11/8/26

To: Gresham Planning Commission
From: Carol Rulla

RE: 11/9/26 Hearing Tree Code Comments

I first want to give thanks and support to staff for simplifying and reorganizing the Tree Code. I appreciate that staff has worked to clarify standards and fill in gaps in the existing code. I particularly support the clarification that the residential tree planting requirement of 1 tree per 3,000 sq.ft. of gross lot area needs to be met unless a variance is approved.

This has been a long project, but unfortunately the opportunity to review the draft code has been more limited than usual, including no Planning Commission work session on the draft language. While I appreciate staff's time and efforts to respond to initial public feedback on the draft code, I ask the Planning Commission to make some changes to the code language in your hearing.

**In Exhibit A Section 9.1000**, I ask for revision, clarification and correction of the following standards:

**Under Tree Removal B & C Development Conflict Standards**

**Section 9.1010.B.1.b.iii.1** (p.6 of 18)
Allowing tree removal when "*any* portion of the Critical Root Zone is within the area proposed to be developed [emphasis added]" means that even a very small impact on a huge tree justifies its removal, which is the opposite of protecting trees. The tree protection provisions in 9.1030.C.1.b allow up to 25% encroachments into the Critical Root Zone (CRZ), so it's not necessary to allow tree removal for "any" encroachment into the CRZ, especially since the CRZ definition of 1' radial distance per 1" DBH doesn't necessarily match trees with deeper root structures. Staff has said the 25% encroachment for tree protection plans is allowed by several other jurisdictions, so this is a common encroachment allowance. Even if applicants are likely to retain large trees where there's minimal encroachment into the CRZ because of the cost to remove them, we shouldn't be allowing outright tree removal for "any" encroachment into the CRZ.

I ask that the tree protection encroachment allowance (more than 25% encroachment or more than half the radial distance) be used for the clear-and-objective provision to allow tree removal for encroachment into the CRZ, with removal for less encroachment being allowed only with justification by an Arborist.

My suggested wording (in bold):

> 9.1010.B.1.b.iii. The tree conflicts with proposed development under a land use review or other development permit, as demonstrated by one of the following:
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> 1) **More than 25 percent of the Critical Root Zone or more than one half the radial distance of the Critical Root Zone** is within the area proposed to be developed with structures, grading, or other development. **The applicant may propose tree removal with less encroachment into the Critical Root Zone when the need for removal is documented by a Certified Arborist.**

**Sections 9.1010.B.1.b.ii and iii.2** (p.6 of 18)
Both of these provisions allow tree removal based on the spacing standards of Section 9.1023. There are two issues which still haven't been addressed to make using the tree planting spacing standards in Section 9.1023 meet clear-and-objective requirements for tree removal spacing in Section 9.1010:

- Table 9.1023 defines the spacing requirements based on Small, Medium and Large Stature Trees on the Approved Tree List. That makes sense for tree planting, but there is no provision for what spacing will apply for removing existing trees that aren't on the Approved Tree List. Section 9.1022 addresses how applicants may suggest a species for planting when it's not on the list, but it's not at all clear that provision would apply to a tree proposed for removal when it's not on the list. It is also questionable that an applicant would have to hire an Arborist to determine what stature their existing tree should be considered, especially for a homeowner or business owner applying for a Tree Removal B permit to remove trees just over the Tree Removal A threshold.

- The spacing distances for tree removal should be measured as defined in Section 9.1023.A.4. Staff tried to address this by changing the code reference from just Table 9.1023 to Section 9.1023, but the code reference got changed only for Subsection iii.2 and not for Subsection ii. That said, new introductory language was added to Section 9.1023 ("Trees that are required to be planted with new development or required replacement shall meet the following standards") which makes referencing Section 9.1023 problematic and not at all clear-and-objective when used for tree removal standards.

I suggest both of these issues be addressed in the Section 9.1010 tree removal standards so that it is clearer and easier for applicants to find the applicable criteria. My suggested wording (in bold):

> 9.1010.B.1.b.ii. The tree has insufficient clearance from an existing dwelling or primary structure based on the spacing standards of Table 9.1023. **Spacing distance between the tree and the building shall be measured from the tree on center to the near edge of the building. For trees proposed for removal which are not on the City's Approved Tree List, the Manager shall determine whether the tree should be considered Small, Medium or Large Stature to determine which spacing standards in Table 9.1023 apply.**
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> 9.1010.B.1.b.iii. The tree conflicts with proposed development under a land use review or other development permit, as demonstrated by one of the following:
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> 2) The tree has insufficient clearance from a proposed dwelling or primary structure based on the spacing standards of **Table 9.1023. Spacing distance between the tree and the building shall be measured from the tree on center to the near edge of the building. For trees proposed for removal which are not on the City's Approved Tree List, the Manager shall determine whether the tree should be considered Small, Medium or Large Stature to determine which spacing standards in Table 9.1023 apply.**

**Table 9.1003 Error**

Table 9.1003.A.2.c just says "Site" as one of the conditions for Tree Removal A. Based on the previous draft language, I believe the insertion of "Site" to clarify which trees this condition applied to inadvertently deleted the rest of the condition.

I believe the condition should read (corrected language shown in bold):

> T9.1003.A.2.c. **Trees are not** Site **Trees subject to conditions of approval from a previous development permit.**

Thank you for your consideration.