solar access

Property zoned single-family residential (divisible), rural, agriculture or forest and developed with a dwelling, as well as property specially assessed as farmland, may choose between these two options. Property zoned commercial, industrial, multifamily or open space, as well as any property not developed with a single-family dwelling, must apply for the land use permit. (Note that the moratorium and land use permit options apply when the trees are not on the exempt trees list and after the property owner has exhausted the Type A annual permit limit of two trees or 10% of the total number of trees, whichever is greater.)

In addition, there is a separate permit process for public and utility infrastructure projects in rights-of-way. This process requires mitigation only, in the form of tree planting or payment into a County tree fund.

The alternative not in the current draft ordinance is incentives. These could be regulatory (reduced permit fees, for example, or expedited permit review) or non-regulatory (recognition programs, awards, publicity, etc.).

## **B. DEVELOPMENT STANDARDS -- Alternatives**

The current draft ordinance includes the following for the land use permit (Type D permit) option:

- Preservation requirement where practicable
- Mitigation for removed trees, based on a sliding scale of one to three replacement trees per removed tree, depending on the d.b.h. of the removed tree
  - onsite planting
  - offsite planting
  - payment into County tree fund
- Protection of preserved trees during construction

Alternatives include:

- Apply the standards only to applications for land divisions, conditional use permits or design review for commercial, industrial or multifamily development
- Amend the mitigation requirement to require either more or less tree planting
- Require mitigation only (with trees removed at the applicant's discretion), rather than an analysis of whether tree preservation is practicable

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## **PHASE 2    TREE PLANTING REQUIREMENTS**

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These would be incorporated into ZDO amendments on sustainable development practices during 2010-11. Alternatives include:

- Requirements for tree planting in new parking lots
- Requirements for street tree planting
- Requirements for tree planting on new residential lots
- Basing requirements on expected tree canopy size at maturity, with canopy percentage targets based on zoning district (i.e., higher canopy targets for lower-density zones)
- Incentives for tree planting that exceeds established minimums

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## **PHASE 3    NON-REGULATORY PROGRAMS**

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This category encompasses a wide range of possibilities, including education and outreach programs, partnerships with community organizations and private industry, recognition and awards programs, tree-planting programs, etc. These would be developed over time.