

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, OCTOBER 26, 1999

COMMISSIONERS PRESENT

Donald Hammang, Chair
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk

COMMISSIONERS ABSENT

Judith Borden
Howard Steward

STAFF PRESENT

Alice Rouyer,
Planning Director
John Gessner,
Associate Planner
Gary Firestone,
City Attorney
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- City Council Minutes, September 9 and September 21, 1999

4.0 PLANNING COMMISSION MINUTES -- September 28, 1999

Tracy Cook moved to approve the Planning Commission minutes of September 28, 1999, as presented. **Doug Ouderkirk** seconded the motion. MOTION CARRIED 4-0 with one abstention. Barbara Cartmill was not at that meeting.
Ayes: Hammang, Cook, Miller, Ouderkirk, Steward;
Nays: None.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS -- None.

7.0 OTHER BUSINESS / UPDATES -- Matters From the Planning Director

7.1 Natural Resource Overlay Mapping Discussion

Alice Rouyer explained that staff has uncovered mapping discrepancies in the Natural Resource Overlay areas. Regulations allow the City to regulate the properties that are in the Comprehensive Plan Natural Resource Inventory. She presented the map that has been maintained over the past years. This map has been used for administrative purposes to delineate the properties for regulations.

Staff has discovered that there are more properties on the map than are in the official Natural Resource Inventory. There are a lot of errors on the map. A new map was displayed that showed the properties listed on the Comprehensive Plan Inventory in red and the properties in green were properties added over the years. These green highlighted properties were identified, but Comprehensive Plan Designation was never completed. Only the properties in red can officially be regulated by the Natural Resource Overlay. There are presently some properties as highlighted in red that cannot be regulated by the City. Some properties were identified in gold, which represent applications that have completed a natural resource review. These properties are not officially in the inventory.

Title III regulations are coming from Metro. These regulations will include guidelines that establish buffer zone from riparian areas, wetland areas, and flood plain erosion control. This project will fold these regulations into the existing Natural Resource Overlay. This will make the existing regulations more powerful. A mapping specialist will be working with staff to prepare an accurate representation of the Natural Resources in the City. A draft map was presented that identified creek corridors and wetlands. A final map will be completed that identifies all the properties that have natural resource value in the city. Title III amendments will begin this spring.

Title III was discussed at a worksession with City Council. It was asked whether maps or a wetland definition would be adopted as the regulatory designation. Staff feels that a definition would be the best way to deal with regulations. Responsibility will be on the property owners to identify whether they have a wetland or not. This will eliminate the need for the City to maintain a map with accurate boundaries. There will be delineation from a wetland professional at the time of development.

It is anticipated that Metro will come back next year with accompanying regulations that deal with wildlife protection and fish protection along streams. The buffers will get wider over time. There is more work to be done. **Chair Hammang** suggested that a concept of a natural resource designation for open

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space areas that are not near a stream be considered for future planning discussions. **Alice Rouyer** stated that Title III would need to be completed, then the Commission could expand the perimeters of the definition of natural resource. **Gary Firestone** stated that currently the natural resource overlay includes riparian areas, wetland areas, and a habitat area.

John Gessner explained the natural resources identification process used by the city. Staff conducted a survey to identify and rate the quality of the sites. Based on Goal V criteria, evaluations were made on riparian upland habitat and wetland resources.

Discussion followed on properties that are not designated for regulation and what measures can be taken to protect those properties until Title III is adopted. **Gary Firestone** stated that the building permit is the trigger date. None of the properties identified will be at the building permit stage before Title III is in force.

It was suggested that staff draft a letter to the Division of State Lands to ask them to be more cooperative in natural resource land use regulations. Property owners have been bypassing City regulations by going through State agencies. Concerns were raised about the Hegar site and it was agreed that this occurrence site should be mentioned in the letter.

Recess was taken at 7:15 p.m. and the meeting reconvened at 7:22 p.m.

7.2 New Staff Members

Alice Rouyer reported that Lisa Nasshahn has been working for the City since August on a temporary basis. She has been working with staff on building permit reviews and applications. Lisa will be here for the November 9th meeting to present the Failor non-conforming use application.

Doug Strickler has been hired as an Associate Planner. He too, will be here next meeting.

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8.0 WORKSESSION

8.1 Discussion about the Urban Forestry Ordinance Program

Alice Rouyer reported that this discussion item was a continuation from the September 28, 1999, work session. She posted on the board a summary of the private property regulations that the Commission have agreed upon to date:

Summary of Private Property Regulation Concepts to Date

- Regulate removal of four or more trees sized greater than 8" in diameter per calendar year.
- Removal and major pruning of Significant Trees. Significant Trees will be identified in an inventory. Property owner must agree with description before the Significant Tree designation.

Barbara Cartmill asked if this designation remained with the property? **Alice Rouyer** stated that this is like a historic designation; it stays with the land.

- Regulations regarding removal/major pruning of large trees. This includes any tree larger than 18" in diameter.
- Tree Removal during development/redevelopment concurrent with Planning Reviews and Structural Permit Reviews.

Tracy Cook presented a model tree ordinance. It was suggested that this ordinance be reviewed for ideas to be included in the Milwaukie Ordinance. Some of the points she was impressed with were:

- Definitions of small, medium and large trees
- Spraying trees
- Trees that are blocking streetlights, stop signs, etc.

Chair Hammang suggested that a brightly colored notice be posted at work sites to alleviate confusion from neighbors and people passing by. Maybe a "Permit Issued" sign will prevent complaints to the City of unauthorized clearing.

Barbara Cartmill asked if there were provisions for replacement of significant trees on private property that have been blown over during storms, etc. **Alice Rouyer** stated that after the Tree Ordinance is passed, the City can determine ways for evaluation and maintenance of trees.

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Alice Rouyer stated that the discussion ended last meeting with the issue of tree removal during development and redevelopment. The purpose of statement is to require the submission of a tree plan concurrent with the planning review applications. It is hoped that this will provide a measuring place to require people to consider tree preservation.

Alice Rouyer asked if the Commission wanted to incorporate the notion of more than "4 or more trees" in a calendar year? Maybe the possibility of combining the tree regulations during development/redevelopment with the regulations regulating removal of 4 or more trees in a calendar year.

Mike Miller stated that he did not feel development and redevelopment are should be treated in the same manner. One has to do with just removing trees; the other has to do with development or redevelopment of a house or property. He would rather see all trees identified under these conditions and not have a number related to preservation. Then it would be the applicant's responsibility to show why the trees needs to be removed, or how to reconfigure the house to save trees. This regulation basically says, cut down four trees and then worry about the rest.

Alice Rouyer noted that there is a loophole in the language now where a resident could cut down two trees, then come in and say they have room to build a deck. At that time it will be too late to deal with tree preservation as outlined for development/redevelopment.

Discussion followed on regulating trees on private property. **Barbara Cartmill** voiced concern that property owners should not have to ask the City for permission to cut down trees on their own property. She would object to this regulation if it covered "any" tree. She agrees with regulations on "significant trees", but not "any" tree.

Tracy Cook stated that she too is uncomfortable about regulating the property owners ability to enjoy their property as they see fit.

Mike Miller stated that if there was a cutting violation, the City can take enforcement action. This would be for public awareness of the tree regulations.

Alice Rouyer stated that discussions at the last meeting included defining the properties that are regulated as lots large enough to be subdivided. This could be added to the language for development. She voiced concern that the regulation for fewer than four trees would impact staff resources. This can also be a

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loophole for people to cut down trees before development. She suggested that the Commission consider a bullet one and four combination with the stipulation that fewer than four trees not having to go through the extra steps of those in development/redevelopment.

There was general agreement on combining bullets one and four. These regulations would also apply to underdeveloped properties with the ability to subdivide.

A scenario was discussed of a lot being divided into four lots. It was asked if each of these lots would fall under the tree regulations. Using the language proposed so far, each of these lots would fall under the regulations. However, if the lot was under 7,000 sq.ft. and it contained ten large trees, they would not be subject to the regulations because the 7,000 sq.ft. lot could not be subdivided.

Doug Ouderkirk stated that he likes the idea of the checkpoint. It give the property owner and the City get a chance to talk about the proposed project and tree preservation.

Alice Rouyer summarized that the tree removal during development/redevelopment applies to all trees when there are four or more to be removed. Disclosure includes a site plan that shows all trees greater than six inches and a delineation of whether the trees will remain or be removed. With this language, a property owner could clear cut all of their trees if the trees were six inches or less with no regulation.

Discussion followed on at which point to apply the criteria for removal. **Alice Rouyer** suggested the first bullet be a stand-alone regulation to regulate removal of four or more trees per calendar year for lots with the ability to subdivide into two or more lots. **Mike Miller** voiced concern that this would take regulation away from the majority of the City. Most of the lots in Milwaukie are not double the size of the zone.

Gary Firestone noted that restrictions could be stipulated for a minimum size if there is no structure on the lot.

Discussion continued on whether the first bullet would be to regulate the removal of four or more trees, using the criteria of subdividable into two or more lots. This would apply to all commercial and industrial properties.

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Alice Rouyer asked for an informal poll on the discussion thus far. **Chair Hammang** stated that he agrees with bullet #1, all trees should be shown on development permits. If it is less than four trees, regulations should not be applied. Trees are an important part of what people have reported define Milwaukie is in the Vision Statements and Neighborhood Association Statements.

Mike Miller stated that there should be uniform regulations within the City. He feels that bullet #1 and #4 will eventually be addressed in design review. He has concerns that these regulations do not cover 70% of the properties in the City.

Since there are not seven members present tonight, **Alice Rouyer** suggested that this issue be tabled until the next meeting. She asked if there is concurrence on the issue of tree removal during development/redevelopment, showing a site plan with all trees greater than six inches, and if more than four trees greater than six inches in caliper then the tree preservation criteria apply? There was consensus on this issue.

Alice Rouyer asked about concurrence on the regulation of removal of four or more trees, six inches in diameter, in a calendar year for lots subdividable into two or more lots, applying to all commercial and industrial property? Concerns were raised that this language was not clear. It was suggested that this apply to vacant lands only. **Gary Firestone** stated that the wording can be drafted to apply to any circumstance that the Commission wants. If it is important that this apply to property that has structures other than residences. This would encompass sheds, garages, storage buildings, etc.

Mike Miller noted that the regulations should treat everyone the same. Someone who has 18,000 sq.ft would be regulated and those with 13,000 sq.ft. would not be regulated. Everyone should be under the same restrictions, regardless of lot size.

Alice Rouyer asked which option was most preferred: regulating all size properties or regulating those that are vacant or could be subdivided? There was no consensus on this issue. **Alice Rouyer** suggested that staff draft language for this ordinance for review and comment.

Discussion followed on issues that were not discussed at the last meeting:

Remaining Urban Forestry Issues

- (1) Process -- Recommend: See Page 4 of the staff report. Staff is okay with the process outlined in report. Favor administrative review with appeal to Planning Commission.
- (2) Define "Other Public Places" -- Recommend: Either define or eliminate reference
- (3) Urban Forestry Master Plan -- Recommend: Delete reference to Urban Forestry Master Plan in Ordinance not intended to be a regulatory document.
- (4) Tree Care Licensing -- Recommend: Licensing enforcement likely to be onerous over time. Instead, propose that reports from certified arborist be provided, when necessary. *Need more background from Commissioners Hammang/Miller.
- (5) Authorize staff and the City Attorney to clean up sections of Ordinance.
- (6) Next steps? -- November 15th City Council Worksession. -- Update and administer Outreach program. -- December/January Public Outreach.

Chair Hammang noted that Number 4 is an effort to make sure that licensed tree-care people would be responsible for enforcement. **Alice Rouyer** suggested that the tree-care licenses continue. In cases where a tree permit is needed, should an Arborist report be required.

Mike Miller stated that the original intent was to have a group of bonded, licensed people in the City that could be referred to homeowners for tree maintenance. Everyone who does work for the City must have a business license. There are a lot of landscaping people who do work in the City that do not have licenses. He would like to see the licensed individual be a requirement. **Gary Firestone** noted that the language should define whether the person doing business with the City have a City business license or a tree-care license.

Alice Rouyer suggested that all tree permits in the right-of-way get a right-of-way permit and a tree license. The City will require business licenses for contractors. There was a consensus that this would be acceptable.

Mike Miller defined "Other Public Places" to be PSB, Johnson Creek, City Hall properties(City Owned Land).

Alice Rouyer stated that the Urban Forestry Program will be discussed again in a worksession on November 23, 1999. It is hoped that there will be at least six Commissioners in attendance. Staff will prepare a report for that worksession and

make it available before that date. Alice needs to give City Council an update of the progress made on the Urban Forestry Program on November 15. Commissioners are welcome and encouraged to attend.

9.0 DISCUSSION ITEMS -- None.

10.0 OLD BUSINESS

10.1 Historical Resources Commission Report -- No Report.


10.2 Community Development Director Report -- No Report.

11.0 NEXT MEETING -- October 26, 1999


11.1 MLP-99-06/VR-99-04 -- Gardiner/Sandblast, 5027 SE King Road

11.2 Street Vacation -- 24th Avenue between Ochoco and Stubb -- Discussion only

Judith Borden moved to adjourn the meeting of September 28, 1999. **Mike Miller** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:36 p.m.



Donald Hammang, Chair



Shirley Richardson, Hearings Reporter

**AGENDA
MILWAUKIE PLANNING COMMISSION
WORKSESSION
Milwaukie City Hall
10722 SE Main
Tuesday, October 26, 1999
6:30 pm**

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Information Items - City Council Minutes: (upon approval by Council)	Information Only
3.1	September 9, 1999 – Worksession with Clackamas County Commissioners	
3.2	September 21, 1999 – Regular Session To Planning Commissioners Only	
4.0	Planning Commission Minutes:	Motion Needed
4.1	August 10, 1999	
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0	Public Hearings - NONE	
7.0	Worksession	
7.1	Urban Forestry Program	
8.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
10.0	Other Business/Updates Matters from the Planning Director:	Information Only Review and Comment
10.1	-Draft Vision and Mission Statement	
10.2	-Natural Resource Overlay Mapping Discussion	
10.3	-New Staff	

11.0	Next Meeting: November 9, 1999	
11.1	CSC-99-01/TPR-99-04 – McKinney/EHB – 11086 SE Oak	
11.2	NCU-99-01/TAR-99-02/TPR-99-07 – Faylor – 4140 SE Harrison	
11.3	CU-99-04-TPR-99-08/VR-99-06 – Dr. Chung – 3245 SE Campbell	
	The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

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

Public Hearing Procedure

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.** THE STAFF REPORT IS FOLLOWED BY ANY VERBAL OR WRITTEN CORRESPONDENCE WHICH HAS BEEN RECEIVED SINCE THE COMMISSION WAS PRESENTED WITH ITS PACKETS.
3. **APPLICANT'S PRESENTATION.** WE WILL THEN HAVE THE APPLICANT MAKE A PRESENTATION, FOLLOWED BY:
4. **PUBLIC TESTIMONY IN SUPPORT.** TESTIMONY FROM THOSE IN FAVOR OF THE APPLICATION.
5. **COMMENTS OR QUESTIONS.** COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO ARE NEITHER IN FAVOR NOR OPPOSED TO THE APPLICATION.
6. **PUBLIC TESTIMONY IN OPPOSITION.** WE WILL THEN TAKE TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION.
7. **QUESTIONS FROM COMMISSIONERS.** WHEN YOU TESTIFY, WE WILL ASK YOU TO COME TO THE FRONT PODIUM AND GIVE YOUR NAME AND ADDRESS FOR THE RECORDED MINUTES. PLEASE REMAIN AT THE PODIUM UNTIL THE CHAIR PERSON HAS ASKED IF THERE ARE ANY QUESTIONS FOR YOU FROM THE COMMISSIONERS.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** AFTER ALL TESTIMONY, WE WILL TAKE REBUTTAL TESTIMONY FROM THE APPLICANT.
9. **CLOSING OF PUBLIC HEARING.** THE CHAIR PERSON WILL CLOSE THE PUBLIC PORTION OF THE HEARING. WE WILL THEN ENTER INTO DELIBERATION AMONG THE PLANNING COMMISSIONERS. FROM THIS POINT IN THE HEARING WE WILL NOT RECEIVE ANY ADDITIONAL TESTIMONY FROM THE AUDIENCE, BUT WE MAY ASK QUESTIONS OF ANYONE WHO HAS TESTIFIED.
10. **COMMISSION DISCUSSION/ACTION.** IT IS OUR INTENTION TO MAKE A DECISION THIS EVENING ON EACH ISSUE BEFORE US. DECISIONS OF THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL. IF YOU DESIRE TO APPEAL A DECISION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.

Milwaukie Planning Commission:

Donald Hammang, Chair
Judith Borden, Vice Chair
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk
Howard Steward

Community Development Department Staff:

Martha Bennett, Community Development Director
Alice Rouyer, Planning Director
John Gessner, Associate Planner
Doug Strickler, Associate Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



To: Planning Commission

From: Alice Rouyer, Planning Director *AR*

Subject: Urban Forestry Program Work Session

Meeting Date: October 26, 1999

Date: October 18, 1999

Action Requested

Continuation of the September 28, 1999 work session. The Commission needs to complete consideration of the remaining policy questions.

Summary of September 28, 1999 Work Session

The Planning Commission reviewed the following policy questions:

1. *Commission support for the Urban Forestry Program*

Planning Commission supported the idea of splitting Commission support for the Urban Forestry program with the Parks & Recreation Board. The Parks & Recreation Board also supported this idea at their meeting on September 27, 1999. Planning Commission members requested that one member of the Planning Commission be invited to attend and participate in Parks & Recreation Board discussions about Urban Forestry. This Planning Commissioner selected for this responsibility must be interested in trees and have a professional or personal background in landscape architecture or design, arboriculture, ornamental horticulture or a related field.

The Commission/Board responsibilities have been divided in the following way:

Proposed Planning Commission Responsibilities:

1. Conduct all public hearings associated with tree cutting, planting, and enforcement of regulations on both private property and in the right-of-way.
2. Recommend revisions to the urban forestry regulations pertaining to private property and rights-of-way.

Proposed Parks & Recreation Board Responsibilities:

1. In coordination with staff, develop an Urban Forestry Master Plan for review and adoption by the City Council.
2. Review the annual program for tree care and tree planting in public places in the city.
3. Recommend amendments to city regulations that support the adopted Urban Forestry Master Plan for review and adoption by the City Council.
4. Maintain a street tree list to determine the types of trees to be planted in public places and street rights-of-way.
5. As needed, work with city staff, other agencies, and volunteer organizations to educate the public about the benefits of a healthy urban forest and the actions citizens can take to enhance the urban forest.
6. In coordination with staff, review a city-wide survey and inventory of significant trees.

2. *Program budget and overall fiscal impact*

The Commission briefly discussed how the \$40,000 program budget must be considered when making decisions about regulations. When considering regulations on private property, the Planning Commission should weigh the cost of regulation and enforcement. The \$40,000 budgeted toward urban forestry is unlikely to cover all staff time needed to review and enforce the regulations on private property, the cost of maintaining trees in the right-of-way and the cost of educational program components.

3. *Degree of regulation on private property*

The Planning Commission conceptually agreed to the following parameters for private property regulation:

a. Tree Removal of Four or More Trees Per Calendar Year (see Municipal Code Section xx.xx.090)

Proposed to regulate removal of four or more trees sized greater than 8 inches in diameter in a calendar year. The term "undeveloped and underdeveloped" will not be used because the objective is to protect tree removal of four or more trees in a calendar year on all properties.

b. Removal and Major Pruning of Significant Trees or Groves of Trees (see Municipal Code Section xx.xx.100)

Propose to regulate removal and major pruning of trees designated as Significant Trees. City staff, with support from the Parks & Recreation Board, will conduct a Significant Tree Inventory to determine which trees might be eligible for designation. City Council, Planning Commission, Park & Recreation Board, a property owner, or any other person may recommend that a tree be designated a Significant Tree. However, the property owner must agree to the designation before Planning Commission can consider the designation.

c. Removal and Major Pruning of Large Trees (new code section—not currently included in the 1996 draft)

Propose to regulate removal and major pruning of all trees larger than 18 inches in diameter.

d. Tree Removal During Development or Redevelopment (see Zoning Ordinance Section xx.05.1 “Tree Protection”)

Propose to require submission of a tree plan concurrent with planning review applications and structural permits applications (i.e. building permit application, but could include permits for decks and other structures too). The tree plan must show all trees on the property larger than 6 inches in diameter. Trees larger than 8 inches in diameter shall be preserved unless the applicant is able to demonstrate that:

1. Trees must be removed because they pose a safety hazard to pedestrian or vehicular traffic, threaten to cause disruption of public services or pose a safety hazard to persons or buildings.
2. Trees are diseased or irreversibly weakened by age, storm, fire or other injury.
3. Removal is necessary to provide adequate access immediately around the proposed structure for construction equipment.
4. Tree removal is necessary to accomplish a public purpose, such as the installation of public facilities and utilities, or construction of a public street.
5. Removal is necessary to provide adequate access as required by city standards.
6. Trees must be removed to accommodate essential grade changes needed to develop the property.

7. Trees must be removed to accommodate on-site surface water drainage and utility installation.
8. Trees must be removed to accommodate driveways, buildings or other permanent improvements so as to allow for reasonable development within the building setbacks of the underlying zone. (Note: We discussed this criterion at length at the 9/28 meeting. I have asked the City Attorney's Office to help staff craft some language to better articulate the opinions expressed at the 9/28 meeting)
9. Trees must be removed in order to comply with other City codes and regulations.
10. Trees must removed to allow efficient use of solar energy equipment.
11. For criterion 3 through 10 above, the applicant shall show evidence of exploring alternative designs which would increase tree protection.

Remaining Policy Questions

1. Process

The Municipal Code and Zoning Ordinance offers the following process for obtaining approval to remove or prune trees:

- a. Tree Removal of 4 or more per Calendar Year. Staff decision. Notice to the NDA and posting is provided on the tree. Any person may request a public hearing before the Planning Commission within 14 days of the date of posting.
- b. Removal and Major Pruning of Large Trees. Staff decision. Notice to the NDA and posting is provided on the tree. Any person may request a public hearing before the Planning Commission within 14 days of the date of posting.
- c. Removal and Major Pruning of Significant Trees and Groves of Trees. If a tree is dead, the tree may be removed in accordance with a Type I administrative review, requiring no public notice. If the tree is removed or pruned due to any reason besides death or disease of the tree, the decision is referred to the Planning Commission for final decision in accordance with Minor Quasi-Judicial review.
- d. Tree Removal during development or Redevelopment. The ordinance states that "the decision making authority for the related development application shall also be authorized to implement this section." This means that in the case of a building permit review, the decision would be staff-level. If the review required a

Planning Commission decision, then the Planning Commission would also have authority to render a decision about the request to remove trees associated with the development request.

The Commission should determine if these review processes are appropriate. The question of staff review vs. Planning Commission review is significant. The Commission should consider if tree removal and pruning decisions would be most appropriately considered by staff or the Commission. Staff would recommend that all tree cutting/removal requirements be decided administratively with the ability to appeal to the Commission. Staff will seek the technical assistance of a consulting arborist in reviewing tree removal/pruning applications.

2. *Regulating Trees in "Public Places"*

In Section xx.xx.080, removal and major pruning of street trees or trees in public places are regulated. This generally pertains to trees in a city park, street right-of-way or other public place. The term "other public place" needs to be either eliminated or defined better.

3. *Urban Forestry Master Plan*

Section xx.xx.050 references the Urban Forestry Master Plan. This Master Plan is intended to provide policy direction to staff, Planning Commission and the Parks & Recreation Commission concerning the Urban Forestry program. It is anticipated that this document would be an expansion of the Urban Forestry Program document written by the project consultants in 1996. This document outlines program goals, policies and objectives concerning education, public outreach, street tree guidelines, etc. Staff would recommend that reference in the ordinance to the Urban Forestry Master Plan be deleted because the Master Plan is not intended to serve as a regulatory document. The Parks & Recreation Board will provide oversight of the Master Plan.

4. *Tree Care License*

Section xx.xx.070 requires "any person engaged in the business of removing, pruning, or trimming trees in the city of Milwaukie to hold a valid Tree Care License, in addition to a regular Business License." To obtain a Tree Care License, the applicant must comply with the following:

1. *Proof of public liability and property insurance in an amount to be set by the city. This proof needs to be filed with the city at the time of each renewal and must remain in force for the term of the permit.*

2. *Proof that at least one member of the staff is an arborist certified by the ISA and that this member is responsible for the work performed under the Tree Care License.*
3. *All work must comply with the rules and objectives of this title. All work is subject to inspection by the city for compliance with city standards.*
4. *All tree care or tree maintenance companies holding a valid City Business License at the time this Section becomes effective will have one full year to meet the above standards.*

The Community Development Director may revoke or suspend the license for any of the following reasons:

1. *Failure to provide or continue the insurance required to maintain the license.*
2. *Failure to uphold the good standards of tree care required by the city.*
3. *Irresponsible or unethical business practices*
4. *Reckless or endangering practices on the job site.*
5. *Failure to comply with the requirements of the Urban Forestry Master Plan.*

Staff is interested in learning from Commissioner Miller and Commissioner Hammang why the consultant included this section in the draft ordinance in 1996. Over the long term, the licensing requirements are likely to be onerous, and difficult for staff to enforce. Staff would recommend that this section be deleted from the ordinance. Staff can discuss options with the Commission on October 26.

5. *Authorize staff and the City attorney to clean up sections of the ordinance*

Both staff and the City Attorney have identified areas of the ordinance that either do not belong in the regulations or need better definition to be legally defensible. The Planning Commission should expect staff to return with a revised draft that removes discrepancies and clarifies requirements.

ATTACHMENTS

- Attachment A: City of Milwaukie Urban Forestry Program
- Attachment B: September 16, 1999 memo from Jim Coleman, City Attorney
- Attachment C: 1996 draft: Milwaukie Municipal Code and Zoning Ordinance amendments

**CITY OF MILWAUKIE
URBAN FORESTRY PROGRAM****Discussion Draft****August 1, 1996****THE URBAN FOREST**

An urban forest is the integrated system of plants, animals, soil, air, water and people that exist in and around human communities. The urban forest includes all of the vegetation in our communities ranging from our residential landscapes to industrial plantings. It includes trees living on undeveloped, rural sites to those planted alongside transportation corridors.

The urban forest is a component of a community's infrastructure that is as essential as roads, sewer and other public utilities and a necessity for the human ecosystem. It is the living system which maintains livability in our communities by enhancing the comfort and preserving the beauty, health, and purity of our environment. Although much of the urban forest is a product of natural plant propagation, in most communities the majority of the urban forest is the result of careful planting and maintenance.

As our communities continue to grow, creating higher density urban centers and developing forest and farmland, we must preserve key elements of the existing urban forest, plan for its continuing renewal and design future enhancements.

VALUES OF THE URBAN FOREST**Aesthetic & Physical Benefits**

Creation of City Spaces. Trees provide a unifying design element to outdoor environments. Rows of trees spaced evenly along a street tie together the many different architectural styles that may exist on a block. Planted in groups, large trees create grand outdoor spaces and punctuate important locations. They provide beauty, and a variety of textures, colors and shapes which change with the seasons and enliven the often mundane urban environment. Trees also provide historical links to the past as living memorials to local history.

Community Health. Trees contribute to the health of a community by creating comfortable environments that provide opportunities for contact with nature. Their seasonal changes of color, form and texture provide beauty and interest. The wildlife they attract provide soothing nature noises such as rustling leaves and singing birds which tend to soften the harsher noises associated with urban environments. Studies show that contact with nature speeds the healing process and acts as a preventive for future disease. Urban forests also provide active and passive recreational opportunities close to work and home environments. Trees create environments

which are conducive to stress reduction and relaxation. In fact, patients recovering from surgery in hospitals require less pain medication, and have shorter recovery periods if they have views of vegetation and nature instead of blank building walls.

Environmental Benefits

Solar Radiation. Trees contribute to the comfort of the environment by blocking solar radiation. Their shade creates cool outdoor and indoor environments and reduces heat absorption by buildings and paved surfaces.

Air Cooling. Trees cool environments through the process of evapotranspiration. In this process, trees release water into the atmosphere and cool the air. It is estimated that one large tree can potentially release 400 gallons of water into the air each day when the temperature is high and water is readily available to the tree (U.S. Forest Service, 1988). In fact, the larger the leaf and crown of a tree, the greater its ability to block solar absorption by buildings and paved surfaces and release water into the atmosphere to cool the air resulting in a temperature change of as much as 9 degrees.

"Heat Island" Effect. In urban environments, trees decrease the concentrations of pollutants which create the "heat island" effect. "Heat islands" are areas in urban environments which have higher temperatures because of gases and particulates in the atmosphere, which insulate an area from natural cooling forces, as in a greenhouse. Trees reduce the "heat island" effect by partially absorbing the dust particles, carbon dioxide, nitrous oxides, ammonia, sulfur dioxide, and ozone through their leaves (Arnold, 1993).

Air Quality. Because high concentrations of carbon dioxide are often localized in urban environments urban forests remove 10 times more of the toxin than rural forests (U.S. Forest Service, 1988). In fact, one healthy tree can remove as much as 48 pounds of carbon dioxide from the atmosphere per year (U.S. Forest Service, 1988). After absorbing carbon dioxide, trees utilize it for photosynthesis and return oxygen to the atmosphere for human consumption. Also, one large, mature tree can also remove almost 50 pounds of particulates each year from the atmosphere (U.S. Forest Service, 1988).

Heat Loss. Trees capture heat below their crowns during cool weather creating more comfortable indoor and outdoor environments. When it is cold outside, trees capture heat before it is re-radiated into the atmosphere maintaining warmer environments close to the ground and in nearby structures.

Wind Control. Trees maintain comfortable environments by slowing winds. In fact, when planted in groups such as a hedgerow, trees can completely block winds forcing wind up and over the tops of the trees for a distance equal to the height of the trees. Also, unlike tall buildings in an urban environment which often create wind tunnels, the permeability of the tree crown moves the wind through a tree and slows it down. This results in more comfortable outdoor environments and protects structures from heat loss.

Erosion Control. Trees also prevent erosion by reducing the amount and velocity of run-off common in urban areas. As a community increases land densities to accommodate more growth, more surface area is paved. The loss of pervious surfaces increases the likelihood of erosion because less water can be absorbed back into the earth. Because of this, there is more water moving across the ground at a higher velocity which causes erosion. Trees provide storm water control by absorbing excess water through their roots. This reduces the amount of run-off which preserves topsoil and keeps silt and soils from moving into rivers, lakes and streams.

Water Quality. Urban forests also enhance a community's water quality. Tree roots absorb water intercepting it before it moves into the wastewater treatment system. In effect, the water is filtered and returned eventually to the urban water supply aquifer. Storm sewer systems are often overloaded in urban areas, particularly during heavy periods of rainfall, allowing toxic run-off and other waste to enter rivers, lakes and streams. By absorbing and filtering run-off, trees alleviate the wastewater system of the burden of less toxic waste and allow it to process more dangerous effluent.

Noise Control. Trees reduce noise pollution inherent in urbanized environments. When planted in groups 35-100 feet wide, trees can effectively reduce noise pollution. When planted on earth berms that are tall enough to hide the noise source, traffic noise can be reduced by half. Trees are also highly effective when used in conjunction with walls that reach the base of the tree crowns (World Forestry Center, 1989). Trees and the wildlife they attract also provide "white noise" of singing birds and rustling leaves that can mute the noises of urban environments.

Wildlife Habitat. Urban forests provide wildlife habitat in urban environments. Trees provide homes and a food source for plants and animals. In turn, plants and animals function to purify air and water enhancing the natural and human environment. They also create opportunities for humans to interact and study plants and animals without venturing far from work or home.

Economic Benefits

Property Values. The beauty and soothing qualities of trees increase property values. Tree-lined streets increase home values by up to 21 percent as compared to homes on streets without trees (Arnold, 1988). Homes landscaped with trees have a 3.5-4% higher value than similar homes without trees. In fact, the Internal Revenue Service recognizes the value of trees to property value by recognizing monetary losses by accidental tree removal or damage.

Energy Savings. The cooling and heat retention functions of carefully sited trees can reap tremendous savings in heating and cooling costs. One tree can provide up to \$273 in environmental savings per year through cooling, erosion and storm water control, wildlife habitat and air pollution reduction. In 50 years, these savings can total almost \$60,000 per tree. Even considering the high maintenance costs of trees, \$2.68 worth of value has been found for every \$1 spent on maintenance (U.S. Forest Service, 1988).

Homeowners can reduce their cooling costs by 10 to 50 percent by planting three deciduous trees around their home. The trees should be planted on the southern and western sides of the house to

block hot afternoon sun in the summer. Homeowners can also reduce their heating costs by strategically planting trees to insulate their house and block cold winds in the winter. Typically, planting coniferous trees, which provide a dense, impermeable barrier year round, on the north side of the house is most effective. Also, deciduous trees planted on the southern and western sides of a house allow winter sun to permeate a dwelling providing additional warmth in the winter, thereby reducing heating costs.

PRESENT SITUATION IN MILWAUKIE

Key question: What do you have?

Description of Tree Resources in the City

- **Street trees.** Street trees are only found in relatively few locations in the city. The majority of these are in the downtown or are associated with new commercial development. Some of these trees are either inappropriate as street trees and/or improperly maintained.
- **Undeveloped properties.** The remaining undeveloped properties in the city are typically small, ranging in size from one-half to five acres. Of these, a significant number have mature trees which are likely to be lost if they are developed using existing development practices.
- **Developed properties.** The number and type of trees on developed properties varies, particularly with the age of the development. Residential properties in the older sections of the city tend to have larger lots with mature trees that were retained or planted at the time of development. New residential and commercial development is generally characterized with younger ornamental trees and a few mature trees that were saved during development. Many of these developments lack any mature, native trees.

Existing Urban Forestry Management and Protection Programs

- **Existing city programs.** The city presently does not sponsor any programs to promote good urban forest management.
- **Existing city regulations.** The city has a number of regulatory provisions in the Zoning Ordinance which either require or encourage tree preservation. Chapter 319 Planned Development Zone, allows flexibility in residential development which can make it easier for a developer to reach the allowed density for the property while preserving significant natural amenities on the property, including trees. Techniques such as density transfer, relaxing dimensional standards (e.g., minimum lot size and building setbacks), and density bonuses all provide opportunities for developers to preserve rather than remove trees.

Chapter 320 Willamette Greenway Zone provides some protection of trees within the greenway.

Chapter 322 Natural Resource Overlay Zone requires the protection of identified significant areas such as wetlands and stream corridors. Because significant trees are typically associated with these environmentally sensitive areas, they are protected by this section of the Zoning Ordinance.

Finally, the Zoning Ordinance has minimum landscaped area standards for each zoning district, as well as general landscaping provisions. However, the ordinance does not include specific landscaping standards for developing properties or for street trees.

Issue Statement

To protect and enhance the urban forest the following issues must be resolved and integrated into the urban forestry program.

Overmature Trees. In areas where the urban forest was planted at the same time, new trees should be phased in before the entire forest is overmature.

Tree Replacement. As trees are removed because of disease, age or accidental damage, they need to be replaced.

Tree Removal. Diseased and dangerous trees should be removed to protect people and property as well as the remaining tree stock from damage.

Tree Siting. Standards should require spacing for tree planting and safe distances from intersections, driveways and paved areas.

Appropriate Tree Species. Certain tree characteristics should be required according to the neighborhood or district in a community. For example, large leafed, broad-headed trees that create interlocking canopies across the width of city streets are often appropriate for neighborhood areas, whereas in commercial areas with large delivery trucks, narrower trees may be more appropriate. Also, certain tree species are better than others at providing cooling and absorption of pollution.

Tree Size Requirements. In urban areas, larger caliper trees must be installed to prevent accidental damage and vandalism.

Historic Tree Species. In areas which have historically planted certain tree species, the same or similar species must be used as replacements to retain the area character.

Native Tree Replacement. An urban forest must also preserve and/or restore the native landscape. Although many native trees are inappropriate street trees due to leaf litter and shallow roots, they should be planted in places such as parks, residences, plazas and greenways as often as the plant palette allows.

Protecting Existing Trees. Guidelines should be developed which outline a health observation and maintenance schedule for existing trees, providing a process for protecting trees during construction activities, and installing protective measures such as tree grates for better tree health.

Landowner Education. Landowners must be educated on properly maintaining good tree health. Improper pruning practices should be discouraged, and access to pest control and the proper procedures for tree removal should be provided.

CITY OF MILWAUKIE URBAN FORESTRY PROGRAM

Key question: What does the city want to achieve?

Vision Statement

The Vision of the Milwaukie Urban Forestry Program is to distinguish Milwaukie as a "Place of Trees." Each gateway to the city and every public place and parkway will be distinguished by a canopy of colorful and majestic trees.

Mission Statement

It is the Mission of the city to implement the Milwaukie Urban Forestry Program based on the Tree City USA standards, which will increase the existing stock of trees by insuring that more trees are planted, and to provide for an ongoing public education program which promotes the proper conservation, planting, pruning, and removal of trees.

Program Goals

The Urban Forestry Program has goals for three basic program elements which are:

- Education;
- City sponsored programs; and
- City regulations.

Under each of these program elements are actions which are intended to implement the goals. These actions are related to:

- *Significant trees* which are of special importance to the City or a neighborhood, because of their age, type, notability, or historical association.
- *Public spaces* that include public properties and street rights-of-way.
- *Underdeveloped or undeveloped lands* which have not been developed to the full extent permitted under the current development regulations.
- *Developed lands* which are developed to the full extent permitted by the current development regulations.
- *Natural resource areas* that include wetlands, flood plains, drainage ways, that are designated as a Natural Resource Overlay Zone in the Zoning Ordinance.

Education

Goal

To increase the public awareness of the importance of the urban forest, the benefits of retaining trees, and the methods for their protection by working with other agencies, groups, and individuals.

Actions

- **Significant Trees**

Education and assistance for maintenance and protection of trees in the city which are of unique importance because of their age, type, notability, or historical association.

- **Public Spaces**

Produce a brochure about planting, protection, and proper maintenance of street trees for distribution to property owners.

- **Underdeveloped or Undeveloped Lands**

Provide education and assistance for maintenance, protection, and planting of trees on these properties.

Provide information to property owners regarding the benefits of saving mature trees and the ways in which the city's development regulations allow full property development and protection of existing trees.

- **Developed Lands**

Provide education and assistance to property owners for maintenance, protection, and planting of trees to enhance the urban forest.

Focus educational efforts with property owners to increase the urban forest canopy in areas with few trees.

- **Natural Resource Areas**

Provide information to property owners regarding the benefits of protecting natural areas and the ways in which the city's development regulations allow full property development and protection of these resources.

City Sponsored Programs

Goals

To develop and maintain publicly sponsored programs to preserve and enhance the urban forest.

To set a positive community example by actively promoting the protection and maintenance of existing trees and the planting of trees on public properties and street rights-of-way.

Actions

- **Significant Trees**

The city shall conduct an inventory of potentially significant trees in the city.

- **Public Spaces**

The city shall establish a tree planting program for street trees in the city, first concentrating efforts in commercial areas of the city and on public properties.

The city shall work to enhance the urban forest on city properties as well as work with other public agencies to enhance the urban forest on public lands.

- **Underdeveloped or Undeveloped Lands**

The city shall work with property owners to improve the urban forest through tree planting and improved care and maintenance of existing trees.

- **Developed Lands**

The city shall work with property owners to improve the urban forest on developed public lands through tree planting and improved care and maintenance of existing trees.

- **Natural Resource Areas**

The city shall work to improve the urban forest in publicly owned natural resource areas through tree planting and improved care and maintenance of existing trees.

City Regulations

Goals

To establish city regulations to protect the urban forest and significant trees that are clear and well integrated with related city requirements and standards.

To provide regulatory incentives to encourage property owners and developers to meet or exceed city standards for tree protection and planting.

Actions

- **Significant Trees**

Establish a significant tree designation process in the city Zoning Ordinance to provide protection to trees in the city that are of unique importance.

- **Public Spaces**

Establish requirements for planting, proper maintenance, and protection of street trees.

- **Underdeveloped or Undeveloped Lands**

Establish standards and procedures for removal, protection, and preservation of trees during development to maintain the maximum possible number of trees, while allowing development as provided by the applicable land use requirements.

Establish incentives to encourage developers to meet or exceed minimum tree protection and planting standards.

Establish standards to help mitigate the necessary loss of trees during the development of property.

Establish specific landscaping standards that include trees in landscaped areas of new developments and street tree planting in the adjacent street rights-of-way.

- **Developed Lands**

Establish specific landscaping standards that require trees in landscaped areas and street tree planting in the adjacent street rights-of-way when nonconforming properties are redeveloped. The extent of these requirements should vary depending upon the extent of the proposed redevelopment.

- **Natural Resource Areas**

Continue to protect natural resource areas as provided in Chapter 322.

PROPOSED URBAN FORESTRY PROGRAM

Key question: How do get what you want?

Program Management

The Urban Forestry Program is proposed to be managed by the Milwaukie Urban Forestry Commission (MUFC) with support by other existing city committees and decision makers, the city staff, volunteer groups, government agencies, and individuals.

- **The Milwaukie Urban Forestry Commission (MUFC)**

The city shall create the MUFC consisting of five members. The members shall include citizens and others with established professional expertise in the areas or landscape architecture, arboriculture, or related field. The following factors shall serve as criteria in making appointments to the Commission:

1. Citizens interested in trees as a major component of Milwaukie's physical and aesthetic environment.
2. A minimum of two members of the Commission shall have professional background in landscape architecture or design, arboriculture, ornamental horticulture, or related field.

The MUFC shall be appointed by the City Council. The terms of office shall be three years and until their successors are appointed and qualified. Terms for the five members shall be staggered so that one or two commissioner positions are up for appointment each calendar year. Members may serve consecutive terms. The members shall serve without compensation, but all necessary expenses shall be paid by appropriate council action.

Vacancies on the MUFC shall be filled by appointment by the mayor, subject to approval of the City Council

The MUFC shall hold regular meetings at least once each month, and may hold such additional meetings as it deems necessary. A majority of the Commission shall constitute a quorum of the purpose of transacting the business of the Commission. The MUFC shall, as soon as practical after the time of annual appointments of a member of the Commission, elect a chairperson and vice-chairperson.

The Commission shall keep a public record of all proceedings, resolutions, findings, determinations, and transactions, which shall be filed with the City Clerk.

The duties of the MUFC shall be:

1. To study the problems and determine the needs of the city's Urban Forestry Program.

2. To develop a recommended Urban Forestry Program for review and adoption by the Planning Commission and City Council.
3. To develop recommended amendments to city regulations that support the adopted Urban Forestry Program for review and adoption by the Planning Commission and City Council.
4. To determine the type of trees to be planted in public places and street rights-of-way.
5. To assist the city in the distribution of educational and promotional materials regarding the protection, maintenance, removal, and planting of trees on public and private lands.
6. To work with other agencies, volunteer organizations, and individuals to educate the public about the benefits of a healthy urban forest and the actions citizens can take to enhance the urban forest.
7. To prepare an annual program for tree care and tree planting in public places in the city.
8. To conduct a city-wide survey and inventory of significant trees.

- **Decision Makers and Other Committees**

Decision makers including city staff, the Planning Commission, and the City Council will be responsible for implementation of all of the regulatory provisions enacted as part of the Urban Forestry Program. This will primarily occur during the review of land development applications.

Other advisory committees such as the Parks Committee and the Historic Review Committee should be advised of the Urban Forestry Program and the ways in which they can support the program.

- **City Staff**

Any regulatory provisions related to the Urban Forestry Program will involve the city staff in five primary ways:

1. Staff support for the MUFC.
2. Communication with prospective applicants for land development and ensuring these individuals are aware of the related standards.

3. Review of administrative land development applications including land use applications and building permits to ensure compliance with Urban Forestry Program code requirements.
4. Staff report and recommendations for land use applications that require Planning Commission and/or City Council approval.
5. General code enforcement of Urban Forestry Program regulations (e.g., tree cutting provisions on undeveloped land).

A major issue here is how to provide this necessary staff support. Currently, the city staff does not have any specific forestry-related duties other than enforcement of existing code requirements for natural areas and the Willamette River Greenway which indirectly protect trees. Options could include a new city forester position or assigning specific responsibilities to a number of staff departments or individuals.

- **Other Parties**

In order to build grass-roots (tree-roots?) support for the program, volunteer groups, other agencies, property owners, etc. should be actively engaged in the city's Urban Forestry Program. This will enhance the city's efforts and provide greater tangible results that in turn will create more support and excitement about the program.

Education Program

- The MUFC shall establish public information and education programs to promote the protection, maintenance, and enhancement of the urban forest. These programs shall offer education to all sectors of the public, including private property owners, developers, school children, city employees, neighborhood associations, and other groups interested in tree preservation.
- The city shall develop materials that describe quantifiable benefits of trees, tree care, related regulations (including this Section), and resources.
- The City shall develop an educational program on pests, diseases, invasive nonnatives, and other threats to the urban forest, and will encourage biological controls and organic maintenance practices.
- At a minimum, the City shall review its inventory of "Significant" trees and notify property owners at 3-year intervals of the existence of a "Significant" tree on their property. The notice shall include a description of the tree preservation regulations and suggested maintenance standards for the tree or trees.
- Educational activities carried out by other groups.

City Sponsored Programs

- Participate in the Tree City USA program by establishing a program for tree planting, education, and regulation that is supported by annual city funding of \$1.00 per capita.
- Work with other organizations, such as Friends of Trees, to implement tree planting and care programs.

City Regulations

- **Program Description**

This portion of the program will be the most successful with an education program. Often the key to a successful regulatory program is community understanding and support of the purpose of the code requirements. In addition, a major emphasis should be given to providing incentives so developers actually want to meet or exceed tree protection and planting standards.

- **Proposed Regulatory Amendments**

City of Milwaukie Comprehensive Plan policies to support the urban forestry program.

City of Milwaukie Zoning Ordinance provisions to regulate removal of trees and planting of street trees in conjunction with development applications.

City of Milwaukie Subdivision Ordinance provisions to require street trees as part of the public improvement standards.

Municipal Code provisions to create the Milwaukie Urban Forestry Commission, identify MUFC duties, establish a process for designating and protecting significant trees, and establishing penalties for code violations.

Program Cost

- New staff responsibilities and time/monetary commitment.
- Involvement of volunteer groups.
- Funding options (e.g., general fund, fees, grant programs, etc.).

PROPOSED MONITORING PROGRAM

Key question: Are you getting what you want?

The method for measuring the performance of the program should be described. This should include how the urban forest has been maintained or enhanced by the program and how it has worked administratively for the city as well as property owners and developers.

kl.HD/ACT.Comp. Plan Revision 255
Urban Forestry Prg. Div/2

ATTACHMENT B
2 PAGES

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SEP 20 1999

PUBLIC WORKS

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MEMORANDUM

TO: Alice Rouyer, Planning Director

FROM: James M. Coleman, City Attorney's Office

DATE: September 16, 1999

RE: Code Formatting for Tree Regulations

The October, 1996 draft of the proposed tree regulations is formatted such that it is proposed to be a single unified code chapter. For reasons that we have discussed, the single chapter approach doesn't fit well with the existing structure of the Milwaukie Code (MMC). I have some suggestions on the placement in the code of the various sections of the 1996 draft. These suggestions assume that the recommendations you have made concerning program oversight and the role of the master plan are ultimately adopted. The section references are to the 1996 draft.

MMC Title 16 houses most of the City regulations relating to environmental protection. Currently MMC Chapter 16.32 contains the City's tree cutting regulations. These were adopted last year and address only cutting of trees in the public right of way. The definitions used were taken from the 1996 draft, with some modification. I suggest that 16.32 be used as the focal point for the regulatory provisions relating to trees.

MMC 16.32 will include draft sections .010, Purpose; .020, Definitions; .080, Street Trees and Trees in Public Places; .090, Tree Removal on Undeveloped and Underdeveloped Land; .100, Significant Trees and Groves of Trees; and 110, Penalties and Mitigation (modified to coordinate with MMC 1.08, Code Enforcement Procedures). Some redrafting will occur to all sections for clarification purposes. Parallel references will be placed in the Zoning Ordinance and the Subdivision code, MMC Title 17, to make clear reference to the approval standards which apply in the development review processes. The "Type II" administrative review process from the Zoning Ordinance, MZO 1011.2, will be referenced and used for the administrative decision making processes related to trees.

Memorandum re:
September 16, 1999
Page 2

The City Council gave direction that the duties assigned in draft section .030 to the Urban Forestry Commission will be split and assigned to the Planning Commission (regulatory), MMC 2.16; and the Park and Recreation Board, MMC 2.12 (policy and oversight). The referenced chapters will be amended to reflect the additional responsibilities.

Decisions must be made on the remaining sections of the draft, .040, Duties of the Community Development Director; .050, Master Plan; .060, Education; and .070, License.

If the license requirements are adopted they logically fit within MMC Title 5, Business Taxes, Licenses and Regulations. Title 5 currently contains the city licensing and regulatory requirements for a limited number of targeted business types. This special license requirement for "tree care" is similar to the other licensing requirements of Title 5.

Most of the provisions of the other sections are not of a regulatory nature and do not need to be placed in the City Code. The duties defined for the Director are restatements of administrative responsibilities that currently exist and that are not unique to the urban forestry program. The creation and administration of a Master Plan document can be referenced generally in the Park and Recreation Board's scope of responsibilities, along with the desire for an active education program. The regulatory components of the Master Plan will be included in the MMC, as outlined above, with the directory components included in the policy document adopted and administered by the Park and Recreation Board.

These suggestions are one, and not the only way to integrate the proposed tree regulatory program into the MMC. First and most importantly the staff must receive policy direction on the issues you raise in the companion memo. Once those choices are made, a discussion can occur on the most effective placement of the regulatory provision in the code.

Please give me a call if you have questions concerning the recommendations in this memo.

ATTACHMENT C

30 PAGES

7.1 27

SECTION XX.XX - MILWAUKIE MUNICIPAL CODE

URBAN FORESTRY

Annotated Discussion Draft

October 31, 1996

(related sections from 3/4/96 draft)

XX.XX.010 Purpose (1501)

The purpose of this Section is to facilitate the implementation of an Urban Forestry Program, based on Tree City USA standards, which will increase the existing stock of trees by insuring that more trees are planted, and to provide for an ongoing public education program which promotes the proper conservation, planting, pruning, and removal of trees. The vision is to distinguish Milwaukie as a "Place of Trees." Each gateway to the City and every public place and parkway will be distinguished by a canopy of colorful and majestic trees.

XX.XX.020 Definitions (1502)

Arboriculture: Refers to that part of horticulture which deals with the study and care of trees and other woody plants.

Canopy: Area of the tree above ground, including the trunk and branches, measured in mass or volume.

City: City of Milwaukie.

Cutting: The falling or removal of a tree, or any procedure that naturally results in the death or substantial destruction of a tree. "Cutting" does not include normal trimming or pruning, but does include topping of trees.

Dangerous tree: The condition or location of the tree presents a clear public safety hazard or an imminent danger of property damage, and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

Dead tree: The tree is lifeless.

Developed land: A parcel or parcels of land developed to the full extent permitted by the current development regulations.

Drip line: The perimeter measured at the outermost canopy.

Dying tree: The tree is diseased, infested by insects, deteriorating, or rotting, and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of infestation or disease to other trees.

Grove: A stand of three or more trees of the same species or mix, which form a visual and biological unit.

ISA: International Society of Arboriculture.

Major pruning: Removal of over 20 percent of the trees canopy, or injury or cutting of over 10 percent of the root system, during any 12-month period.

MUFC: Milwaukie Urban Forestry Commission.

Owner: Includes, for the purposes of this Section, any person with a freehold interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owners consent.

Person: Any individual, firm, association, corporation, agency, or organization of any kind.

Pruning: Trimming or removing any part of the branching structure of a plant in either the crown, trunk, or root areas based on standards of the International Society of Arboriculture (ISA).

Relative value: Relative value may be calculated using the methods described in the ISA's "Guide for Plant Appraisal." The values reflect the value to the public as a whole, rather than to the individual property owner. For example, a tree growing in full public view may have a high public value but be of low value to the property owner.

Removal: The cutting or removing of 50 percent or more of the crown, trunk, or root system of a plant; the uprooting or severing of the main trunk of the tree, or any act which causes, or may reasonably be expected to cause, the tree to die, including without limitation damage inflicted upon the root system by machinery, storage of materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may result in the loss of aesthetic or physiological viability.

Root zone: The area of the ground around the base of the tree measured from the trunk to 5 feet beyond the outer base of the branching system.

Significant tree: A tree which has been designated by the MUFC to be of special importance to the City or a neighborhood, because of its age, type, notability, or historical association. significant trees include all trees within a Natural Resource Overlay Zone or jurisdictional wetland.

Street tree: Any tree located within a street right-of-way.

Topping: The severe cutting back of the main stem and/or limbs to buds, stubs, or laterals large enough to assure terminal role within the trees crown to such a degree as to remove the normal canopy and disfigure the tree.

Tree: Any living woody plant characterized by one main stem or trunk and many branches, or a multi-stemmed trunk system with a definitely formed crown.

Underdeveloped land: A parcel or parcels of land which have not been developed to the full extent permitted under the current development regulations.

Undeveloped land: A parcel or parcels of land which have not been committed to development permitted under the current development regulations. A vacant, platted subdivision lot or partition parcel is considered undeveloped for purposes of this section.

Urban forest: An urban forest is the integrated system of plants, animals, soil, air, water and people that exist in and around human communities. The urban forest includes all of the vegetation in our communities ranging from our residential landscapes to industrial plantings. It includes trees living on undeveloped, rural sites to those planted alongside transportation corridors.

Comment: The definitions still need work. A clear set of definitions will save staff time (probably yours!) making interpretations and resolving misunderstandings.

XX.XX.030 Milwaukie Urban Forestry Commission (introduction)

- A. The city shall create the Milwaukie Urban Forestry Commission (MUFC) consisting of five members. The members shall include citizens and others with established professional expertise in the areas or landscape architecture, arboriculture, or related field. The following factors shall serve as criteria in making appointments to the MUFC
1. Citizens interested in trees as a major component of Milwaukie's physical and aesthetic environment.
 2. A minimum of two members of the MUFC shall have professional background in landscape architecture or design, arboriculture, ornamental horticulture, or related field.
- B. The MUFC shall be appointed by the City Council. The terms of office shall be three years and until their successors are appointed and qualified. Terms for the five members shall be staggered so that one or two commissioner positions are up for appointment each calendar year. Members may serve consecutive terms. The members shall serve without compensation, but all necessary expenses shall be paid by appropriate City Council action.
- C. Vacancies on the MUFC shall be filled by appointment by the mayor, subject to approval of the City Council

- D. The MUFC shall hold regular meetings at least once each month, and may hold such additional meetings as it deems necessary. A majority of the MUFC shall constitute a quorum of the purpose of transacting the business of the MUFC. The MUFC shall, as soon as practical after the time of annual appointments of members, elect a chairperson and vice-chairperson.
- E. The MUFC shall keep a public record of all proceedings, resolutions, findings, determinations, and transactions, which shall be filed with the City Clerk.
- F. The duties of the MUFC shall be:
1. To study the problems and determine the needs of the city's urban forestry program.
 2. To develop a recommended Urban Forestry Master Plan for review and adoption by the City Council.
 3. To develop recommended amendments to city regulations that support the adopted Urban Forestry Master Plan for review and adoption by the City Council.
 4. To determine the type of trees to be planted in public places and street rights-of-way.
 5. To assist the city in the distribution of educational and promotional materials regarding the protection, maintenance, removal, and planting of trees on public and private lands.
 6. To work with city departments, other agencies, volunteer organizations, and individuals to educate the public about the benefits of a healthy urban forest and the actions citizens can take to enhance the urban forest.
 7. To prepare an annual program for tree care and tree planting in public places in the city.
 8. To conduct a city-wide survey and inventory of significant trees.
 9. To conduct public hearings.

Comment: The work load will probably be slightly less if this body is a board, but guidance and assistance from the city staff will be needed for development and implementation of educational and other programs as well as clerical assistance for meetings, agendas, etc..

XX.XX.040 Community Development Director

- A. The Community Development Director or designee shall assist the Milwaukie Urban Forestry Commission in the discharge of its duties.
- B. When requested by the MUFC, the Community Development Director may retain the services of appropriate professionals to advise the MUFC.
- C. The Community Development Director shall periodically update specifications for planting, pruning, removing, and maintaining trees. Prior to implementation, all amendments to specifications shall be reviewed by the MUFC and adopted by the City Council.
- D. The Community Development Director shall prepare the annual budget for the urban forestry program.
- E. The Community Development Director shall provide all supervision of tree planting, maintenance, and removal conducted by city employees as well as all city regulations which implement the adopted Urban Forestry Master Plan.
- F. The Community Development Director shall maintain a list of approved varieties of trees that may be planted within any street right-of-way or other public area, consistent with the provisions of the plan.

Comment: There clearly is some start-up work for your department. Also the on-going staff time commitment could vary significantly depending upon the scope and number of tree programs.

XX.XX.050 Urban Forestry Master Plan

- A. The Milwaukie Urban Forestry Commission shall develop and periodically recommend amendments to the Milwaukie Urban Forestry Master Plan and implementing measures which at a minimum, include the following:
 - 1. Educational programs sponsored by the city to increase public awareness and interest in the Milwaukie Urban Forest Master Plan;
 - 2. Urban forestry programs to maintain or enhance the urban forest;
 - 3. Designation and protection of significant trees or groves of trees;
 - 4. Regulations relating to planting, maintenance, or removal of street trees and trees in other public spaces;

5. Regulations relating to tree removal on undeveloped or underdeveloped land; and
 6. Tree protection during development of property.
- B. When all or a portion of this plan is developed, it shall be submitted for public hearings before the MUFC and City Council. The City Council shall determine if the plan should be adopted and implemented.

Comment: The various staff commitments are discussed throughout this report.

XX.XX.060 Education (1504)

- A. The MUFC shall establish public information and education programs to promote the protection, maintenance, and enhancement of the urban forest. These programs shall offer education to all sectors of the public, including private property owners, developers, school children, city employees, neighborhood associations, and other groups interested in tree preservation.
- B. The MUFC shall develop materials that describe quantifiable benefits of trees, tree care, related regulations, and resources.
- C. The MUFC shall develop an educational program on pests, diseases, invasive non-native, and other threats to the urban forest, and will encourage biological controls and organic maintenance practices.

XX.XX.070 Tree Care License (1503)

- A. Permit Requirements

Any person engaged in the business of removing, pruning, or trimming trees in the city of Milwaukie shall hold a valid Tree Care License, in addition to a regular Business License, to conduct business in the city.

- B. To obtain a Tree Care License the applicant must comply with the following:
 1. Proof of public liability and property damage insurance in an amount to be set by the city. This proof needs to be filed with the city at the time of each renewal and must remain in force for the term of the permit.
 2. Proof that at least one member of the staff is an arborist certified by the ISA and that this member is responsible for the work performed under the Tree Care License.

- 3. All work must comply with the rules and objectives of this title. All work is subject to inspection by the city for compliance with city standards.
- 4. All tree care or tree maintenance companies holding a valid City Business License at the time this Section becomes effective will have one full year to meet the above standards.

C. Revocation of the Tree Care License

The Community Development Director may revoke or suspend the license for any of the following reasons:

- 1. Failure to provide or continue the insurance required to maintain the license.
- 2. Failure to uphold the good standards of tree care required by the city.
- 3. Irresponsible or unethical business practices.
- 4. Reckless or endangering practices on the job site.
- 5. Failure to comply with the requirements of the Urban Forestry Master Plan.

D. License revocation or suspension may be appealed to the City Manager's Office within 10 days of notification. All decisions by the City Manager's Office will be final and not subject to further appeals.

Comment: As we discussed, this could become a very significant administrative and enforcement task. Notifying contractors, many of which are small operators that come from outside of the city, would be difficult to monitor along with responding to citizen complaints. Are general business licenses required for landscapers, etc.? If so, I recommend that the city develop an education component that is coordinated with the business licenses program. If a tree care license is required, it probably makes the most sense to train your code enforcement officer to deal with this task.

XX.XX.080 Street Trees and Trees in Public Places (1505)

A. Permit for Major Pruning or Removal of Street Trees or Trees in Public Places

1. Applicability

No person shall conduct major pruning or removal of any tree in a city park, street right-of-way, or other public place, without a permit issued by the city of Milwaukie. Tree pruning, as defined in this title, shall not require a permit. This Section does not apply to significant trees or groves of trees in Section XX.XX.100.

2. Review Process

- a. A permit application for major pruning or tree removal shall be submitted to the Community Development Department on forms provided by the Community Development Director.
- b. The applicant shall post notice of the major pruning or removal permit application on the property in a location which is clearly visible to vehicles traveling on a public street and to pedestrians walking by the property.
- c. The notice shall state that the tree removal permit(s) is pending for trees on the property marked by a yellow plastic tagging tape, shall include the date of posting, and shall state that any person may request that a hearing be held on the application by filing a written request for a hearing within 14 days of the date of the posting.
- d. The applicant shall mark each tree proposed to be removed by tying or attaching yellow plastic tagging tape to the tree 4 to 6 feet above mean ground level at the base of the trunk.
- e. On the date that the property is posted, the applicant shall send a letter to the neighborhood district association for the area, to notify the association of the major pruning or removal request.
- f. The applicant shall file an affidavit stating that the property has been posted, the trees have been marked, and notice has been mailed pursuant to this Section.
- g. The major pruning or tree removal permit(s) shall not be issued for 14 days from the date of filing of the affidavit to allow for the filing of a request for a hearing. The applicant shall maintain the posting and marking for the full 14 days.

3. Approval Standards

The Community Development Director shall issue permits to property owners for major pruning or removal of street trees or trees in public places, only if one or more of the following criteria are satisfied:

- a. There is need for the proposed major pruning will be done according to ISA standards, and qualified persons will perform the work.
 - b. It is determined by the arborist that the tree is dead or diseased and cannot be saved, according to current ISA standards.
 - c. The tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or adjacent sites, and that extraordinary maintenance is required to prevent damage to such improvements or property.
 - d. The tree has lost its value as a street tree due to damage from natural or accidental causes, or for some other reason it can be established that it should be removed.
 - e. That the tree has been determined by a certified arborist to be unsafe to the occupants of the property, or adjacent property, or the general public. If an imminent hazard exists, the Community Development Director may issue an emergency permit for removal. The removal shall be accomplished in accordance with accepted arboricultural standards.
4. All work performed on street trees pursuant to a permit issued by the Community Development Director under this Section shall be done within a 60-day period from the issuance of said permit, or within a longer period as specified by the Community Development Director.
 5. For the removal of a street tree, the Community Development Director may condition the permit with a requirement to replace the tree, when determined to be appropriate by the Director. In such case, the full cost of removal and replacement shall be borne by the owner.

B. Planting - Street Trees

1. Applicability

No person shall plant a tree within a street right-of-way or public place without a permit issued by the city of Milwaukee.

2. Review Process

- a. An application for a street tree planting permit shall be submitted to the Community Development Department on forms provided by the Community Development Director.
- b. A planting plan shall be submitted as part of the application.

- c. Planting procedures must follow ISA standards, which are available from the Community Development Department.

3. Approval Standards

The Community Development Director shall issue permits to plant street trees or trees in public places when the proposed trees and their location and spacing are consistent with the Milwaukie Urban Forestry Master Plan.

4. New or Improved Streets

Any new public street, proposed change in a public street right-of-way, or improvement of an existing street shall, where feasible, include allowances for tree and landscape planting. Plans and specifications for planting such areas shall be integrated with review and approval of these plans by the City Engineer in coordination with the Community Development Director.

Comment: Once I get some additional information from other cities about how they handle trees in the right-of-way, we can discuss our options more intelligently.

XX.XX.090 Tree Removal on Undeveloped and Underdeveloped Land (1507)

A. Applicability

1. This Section does not apply to significant trees in Section XX.XX.100.
2. This Section does not apply to tree removal which is reviewed pursuant to any other provisions of the Milwaukie Zoning Ordinance or Subdivision Ordinance.
3. The requirements of this Section apply to the removal of trees on undeveloped or underdeveloped, commonly-owned, contiguous property under the following conditions:
 - a. The trees to be removed have a circumference of 20 inches or greater, measured 4 1/2 feet above the ground;
 - b. More than 3 trees which meet or exceed the size threshold in Section A. 3. a. are removed in a calendar year on properties smaller than 35,000 square feet; and
 - c. More than 6 trees which meet or exceed the size threshold in Section A. 3. a. are removed in a calendar year on properties equal to or larger than 35,000 square feet.

Comment: I assume that the revised code will include a lower threshold that will exclude smaller, developed lots. The staff time here could be significant because of the education that would be needed to make property owners aware of the regulations as well as the time for enforcement and response to complaints. Some prohibition to tree removal on undeveloped property is needed to help prevent clearing property before submitting a development application.

B. Tree Removal Permit

The Community Development Director shall review a tree removal permit application according to the following provisions:

1. Review Process

- a. The property owner shall submit an application for tree removal to the Community Development Department on forms provided by the Community Development Director.
- b. The applicant shall post notice of application for a tree removal permit on the property in a location which is clearly visible to vehicles traveling on a public street and to pedestrians walking by the property.
- c. The notice shall state that the tree removal permit(s) are pending for trees on the property marked by a yellow plastic tagging tape, shall include the date of posting, and shall state that any person may request that a hearing be held on the application by filing a written request for a hearing within 14 days of the date of the posting.
- d. The applicant shall mark each tree proposed to be removed by tying or attaching yellow plastic tagging tape to the tree 4 to 6 feet above mean ground level at the base of the trunk.
- e. On the date that the property is posted, the applicant shall send a letter to the neighborhood district association for the area, to notify the association of the removal request.
- f. The applicant shall file an affidavit stating that the property has been posted, the trees have been marked, and notice has been mailed pursuant to this Section.
- g. The tree removal permit or permits shall not be issued for 14 days from the date of filing of the affidavit to allow for the filing of a request for a hearing. The applicant shall maintain the posting and marking for the full 14 days.

2. Approval Standards

The Community Development Director shall issue permits to property owners to remove trees only if one or more the following conditions are met:

- a. Trees will be retained along natural drainageways and water areas to preserve riparian habitats and to minimize erosion.
- b. Trees will be retained along property lines to serve as buffers to adjacent property.
- c. Trees will be retained in sufficiently large areas and in dense stands to ensure against wind throw.
- d. The trees to be removed pose a safety hazard to pedestrian or vehicular traffic, threaten to cause disruption of public services, or pose a safety hazard to persons or buildings.
- e. The trees to be removed are diseased or weakened by age, storm, fire, or other injury.

XX.XX.100 Significant Trees and Groves of Trees (1509)

A. Significant Tree Designation

1. Inventory of Significant Trees and Groves of Trees

- a. An inventory shall be prepared which includes those trees that potentially meet the significant tree designation criteria in Section XX.XX.100 A. 3.
- b. The MUFC shall conduct an inventory of significant trees and groves of trees within the city. Members of the MUFC or other volunteers may collect the inventory information. To complete a tree inventory, information about the tree population shall be gathered systematically. Inventory information shall include size, location, general tree condition, and maintenance needs of the trees listed. The public shall be encouraged to provide recommendations for designations. The MUFC shall review and update the significant tree inventory annually.

- c. Property annexed to the City shall have an inventory made of significant trees, and those trees shall be added to the inventory list within 6 months of annexation.

2. Designation of Significant Trees

- a. The MUFC, City Council, Planning Commission, Historic Review Commission, a property owner, or any other person, organization, or legal entity may recommend to the city that a tree be designated as a significant tree.
- b. The MUFC shall hold at least one public hearing on the proposed significant tree designations pursuant to the Major Quasi-Judicial review procedures in Section 1011.4. The MUFC shall substitute for the Planning Commission.
- c. If the City Council approves a significant tree designation or designations, the MUFC shall establish or amend the list of designated significant trees and groves of trees accordingly.
- d. The significant tree designations may be amended at any time, following the procedures established for the original list (Section 1011.4). Any party, as described in Section XX.XX.100 A. 2. a., may initiate proceedings to remove the designation of a tree or grove as significant.
- e. At a minimum, the city shall review its list of designated significant trees/tree groves and notify property owners at 3-year intervals of the existence of designation on their property. The notice shall include a description of the tree preservation regulations and suggested maintenance standards for the tree or trees.

3. Designation Criteria

a. Individual Significant Trees

An individual tree or grove of trees shall be considered significant based on one or more of the following findings:

- (1) The tree has a distinctive size, shape, age, or location which warrants a significant status.
- (2) The tree has special botanical significance as a specimen in the Milwaukie area.
- (3) The tree is significant due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or other wildlife habitat.

- (4) The tree is significant based upon its association with historic figures, properties, or general growth and development of the city.

b. Significant Groves of Trees

A grove shall be considered significant based on one or more of the following findings:

- (1) The grove is relatively mature and is in a state of health which would warrant preservation.
- (2) The grove has a purity of species composition, is of rare or unusual nature, and/or is an exceptional example of a type of forest such as riparian or woodland.
- (3) Unique species, including but not limited to, Oregon White Oak, Giant Sequoia, Dogwood, and other native and nonnative species.
- (4) The grove has a crucial functional and/or aesthetic relationship to a natural resource or wildlife habitat.
- (5) The grove has historic significance, based on its association with historic figures, properties, or general growth and development of the city, as determined by the Historic Review Commission.
- (6) Over 60 years old determined by such indicators as:
 - (a) The age of the buildings in the area.
 - (b) The bark character of the tree.
 - (c) Information obtained from residents of the area.
 - (d) The ring counts of nearby stumps for comparison of age.
- (7) Visibility from the right-of-way of public streets.
- (8) Relative value

B. Removal of Significant Trees or Groves of Trees

1. Applicability

This Section does not apply to tree removal which is reviewed and approved pursuant to any other provisions of the Milwaukie Zoning Ordinance and Subdivision Ordinance.

2. Review Process

- a. An application for removing a significant tree or grove of trees shall be submitted to the Community Development Department on forms provided by the Community Development Director.
- b. The property owner or authorized agent must submit information on the location and size of the parcel; the location, type, and size of the tree(s) in question; and the reason for the desired action. The information and reasons shall address any appropriate criteria based on the type of area and tree designation. The City shall require the verification of any stated tree illness, safety problem, etc. by an arborist certified by the ISA, paid at the expense of the applicant.
- c. If justification for removal is based upon the health of the tree, and a visual inspection by the Community Development Director cannot establish that the tree is dead or dying, the applicant shall submit a report from an ISA-certified arborist attesting to the condition of the tree.
- d. If the tree is dead or it is determined by an ISA-certified arborist that it cannot be saved, the Community Development Director shall approve the removal application in accordance with a Type I administrative review process.
- e. If justification for removal is due to reasons other than health of the tree, the Community Development Department shall prepare a report evaluating the need or desire to remove the tree and make a recommendation. The report shall be forwarded to the MUFC which shall hold a public hearing on the matter, pursuant to Section 1011.3, Minor Quasi-Judicial review, with the MUFC taking the place of the Planning Commission.
- f. If an imminent hazard exists, the Community Development Director may issue an emergency permit for removal without a hearing before the MUFC. The removal shall be accomplished according to ISA standards.

3. Approval Standards

The application for removal of a significant tree, for reasons other than the health of the tree, shall be approved by the MUFC if the request satisfies one or more of the following criteria:

- a. That the tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or adjacent sites, and that extraordinary maintenance is required to prevent damage to such improvements or property.

- b. That the tree has lost its significance, in terms of its original designation on the list, due to damage from natural or accidental causes, or for some other reason it can be established that it is no longer of significance.
- c. That the tree has been determined by a certified arborist to be unsafe to the occupants of the property, or adjacent property, or the general public.

C. Major Pruning of Significant Trees or Grove of Trees (1511)

1. Applicability

This Section applies only to major pruning of significant trees or groves of trees.

2. Review Process

- a. An application for major pruning of significant trees or grove of trees shall be submitted to the Community Development Department on forms provided by the Community Development Director.
- b. The property owner or authorized agent must submit information on the location and size of the parcel; the location, type, and size of the tree(s) in question; and the reason for the desired action. The information and reasons shall address any appropriate criteria based on the type of area and tree designation. The City shall require the verification of any stated tree illness, safety problem, etc. by an arborist certified by the ISA, paid at the expense of the applicant.
- c. The Community Development Director shall prepare a report evaluating the need perform major pruning and make a recommendation. The report shall be forwarded to the MUFC which shall hold a public hearing on the matter, pursuant to Section 1011.3, Minor Quasi-Judicial review, with the MUFC taking the place of the Planning Commission.
- d. If an imminent hazard exists, the Community Development Director may issue an emergency permit for major pruning without a hearing before the MUFC. The major pruning shall be accomplished according to ISA standards.

3. Approval Standards

An application for major pruning shall be approved if the person or company performing the work has a valid Tree Care License as provided in Section XX.XX.070; the major pruning shall be accomplished according to ISA standards; and the request satisfies one or more of the following criteria:

- a. It is determined by the arborist that the tree is diseased and major pruning, according to current ISA standards, is necessary to save the tree.
- b. The tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or adjacent sites, and major pruning is required to prevent damage to such improvements or property.
- c. That the tree has been determined by a certified arborist to be unsafe to the occupants of the property, adjacent property, or the general public, and major pruning is necessary to resolve the problem.

4. Conditions of Approval

All permits for major pruning shall be issued subject to the following conditions:

- a. Trees subject to this Section shall be removed or pruned following pruning standards of the ISA; those standards shall be provided to all applicants by the city at the time the permit is issued.
- b. It is the responsibility of the applicant to assure that all significant trees are removed or pruned in a manner which insures safety to individuals and to public and private property.
- c. For the removal of a tree, the MUFC may condition the permit with a requirement to replace the tree. In such case, the full cost of removal and replacement shall be borne by the owner.
- d. Other conditions, as the MUFC shall attach, in keeping with the purpose and intent of this Section.

5. Permit Exemptions

- a. Imminent danger. If an imminent danger exists to the public, or any property owner or occupant, the Community Development Director may issue an emergency removal permit. The removal shall be in accordance with ISA standards and be the minimum necessary to eliminate the imminent danger.

Penalty for incorrect danger assessment. If it is determined that imminent danger did not exist, or that the hazardous condition had existed for over 60 days and the owner delayed in applying for a permit, mitigation by the property owner shall be required as established in Section XX.XX.110 C.

- b. Maintenance. Regular maintenance or pruning (as defined in this title) which do not require removal of over 20 percent of the trees canopy, tree topping , or disturbance of over 10 percent of the root system during any 12-month period.

- 6. All work performed pursuant to a permit issued under this Section shall be done within a 60-day period from the issuance of said permit, or within a longer period as specified by the approval authority.

Comment: I am assuming that this will be deleted and no staffing considerations are necessary.

XX.XX.110 PENALTIES AND MITIGATION (1512)

A. Voluntary Compliance and Penalties

Any violation of the terms of this title, its plans, or conditions of approval of any permit issued is a Class A infraction. Each calendar day of violation of the terms of this title, its plans, or conditions of approval of any permit issued is a new offense. In addition, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Section. These rights shall be in addition to any other remedies allowed by law. Upon discovery of a violation, the City shall notify the violator of the process available for voluntary compliance and the penalty provisions of this Section. The City shall offer the violator an opportunity to enter into a voluntary compliance agreement. If the violator fails to enter into a voluntary compliance agreement, the violator shall be subject to the penalties and procedures of this Section.

B. Tree Removal

- 1. Voluntary compliance process. A voluntary compliance agreement shall contain the following:
 - a. A commitment by the violator to submit and carry out a tree replacement program which is approved by the City.
 - b. Payment of a fee in accordance with the city's fee schedule established for this purpose. The fee will be calculated based upon staff time devoted to the investigation of the violation and review and approval of the voluntary compliance agreement and related compliance inspections.
 - c. Appropriate mitigation measures as described in Section 1512.2.
- 2. Penalties. Any person, firm, or corporation causing the removal of a tree protected by this title who does not enter into a voluntary compliance agreement may upon conviction be fined a sum of not less than \$500 or not to exceed the equivalent of 3 times the appraised value of the tree, based on the latest revision of the Council of Tree and Landscape Appraisers' evaluation method, plus the cost of prosecution, including attorneys fees for each tree removed. In addition, conviction shall carry

with it the revocation of all current development permits issued for the site and cause a prohibition on all development of the property to be recorded against the property for a period of 5 years.

C. Removal Mitigation

1. If tree removal (or major pruning resulting in permanent harm to the tree) is completed without receiving a permit; or if tree removal is performed under the imminent danger provision and, after an investigation, it is determined that the danger did not exist, or that the hazardous condition had existed for over 60 days and the owner knowingly delayed applying for a permit; or in any other situation where tree removal was performed in violation of this Title; then replacement is based on the replacement value of the tree, as based on the latest revision of the "Manual of Tree and Landscape Appraisers." Mitigation shall be based on the following alternatives, singularly or in combination:
 - a. Replacement with one or more trees, of a type and size approved by the City, resulting in the same or higher value of the removed tree, except that the value can be no less than the cost of the tree replacement as specified by the ISA's "Guide for Plant Appraisal."
 - b. The replacement value of the removed tree to be paid to the City. Such funds shall be used by the City to plant new trees on public property.
 - c. One or more trees of a species acceptable to the City, in which the caliper size cumulative square inches of the replacement trees equal the caliper size cumulative square inches of the removed tree(s).
 - d. Mitigation shall be completed within one year. The owner shall be responsible for the continued health of the new tree(s) including regular watering.
2. Mitigation completion. Where it is determined that tree removal was performed in violation of this Title, all permit processing on work for that parcel shall be suspended until mitigation is complete.

C. Other Penalties

Violations of this Title are subject to the mitigation requirements described above plus any penalties set forth in the City of Milwaukie Municipal Code.

Comment: I am assuming that this will be changed substantially based on City Council comments.

OR WE COULD HAVE ALL SPECIFICATIONS HERE AS FOLLOWS:

- a. Types of trees
 - (1) Tree selection must be from the foregoing approved "City of Milwaukee Street Tree" list and shall conform to the type, size, and grade.
 - (2) Where street blocks have been assigned one species, cultivar, or variety, only this species, cultivar, or variety may be planted.
 - (3) The size of the tree(s) shall be not less than 1 1/2 inches in diameter at 6 inches above ground level, and at least 10 feet in height in neighborhoods; and 3 inches in diameter and 15 feet in height around public buildings and commercial development.
 - (4) All trees shall have single straight trunks, well developed leaders, and tops and roots characteristic of the species, cultivar, or variety. All plants must be free of insects, diseases, mechanical injuries, and other objectionable features when planted.
- b. Spacing and height requirements and restrictions
 - (1) Trees will be spaced as follows:
 - (a) Small or narrow trees spaced 25 feet to 30 feet apart.
 - (b) Medium trees spaced 30 feet to 40 feet apart.
 - (c) Large trees spaced no less than 40 feet apart.
 - (2) Minimum planting distance may be amended at the discretion of the Community Development Director if warranted by existing or proposed driveways, hydrants, power poles, and other similar improvements located on or near the street row.
- c. No tree(s) shall be planted in planting strips (areas between the sidewalk and curb) which is less than 4 feet wide; unless partial cuts are made in the sidewalk, or specific conditions warrant; and then only by approval of the Community Development Director. In commercial areas where there is a large volume of pedestrian traffic, approved 4-foot-by-4-foot tree grates will be placed around the base of the tree(s).
- d. Where the planting strip is less than 18 inches wide, planting is recommended to be on private property, whenever there is room for appropriate planting, with the written consent of the property owner.

- e. All trees planted within the planting strip shall be midway between the curb and sidewalk. They shall be planted at least 30 feet from the projected property line at a street intersection, and a minimum of 1_ feet from the curb or where the curb would be on any street. Trees shall be located at least 10 feet from any driveway or alley. Trees must be planted at least 25 feet from existing street lights, 2 feet from property lines, and for traffic sign clearance.
- f. In sections where there are no sidewalks, tree planting shall consider the probable location of any future sidewalk.
- g. Limbs of trees may be allowed to project over the sidewalk area at an elevation of not less than 7_ feet above the sidewalk level, and over the street at an elevation not less than 11 feet above the street level. However, on any street designated as an arterial or one-way street, and where parking has been prohibited, limbs of trees shall be trimmed to a height not less than 14 feet above the street.
- h. When planting any tree(s), all above and below ground utilities shall be considered, with utility location being determined prior to any excavation. Tree species selection shall take into account all utility constraints.

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MUF.P.MMC

SECTION XX00 - MILWAUKIE ZONING ORDINANCE
URBAN FORESTRY
Annotated Discussion Draft
October 31, 1996

XX01 PURPOSE

The purpose of this Section is to provide standards and procedures to implement the Milwaukie Urban Forestry Master Plan.

XX02 APPLICABILITY

The standards and procedures of Section XX00 shall apply to all new commercial, industrial, institutional, and residential development and redevelopment.

XX03 DEFINITIONS

SELECTED DEFINITIONS FROM THE MUNICIPAL CODE SHOULD BE INCLUDED HERE

XX04 STREET TREES

XX04.1 Street Trees Required

Street trees are required, as provided in Section XX04.2, for any construction, renovation, expansion, or alteration of an existing use or portion of a use that is nonconforming, and has a development permit value that exceeds 50 percent of the value of the land, as determined by the County Assessor. Permit value shall be determined by the Building Official.

If the development permit value is less than 50 percent of the land value, then an amount equal to at least 2 percent of the development permit value shall be utilized to meet the street tree requirements and standards of Section XX04.2.

XX04.2 Street Tree Standards

The Community Development Director shall issue permits to plant street trees or trees in public places when the proposed trees and their location and spacing are consistent with the Milwaukie Urban Forestry Master Plan. *A SEPARATE STANDARDS MANUAL WILL BE PROVIDED WHICH DESCRIBES THE TYPES OF TREES TO BE PLANTED AS WELL AS THE CARE AND MAINTENANCE METHODS TO BE USED.*

Comment: Staff time needed here. However, if the manual is done thoroughly and clearly, implementation could be relatively easy for city staff and developers. This standards manual could also be used to help

administer any subdivision street requirements.

XX05 TREE PROTECTION

XX05.1 Application Review Process

A. Applicability

This Section applies to all trees on private property which have a circumference of 20 inches or greater measures 4 1/2 feet above grade. Significant trees or groves of trees are not regulated by this Section and shall be subject to Section XX.XX.100 of the Milwaukie Municipal Code.

B. Application Information

If tree removal is proposed as part of an application to develop or redevelop property, the applicant shall submit the following supplemental information:

1. The location, size, and species of all trees subject to this Section. Groves of trees which are to be protected do not need to have each tree individually delineated; however, the number of trees in each grove shall be included.
2. Information showing the need for tree removal including, but not limited to building or access locations, parking areas, existing development on the property, relevant easements, utility locations, and grading.
3. A protection plan all trees proposed to be preserved, which indicates how those trees or groves will be protected from soil compaction, construction activities, grade changes, and soil erosion. This protection plan shall be part of the landscape plan incorporating other landscape requirements.
4. Where the trees proposed for removal cannot be maintained because of their health, the Community Development Director may request the verification of a qualified arborist, at the property owners expense, to confirm the health of the trees.

C. Review Process

The decision making authority for the related development application shall also be authorized to implement this Section.

D. Approval Criteria

Trees of 20-inch circumference or larger at 4 1/2 feet above grade shall be preserved unless the applicant proves to the satisfaction of the approval authority that removal is necessary because of one or more of the following:

1. Trees must be removed because they pose a safety hazard to pedestrian or vehicular traffic, threaten to cause disruption of public services, or pose a safety hazard to persons or buildings.
2. Trees are diseased or irreversibly weakened by age, storm, fire, or other injury.
3. Removal is necessary to provide adequate access immediately around the proposed structure for construction equipment.
4. Tree removal is necessary to accomplish a public purpose, such as the installation of public facilities and utilities, or construction of a public street.
5. Removal is necessary to provide adequate access as required by city standards.
6. Trees must be removed to accommodate essential grade changes needed to develop the property.
7. Trees must be removed to accommodate on-site surface water drainage and utility installation.
8. Trees must be removed to accommodate driveways, buildings, or other permanent improvements so as to avoid unreasonable economic hardship.
9. Compliance with other ordinances or codes.
10. Trees must be removed to allow efficient use of solar energy equipment.
11. For criteria 3 through 10 above, the applicant shall show evidence of exploring alternative designs which would increase tree protection.

E. Conditions of Approval

The approval authority may attach conditions of approval which include, but are not limited to:

1. Retaining trees along natural drainageways and water areas to preserve riparian habitats and to minimize erosion.
2. Retaining trees along property lines to serve as buffers to adjacent property.
3. Retaining trees in sufficiently large areas and in dense stands to ensure against wind throw.

4. Relocating the proposed structure(s) to retain trees, if the relocation can be accomplished within the required setbacks and without increasing costs to the proposed development by more than two percent of the total improvement value, excluding land cost.
5. Planting of new trees with a minimum diameter of 1 1/2 inches measured 6 inches above grade, unless a different size requirement is specified by the approval authority.

Comment: Because this would be administered along with reviews of development applications, it should not require much additional staff time. However, some expertise should be available to make tougher calls about construction methods to be used near trees that are to be saved.

XX05.2 Significant Trees and Groves of Trees

If any significant trees or groves of trees are proposed to be removed or have major pruning performed as part of the proposed development plan, approval for such removal or major pruning shall be obtained as provided in Section XX.XX.100 of the Milwaukie Municipal Code.

XX05.3 Yard Setback Variance

A. Variance for Significant Trees or Groves of Trees

The approval authority may authorize a variance from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific property, a proposed development would result in the removal of trees or groves of trees that have been designated as significant according to Section XX.XX.100 of the Milwaukie Municipal Code.

B. Circumstances for Granting a Variance

A variance to the side, front, and/or rear yard setback requirement by up to 50 percent may be approved by the approval authority if necessary to retain designated significant trees or groves of trees. Variances may be made for subdivision and partition lots, provided the average lot size for the request meets density requirements of the applicable zoning district.

C. Review Process

The yard setback variance shall be subject to the variance procedure in Section 704 of this title.

D. Conditions of Approval

The approval authority may attach conditions necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this title.

Comment: I assume this section will be deleted.

XX05.4 Protection of Trees During Development

A. Applicability

Protection measures shall apply for all trees which are to be retained in areas immediately adjacent to construction. The applicant shall submit a plan outlining these protection measures prior to issuance of building or other land development permits.

B. Protection Measures

Protection of trees to be retained may be accomplished by, but not limited to the following:

1. Restricting the filling, excavation, stacking or storing of any materials or equipment, or compacting of the earth in any way within the area defined by the drip line of any tree to be retained.
2. Erecting and maintaining rope barriers, or the placing of hay bales on the drip line, to protect roots. In addition, the applicant may provide supervision whenever equipment or trucks are moving near trees.
3. Where the grade level adjoining a tree to be retained is to be raised, the applicant may construct a dry rock wall or rock well around the tree. The diameter of this wall or well shall be greater than or equal to the trees drip line.
4. Restricting the installation of impervious surface material within the area defined by the drip line of any tree to be retained.
5. Restricting the lowering of the grade level around any tree to be retained within the greater of the following areas:
 - a. The area defined by the drip line of the tree.
 - b. An area around the tree equal to 1 foot in diameter for each 1 inch of tree caliper.

6. Pruning of branches and roots, fertilizing, and watering as appropriate for any trees which are to be retained.
7. Excavations and driveways shall not be located within 6 feet of any tree, or within 80 percent of the distance between the drip line and the tree trunk, whichever is the greater distance. During such excavation or construction, this distance shall be protected and no temporary building, building material, vehicle, or debris kept within this area. Exceptions to this distance may be approved upon a favorable report by a certified arborist.
8. Before starting and during the erection, repair, alteration, or removal of any building or structure within the drip line or designated distance from a tree that is to be retained, there shall be a sufficient fence to prevent injury to the tree from construction activity (directly or as a result of soil compaction in the root area).
9. When development is proposed within a significant grove, or when significant trees are located within a site proposed for development, a tree preservation or tree removal plan demonstrating preservation methods shall be prepared by an ISA-certified arborist and submitted for approval.

Comment: A little additional time will be needed to determine conditions of approval. Some time will be needed in the field as the project is being built to ensure that the tree-related conditions are being met along with the others.

TITLE 17 - MILWAUKIE SUBDIVISION ORDINANCE

CHAPTER 17.28 DESIGN STANDARDS

17.28.020 Streets

- Q. Street Trees. Street trees shall be planted by the developer within the planting strips of any new subdivision in conformity with the Street Tree Plan for the area. All such planting shall be done in accordance with the planting specifications governing the placement of street trees as provided by the Community Development Director. All trees shall be planted within 18 months of completion of public improvements, or the recordation of the subdivision map or partition plat, whichever shall occur first.

Comment: A little additional time will be needed to determine conditions of approval. Some time will be needed to obtain financial assurances for the street trees and for field work as the project is being built to ensure that the tree-related conditions are being met along with the others.

OR WE COULD HAVE ALL SPECIFICATIONS HERE AS FOLLOWS:

A. Types of Trees

1. Tree selection must be from the foregoing approved "City of Milwaukie Street Tree" list and shall conform to the type, size, and grade.
2. Where street blocks have been assigned one species, cultivar, or variety, only this species, cultivar, or variety may be planted.
3. The size of the tree(s) shall be not less than 1 1/2 inches in diameter at 6 inches above ground level, and at least 10 feet in height in neighborhoods; and 3 inches in diameter and 15 feet in height around public buildings and commercial development.
4. All trees shall have single straight trunks, well developed leaders, and tops and roots characteristic of the species, cultivar, or variety. All plants must be free of insects, diseases, mechanical injuries, and other objectionable features when planted.

B. Spacing and height requirements and restrictions

1. Trees will be spaced as follows:
 - a. Small or narrow trees spaced 25 feet to 30 feet apart.
 - b. Medium trees spaced 30 feet to 40 feet apart.
 - c. Large trees spaced no less than 40 feet apart.
2. Minimum planting distance may be amended at the discretion of the Community Development Director if warranted by existing or proposed driveways, hydrants, power poles, and other similar improvement located in or near the street row.

C. No tree(s) shall be planted in planting strips (areas between the sidewalk and curb) which is less than 4 feet wide; unless partial cuts are made in the sidewalk, or specific conditions warrant; and then only by approval of the Community Development Director. In commercial areas where there is a large volume of pedestrian traffic, approved 4-foot-by-4-foot tree grates will be placed around the base of the tree(s).

D. Where the planting strip is less than 18 inches wide, planting is recommended to be on private property, whenever there is room for appropriate planting, with the written consent of the property owner.

E. All trees planted within the planting strip shall be midway between the curb and sidewalk. They shall be planted at least 30 feet from the projected property line at a street intersection, and a minimum of 1 1/2 feet from the curb or where the curb would be on any

street. Trees shall be located at least 10 feet from any driveway or alley. Trees must be planted at least 25 feet from existing street lights, 2 feet from property lines, and for traffic sign clearance.

- F. In sections where there are no sidewalks, tree planting shall consider the probable location of any future sidewalk.
- G. Limbs of trees may be allowed to project over the sidewalk area at an elevation of not less than 7 feet above the sidewalk level, and over the street at an elevation not less than 11 feet above the street level. However, on any street designated as an arterial or one-way street, and where parking has been prohibited, limbs of trees shall be trimmed to a height not less than 14 feet above the street.
- H. When planting any tree(s), all above and below ground utilities shall be considered, with utility location being determined prior to any excavation. Tree species selection shall take into account all utility constraints.

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To: Planning Commission

From: Alice Rouyer, Planning Director *AR*

Subject: Draft Vision & Mission Statement

Date: October 18, 1999

Meeting Date: October 26, 1999

Action Requested

Review the draft vision & mission statement.

Background

Please see the attached draft City vision and mission statement. This was developed by staff following a day long session with City Council on September 18 where the Council outlined the elements they wanted to include in the statements. The Council hosted a session on Saturday, October 9 to obtain input from Board/Commissions and neighborhood leaders on this attached draft. Three members of the Planning Commission attended that session.

Council is now seeking final input from each of the Boards/Commissions on this draft. At the October 26, 1999 work session, I will seek your input. Please read the draft and be ready to provide any written or verbal comments to on October 26, 1999. Thank you.

City of Milwaukie
Draft Vision Statement

In the year 2020, Milwaukie has preserved the best from its past and cultivated the opportunities in its future by carrying the values of its citizens forward and remaining a strong partner in the region. Happy residents and inspired visitors enjoy a dynamic downtown that connects to a uniquely accessible riverfront. Our neighborhoods are peaceful enclaves of safety and affordability. Our strong community-based planning ethic perfects how we live, work, play and travel to and from our land amid the Willamette-Johnson Creek watershed. Our children are thriving and proud of the place we have made. We balance economic vitality, human health and respect for the natural environment by achieving success in these areas:

PUBLIC SAFETY

A sense of safety, security, and mobility throughout the community.

Collaboration between police and community, schools, and other agencies.

Lowest crime rate in the metro area through prevention.

Immediate and effective emergency response.

NATURAL ENVIRONMENT

Milwaukie is known as a place of trees, protected waterways, wetlands, and wildlife habitat with a network of parks, trails, and open spaces.

The community values clean air, water, and peaceful (quiet) surroundings.

ECONOMIC DEVELOPMENT

Ensures a diverse and stable economic base that provides living wage jobs, dependable revenue sources.

Supports and participates in the development of business partnerships.

Capitalizes on Milwaukie's strategic location while establishing regional significance and becoming a destination location.

COMMUNITY BUILDING AND COMMUNICATION

Keeps a mutual commitment from city leadership, staff, citizens, businesses, and other partners to build community leadership that encourages civic responsibility, reflects the diversity of its citizens, draws on the talents of individuals, and anticipates the needs of future generations.

TRANSPORTATION

Milwaukie has a system that allows for safe, efficient, and effective mobility for everyone by offering choices such as rail, waterways, transit, streets, sidewalks, and pathways.

Is efficient, effective and preserves neighborhood livability.

Ensure regional connections.

CULTURAL RESOURCES

Provide an opportunity for the community to pursue artistic, intellectual, and historical endeavors.

BUILT ENVIRONMENT

Preserves and enhances the character and quality of our neighborhoods, businesses and industrial areas through careful review of new development and property maintenance.

Provides the opportunity for a variety of housing choices.

Draft Mission Statement
(Options)

The criteria used to develop these statements were: *statement embodies a community identity, reflects the common good and common expectations, provides a framework for civility, is short and memorable to Citizens, is a reference check for Staff in implementation of their direction from Council.*

Milwaukie: Creating a Quality Small Town Community.

Milwaukie: Growing a 21st Century Small Town.

Milwaukie: Creating a Dynamic 21st Century Small Town.

Milwaukie: A 21st Century Small Town Growing with Grace.

INFRASTRUCTURE

Sustains basic City services that offer adequate and well-maintained supply and capacity for current and future users at a fair cost to all those who benefit.

FISCAL AND ORGANIZATIONAL ACCOUNTABILITY

Shows value in everything we do by developing and communicating realistic performance expectations and demonstrating the return on the taxpayers' investment through specific accountability systems.

Provides effective public service that is reliable and supported by professional, caring, and responsive staff, who are trusted in the community.



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