Planning Commission:

City staff under direction from Council have devoted themselves over the past four years to improving the city's tree code which has been out of date far too long and I welcome many of the changes that have been proposed in this new code.

These are my concerns:

Context: Gresham for decades did not prioritize trees in the developments it approved. That is evident by how many developments and miles of streets between1980-2010 had two foot wide planting strips next to curbs, widths that any arborist at the time knew would not support even medium or small stature trees into maturity. There was no priority placed on green infrastructure or concern for tree canopy. Those two foot strips which at the time required developers or owners to plant trees now are left defunct as the city now says they are too small to support any type of tree. This should make it incumbent upon the Planning Commission and City Council to look carefully whether this revised tree code fully appreciates the errors and omissions of the city in the past and compensates to the extent possible for those prior decisions in the new code revision.

1. Gresham has not only suffered from a lack of appropriate tree code language but a lack of coordination between its departments when it comes to residential planning. Changes in storm sewer placement, utilities, storm water, driveway width, and even fire department ladder truck access has lead to changes in approved plans that reduced street tree placement. The city has allowed in lieu planting of trees in a recent development of 21 street trees within just a four block area, trees that neighborhood needs but now likely will never be there. Landscape trees in that development also were planted far too close to concrete porches or other foundations thus their longevity is measured. All of this could have been corrected with code that emphasized the importance of green infrastructure and careful coordination among its departments. **Proposed adjustment in code: The new code should have more disincentive for in lieu planting to discourage developers from seeking an easy out to placement of street trees. In 9.1020 D.1 adjust the language from: "A contribution shall be made for each required tree not planted." To "A contribution of two trees shall be made for each required tree not planted."** Appropriate reference to this change in 9.1011 may then also be necessary.

2. The tree preservation language in 9.1021 while an improvement over current code is still relatively timid in helping retain mature trees from being removed on site. The incentives offered in the code may help but a more robust preservation provision should be reconsidered so developers look more carefully and strategically at options to save mature canopy trees. Requiring more trees to be planted than the proposed formula for taking out a mature tree might be one consideration. **Proposed change in code To save more existing site trees include a provision like Bend, Oregon's specifying a standard (e.g.**

25%) in the new code requiring tree replacement using this formula for mature trees removed:

a. Replacement trees must be planted on site to make up for anything less than the total DBH required in subsection (C)(1)(b) of this section. To determine the number of required replacement trees based on the ratios below, use the DBH of the largest tree or trees proposed for removal that will cumulatively equal or exceed the DBH required to meet the 25 percent preservation standard.

i. Six inches to 9.9 inches DBH tree removed: one replacement tree.

ii. Ten inches to 19.9 inches DBH tree removed: two replacement trees.

iii. Twenty inches or larger DBH tree removed: four replacement trees.

3. The new code should specify that all new housing developments that contain two or more residences project the tree canopy level after 15 years of development to give an idea of what has been planned to provide a more livable and healthy environment. Other cities require this and the software for determining this is readily available to landscape architects or engineers. If projected canopy levels are below the threshold of 35% it should be incumbent upon the developer to redesign the plan to determine how to achieve that level of mature canopy. The State of Oregon already requires a 40% canopy requirement for parking areas for cities over 40,000 in population using a 15 year projection.

4. The city has been remiss in allowing residents and commercial establishments to top trees and to keep topping them year after year. The new code says tree topping will constitute removal but the language should not grandfather in businesses that have repeatedly ignored the current code. There are too many instances where code enforcement has allowed trees not on the street list to be planted and too many instances where trees that have been topped were allowed to remain. This new language should add the provision that severe topping will not only be considered tree removal but that those trees shall be replaced with approved street tree caliper and specimens within a limited period of time—no exceptions. **Proposed adjustment in code: Change proposed code language "Severe Crown Reduction, including tree topping, as defined in Section 3.0150, is considered equivalent of tree removal" to add this phrase"and shall require without exception replacement of that tree within a period of four months meeting tree caliper and species 4.specifications established in the code based on tree type."**

5. The city should consider appropriate sanctions or penalties for landscape companies that violate its code. Too often the same firms have operated with impunity in removing trees, seeking retroactive permits, topping, severe crown pruning, etc. without any

consequences. This harms the city obtaining the tree canopy desired and the code should do all it can to incentivize companies to follow code and promote tree health. **Proposed change in code: Incorporate Portland's provision that the city can bar a landscaping company for two years after it is has been determined that it has violated its tree code policies.**

6. The significant tree designation delisting (9.1040) should be voluntary for the owner of that tree and removal from the list should also be voluntary without any process that would obligate the homeowner to seek arborist or legal resource assistance due to a required hearing.. Most residents or business are proud of their significant tree and want to do what is in the tree's best interest. There is no need to complicate the process unnecessarily or pose more burden on a homeowner for this designation of a heritage tree. This orientation has been the Urban Forestry Subcommittee determinations in all recent cases involving a requested delisting of a significant tree. **Proposed change in code: Remove any requirement for a hearing or arborist report when a resident wants to delist a significant tree.**

7. The city has been disadvantaged by not having a single urban forester on its staff. It will continue to suffer decisions made by city staff without the expertise that most cities have come to rely upon. The new code does not reference the lack of this resource or the role this person might play, but the city will continue to find that canopy will suffer in the absence of this expertise being available on staff to guide exceptions made in these code allowances. Contracted arborists do have the relationships with department staff nor historical understanding of circumstances in the city as a member of the staff and those limitations will show over time.

Thank you for your consideration of these suggestions.

Jim Buck
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