City of Gresham Planning Commission
c/o Hayley Hamann, Administrative Assistant
October 28, 2026

Subject: Written Testimony on CPA-25-00461: Tree Code Update Project (Draft Section 9.1000)
Hearing Date: November 9, 2026 Public Hearing
From: Dave Dyk, Resident (715 NW 1st St, Gresham, OR 97030)

Chair Kamp and Members of the Planning Commission,

I am writing to urge the Planning Commission to establish housing supply as the absolute top priority when evaluating proposed updates to Gresham's Tree Regulations (Section 9.1000).

Oregon is experiencing an acute housing crisis, and Gresham is no exception. The City's own Housing Needs Analysis identifies a critical deficit requiring more than 6,000 new homes over the next two decades. Housing availability and affordability impact every facet of our community—from workforce retention to family stability. Every development code update undertaken by the City must actively support housing delivery. While a thriving urban tree canopy is a valued community amenity, environmental rules must not be structured in ways that inadvertently ration, obstruct, or dramatically inflate the cost of building homes.

Under Oregon law (including HB 2001 and HB 2138), standards impacting housing must be clear, objective, and avoid creating unreasonable cost or cumulative delay. As currently drafted, several key provisions of proposed Section 9.1000 present substantial regulatory friction for residential projects—particularly compact infill, middle housing, and corridor developments.

I respectfully ask the Planning Commission to recommend the following essential safeguards to City Council:

1. Restore a Clear Economic and Yield Safeguard for Significant Trees:
Current §9.1056(B)(1) provides an objective relief mechanism allowing tree removal when preservation would escalate construction costs by more than 5% or create safety conflicts. Proposed §9.1043 eliminates this critical balance. The Commission must restore an explicit, objective standard ensuring that significant tree preservation does not force the loss of achievable housing units or render residential density targets economically unviable.

2. Align Tree Spacing Setbacks with Compact and Middle Housing:
Proposed Table 9.1023 imposes rigid tree setbacks—requiring even small tree species to maintain a 10-foot buffer from habitable buildings. On compact single-family lots, cottage

clusters, townhomes, and quadplexes, a mandatory 10-foot building separation makes efficient footprints physically impossible. The code must provide an administrative reduction pathway and adopt an approved small-lot species schedule that allows trees to coexist adjacent to compact housing footprints without requiring discretionary variance procedures.

3. Grant Residential Housing Equal Access to Fee-in-Lieu Flexibility:
Section 9.1020 explicitly provides industrial developments with a practical fee-in-lieu alternative when required on-site canopy cannot be achieved. Housing projects deserve this exact same practical flexibility. If an infill residential site cannot fit full tree density without reducing homes, parking, or storm/utility connections, builders must have a predictable, administratively accessible fee-in-lieu option. Those revenues can then be directed to municipal tree planting in low-canopy public rights-of-way and neighborhood parks.

4. Streamline Review Directly into Building Permits:
Tree preservation and removal review for residential construction must be seamlessly integrated into the standard building permit track. Requiring separate, protracted tree reviews, expansive arborist inventories outside the direct area of disturbance, or excessive 1:1 replacement escrow deposits during mass grading creates unnecessary carrying costs that are directly passed on to Gresham homebuyers and renters.

5. Require Housing Impact Modeling Prior to Adoption:
Before final adoption, the Commission should request staff to publish objective test models comparing real-world prototypes (townhome blocks, quadplexes, cottage clusters, and corridor apartments) under current versus proposed rules. The Commission needs visibility into how these proposed spacing, size, and retention requirements affect total achievable units, project fees, and land utilization.

Conclusion:
Protecting our environment does not require stifling new housing. When site-level conflicts arise, Gresham's priority must remain delivering the homes our residents desperately need, utilizing off-site planting and fee-in-lieu mechanisms to maintain regional canopy goals.

Thank you for taking time to consider my testimony. Unfortunately I will be unable to join the Committee to provide live/oral testimony; please enter this written submission into the official hearing record for the November 9, 2026, public hearing.

Sincerely,

Dave Dyk (he/him)
715 NW 1st St
Gresham, OR 97030
dave@cpnt.com

Staff Response Re: Public Comment – Dyk – October 28,2026 (November 5, 2026)

Good Afternoon Mr. Dyk,

Thank you again for your testimony for the City of Gresham's Tree Code Update Project. Your written testimony has been included in the official record for the Planning Commission hearing for CPA-25-00461. It is being provided to the Commission for its consideration as part of the public hearing process. We appreciate your thoughtful comments and your focus on ensuring that the code supports housing production while also advancing the City's urban forestry goals. Additionally, staff wants to acknowledge and respond to various points in your testimony.

You expressed concern that the spacing standards in Table 9.1023 could make compact housing types such as townhomes, cottage clusters, and middle housing difficult to develop on smaller sites. Therefore, you request an administrative spacing reduction pathway and an approved small-lot species schedule (without discretionary variance procedures). As you are likely aware, the spacing standards are intended to support healthy tree establishment and reduce future conflicts between trees and structures. However, in case it was not evident, staff wanted to mention that the proposed code allows spacing to be modified when supported by an arborist's statement that alternative spacing will still allow for healthy tree growth and will not impact the building or infrastructure during the life of the tree (9.1023(A)(3)). This provision is intended to accommodate site-specific development conditions, including compact residential projects.

You propose that residential projects should have access to fee-in-lie, similar to the proposal for industrial developments. You are correct that the fee-in-lieu option is limited. Staff recognize the desire for additional flexibility for residential development. However, the draft code reflects the input received throughout the project that the number of residential site trees required are not decreased. Additionally, it considers input received that the current site tree requirement is achievable for current residential housing development.

You requested that the City evaluate the effects of the proposed regulations on housing production through prototype development scenarios before adoption. Staff agrees that understanding the relationship between tree regulations and housing development is important. Early in the project, alternative policy scenarios were modeled. This informed the policy development evaluations and decisions and the results of that work influenced several aspects of the proposed code, including the recommendation to retain the City's existing site tree requirement for residential subdivisions rather than increase that standard.

Thank you again for your testimony and your participation in the public process.

Warm Regards,

Terra Wilcoxson
She/her
Comprehensive Planning Manager | City of Gresham
terra.wilcoxson@greshamoregon.gov | 503-618-2082