

E. 40.90. TREE PLAN

40.90.10. Applicability.

Different types of resources require different levels of protection. No Tree Plan is required for the following actions:

12. Removal of any tree associated with a public street and sidewalk improvement project that meets A. or B. and

C: [ORD 4659; June 2015]

A. Improvements within an existing public vehicular right-of-way; or

B. Improvements to a public vehicular right-of-way in order to meet functional classification standards, such as widening or half-street improvements; and

C. The proposed improvements do not exceed the minimum width standards of the Engineering Design Manual.

Response: The removal of trees for widening and construction of the SW Scholls Ferry Road, SW Strobel Road, and Road 8B rights-of-way is required in order to meet functional classification standards as determined by the City of Beaverton Transportation System Plan and the Development Code, and do not exceed the minimum width standards of the Engineering Design Manual. As such, the removal of trees required to construct the improvements to these rights-of-way are exempt from Tree Plan review.

40.90.15. Application

2. Tree Plan Two.

A. Threshold. An application for Tree Plan Two shall be required when none of the actions listed in Section 40.90.10. apply, none of the thresholds listed in Section 40.90.15.1. apply, and one or more of the following thresholds apply:

1. Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in Section 40.90.10.1.

3. Commercial, Residential, or Industrial zoning district: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) found on the project site within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.

C. Approval Criteria. In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Tree Plan Two application.

Response: The site contains Community Trees as well as trees located within mapped SNRA areas. Removal of 347 Community Trees and 97.3% of the total DBH of non-exempt trees is proposed outside of the SNRA on the site. Removal of 131 Community Trees and 41.3% of the total DBH of non-exempt trees is proposed within the SNRA on site. This proposal satisfies thresholds 1 and 3 for a Tree Plan Two application.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

Response: All required fees have been submitted with this application.

- 3. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.*

Response: The proposed tree removal is necessary to accommodate the construction of SW Strobel Road, development of infrastructure on the site, grading, and home construction. This criterion is not applicable.

- 4. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.*

Response: The proposed site design clusters the development in order to maintain and enhance the existing significant wetland along the eastern edge of the site. As a result, tree removal is necessary elsewhere on the site to accommodate the development of residential lots, streets, and open spaces to serve the development.

As described in the response to #6 below, the removal of many of the trees is required for construction of the public infrastructure required by the City's Transportation System Plan and South Cooper Mountain Community Plan.

The current area of the mapped upland wildlife habitat on the site is approximately 2.7 acres. The tree removal required for construction of SW Strobel Road reduced the size of the upland wildlife habitat area by 0.9 acres, or 33 percent.

Additional tree removal is proposed within the upland wildlife habitat area on the site in order to accommodate residential development. Plan alternatives and their approximate impacts on tree removal in this area were explored as part of the process of creating the preferred alternative. Given the impacts associated with constructing Strobel Road, Street D and associated development no reasonable alternatives were found that saved more than 50 trees.

The preferred alternative focuses on preserving trees in a tract and conservation easement between lots 1-5 and 14-23: This alternative was evaluated as shown on Revised Sheet LTP-1 and determined to save 74 trees. This is the preferred alternative because it allows for retention of a relatively broad, linear tree canopy connection between the interior of the site and the forested area to the north and northeast of the site, while allowing for reasonable development of the site.

This criterion is met.

- 5. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.*

Response: The proposed tree removal is intended to allow development of the site, and is not a response to nuisance. This criterion is not applicable.

6. *If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.*

Response: The proposed tree removal is necessitated by the construction of SW Scholls Ferry Road improvements; the construction of SW Strobel Road improvements; the construction of the new collector road improvements; and construction of a sewer lateral to serve the multifamily site in Phase 2. See Sheets LTP-1 through LTP-5.

The locations of SW Scholls Ferry Road, SW Strobel Road, and the collector road are established by existing site conditions and the South Cooper Mountain Community Plan. The only alternative to tree removal to accommodate these improvements is not constructing the improvements, which is not a reasonable alternative as it does not meet the City's policies or regulations.

The SW Strobel Road improvements require widening of the road from a 15-foot gravel driveway to a 61-foot neighborhood collector with travel lanes, on-street parking, planter strip, sidewalk, and community trail. These improvements require significant grading to provide a roadway that meets engineering standards, ADA standards, access requirements, and sight distance requirements. As shown in Sheet LTP-G1, the grading required for these improvements will result in the removal of 40 trees from the SNRA in the northern portion of the site.

The required street improvements necessitate the removal of 110 community trees:

- 38 community trees are proposed to be removed to allow for construction of the SW Scholls Ferry Road right-of-way and the multi-use trail to the north. The widening of SW Scholls Ferry Road is required to meet functional classification standards, and removal of these trees is exempt from review under this section. The multi-use trail is a required bicycle/pedestrian facility as identified in the South Cooper Mountain Community Plan.
- 67 community trees are proposed to be removed to allow for the widening and construction of SW Strobel Road, a designated neighborhood route. The improved SW Strobel Road is a required north-south connection as identified in the South Cooper Mountain Community Plan. Improvements to SW Strobel Road are required to meet functional classification standards, and removal of these trees is exempt from review under this section.
- 5 community trees are proposed to be removed to allow for construction of Street D.

The proposed installation of public streets and utilities requires the removal of 52 trees within the SNRA:

- 52 trees are proposed to be removed from the SNRA to allow for widening and construction of the northern portion of SW Strobel Road, a designated neighborhood route. The improved SW Strobel Road is a required north-south neighborhood route as identified in the South Cooper Mountain Community Plan.

- 0 trees are proposed to be removed to allow for construction of new east-west collector Road 8B. This east-west collector is a required connection as identified in the South Cooper Mountain Community Plan.

7. *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, or to eliminate conflicts with structures or vehicles.*

Response: The proposed tree removal is necessary for development of the site, which includes residential lots, streets, open spaces, stormwater facilities, and trails. 82 trees are proposed for removal from the on-site SNRA for the purposes of constructing the north-south collector Road 8B and SW Strobel Road, construction of a stormwater facility, construction of a multi-use trail, and construction of a sanitary sewer connection to the southeastern corner of the site. Enhancement of tree or grove health is not a factor, however, removal will facilitate development, including streets, lots, water quality facilities, trails and the daylighting of a piped stormwater conveyance.

8. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.*

Response: Two SNRA areas on the site are impacted by the required infrastructure improvements: the riparian corridor running north from SW Scholls Ferry Road; and a wooded area in the northwest corner of the site. The riparian corridor is identified as a combination of Class I and II Riparian Wildlife Habitat. The wooded area is classified as Class A Upland Wildlife Habitat.

An isolated, degraded wetland is located in the northwest corner of the site and is proposed for removal. The isolated wetland is classified as a “probable wetland” in the adopted LWI and has been determined by Anchor QEA to be insignificant per OFWAM criteria, as described in Appendix I and Impact Study A. Therefore, this isolated wetland is not an SNRA.

Tree removal required for the construction of required public improvements is addressed above. The remainder of the proposed tree removal is limited to areas intended for development, avoiding SNRA locations where practicable. No trees are proposed for removal from the Class I and II Riparian Wildlife Habitat areas for the purpose of site development.

Although the specific criteria used by the City of Beaverton to make a determination of significance were not available, the criteria to be used in creating the inventory are set forth in Title 13 of the Metro Urban Growth Management Functional Plan (Functional Plan). Table 3.07-13d states:

“Forest canopy” means areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.”

From this information, and absent the original criteria, the project team has applied the following criteria:

- contiguous forest canopy
- at least one acre in area
- at least 60% canopy crown closure

The natural resource inventory mapping in the South Cooper Mountain area was conducted at high-level and most resources cross one or more property boundaries. The mapped resource areas were identified as significant based on their overall qualities, rather than those that are broken down by site.

Contiguous forest canopy

The mapped upland wildlife habitat on site is part of a larger, approximately 4.6-acre area that extends off-site to the north and northeast.

At least one acre in area

As stated above, the mapped connected Class A and B upland wildlife habitat area is approximately 4.6 acres in area, and the on-site habitat area is approximately 2.8 acres in area. The tree removal required for construction of SW Strobel Road will reduce the size of the on-site area by 0.9 acres, to 1.9 acres.

The additional tree removal proposed for site development would remove an additional 1.1 acres of the on-site upland wildlife habitat area. This would reduce the size of the total off- and on-site upland habitat area to 2.6 acres, which continues to exceed the threshold for the SNRA designation.

At least 60% canopy crown closure

Although detailed calculations of the crown closure have not been conducted, it appears from review of Google Earth aerial photos that the canopy crown closure exceeds 60%.

As described above, with the proposed tree removals, the upland wildlife habitat area will continue to meet the original criteria and will not result in a reversal of the original determination qualifying the area as an SNRA. This criterion is met.

9. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.*

Response: The limited proposed removal of trees within the SNRAs on site will not result in isolated trees or hazards due to windthrow. Efforts have been made to avoid leaving isolated trees. The grouping of trees proposed for preservation will be further protected by additional existing trees within the preservation area. Trees to be preserved will be monitored during construction to further assess their viability.

10. *The proposal is consistent with all applicable provisions of Section 60.60. (Trees and Vegetation) and Section 60.67. (Significant Natural Resources).*

Response: The proposal is consistent with the applicable provisions of 60.60 and 60.67 as described in the responses to those sections.

11. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effects on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Response: Site grading is subject to the standards of Subsection 60.15.10 Grading, and the grading of new streets is required to meet the applicable standards of Section 210 of the EDM. Compliance with 60.15.10 is detailed in the responses to that section, below. Compliance with Section 210 of the EDM will be reviewed with the Site Development Permit for the development. See Sheets P4.0-P4.2 for details.

12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.

Response: The application contains all applicable application submittal requirements. This criterion is met.

13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Response: This application includes this Conditional Use – Planned Unit Development application with associated Preliminary Subdivision, Design Review 2, Tree Plan 2, and Quasi-Judicial Zoning Map Amendment applications for this project. No additional required applications have been identified at this time.