

To: City of Gresham Urban Forestry Subcommittee
From: Mary Phillips, Senior Planner
Gabby Sinagra, Planner II
Memo Date: May 9, 2024
Meeting Date: May 20, 2024
Re: Tree Code Project Work Session

Meeting Purpose

In the first part of this work session, staff will share information about the Tree Code project with the Urban Forestry Subcommittee (UFS), including the project's scope and outline, outreach goals, anticipated timeline, and a review of work done to date. The second part of the work session will be a conversation between staff and members of the UFS to ensure staff understands the UFS's goals for the project outcomes and their priorities for the Tree Code update. In order to establish a shared community vision for trees, please be prepared to talk about your qualitative goals for the outcomes of the project. Examples of goals that staff has previously heard from the UFS include (but are not limited to):

- Increase canopy cover throughout the city.
- Prioritize preservation of groves and large canopy trees.
- Promote tree retention and planting by developers.
- Support native, climate adapted, and low maintenance species.
- Develop code regulations and processes that are easy to understand and straightforward to implement.

Tree Code Project Overview

The Tree Code project will collaborate with the community to update the City's tree goals, policies, procedures, and regulations to reflect community goals, best practices in urban forestry and green infrastructure, climate resilience and climate justice, community vibrancy, and the guiding principles of the 2022-2025 Gresham Strategic Plan. The project is part of the Community Vibrancy action items (CV-D1) on the year two action plan to implement the goals of the 2022-2025 Gresham Strategic Plan. It is anticipated to include high levels of community engagement and collaboration, and result in updates to Volumes 1-3 of the Community Development Plan, as well as updated tree lists and the creation of a technical tree manual. The project was initiated by the City Council on July 18, 2023, and it is anticipated to run through summer of 2025 with additional implementation work after the code updates are adopted.

Project Purpose

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

Project Guiding Principles:

- *Collaborate* with external partners and community members to determine outreach/engagement strategies and set policy priorities/project outcome goals.
- *Involve* partners and community members in drafting of policy language to ensure policies match goals and limit unintended consequences of new policy.
- *Integrate* a climate (and climate justice) lens into the project process and policies.
- *Apply* an equity lens to the project process and policies to support early and intentional attention to eliminating inequities and advancing fair treatment.

Project Background

The tree code was last changed in September of 2020, when Council voted to adopt amendments to tree regulations in the Development Code. These amendments reformatted the tree regulations; however, they did

not update the tree policies and related content. Concerns have arisen from residents, staff, and developers regarding the complexity of tree processes, enforcement challenges, and the appropriateness and effectiveness of the standards. This project is an opportunity to look holistically at the City's tree management priorities and policies, and work with the community to update them.

Project Outline

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

Phase 1: Project Outline and Background Analysis (Fall 2023 – Spring 2024)	
<i>Outline Project</i>	Outline initial scope, establish draft guiding principles, identify existing and potential stakeholder relationships (both internal and external), establish draft timeline, etc.
<i>Background Analysis</i>	Review of local context and policies, public feedback to date, identification of initial performance measures and taking baseline measurements, etc.
<i>Peer Review</i>	Review and compare best practices and policies from peer communities.
<i>Equity Lens</i>	Apply an equity lens tool to identify and analyze existing and potential effects of tree policies and practices on the Gresham community, including historically excluded and marginalized individuals and groups, and identification of locations most susceptible to negative impacts.
<i>Public Involvement Plan (PIP)</i>	Prepare engagement plan for collecting community feedback city-wide, including strategies based on the results of the Equity Lens, identify/build relationships with partners and stakeholders, identify topics and potential participants for focus groups, etc.
Phase 2: Goal Setting (Spring/Summer 2024)	
<i>Visioning</i>	Identify community goals for urban trees and desired project outcomes through a wide variety of engagement/collaboration/outreach venues as outlined in the Public Involvement Plan.
<i>Define Outcome Goals</i>	Evaluate and refine goals (With community, focus groups, internal team, Commissions and Committees, Council, Equity Lens, Strategic Plan priorities, best practices and peer policy review, other stakeholders, etc.)
<i>Finalize Scope and Goals</i>	Update goals/desired outcomes based on feedback and evaluation. Refine scope based on goals as needed.
Phase 3: Alternatives (Estimated Fall 2024/Winter 2025)	
<i>Develop Alternatives</i>	Evaluate existing policies and develop alternative approaches to updates based on goals and feedback
<i>Alternatives Analysis</i>	Review alternatives against project goals and guiding principles, best practices, and project feedback, and apply the Equity Lens to reduce and avoid systemic barriers and disparate impacts from proposed policies and practices.
<i>Preferred Alternative</i>	Review alternatives with the community, Commissions/Committees, Council, internal team, stakeholders, etc. to select a preferred approach to code and policy updates.
Phase 4: Policy Development (Estimated Winter/Spring 2025)	
<i>Policy Development</i>	Draft Community Development Plan updates based on project guiding principles, goals, and preferred alternative(s).
<i>Review Draft Policies</i>	Review draft Community Development Plan updates with community, stakeholders, Commissions/Committees, Council, internal team, etc.
<i>Refine Draft</i>	Refine draft Community Development Plan updates based on feedback.
Phase 5: Adoption (Targeted Summer 2025)	
<i>Adoption</i>	Planning Commission and City Council Public Hearings
Phase 6: Implementation (Summer 2025/Ongoing)	
<i>Implementation</i>	Policy enactment and ongoing implementation

Public Involvement Plan Overview

The Tree Code project anticipates including high levels of community engagement and collaboration throughout the phases of project. Public involvement is key to making sure the code produced through this project can be successfully implemented and does not necessitate another set of revisions in the near future. This project will impact different stakeholders in different ways and because of that, the project team will need to identify and understand different interests and concerns and provide the relevant sectors of the public with opportunities to weigh in at relevant times. Staff is currently preparing a preliminary draft Public Involvement Plan, which describes anticipated methods for engaging the public, including key audiences, strategies for circulating information, channels for receiving public and stakeholder input, and incorporating input into the project. The table below outlines the general levels of public engagement anticipated for each project phase based on the following descriptions:

- **Inform:** To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.
- **Consult:** To obtain public feedback on analysis, alternatives and/or decision.
- **Involve:** To work with the public throughout the process to ensure their concerns and aspirations are consistently understood and considered in the decision-making process.
- **Collaborate:** To partner with the public in each aspect of the planning or decision-making process, directly incorporating their recommendations and advice to the maximum extent feasible.
- **Empower:** To place final decision-making in the hands of the public.

Levels of Community Engagement by Project Phase					
Phase 1: Project Outline and Background Analysis <i>Fall 2023 – Winter 2024</i>	Phase 2: Goal Setting <i>Spring/Summer 2024</i>	Phase 3: Alternatives <i>Estimated Fall 2024/Winter 2025</i>	Phase 4: Policy Development <i>Estimated Winter/Spring 2025</i>	Phase 5: Adoption <i>Targeted Summer 2025</i>	Phase 6: Implementation <i>Summer 2025 +</i>
<i>Consult/Inform Community</i>	<i>Community Collaboration</i>	<i>Community Collaboration and Involvement</i>	<i>Community Involvement</i>	<i>Consult/Inform Community</i>	<i>Inform Community</i>

Peer Review

In early 2024, Staff conducted a peer review of four peer city’s tree policies and regulations. The cities were selected based on past feedback from UFS members, community size, and proximity to Gresham, and include Bend, Eugene, Portland, and Tigard. This review will help inform development of alternatives and draft codes in phases 3 and 4 of the project, as well as identifying potential project goals earlier in the project. Below is a summary of the findings from the peer review by the general categories of tree preservation, mitigation, removal, and planting:

	Bend	Eugene	Portland	Tigard	Gresham
<i>Preservation</i>	Largely achieved through performance bonds and landscape conservation standards.	Based on total existing DBH of significant trees based on location and through planting credits.	Achieved through financial penalties for tree removals.	Incentive-based approach based on minimum canopy coverage standards.	Achieved through tree protection plans.

<i>Mitigation</i>	Only requires replacement of significant trees.	Maximum mitigation threshold based on minimum preservation standards of the applicable location category.	Mitigation fees are applied when preservation standards are not met.	Trees removed must be replaced. Amount of mitigation required on “inch for inch” basis.	When applicable, replacement is typically a 1:1 ratio.
<i>Planting</i>	Trees selected for planting based on growth characteristics and site conditions.	Right tree right place and minimum tree planting size standards.	Tree-for-tree and inch-for-inch approach to planting.	Regulated by canopy coverage requirements.	Right tree right place and minimum tree planting size standards.

Equity Lens

A key guiding principle of the Tree Code project is to promote equity in the project process and policy updates. An Equity Lens tool has been developed by City staff (the Diversity, Equity, Inclusion, and Belonging (DEIB) Manager, the DEIB Steering Committee, and the Equity Policy, Practices, and Implementation DEIB Subcommittee) for staff use on such projects. This lens is used as part of the Tree Code project to support early and intentional attention to:

- Setting clear goals, objectives, and measures.
- Eliminating inequities and advancing fair treatment.
- Including those most impacted in the decision-making processes.
- Identifying potential unintended harm or burden resulting from a decision and considering ways to reduce or avoid the disadvantage.
- Cultivating a learning environment by evaluating and applying lessons learned to current or future proposals.

The Equity Lens tool helped to identify community members and places that may be more negatively impacted by tree policies, as well as the need to intentionally engage multiple perspectives during the project. As part of the application of the tool, staff identified needs for engaging with both internal and external stakeholders as follows.

- *Internal (City):* Multiple departments and related projects are engaging on a regular basis to ensure communication and coordination between related work. An ongoing multi-departmental work session has been held to review issues leading to fewer trees being planted in subdivisions than required by code, these meetings will continue to review code issues as identified and to review proposed alternatives at that phase in the project.
- *External (city):* The project team is and will continue to be building relationships with tree-related community groups and with community members across the city, particularly with historically marginalized community members and those living in areas identified as having disparate impacts. The project team will cocreate project goals and desired outcomes with community and stakeholder participants. Specific strategies will be identified in the PIP.

Since the project has a city-wide scope, it will include the development of policies applicable across all areas of the City, so all residents (and visitors) will be impacted. In addition to this, the following impacts were noted:

- *Discrete Impacts:* New policies could impact certain areas (zones/use types/neighborhoods) more than others, and analysis of potential impacts to ensure equitable outcomes will be needed during the policy development and policy refinement phases.

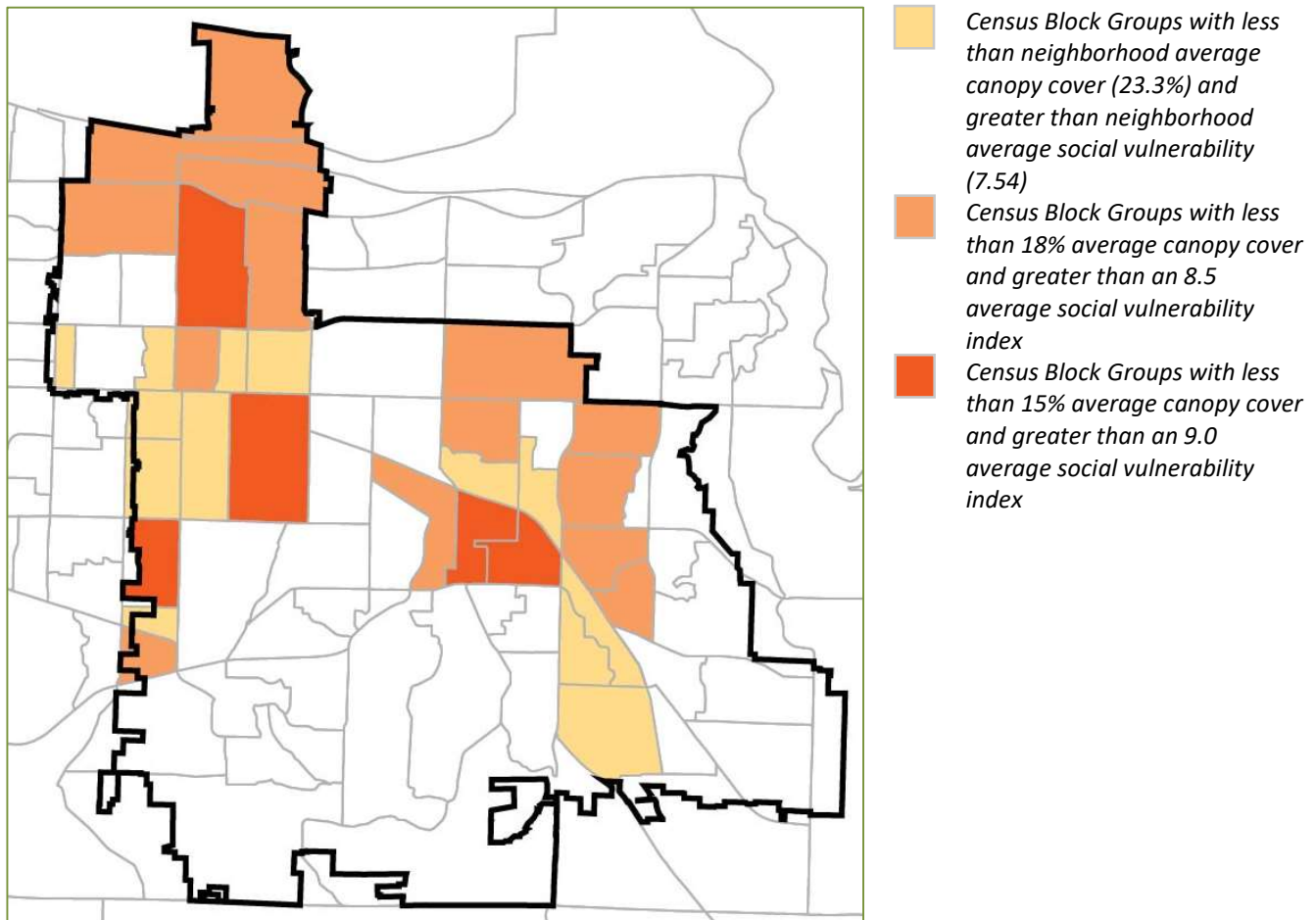
- *Disparate Impacts:* Many neighborhoods and census block groups with higher proportions of vulnerable populations have lower existing tree canopy levels. Community members in these areas may be more greatly impacted (both positively and negatively) by policy updates and should be centered in project outreach strategies and activities.

As part of the Equity Lens tool, staff also identified performance measures to determine the potential impacts (both positive and negative) the project is anticipated to incur and examined related current conditions. The following metrics were identified as important to determining if people are better off due to the code updates:

- Percent of tree canopy, and changes in percent tree canopy, by census block group.
- Evening heat by census block group.
- Number of trees being planted per square foot of development type and by census block group.
- Number of trees retained in development proposals by square foot of development type and by census block group.

Using these identified measures, the project team conducted an analysis of the existing conditions of Gresham's tree canopy utilizing the Gresham Growing Shade Canopy tool and Metro's Social Vulnerability Index to identify areas of disparate impact across the City. The following map provides a graphical depiction of the key takeaways:

Map of Census Blocks Groups with Less Than Average Canopy Cover and Greater Than Average Social Vulnerability



This graphical analysis and other components of the equity lens tool will be used to help inform public outreach strategies as well as develop and evaluate policy alternatives and select preferred policy approaches in later project phases.

Next Steps

- *Neighborhood Coalition*: Staff will be attending the June 11th meeting of the Coalition of Gresham Neighborhood Associations to share the project background and discuss project goals and priorities.
- *Community Engagement*: This summer will be focused on a variety of community outreach and engagements strategies for Phase 2: Goal Setting.
- *Urban Forestry Subcommittee*: Staff anticipates holding a work session with the UFS at each project phase, with the next one likely being between Phases 2: Goal Setting and 3: Alternatives.
- *For more information*: Sign up for project updates, read more, or for future information on engagement events, visit the project page at: <https://engagegresham.org/gresham-tree-code>.