

DRAFT URBAN TREE PROGRAM

PROPOSED REPEAL OF CAMAS MUNICIPAL CODE CHAPTER 18.31 SENSITIVE AREAS AND OPEN SPACE, AND ASSOCIATED AMENDMENTS TO CAMAS MUNICIPAL CODE CHAPTERS 18.09, 18.31, 17.09, 17.11, 17.15, 17.19 (VERSION 12/05/17)

NOTE TO THE COMMISSION:

The previous workshop on October 17th focused on trees within public rights-of-way, public parks and open spaces. This workshop will focus on trees that are generally on undeveloped private parcels. Combined these two workshops comprise the entirety of the scope of the Urban Tree Program.

This document includes a proposal to repeal almost all of **CMC Chapter 18.31 Sensitive Areas and Open Space**, specifically those regulations that are duplicative of **Title 16 Environment**. There is a long history as to the origin of this chapter, and its subsequent revisions, which staff will expand upon at the workshop.

There are a few subsections of Chapter 18.31 that staff recommended be retained and moved to other chapters, primarily within the city’s landscaping chapter, **Chapter 18.13**. The focus of the workshop is to discuss how to amend **Section 18.31.050 – Tree Retention**, which provides the city the authority to preserve trees during development, particularly significant trees that are not otherwise protected within critical areas. In this draft, the “Tree Retention” section is relocated to Section 18.13.045, merely as a placeholder. The following is a list of the sections of code that would need to be amended if Chapter 18.31 were to be repealed:

17.09.030 - Preliminary short plat approval.	7
17.11.030 - Preliminary subdivision plat approval.	7
17.15.030 - Preliminary binding site plan (BSP) approval.	7
17.19.030 - Tract, block and lot standards.	7
18.09.060 - Density transfers.	7
18.13.020 - Scope.	8
18.13.040 – Landscape, Tree and Vegetation Plans.	8
18.13.045 - Tree Retention.	9
18.13.050 - Landscaping standards.	9
18.13.060 - Parking areas.	11

CHAPTER 18.31 — SENSITIVE AREAS AND OPEN SPACE¹⁰¹

18.31.010 — PURPOSE.

~~The guidelines, criteria, standards, special studies, and open space requirements in this chapter are intended to identify, protect, and preserve lands and areas within the city which are characterized by the presence of environmentally sensitive or valuable features and resources. These areas may include: steep slopes and areas of unstable soils, wetlands, streams, and watercourses. Certain activities, such as vegetation removal and the addition of impervious surfaces within these areas, unless regulated by the city, pose a potential threat to life, property, public health, and welfare. Unregulated activities also pose a significant threat to important environmental features and communities, and to the functions and values they perform. This chapter is also intended to implement the goals and policies of the comprehensive plan; to protect critical areas within the city as required by state policies, guidelines, and rules; to provide property owners and members of the public with notice as to the location and distribution of sensitive areas within the city; and to require special studies to help identify environmentally sensitive and valuable areas within the city. Such plans and studies shall be prepared by qualified professionals.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008)~~

18.31.020 — SCOPE.

~~Land proposals below are subject to the criteria, guidelines, conditions, performance standards, and procedural requirements contained in this chapter:~~

- ~~A. — Rezone;~~
- ~~B. — Conditional use permit;~~
- ~~C. — Variance;~~
- ~~D. — Shoreline substantial development permit;~~
- ~~E. — Planned development;~~
- ~~F. — Subdivision;~~
- ~~G. — Short subdivision;~~
- ~~H. — Commercial development;~~
- ~~I. — Business park development;~~
- ~~J. — Any grading, filling, or clearing of land, or logging or removal of timber on land characterized by, or adjacent to (within three hundred feet of) an environmentally sensitive area; or~~
- ~~K. — Open space designation standards and requirements shall apply to any application proposals involving a subdivision or planned development.~~
- ~~L. — The standards and requirements of this chapter shall apply in addition to any other regulations of the city applicable to the underlying zone. In case of any conflict between these and any other regulation(s), the stricter regulation(s) shall apply.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008)~~

~~18.31.030 – ADMINISTRATION.~~

~~The community development director shall determine, based on the city's sensitive area overlay maps, environmental information provided by the applicant, and field reconnaissance as necessary, whether a property for which development approval is requested contains the types of lands or areas subject to this chapter. If property for which development approval is requested does contain critical areas, as defined per CMC Section 16.51.070 Critical Areas Regulated, then a development application must be accompanied by relevant information pursuant to Title 16 Environment. The community development director may waive or modify the study and reporting requirements of this section if it is determined that the subject property does not contain such lands or areas.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008)~~

~~(Ord. No. 2691, § I(Exh. A), 1-21-2014)~~

~~18.31.080 – TREE RETENTION.~~

~~A. A tree survey, conducted by a qualified biologist, landscape architect, or arborist, shall be conducted for all lands proposed to be developed and listed under Section 18.31.020. A survey shall not be required for lands proposed to be retained as undeveloped open space.~~

~~B. To the extent practical, existing healthy significant trees shall be retained. Preservation of groups of significant trees, rather than individual trees shall be preferred. All grading shall take place outside the drip line of those significant trees to be retained, except that the city engineer may approve grading within the drip line if it can be demonstrated that such grading can occur without damaging the tree or trees.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008) (Ord. No. 2612, § I(Exh. A), 2-7-2011)~~

~~18.31.090 – VEGETATION REMOVAL.~~

~~A. Exceptions. This section shall not apply to:~~

- ~~1. Removal of vegetation outside of critical areas, in conservation areas, protected open space areas as shown on plats, or areas otherwise required to be protected;~~
- ~~2. Removal of trees four inches or less in diameter, as measured at the base;~~
- ~~3. Annual removal of vegetation from an area under one thousand square feet;~~
- ~~4. Removal of dead, diseased, or dying vegetation and trees;~~
- ~~5. Normal maintenance associated with residential properties, including mowing, rototilling, and pruning;~~
- ~~6. Removal of nonnative invasive plant species, such as Himalayan blackberries and ivy;~~
- ~~7. Removal of vegetation associated with land surveys and environmental surveys;~~
- ~~8. Removal of vegetation related to the construction, installation, and maintenance of public utilities.~~

Commented [SF1]: The substance of these two sections will be captured and moved to Chapter 18.13 Landscaping.

~~B. Vegetation Removal Permit Required. All persons seeking to remove vegetation from a critical area shall first obtain a permit from the city. An application for such permit shall be filed with the planning department and shall contain information relating to the proposed removal of vegetation, including but not limited to the location and species of plants and vegetation proposed to be removed, the contours of the subject property, soils information, the proposed schedule of removal, and any other information required by the city.~~

~~C. Preliminary Review.~~

- ~~1. Upon receipt of an application for a vegetation removal permit, the community development director or designee shall conduct a preliminary review. If the community development director finds that the proposed vegetation removal is exempt, or will have no adverse environmental impact, then the community development director shall issue a letter stating that the provisions of this section do not apply and that no permit is required.~~
- ~~2. If the community development director finds that the proposed vegetation removal is not exempt, and there is potential for an adverse environmental impact, then a vegetation removal permit shall be required. Any uncertainty regarding the degree of environmental impact shall be resolved in favor of finding an adverse impact.~~

~~D. Vegetation Management Plan as Part of Vegetation Removal Permit.~~

- ~~1. Not Required. For those applications that the community development director determines a permit is necessary, the community development director shall make a further determination of whether a vegetation management plan shall be required. If the proposed vegetation removal is minor in nature, and if, in the opinion of the community development director, adverse environmental impacts can be mitigated without requiring a vegetation management plan, then the community development director may issue a permit with mitigating conditions as may be appropriate.~~
- ~~2. Required. For those applications that the community development director determines a permit is necessary, and which are determined not to be minor in nature, a vegetation management plan shall be required prior to issuance of the permit.~~

~~E. Vegetation Management Plan Standards. Vegetation management plans shall meet the following standards:~~

- ~~1. Vegetation management plans shall be prepared by a qualified arborist or biologist;~~
- ~~2. If the proposed vegetation removal impacts a steep slope or area with potentially unstable soils, the vegetation management plan shall contain a certification by a qualified geotechnical engineer that the removal of vegetation in accordance with the vegetation management plan will not cause erosion or increase the likelihood of a landslide;~~
- ~~3. Where possible, proposed vegetation removal activities adjacent to environmentally sensitive areas should be configured in a manner which avoids impacts;~~
- ~~4. Where possible, limbing, pruning, or thinning should be utilized in lieu of removal of vegetation;~~
- ~~5. Vegetation removal should normally be mitigated through vegetation enhancement in the form of additional plantings;~~
- ~~6. Vegetation management should be done in the manner that takes into consideration stormwater runoff, slope stability, view enhancement, and wildlife habitat;~~

- 7. ~~The schedule for removal and planting should be done in such a manner as to optimize the survival of the modified vegetation and new plantings;~~
 - 8. ~~Monitoring of vegetation survival may be required, and should normally include reports and photographs to the community development director or designee;~~
 - 9. ~~Vegetation removal for purposes of view enhancement shall be limited to view corridors, as opposed to removal of vegetation over a larger area;~~
 - 10. ~~Vegetation management plans shall bear the certification of the qualified arborist and any other registered professional involved in its preparation or implementation;~~
 - 11. ~~Vegetation management plans should contain a provision requiring thirty days' written notice to the city prior to any removal or replanting of vegetation.~~
- F. ~~Bonding. A bond may be required to insure proper maintenance, replacement, or repair of areas altered under a vegetation removal permit. The bond amount shall be not less than 1.25 times the value of the plantings to be planted following removal of vegetation.~~
- G. ~~Incorporation. The provisions of an approved vegetation management plan shall be incorporated into the covenants, conditions, and restrictions of any approved development, the conditions of approval, and referenced on the plat of an approved subdivision or planned development, or conditions of any other type of development permit.~~
- H. ~~Process. Vegetation removal permits shall be processed as a Type I administrative review subject to notice pursuant to CMC Chapter 18.55 Administration and Procedures of this title.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008) (Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2691, § I(Exh. A), 1-21-2014)~~

18.31.110 — MANDATORY PRESERVATION.

- A. ~~As a condition of development approval for any development application set forth in Section 18.31.020(A) of this chapter, the applicant shall set aside and preserve all sensitive areas, except as otherwise permitted by this chapter. To insure that such areas are adequately protected, the applicant shall cause a protective mechanism acceptable to the city to be put in place.~~
- B. ~~For property zoned single-family residential or multifamily residential, the applicant shall receive a density transfer to the remainder parcel that is equal to the density lost due to the property set aside, except that the density transfer shall not exceed thirty percent of the allowable density for the entire development if it were not encumbered with sensitive lands.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008)~~

18.31.120 — NEGOTIATED PRESERVATION.

- A. ~~The city and a landowner may negotiate an agreement whereby property is set aside and preserved with a protective mechanism. A negotiated preservation may be done incidental to a development proposal, or may be done independently of any development proposal.~~
- B. ~~To be eligible for a negotiated preservation, the property to be set aside must be:~~

1. ~~Part of the open space network;~~
2. ~~An open space connector identified in the parks, recreation, and open space comprehensive plan;~~
3. ~~Land satisfying the open space criteria of Section 5.4 of the parks, recreation, and open space comprehensive plan; or~~
4. ~~A park site identified in the parks, recreation, and open space comprehensive plan.~~
- C. ~~The city may, as part of any negotiated preservation, provide the landowner with:~~
 1. ~~Density transfer;~~
 2. ~~A density bonus;~~
 3. ~~A credit against park and open space impact fees;~~
 4. ~~Cash from the parks and open space impact fee fund or the general fund; or~~
 5. ~~Any combination of the above.~~

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TITLE 17 LAND DEVELOPMENT

17.09.030 - PRELIMINARY SHORT PLAT APPROVAL.

(B)(5)(p) A survey of existing significant trees as required under CMC Section 18.31.080 ~~13.040~~;

17.11.030 - PRELIMINARY SUBDIVISION PLAT APPROVAL.

(B)(5) A survey of existing significant trees as required under CMC Section 18.31.080 ~~13.040~~;

17.15.030 - PRELIMINARY BINDING SITE PLAN (BSP) APPROVAL.

(B)(4) A survey of existing trees as required under CMC Section 18.31.080 ~~13.040~~;

17.19.030 - TRACT, BLOCK AND LOT STANDARDS.

(A)(2) Vegetation. In addition to meeting the requirements of CMC ~~Section 18.13.040 (B) Chapter 18.31,~~ Tree ~~Regulations~~Retention, every reasonable effort shall be made to preserve existing significant trees and vegetation, and integrate them into the land use design.

CHAPTER 18.09 - DENSITY AND DIMENSIONS

18.09.060 - DENSITY TRANSFERS.

- A. Purpose. To achieve the density goals of the comprehensive plan with respect to the urban area, while preserving environmentally sensitive lands and the livability of the single-family residential neighborhoods, while also maintaining compatibility with existing residences.
- B. Scope. This section shall apply to new development in all residential (R) zoning districts.
- C. Where a land division proposes to set aside a tract for the protection of a critical area, natural open space network, or network connector (identified in the City of Camas parks plan), or approved as a recreational area, lots proposed within the development may utilize the density transfer standards under CMC Section 18.09.040 Table-2.
- D. Where a tract under "C" above, includes one-half acre or more of contiguous acreage, the city may provide additional or negotiated flexibility in lot sizes, lot width, or depth, ~~or setback standards~~. In no case shall the maximum ~~gross~~ density of the overall site be exceeded. The city may, also provide the landowner with:

1. A credit against park and open space impact fees; or
2. Cash from the parks and open space impact fee fund or the general fund.

Commented [SF2]: These seemed to be the only provisions from 18.31.120 Negotiated Preservation that weren't already included in this Section.

CHAPTER 18.13 - LANDSCAPING

18.13.020 - SCOPE.

Landscaping standards shall apply to all new residential development (e.g. single and multifamily), commercial, industrial, governmental uses, including change of use, and parking lots with greater than four spaces, and any development that is subject to Design Review (refer to Chapter 18.19 Design Review). For conditional uses permitted in residential and multifamily districts, such as churches, schools, civic organizations, etc., the standards for landscaping will be the same as the landscaping standards in community commercial zones.

18.13.040 – PROCEDURELANDSCAPE, TREE AND VEGETATION PLANS.

- A. Detailed plans for landscaping shall be submitted with plans for building and site improvements. Included in the plans shall be type, size, and location of plants and materials.
- B. A tree survey, conducted by a landscape architect, or certified arborist, shall be conducted for all lands proposed to be developed that have existing trees. A tree survey is not required for lands proposed to be retained as undeveloped open space. Tree surveys must contain the following:
1. Inventory.
 - a. Map of the site, with tree locations numbered
 - b. Include all significant trees that will be impacted by the proposed development, which may include trees off-site if canopies overhang the subject property. Open space tracts to be set aside for conservation purposes do not need to be included in survey.
 - c. Provide the common and scientific name of inventoried trees.
 2. Assessment.
 - a. Size. Measure and provide the diameter at breast height (DBH).
 - b. Tree protection zone. (Refer to CMC 18.03.050 Environmental Definitions)
 - c. Tree health. An overall assessment of the trees structural stability and failure potential based on specific structural features (e.g. decay, conks, co-dominate trunks, abnormal lean) and rated as good, fair or poor.
 - d. Recommendation for preservation or removal. The recommendation will consider proposed grading, trenching, paving, fencing and other construction plans.
 - e. If hazardous, then an evaluation of hazardous trees will include a numerical value of hazard based on the following: failure potential; size of part most likely to fail; and distance to target (e.g. new residence).
- C. Vegetation Management Plan. For those lands that are proposed to be set aside as undeveloped open space tracts, a vegetation management plan is required to be submitted with preliminary plans. The following must be included with a vegetation management plan:
1. Vegetation management plans must be prepared by a biologist, and shall be processed as a Type I permit administrative review or consolidated with the underlying land use permit application.
 2. Maintenance. A seasonal maintenance plan for optimal tree care (e.g. pruning for health of tree not for view enhancement) and to control the spread of invasive species (must be included in the plan).
 3. The schedule for tree removal and planting should be done in such a manner as to optimize the survival of the modified vegetation and new plantings;
 4. Where possible, proposed vegetation removal activities adjacent to environmentally sensitive areas should be configured in a manner which avoids impacts;
 5. Where possible, pruning should be utilized in lieu of removal of vegetation;

Commented [SF3]: This section was moved in most part from Chapter 18.31. It is currently at Section 18.31.090 (D through H) Vegetation Management Plans. The underlined portions indicate the text that differs from the current version.

6. Vegetation removal should normally be mitigated through vegetation enhancement in the form of additional plantings.
7. Vegetation management should be done in the manner that takes into consideration stormwater runoff, slope stability, and wildlife habitat.
8. Vegetation removal for purposes of view enhancement shall be limited to narrow view corridors (maximum 10% of lot width), which is accomplished by selective pruning (not topping of trees).
9. Monitoring and corrective measures. Monitoring of vegetation survival is required, and should normally include annual reports and photographs to the community development director or designee.
10. Notice. Vegetation management plans must contain a provision requiring thirty days' written notice to the city prior to any removal or replanting of vegetation.
11. Bonding. A bond may be required to insure proper maintenance, replacement, or repair of areas altered under a vegetation removal permit. The bond amount shall be not less than 1.25 times the value of the plantings to be planted following removal of vegetation.
12. The provisions of an approved vegetation management plan shall be incorporated into the covenants, conditions, and restrictions of any approved development, the conditions of approval, and referenced on the plat of an approved subdivision or planned development, or conditions of any other type of development permit.

18.13.045 - TREE RETENTION

To the extent practical, existing healthy significant trees shall be retained. Preservation of groups of significant trees, rather than individual trees shall be preferred. All grading shall take place outside the drip line of those significant trees to be retained, except that the city engineer may approve grading within the drip line if it can be demonstrated that such grading can occur without damaging the tree or trees.

Commented [SF4]: The provisions of Tree Retention were moved from Chapter 18.31.080. This section is the focus of our workshop, and the attachments (Case Studies and codes from other cities).

18.13.050 - LANDSCAPING STANDARDS.

- A. The property owner shall be responsible for any future damage to a street, curb, or sidewalk caused by landscaping.
- B. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, minimize stormwater run-off, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character. The required landscaping must be a combination of trees, shrubs, and ground cover to achieve these purposes.
- C. Minimum landscaping as a percent of gross site area shall be as follows:

Table 18.13.050- Landscape Coverage Area

Zone	Percent of Landscaping Required
HI	20%
RC, LI	15%
CC	15%
MX	15%
NC, MF	10% on lots less than 10,000 square feet; 15% on lots greater than 10,000 square feet
<u>R</u>	<u>20%</u>
BP	(see Section 18.37.040 "Landscaping standards")
LI/BP	(see Section 18.21.070 "Landscaping standards")
Parking lots	<u>20%</u> (see Section 18.13.060 of this chapter)

- D. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of two inches, be equivalent to a fifteen-gallon container size, and be adequately staked for planting.
- E. Evergreen trees shall be a minimum of five feet in height, fully branched, and adequately staked for planting.
- F. Shrubs shall be a minimum of five-gallon pot size. Upright shrubs shall have a minimum height at planting of eighteen inches. Spreading shrubs at planting shall have a minimum width of eighteen inches (smaller shrub sizes may be approved where it is more appropriate within a particular landscape plan).
- G. Ground cover, defined as living material and not including bark chips or other mulch, shall at planting, have a maximum spacing of twelve inches on center for flats, and a maximum twenty-four inches on center between mature plants from containers of one gallon or larger.
- H. Appropriate measures shall be taken, e.g., installation of irrigation system, to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- I. Required trees, as they grow, shall be pruned in accordance with the International Society of Arboriculture. The pruned tree will provide at least eight feet of clearance above sidewalks and twelve feet above street roadway surfaces.
- J. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the city.
- K. Vision clearance hazards shall be prohibited.

- L. Street trees and other required landscaping which dies or is removed, must be replaced within one year of death or removal. Replacement street trees may be an alternative species from the city's recommended tree list, and may be in a different location as approved by the city.

18.13.060 - PARKING AREAS.

- A. Parking areas are to be landscaped at all perimeters.
- B. All parking areas shall provide interior landscaping for shade and visual relief.
- C. Parking lots shall ~~include a~~ ~~have a~~ minimum ratio of one tree per six ~~double-loaded stalls or~~ ~~one tree per three single-loaded stalls~~ parking spaces. (See Figure 18.13.060-1).



(New) Figure 18.13.060-1 Example of Parking Lot Planter Areas

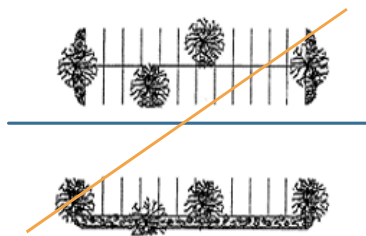


Figure 18.13-1 Parking Lot Planting Islands

- D. Planter strips (medians) and tree wells shall be used within parking areas and around the perimeter to accommodate trees, shrubs and groundcover.
- E. Planter areas ~~for trees must provide a minimum of 500 cubic feet of soil, and~~ shall provide a ~~five~~six-foot ~~by six~~ –foot (6'x6') minimum ~~width~~ of clear planting space.
- F. Wheel stops should be used adjacent to tree wells and planter areas to protect landscaping from car overhangs.
- G. Curbed planting areas shall be provided at the end of each parking aisle to protect parked vehicles, ~~and provide shade~~.
- H. No more than fifteen parking spaces shall be located in a row without a landscaped divider strip (See Figure 18.13.060-21).

Commented [SF5]: Goal is to provide more room for tree to grow and be healthy. This dimension also matches the downtown design standard for tree planter wells.

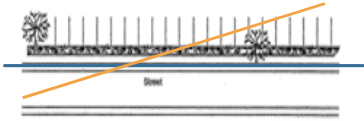


Figure 18.13-2 Parking Lot Landscape Divider Strip