1333 NW Eastman Parkway
Gresham, OR 97030

503-618-3000
GreshamOregon.gov

To: City of Gresham Planning Commission
From: Mary Phillips, Senior Planner
Gabby Sinagra, Planner II
Todd Prager, Principal Consulting Arborist, Todd Prager & Associates
Sachi Arakawa, Partner, Cascadia Partners
Memo Date: January 17, 2025
Meeting Date: January 27, 2025
Re: Tree Code Project Alternatives Work Session

Meeting Purpose

The intent of the Project Alternatives Work Session is for the Planning Commission to provide their feedback to the Tree Code project team on the general approach to updating key policy topics. Staff and the project consultant will review four main topics with the Commission, including canopy coverage goals, tree retention and replacement, enforcement, and the intent of the City Tree Guidebook. Discussion questions on these policy topics are provided in the Key Policy Topics and Alternative Approaches table beginning on page 4 of this memo. Examples of how policy direction may guide tree code regulations are also provided in the table. Commission feedback on the alternatives will be used, along with similar feedback from the Urban Forestry Subcommittee (UFS) and City Council, as a policy framework for the project team to follow when preparing the draft policy and code updates.

Project Background

Tree Code Project Overview

The Tree Code Project team is working with the community to update Gresham's tree goals, policies, procedures, and regulations to reflect community goals, best practices in urban forestry and green infrastructure, climate resilience and climate justice, equity, community vibrancy, and the guiding principles of the 2022-2025 Gresham Strategic Plan. The project will result in updates to Volumes 1-3 of the Community Development Plan, as well as updated tree lists and the creation of a city tree guidebook.

Project Purpose

Gresham has a thriving and equitably distributed tree canopy that supports climate resiliency and healthy living.

Project Outline

The following table outlines the general components for each project phase:

Phase 1: Project Outline and Background Analysis	**Phase 2:** Goal Setting	**Phase 3:** Alternatives	**Phase 4:** Policy Development	**Phase 5:** Adoption	**Phase 6:** Implementation
Fall 2023 – Winter 2024	*Spring/Summer 2024*	*Fall 2024/Winter 2025*	*Estimated Spring 2025*	*Targeted Summer 2025*	*Estimated Summer 2025 +*
• Outline project • Background Analysis • Peer Review • Equity Lens Tool • Public Involvement Plan	• Visioning • Draft Outcome Goals • Finalize goals and scope	• Develop Alternatives • Alternatives Analysis • Preferred Alternative	• Policy Development • Review Draft Policies • Refine Draft Policies	• Public Hearings	• Policy enactment • Ongoing implementation

1333 NW Eastman Parkway
Gresham, OR 97030
503-618-3000
GreshamOregon.gov

Summary: Phase 2 Community Goals Feedback

During the project's Phase 2 outreach activities the community shared that trees in our city are very important, and that they would like our updated tree policies to:

- Protect mature trees and groves of trees;
- Support a high level of tree coverage;
- Promote places with a variety of tree sizes and building sizes;
- Reduce urban heat;
- Provide wildlife habitat;
- Improve air quality; and
- Support healthy living.

The most common tree concerns shared included:

- Lack of clarity on who is responsible for tree care or planting;
- Tree and infrastructure conflicts (such as damage to sidewalks, blocked signs, etc.);
- Safety Hazards (dropped limbs in storms, street signals and signs blocked, etc.); and
- Inappropriate tree pruning, maintenance, or removal.

These community goals and considerations helped to frame the alternative policy approaches described in this memo.

Phase 3: Alternatives

Phase 3 of the Tree Code project includes development of alternative approaches to updating the City's tree policies. The project team has outlined the project's general approaches to the various project components, and alternative approaches to consider for key policy topics. In addition, the project consultants (Todd Prager & Associates and Cascadia Partners) have evaluated the alternative approaches and provided their recommendations based on:

- The project goals established through community outreach;
- How the alternative would support a thriving and equitably distributed tree canopy;
- Best practices in urban forestry, municipal tree regulations, green infrastructure, climate resilience, and climate justice;
- The anticipated effectiveness of each of the policy alternatives; and
- The tradeoffs of the policy alternatives as compared with other alternative approaches.

Details of this analysis and the main policy questions for the Commission are outlined in the Key Policy Topics and Alternative Approaches table beginning on page 4. Examples of how policy direction may guide tree code regulations are provided in the table. Commission feedback on the alternatives will be used, along with similar feedback from the UFS and City Council, as a policy framework for the project team to follow when preparing the draft policy and code updates in the next phase of the project.

Project Component Approaches:

Comprehensive Plan Volume 1- Findings:

Volume 1 of the Comprehensive Plan includes background, facts, and data on the range of land use issues addressed in the Plan.

Consultant Recommendation:

- Findings should be updated to include changes that have occurred since 2011 and incorporate recent work and feedback received from the Urban Forestry Subcommittee, Engage Gresham Survey, Cross Cultural Community Workshops, Growing Shade in Gresham mapping tool, Tree Code Equity Lens Worksheet, and Climate Action Plan processes. Key findings about Gresham's trees and urban forest could be consolidated and made more prominent to highlight their importance to the community.

1333 NW Eastman Parkway
Gresham, OR 97030
503-618-3000
GreshamOregon.gov

Comprehensive Plan Volume 2- Goals, Policies, and Action Measures:

Volume 2 of the Comprehensive Plan includes goals, policies, and action measures for land use based on the background, facts, and data presented in Volume 1.

Consultant Recommendation:

- Update urban forest goals, policies, and action measures to be consistent with current best practices and incorporate recent work and community feedback received from the Urban Forestry Subcommittee, Engage Gresham Survey, Cross Cultural Community Workshops, Growing Shade in Gresham mapping tool, Tree Code Equity Lens Worksheet, and Climate Action Plan processes.
- A citywide tree canopy goal should be set to establish a clear target for the city to work towards and measure progress against. Goals for smaller areas like neighborhoods or land use districts may also be set, and establishing goals at this scale can promote the equitable distribution of tree cover across the city.
- The urban forest goals, policies, and action measures could be shifted to a more prominent and intuitive location such as with those for natural resources and other environmental topics.
- Goals, policies, and action measures could potentially be grouped and organized to reflect the phases of regulations (development, non-development, tree management and best practices, and significant tree program).
- Finally, additional details and specificity on the relative strength of the goals, policies, and action measures could be added to provide more guidance for the development code regulations.

Comprehensive Plan Volume 3- Development Code:

Volume 3 of the Comprehensive Plan includes the specific regulations that development projects must follow. The Development Code regulations must be consistent with and supportive of the goals, policies, and action measures in Volume 2. The Development Code regulations must also be consistent with applicable federal, state, regional, and local laws.

General Approach:

- The alternative key policy approaches outlined in the table below will inform the approaches to updating the standards in Volume 3.
- Additional, more detailed regulation topics will be discussed at subsequent policy development work sessions with the Urban Forestry Subcommittee and Planning Commission.

City Tree Guidebook:

The guidebook will serve as a resource to be used by property owners, developers, and City staff as a primary information source for tree education, selection, and planting. It will include multiple levels of information on each topic appropriate for the varied audiences, such as straightforward and easy to understand language for individual property owners, and additional information with a high level of technical details for developers and City staff. The guidebook will be based on current best practices, address climate resiliency, and be highly visual. The contents will include (but are not limited to):

- The benefits of trees (including why it's important to keep mature trees, understanding tree costs vs. benefits, etc.),
- Tree maintenance and protection,
- Tree planting,
- Tree location considerations and selection, and
- Tree species selection (including updated approved tree lists, criteria for evaluating tree species not on these lists, and alternative options for constrained urban contexts).

Additional, more detailed discussions of the City Tree Guidebook will occur at a future Commission work session with the project team.

Key Policy Topics and Alternative Approaches

1. City Tree Canopy Coverage Policies

Canopy Coverage Policy Purpose:

The purpose of adopting a canopy coverage policy is to establish a goal for future tree canopy coverage, create a framework for expected outcomes of tree regulations, and set consistent goals and expectations for community members and developers. Canopy goals focus on desired outcomes that can be reached through both preserving existing trees and planting new trees.

1a. Canopy Coverage Goal

Canopy Coverage Discussion Questions:

- Should the City establish tree canopy coverage goals as a framework for tree regulations?
- If so, should the goal be uniform across the city or include subgoals for specific contexts (such as allowed development densities, site uses, natural resource areas, etc.)?

Existing Canopy Coverage Approach:

- The existing average canopy coverage in the city is 22%, with coverage in individual areas ranging from 7.8% to 63% cover.
- The current policy approach does not include specific canopy coverage goals but does include a goal to expand canopy in general, and an action measure to adopt canopy coverage goals (10.014, Section 3).

Related Community Feedback:

- 80% of survey respondents and 74% of workshop participants prefer “plentiful” or “dense” tree coverage in the city over lower levels of coverage.
- Community feedback indicated higher levels of tree coverage were preferred in residential neighborhoods than in city centers.

Alternative Canopy Coverage Approaches:

Description of Alternatives:	**a.** Set a uniform city-wide canopy goal.	**b.** Set unique and/or tiered canopy goals for defined subareas.	**c.** Set both a total city-wide goal and unique goals for defined subareas.	**d.** Do not set canopy coverage goals (focus on improving existing regulations without specific canopy targets).
Pros:	• Sets a clear policy priority for the importance of trees citywide. • Advances the City’s climate, livability, and community vibrancy goals. • Can be used to set a framework for ensuring	• Sets a clear policy priority for the importance of trees for specific areas of the city (such as zoning districts or neighborhoods). • Advances the city’s climate, livability, and community vibrancy goals.	• Sets a clear policy priority for the importance of trees for both the city as a whole and specific areas of the city (such as zoning districts or neighborhoods).	• This approach would be unlikely to increase code complexity compared with a canopy approach. • Avoids increase development costs from increased design and planting requirements

	regulations are applied consistently across the City. • This policy framework helps ensure the future benefits of trees and tree canopy are addressed regardless of the number of existing trees at a site.	• Can be used to set a framework for regulations that are responsive to different contexts. • This policy framework helps ensure the future benefits of trees and tree canopy are addressed regardless of the number of existing trees at a site but is more responsive to different contexts than alternative a.	• Advances the City's climate, livability, and community vibrancy goals. • Can be used to set a framework for regulations that support a citywide canopy goal but is also responsive to different contexts such as zoning districts or neighborhoods.	significantly beyond existing requirements.
Cons:	• May result in increased complexity of code and City staff review. • Increases development costs with increased design and planting requirements. • A "one size fits all" policy approach is not responsive to the full range of development contexts in the city.	• A policy framework based on canopy for various subareas could increase the complexity of the code and City staff review, even compared with alternative a. • Potentially increases development costs with increased design and planting requirements.	• A policy framework based on canopy for various subareas could increase the complexity of the code and city staff review, even compared with alternative a. • Potentially increases development costs with increased design and planting requirements.	• There would be no long-term goal either citywide or for sub-areas of the city to guide code regulations. • Without a canopy approach, sites that do not have existing trees may be exempt from any tree planting requirements (and the future benefits provided by trees). • Does not advance the City's climate, livability, and community vibrancy goals.
Consultant Recommendation:			✓	
Rationale for Recommendation: A citywide goal is important to give the entire community a collective long-term target to achieve. In addition to a citywide goal, goals for subareas of the city will help to ensure an equitable distribution of tree canopy that is more context sensitive to different areas of the city.				

1b. Canopy Coverage Target(s)

Canopy Coverage Target Discussion Questions:

- Based on the above alternative, what level of coverage should be targeted to reach the City's goals for climate action, livability, and community vibrancy and support the benefits of trees city-wide?

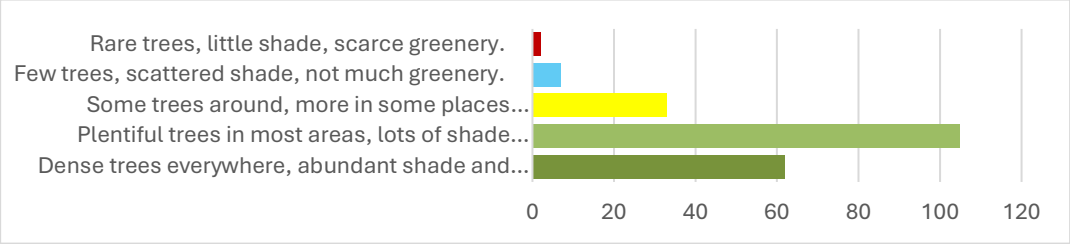
Existing Canopy Coverage Approach:

- There are no specific canopy coverage targets in City policy (Vol. 2), existing regulations (Vol. 3) typically do not target specific canopy coverage amounts except for hardscape and parking lot shading requirements in some areas.

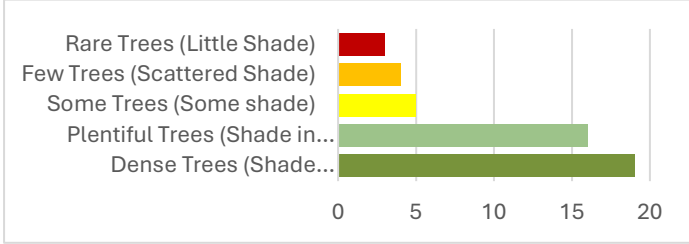
Related Community Feedback:

- 80% of survey respondents and 74% of workshop participants prefer "plentiful" or "dense" tree coverage for the city over lower levels of coverage.

Survey Results:



Work Session Feedback:



Alternative Canopy Coverage Target Approaches:

Description of Alternatives:	**a.** Significant canopy increase/Aspirational	**b.** Moderate canopy increase/Somewhat challenging	**c.** Some canopy increase/Readily achievable	**d.** No net loss of existing coverage levels (22%)
Pros:	• A significant canopy goal factors in a "margin of error" for future canopy growth. • Even if fall short of goal, there may be significant canopy increases and associated tree benefits. • Significantly advances the City's climate, livability, and community vibrancy goals. • Significantly advances community desires for dense canopy coverage.	• Sets somewhat challenging but achievable expectations for community with reduced risk of not achieving canopy goals. • Still a significant canopy goal, but more achievable than alternative a. • Even if fall short of goal, there may be significant canopy increases and associated tree benefits. • Advances the City's climate, livability, and community vibrancy goals. • Advances community desires for plentiful canopy coverage.	• Canopy goals are readily achievable and increases canopy beyond existing conditions. • Marginally advances the City's climate, livability, and community vibrancy goals. • Marginally advances community desires for plentiful canopy coverage. • Minimal likelihood this policy framework will result in overplanting of trees.	• This policy framework is focused on preserving existing conditions rather than achieving long term goals, so may be more practical to implement. • Minimal likelihood this policy framework will result in overplanting trees. • This policy framework will likely maintain the current level of site design flexibility.

Cons:	• This goal may never be met. • Could set community up for disappointment and policies may be seen as ineffective if goals are not met. • A policy framework based on significant canopy increases could result in overplanting of trees or planting the "wrong tree in the wrong place".	• This goal may be right at the margin for meeting the City's climate, livability, and community vibrancy goals with limited margin of error addressing issues such as urban heat if goal is not met. • A policy framework based on moderate canopy increases could still result in overplanting of trees or planting the "wrong tree in the wrong place".	• Lower levels of benefits than alternatives a and b, may not be sufficient to meet the City's climate, livability, and community vibrancy goals. • If standards are not met, there may be less canopy than typically recommended by researchers for achieving health, cooling, and other tree benefits for neighborhoods.	• Does not address community feedback supporting increasing canopy coverage. • Current canopy coverage levels provide significantly less canopy than typically recommended by researchers for achieving health, cooling, and other tree benefits for neighborhoods. • Does not address canopy increases for areas with low existing tree coverage. • Does not advance the City's climate, livability, community vibrancy, and equity goals.
Consultant Recommendation:		✓		
Rationale for Recommendation: A moderate but somewhat challenging goal for increasing tree canopy can be used to set a canopy goal that supports the City's climate, livability, and community vibrancy goals, is consistent with research on tree benefits, and is realistic enough that it could be achieved.				

2. Tree Retention and Replacement Policies

Including Retention Thresholds, Retention Priorities, and Replacement Requirements

Policy Purpose:

Tree retention thresholds, retention priorities, and tree replacement requirements help to preserve existing canopy cover while allowing for development.

2a. Retention Thresholds

The function of tree retention thresholds is to establish minimums for tree preservation with development to maintain existing canopy. Typically, they will apply to groves of trees and healthy individual trees. Retention thresholds can be based on percentage of trees, percentage of canopy, percentage of DBH, a combination, or other metrics. Retention requirements would be in addition to future tree canopy goals and can be implemented in the development code regulations.

Retention Threshold Discussion Questions:

- To what degree does the City want to prioritize the retention of existing trees? (How does that relate to canopy goals and community tree goals?)

Existing Retention Threshold Approach:

The current policy approach does not require the preservation of most trees but focuses on regulating tree removal and requiring replacement plantings in certain cases, while also discouraging the removal of significant trees and providing some protections for trees in environmental overlays.

Related Community Feedback:

- When asked how much they value having trees in the city, 97% of community respondents selected the highest response option ("a lot").
- The most important benefits of trees the community noted are (in order): reducing urban heat, improving air quality, supporting healthy living, providing wildlife habitat, and promoting community vibrancy.

Alternative Retention Threshold Approaches:

Description of Alternatives:	**a.** Set high bar for preservation	**b.** Create challenging but achievable preservation standard	**c.** Set readily achievable preservation standard	**d.** Encourage or incentivize tree preservation only (e.g. retained trees receive extra credit towards site canopy requirements)
Pros:	• Supports goals for tree preservation at a high level. • Sets significant minimum tree preservation expectations for the public and developers. • Maintains highest level of existing tree benefits as compared to other options. • Future code regulations can be made a clear and objective standard.	• Supports goals for tree preservation at a significant but achievable level. • Sets significant but achievable minimum tree preservation expectations for the public and developers. • Maintains moderately high level of existing tree benefits. • Future code regulations can be made a clear and objective standard.	• Supports tree preservation at a readily achievable level. • This approach can be used to set readily achievable minimum tree preservation expectations for the public and developers. • Maintains some existing tree benefits. • Future code regulations can be made a clear and objective standard.	• Supports high levels of site design flexibility for development. • Lower likelihood of increasing development costs relative to other alternatives. • Future code regulations can be made a clear and objective standard.
Cons:	• This preservation policy may increase development costs to the highest degree compared with other alternatives due to site design constraints.	• May moderately increase development costs compared with alternative d. • This policy may result in a requirement for arborists to verify tree health.	• This preservation policy may slightly increase development cost compared with alternative d. • This policy may result in a requirement for arborists to verify tree health.	• Reduces certainty for community members that desire tree preservation. • This policy is most likely to be ineffective at preserving trees if incentives are too weak.

	• If preservation percentage is too high, then it may be difficult to achieve on most sites. • This policy may result in a requirement for arborists to verify tree health. • This policy may require mechanism when minimum percentage of trees cannot be preserved such as design review or mitigation.	• This policy may require mechanism when minimum percentage of trees cannot be preserved such as design review or mitigation.	• This policy may require mechanism when minimum percentage of trees cannot be preserved such as design review or mitigation. • Maintains fewer existing tree benefits than alternatives a and b.	
Consultant Recommendation:		✓		

Rationale for Recommendation: A challenging but achievable policy for tree preservation is consistent with community input on the value placed on trees but also recognizes that tree preservation must be balanced with other urban uses and development.

2b. Tree Retention Priorities

The function of retention priority goals is to help ensure that mature, ecologically significant trees are retained, and help prevent the loss of mature canopy when possible; to encourage protection of trees that contribute a diverse, healthy canopy assemblage and provide ecosystem service benefits; and help protect trees that best reflect community's tree goals.

Retention Priorities Discussion Questions:

- When multiple trees are on a development site, does the City want to prioritize what trees are retained?
- If so, what category(s) of trees should be prioritized?

Existing Retention Priority Approach:

- The current tree retention approach is focused on regulating the removal of trees over 8-inch in DBH, trees previously required to be planted as street trees or landscaping trees (i.e. buffer trees and parking lot trees), and significant trees that were voluntarily nominated by property owners and approved by the City. Despite these policies, the overall framework does not impose strict preservation mandates for most trees and in most cases, trees can readily be approved for removal, including significant trees if sufficient justification is provided. Trees in natural resource and hillside overlays are currently the highest priority for retention.

Related Community Feedback:

- Community feedback ranked preservation of large tree groves first, then large healthy trees.
- The most important benefits of trees the community noted are (in order): reducing urban heat, improving air quality, supporting healthy living, providing wildlife habitat, and promoting community vibrancy.

Alternative Retention Priority Approaches:				
Description of Alternatives:	**a.** Prioritize grove preservation and important individual tree retention (e.g. expand natural resource protections to additional areas and protections for important individual trees)	**b.** Prioritize important individual tree retention (e.g. prioritize retention of mature trees, large trees, native trees, healthy trees, and required trees, but not tree groves)	**c.** Prioritize retention of specific trees based on their functions (e.g. prioritize retention of at least some required trees such as street trees)	**d.** No change (e.g. continue status quo that allows removals in most cases except overlays)
Pros:	• Supports community goals for preservation of larger stands or groves of trees. • Sets framework for providing certainty for community members that desire forest preservation. • Policy framework could result in improvement to habitat connectivity and potentially reduce the risk of windthrow when trees are preserved in groups. • Also provides policy framework for creating protections for important individual trees such as mature trees, large trees, native trees, healthy trees, and specific trees such as street trees. • Highest level of preservation for various policy options. • Future code regulations can be made a clear and objective standard.	• Supports community goals for preservation of mature trees, large trees, native trees, healthy trees, and specific trees such as street trees. • These types of trees typically provide greater public benefits and services compared with immature trees, smaller size trees, some non-native species, etc. • Sets specific tree preservation expectations for the public and developers. • Avoids a costly and potentially controversial Goal 5 process. • Future code regulations can be made a clear and objective standard.	• Addresses community expectation that some required trees such as street trees, buffer trees, and parking lot trees will be retained based on their specific functions and benefits. • Avoids more significant impacts on development feasibility and costs compared with alternatives a and b. • Future code regulations can be made a clear and objective standard.	• Least impact on development feasibility and costs as compared to other alternatives. • Avoids more significant changes to code or current practices. • Avoids costs associated with requiring arborist reports in most cases.

Cons:	• Adding natural resource overlay protections can be controversial. • Goal 5 process can be costly. • Would result in the most tree preservation requirements and likely increase development costs and limit flexibility compared with other options. • Large and mature trees require more space to preserve which is limited in an urban environment. • May may require arborist input to verify tree health. • Would require mechanism when minimum percentage of trees cannot be preserved such as design review or enhanced mitigation.	• May increase development costs beyond existing requirements but not to the degree of option a. • Large and mature trees require more space to preserve which is limited in an urban environment. • May require arborist input to verify tree health. • Would require a mechanism when the minimum percentage of trees cannot be preserved such as design review or enhanced mitigation.	• Does not address preservation of other important trees such as mature trees, large trees, native trees, or trees that provide wildlife habitat. • This policy framework may require arborist input to verify tree health. • Would require a mechanism when the minimum percentage of trees cannot be preserved such as design review or enhanced mitigation.	• Does not prioritize preservation of higher value trees requested during community engagement. • Does not advance the City's climate, livability, community vibrancy, and canopy goals. • Does not address equity concerns for areas with limited canopy cover that would benefit most from increased tree retention.
Consultant Recommendation:		✓		

Rationale for Recommendation: Alternative b protects high priority trees identified during community engagement without a costly and potentially controversial Goal 5 planning process required for upland tree grove preservation. It does not preclude the Goal 5 process in the future if desired.

2c. Tree Replacement and Mitigation Policies

When trees are allowed to be removed, replacement policies help determine what and how much needs to be replanted, any available alternatives to replanting, and any other mitigation measures.

Replacement Policy Discussion Questions:

- What are the overall tree removal mitigation goals?
- How do tree replacement policies support equity issues (such as inequitably distributed tree canopy, heat islands, and tree maintenance costs)?
- How does this relate to canopy and climate goals?
- Is this different for tree removals during development and for removals without development?

Existing Tree Replacement Approach:

- The current policy approach is typically a 1:1 replacement ratio in which if 1 tree is removed, 1 tree must be replaced. In many cases no replacements are required, and some exemptions exist for when replacement is not possible based on site constraints. Replacement requirements can also be based upon an approved landscape plan associated with a site or development.

Related Community Feedback:

- 80% of survey respondents and 74% of workshop participants prefer "plentiful" or "dense" tree coverage for the city over lower levels of coverage.
- The most important benefits of trees the community noted are (in order) reducing urban heat, improving air quality, supporting healthy living, providing wildlife habitat, and promoting community vibrancy.

Alternative Tree Replacement Approaches:

Description of Alternatives:	**a.** Highest replacement rates (e.g. equal replacement, such as by requiring "inch for inch" replacement based on size of removed trees)	**b.** High replacement rates (e.g. require "tree for tree" replacement regardless of tree type removed)	**c.** Medium replacement rates (e.g. require replacement for defined priority tree types such as street trees, parking lot trees, trees in environmental overlays, etc.)	**d.** Replacement based on canopy coverage (e.g. focus on tree canopy goals and require replacement at deficient sites)	**e.** Continue existing replacement policies (e.g. continue requiring replacement only in limited circumstances)
Pros:	• Replacement policy can be scaled to the size of the tree(s) removed. • Replacement policy can be designed to discourage removal of larger trees based on costs associated with replacement. • A policy that requires planting larger numbers of trees factors in a "margin of error" for new tree survival.	• Can be more directly tied to the number of trees removed. • A policy that allows closer to "tree for tree" replacements is easy for applicants and public to understand.	• Focuses mitigation on highest priority trees and discourages their removal. • Less likely to result in overplanting of trees than alternatives a and b. • Could work well if paired with option d, requires replacement of specific priority trees while also requiring canopy goals to be achieved.	• Least likely to result in overplanting of trees compared with alternatives a, b, and c. • Focused on future canopy growth so it levels the playing field between heavily treed sites and those with few or no existing trees (sites with lower tree coverage will increase coverage). • Maintains flexibility after minimum canopy is met.	• This policy has the least impact on development feasibility and costs since it maintains the status quo. • Continues current practices and avoids more significant changes to code or current practices.

Cons:	• A policy requiring high replacement rates can result in overplanting of trees which can result in negative long term tree health and structural issues. • If too many replacement trees are planted, people may remove trees in the future for aesthetic and maintenance reasons.	• Allowing closer to "tree for tree" replacements does not factor in the size of the trees removed, thus does not discourage large tree removal compared with small trees. • In some cases, there still may be too many replacement trees, especially for heavily treed sites. • If too many replacement trees are planted, people may remove trees in the future due for aesthetic and maintenance reasons.	• Does not discourage the removal of other tree types not listed as a priority.	• This policy would do the least to discourage tree removal compared with alternatives a, b, and c. • Since this policy is focused solely on future canopy goals, it runs the risk of falling short of goals.	• This policy does not require tree replacement in most cases or require planting for future canopy, so it has the potential for the least amount of trees compared with the other alternatives.
Consultant Recommendation:			✓	✓	
Rationale for Recommendation: Alternative c paired with alternative d reduces the risk of overplanting replacement trees, ensures certain trees with specific functions are replaced such as street trees and parking lot trees, and allows flexibility in planting to meet canopy goals identified by the community.					

3. Enforcement Policies

Policy Purpose:

Enforcement policies typically include methods for ensuring compliance with tree regulations, as well as penalties for tree removals without permits (where required) and other violations of the tree regulations.

Enforcement Policy Discussion Questions:

- How strong should the City's enforcement mechanisms be?
- How can we ensure enforcement does not disproportionately impact individual groups of property owners?
- Should enforcement include a tiered approach (could be based on context, site size, number of previous offenses, etc.)?

Existing Enforcement Approach:

- The current policy approach to enforcement is primarily complaint based or through required development inspections. Enforcement actions can range from civil penalties including fines, issuance of stop work orders, retroactive permitting requirements, or mandatory replacement requirements. Due to lack of clarity in the code, there is some discretion in how and which enforcement mechanisms are applied.

Related Community Feedback:

- Survey respondents acknowledged regulations are necessary to meet tree goals, when asked how important tree regulations are to achieving the vision of a thriving and equitably distributed tree canopy in Gresham, 48% responded "essential", 24% "important", 5% "moderately necessary", 14% "somewhat necessary but should be limited", and 1% "unnecessary".
- The top three concerns or issues with trees that survey respondents noted encountering are: Conflicts with growing trees and infrastructure (53%), lack of clarity on who's responsible for tree maintenance (50%), and inappropriate tree pruning, maintenance, or removal (44%).

Alternative Enforcement Approaches:

Description of Alternatives:	**a.** Punitive (e.g. require significant fines for violations)	**b.** Discourage violations (e.g. nominal minimum fines that increase based on number or degree of violations)	**c.** Compliance focused (e.g. no fine minimums with regulations focused on achieving outcomes)	**d.** No change (continue discretion in enforcement)
Pros:	• Likely most effective at preventing violations. • Penalties could be deposited into tree fund which could be used for tree planting and urban forestry elsewhere.	• Creates a minimum backstop for discouraging violations. • Fines could increase in tiers when there are repeat violations or certain numbers/sizes of impacted trees. • Less impacts on vulnerable populations than option a. • Reflects community value placed on trees and urban forest. • Penalties could be deposited into tree fund which could be used for tree planting and urban forestry elsewhere.	• Focuses on outcomes and community goals for urban forest such as requiring planting trees for violations. • Minimizes impacts on vulnerable populations. • May have greater support as compared with a more punitive approach.	• Maximizes flexibility of "right sized" enforcement to violation. • Avoids increases to enforcement staff capacity.

Cons:	• Can disproportionately impact vulnerable populations. • Can reduce support for City's urban forestry programs if too punitive. • Places greatest demand on staff capacity for implementing.	• Will likely continue to disproportionately impact vulnerable populations even if impacts are less compared to alternative a. • Will be less effective at preventing violations compared with alternative a. • Will likely not increase tree fund as much as alternative a.	• Will be least effective at preventing violations compared with alternatives a and b. • Does not necessarily reflect community value placed on trees and urban forest. • Planting trees could be required for violations with other enforcement options.	• Not clear and objective. • Too much discretion can result in inequal or inequitable decisions during enforcement actions. • No clear enforcement trigger. • Potential for bias or greater impacts on vulnerable populations when too much discretion is permitted with enforcement. • Code compliance may be reduced if penalties are not significant or consistently enforced.
Consultant Recommendation:		✓		
Rationale for Recommendation: Discourages violations while creating tiers of enforcement based on number and/or severity of offenses. Would have less impacts on vulnerable populations than alternative a while reflecting community importance placed on enforcing tree regulations.				

Next Steps

- *Jan. 27, 2025, Urban Forestry Subcommittee Work Session:* Project alternatives work session with staff and the project consultant.
- *Jan. 27, 2025, Planning Commission Work Session:* Project alternatives work session with staff and the project consultant.
- *Feb. 2, 2025, City Council:* Project alternatives work session with staff and the project consultant.
- *Phase 4: Policy Development:* Staff will begin developing draft policies based on the preferred alternative approaches and Council Direction.
- *Policy Development Work Sessions (Date TBD):* Staff will hold policy development work sessions with the Urban Forestry Subcommittee and Planning Commission for more in-depth conversation on specific policy approaches and topics.
- *For more information:* Visit the project page at: https://engagegresham.org/gresham-tree-code.