



Clackamas County Board of Commissioners  
2051 Kaen Road  
Oregon City, OR 97045

November 22, 2009

Dear Chair Peterson and Commissioners,

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Dave Marshall

On behalf of Audubon Society of Portland, our 10,000 members including our 1000+ members living in Clackamas County, we applaud the County Commission's support for developing a new urban tree preservation ordinance for lands inside the Metro UGB. We strongly support provisions in the ordinance that limit the wholesale clearing of forests in advance of filing development applications. The draft ordinance also improves the very limited and nebulous code language relating to tree preservation in the existing ZDOs.

However, the current draft ordinance has several shortcomings that we believe will significantly limit its effectiveness relative to other local urban forestry policies in the region. We are particularly concerned that the tree ordinance lacks clear ecological criteria that will support the County's stated goals for sustainability, improved water quality, watershed health, and biodiversity, particularly urban bird species known to be in decline (see [State of Oregon Birds](#)). The ordinance needs stronger language to require that tree removal be minimized to the maximum extent by requiring low or least impact designs.

We request the following changes be made to the draft ordinance:

- 1. Revise Definition of Practicable to include Ecological Impacts.** The definition of practicable should include consideration of the probable ecological impacts of tree removal. How the County defines and evaluates when tree preservation is not "practicable" is critical to an effective policy. Definitions of "practicable" that do not include probable ecological impacts will lead to tree removal unnecessarily to achieve reasonable development goals because planners are under heavy pressure during the development review process to approve permits. *The Commission should give staff the policy direction and authority to preserve trees for the multiple ecological functions they provide to the community.* We support including language consist with Title 13, which the County as already adopted in its ZDOs. We note that the Tree Task Force voted 8 to 3 against removing the ecological criteria from the definition of practicable on July 9, 2009. Regardless, we urge the County to give added weight to environmental considerations in determining when tree removal is or is not "practicable."
- 2. Strike provisions that would allow removal of trees cut for landscaping within 50 feet single family homes.** Trees are landscaping. The criteria for removing a tree for landscaping should be much stricter than for building a structure. The effect of this ordinance should be to integrate trees into new or

existing landscape plans not allow the wholesale clearing of trees to put in landscaping.

3. **Strike section 1020.07A.2 and add language requiring low-impact designs.** Section 1020.07A.2 (“shall not require a reduction of the square footage of a proposed structure...”) prevents the County from requiring innovative, low-impact design techniques that can effectively preserve trees by integrating them into new development or redevelopment. The ordinance already allows trees to be removed if not “practicable” to preserve. In our experience this standard will already lead to tree removal unnecessarily to achieve reasonable development goals. Section 1020.07A.2 should be eliminated and replaced with language that explicitly requires low-impact designs that preserve existing trees even if it requires shrinking or moving building footprints.
4. **Strengthen Mitigation Ratios.** The mitigation standards remain weak and will allow for the unmitigated loss of trees and the multiple ecological functions they provide. We advocate requiring all tree removal to be mitigated and that the County, at very least, adopt Oregon City's tree mitigation ratios.
5. **Adopt tree planting requirements for sites with few or no existing trees to preserve.** The draft ordinance can help enhance urban tree canopy by requiring a minimum number of trees to be planted on sites with few or no existing trees. For example the City of Portland requires a minimum of 2 inches of tree caliper per 1000 square feet of the development site. These trees must be planted on site or in the public right-of-way as a condition of development if the stocking level standard is not achieved by meeting tree preservation standards.
6. **Adopted changes to the draft ordinance recommended by the majority of the Urban Tree Task Force and Clackamas County Urban Green.** Several recommendations of the majority of the Urban Tree Task Force and Clackamas County Urban Green were not included in the draft ordinance. We believe that these recommendations are feasible and adopting them would make Clackamas County's tree preservation policies more consistent with other local urban forestry programs in the region.
7. **Create an Urban Forestry Commission to ensure effective implementation and to address unresolved issues.** The Urban Tree Task Force discussed a number of issues and challenges that are not addressed in the draft ordinance. We urge the Board of Commissioners to ensure effective implementation and continued policy development by appointing an Urban Forestry Commission to address these issues. These issues should include the removal of trees outside the development review process, ensuring policies support WES’s watershed action plans, adequately funding for permit review and enforcement, and establishing urban tree canopy targets based on Metro’s annual urban forest canopy mapping.

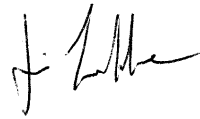
Protection, enhancement, and management of the urban forest canopy is critical to water quality, urban wildlife and air quality, and the public health and livability of

our communities. We urge you to adopt strong and effective policies to preserve and enhance urban forest canopy in Clackamas County by incorporating the changes we outlined above. Thank you for the opportunity to comment.

Respectfully



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Audubon Society of Portland



Jim Labbe  
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Eric Shawn  
Audubon Society of Portland Rep.  
Clackamas County Trees Task Force