

MEMORANDUM

TO: Trees Task Force

FROM: Jennifer Hughes, Senior Planner

DATE: July 1, 2009

RE: Draft Tree Ordinance

The purpose of this memorandum is to frame the discussion for the July 9, 2009, Trees Task Force meeting.

Area of Application Section of Draft Tree Ordinance

I made minor edits to this section. I reformatted the five- or ten-year development restriction section as we discussed during the last meeting, in an attempt to make it more readable. In addition, the reference to CC&Rs was corrected.

I spoke with Assistant County Counsel regarding the five- or ten-year development restriction. He indicated that there is no clear point at which we would run afoul of the law regarding “takings.” He also suggested that we look at the City of Vancouver’s Exemptions section, where a similar six-year restriction is applied. Coincidentally, Catherine Blosser requested that the Exemptions section of Vancouver’s tree code be included in this month’s agenda mailing. Please refer to it in the attachments.

Exempt Trees Section of Draft Tree Ordinance

I edited this section to reflect the Task Force decisions at the last meeting (changed Subsection A to every two years, increase DBH in Subsection B from 6” to 8”, and added commercial orchard and Christmas trees). In my research, I have also run across exemptions for commercial nurseries. Does the Task Force wish to include this exemption?

Tree Removal Permits Section of Draft Tree Ordinance

The first draft of this section is attached. Staff questions and comments are interspersed in the document.

Mitigation Section of Draft Tree Ordinance

Attached are several samples of mitigation standards from a variety of sources. Catherine Blosser requested that some of these be included, and I added a couple from my research as well.

Submittal Requirements and Administration Sections of Draft Tree Ordinance

The application submittal requirements should be related to the approval criteria. In other words, what must an applicant submit in order for staff to determine whether the application meets the approval criteria for a tree removal permit? To some extent, this will need to be refined after decisions are made on mitigation requirements and specific approval criteria. However, attached is a sample from Wilsonville's ordinance (Sections 4.620.20 through 4.620.40). Wilsonville has several different types of permits, and the submittal requirements vary accordingly. Based on the current draft the Task Force has developed, I think we are contemplating permitting requirements similar to the Type B and C permits in Wilsonville's code.

The County's Zoning and Development Ordinance (ZDO) includes three basic types of permit review processes. Attached are the relevant procedural sections from the ZDO (Sections 104 and 1301 through 1305). I will explain these in more detail during the meeting.

Definitions Section of Draft Tree Ordinance

I added definitions for topping, tree and tree removal. Several examples of the definition of "tree" are provided for your consideration. What else should be defined?