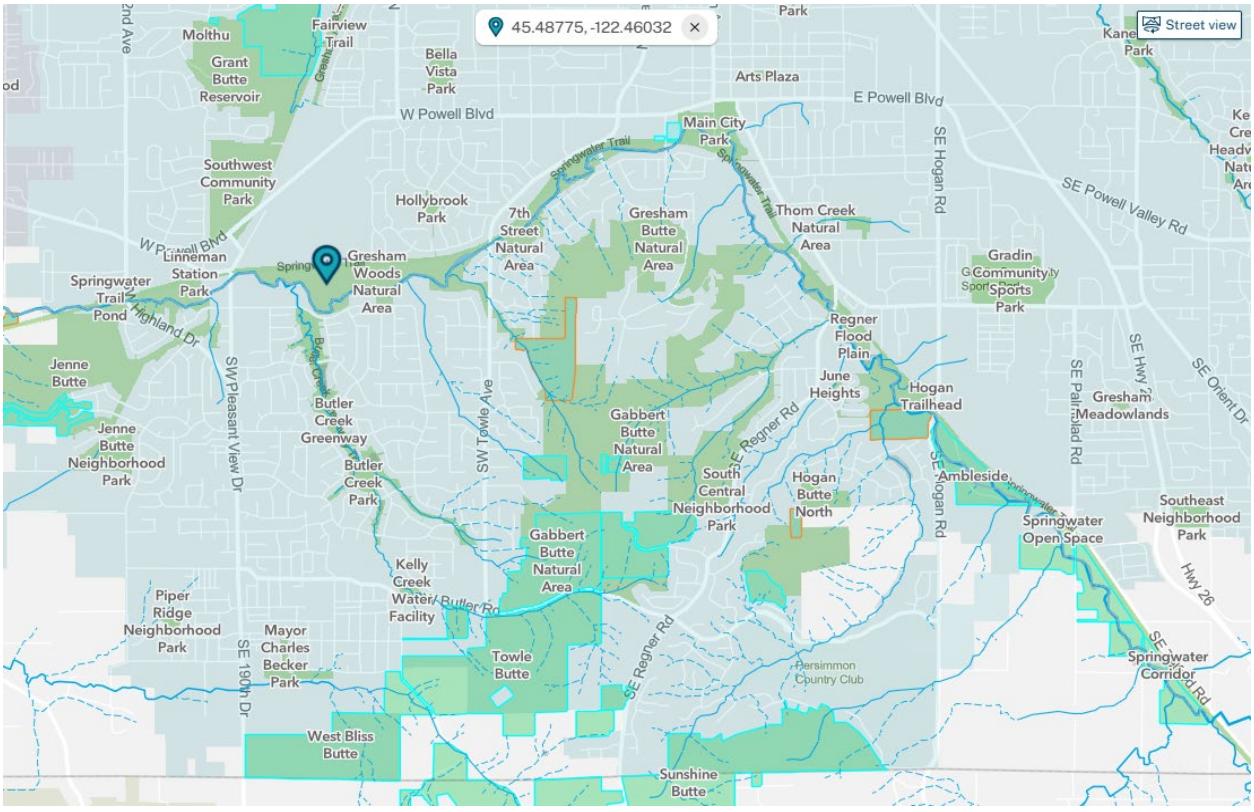
Memo

Metro
600 NE Grand Ave.
Portland, OR 97232-2736

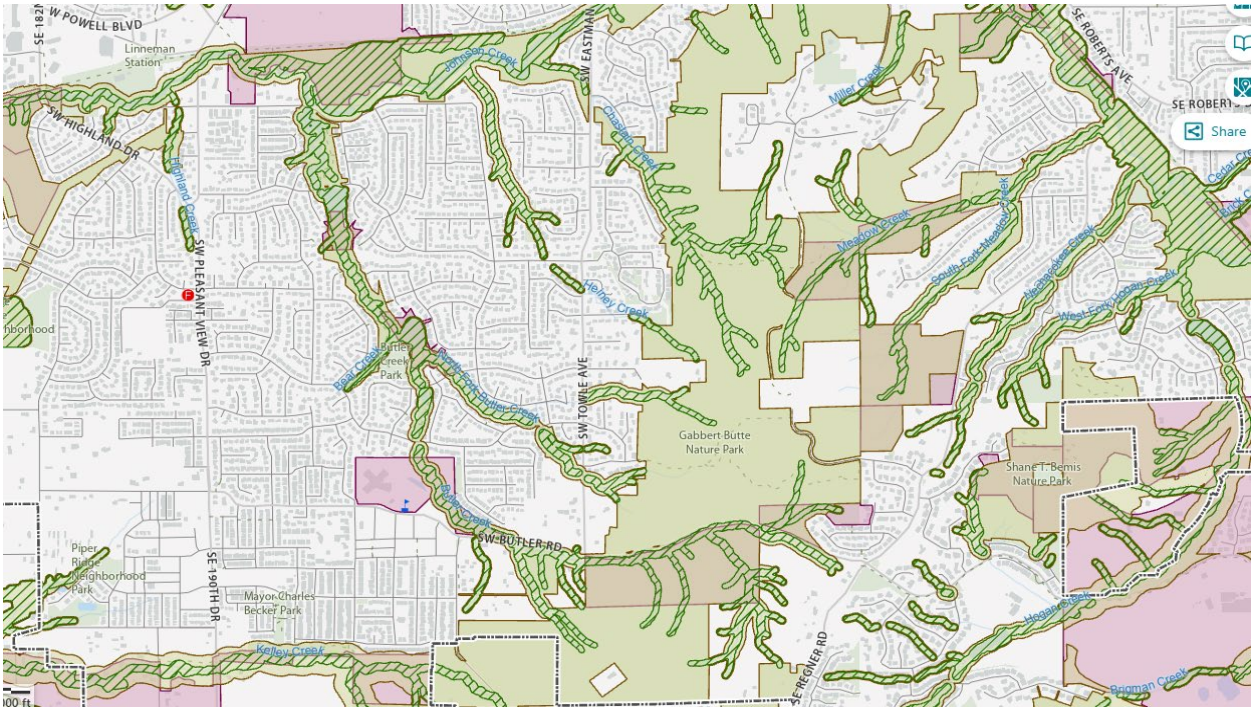
TO:	City of Gresham, Planning Commission and City Council c/o Gabby Sinagra, Planner: Gabby.Sinagra@greshamoregon.gov
FROM:	Gary Shepherd, Senior Attorney, Office of Metro Attorney Jonathan Soll, Science and Stewardship Division Manager, Metro Parks and Nature
RE:	City of Gresham Code Amendments – Tree Code and Associated Sections
DATE:	November 2, 2026

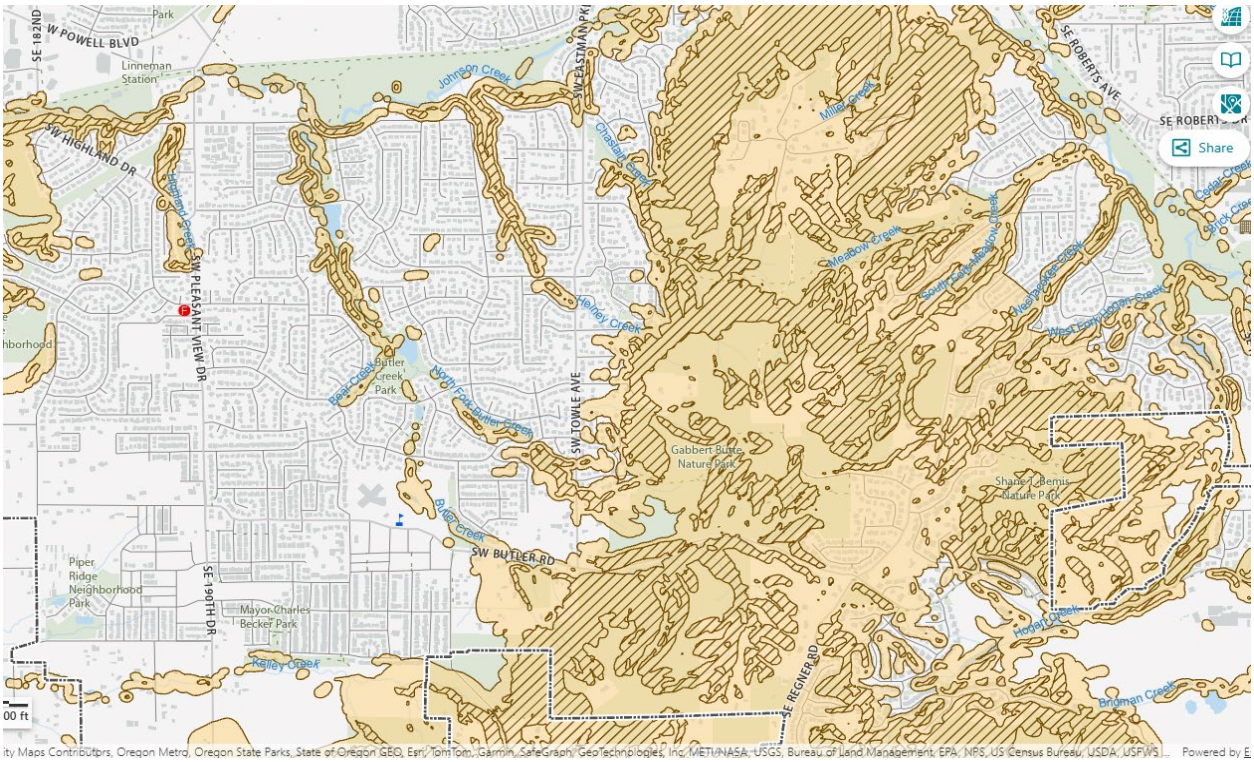
Thank you for undertaking the effort to review and improve the City's Code and providing Metro staff with the opportunity to review and comment. Please include this letter memorandum in the record of these proceedings.

The City of Gresham and Metro own and manage the vast majority of all the forested lands within City limits. Metro owns and manages forestlands on Gabbert Butte, Towle Butte, West Bliss Butte, Sunshine Butte, Grant Butte, and within Jenne Butte, Hogan Butte, and Gresham Butte, as well as along Upper Johnson Creek and other riparian corridors. In the below image, Metro resource holdings are depicted in the darker green color, and the City's holdings in army green.



Metro property also includes extensive areas mapped in protective resource overlays, including the Natural Resource Overlay along riparian corridors (in hashed green below), and the Hillside/Geological Hazard Overlay (in hashed brown below). The below is a representative image capture for a portion of the City's overlay maps.





However, there is also a substantial amount of City and Metro forest land not mapped with an overlay (outside a riparian corridor and steep slopes) that is solely regulated by the City's tree code. As such, Metro is uniquely situated and impacted by the City's land use code and tree code.

Respectfully, currently and through the proposed amendments, the code continues to restrict Metro's ability to manage the forests effectively and efficiently, in both process and substance. The stated purpose of the tree code is to restrict removal and require replacement on both developed and undeveloped sites. As proposed, the code creates process, standards, and tree replacement requirements that are intended to regulate development. As applied to Metro, this would be regardless of the need for forest management; existing forest conditions, stand densities, hazards, fire risks, and health; and desired future outcomes. Metro is not your typical landowner. Metro's Parks and Nature Department manages its acquisitions to protect water quality, restore fish and wildlife habitat, and create opportunities to enjoy nature close to home through a connected system of parks, trails, and natural areas.

Permit Requirement:

Metro actively manages its forest landscapes in Gresham and the surrounding Metro region for forest health, wildlife benefits, water quality, risk reduction, climate resiliency, and recreation. For Metro to conduct customary forest practice activities, such as thinning, hazard reduction, or risk reduction, all which require the removal of more than a *de minimis* number of trees, Metro would be required to go through a time consuming, personnel intensive, and expensive Tree Removal C process, involving a Type II application, replacement requirements, and financial guarantees. *See Table 9.1003 – Tree Removal Permit Categories.* We understand the need for the City to regulate activities occurring within its jurisdiction. However, Metro needs to actively manage its forests more than other private landowners.

There are at least two additions that could be made to address this matter and recognize Metro's unique position. The first would be to subject Metro to only the Tree Removal A and/or B permit processes, thereby recognizing the impact that more extensive process has on both Metro and City staff time and resources. This could be accomplished by adding tree removal on Metro property to the conditions list and no having thresholds (in number and size) for those trees. The second is to extend the tree permit exemption to Metro as discussed below.

Exemptions:

The City, with appropriate foresight and recognition of its forest and land management needs, exempts itself from the tree removal permit requirement when it undertakes removal for the broad categories or public health, safety, welfare, and maintenance. *See 9.1004.B*. Those exemption categories describe the very purpose of forest management in an urban environment. However, the City does not extend that same foresight to Metro. Instead, the code continues to subject Metro's forest management

activities to individual tree permit requirements, and the associated administrative and subjective restrictions that interfere with, do not account for, and are counter to effective and efficient large scale forest management, including fire risk mitigation and removing hazard trees adjacent to residential homesites and recreational trails.

Being similarly situated, Metro requests that it be provided with the same ability to manage its forests and parklands that the City acknowledges it needs, and that Metro be included alongside the City as exempt. Metro proposes that 9.1004.B. provide as follows (additions underlined and deleted words crossed out):

> "The City of Gresham ~~is~~ and Metro are exempt from the Tree Removal Permit requirements of Section 9.1000 when it undertakes activities that are necessary for the projection of public health, safety and welfare: and when it performs maintenance of street trees in the public right-of-way and trees within designated City or Metro parks, trails, and open space. …"

This change would allow Metro to promptly and efficiently manage hazard trees adjacent to homesites and along recreational trails, and to conduct thinning, buffering, and other healthy forest initiatives to reduce urban fire risk and improve resilience to climate change. Rather that discouraging or punishing management activities that promote regional safety and forest health, adding Metro to the tree permit exemption list would encourage those activities.

During our review, Metro also noticed another potential void in the exemption list. In addition to tree permit standards, other resource protection standards apply in the Natural Resources and Hillside Geological Hazards Overlays. To address forest management needs for land included in those overlays, City code provides a programmatic review and permit process. While the programmatic standards in Sections 5.0708 and 5.0207 detail tree removal permission, there is no cross reference to that programmatic review and permission process in the Tree Permit code or proposed amendment. To avoid duplicative review and permits and to ensure consistency between the code provisions, Metro suggests including an additional exemption in the Tree Permit code for trees approved for removal through a programmatic permit. Section 9.1004 could be amended to state (underline added):

> 9.1004. …
>
> D. Tree permitted for removal under a programmatic permit issued pursuant to 5.0708 or 5.0207.

Tree Replacement:

Metro makes these comments concerning proposed tree replacement language for the purpose of understanding the language as written. As proposed, for general site trees, the code would require trees to be replaced on a 1 to 1 basis unless the applicant is able to demonstrate that the site planting ratios in § 9.0120 are met without replacing the tree. The site planting ratios are then further defined for various uses, including residential,

industrial, mixed use, and "other uses." The code does specifically list park, open space, and forest uses. As such, Metro understands park, open space, and forest uses to be included in "Other Uses."

Therefore, if Metro were able to demonstrate that its site on average retained 1 tree per 3,000 square feet of site area, no tree replacement, including fee-in-lieu or otherwise, would be required. This is a helpful and appropriate recognition that replacement trees are not always appropriate or needed.

Metro respectfully requests confirmation of this reading.

Thank you for consideration and the opportunity to provide comments.