



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday June 8, 2010, 6:30 PM

**PUBLIC SAFETY BUILDING: COMMUNITY ROOM  
3200 SE HARRISON STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
- 6.0 Worksession Items**
  - 6.1 Summary: Joint Session with Natural Resource Overlay Advisory Group  
Staff Person: Brett Kolver
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
  - June 22, 2010
    - 1. Public Hearing: WG-10-01 19<sup>th</sup> Ave Replat and Duplex
  - July 13, 2010
    - 1. Public Hearing: WQR-10-02; CSU-10-06 Pond House Deck *tentative*
    - 2. Worksession: Review Procedures Code Project briefing part 2

### Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email [planning@ci.milwaukie.or.us](mailto:planning@ci.milwaukie.or.us). Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

#### Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

*The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.*

#### **Milwaukie Planning Commission:**

Jeff Klein, Chair  
Nick Harris, Vice Chair  
Lisa Batey  
Teresa Bresaw  
Scott Churchill  
Chris Wilson

#### **Planning Department Staff:**

Katie Mangle, Planning Director  
Susan Shanks, Senior Planner  
Brett Kelter, Associate Planner  
Ryan Marquardt, Associate Planner  
Li Alligood, Assistant Planner  
Alicia Stoutenburg, Administrative Specialist II  
Paula Pinyerd, Hearings Reporter



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission and Natural Resources Advisory Group  
**Through:** Katie Mangle, Planning Director *KM*  
**From:** Brett Kever, Associate Planner  
**Date:** June 1, 2010 for June 8, 2010 Worksession  
**Subject:** Natural Resources Overlay Project

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*Please note that this joint meeting of the Planning Commission and the Advisory Group for the Natural Resources Overlay project will be held in the **Community Room** at the **Public Safety Building** (3200 SE Harrison St).*

## **ACTION REQUESTED**

None. This is a briefing for discussion only.

## **BACKGROUND INFORMATION**

This joint meeting of the Planning Commission and the Natural Resources Advisory Group is a chance for the Commission to hear from the Advisory Group about its perspectives on the Natural Resources Overlay Project. Staff will facilitate the discussion and will share the results of its efforts to respond to some of the key issues raised by the group in the last several meetings.

### **A. History of Prior Actions and Discussions**

- **July 2008:** Briefing on the requirements of Metro Title 13, Nature in Neighborhoods.
- **October 2008:** Briefing on options for the City to comply with Metro Title 13, including the choice to assert that current regulations make the City substantially compliant or modify existing regulations to incorporate the Title 13 standards.
- **July 2009:** Two-part briefing (two meetings in July) to explain the proposed scope of the project to adopt new code language for compliance with Metro Title 13. Staff explained the requirement that the City implement Title 13 rules and maps until the code amendment project is complete.
- **April 2010:** Briefing with update on project progress. Staff outlined key concepts for the project, including combining the new Habitat Conservation Area (HCA) rules with existing Water Quality Resource (WQR) regulations and adopting a local version of Metro's HCA maps.

## B. Issues for Discussion

See Attachment 1 for a list of some of the questions that staff continues to explore. All topics are fair game for discussion on June 8, though staff suggests that the two groups take time to discuss the following issues in particular:

1. Natural Resource Management Plans – An oft-repeated question at Advisory Group meetings has been, “How can the City make it easier for property owners to do restoration and enhancement work in designated resource areas, without fees and extensive process that might discourage people from doing ‘the right thing’?” Though restoration and enhancement is clearly not required if no other development is taking place, the City wants to encourage voluntary restoration and enhancement activities based on sound practices.

See Attachment 2 for a summary of a draft approach to allowing restoration work.

2. Levels of Review for Various Activities – One overall goal for this project is to be clear about which activities require what level of review. In most cases, it seems reasonable to expect that the degree of complexity of an activity and/or the significance of its impacts should match the degree of process required for a decision. It can be frustrating for property owners and staff alike when a seemingly minor activity triggers a complex review, with the associated costs in money and time.

The list of activities that will be allowed outright and therefore exempt from review has been of particular interest to all parties involved in this amendment project. Property owners want assurance that their normal activities and practices will be allowed to continue with the new rules. At the same time, some activities that may seem normal in other parts of town, such as replacing native vegetation with lawn, are detrimental to the resources and are not exempt.

Review the basic list of exemptions and levels of review (see Attachment 3). Should other activities be added?

3. Trigger Distance for Compliance – Some parts of the code will apply not only to properties that contain protected resources but also to lands nearby. Activities such as regrading and new construction can have a detrimental effect to a resource even if the property is not immediately adjacent to it. What distance from a designated resource area is most appropriate to use as a trigger for verifying the resource boundary and providing a construction management plan? The trigger distance will determine which nearby properties will be exempt from any concern about impacts to designated natural resources. The trigger distance in the model code is 100 feet, but staff’s current recommendation is for this to be 50 feet in Milwaukie.
4. Maps – The proposed maps and their accuracy have been a source of interest throughout the project. Staff will share the latest thoughts about how to represent HCAs on the new map and how the boundary verification process will work.
5. Tree Removal – In the current Water Quality Resource regulations (Section 19.322 of the Milwaukie Municipal Code), removal of trees from the designated resource area is very restricted – only hazardous trees may be removed without Planning Commission review. Staff would like to refine this policy to identify any other specific situations where tree removal could be exempt from review without threatening the integrity and healthy function of the designated resource areas. Where tree removal is subject to Type I review, staff would like to have more clear and objective standards against which to evaluate each request. See Attachment 4 for a summary of a draft new approach to permitting removal of trees from natural resource areas.

**C. Draft Code and Maps**

The joint meeting presents a chance for the Planning Commission to hear directly from the Advisory Group about the draft code and maps. Staff is still working on Draft 3 of the proposed code and will bring relevant examples and information as they are available to share. The current version of the draft maps will be on display during the meeting.

**ATTACHMENTS**

1. List of Ongoing Issues for discussion
2. Draft approach to natural resources management permitting
3. Proposed list of exemptions and levels of review (Pages 6-10 from draft Code)
4. Draft approach to permitting removal of trees

**Water Quality and Natural Resource Regulations  
(Revisions to MMC Section 19.322)  
Ongoing Issues**

1. Distinguishing between existing HCAs and new HCAs established by restoration efforts
  - Affects the determination of HCA boundaries in the field
  - Raises questions about whether newly planted trees will be protected under the HCA rules
  - Is there an effective way to distinguish between the two, and is it unfair to expect that new plantings and restoration efforts within an HCA should be protected?
2. Ensuring that the code does not provide unhelpful barriers to restoration and enhancement projects
  - *(See related outline of natural resource management plan processing.)*
  - Process, fees
  - Be clear about the line between ordinary, exempted landscaping activities and full-blown restoration efforts. (Some of the difference may be highlighted in requirements for tree removal.)
3. Tree-mitigation requirements in Table 19.322.12-1
  - The table does not apply to tree removal by itself (whether exempt or Type I). Applies in connection with actual development and other disturbance of the resource area.
  - And is it clear enough what mitigation is required when no trees are removed but the ground is greatly disturbed as part of a project?
4. Regulating tree removal in WQR areas and HCAs
  - *(See related outline of tree removal categories.)*
  - Clarify the difference between exempt, minor pruning and “significant” pruning that requires Type I approval.
5. “Normal landscape planting and maintenance”
  - How to consider “normal maintenance” in the context of highly altered situations (such as clearing silt from the channelized portion of Spring Creek)?
  - What kinds of activities should prompt staff to notify other agencies (DSL, ODFW, DEQ)?
6. Fees/process for reviewing construction management plans and boundary verification.
  - No fee for construction management plans
  - No fee for basic types of boundary verification (uncontested or minor corrections)
7. Map accuracy and corrections to the draft map
  - Combining the “High,” “Moderate,” and “Low” HCAs
  - Are piped streams considered protected water features?
8. Coordination with floodplain and Willamette Greenway review
  - Re: Should prevent removal of vegetation within WQR or HCA, even for purposes of preserving view corridors. (Current code is the opposite – says you can remove vegetation in order to maintain a view corridor.)

### Specific Issues for the Planning Commission

- A. Trigger for requiring construction management plans and boundary verification
  - 100 ft? 50 ft?
- B. Exceptions
  - (322.4.A.6.b) – The word “size” suggests that the addition of stories or bay windows or cantilevered decks would not be exempt from further review, even if the building footprint itself does not change. Does the PC agree with this interpretation?
- C. Variances
  - Discuss how the variance process will work, given that the overall structure of the revised 19.322 would itself allow for some “variation” through increasing levels of review.
  - (19.322.16.B) – Economic hardship language = this would be a difference from the treatment of 19.700, which does not allow consideration of economic factors.
- D. Adjustments and code flexibility
  - Setbacks can go down to 0 ft to avoid impacts to the resource?
  - On-site density transfers
  - Clustering
- E. Maximum disturbance allowed in HCA
  - Single-family uses: 50% of lot area instead of 50% of HCA
  - All other uses: 10% of HCA

# Natural Resource Management Plans

**These plans can authorize disturbances within the designated resource area:**

- Tree removal (with accompanying restoration or enhancement)
- Small structures (footbridges, benches & outdoor furniture)
- Pathways

**The plans must demonstrate that they have the following effects:**

1. Change the trend of habitat function to one that supports a complex, self-sustaining system.
2. Correct or improve conditions caused by past management and/or disturbance events.
3. Maximize beneficial habitat in the short term where watershed degradation has been extensive.
4. Create beneficial habitat and restore stream function to the fullest extent possible within developed areas where there is no reasonable expectation of returning to natural conditions.





# Natural Resource Management Plans

These plans should include a statement of intent to enhance or restore the resource (net benefit or at least neutral impact).

**Exempt Activities** (no plan or permit required)

- Removing prohibited or nuisance vegetation
- Planting native plants
- Normal landscaping that does not involve prohibited or nuisance vegetation

**Type I Review** (no fee)

Plan has been approved by one of the following agencies:

- U.S. Fish & Wildlife Service
- Oregon Dept. of Fish & Wildlife (ODFW)
- Oregon Division of State Lands (DSL)
- Oregon Watershed Enhancement Board (OWEB)
- Metro
- Clackamas County Soil & Water Conservation District
- Other agency approved by Planning Director

**Type II Review**

Plan has been prepared independently but in accordance with particular accepted standards (such as those provided by OWEB, DSL, ODFW).



**Proposed Code Amendment**

**EXCERPTED FROM DRAFT CODE**

Restoration or enhancement work done in accordance with an approved natural resource management plan.	No	No	No	No	No	No	No	No
* Per Subsection 19.322.14, construction management plans are not required for partitions and subdivisions where no grading, utility installation, or other physical improvements are being proposed within 100 feet of a water quality resource area or HCA.								

**19.322.4 Exempt Activities**

A. The following activities are exempt from the provisions of this section:

1. A building permit for a phased development project for which the applicant has previously met the application requirements of this section, so long as the building site for new construction was identified on the original permit and no new portion of the water quality resource area and/or HCA will be disturbed.
2. Stream, wetland, riparian, and upland enhancement or restoration projects and development in compliance with a natural resource management plan or mitigation plan approved by the City or by a state or federal agency.
3. Landscape planting and maintenance that does not involve the removal of native plants or plants required as mitigation, does not involve the planting of vegetation identified as “nuisance” or “prohibited” species on the Milwauke Native Plant List, or does not produce an increase in impervious area or other changes that could result in increased direct stormwater discharges to the water quality resource area.
4. Removal of plants identified on the Milwaukie Native Plant List as “nuisance” or “prohibited” species and/or the planting or propagation of plants identified on the list as “native” plants. After removal of nuisance or prohibited plants, all open soil areas must be replanted and/or protected from erosion.
5. Removal of manmade debris during the allowable windows for in-stream water work as designated by the Oregon Department of Fish and Wildlife.
6. Farming practices or farm uses, excluding buildings and structures, except if such activities or uses increase direct stormwater discharges to water quality resource areas.
7. Maintenance, alteration, expansion, replacement, repair, and/or change of use of existing legal buildings or structures, provided that:
  - a. There is no change in the location of the existing area of disturbance within the water quality resource area or HCA.
  - b. There is no increase in building footprint or size, impervious surface, or outdoor storage area(s) within the water quality resource area or HCA.
  - c. There are no other site changes proposed that could result in increased direct stormwater discharges to the water quality resource area.
8. Maintenance, alteration, and repair of existing utilities, access, streets, driveways, and parking improvements, including asphalt overlays, provided there is no increase in impervious area, reduction in landscaped areas or tree cover, or other changes that could result in increased direct stormwater discharges to the water quality resource area.

9. Emergency procedures or activities undertaken which are necessary to remove or abate hazards or for the protection of public health, safety, and welfare; provided that such remedial or preventative action must take place within a timeframe too short to allow for compliance with the requirements of this section. After the emergency, the person or agency undertaking the action shall repair any impacts to the natural resources resulting from the emergency action (e.g., remove any temporary flood protection such as sandbags, restore hydrologic connections, replant disturbed areas with native vegetation).
  10. Maintenance of public and private storm drainage facilities in accordance with a stormwater management plan approved by the City.
  11. Activities and improvements in public rights-of-way.
  12. Removal of trees under any of the following circumstances:
    - a. The tree is downed and no earth disturbance will occur during the removal.
    - b. The tree is classified as a “prohibited” or “nuisance” species on the Milwaukie Native Plants List and no more than three such trees will be removed from a particular location during any 12-month period.
    - c. The tree presents an immediate danger to public health, safety, and welfare as described in Point A-9, above. As noted in Point A-9, any damage or impacts to the designated natural resource area shall be repaired after the emergency has been resolved.
- B. In addition to the activities listed in Subsection A, above, within an HCA the following activities are exempt from the provisions of this section (except that activities within 100 feet of a water quality resource area require a construction management plan and water quality resource boundary verification for Type I review in accordance with Subsection 19.322.6):
1. The alteration, expansion, or replacement of existing structures, provided that both of the following standards are met:
    - a. The alteration, expansion, or replacement of a structure shall not intrude more than 500 square feet into the HCA, in addition to the area defined as the building footprint as of *[insert new adoption date]*.
    - b. No new intrusion into the HCA shall be closer to a protected water feature than the pre-existing structure or improvement.
  2. Minor encroachments not to exceed 120 square feet of impervious surface, such as accessory buildings, eave overhangs, exterior building improvements for access and exiting requirements, or other similar features.
  3. Temporary and minor clearing not to exceed 200 square feet for the purpose of site investigations and pits for preparing soil profiles, provided that such areas are restored to their original condition when the investigation is complete.
  4. Low-impact outdoor recreation facilities for public use, including, but not limited to, multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks that include benches and outdoor furniture, provided that such a facility meets the following requirements:
    - a. It contains less than 500 square feet of new impervious surface.
    - b. Its trails shall be constructed using non-hazardous, pervious materials, with a maximum width of 5 feet.

5. Facilities that infiltrate stormwater onsite, including the associated piping, may be placed within the HCA so long as the forest canopy and the areas within the driplines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins. Only native vegetation may be planted in these facilities.

### 19.322.5 Prohibited Activities

Following adoption of this section, the following activities are prohibited within water quality resource areas and HCAs:

- A. New structures, development, or activity other than those allowed by this section.
- B. Uncontained areas of hazardous materials.
- C. The planting of any invasive or noxious vegetation.
- D. Outside storage of materials, unless such storage began before the *[insert new adoption date]*; or, unless such storage is approved according to the provisions of this section.
- E. *Add restrictions to use of chemicals and pesticides.*
- F. Removal of native vegetation without an approved natural resource management plan.

### 19.322.6 Activities Permitted Under Type I Application Review

- A. Construction management plans and boundary verifications, as outlined in Subsection 19.322.9, are subject to Type I review as per Subsection 19.1011.1.
- B. Tree Removal. Within water quality resource areas and HCAs, tree removal is subject to Type I review as per Subsection 19.1011.1. The Planning Director shall approve an application if any of the following criteria are met:
  1. The tree removal is necessary to eliminate an imminent hazard to person or property.
  2. The tree is diseased or dying and cannot be saved, as determined by a certified arborist.
  3. More than three trees classified on the Milwaukie Native Plants List as “prohibited” or “nuisance” species are proposed to be removed from a particular location during any 12-month period.
  4. Significant pruning, where a certified arborist has determined that the tree will survive.
- C. Activities within HCAs in Compliance with Non-Discretionary Standards. Within HCAs, but outside of water quality resource areas, development that is in compliance with the non-discretionary standards of Subsection 19.322.12 is subject to Type I review as per Subsection 19.1011.1.
- D. Measures to remove or abate nuisances or any other violation of state statute, administrative agency rule, or city or county ordinance shall be subject to Type I review of a construction management plan, to be approved by the Planning Director prior to the abatement activity. The person or agency undertaking the action shall repair any impacts to the natural resources resulting from the nuisance or violation (e.g., restore disturbed soils, restore hydrologic connections, replant disturbed areas with native vegetation, etc.), unless subsequent development has been approved.

### **19.322.7 Activities Permitted Under Type II Review**

Unless otherwise exempt or permitted as a Type I activity, the following activities are allowed within either water quality resource areas or HCAs subject to approval by the Planning Director under Subsection 19.1011.2, Type II Review:

A. Special Uses. If in compliance with the Special Use standards in Subsection 19.322.13, the activities listed below shall be subject to Type II review:

1. Improvement of existing public utility facilities.
2. New stormwater pre-treatment facilities.
3. Walkways and bike paths.
4. New public or private utility facility construction.
5. Natural resource management plans and stormwater management plans.

If the proposed activity is not in compliance with the standards in Subsection 19.322.13, it shall be subject to minor quasi-judicial review as per Subsection 19.1011.3 and the discretionary standards of 19.322.15.

B. Other Uses and Activities. The activities listed below shall be subject to Type II review and the discretionary standards in Subsection 19.322.15:

1. Establishment of new farming practices or farm uses, excluding buildings and structures, which increase direct discharges to water quality resource areas.
2. Landscape planting and maintenance that would increase impervious area within the water quality resource area by less than 100 square feet and/or result in increased direct stormwater discharges to the water quality resource area.
3. Alteration, expansion, replacement, and/or change of use of existing legal buildings or structures, provided that the proposed alteration or expansion does not disturb more than 100 square feet within the water quality resource area and does not encroach closer to the protected water feature than the existing buildings or structures.
4. Alteration, and repair of existing utilities, access, streets, driveways, and parking improvements, including asphalt overlays, provided that the proposed improvements do not disturb more than 100 square feet within the water quality resource area and do not encroach closer to the protected water feature than the existing improvements.

C. Partitions that meet the standards in Subsection 19.322.14.E.

### **19.322.8 Activities Permitted Under Minor Quasi-Judicial Review**

Unless otherwise exempt or permitted as a Type I or Type II activity, the following activities are allowed within either water quality resource areas or HCAs, subject to approval by the Planning Commission under Subsection 19.1011.3 Minor Quasi-Judicial Review:

A. The activities listed below shall be subject to the discretionary standards in Subsection 19.322.15:

1. Any activity allowed in the base zone that is not otherwise exempt or permitted as a Type I or Type II activity.
2. Within HCAs, development that is not in compliance with the non-discretionary standards of Subsection 19.322.12.

3. New roads to provide access to protected water features; necessary ingress and egress across water quality resource areas; or the widening an existing road.
  4. Improvement of existing public utility facilities that cannot meet the standards of Subsection 19.322.13.
  5. New stormwater pre-treatment facilities that cannot meet the standards of Subsection 19.322.13.
  6. New public or private utility facility construction that cannot meet the standards of Subsection 19.322.13.
  7. Walkways and bike paths that cannot meet the standards of Subsection 19.322.13.
  8. Tree removal in excess of that permitted under Subsections 19.322.4 or 19.322.6.
  9. Landscape planting and maintenance that would increase impervious area by more than 100 square feet.
  10. Maintenance, alteration, expansion, replacement, repair, and/or change of use of existing legal buildings or structures that would disturb more than 100 square feet within the water quality resource area or would encroach closer to the protected water feature than the existing buildings or structures.
  11. Maintenance, alteration, and repair of existing utilities, access, streets, driveways, and parking improvements, including asphalt overlays, that would disturb more than 100 square feet within the water quality resource area or would encroach closer to the protected water feature than the existing improvements.
- B. The activities listed below shall be subject to the discretionary standards in Subsection 19.322.14:
1. The partitioning of land containing a water quality resource area or HCA that cannot meet the standards in Subsection 19.322.14.E.
  2. The subdividing of land containing a water quality resource area or HCA.

### **19.322.9 Construction Management Plans**

- A. Construction management plans shall provide the following information:
1. Description of work to be done.
  2. Location of site access and egress that construction equipment will use.
  3. Equipment and material staging and stockpile areas.
  4. Erosion and sediment control measures.
  5. Measures to protect trees and other vegetation located within the water quality resource area and/or HCA, but outside of the approved disturbance.
- B. To ensure that trees and vegetation are not damaged during construction, construction management plans shall ensure that:
1. Prior to construction, the water quality resource area and/or HCA shall be flagged, fenced, or otherwise marked and shall remain undisturbed except as may be allowed by this section. Such markings shall be maintained until construction is complete. For trees, a root protection zone extending out from the trunk to the edge of each tree's canopy shall be established and protected during construction.



# Tree Removal

Distinguish between standing, downed, diseased, and dying trees, as well as “significant” pruning.

## ❑ Exempt Removal

- **Downed trees** (if no earth disturbance)
- **Invasive/Nuisance trees** (limit of 3 or fewer trees, even within WQR area)
- **Emergency situations** (must repair any damage afterwards)

## ❑ Type I Review

- **Diseased or Dying trees** (arborist to confirm)
- **Imminent danger or hazard** (non-emergency)
- **Significant pruning** (arborist to verify tree will survive)
- **Landscaping or design preferences** (but not within WQR area)
- **Note**: Replacement of the removed tree will be required in most situations.

## ❑ Other Removal Scenarios

- **With site development** (mitigation required)
- **Other situations not covered above** (such as . . . ?)



# Concepts for Tree Removal

- Over time, Milwaukie has lost much of its tree canopy.
- WQR areas and HCAs are the only places on private property where the City protects trees.
- It is important to have shade and woody debris in the floodplain and WQR area.
- Tree removal in WQR areas is more restricted than in HCAs.
- Important to distinguish native trees from non-native trees.
- Size of tree matters.
- For hazardous trees, important to consider the target area (where the tree will fall).

