

CITY OF MILWAUKIE  
PLANNING COMMISSION MINUTES  
TUESDAY, FEBRUARY 22, 2000

**COMMISSIONERS PRESENT**

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

**STAFF PRESENT**

Alice Rouyer,  
Planning Director  
Doug Strickler,  
Assoc. Planner  
Gary Firestone,  
City Attorney  
Shirley Richardson,  
Hearings Recorder

**COMMISSIONERS ABSENT**

Howard Steward

1.0 CALL TO ORDER

The meeting was called to order at 6:37 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 PLANNING COMMISSION MINUTES -- February 8, 2000

**Mike Miller** moved to approve the Planning Commission minutes of February 8, 2000, as amended. **Doug Ouderkirk** seconded. MOTION CARRIED 6-0.  
Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk; Nays: None.

4.0 INFORMATION ITEMS -- City Council Minutes

3.1 January 18, 2000, City Council Minutes

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS

6.1 **This hearing is continued from 2/8/00**

Applicant: City of Milwaukee  
Owner: N/A  
Location: N/A  
Proposal: Review and recommendation to City Council for approval of Municipal Code and Zoning Ordinance Amendments to adopt an Urban Forestry protection program.

File Numbers:       ZA-99-02  
NDA:                 All

**Chair Hammang** re-opened the public hearing on File Number ZA-99-02, an action to allow for review and recommendation to City Council for approval of Code and Ordinance amendments to adopt an Urban Forestry Protection Program. The criteria to be addressed are found in Sections 1400 and 321 of the Milwaukie Zoning Ordinance.

**Chair Hammang** explained that this was a continuation from the February 8<sup>th</sup> meeting. The public comment portion of the hearing has been closed. The remainder of this hearing will be for discussion and decision among the Commissioners.

#### STAFF REPORT

Alice Rouyer reviewed the staff report with the Commission. Flip charts were prepared highlighting some of the information requested by the Commission at the February 8, 2000 meeting.

Options for limiting private property regulations to properties that are likely to develop or redevelop:

Regulate the cutting of single 18” trees on lots of all sizes?

- Retain, as is
- Eliminate regulation of single trees, instead focusing the regulations on the presentation of groups of trees on large properties
- Adjust dbh to 24”, 36” or larger.

Regulate 4 or more 6-inch or larger trees in any single calendar year on properties 10,000 or larger?

- Retain as is at 10,000 sq.ft.
- Adjust the lot size to 15,000,20,000 or 30,000 sq.ft. or larger (SEE Maps)
- Change to define “developable or redevelopable” (I.e. Portland example)

Regulate Major Pruning?

- Retain, as is, regulating major pruning
- Eliminate the regulation of major pruning, except for “Significant Trees.” Removal would still be defined as “cutting or removal of 50% of crown, trunk, or root system.”

Address Tweaks

- See recommendations for Milwaukie Municipal Code Section 16.32.010 “Purpose”

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- MMC Section 16.32.010 “Purpose”
- MMC Section 16.32.040 “Street Trees & Trees In Public Places”
- ZO Section 1605 “Tree removal and protection”

Application Fee Hardship Discounts for Senior Citizens and Low Income residents

- Retain the existing fee discount policies
- Other ideas

QUESTIONS FROM THE COMMISSIONERS

**Barbara Cartmill** asked for clarification of the hardship discounts. **Alice Rouyer** explained that senior citizen and low-income residents are eligible for 25% discount of fees, or 50% discount on appeals. Seniors must be at least 62 years of age. Low-income residents can qualify for reduced fees by filing an application with income information.

DELIBERATION AMONG THE COMMISSIONERS

**Chair Hammang** asked if public buildings included schools, parks, City buildings, etc. **Gary Firestone** stated that it includes City-owned property. It does not include property owned by other public entities.

**Mike Miller** stated that he could go along with the regulations for major pruning, but adding all public property within the City and all right-of-way property. **Alice Rouyer** stated that North Clackamas Parks and Recreation Department are included in the regulations, however, the North Clackamas School District is not included. The School District is regulated the same as any private property owner.

**Gary Firestone** noted that there could be an exception that any major pruning regulation does not apply to any residential property, but it does apply to property in a community service overlay zone, commercial zones, etc.

**Chair Hammang** asked to what extent could public entities be regulated? **Alice Rouyer** stated that as it is now proposed public entities include City-owned property and North Clackamas Parks and Recreation District properties. The Commission has the option of including the school district in the definition of public property.

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- For regulations of public places and public right-of-ways, the School District properties are included. Insert North Clackamas School District in the definition of "Public Place."

**Mike Miller** stated that if it is staff's recommendation to eliminate the regulation on major pruning except for Significant Trees, then "right-of-way property" and "all public property" should be added.

- Keep major pruning for all public property and eliminate it from private property.

**Doug Ouderkirk** asked if the private property owner has complete authority over what they do with their trees if it is not deemed "Significant"? **Gary Firestone** stated that once the "Significant" designation is granted it stays until a process removes it. It is possible for a person to purchase a property with a tree designated "Significant" and this restriction would be binding on the purchaser of the property. It is the first owner that would classify the tree "Significant."

- -Eliminate the regulation of single trees and focus regulations on groups of trees.  
-This regulation focuses on four or more trees within a calendar year.  
-Single tree regulation is no longer a concept.

**Mike Miller** asked how the maps and the regulations coincide in regards to developable property? **Alice Rouyer** stated that the question to answer is what size lot is a developable lot, 15,000 sq.ft. or 20,000 sq.ft. The City of Milwaukie has a lot of R-7 zoned properties. A 15,000 sq.ft. property could be divided into two 7,000 sq.ft. lots. Larger properties have more ability to be developed or redeveloped. She pointed out the lot sizes as indicated on the map.

The major concern is to regulate developers rather than homeowners. **Mike Miller** asked if the regulations could start at 20,000 sq.ft. but requirements for a building permit start at 15,000 sq.ft? **Gary Firestone** explained that the regulations would provide that a development application triggers a review of the tree status. Even a very small lot would trigger the tree review.

**Alice Rouyer** stated that the trigger point set up should be consistent between both properties that are being developed and those not being developed. The reasoning is that it creates a loophole. Someone could purchase property, removes the trees, and then coming in for redevelopment.

A quick poll resulted in Commissioners Cook and Cartmill in favor of 20,000 sq.ft. and the other Commissioners favoring 15,000 sq.ft. As discussion continued, the consensus of the Commissioners was to go with 20,000 sq.ft.

**Tracy Cook** moved to recommend to City Council approval of the amendments to the Milwaukie Municipal Code and Zoning Ordinance to implement an Urban Forestry Program as stated in items three through eight (3-8) in Section I. Action Requested portion of the Staff Report dated February 22, 2000. **Mike Miller** seconded. MOTION CARRIED 6-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk; Nays: None.

It was the Commission's consensus to concur with the amendments to Sections:

- 16.32.010 Purpose
  - Delete wording "to increase the existing stock of trees by insuring that more trees are planted."
- 16.32.020 Definitions
  - Under Public Place, add North Clackamas School District.
- 16.32.030 Tree Care Professional License Requirement
  - Rewording, "...shall hold a valid State Landscape Contractor's License or a State Construction Contractor's Board License, and a City of Milwaukie Business Registration."
- 16.32.040 Street Trees in Public Places
  - Adding the word "major" pruning to this Section.
- 16.32.050 Tree Removal on Private Land
  - Remove, "a. The removal or major pruning of any 18-inch or larger dbh tree."
  - Change lot size, "...parcels of property under the same ownership totaling 20,000 square feet or larger.
  - Adding to Subsection 2, "The removal of trees designated on forest land or agricultural land for property tax purposes.

**Doug Ouderkirk** moved to recommend to City Council to approve the repeal of the existing Municipal code Section 16.32 "Tree Cutting" and replace with a new "Urban Forestry" Section as described in the staff report and clarified with the changes discussed at this meeting. **Tracy Cook** seconded. MOTION CARRIED 6-0.

The Commissioners agreed that the following changes should occur to the Zoning Ordinance Section 1600 "Urban Forestry."

- ZO 1605.1 Tree Removal Permit, Under A - "Applicability"
- Section 1, delete reference to major pruning.
  - Section 1, language change, "...under same ownership totaling 20,000 square feet or larger..."
  - Section 2(a), "...The removal and major pruning of three or fewer trees." All reference to size is removed.

**Tracy Cook** moved to recommend to City Council to approve the adoption of Zoning Ordinance Section 1600 "Urban Forestry." As described in the staff report and clarified with changes discussed at tonight's meeting. **Mike Miller** seconded. MOTION CARRIED 5-0.

Recess was taken at 7:48 p.m. and the meeting reconvened at 7:55 p.m.

## 7.0 WORKSESSION

## 8.0 DISCUSSION ITEMS

**Chair Hammang** reported that he attended a seminar at Metro. There was a discussion on land-use law. He came away from the meeting impressed with the need to follow the legal rules rigidly. It is very important to be fair and make sure decisions are not overturned.

Design review was discussed as frequently being promised as an antidote to the illness of density. It is often a surrogate for other struggles in hopes of a cure. Design review has not been successful. Tigard and Tualatin seem to stay away from single family residences as far as design review. Some of the cities benefited from having good downtown plans. This included a very easy set of rules for developers to follow. The City of Tualatin had engineering teams to help developers through the downtown process.

Another idea discussed was having a review time on zoning changes and overlay implementations. Five years from implementation the process is reviewed for impact on the city. Other issues covered were land use law, 120-day limit, Milwaukie Mandamus. The overall seminar was very useful. He recommends this seminar to the other commissioners should it be offered again.

9.0 OLD BUSINESS -- None

10.0 OTHER BUSINESS/UPDATES

- 10.1 **Sign Request – Milwaukie Covenant Church** -- **Alice Rouyer** reported that she had two sign requests for Commission review and decision. The Milwaukie Covenant Church is seeking approval to erect a new 25 sq.ft. freestanding sign to be located on the north side of the driveway at the intersection with Linwood Avenue.

The Applicant would have a preference of having an internally illuminated sign. In residential zones internally illuminated signs are prohibited. Staff recommends that the sign be externally illuminated and approved as stated in the February 15, 2000, staff report subject to the conditions of approval.

**Doug Ouderkirk** moved to approve the sign request for Milwaukie Covenant Church to erect a new identification sign subject to the recommended conditions of approval as stated in the Staff Report. **Tracy Cook** seconded. MOTION CARRIED 6-0.

- 10.2 **Sign Request – Lewelling Elementary School** -- **Alice Rouyer** reported that Lewelling Elementary School is requesting to install a permanent wall-mounted reader board type sign on the Logus Road side of the school.

**Mike Miller** moved to approve the sign request from Lewelling Elementary School to install a permanent, wall-mounted reader board type sign subject to the recommended conditions of approval as stated in the Staff Report. **Barbara Cartmill** seconded. MOTION CARRIED 6-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk; Nays: None.

- 10.2 **Matters from the Planning Director** -- **Alice Rouyer** reported that the City Council heard the appeal on the Clackamas Educational Service District. The appeal was heard on the basis of traffic. The Lake Road Neighborhood District Association felt that the Planning Commission erred in their consideration of future and existing traffic levels. It was the decision of City Council that the public benefits of this application did not outweigh the adverse impacts and felt that a residential use would be a more appropriate use for this site. The application was denied and the applicant has the option of appealing to the Land Use Board of Appeals.

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public benefits of this application did not outweigh the adverse impacts and felt that a residential use would be a more appropriate use for this site. The application was denied and the applicant has the option of appealing to the Land Use Board of Appeals.


**Alice Rouyer** stated that she would have a traffic engineer come in and make a presentation on traffic issues. This would be helpful to educate everyone on how to read the traffic studies, what they mean, and what impact these studies have on applications.

**Alice Rouyer** announced that there would be a City Council worksession with Metro on February 28<sup>th</sup> to discuss new regulations on riparian buffers. This is in response to fish and wildlife protection. Salmon has been recently listed as a protected species by the Endangered Species Act. The next step will be to draft regulations for all cities and counties in the region. It will be an amendment to Title III of the Metro Functional Plan.

- 11.0 NEXT MEETING -- February 8, 2000
- 11.1 CSO-99-97/TPR-99-10 – NCS D – 11909 SE Linwood (Linwood Elementary)
- 11.2 CSO-99-08/TPR-99-11 – NCS D – 5325 SE Logus Road (Lewelling Elementary)
- 11.3 CSO-99-09/TPR-99-12 – NCS D – 11326 SE 47<sup>th</sup> (Campbell Elementary)
- 11.4 AP-99-01 – Thomason Appeal of Director Determination – 8750 and 8890 SE McLoughlin Blvd.

**Mike Miller** moved to adjourn the last meeting of February 22, 2000. **Barbara Cartmill** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 8:30 p.m.

  
Donald Hammang, Chair

  
Shirley Richardson, Hearings Reporter

**AGENDA  
MILWAUKIE PLANNING COMMISSION  
Milwaukie City Hall  
10722 SE Main Street  
Tuesday, February 22, 2000  
6:30 pm**

		<b>ACTION REQUIRED</b>
<b>1.0</b>	<b>Call to Order</b>	
<b>2.0</b>	<b>Procedural Questions</b>	
<b>3.0</b> 31.	<b>Planning Commission Minutes</b> February 8, 2000	<b>Motion Needed</b>
<b>4.0</b> 4.1	<b>Information Items</b> January 18, 2000 - City Council Minutes [To PC Only]	<b>Information Only</b>
<b>5.0</b>	<b>Public Comment</b> This is an opportunity for the public to comment on any item not on the agenda	
<b>6.0</b> 6.1	<b>Public Hearings</b> <b>This Portion of the Urban Forestry Hearing is for Deliberation Only – No Public Testimony will be heard.</b> Applicant: City of Milwaukie Owner: N/A Location: N/A Proposal: Deliberation and recommendation to City Council for approval of Municipal Code and Zoning Ordinance Amendments to adopt an Urban Forestry protection program. File Numbers: ZA-99-02 NDA: All Staff Person: Alice Rouyer	<b>Discussion and Motion Needed</b>
<b>7.0</b>	<b>Worksession</b>	
<b>8.0</b>	<b>Discussion Items</b> This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	<b>Review and Decision</b>
<b>9.0</b>	<b>Old Business</b>	
<b>10.0</b> 10.1 10.2	<b>Other Business/Updates</b> - Matters from the Planning Director Sign Request – Milwaukie Covenant Church – 12201 SE Linwood Ave Sign Request – Lewelling Elementary School – 5325 SE Logus Ave	<b>Information Only Review and Comment</b>
<b>11.0</b> 11.1 11.2 11.3 11.4	<b>Next Meeting:</b> February 29, 2000 [Special Meeting] CSO-99-07/TPR-99-10 – NCSD – 11909 SE Linwood (Linwood Elem) CSO-99-08/TPR-99-11 – NCSD – 5325 SE Logus Rd (Lewelling Elem) CSO-99-09/TPR-99-12 – NCSD – 11326 SE 47 <sup>th</sup> (Campbell Elem) AP-99-01 - Thomason Appeal of Director Determination - 8750 and 8890 SE McLoughlin Blvd.  The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

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**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.
11. **MEETING CONTINUANCE.** THE PLANNING COMMISSION MAY, IF REQUESTED BY ANY PARTY, ALLOW A CONTINUANCE OR LEAVE THE RECORD OPEN FOR THE PRESENTATION OF ADDITIONAL EVIDENCE, TESTIMONY OR ARGUMENT. ANY SUCH CONTINUANCE OR EXTENSION REQUESTED BY THE APPLICANT SHALL RESULT IN AN EXTENSION OF THE 120 DAY TIME PERIOD FOR MAKING A DECISION.

**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:** Commission Deliberation: Milwaukie Municipal Code and Zoning Ordinance amendments to implement an Urban Forestry protection program

**Hearing Date:** February 22, 2000

**Date:** February 15, 2000

**I. Action Requested**

Recommend approval of an ordinance authorizing the following to City Council:

1. Repeal existing Municipal Code Section 16.32 "Tree Cutting" and replace with a new "Urban Forestry" with amendments as outlined in the Analysis and Recommendation section below.
2. Adopt Zoning Ordinance Section 1600 "Urban Forestry". This ordinance works together with Municipal Code Section 16.32 to provide standards and procedures for protection of trees during development, with amendments and additions as outlined in the Analysis and Recommendation section below.
3. Amend Milwaukie Municipal Code Chapter 2.16 "Planning Commission" to give Planning Commission authority to consider and conduct public hearings for tree removal and major pruning permits.
4. Amend Milwaukie Municipal Code Chapter 2.12 "Parks & Recreation Board" to give the Parks & Recreation Board authority to oversee master planning and other long range planning actions related to Urban Forestry.
5. Amend Milwaukie Municipal Code Chapter 17.28 "Subdivision Design Standards" to add "Street Trees" as a new design standard for subdivisions.
6. Repeal Milwaukie Municipal Code Section 17.32.040.F "Subdivision—Partitioning—Flag Lots" to replace with new language consistent with proposed Urban Forestry regulations.

7. Add Milwaukie Municipal Code Section 17.36.020.K to include the planting of street trees as a new required improvement for subdivisions.
8. Add Milwaukie Municipal Code Section 17.40.030 "Tree Removal" as a new Environmental Standard for subdivisions.

## **II. Background and Next Steps**

In late January, the Planning Commission decided to consider the regulations on both February 8 and February 22. On February 8, the Commission listened to a staff presentation, and heard all public testimony related to the proposed urban forestry regulations. On February 22, the Commission will deliberate, discuss and prepare a recommendation for City Council.

City Council is also planning to consider the proposed amendments over the course of two meetings. At the March 20 work session, staff will provide a briefing to Council about the ordinance content and a report about the February 22 Planning Commission recommendation. On March 21, the Council will listen to a brief staff presentation, hear public testimony, ask questions concerning the proposal and testimony presented, and deliberate. If Council needs more time for deliberation and final decision, they may continue their discussion to the April 4 City Council meeting. All meetings are open to the public.

## **III. Analysis:**

To aid in the deliberations on February 22, the Commission requested that staff gather more information relating to the following issues:

1. Provide the Commission with options for limiting private property regulation to properties that are likely to develop or redevelop. The objective is to develop options that would exempt typical, single family lots from the regulation.
2. Develop options for the regulation of major pruning.
3. Address specific regulation "tweaks" identified by the public during the hearing.
4. Provide options for application fee hardship discounts for senior citizen and low income residents.

Below is the analysis of these issues:

1. **Provide the Commission with options for limiting private property regulation to properties that are likely to develop or redevelop. The objective is to give options that would exempt typical, single family lots from the regulation.**

The attached public comments (Attachments C and D) and public testimony received at the February 8 hearing will provide guidance on this question as the Commission deliberates a recommendation to City Council. Most of the public comment received to date generally supports regulating public property, public right-of-way and significant trees (which is a voluntary program). The concern centers around the applicability of the regulations for private property, found in Section 16.32.050.

1. *Unless excepted under Section 16.32.050(a)(2), a Tree Removal Permit must be obtained for:*
  - a. *The removal or major pruning of any 18-inch or larger dbh (diameter breast height) tree.*
  - b. *The removal or major pruning of 4 or more 6-inch or larger dbh trees in any single calendar year on a single parcel of land or contiguous parcels of property under the same ownership totaling 10,000 square feet or larger.*

Many citizens who commented noted that the parameters described above may be too far-reaching for Milwaukie. Some expressed concern about any regulation of private property. Others suggested that if a regulation is to be adopted at all, it may be more appropriate to adjust the parameters such that it only impacts those properties that are likely to be developed or be redeveloped. This could thereby exempt typical residential home owners on established lots. Ultimately, the Planning Commission should discuss and refine the overall objective of this proposed regulation. If the objective is to provide the Commission with tools to preserve established tree canopy at time of development, the Commission should develop a recommendation that balances this objective with the rights of individual property owners.

The Commission should consider the following parameters when developing a recommendation:

- **Should the proposed amendments regulate the removal and major pruning of single 18 inch dbh trees on lots of all sizes?**

In a review of urban forestry regulations from other area cities, most cities did not regulate the cutting of single trees, but rather regulated the removal and major pruning of "x" number of trees of a certain size in a calendar year, on a certain size property. The Commission has the option of:

- a. Retaining the parameter, as is.

- b. Recommending to eliminate the regulations of single trees, instead focusing the regulations on the preservation of groups of trees on large properties.
- c. Recommending to adjust the dbh higher to 24 inches, 36 inches or larger.

Staff Recommendation: Given the degree of concern received from the public about private property regulation, staff recommends that the Commission eliminate the regulation of single trees, instead focusing on the preservation of groups of trees on larger properties. Single trees can be protected on a voluntary basis through the "Significant Tree" regulations. This would serve to focus the objective of the regulation on development and redevelopment rather than on typical residential property owners.

- **Is it appropriate to require a permit for the removal or major pruning of 4 or more 6-inch or larger dbh trees in any single calendar year on a single parcel of land or contiguous parcels of property under the same ownership totaling 10,000 square feet or larger?**

The objective of this parameter is to regulate removal and major pruning of groups of trees on larger properties (those properties more likely to develop or redevelop). The Planning Commission has the option of:

- a. Retaining the parameter, as is.
- b. Adjusting the lot size to 15,000, 20,000, or 30,000 square feet or larger.

Most other area cities regulate tree cutting on parcels larger than 10,000 square feet. Staff has prepared maps of the City, showing all lots sized 10,000 square feet or larger, 15,000 square feet or larger, 20,000 square feet or larger; and 30,000 square or larger. The maps will be available at the February 22 hearing for review.

- c. Change the parameter altogether to define "developable" and "redevelopable" land.

One method to define these terms is to make the regulations applicable to properties that are of a sufficient size to subdivide, adding one or more lots. Staff has prepared a map which shows all lots (including contiguous lots under same ownership) that are at

least twice the minimum lot size allowed in each zone. This map will be available for review on February 22.

The Commission also has the option of defining the applicability of the regulations in a manner similar to Portland. For reference, Portland's tree cutting ordinance defines "regulated property" as:

*All property where trees have not been considered through a previous land use review, and which:*

- *Does not have a single family dwelling on it; or*
- *Can be further subdivided pursuant to the Zoning or Subdivision Ordinances, whether there is a structure on the property or the property is vacant; or*
- *Is not located in a single family residential zone pursuant to the City of Portland Zoning maps; or*
- *Is not solely used as a single-family residence.*

*Furthermore, the purpose of the City of Portland Tree Cutting regulation is:*

*"To regulate the cutting of trees in order to help preserve the wooded character of the City of Portland and protect the urban forest. It is not the intent of this Chapter to regulate the cutting of trees on any single-family lot, which cannot further be divided, upon which a single-family residence already exists. Further, it is not the intent of this Chapter to require a permit for tree cutting in situations where the same activity is already regulated and reviewed by other provisions of the City Code."*

When the Planning Commission considered some of these options in work session in November, one of the factors considered was that it was difficult to define "developable or redevelopable" properties. The Commission had concluded at that time that the "lot size" parameter was easier for the most people to understand (and thereby, easier for the City to enforce) than the definitional approach used by Portland above.

Staff Recommendation. Staff recommends that the Planning Commission amend the applicability of the regulations to removal of four or more trees with 6 inch dbh or larger on 15,000 square foot lots or larger or 20,000 square foot lots or larger (the Commission should decide between the

15,000 square foot or 20,000 square foot parameter on February 22, 2000). Adjusting the parameter in this way will capture most of the properties in the city that are of a sufficient size and lot configuration to redevelop. This method is also the simplest to explain to citizens, and thereby enforce.

**Conclusion.** Based on the discussion above, staff recommends the following amendments to the Milwaukie Municipal Code and Zoning Ordinance language:

**MMC 16.32.050 Tree Removal on Private Land**

**A. Applicability**

1. Unless excepted under Section 16.32.050(a)(2), a Tree Removal Permit must be obtained for:
  - ~~a. The removal or major pruning of any 18-inch or larger dbh (diameter breast height) tree.~~
  - a. The removal or major pruning of 4 or more 6-inch or larger dbh trees in any single calendar year on a single parcel of land or contiguous parcels of property under the same ownership totaling 10,000 15,000 (or 20,000—the Commission must decide on February 22) square feet or larger.

**ZO 1605.1 Tree Removal Permit**

**A. Applicability**

1. This Section applies to the removal and major pruning of 6 inch dbh or larger on a parcel of land or contiguous parcel of land under same ownership totaling 15,000 (or 20,000—the Commission must decide on February 22) square feet or larger during any construction, reconstruction, renovation, expansion, or alteration of an existing use of structure for which a building permit is required, except as exempted in 1605.1.A.2.
2. The following activities are not subject to Section 1605:
  - a. The removal and major pruning of 3 or fewer trees ~~with a dbh or less than 18 inches.~~
  - b. The removal or major pruning of significant trees and significant groves of trees. Significant trees and significant groves of trees may be removed or subjected to major

*pruning only in compliance with Section 16.32.060 of the Milwaukie Municipal Code.*

- c. *Activities relating to trees in right-of-ways and public places. Trees in right-of-ways and public places are subject to Milwaukie Municipal Code Section 16.32.040.*

**2. Develop options for the regulation of major pruning.**

The Commission heard a lot of testimony from citizens who were concerned that the City is regulating tree pruning. Many expressed that this is an activity that should be exempt from all regulation. As the regulations are now written, most pruning activities will be exempt from the regulations. That is, because the regulations apply only to major pruning, which is defined as:

*Major Pruning: Pruning of over 20 percent of the tree's canopy, or injury or cutting of over 10 percent of the root system during any 12 month period."*

Most pruning activity that individuals undertake on a seasonal basis will not be regulated. The reference to "major pruning" was a remnant from the draft regulations developed by the 1996 Tree Committee. Staff suspects that it was included to regulate those pruning activities that could impact the long-term health of the tree.

All other local tree ordinances that staff have reviewed do not regulate pruning, but only tree removal. The proposed regulations define tree removal as:

*Removal: The cutting or removal 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.*

The Commission must decide if the regulation of major pruning is a necessary component of the proposed amendments. It may be sufficient to regulate only tree removal.

**Staff Recommendation & Conclusion.** Given the amount of concern expressed about regulating major pruning, staff recommends that the Planning Commission strike all references to the regulation of major pruning, except as referenced in Section 16.32.060.C "Major Pruning of Significant Trees." It would

be very difficult for staff to explain the relative distinction between pruning and major pruning, and therefore be a difficult regulation to enforce.

**3. Address specific regulation “tweaks” identified by the public at the hearing.**

Mr. Don Trotter presented verbal and written testimony requesting that staff consider some specific revisions to the regulations. The Planning Commission asked that staff follow up on some of these specific issues:

1. Provide a cross-reference in the proposed MMC 16.32 and ZO 1600 to the Natural Resource Overlay regulations (ZO Section 322).  
The Natural Resource Overlay regulations regulate the removal of vegetation in areas around natural resources. Since the two regulations have two different purposes and were written to be independent of one another, a cross-reference is not necessary for regulatory purposes. Staff would recommend no cross-reference to avoid any unnecessary confusion.
2. MMC Section 16.32.040.A.1: Applicability.  
A concern was expressed about how the proposed regulations for trees in the right-of-way cites pruning rather than “major pruning”. It was suggested that this be clarified in some amended language. See recommended language at the end of this section. This concern may be mute if the Commission should decide to not regulate major pruning.
3. MMC Section 16.32.030.A.2.b: Review Process.  
Mr. Trotter has asked who pays applicable fee, if a hearing is requested during the ten day review period? The way the ordinance is currently written, no appeal fee would be required during this time period. The proposed administrative application fee covers the costs associated with administrative review and any hearing requested in the 10 day review period. The \$265 appeal fee would only be required if after the process has been completed, someone appeals the Planning Director’s decision to the Commission. Then whoever files the appeal application would be required to pay the \$265 application fee.

During the time that staff has been administering tree permits for the City right-of-way, no hearings have been requested. In one instance where a hearing was requested, staff was able to work with both the applicant and the neighboring property owner to resolve the concern. Consequently, the request for the hearing was withdrawn.

A question was also raised about the fact that no criteria are listed for appeals or requests for hearings. The City of Milwaukie Zoning Ordinance and Municipal Code historically have not required that appellants meet criteria to file an appeal. Through the appeal process, the Commission is given the authority to determine if the permit request meets the approval criteria listed in the code. No burden is placed on the appellant to prove that the proposal either meets or does not meet the criteria.

4. MMC Section 16.32.010: Purpose Statement.

A comment was made that the purpose statement includes language about "increasing the existing stock of trees by insuring that more trees are planted." The regulation, however, does not include any specific provisions for tree planting. These provisions will be made in other parts of the Urban Forestry program, through volunteer tree planting/Arbor Day celebrations, and perhaps through future landscaping regulations. Staff will recommend some language changes below, which make the purpose of the regulations clearer. The purpose of these regulations is to protect existing trees in the City of Milwaukie. The encouragement of tree planting is only an accessory part of the proposed regulations.

5. Conflict between ZO Section 1605.1.A.2.a and ZO Section 1605.1.B.2. A comment was made that since the applicability of this section relates to the removal of four or more trees only, language in the "Application Information" should not require information justifying "any tree removal" but only those tree removals that need a permit in Section 1605.1.A.2. Likewise, this section should also require the applicant to justify the request against the approval criteria listed in Section 16.32.050.B.2. See recommended code language below.

**Conclusion and Staff Recommendation.** Given the discussion above, staff recommends the following amendments to the proposed Milwaukie Municipal Code and Zoning Ordinance:

***MMC Section 16.32.010 Purpose***

*The purpose of this Section is to implement an Urban Forestry Program, based on Tree City USA standards, ~~to increase the existing stock of trees by insuring that more trees are planted~~ to provide protection for existing 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.*

**MMC Section 16.32.040 Street Trees and Trees in Public Places**

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 street tree or tree in a public place without a permit issued by the City. No person shall conduct any **major** pruning of a tree in a public place without a permit issued by the City. This Section does not apply to significant trees or groves of trees.*

**ZO Section 1605 Tree Removal and Protection**

B. *Application information*

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

2. ***Information justifying any tree removals included in the permit request. The justification shall be based on the criteria outlined in Section 16.32.050.B.2 of the Milwaukie Municipal Code. including but not limited to, building or access locations, parking areas, existing development on the property, relevant easements, utility locations and grading.***

4. **Provide options for application fee hardships discounts for senior citizen and low income residents.**

In setting application fees, past Council policy is to recover 60% of the estimated cost of processing the application. Staff estimates that a \$25 application fee will recover 60% of the processing costs for most administrative tree permit applications. If a staff level decision is appealed to Planning Commission, the appellant will be subject to the \$265 appeal fee. The appeal fee is already in place.

The City currently provides the following senior citizen and low income resident fee discounts for land use applications:

- *Senior citizen and low income citizens: 25% discount (50% for appeals)*
  - Seniors must be at least 62 years of age.
  - Low-income citizens may qualify for reduced fees by filing an application similar to the form used to apply for reduced sewer and water rates. The income qualifications match those for Section 8 Housing Assistance programs. Individuals who earn less than \$18,350 per year or

*\$1,529/month or households (with more than one resident) earning \$20,950/year or \$1,746/month will qualify for the 25% discount.*

When reduced, a 25% discount constitutes a fee of \$19.75 fee (or a reduction of \$6.25). The Planning Commission has the option of recommending other hardship options to the Council.

**Staff Recommendation & Conclusion.** Staff recommends that the Planning Commission retain the existing fee discount policies for senior citizens and low income residents.

#### **IV. Public Comment**

As of February 12, 2000 staff has received 125 written or verbal comments from citizens concerning the proposed regulations. Comments were collected through letters, telephone conversations, at the January 19 Open House, and the February 8 Planning Commission meeting. Many of the comments expressed concern about how the proposed regulations would impact private property rights. Attached are updated comment summaries (see Attachment C) and copies of any letters received from February 9 through 3:00 p.m. on February 14 (see Attachment D).

Planning Commissioner Howard Steward cannot attend the February 22 meeting. He included a memorandum to the Commission, outlining his comments and concerns about the proposal (See Attachment E).

#### **V. Findings in Support of the MMC and ZO Amendments:**

Note: A full analysis of this proposal's conformance with Section 904 and 905 "Amendments" is included in Attachment A. The findings below are a summary of this analysis.

1. The proposed amendments are consistent with the adopted Vision Statement for the City and the 1999-2004 City Council Strategic Direction.
2. The proposed amendments conform with applicable Comprehensive Plan goals, policies and objectives and are consistent with City ordinances, Metro Urban Growth Functional Plan and applicable regional policies.
3. The proposed amendments are consistent with applicable state law, statewide planning goals, and applicable federal regulation.

#### **VI. Recommendation**

## **VI. Recommendation**

Staff recommends that the Planning Commission recommend approval of the following amendments to City Council:

1. Repeal existing Municipal Code Section 16.32 "Tree Cutting" and replace with a new "Urban Forestry" section with the following amendments and additions:

### ***MMC Section 16.32.010 Purpose***

*The purpose of this Section is to implement an Urban Forestry Program, based on Tree City USA standards, ~~to increase the existing stock of trees by insuring that more trees are planted~~ to provide protection for existing 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.*

### ***MMC Section 16.32.040 Street Trees and Trees in Public Places***

#### ***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 street tree or tree in a public place without a permit issued by the City. No person shall conduct any **major** pruning of a tree in a public place without a permit issued by the City. This Section does not apply to significant trees or groves of trees.*

### ***MMC 16.32.050 Tree Removal on Private Land***

#### ***A. Applicability***

1. *Unless excepted under Section 16.32.050(a)(2), a Tree Removal Permit must be obtained for:*

***a. ~~The removal or major pruning of any 18-inch or larger dbh (diameter breast height) tree.~~***

***a. The removal or major pruning of 4 or more 6-inch or larger dbh trees in any single calendar year on a single parcel of land or contiguous parcels of property under the same ownership totaling 10,000 15,000 (or 20,000—the Commission must decide on February 22) square feet or larger.***

2. Adopt Zoning Ordinance Section 1600 "Urban Forestry". This ordinance works together with Municipal Code Section 16.32 to provide standards and procedures for protection of trees during development, with the following amendments and additions:

**ZO Section 1605 Tree Removal and Protection**

**ZO 1605.1 Tree Removal Permit**

A. *Applicability*

1. *This Section applies to the removal and major pruning of 6 inch dbh or larger **on a parcel of land or contiguous parcel of land under same ownership totaling 15,000 (or 20,000—the Commission must decide on February 22) square feet or larger** during any construction, reconstruction, renovation, expansion, or alteration of an existing use of structure for which a building permit is required, except as exempted in 1605.1.A.2.*
2. *The following activities are not subject to Section 1605:*
  - a. *The removal and major pruning of 3 or fewer trees ~~with a dbh or less than 18 inches.~~*
  - b. *The removal or major pruning of significant trees and significant groves of trees. Significant trees and significant groves of trees may be removed or subjected to major pruning only in compliance with Section 16.32.060 of the Milwaukie Municipal Code.*
  - c. *Activities relating to trees in right-of-ways and public places. Trees in right-of-ways and public places are subject to Milwaukie Municipal Code Section 16.32.040.*

B. *Application information*

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

2. *Information justifying ~~any~~ tree removals **included in the permit request. The justification shall be based on the criteria outlined in Section 16.32.050.B.2 of the Milwaukie Municipal Code. including but not limited to, building or access locations, parking areas, existing development on the property, relevant easements, utility locations and grading.***

3. Amend Milwaukie Municipal Code Chapter 2.16 "Planning Commission" to give Planning Commission authority to consider and conduct public hearings for tree removal and major pruning permits.
4. Amend Milwaukie Municipal Code Chapter 2.12 "Parks & Recreation Board" to give the Parks & Recreation Board authority to oversee master planning and other long range planning actions related to Urban Forestry.
5. Amend Milwaukie Municipal Code Chapter 17.28 "Subdivision Design Standards" to add "Street Trees" as a new design standard for subdivisions.
6. Repeal Milwaukie Municipal Code Section 17.32.040.F "Subdivision—Partitioning—Flag Lots" to replace with new language consistent with proposed Urban Forestry regulations.
7. Add Milwaukie Municipal Code Section 17.36.020.K to include the planting of street trees as a new required improvement for subdivisions.
8. Add Milwaukie Municipal Code Section 17.40.030 "Tree Removal" as a new Environmental Standard for Subdivisions.

**VII. Attachments**

- Attachment A: Zoning Ordinance Amendment Analysis Approval Criteria of ZO 904 and ZO 905
- Attachment B: Milwaukie Municipal Code and Zoning Ordinance amendments to implement an Urban Forestry Protection Program
- Attachment C: Summary of Comments received as of February 14, 2000
- Attachment D: Written correspondence received between February 9 – 14, 2000. All previous written correspondence was distributed to the Planning Commission at the February 8 public hearing
- Attachment E: Written comments on the Urban Forestry amendment proposal from Planning Commissioner Howard Steward. Mr. Steward is not able to attend the meeting on February 22, 2000.

## ATTACHMENT A

### ZONING ORDINANCE AMENDMENT ANALYSIS APPROVAL CRITERIA OF ZO 904 AND ZO 905

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#### **904 REQUIREMENTS FOR ZONING TEXT AMENDMENTS**

**904.1 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:**

**A. *Applicable requirements of Section 1003.***

All requirements of Section 1003 have been met.

**B. *Reasons for requesting the proposed text amendments.***

The purpose of the proposed regulations are outlined in the Planning Commission and City Council staff reports, and are summarized below:

1. Protect the City's Trees and Urban Forest. An urban forest can improve air quality, offer noise control, beautify an area, promote neighborhood livability, prevent noise control, prevent erosion, improve water quality, provide wildlife habitat, and in some cases, improve property values.
2. Provide a tool for achieving the Vision of the City, Neighborhood Visions, and City Council Goals, and Comprehensive Plan policies. An urban forestry ordinance responds to issues relating to neighborhood livability and environmental sustainability. In previous years, the Planning Commission, City Council and neighborhood residents have not had tools to respond to concerns about the loss of trees during development on private property, public property and along streets in established neighborhoods. An urban forestry ordinance provides a tool to address these concerns.
3. Obtain Tree City USA status. A Tree City USA designation from the National Arbor Day Foundation gives Milwaukie national recognition as a community that values trees. To gain the designation, a city must have a community tree ordinance (the ordinance can protect trees on public property, private property or both), a Community Forestry Program, and a City Board or department to oversee the Community Forestry program.

**C. *Explanation on how the proposed text amendment is consistent with other provisions of this Ordinance.***

The proposed Zoning Ordinance amendments were written to provide standards and procedures relating to street trees and to the protection of trees at time of development. The proposed regulations are consistent with other development standards and procedures in the Zoning Ordinance.

**D. *The approval criteria of Section 905.***

See below.

**905 APPROVAL CRITERIA FOR ALL AMENDMENTS**

***For all proposals, the applicant shall have the burden of proof regarding the following criteria:***

**A. *The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with provisions of City ordinances, Metro Urban Growth Functional Plan, and applicable regional policies.***

The proposed regulations are consistent with the applicable Comprehensive Plan policies and objectives, particularly the Land Use--Neighborhood Element. The proposed regulations are also consistent with the Metro Urban Growth Functional Plan and regional policies.

**B. *The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.***

N/A. The proposed amendment does not involve a development proposal.

**C. *The proposed amendment will meet or can be determined to reasonably meet applicable regional, State or federal regulations.***

The proposed urban forestry zoning ordinance amendments are consistent with Statewide Planning Goals, regional, and federal regulations. See Statewide Planning Goal analysis below:

1. Citizen Participation: The proposed permitting provides an opportunity for neighborhood and citizen notice, and citizen appeal of a staff-level decision to the Planning Commission.
2. Planning: The proposed regulations establish a permitting process to implement the objectives of the urban forestry protection program. This is considered a "management implementation measure" under Goal #2.
3. Agricultural Lands: Not Applicable.
4. Forest Lands: The proposed regulations will provide an exemption for properties that are identified as Forest Land by the Clackamas County Assessor's Office, in order to preserve a property owner's ability to use forest lands for harvest and management, as identified in Statewide Planning Goal #4. The regulations also provide an exception for commercial nursery landscaping businesses that grow trees for sale.
5. Open Spaces, Scenic and Historic Areas, and Natural Resources: The proposed Urban Forestry regulations will further the overall objectives of Goal 5.
6. Air, Water, and Land Resources Quality. The proposed Urban Forestry regulations will protect the City's overall air, water, and land resources by giving the City of Milwaukie an opportunity to implement a program that "manages land conservation and development activities in a manner that accurately reflects the community's desires for a quality environment..."
7. Areas Subject to Natural Disasters and Hazards. While not the primary objective of the regulations, the Urban Forestry ordinance will retain vegetation in areas as a means to prevent erosion.
8. Recreational Needs: Not Applicable.
9. Economic Development: Not Applicable.
10. Housing: The Urban Forestry regulations should not impact the overall housing goals and objectives of the State of Oregon or Milwaukie,

because they will continue to allow for reasonable development as allowed in the underlying zone for private property. Measures such as variances and density transfers/clustering ensure that options for building appropriate densities remain available when the plan proposes to preserve existing trees.

11. Public Facilities and Services. Not Applicable.
12. Transportation: Not Applicable.
13. Energy Conservation: The proposed regulations are consistent with this goal.
14. Urbanization. The proposed Urban Forestry regulations are consistent with the objectives of this goal. Measures such as variances and density transfers/clustering ensure that options for building appropriate densities remain available when the plan proposes to preserve existing trees.
15. Willamette River Greenway. Not applicable.

**D. *The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.***

N/A. The proposed amendment does not involve a development proposal on a specific site.

## Urban Forestry Contacts and Comments

*Last revised February 15, 2000*

### Comments from Open House (January 19, 2000)

Name unknown	Less regulation, less government! This is an insult to my intelligence. How dare anyone suggest I need to ask permission. Please give us credit for being able to think. We are already overburdened with regulation. Private property is not the real issue.
Name unknown	I have lived in Milwaukie since 1946 and have a number of trees that need pruning every year. I am not in a position to pay every time they need pruning. I live on a fixed income. I am sorry but I don't agree with this proposal.
Name unknown	What is done if big tree is on adjoining lot and owner doesn't want to get permit to prune? Permit application process seems pretty complicated. Couldn't interns/volunteers be used to process applications to keep costs down? What will be done with permit fees? What is going to be done in planting of new trees?
Name unknown	I do not appreciate the City saying what we can do on our own property. The cost of the permit is bad. Most citizens know what is right or wrong on their own property.
Name unknown	You need to stop and first identify the problem: i.e. how big is it and address it specifically – development. This is yet another example of government interfering with my rights as a property owner. I am not a child and do not need to ask permission every time I want to do something. This is still the USA. If development is the problem, then work that issue!
Name unknown	Removal of trees larger than 18 inches should also have landscaping consideration if nothing will grow under a cedar tree. Should I be stuck with no grass or flowers because a tree I don't like is there?
Name unknown	I love trees and do everything to keep them growing and healthy. But, I don't like being told what to do or how much to pay for a permit to do anything on my property!
Name unknown	Don't tell me what I can or can't do with my trees.
Resident	I would like to see data (pilot studies, cased examples, etc.) regarding the big-term survivability of your policy and the affected trees. Also, your removal policy of "reasonable development or redevelopment of the property" is nebulous at best. Who decides that? What alternate tree-saving designs are there that do not add a lot of cost of us, the landowners? Also, this forum is completely unacceptable. You are presenting your ideas to a group but no facilitating group feedback. Basically, you are advertising your plan while ignoring the "silent majority" by this meeting. Many people do NOT feel comfortable talking one on one about this subject. It is a public issue. It needs a public discussion.
Joe Atkerson	Anything that has to do with private property needs to have a city vote.
Lorene & FW Barrett	To all concerned elected and appointed officials: We are paying in excess of \$200 a month to live in our home because of property taxes. With this in mind, we find it very intrusive of the city council to try to tell us what we must do and slip this atrocity past the sleeping voter. Again, we strongly disagree with this proposed ordinance and what seems to be the inception of an all new bureaucracy.
Kathy Carlman	Some of us neighbors have fruit trees and flowering trees and like to keep them short. The pruning permit is really bad – to keep us from that. Also, some of the older trees are on property lines and not too healthy and the neighbor refuses to remove them. Having a permit will make it even harder. I don't like this permit idea at all.
Bev Carlson	No restrictions without a vote. I don't want anyone regulating trees. This should be left up to the homeowner. Why not give out free trees instead of telling us what we cannot do and charging fees. First, don't have taproots that grow too tall for residence safety. California limits tree heights. Would you like me to gather more information about this?

**Comments from Open House (January 19, 2000) continued**

<b>Barbara Edmonds</b>	In your new plan I think it would be a good idea to consider the prevention of problems that might develop in the future. Perhaps, when a building permit is issued, the "urban forester" or staff could advise the homeowners/builders about planting too close to the property line. A few years down the road some trees get way out of hand and the neighboring property is bothered by too much shade, unwanted leaves/debris, or even dangerous limbs. Advice about tree growth, potential size, root stability, etc. would pay off in fewer future problems.
<b>Forris Frick</b>	A bureaucratic attempt to take away our civil rights in the name of beautification. Planting trees on city property is already established. It is the City's business to take care of it. Now they want to take away my rights to control my trees, which I do. This innocent sounding "urban forest legislation" will be very expensive.
<b>Pat Greene</b>	I am very supportive of this proposed regulation. One concern I have is for the thinning of stands to promote native species. It would be useful to spell out those circumstances in which entire plant communities would be managed. I would love to volunteer my 200 year-old oak tree as a significant tree – open grown with a full crown and no irrigation. I am a landscape architect (with the Forest Service) and would love to volunteer – so call me. It would be wonderful if an educational and/or incentive element could be included in this effort. People prune their trees so badly it would be better to just cut them down. We have a chance to leave an important, significant biological legacy for generations to come.
<b>Paul Hawkins</b>	You're barking up the wrong tree. I know – I own two acres of them.
<b>Larry Hultquist</b>	I am concerned for all the important issues ruining our city because you are so concerned with a love for trees. My mailbox keeps getting robbed. Last week some "hot wheels kids" ran over four of them. They drive past late at night with stereos blasting. They race through red lights but let's keep the livability of Milwaukee.
<b>Maggie Hultquist</b>	I do not believe the City has the right to tell people they cannot cut or trim trees on their own property. We have paid for this land and we pay property taxes and you need to mind your own business. If it's city or state owned, then you can do what you want. I love to have trees around but, if I choose to cut one down for whatever reason, I have the American right to do so.
<b>Edith Jones</b>	Proposals such as this should be put to the vote of the people. It's not fair that others tell us what we may do with trees on our property. Our property is very deep with many trees that need to be cut because of disease and age. Why should we be made to pay for a permit to improve our property?
<b>Shawn Means</b>	Why is this needed? Do we need such a regulatory burden to get "tree city" status? What is the benefit to me as a property owner of this regulation? Why should I agree to give the City say-so in how I choose to landscape my property.
<b>Steve Melnichuk</b>	This program should deal only with public property and not private property. Also, any final decisions by planner and, hence, city council, must be approved by a public vote!!
<b>Teri Melnichuk</b>	We are totally against this program. We were told by a staff member that this program was developed because citizens were concerned about developers. Make programs for developers and leave us alone!

**Comments from Open House (January 19, 2000) continued**

<b>Shane Moncrieff</b>	Has the City studied the impact to the budget for this program? The public should know the budget effect for such items as: permitting office; regular staff for approval process; significant tree inventory; enforcement; maintenance of public land. Please publish available information. Please provide better explanation of the potential impact to my property value because of this regulation. What has happened to the property values of other similar communities that have adopted similar regulations? Circumstances to apply for a permit are too restrictive. I live on one acre by Kellogg Creek. This property contains many trees. A particular grove of fruit trees requires pruning each year (maintenance). Permitting would be a time consuming process. Limit S/B raised to 10 or more in a calendar year for 10,000 – 50,000 properties.
<b>Donald &amp; Sally Myers</b>	We have been homeowners in Milwaukie since 1962. We and our neighbors have been maintaining our trees without any help? from the city all these years and we feel that these regulations would infringe on our constitutional rights, as we are the ones that own the property and pay taxes on our property including ones to the City of Milwaukie. Do not tell us what to do on our property.
<b>Ray Nuding</b>	I am a supporter of having trees in our neighborhood. I have planted many trees on my property as well as taken trees down that have died or blown over by windstorms. This proposal is way too excessive. There are times when I have neglected pruning my fruit trees and to catch up it is necessary to cut more than 20 percent in a year. I would think that fruit trees should be exempted from this proposal. It is my understanding that "totally dead" trees would also need a permit to remove them...maybe they could (should) be exempted also.
<b>Judy Reese</b>	I think allowing the trees to grow is a great idea. There are several old trees in Milwaukie and I do not feel a committee should determine which trees should come down. I believe contractors who do new building should get permission but private parties should be allowed to make their decisions on what should happen on their own property. If some people in Milwaukie want to keep the trees, why don't these people pay the permit fees? I for one can't always come up with \$25+ for a permit, plus pay for cutting down or pruning a large tree. I like the trees and wouldn't cut any down without good reason, but I don't think the government should be involved with this.
<b>AL Ritchie</b>	I am not aware of the Milwaukie public being unable to manage their trees. I also find it difficult to perceive city hall being concerned with aesthetics at the neighborhood level. As I write this I can look from my front window down Howe St. laden with trash and garbage.
<b>Francis Stohosky</b>	The private property clause in this ordinance will be fought. It is not necessary, and it is unwanted. I did not buy my property to have it regulated this way, and I will not bear the burden of/for others. This will be fought legally, financially, and by recall petition. Remove private property from the ordinance (continued.)The city has indicated it cannot establish a value or determine the effect on property values. I can. It will be significant and I will expect direct reimbursement from the city. If the city wishes to protect trees from development, the city should regulate the development – NOT the people who refuse to develop their property. Kill this. Remove private property from the ordinance. If the City wishes to "save trees", the City can buy the property. Reduce infill (housing – recall the last zoning change). I will not bear the burden for this. I will legally challenge it. I will hold the City accountable for all liability and loss of use.
<b>Susan Trotter</b>	I believe that the proposed regulations impinge too greatly on individual property rights. I agree with statements that apply to trees on public right of way and City property and removal of trees when seeking a building permit. I disagree with establishing a permit process for pruning and removing trees as needed on private property. I have planted the trees on my property and accept responsibility for their maintenance.

**Comments from Open House (January 19, 2000) continued**

<b>Patty Wisner</b>	I will comment in more depth after I've read the report more thoroughly, but my initial reaction is that this ordinance is too invasive for the average residential property. It "micro manages" personal property in an unnecessary way. It is too restrictive to personal property owners. Permit application fees are way too high - \$5.00 max would be reasonable. We need regulation to direct big developers and prevent them from destroying stands of trees. Pruning on private property should not be regulated.
<b>John Wyatt</b>	Trees on my property belong to that property. I am responsible for the care and maintenance of them. Unless the City plans to assume that responsibility, stay out of my business.
<b>Cathy Zacharias</b>	For the most part, I am all for saving the trees. I think it is great that Milwaukie is taking this on but I have some major concerns. We have many trees 18" in diameter and many need pruning. I didn't read anywhere as to how many trees could be taken out or pruned per permit. Is there a limit? 2. An arborist must determine whether or not a tree can be taken out. Who pays for the arborist to come out? 3. Where does the money for the permit go? What do you do with the money? 4. If I decide to add on to my house at a later time and I have many trees to be taken out (18" or significant or both)...is there a chance I would be declined the permit in order to preserve the trees?
<b>Ron Zacharias</b>	This idea sucks. The government trying tell us what to do. Their fingers into everything. The homeowner can't do anything by himself. Got pay tree arborist to do the job.

**Comments (written) from Planning Commission (February 8, 2000)**

<b>Name unknown</b>	I object to this totalitarian approach to managing the property of private citizens. If you want to control my trees, let's get an appraisal and maybe you can buy it. Otherwise piss off.
<b>Name unknown</b>	Education is the key to planting and maintaining trees. Do not restrict the basic rights of the homeowner—but do give them a list of trees that are not overly messy & will not outgrow their spot.
<b>Kathy Carlman</b>	I think workshops, classes would be nice on trimming. Benefit of trees. But that is it. This proposal is stupid. We have removed 2 trees in 4 yrs. because of dying. But we have planted at least 4 times that many. I don't feel that you should tell us what we can or can not do on our own property.
<b>Roger Cornell</b>	Remove any and all restrictions or regulations on private property!
<b>Sally Cushman</b>	Why don't you spend all your time on worrying about all the children that constantly live around the transit center. During school hours the kids hang around the corner store by Washington Mutual! Please put your time and energy into solving this Great Problem!! Why can't we make families accountable for these kids! When you drive Dt. all you see in the afternoon are these kids hanging out smoking. Why aren't these kids talked to. If they are then why do we have such a problem w/this! Why can't the people put to a vote for this tree ordinance??
<b>Rick DeVries</b>	NO to new tree ordinance.
<b>Kathryn L Elliott</b>	This is a slap in the face to all landowners, do it yourselfers and recyclers in Milwaukie. Let's keep government out of our yards and wallets. My yard My trees My say! Thank you.
<b>hen D Elliott</b>	I have trimmed my own trees for over 40 yrs. I do not need you or anyone else to tell me what or what not to do to my trees in my yard! All the chainsaws. Cost is prohibitive. You'll have people that are mad or want to get even with their neighbors or haggling. We trim for certain plants as well as the tree.
<b>Helen J Flint</b>	As a 46 year Milwaukie resident I have never observed indiscriminate tree removal or destruction by private homeowners—so why consideration of this ordinance now!?
<b>Gene Hatlelid</b>	I do not want any tree ordinance at all.
<b>Lorna Loomis</b>	I do not support regulations that apply to private residential property. I do not feel that there is a real need for such extensive regulations. Any regulations should apply to developers and new "flag-lot" properties and public property only. Please follow the wishes of the people! Thank you.
<b>Cathy Nebergall</b>	Why isn't this put to a vote to the people? Why can the City "OK" the development of flag lots, the removal of trees for development yet limit the private individual to their tree removal?
<b>Dale Phillips</b>	I do not agree to this proposal on private ownership land. I pay the taxes and I don't want the City using any of my dollars towards the ordinance. The expertise is in the private business in tree services not in the City of Milwaukie. Where are the dollars going to come from to manage this process? Red tape, government bureaucracy and where does spending money wisely come from?

**Comments (testified) from Planning Commission (February 8, 2000)**

<b>Teresa Bresaw</b>	See 2/8/00 PC Minutes.
<b>Jeff Brewer</b>	See 2/8/00 PC Minutes.
<b>Natalie Brewer</b>	See 2/8/00 PC Minutes.
<b>Kiernan Carney</b>	See 2/8/00 PC Minutes.
<b>Richard Cayo</b>	See 2/8/00 PC Minutes.
<b>Roger Cornell</b>	See 2/8/00 PC Minutes.
<b>Kathryn L Elliott</b>	See 2/8/00 PC Minutes.
<b>Gene Hatlelid</b>	See 2/8/00 PC Minutes.
<b>Walter Haynes</b>	See 2/8/00 PC Minutes.
<b>Ron Kitchin</b>	See 2/8/00 PC Minutes.
<b>Steve Melnichuk</b>	See 2/8/00 PC Minutes.
<b>Teri Melnichuk</b>	See 2/8/00 PC Minutes.
<b>Shane Moncrieff</b>	See 2/8/00 PC Minutes.
<b>Paul Munn</b>	See 2/8/00 PC Minutes.
<b>Gary Nebergall</b>	See 2/8/00 PC Minutes.
<b>Ron Silverman</b>	See 2/8/00 PC Minutes.
<b>Don Trotter</b>	See 2/8/00 PC Minutes.
<b>Sharon Van Horn</b>	See 2/8/00 PC Minutes.
<b>Donald Wertheimer</b>	See 2/8/00 PC Minutes.
<b>Julie Wisner</b>	See 2/8/00 PC Minutes.

## Comments from Phone/Office Contacts

Billy	Concerned with permit to prune every year.
Bonnie	What to do re: "Wild Trees."
Frank	Against regulations on private property. Was concerned that the staff and City Council might be railroading this proposal through without full consideration of the will of the people.
Name unknown	Hung up before being transferred.
Name unknown	Request that regulations be withdrawn.
Name unknown	Suggested that we rename Milwaukie "Little Tortuga". She feels that the regulations are the equivalent of city taking the resident's trees. She also doesn't feel that opinions of the people who oppose the regulations are given equal consideration as those who agree with the regulations.
Name unknown	Very opposed to the tree ordinance.
Name unknown	Totally against the tree ordinance. It will discourage people from taking care of their trees. It is a waste of taxpayer dollars. There is no need for the ordinance. It is a dumb plan.
Rene	Questions re: current usage/tree regulations.
Tony	Question about when regulation will take effect. Has a problem tree he wants down.
Sheri Adams	She is opposed to the regulations. She thinks that they interfere with individual property owners' rights.
David Aschenbrenner	Compared to other communities.
& Norma Childs	Discontented with the tree ordinance proposal. It is totally wrong.
y Cloverton	Protests the ordinance. It is ridiculous.
Barbara Delotta	Concerned about the costs associated with enforcing the regulations.
Alice Elmstom	Very concerned about the tree ordinance.
Linda Fuentes	Thought overall proposal is reasonable. Concerned about regulation of single trees.
Joe Garcia	The proposed tree ordinance is a crock of garbage
Pam Hahn	Concern with when ordinance would be passed.
Walter Haynes	Wants option.
Lois Hearing	Pruning questions, time to get permit, cost of permit, what is routine maintenance, qualifications of tree company.
Velma Hornstein	Resents having government influence her personal decisions about trees.
Gerry Kaylar	Want to be able to vote on issue. Seems to be concerned with pruning.
Gary Michael	Positive comments about the ordinance.
Darrell Miller	Suggested that the ordinance include a prohibition of certain invasive/nuisance tree species from both private and public property. These species are: Tree of Heaven and Corkscrew Willow.
Shane Moncrieff	Concerned that the process is moving too fast. What is the cost of the program? Concerned about the impact this program will have on the City budget Will the City need to hire an arborist? Would like to see comparative literature about how trees will increase property values.
Gary Nebergall	Safety concerns. City needs to be sure that City respects professional arborists' opinions. Concerned about private property regulations. Would rather see us regulate public property only. Where is the liability for the City?
y Netter	Strongly opposed to the tree ordinance. Can take care of his own trees. Doesn't need City intervention.
Dennis & Patricia O'Leary	Concerned about tree regulations. Against regulating private property.

**Comments from Phone/Office Contacts continued**

<b>Marcia Simonson</b>	Emergency issue.
<b>Floyd Slagger</b>	Against tree permits for tree trimming.
<b>Francis Stohosky</b>	Opposed to the private property part of regulations; not in keeping with mission statement from Tree Committee. Charge for the permit. Significant trees okay. Apply it only to development. Liability issues.
<b>Mike Vabrigghey</b>	Opposed to the tree ordinance. It is misguided.
<b>Georgia Volke</b>	Registered disapproval of the proposed tree ordinance.
<b>Donald Wertheimer</b>	A 46-year resident of Milwaukie. He feels that the proposed Urban Forestry regulations are: 1. not practical, 2. an invasion of resident's privacy, and 3. unenforceable.

## Urban Forestry Contacts and Comments

Last revised February 15, 2000

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<b>Comments from Letters</b>	
<b>RB Adams</b>	See staff report.
<b>Marla J Almeida</b>	See staff report.
<b>Teresa Bresaw</b>	See staff report.
<b>Bev Carlson</b>	See staff report.
<b>Richard Cayo</b>	See staff report.
<b>Earl D Cook</b>	See staff report.
<b>Forris Frick</b>	See staff report.
<b>Dave Green</b>	See staff report.
<b>Gene Hatlelid</b>	See staff report.
<b>Margaret Hatlelid</b>	See staff report.
<b>Linda Hatlelid</b>	See staff report.
<b>Walter Haynes</b>	See staff report.
<b>Donald A Hughart</b>	See staff report.
<b>Larry Hultquist</b>	See staff report.
<b>Thom Kaffun</b> Park Services Manager N Clack Parks & Rec Dist	See staff report.
<b>Steve Merrin</b>	See staff report.
<b>Sherry Munn</b>	See staff report.
<b>Nebergall</b>	See staff report.
<b>Shirley Shipley</b>	See staff report.
<b>Don Trotter</b>	See staff report.
<b>Stanley H Walker</b>	See staff report.
<b>Mr &amp; Mrs Edward West</b>	See staff report.
<b>John Wyatt</b>	See staff report.

**ATTACHMENT B****RECOMMENDED ACTION:**

Repeal existing Interim Urban Forestry Code in Section 16.32 and replace with new text as outlined below.

**SECTION 16.32 - MILWAUKIE MUNICIPAL CODE  
URBAN FORESTRY**

**Chapter 16.32**

**TREE CUTTING**

**Sections:**

~~16.32.010 — Definitions.~~

~~16.32.020 — Permit for major pruning or removal of street trees or trees in public right-of-way.~~

~~16.32.030 — Permit exemptions.~~

**Section 16.32.010 Definitions.**

The following definitions shall apply for terminology, used in this chapter:

— "Canopy" means area of the tree above the ground, including the trunk and branches, measured in mass or volume.

— "City" means the city of Milwaukie.

— "Cutting" means 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" means 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" means the tree is lifeless.

— "Drip line" means the perimeter measured at the outermost canopy.

— "Dying tree" means 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.

"ISA" means the International Society of Arboriculture.

— "Major pruning" means removal of over twenty percent of the trees canopy, or injury or cutting of over ten percent of the root system, during any twelve-month period.

— "Owner" means and includes, for the purposes of this chapter, any person with a freehold interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner's consent.

— "Person" means any individual, firm, association, corporation, agency, or organization of any kind.

— "Pruning" means 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" means the cutting or removing of fifty 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 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" means the area of the ground around the base of the tree measured from the trunk to five feet beyond the outer base of the branching system.

— "Street tree" means any tree located within a street right-of-way.

— "Topping" means 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" means 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. (Ord. 1836 § 1 (part), 1998)

**Section 16.32.020 ~~Permit for major pruning or removal of street trees or trees in public right-of-way.~~**

— A. Applicability. No person shall conduct major pruning or removal of any tree in a public right of way, without first receiving a permit issued by the city. Tree pruning, as defined in this chapter, shall not require a permit.

— B. Review Process.

— 1. 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.

— 2. 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.

— 3. The notice shall state that the tree removal permit 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 fourteen days of the date of the posting.

~~—4. The applicant shall mark each tree proposed to be removed by tying or attaching yellow plastic tagging tape to the tree four to six feet above mean ground level at the base of the trunk.~~

~~—5. 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.~~

~~—6. 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.~~

~~—7. The major pruning or tree removal permit shall not be issued for fourteen 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 fourteen days.~~

~~—C. Approval Standards. The community development director shall issue a permit for major pruning or removal of trees in a right of way, only if the following criteria are satisfied:~~

~~—1. The proposed work will be done according to ISA standards, and qualified persons will perform the work; and one or more of the following criteria are satisfied;~~

~~—a. It is determined by the arborist that the tree is dead or dying and cannot be saved, according to current ISA standards.~~

~~—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 that extraordinary maintenance is required to prevent damage to such improvements or property.~~

~~—c. The tree has lost its relative 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.~~

~~—d. 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.~~

~~—D. All work performed on street trees pursuant to a permit issued by the community development director under this section shall be done within a sixty-day period from the issuance of said permit, or within a longer period as specified by the community development director. (Ord. 1836 § 1 (part), 1998)~~

#### **Section 16.32.030 Permit exemptions.**

~~—A. Dangerous Tree. If a tree is determined to be a dangerous tree, the community development director may issue an emergency removal permit. The removal shall be in accordance with the ISA standards and be the minimum necessary to eliminate the imminent danger.~~

~~—B. Maintenance. Regular maintenance or pruning which does not require removal of over twenty percent of the trees canopy, tree topping, or disturbance of over ten percent of the root system during any twelve month period.~~

~~—C. Tree cutting anywhere but in a public right of way. (Ord. 1836 § 1 (part), 1998)~~

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PROPOSED NEW CODE TEXT

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SECTION 16.32 - MILWAUKIE MUNICIPAL CODE  
URBAN FORESTRY

**16.32.010 Purpose**

The purpose of this Section is to implement an Urban Forestry Program, based on Tree City USA standards, to increase the existing stock of trees by insuring that more trees are planted, and to provide protection for existing 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.

**16.32.020 Definitions**

**Canopy:** Area of the tree above ground, including the trunk, branches, and foliage.

**Dbh:** The largest diameter of a tree measured 4 feet above ground level.

**Drip line:** The perimeter of the area underneath a tree's canopy.

**Dying tree:** A tree that 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 which form a visual and biological unit.

**ISA:** International Society of Arboriculture.

**Major pruning:** Pruning of over 20 percent of a tree's canopy, or injury or cutting of over 10 percent of the root system, during any 12-month period.

**Owner:** The owner of real property and any person acting for or under the rights of the owner, including any lessee, agent, employee, or other.

**Pruning:** Trimming or removing any part of the structure of a tree in either the crown, trunk, or root areas.

**Public place:** Any property owned by the City or the North Clackamas Parks and Recreation District, in fee, not including right-of-ways.

**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.

**Significant tree or grove of trees:** A tree or grove of trees designated as significant pursuant to Section 16.32.060. Each tree in a significant grove of trees is a significant tree.

**Street tree:** Any tree located within an improved or unimproved street right-of-way.

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

#### **16.32.030 Tree Care Professional License Requirement**

Any person who receives compensation for removing, pruning, or trimming trees in the City of Milwaukie shall hold a valid State Landscape Contractor's license and a City of Milwaukie Business License.

#### **16.32.040 Street Trees and Trees in Public Places**

##### **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 street tree or tree in a public place without a permit issued by the City. No person shall conduct any pruning of a tree in a public place without a permit issued by the City. This Section does not apply to significant trees or groves of trees.

## 2. Review Process

Applications submitted in connection with land use applications subject to a quasi-judicial review shall be processed according to either Zoning Ordinance Section 1011.3 or 1011.4, as appropriate. All other applications for a tree removal permit shall be processed as a Type I Administrative review under Zoning Ordinance Section 1101.1. For all tree removal permit applications, the following procedures shall apply in addition to the otherwise applicable procedures:

- a. The City shall provide a weatherproof notice of the permit application to the applicant. The applicant shall post the notice on the property, in a location that is clearly visible to vehicles traveling on a public street and to pedestrians walking by the property.
- b. The notice shall state that the tree removal permit(s) are pending for trees on the property marked by a yellow plastic tagging tape and shall include the date of posting. For permits subject to a Type I process, the notice shall state that any person may request that a hearing be held on the application by filing a written request for a hearing within 10 days of the date of the posting. If the permit is subject to a quasi-judicial process, the date of the hearing shall be listed.
- c. The applicant shall mark each tree proposed to be removed or subjected to major pruning 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. The tagging tape shall remain on the tree until the permit is denied or the action authorized by the permit occurs.
- d. Within one working day of the date that the application is deemed complete, the City shall send a letter to the neighborhood district association Chair for the area, to notify the association of the permit request.
- e. 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.
- f. If the permit is subject to a Type I process, the tree removal permit shall not be issued for 10 days from the date of filing of the affidavit to allow for the filing of a request for a hearing.

- g. If a public hearing is requested, the application shall follow the procedures of Section 1011.3, Minor Quasi-Judicial review. The Director or applicant may immediately request a public hearing if it appears that the application has potential for controversy or there is difficulty in applying the applicable criteria. If no request for a public hearing is received by the Planning Director, the Director may grant the application, either with or without conditions, without a hearing, if applicable criteria are met.
- h. The Planning Director shall provide notice of the final decision to the applicant, property owner, and all interested persons who inquired about the permit request. If the permit is subject to a Type I process, any action or ruling of the Planning Director may be appealed to the Planning Commission within 15 days after the Planning Director has rendered his or her decision. If an appeal is requested, the application shall follow the procedures of Section 1011.3, Minor Quasi-Judicial review.
- i. If a permit is issued, the permit shall be conspicuously displayed on the site while any actions authorized by the permit are considered.

3. Approval Standards

The Planning Director shall issue permits 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 pruning according to ISA standards.
- b. It is determined by an arborist that the tree is dead or dying 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.
- e. That the tree has been determined by a certified arborist to be unsafe to pedestrian or vehicular traffic, threaten to cause disruption of public services, or pose a safety hazard to persons or buildings. If an imminent hazard exists, as established by

inspection, the Planning Director may issue an emergency permit for removal. The emergency removal shall be accomplished in accordance with ISA standards and be the minimum necessary to eliminate the imminent danger.

- f. The removal or pruning is necessary to allow reasonable development or redevelopment of the right-of-way or public place. The applicant shall demonstrate that any alternative designs that would reduce the extent of tree removal and major pruning were considered. The approval authority may deny the application if other alternative designs are possible which result in greater tree protection without significantly increasing the cost of the development sought by the applicant. No permit shall be issued unless existing trees are protected:
  - i. along natural drainageways and water areas to preserve riparian habitats and to minimize erosion;
  - ii. along property lines to serve as buffers to adjacent property; and
  - iii. where consistent with development, in sufficiently large areas and in dense stands.

#### 4. Expiration

All work performed on street trees or trees in a public place pursuant to a permit issued by the Planning Director under this Section shall be done within a 60-day period from the issuance of the permit, or within a longer period as specified in the permit. All major pruning and removal of trees in the right-of-way by persons other than the City shall be performed by licensed Landscape Contractors.

#### 5. Conditions of Approval

The Planning Director may condition the permit with a requirement to replace any removed tree to ensure compliance with this Section. Any replacement trees shall have a minimum dbh of 2 inches. In such case, the full cost of removal and replacement shall be borne by the permittee.

### B. Planting - Street Trees and Trees in Public Places

#### 1. Applicability

No person shall plant a street tree or a tree in a public place without a permit issued by the City.

2. Review Process

An application for a permit to plant a street tree or tree in a public place shall be processed as a Type I Administrative Review under Zoning Ordinance Section 1011.1. The following procedures shall apply in addition to the procedures of Zoning Ordinance 1101.1:

- a. A planting plan shall be submitted as part of the application, in a form and detail as prescribed by the Planning Director.
- b. Planting procedures must follow ISA standards.

3. Approval Standards

The Planning Director shall issue permits to plant street trees when the proposed trees and their location and spacing are consistent with the Milwaukie Urban Forestry Master Plan, once adopted, and any street tree manual adopted under the Urban Forestry Master Plan. The Planning Director may issue permits to plant trees in public places when the proposed trees and their location and spacing are consistent with the Milwaukie Urban Forestry Master Plan and with the controlling agency's intended use of the public place. The Planning Director shall deny any request to plant a tree in a public place if the controlling agency responsible for the public place objects to the planting of the tree.

**16.32.050 Tree Removal on Private Land**

A. Applicability

- 1. Unless excepted under Section 16.32.050(a)(2), a Tree Removal Permit must be obtained for:
  - a. The removal or major pruning of any 18-inch or larger dbh tree.
  - b. The removal or major pruning of 4 or more 6-inch or larger dbh trees in any single calendar year on a single parcel of land or contiguous parcels of property under the same ownership totaling 10,000 square feet or larger.

2. Exemptions:

- a. The removal or major pruning of significant trees or significant groves of trees. Significant trees and groves may be removed or subjected to major pruning only pursuant to Section 16.32.060.
- b. The removal or major pruning of trees in a commercial nursery as part of the commercial nursery operation. A commercial landscaping business that grows its own trees for sale shall be considered a commercial nursery. The sale of one or more trees as timber for commercial timber value shall not be considered part of a commercial nursery operation.

B. Tree Removal Permit

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

1. Review Process

Applications submitted in connection with land use applications subject to a quasi-judicial review shall be processed in accordance with either Zoning Ordinance Section 1011.3 or Section 1011.4, as appropriate. All other applications for a tree removal permit shall be processed as a Type I Administrative review under Zoning Ordinance Section 1101.1. For all tree removal permit applications, the following procedures shall apply in addition to the otherwise applicable procedures:

- a. The City shall provide a weatherproof notice of the permit application to the applicant. The applicant shall post the notice on the property, in a location that is clearly visible to vehicles traveling on a public street and to pedestrians walking by the property.
- b. The notice shall state that the tree removal permit(s) are pending for trees on the property marked by a yellow plastic tagging tape and shall include the date of posting. For permits subject to a Type I process, the notice shall state that any person may request that a hearing be held on the application by filing a written request for a hearing within 10 days of the date of the posting. If the permit is subject to a quasi-judicial process, the date of the hearing shall be listed.
- c. The applicant shall mark each tree proposed to be removed or subjected to major pruning 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. The tagging tape shall remain on the tree until the permit is denied or the action authorized by the permit occurs.

- d. Within one working day of the date that the application is deemed complete, the City shall send a letter to the neighborhood district association chair for the area, to notify the association of the permit request.
- e. 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.
- f. If the permit is subject to a Type I process, the tree removal permit shall not be issued for 10 days from the date of filing of the affidavit to allow for the filing of a request for a hearing.
- g. If a public hearing is requested, the application shall follow the procedures of Section 1011.3, Minor Quasi-Judicial review. The Planning Director or applicant may immediately request a public hearing if it appears that the application has potential for controversy or there is difficulty in applying the applicable criteria. If no request for a public hearing is received by the Planning Director, the Director may grant the application, either with or without conditions, without a hearing, if applicable criteria are met.
- h. The Planning Director shall provide notice of the final decision to the applicant, property owner, and all interested persons who inquired about the permit request. If the permit is subject to a Type I process, any action or ruling of the Planning Director may be appealed to the Planning Commission within 15 days after the Planning Director has rendered his or her decision. If an appeal is requested, the application shall follow the procedures of Section 1011.3, Minor Quasi-Judicial review.
- i. If a permit is issued, the permit shall be conspicuously displayed on the site while any actions authorized by the permit are considered.

2. Approval Standards

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

- a. Sufficient trees are preserved:

- i. along natural drainageways and water areas to preserve riparian habitats and to minimize erosion;
    - ii. along property lines to serve as buffers to adjacent property; and
    - iii. in sufficiently large areas and in dense stands.
  - b. The trees to be removed have been determined by a certified arborist to be unsafe to pedestrian or vehicular traffic, threaten to cause disruption of public services, or pose a safety hazard to persons or buildings. If an imminent hazard exists, as established by inspection, the Planning Director may issue an emergency permit for removal. The emergency removal shall be accomplished in accordance with ISA standards and be the minimum necessary to eliminate the imminent danger.
  - c. The trees to be removed are dying or weakened by other injury to an extent that preservation is inadvisable.
  - d. The removal is necessary to allow reasonable development or redevelopment of the property in accordance with the permitted uses and standards of the underlying zone. If the removal is connected with development or redevelopment, the applicant shall demonstrate that any alternative designs that would reduce the extent of tree removal and pruning were considered. The approval authority may deny the application if other alternative designs are possible, which result in greater tree protection without significantly increasing the cost of the development sought by the applicant. No permit shall be issued unless existing trees are protected as follows:
    - i. along natural drainageways and water areas to preserve riparian habitats and to minimize erosion;
    - ii. along property lines to serve as buffers to adjacent property; and
    - iii. where consistent with development, in sufficiently large areas and in dense stands.
3. Conditions of Approval

The approval authority may attach conditions of approval to ensure compliance with this section including but not limited to a requirement to plant and maintain one or more replacement trees with a minimum

diameter of 2 inches dbh. In such case, the full cost of replacement shall be borne by the permittee.

**16.32.060 Significant Trees and Groves of Trees**

A. Significant Tree Designation

1. Inventory of Potentially Significant Trees and Groves of Trees

a. The Planning Director shall conduct an inventory of trees and groves of trees within the city that meet the criteria for designation as significant. 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 inclusion in the inventory.

b. The Planning Director shall update the inventory periodically.

2. Designation of Significant Trees

a. The City Council, Parks and Recreation Board, 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. If a person other than the property owner recommends designation, the property owner will be asked whether the property owner would agree to the designation. If the property owner does not agree, no further action will be taken.

b. If the tree proposed for designation as significant is included on the inventory of potentially significant trees and the property owner consents to the designation, the Planning Director will designate the tree as a significant tree.

c. If the tree proposed for designation has not been included in the inventory of potentially significant trees, the Planning Director shall determine whether the tree meets the criteria for designation as significant. If the tree meets the criteria for designation and the property owner consents, the tree will be designated as a significant tree. The Planning Director shall create and maintain an inventory of all trees that have been designated as significant. The inventory of potentially significant trees and the inventory of trees that have been designated as significant may be combined in a single document.

### 3. Designation Criteria

#### a. Individual Significant Trees

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

- i. The tree has a distinctive size, shape, age, or location that warrants significant status.
- ii. The tree has special botanical significance as a specimen in the Milwaukie area and larger Portland Metropolitan area.
- iii. 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.
- iv. The tree is significant based upon its association with historic figures, properties, or general growth and development of the city, as determined by the Historic Review Commission.

#### b. Significant Groves of Trees

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

- i. The grove is relatively mature and is in a state of health that warrants preservation.
- ii. 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.
- iii. The grove is comprised of a unique species, including but not limited to, Oregon White Oak, Giant Sequoia, Dogwood, and other native and nonnative species.
- iv. The grove has a crucial functional and/or aesthetic relationship to a natural resource or wildlife habitat.
- v. 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.

- vi. The grove is 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.
- vii. The grove has aesthetic qualities worth preserving based on its visibility from the right-of-way or public streets.
- viii. The grove has a significantly high value as determined by the ISA's "Guide for Plant Appraisal."

B. Removal of Significant Trees

1. Applicability

This Section applies only to removal of significant trees, as designated in accordance with Section 16.32.060(A).

2. Review Process

- a. An application for removing a significant tree shall be submitted to the Community Development Department on forms provided by the Planning Director.
- b. The property owner or authorized agent must submit information on the location and size of the parcel; a scaled site plan showing the location, type, and size of the tree(s) in question; and the reason for the desired action.
- c. If justification for removal is based upon the health of the tree, and a visual inspection by the Planning Director cannot establish that the tree or grove is dead or dying, the applicant shall submit a report from an ISA-certified arborist attesting to the condition of the tree or grove.
- d. Applications will be processed as a Minor Quasi-Judicial review under Milwaukie Zoning Ordinance Section 1011.3. The applicant must comply with the notice, marking, and permit display requirements of Section 16.32.050(B)(1).

## 2. Approval Standards

The application for removal of a significant tree, for reasons other than the health of the tree, shall be approved 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 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. The tree to be removed has been determined by a certified arborist to be unsafe to pedestrian or vehicular traffic, threaten to cause disruption of public services, or pose a safety hazard to persons or buildings. If an imminent hazard exists, as established by inspection, the Planning Director may issue an emergency permit for removal. The emergency removal shall be accomplished in accordance with ISA standards and be the minimum necessary to eliminate the imminent danger.
- d. The removal is necessary to allow reasonable development or redevelopment of the property in accordance with the permitted uses and standards of the underlying zone. If the removal is connected with development or redevelopment, the applicant shall demonstrate that any alternative designs that would reduce the extent of tree removal and pruning were considered and that alternative designs are impossible or impracticable. No permit shall be issued unless existing trees are protected as follows:
  - i. along natural drainageways and water areas to preserve riparian habitats and to minimize erosion;
  - ii. along property lines to serve as buffers to adjacent property; and
  - iii. where consistent with development, in sufficiently large areas and in dense stands.
- e. If the tree is dead or it is determined by an ISA-certified arborist that it cannot be saved, the application shall be approved.

C. Major Pruning of Significant Trees

1. Applicability

This Section applies only to major pruning of significant trees, as designated in accordance with Section 16.32.060(A).

2. Review Process

- a. An application for major pruning of significant trees shall be submitted to the Planning Department on forms provided by the Planning Director.
- b. The property owner or authorized agent must submit information on the location and size of the parcel; a scaled site plan showing 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. The City shall require the verification of any stated tree illness by an ISA-certified arborist, paid at the expense of the applicant.
- c. Applications for Major Pruning shall be processed as a Type I Administrative review under Zoning Ordinance Section 1101.1. The applicant shall comply with the notice, marking, and permit display requirements of Section 16.32.050(B)(1).
- d. If an imminent hazard exists, as established by inspection, the Planning Director may issue an emergency permit for major pruning without a hearing before the Planning Commission. The major pruning shall be conducted in accordance with ISA standards and be the minimum necessary to eliminate the imminent danger.

3. Approval Standards

An application for major pruning shall be approved if the major pruning is conducted in accordance with 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 an ISA-certified arborist to be unsafe to the pedestrian or vehicular traffic, threaten to cause disruption of public services, or pose a safety hazard to persons or buildings. Major pruning is necessary to resolve the problem.

D. Conditions of Approval

1. All permits for removal or major pruning of significant trees shall be issued subject to the following conditions:
  - a. Trees 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.
2. The approval authority may attach conditions of approval to ensure compliance with this section including, but not limited to, a requirement to plant and maintain replacement trees for all trees removed. In such case, the full cost of removal shall be borne by the owner.

### **16.32.070 PENALTIES AND MITIGATION**

A. Voluntary Compliance and Penalties

Any violation of the terms of this title, or conditions of approval of any permit issued, is a civil infraction. Each calendar day of violation is a new infraction. 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 City may commence proceedings against the violator under the civil infraction procedures of Chapter 1.08 of this Code and take any other action against the violator allowed by law.

B. Nuisance Declared.

The violation of any provision of Chapter 16.32 is a nuisance and may be abated pursuant to Section 8.04.

C. Compliance Process

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 agreement approved by the Planning Director;
  - b. payment of a fine. The fine 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; and
  - c. appropriate mitigation measures as described in subsection 16.32.070(C).
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 be required to pay a forfeiture of \$500 or the equivalent of 3 times the appraised value of the tree, whichever is greater. Any judgment in favor of the City in a civil infraction proceeding under this section shall include an award of attorney fees.

D. Mitigation

1. Mitigation shall be required if:
  - a. Any tree is removed or seriously damaged in violation of this title.
  - b. A tree is removed or seriously damaged based on a permit application that contained false or misleading information.

Mitigation may be required as a condition of permit issuance.

2. Mitigation may take one or more of the following forms:
  - a. The planting of one or more trees of a type and size approved by the City. If the mitigation is required to compensate for removal of a tree, the replacement shall result in equal or greater relative value. 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. The value shall be no less than as specified in the ISA's "Guide for Plant Appraisal."
  - c. The planting of one or more trees of a species acceptable to the City, in which the cumulative caliper size of the replacement trees equal the cumulative caliper size of the removed tree(s).

3. Mitigation shall be completed within one year. The owner shall be responsible for the continued health of the new tree(s) including regular watering and maintenance.
4. No final inspection shall be scheduled and no occupancy permit shall be issued for any property where mitigation has been required for violation of this Chapter if the mitigation, other than ongoing care, has not been completed. Any land use approvals for property where mitigation has been required but not completed shall condition issuance of occupancy permits on completion of the mitigation.

E. Other Penalties

Violations of this Title are subject to the mitigation requirements described above plus any penalties set forth in the Milwaukie Municipal Code. The remedies set forth in this Chapter are cumulative and do not limit the City from taking any other legal action.

**RECOMMENDED ACTION:**

**Amend Chapter 2.16.010(G) to give the Planning Commission authority to consider and conduct public hearing for tree pruning and removal permits. See recommended language below.**

## Chapter 2.16

**PLANNING COMMISSION\*****Section 2.16.010 Established--Purpose.**

The planning commission is lawfully established for the purpose of reviewing and advising on matters of planning and zoning according to the provisions of the comprehensive plan, zoning ordinance, and other planning implementation documents. The commission shall be responsible for, but is not limited to, the following activities:

A. Keeping current the comprehensive plan and implementing ordinances for the city and urban growth boundary as applicable;

B. Preparing as necessary legislation that will implement the purposes of the comprehensive plan;

C. Recommending to the city council plans for regulating future growth, development and beautification of the city, and to review and recommend on regional issues and concerns;

D. Recommending and making suggestions to the council concerning;

1. The laying out, widening, extending, and locating of public thoroughfares, parking of vehicles and relief of traffic congestion,

2. Betterment of housing and sanitation conditions,

3. Establishment of districts for limiting the use, height, area, bulk, and other characteristics of buildings and structures related to land development,

4. Protection and assurance of access to incident solar radiation, and

5. Protection and assurance of access to wind for potential future electrical generation or mechanical application;

E. Recommending to the city council plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants' sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities;

F. Recommending to the city council plans for promotion, development and regulation of industrial and economic needs of the community with respect to business and industrial pursuits;

G. Considering and conducting public hearings on the comprehensive plans and zoning ordinances and similar matters which may include, but are not limited to, zone changes, conditional uses, subdivisions, partitions, and tree pruning or removal permits.

H. Performing all other acts and things necessary to properly carry out the provisions of ORS Chapter 227 that are not specifically addressed by local ordinances and procedures; and

I. Such other activities as the council may assign. (Ord. 1802 § 1 (part), 1996)

**Section 2.16.020 Membership--Qualifications.**

A. The commission shall consist of seven members appointed by the council, no more than two of whom may be nonresidents. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

B. No more than two voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individual, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. (Ord. 1802 § 1 (part), 1996)

**Section 2.16.030 Statement of economic interest.**

Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission. (Ord. 1802 § 1 (part), 1996)

**RECOMMENDED ACTION:**

**Add sections to Chapter 2.12.010 to give the Parks and Recreation Board authority to oversee master planning and other long range planning actions related to Urban Forestry. See recommended language below.**

## Chapter 2.12

**PARK AND RECREATION BOARD\*****Section 2.12.010 Established--Purpose.**

The park and recreation board is established for the purpose of advising and making recommendations to the city council regarding Milwaukie's recreation programs and facilities. The board shall be responsible for, but is not limited to, the following activities:

A. Surveying recreation and leisure time needs through the neighborhood associations and recommending the roles the city should or ought to pursue in meeting such needs;

B. Serving in an advisory capacity to the city council on the location, service areas, siting, standards, class, number and needs for existing and future parks within the community;

C. Identifying desirable future park locations consonant with established plans and standards;

D. Ensuring the development of a master plan for each park site;

E. Exploring the feasibility of meeting community park and recreation needs through consolidating grounds and programs with local schools;

F. Identifying park acquisition and development priorities and recommending methods of financing;

G. Establishing, evaluating and monitoring maintenance standards of city parks and advising council of the status; and

**H. Developing an Urban Forestry Master Plan for review and adoption by the City Council and recommending amendments to City regulations related to the Urban Forestry Master Plan.**

**I. Recommending actions relating to planting and maintaining trees in parks and public street right-of-ways and determining the appropriate types of trees to be planted in parks and right-of-ways.**

**J. Working with other City boards, commissions, and departments; other agencies; volunteer organizations; and individuals to distribute educational and promotional material regarding the protection, maintenance, removal, planting, and beneficial effects of trees.**

K. Such other activities as the council may assign. (Ord. 1801 § 3 (part), 1996)

**Section 2.12.020 Membership--Qualifications.**

The board shall consist of seven members appointed by the council, all of whom must be city residents. Whenever possible, persons will be appointed who have demonstrated interest, experience, or expertise in some area of parks, recreation or related services. (Ord. 1801 § 3 (part), 1996)

**RECOMMENDED ACTION:**

Add Section 17.28.020(Q) "Street Trees" as a new design standard for subdivisions.

TITLE 17 — MILWAUKIE MUNICIPAL CODE  
SUBDIVISIONS

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 or partition in accordance with:

1. The Urban Forestry Master Plan and any manual prepared pursuant to the Urban Forestry Master Plan.
3. Standards and planting permit requirements of Milwaukie Municipal Code Section 16.32.040(B) and Zoning Ordinance Section 1600.
4. The timing for installation and security requirements of other public improvements as prescribed in Section 17.20.060.

**RECOMMENDED ACTION:**

Replace Section 17.32.040(F) with new language to be consistent with the new Urban Forestry regulations.

TITLE 17 — MILWAUKIE MUNICIPAL CODE  
SUBDIVISIONS

CHAPTER 17.32

PARTITIONING

Section 17.32.040 Flag lots.

Flag lots may be created by partitioning under the following conditions:

~~F. Tree Mitigation~~

~~All trees 6 inches or greater in diameter, as measured at the lowest limb, or 4 feet above the ground, whichever is less, shall be preserved. Where trees are required to be removed for site development, at least one evergreen or deciduous tree, of a species known to grow in the region, shall be planted at an appropriate ratio as mitigation for tree removal. At planting, deciduous trees shall be a minimum of 2-inch caliper and evergreen trees shall be a minimum of 5 feet tall. This standard shall control until the City adopts an urban forestry ordinance to superseded this provision.~~

F. Tree Removal and Replacement

If tree removal or major pruning is proposed as part of an application for flag lots, the tree removal or major pruning shall be consistent with Zoning Ordinance Section 1605.

**RECOMMENDED ACTION:**

**Add Section 17.36.020(K) as a new required improvement for subdivisions.**

**TITLE 17 — MILWAUKIE MUNICIPAL CODE  
SUBDIVISIONS**

**IMPROVEMENTS**

**Sections:**

**Section 17.36.020 Required Improvements.**

If any part of the subdivision is within the city, the following improvements shall be installed at the expense of the subdivider.

**K. Street Trees.**

**Street trees shall be installed in accordance with the Urban Forestry Master Plan and any manual prepared pursuant to the Urban Forestry Master Plan.**

**RECOMMENDED ACTION:**

**Add Section 17.40.030 "Tree Removal" as a new Environmental Standard for subdivisions. The new standard requires compliance with the Tree Protection and Tree Removal requirements outlined in Zoning Ordinance Section 1605.**

**TITLE 17 — MILWAUKIE MUNICIPAL CODE  
SUBDIVISIONS****Chapter 17.40****ENVIRONMENTAL STANDARDS****Sections:****Section 17.40.010 Environmental protection.**

Developments approved through this title must conform to the requirements of the environmental protection subpart of the community development ordinance (Title 16 of this code). Particular note should be made regarding requirements relating to excavation in landslide-prone areas. (Ord. 1440 § 9.01, 1979)

**Section 17.40.020 Solar energy.**

Street and orientation of lots shall be designed to take maximum advantage of solar energy potential. (Ord. 1440 § 9.02, 1979)

**Section 17.40.030 Tree removal.**

**If tree removal or major pruning is proposed as part of an application to subdivide or partition property, the tree removal or major pruning shall be consistent with Zoning Ordinance Section 1605.**

**RECOMMENDED ACTION:**

**Adopt a new Zoning Ordinance Section 1600 "Urban Forestry." This ordinance works together with Municipal Code Section 16.32 to provide standards and procedures for protection of trees during development.**

**SECTION 1600  
URBAN FORESTRY**

**1601 PURPOSE**

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The purpose of this Section is to provide standards and procedures relating to street trees and to the protection of trees at the time of development.

**1602 APPLICABILITY**

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The standards and procedures of Section 1600 shall apply to all new development and redevelopment for which a building permit is required.

**1603 DEFINITIONS**

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The definitions of Milwaukie Municipal Code Chapter 16.32 apply to this Section.

**1604 STREET TREES**

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Street trees are required for any construction, renovation, expansion, or alteration of an existing use or portion of a use that is adjacent to an improved public right-of-way and has a development permit value that exceeds 50 percent of the assessed value of the land. Permit value shall be determined by the Building Official. A street tree planting permit must be obtained as provided in Milwaukie Municipal Code Section 16.32.040(B). The location and spacing of street trees shall be consistent with the Milwaukie Urban Forestry Master Plan, once adopted, and any street tree manual adopted under the Urban Forestry Master Plan. Existing street trees may be used to meet the requirement, if the location and spacing is consistent with the Milwaukie Urban Forestry Master Plan and any street tree manual adopted under the Urban Forestry Master Plan.

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.

**1605 TREE REMOVAL AND PROTECTION**

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**1605.1 Tree removal permit**

**A. Applicability**

1. This Section applies to the removal and major pruning of trees 6 inch dbh or larger during any construction, reconstruction, renovation, expansion, or

alteration of an existing use or structure for which a building permit is required, except as exempted in 1605.1.A.2.

2. The following activities are not subject to Section 1605:
  - a. The removal and major pruning of 3 or fewer trees with a dbh of less than 18 inches.
  - b. The removal or major pruning of significant trees and significant groves of trees. Significant trees and significant groves of trees may be removed or subjected to major pruning only in compliance with Section 16.32.060 of the Milwaukie Municipal Code.
  - c. Activities relating to trees in right-of-ways and public places. Trees in right-of-ways and public places are subject to Milwaukie Municipal Code Section 16.32.040.

B. Application information

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

1. A site plan showing the location, size, and species of all trees of 6-inch dbh or greater and any significant tree or grove. Groves of trees to be protected do not need to have each tree individually delineated; however, the number of trees in each grove shall be included. The site plan shall indicate which trees are to be preserved and which trees are to be removed.
2. Information justifying any 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 for all trees proposed to be preserved consistent with the standards of 1605.2.B, which indicates how those trees or groves will be protected from soil compaction, construction activities, grade changes, and soil erosion. This protection plan may 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 Planning Director may request the verification of a qualified arborist, at the property owner's expense, to confirm the health of the trees.

C. Review process

The approval authority shall be the decision-making authority for the related development application. A tree removal permit pursuant to Section 16.32.050 of the Milwaukie Municipal Code must be obtained for the removal or major pruning of trees subject to this Section. Tree removal and major pruning in connection with development must comply with both this Section and Section 16.32.050 of the Milwaukie Municipal Code.

## D. 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.
4. Relocating the proposed structure(s) to retain trees, if the relocation can be accomplished without increasing costs to the proposed development by more than 2 percent of the total improvement value, excluding land cost.
5. Planting and maintaining replacement trees with a minimum diameter of 2-inch dbh, unless a different size requirement is specified by the approval authority.

**1605.2 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, consistent with the terms of any tree permit approval, showing required protection measures prior to issuance of building permits. When construction is proposed within a significant grove, or when significant trees are located within a site proposed for development, a plan outlining these protection measures shall be prepared by an ISA-certified arborist.

## B. Protection measures

Protection of trees to be retained shall 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 fencing, or placing 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 is to be raised adjoining a tree to be retained, 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 tree's 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 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 shall be kept within this area. Exceptions to this distance may be approved upon a favorable report by a certified arborist.
8. Before starting 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).

## **1606 DENSITY TRANSFER AND CLUSTERING**

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### **1606.1 Density transfer defined**

Density transfer is the result of the authorization, through a City land use approval for the increase of allowable density on one lot through the placement of density restrictions on another lot. The lots affected by the density transfer shall be treated as a single lot for zoning regulation purposes, and the density of the use on the combined lots may not exceed the zone limitations.

### **1606.2 Clustering defined**

Clustering is the placement of various elements of a development on a single lot in an arrangement that would not otherwise be permitted by the zone limitations.

### **1606.3 Approval criteria**

Density transfer and/or clustering may be approved if the following requirements are met:

- A. tree removal is not feasible or is less desirable than preservation, taking into account any adverse impacts from the density transfer;
- B. the natural resource value of the trees is such that removal of the trees is not desirable;
- C. the density standards of the primary zone are not exceeded for the overall properties involved; and

- D. the treed area is preserved by:
1. designation as a common area to be protected as a natural area by a home owner's association or enforceable restrictive covenants not subject to modification without approval of the City; or
  2. other measures offering equivalent protection as approved by the City Attorney.

**1606.4 Review process**

The Planning Commission shall review applicable development requests involving density transfer and clustering, in accordance with Section 1011.3.A., C, and E.

**1606.5 Conditions of approval**

The Planning Commission may attach conditions to achieve the purposes of Section 1600 and Milwaukie Municipal Code Section 16.32. All density transfer decisions shall include a condition requiring a notice to be recorded for each separate lot, limiting the use and densities in accordance with the approvals.

**1607 VARIANCES TO PROTECT TREES**

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**1607.1 Setback variances to protect trees**

A variance of up to 50 percent of the side, front, and/or rear yard setback requirement may be authorized by the approval authority if necessary to retain trees or groves of trees.

**1607.2 Approval criteria**

The approval criteria for a variance under this Section are:

- A. there are no feasible alternatives to the variance and the variance is the minimum variance necessary to allow the applicant to retain trees or groves of trees, while granting the use of the property in a manner allowed by the standards of the primary zone;
- B. the variance will not create significantly adverse effects on other properties; and
- C. the variance is required to adequately protect the natural resource value of the trees.

**1607.3 Review process**

The procedures of Section 703 and 704 shall be applied to a request for a variance under this Section.

**1607.4 Conditions of approval**

The approval authority may attach conditions necessary to achieve the purposes of Section 1600 and Milwaukie Municipal Code Section 16.32.

Feb. 5, 2000

RECEIVED

FEB 10 2000

PUBLIC WORKS

Re: Urban Forestry Ordinance

To: Milwaukee City Council

Recently, I have been made aware of

the consideration of a tree ordinance

in Milwaukee, which in effect would

remove the control of one's own tree

to a committee of so-called specialists.

After reading considerable material

regarding this ordinance, I firmly

believe it is not only not necessary -

but would be expensive.

Just what we need! Another

ordinance! Another way of getting

into the pockets of Milwaukee residents.

Those of us who live in Milwaukee

do not need this ordinance - nor the

distinction of being the City, W.I.S.A.

Please do not let it happen.

I submit my opinion to be entered

into the Milwaukee City Council minutes

Thank you for listening.

From Tracy,

Alma Ripley

8605 S.E. 36th

OR

# ATTACHMENT E

## MEMO

To: Alice Rouyer for the Planning Commission  
From: Howard Steward *HS*  
Date: February 10, 2000

Dear Alice and Commissioners:

Were I able to be present for the Planning Commission's February 22<sup>nd</sup> discussion, I would state that the majority of those testifying on February 8<sup>th</sup> left me with the impression that:

- 1 they had not read the proposed Urban Forestry protection program, nor will they
- 2 they are unalterably opposed to the City having any say about what they do with their property
- 3 they are anti-government and anti-tax
- 4 the majority of those testifying are closed to serious discussion on private property issues and committed to react, resist and at least give the impression they are willing and ready to fight..
- 5 if the protection program includes the private sector, they will--if they find they have a sufficient number of compatriots--attempt to use this issue as a cause celebre to launch another recall.
- 6 There appeared to be a *minority of informed persons* who though not opposed, had thoughtful reservations and questions.

It is my hope that the Commission will assess (as best it can) the strength and intensity of the opposition, and determine if those who testified represent a consensus -- or a vocal minority -- using this forum to express their frustration

If in the Commission's estimation those who spoke on Monday evening represent a significant portion of the City's electorate, if present I would suggest limiting the recommendation to City Council to public sector land only--with the thought of revisiting this issue -- as relates to private property -- a year hence.

Unless the Commission is reasonably confident that cool heads with thoughtful minds have the capacity to prevail, I believe it critically important at this juncture in the City's "healing" that we not give anti-government people a "cause" around which to rally and attempt another recall. It isn't that I fear such. Rather I believe the attempt alone would require great effort on both sides and cast a very long, dark shadow on Milwaukie and government function in this city for years to come.



**To:** Planning Commission

**Through:** Alice Rouyer, Planning Director *AR*

**From:** John Gessner, Associate Planner *JG*

**Date:** February 15, 2000

**Subject:** Matters from the Planning Director  
CSO Sign Request, Milwaukie Covenant Church  
12201 SE Linwood Avenue

**ACTION REQUESTED**

Approve the request of Milwaukie Covenant Church to erect a new identification sign subject to the recommended conditions of approval.

**CODE AUTHORITY & SUBSTANTIVE CRITERIA**

Sign Ordinance Section 14.08.090 & Zoning Ordinance 321.4.B.

The Commission is authorized to review signage related to Community Service Overlay uses pursuant to Sign Ordinance 14.08.090. In addition, the Commission can review the number, size, location, and lighting of signs for Community Service uses pursuant to Zoning Ordinance Section 321.4.B.

**BACKGROUND**

The Milwaukie Covenant Church is seeking the Planning Commission's approval to erect a new 25 square foot freestanding sign to be located on the north side of its driveway at the intersection with Linwood Avenue. The sign is a reader board-type allowing the church to change the display messages. The sign is shown as having interior illumination, which is prohibited in residential zones. The sign may have exterior illumination. See attachments for plans of the sign.

Staff finds that the proposed size, height, and location, and exterior lighting is appropriate for the residential zone. If the Commission approves the sign it is recommended it be subject to the following conditions.

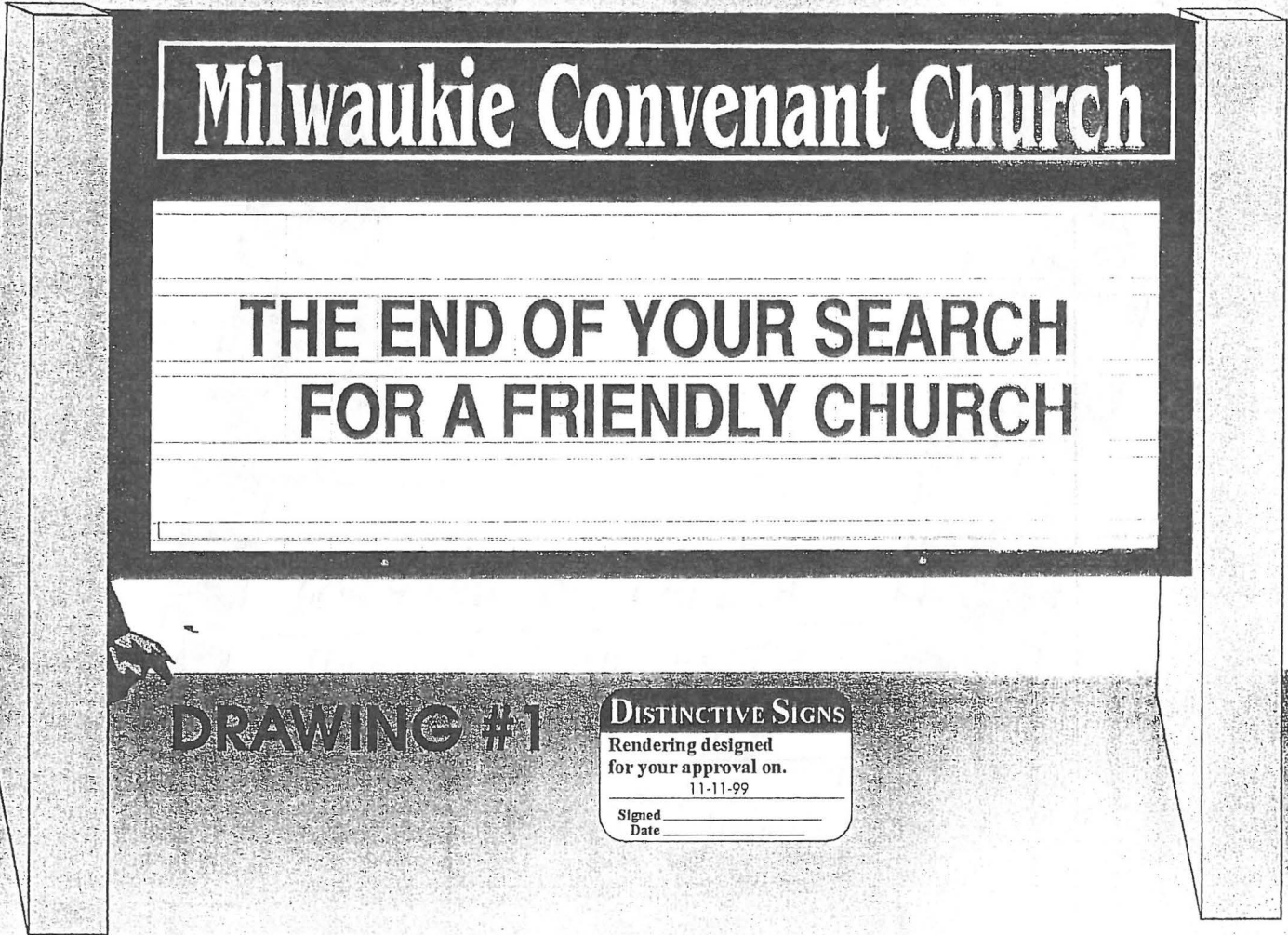
1. Prior to installation of the sign the applicant shall obtain a sign permit. The sign dimensions shall not exceed the following as shown plans submitted for approval: 6 feet in height, 6 feet in width exclusive of supporting structures, 25 square feet display area, one side (50 square feet total).

Milwaukie Covenant Church CSO Sign  
February 15, 2000  
page 2 of 2

2. Prior to issuance of a sign permit, the location shall be reviewed by the Public Works Department to ensure that adequate vehicular sight distance is provided, both onto and from the site.
3. Prior to issuance of a sign permit, the construction plans shall be revised showing elimination of internal illumination. Exterior lighting shall be shown on the plans if proposed.

**ATTACHMENTS**

1. Drawing of Sign
2. Sign Dimensions
3. Site Plan
4. Abstract

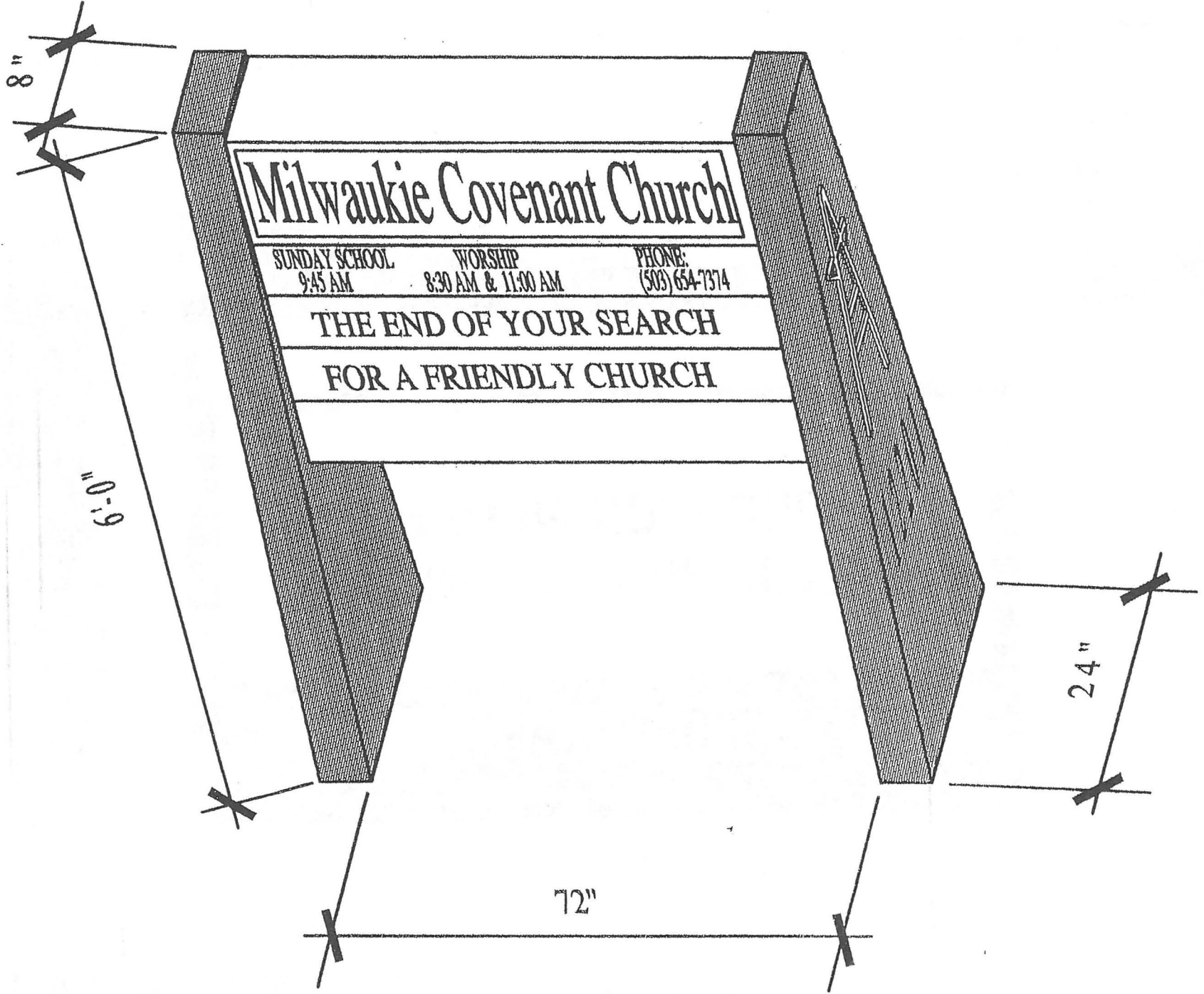


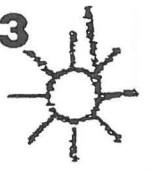
**DRAWING #1**

**DISTINCTIVE SIGNS**  
 Rendering designed  
 for your approval on.  
 11-11-99  
 Signed \_\_\_\_\_  
 Date \_\_\_\_\_

Model G165 Modified --2080.00

**DISTINCTIVE SIGNS**





100

①



201

NEW SIGN  
FOR SIGN

16'-0"

R.O.W.

R.O.W.

Edge of Road  
Edge of Way

SITE PLAN

SCALE 1/2" = 30'-0"

**ATTACHMENT 4****Abstract Description of Sign for  
Milwaukie Covenant Church**

26-Jan-00

**Sign Description:**

Freestanding sign  
 Overall dimensions of face and metal casing: 50" high by 72.25" long  
 Hinged Lexan clear vandal guard with two key locks on each door  
 Sign casing is bronze colored metal  
 Sign located on top of berm  
 Sign finished height is 72" (six feet)  
 Sign is double faced and back lit (internal fluorescent tubes)  
 Top: 14"x70" Blue Background with White Letters – Milwaukie Covenant Church  
 Message Area: 31.62" x 66"  
 Phone number, worship time and Sunday School time shall be changeable  
 Four tracks: Accept 4" Black Letters for changeable message area  
 Footing and sign support are poured-in-place concrete

**Electrical Information:**

Five lamps  
 120 volt total of 450 watts, 3.9 amps line current  
 Minimum starting temperature –20 deg F  
 High output 72" fluorescent lamps

**Costing:**

Item	Source	Amount
Sign	Distinctive Sign	3336.50
Concrete	Steve Johnson Construction	330.00
Trenching	Congregation Labor	0.00
Electrical	West Side Electric	655.00
TOTAL		4321.50
Permit	City of Milwaukie	please advise



**To:** Planning Commission

**Through:** Alice Rouyer, Planning Director *AR*

**From:** Doug Strickler, Associate Planner *DS*

**Subject:** Matters From the Director: Sign Request for CSO;  
Lewelling Elementary School, 5325 SE Logus

**Date:** February 14, 2000

**Meeting Date:** February 22, 2000

**Action Requested**

Approve a request to install a permanent, wall-mounted reader board type sign at Lewelling Elementary School, subject to recommended conditions of approval.

**Code Authorization and Substantive Criteria**

Milwaukie Zoning Ordinance Section 321.4.B and City of Milwaukie Municipal Code Sections 14.08.090 and 14.16.010.C

**Statistics**

**Location:** 5325 SE Logus Road  
See Exhibit A

**NDA:** Lewelling

**Zone:** Residential R-7

**Lot Size:** 12.17 acres

**Map & Tax Lot:** 12E30DB03700

**Background**

The parents of Lewelling Elementary School and the Lewelling Neighborhood Association have initiated a project to install a sign on the Logus Road side of the school. The sign would be a reader board type sign that would be used to advertise upcoming school and community events. The Lewelling Parent Teacher Organization has discussed the purchase of a sign board for several years. They approached the Lewelling Neighborhood Association to help with the project, and, after several meetings, the Association voted in November of 1999 to share in the project cost.

Section 14.080.090 requires signs for community service uses to be reviewed by the Planning Commission. In the case of the modification of an existing community service use, Section 321 also grants the Planning Commission the authority to limit or otherwise designate the number, size, location, height and lighting of signs.

**Analysis**

Lewelling School is requesting approval for a permanent, wall-mounted reader board-type sign to be mounted on the wall facing Logus Road.

Regulations regarding the Community Service Overlay zone are found in Section 321. Schools are a permitted use in the CSO zone. They are included as an institutional use in Section 321.2 A. The conditions of the Community Service Overlay (CSO) approval refer any new signage to the Planning Commission as a consideration item.

Section 321.4 B grants the Planning Commission the authority to impose conditions on a community service use to assure compatibility of the use with other uses in the area.

The proposed sign is an appropriate addition to Lewelling School, with the exception of that part of the proposal that would incorporate internal illumination into the sign. In addition to an internally illuminated sign not being in keeping with the character of a residential neighborhood, Section 14.16.010-C of the Milwaukie Municipal Code expressly allows only signs with external illumination in a residential zone.

Staff recommends approval of the proposal for a reader board sign at Lewelling Elementary School with the conditions of approval listed below.

### **Findings**

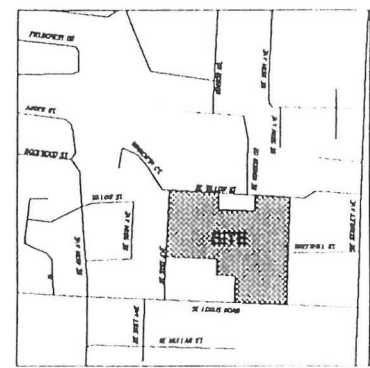
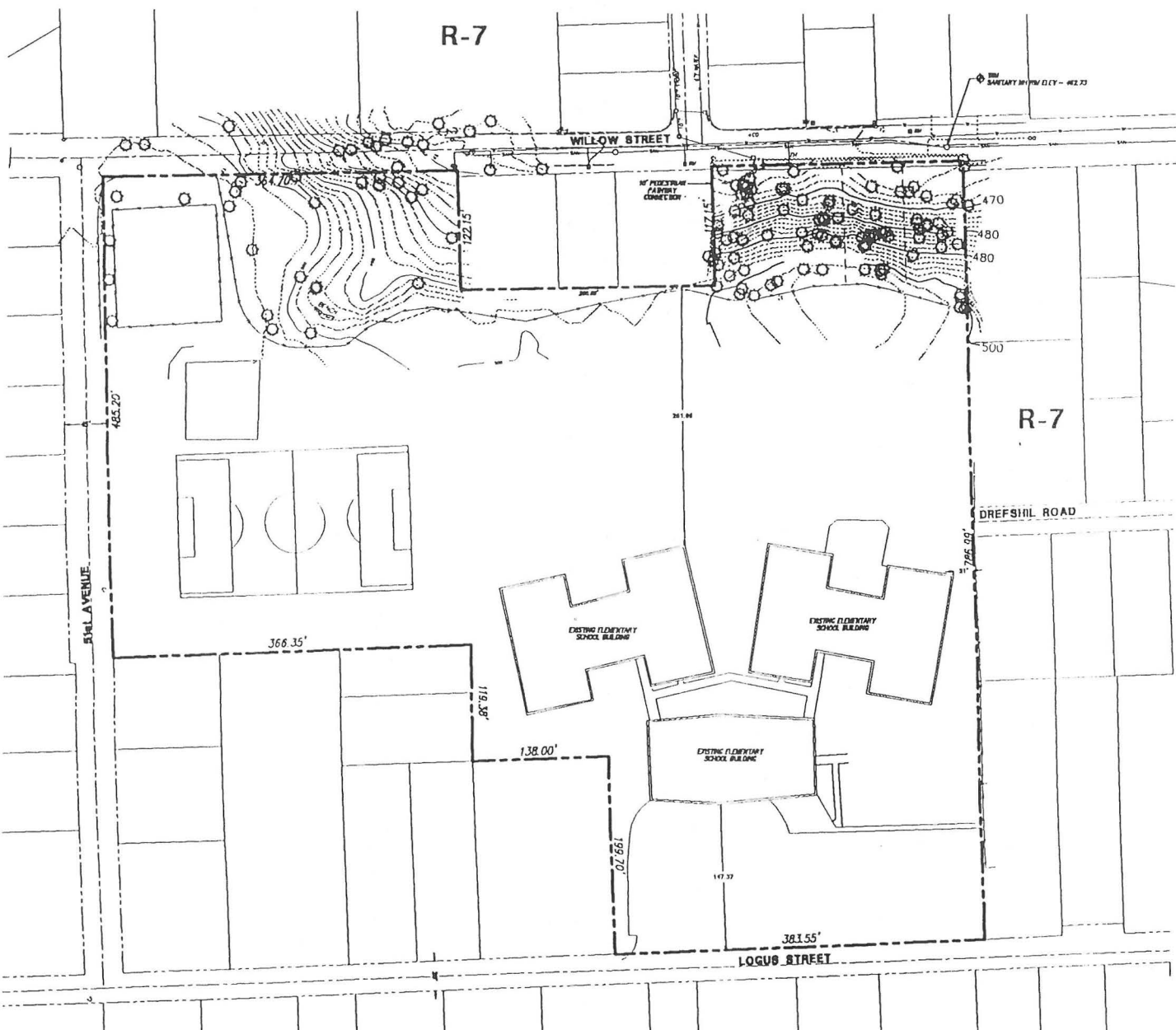
Recitals found in the analysis section constitute findings.

### **Recommended Conditions of Approval**

1. The applicant shall apply for a sign permit to install a permanent, wall-mounted sign for Seth Lewelling School at 5325 SE Logus Road. The sign shall have dimensions no greater than:
  - A maximum height of 4',
  - A maximum width of 8',
  - A maximum display area of 32 square feet
2. The sign shall be located substantially as shown in the preliminary elevation (See Exhibit C)
3. Any illumination of the sign shall be external to the sign.
4. The sign shall only be illuminated during regular school hours or during evening activities. When activity at the school is finished, any illumination of the sign shall be turned off.

### **Exhibits**

- A. Vicinity Map
- B. Letter of request from Seth Lewelling Elementary School
- C. Elevation of Lewelling School showing sign location.



VICINITY MAP  
SCALE: 1/8" = 10'

PARCEL: 1S-2E-30DB - 1A LOT 3700  
AREA: 11.36 ACRES

ZONING: R-7

TOPOGRAPHY: FIELD SURVEY BY  
COMPASS CORPORATION  
JANUARY, 1997



DATE	BY	REVISION

**PLANNING RESOURCES, INC.**  
204 S.E. 10th AVENUE, CANBY, OREGON 97013  
PH: (503) 263-8482 FAX: (503) 263-8481

**LEWELLING ELEMENTARY SCHOOL**

DATE

## NORTH CLACKAMAS SCHOOL DISTRICT

10.2 5

~~EXHIBIT~~

*North Clackamas Schools*

### SETH LEWELLING ELEMENTARY SCHOOL

•5325 SE Logus Road • Milwaukie, Oregon 97222 •

(503) 653-3691

Fax (503) 653-3693

PRINCIPAL  
David Frick-Wright

---

Milwaukie Planning Commission  
Attn. John Gessner  
Milwaukie, OR 97222

1/21/00

Dear John,

Please consider our request for a reader board for the front of Lewelling Elementary School. This request has arisen as a joint project between the parents of Lewelling Elementary and the Lewelling Neighborhood Association.

The board will be 4' X 8' with six inch removable letters. It will be mounted (see enclosed photo) on the front of the building under the eaves. We prefer to locate it high on the building to prevent vandalism to the board.

The board will be used to advertise upcoming school and community events in the hopes that more community members will participate.

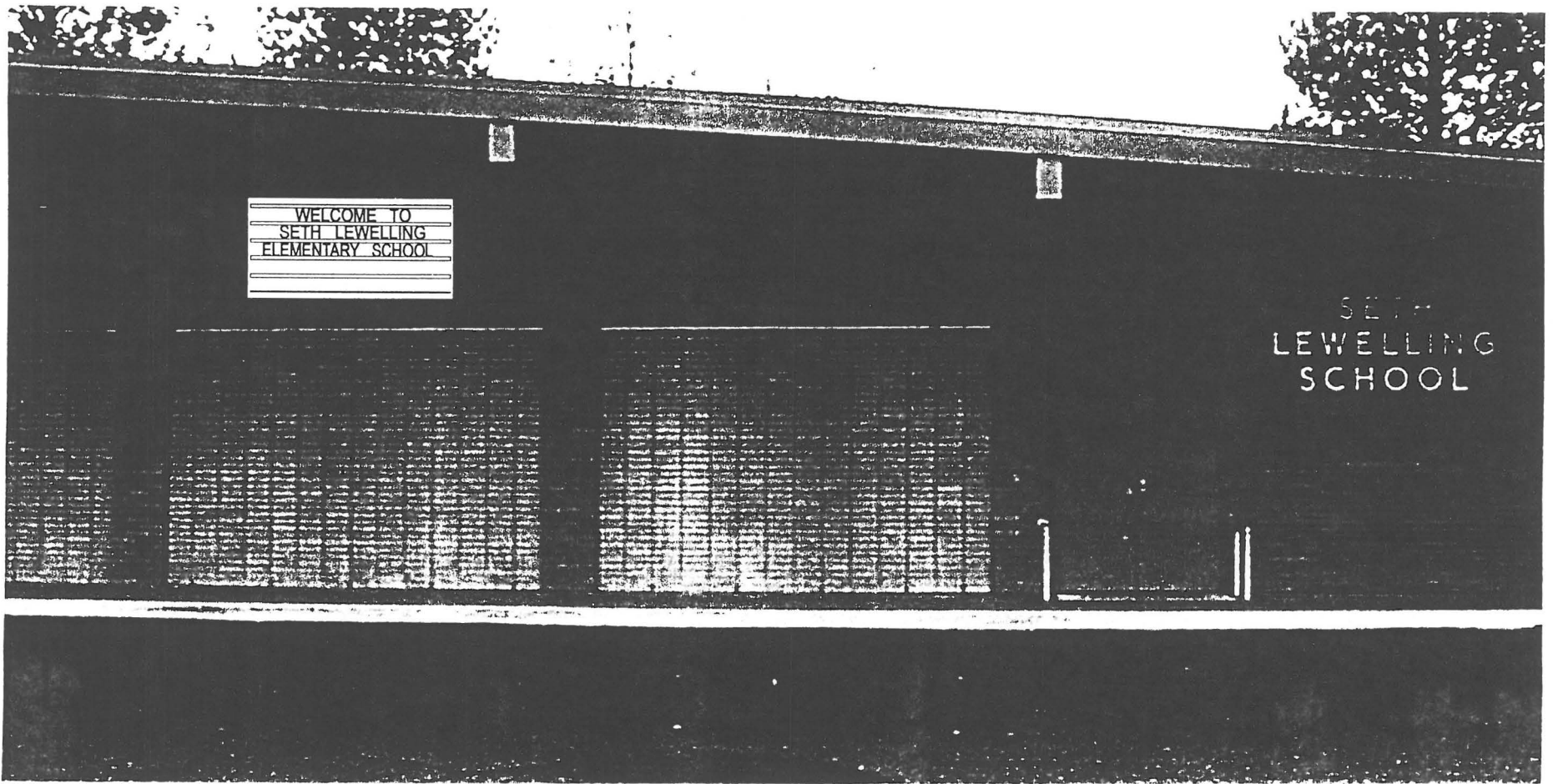
I have also enclosed a construction detail of the proposed board, as well as the neighborhood matching grant application which details the history of this request.

Our preferred alternative is to illuminate the board with internal lighting, controlled by a timer to turn off in the evening. If this is not acceptable, we request mounting the board with no additional lighting.


Sincerely,



Dave Frick-Wright  
Principal



Sign cabinet will be sheet metal construction.  
 Face will be white polycarbonate.  
 Size is 4' x 8'. With 5 lines of 6" fonts.

DATE: Jan. 6, 2000	CLIENT / PROJECT LOCATION	
DESIGNER Bart	This drawing, including the incorporated design principles, is the property of MEYER SIGN COMPANY and is to be returned when it's intended purpose has been served. It is to be used for evaluative purposes solely by the client to whom it was loaned. Furnishing this drawing does not convey any reproduction, use, or manufacturing rights. It, or any portion of its contents, may not be disclosed to others, used, or published for any purpose, without written permission of MEYER SIGN COMPANY. In case suit or action is brought to enforce any of these terms, MEYER SIGN COMPANY shall be entitled to reasonable attorney fees.	
DWG # prod.jobs, seth lewelling school		
JOB #		
SIL. OF		
APPROVED BY:		
7340 SW LANDMARK LANE • TIGARD, OREGON 97223 • PHONE: (503) 620-8200 • FAX: (503) 620-7074		